

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Thursday, October 7, 2021, 2:12 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	Kevin C. Riley
Alicka Ampry-Samuel	Barry S. Grodenchik	Carlina Rivera
Diana Ayala	Robert F. Holden	Ydanis A. Rodriguez
Inez D. Barron	Ben Kallos	Deborah L. Rose
Justin L. Brannan	Peter A. Koo	Helen K. Rosenthal
Selvena N. Brooks-Powers	Karen Koslowitz	Rafael Salamanca, Jr
Fernando Cabrera	Bradford S. Lander	Mark Treyger
Robert E. Cornegy, Jr	Stephen T. Levin	Paul A. Vallone
Laurie A. Cumbo	Mark D. Levine	James G. Van Bramer
Darma V. Diaz	Farah N. Louis	Kalman Yeger
Ruben Diaz, Sr.	Alan N. Maisel	
Eric Dinowitz	Steven Matteo	
Daniel Dromm	Carlos Menchaca	
Mathieu Eugene	I. Daneek Miller	
Oswald Feliz	Francisco P. Moya	
James F. Gennaro	Keith Powers	
Vanessa L. Gibson	Antonio Reynoso	

Absent: Council Members Borelli, Chin, and Perkins;
Medical Leave: Council Member Ulrich.

At the time of this Stated Meeting, there were two vacancies in the Council (22nd District, Queens and 48th District, Brooklyn) pending the swearing-in of the respective certified winners of the November 2, 2021 General Election.

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

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

There were 45 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y.

INVOCATION

The Invocation was delivered by Father Michael Callaghan, C.O., Pastor, serving as a spiritual leader at The Brooklyn Oratory Parishes & New York Disaster Interfaith Services, located at 64 Middagh Street, Brooklyn, N.Y. 11201.

As we gather today,
I just want to say thank you
for allowing me to be here.
I am also a Board member of NYDIS
and I serve as the President of the Emergency Shelter Network
which is a network of respite care sites
hosted by communities of faith
working across sectarian identities
to care for homeless and vulnerable women and men
across our five boroughs.
As we gather today,
I pray on behalf of our members
and the guests that we serve
to encourage the work of this City Council.

Let us pray.
Oh God, who is beyond our naming,
yet not beyond our lives,
we gather here today to seek blessing and grace
for members of this City Council
who serve the varied and diverse communities of our city.
We thank you for their service, dedication,
and the many hours they give to their districts
in the greater interest of New York City.
Having fashioned us each in your own likeness,
you invite us to be collaborators with you
in the care and stewardship of daily life.
God, you know how complicated life can be,
and how many are the needs, the ideas, the hopes,
and yes, the fears of our neighbors.
We ask today that you give the members of this Council
and all who work with them
eyes to see the needs of the communities they represent
as well as the needs of communities different from their own.
Open their ears and hearts to listen to voices,
both resonant and dissonant
as they grapple with the issues of governance.
Enlighten their minds with understanding,
compassion, and creativity,
and provide them the conviction to act

for the benefit of all people in our city,
and we ask this in your Holy Name,
Amen.

Council Member Levin 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) acknowledged the number of coronavirus deaths in New York City had reached 34,334 as of October 5, 2021. He also noted that the COVID-19 death toll in the United States had surpassed 700,000.

The Speaker (Council Member Johnson) acknowledged the death of retired FDNY and first responder Michael J. Toal, 66, who passed away on September 29, 2021 from a 9/11-related illness.

The Speaker (Council Member Johnson) acknowledged the death of a New Yorker who died during the course of his employment: delivery worker Benicar Dia, 44, was killed on September 25, 2021 after being struck by a car while riding on his e-bike in East New York, Brooklyn.

The Speaker (Council Member Johnson) asked for a Moment of Silence for those New Yorkers who have died from COVID-19, from 9-11 related illnesses, and for those who have died while on the job. On behalf of the Council, the Speaker (Council Member Johnson) sent his deepest condolences to the family and friends of all of the aforementioned deceased.

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

* * *

ADOPTION OF MINUTES

Council Member Treyger moved that the Minutes of the Stated Meeting of September 9, 2021 be adopted as printed.

LAND USE CALL-UPS

M-339

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

Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on related Application Nos. C 210481 ZSK and C 210484 PPK (Cooper Park Commons) be subject to Council review. These items are related to Application Nos. C 210480 ZMK, N 210482 ZRK, and C 210483 HAK.

Coupled on Call-Up Vote.

M-340

By Council Members Ayala and Perkins:

Pursuant to Sections 11.20b and 11.20c of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application Number C 210428 PPM (Las Raices) shall be subject to Council review.

Coupled on Call-Up Vote.

M-341

By Council Members Levin and Lander:

Pursuant to Sections 11.20b and 11.20c of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Uniform Land Use Review Procedure Application Numbers C 180039 MMK, C 200319 PCK, C 200320 MMK, C 200321 PSK (Gowanus Canal CSO Facility) shall be subject to Council review.

Coupled on Call-Up Vote.

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

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabrera, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levine, Louis, Maisel, Menchaca, Miller, Powers, Reynoso, Riley, Rivera, Rose, Rosenthal, Salamanca, Treyger, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **42**.

Present, Not Voting – Levin, Moya, and Rodriguez.

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

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Contracts

Report for Int. No. 1995-A

Report of the Committee on Contracts 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 shelter security guard and fire guard training.

The Committee on Contracts, to which the annexed proposed amended local law was referred on July 28, 2020 (Minutes, page 1378), respectfully

REPORTS:

I. INTRODUCTION

On October 7, 2021, the Committee on Contracts held a vote on two bills: Proposed Introduction Number 1995-A (Int. 1995-A), in relation to shelter security guard and fire guard training; and Proposed Introduction Number 2006-A (Int. 2006-A), in relation to establishing prevailing wage requirements for security guards and fire guards at city-contracted shelters. The Committee previously heard testimony¹ on these bills from human service providers, unions and other interested stakeholders, and this feedback informed the final versions of the bills. Both bills passed with five in the affirmative, zero in the negative, and zero abstentions.

II. BACKGROUND

New York City relies heavily on nonprofit human service providers to deliver a range of essential social services to City residents. Each year, these entities provide support for over three million New Yorkers through the operation of food pantries, temporary shelter and housing programs, the provision of elder, foster and afterschool care, and the delivery of mental health counselling. Procurement for human services typically represents the largest share of City contracting, accounting for 33 percent of all City contracts in fiscal-year 2019.²

Despite the critical services that they provide to vulnerable New Yorkers, organizations providing human services have historically been underfunded. They often face dwindling budgets due to small funding allocations by city and state governments, which may not keep pace with inflation and increased costs.³

As a result, workers employed by human service providers earn comparably low salaries.⁴ In fact, in New York State, the pay rate for “nonprofit human service workers is so low that many rely on public benefits...[and in 2016] 60 percent of those working in the sector were utilizing or had a family [member] utilizing at least one

¹ Committee on Contracts, Hearing, April 28, 2021, available at: <https://on.nyc.gov/3lcbqS1>.

² Mayor’s Office of Contract Services “Partnering with Nonprofits,” available at: <https://www1.nyc.gov/site/mocs/partners/partnering-with-nonprofits.page>, last accessed October 5, 2021.

³ James Parrott and Angela Butel “New York State’s Historic Disinvestment in Human Services since the Great Recession: The Impact in New York City and Around the State”, *Center for New York City Affairs*, March 2019, available at: <https://static1.squarespace.com/static/53ee4f0be4b015b9c3690d84/t/5c82aac7104c7b6a1da01bc3/1552067277497/NewYorkHistoricDisinvestment.pdf>.

⁴ James A. Parrott “Undervalued and Underpaid: How New York State shortchanges nonprofit human services providers and their workers”, *Restore Opportunity Now*, March 2017, available at: <https://humanservicescouncil.org/wp-content/uploads/Initiatives/RestoreOpportunityNow/RONreport.pdf>.

public assistance benefit such as Medicaid or food stamps (SNAP).”⁵ This is particularly troubling as a majority of these workers are women, and a large proportion are also women of color.⁶

The situation is similar for security and fire guards who work at the City’s network of homeless shelters run by contracted non-profit organizations. Reporting suggests that employees of nonprofit-run homeless shelters face difficulty securing housing, due to the low salaries offered.⁷ According to the *New York Times*, “[m]any employees of New York’s homeless shelters are themselves in precarious economic situations, taking on multiple jobs, working overtime and struggling to find their own homes.”⁸ Security guards at nonprofit-run shelters typically earn just over the minimum wage, while those employed directly by the City earn about \$18.45 an hour – or \$7000 to \$8000 extra per year.⁹ Furthermore, workers at nonprofit-run sites are not provided with the degree of benefits afforded to those employed directly by the City, and often do not have or cannot afford medical insurance or other benefits¹⁰

The security and fire guards who work at shelters, whether employed directly by government or through a nonprofit human service provider, can encounter a range of incidents, some of which are violent, and they often interact with clients who face mental health issues.¹¹ However, the security guard training mandated by the State does not include any special education, training or other provisions for security guards working in these specific settings.¹² The training for fire guards, meanwhile, focuses purely on fire safety.¹³ While some security or fire guards employed directly by the City may undergo additional trainings, such as sexual harassment and de-escalation training, those employed by nonprofit human service providers may not.¹⁴ Furthermore, security guards employed by nonprofits report that they have to pay for their own training, unlike their peers at City-run sites.¹⁵

III. LEGISLATIVE ANALYSIS

Proposed Int. No. 1995-A

This bill would establish supplemental training requirements for individuals providing security at homeless shelters operated by entities contracting with the Department of Homeless Services (DHS). Specifically, the bill would require all contracted shelter operators that contract with DHS to ensure that the shelter security guards and fire guards at such shelters receive 40 hours of training beyond the minimum required by the State within 120 days after they are hired. Those security and fire guards would also need to receive an eight-hour refresher

⁵ James Parrott and Angela Butel “New York State’s Historic Disinvestment in Human Services since the Great Recession: The Impact in New York City and Around the State”, *Center for New York City Affairs*, March 2019, available at: <https://static1.squarespace.com/static/53ee4f0be4b015b9c3690d84/t/5c82aac7104c7b6a1da01bc3/1552067277497/NewYorkHistoricDisinvestment.pdf>, p. 12.

⁶ James A. Parrott “Undervalued and Underpaid: How New York State shortchanges nonprofit human services providers and their workers”, *Restore Opportunity Now*, March 2017, available at: <https://humanservicescouncil.org/wp-content/uploads/Initiatives/RestoreOpportunityNow/ROnreport.pdf>, p. 4

⁷ Daniel E. Slotnik “She Works in a Homeless Shelter, and She Lives in One, Too”, *New York Times*, April 16, 2021, available at: <https://www.nytimes.com/2021/04/16/nyregion/shelter-workers-homelessness.html>.

⁸ *Id.*

⁹ Hazel Shahgholi “‘Unsung heroes’: Legislation announced to improve working conditions for security guards at privately run homeless shelters”, *AMNY*, July 28, 2020, available at: <https://www.amny.com/news/unsung-heroes-legislation-announced-to-improve-working-conditions-for-security-guards-at-privately-run-homeless-shelters/>.

¹⁰ Clodagh McGowan “‘People Cannot Survive on What We Get’: Homeless Shelter Security Guard Advocates for Better Wages”, *NY1*, April 22, 2021, available at: <https://www.ny1.com/nyc/all-boroughs/news/2021/01/26/-people-cannot-survive-on-what-we-get---homeless-shelter-security-guard-advocates-for-better-wages>.

¹¹ Hazel Shahgholi “‘Unsung heroes’: Legislation announced to improve working conditions for security guards at privately run homeless shelters”, *AMNY*, July 28, 2020, available at: <https://www.amny.com/news/unsung-heroes-legislation-announced-to-improve-working-conditions-for-security-guards-at-privately-run-homeless-shelters/>.

¹² New York State Division of Criminal Justice Services “Mandated security guard training courses”, available at: <http://www.criminaljustice.ny.gov/ops/sgtraining/sgpcourses.htm>.

¹³ Fire Department of New York “Study material for the Certificate of Fitness exam: F-02 – Fire guard for shelter (Citywide)”, available at: <https://www1.nyc.gov/assets/fdny/downloads/pdf/business/cof-f02-noe-study-materials.pdf>, last accessed October 5, 2021.

¹⁴ Hazel Shahgholi “‘Unsung heroes’: Legislation announced to improve working conditions for security guards at privately run homeless shelters”, *AMNY*, July 28, 2020, available at: <https://www.amny.com/news/unsung-heroes-legislation-announced-to-improve-working-conditions-for-security-guards-at-privately-run-homeless-shelters/>.

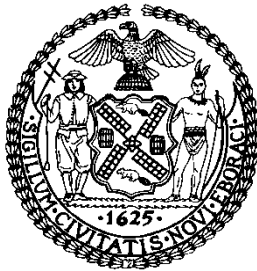
¹⁵ *Id.*

training annually thereafter, which must include at least two hours of shelter-specific training. The bill would also require such shelter operators to submit quarterly reports to the DHS commissioner regarding the number of security and fire guards who have completed such trainings, and an annual certification verifying compliance with training requirements for each guard.

Proposed Int. No. 2006-A

The proposed legislation would require payment of prevailing wages to security guards and fire guards working at homeless shelters operated by non-profit entities that contract DHS. Specifically, such entities would be required to pay employees wages and fringe benefits at a rate equivalent to that received by individuals doing similar jobs in other settings within the locality. Such prevailing wages would be determined annually by the City's Comptroller pursuant to New York State Labor Law. The proposed legislation would empower the Comptroller to monitor contracted shelter operators' compliance with prevailing wage payments and to investigate violations and verified complaints pertaining to such compliance. The Comptroller would also be empowered to utilize several different enforcement mechanisms against non-compliant shelter operators based upon the outcome of such investigations. Finally, the proposed legislation would also place a limitation on subcontracting for shelter and fire guards at contracts less than \$20,000 without approval by the DHS Commissioner.

(The following is the text of the Fiscal Impact Statement for Int. No. 1995-A:)



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO. 1995-A

COMMITTEE: Contracts

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to shelter security guard and fire guard training.

SPONSORS: By Council Members Ayala, Moya, Levine, Rivera, Kallos, Reynoso, Lander, Powers, Van Bramer, Vallone, Chin, Gibson, Brannan, Adams, Salamanca, Koslowitz, Cabrera, Ampry-Samuel, Rosenthal, Holden, Gjonaj, Louis, Menchaca, Grodenchik, Cornegy, Treyger, Eugene, Barron, Gennaro and Yeger.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1995-A would require all contracted shelter operators that contract with the Department of Homeless Services ensure that the shelter security guards and fire guards at such shelters receive 40 hours of training beyond the minimum required by the State within 120 days after they are hired and an eight-hour refresher training annually thereafter, which must include at least two hours of shelter-specific training. The bill would also require such shelter operators to submit quarterly reports to the DHS commissioner regarding the number of security and fire guards who have completed such trainings, and an annual certification verifying compliance with training requirements for each guard.

EFFECTIVE DATE: This legislation would take effect 180 days after it becomes law

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	(\$300,000)	(\$300,000)
Net	\$0	(\$300,000)	(\$300,000)

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

IMPACT ON EXPENDITURES: It is estimated that the enactment of this legislation would require \$300,000 annually beginning in Fiscal 2023 to meet the additional training requirements of the approximately 4,000 contracted workers that would be covered under this legislation. These additional resources would cover the cost to provide an eight-hour refresher training annually, along with an additional 40 hours of training for new employees. The Fiscal 2022 Adopted Budget includes a one-time \$40.5 million investment that enhances resources for security at the City's homeless shelters, which would provide for the additional training requirements outlined in this bill. Therefore, no additional resources are required in Fiscal 2022 in order to implement this law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

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

ESTIMATE PREPARED BY: John Russell, Unit Head

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. 1995 on July 28, 2020 and was referred to the Committee on General Welfare. On April 14, 2021, the bill was re-referred to the Committee on Contracts (Committee). A hearing was held by the Committee on April 28, 2021, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1995-A, will be considered by the Committee at a hearing on October 7, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 1995-A will be submitted to the full Council for a vote on October 7, 2021.

DATE PREPARED: October 6, 2021.

(For text of Int. No. 2006-A and its Fiscal Impact Statement, please see the Report of the Committee on Contracts for Int. No. 2006-A printed in these Minutes; for text of Int. No. 1995-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 1995-A and 2006-A.

(The following is the text of Int. No. 1995-A:)

Int. No. 1995-A

By Council Members Moya, Ayala, Reynoso, Lander, Kallos, Rivera, Levine, Chin, Powers, Van Bramer, Gibson, Brannan, Adams, Salamanca, Koslowitz, Cabrera, Ampry-Samuel, Gjonaj, Louis, Menchaca, Grodenchik, Rosenthal, Cornegy, Treyger, Eugene, Barron, Gennaro, Yeger, Riley and Dinowitz.

A Local Law to amend the administrative code of the city of New York, in relation to shelter security guard and fire guard training

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-325 to read as follows:

§ 21-325 *Security guard and fire guard training. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Covered guard. The term “covered guard” means a security guard or a fire guard.

Fire guard. The term “fire guard” means the same as “fire guard” under section 202 of the Fire Code.

Security guard. The term “security guard” means an unarmed individual with a current and valid registration card issued in accordance with article 7-A of the general business law, authorizing such individual to perform security services in the state of New York.

Security guard training school. The term “security guard training school” means an entity that has been approved as a security guard training school by the commissioner of the division of criminal justice services or his or her designee pursuant to article 7-A of general business law and is approved to provide a security guard training course or courses.

Security services. The term “security services” means the unarmed protection of individuals and/or property from harm or other unlawful activity, as well as prevention, deterrence, observation, detection and/or reporting to government agencies of unlawful activity or conditions that present a risk to the safety of shelter residents, staff, or the public.

Shelter. The term “shelter” means temporary emergency housing provided to homeless individuals by the department or by a provider under contract or similar agreement with the department.

Shelter operator. The term “shelter operator” means any entity that enters into a contract with the department to provide shelter.

b. The shelter operator shall ensure that all covered guards employed by or under contract with the shelter operator shall receive 40 hours of training within 120 days of hire. The commissioner shall determine the content of such training, provided that it shall include (i) techniques for interactions with individuals experiencing homelessness and those individuals in a mental health emergency or crisis; (ii) sexual harassment prevention; and (iii) training on best practices for improving interactions between shelter employees and clients of the department. Such trainings shall include techniques to improve professionalism, increase cultural sensitivity, de-escalate conflict, and use trauma-informed theory.

c. The shelter operator shall ensure that each covered guard employed by or under contract with the shelter operator annually completes an eight-hour refresher training of which at least two hours must be techniques for interactions with individuals experiencing homelessness and those individuals in a mental health emergency or crisis.

d. The trainings required under this section shall be in addition to the minimum training required under article 7-A of the general business law. Such trainings must be provided by a security guard training school and by instructors with at least three years of security guard or law enforcement experience via classroom based interactive sessions or, if a declared public health emergency prohibits classroom-based instruction, via synchronous instruction delivered by a live instructor.

e. Every shelter contract shall require the shelter operator to ensure that all covered guards employed by or under contract with the shelter operator receive training in accordance with this section, and shall require that such guards be paid at their regular hourly rate while receiving such training. Such training requirement shall be deemed a material term of such contract.

f. Beginning no later than September 1, 2023, and every September 1 thereafter, shelter operators shall submit to the commissioner a quarterly report regarding the number of covered guards employed by or under

contract with the shelter operator who have completed the trainings required under this section. The shelter operator shall provide the department with an annual certification to verify compliance with such training requirements. Such certification shall include:

- 1. A list of all covered guards and when they were hired,*
- 2. A list of all covered guards who have completed trainings pursuant to subdivisions b and c;*
- 3. The security guard training school at which the training was received; and*
- 4. Curricula of the training received.*

g. The commissioner shall promulgate implementing rules and regulations as appropriate and consistent with this section.

h. Application to existing shelter contracts. The requirements of this section shall apply only to shelter contracts entered into after the effective date of this section, and shall not apply to any existing shelter contract entered into or renewed prior to such date, provided that any shelter contract that is renewed or amended after the effective date of this local law shall be subject to the requirements of this local law for the renewal term of such contract or the portion of the term of such contract following such amendment.

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of homeless services may promulgate any rules necessary for implementation of this local law and take any other measures as are necessary for its implementation, prior to such date.

BEN KALLOS, *Chairperson*; HELEN K. ROSENTHAL, INEZ D. BARRON; MARK GJONAJ, JAMES F. GENNARO; Committee on Contracts, October 7, 2021. *Other Council Members Attending: Council Member Moya.*

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. 2006-A

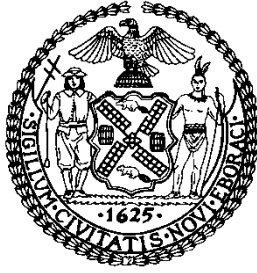
Report of the Committee on Contracts in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to establishing prevailing wage requirements for security guards and fire guards at city-contracted shelters

The Committee on Contracts, to which the annexed proposed amended local law was referred on July 28, 2020 (Minutes, page 1395), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Contracts for Int. No. 1995-A printed above in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 2006-A:



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO. 2006-A

COMMITTEE: Contracts

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to establishing prevailing wage requirements for security guards and fire guards at city-contracted shelters.

SPONSORS: By Council Members Moya, Ayala, Reynoso, Lander, Kallos, Rivera, Levine, Chin, Powers, Van Bramer, Gibson, Brannan, Adams, Salamanca, Koslowitz, Cabrera, Ampry-Samuel, Gjonaj, Louis, Menchaca, Grodenchik, Rosenthal, Cornegy, Treyger, Eugene, Barron, Gennaro and Yeger.

SUMMARY OF LEGISLATION: Proposed Intro. No. 2006-A would require payment of prevailing wages to security guards and fire guards providing security services at homeless shelters operated pursuant to contracts with the Department of Homeless Services (“DHS”). The proposed legislation would place a limitation on subcontracting for shelter and fire guards at contracts less than \$20,000 without approval by the DHS Commissioner. The proposed legislation would also empower the Comptroller to monitor contracted shelter operators’ compliance with prevailing wage payments and to investigate violations and verified complaints pertaining to such compliance. The Comptroller would also be empowered to utilize several different enforcement mechanisms against non-compliant shelter operators based upon the outcome of such investigations.

EFFECTIVE DATE: This legislation would take effect immediately, except the provisions pertaining to payment of prevailing wages and limits on subcontracting would take effect 180 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	(\$40,000,000)	(\$40,000,000)
Net	\$0	(\$40,000,000)	(\$40,000,000)

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

IMPACT ON EXPENDITURES: It is estimated that the enactment of this legislation would require \$40 million annually beginning in Fiscal 2023 to meet the prevailing wage requirements of the approximately 4,000 contracted workers that would be covered under this legislation. The Fiscal 2022 Adopted Budget includes a one-time \$40.5 million investment that enhances resources for security at the City’s homeless shelters, which would provide for the prevailing wage requirements outlined in this bill. Therefore, no additional resources are required in Fiscal 2022 in order to implement this law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

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

ESTIMATE PREPARED BY: John Russell, Unit Head

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. 2006 on July 28, 2020 and was referred to the Committee on Contracts (Committee). A hearing was held by the Committee on April 28, 2021, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2006-A, will be considered by the Committee at a hearing on October 7, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 2006-A will be submitted to the full Council for a vote on October 7, 2021.

DATE PREPARED: October 6, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 2006-A:)

Int. No. 2006-A

By Council Members Moya, Ayala, Reynoso, Lander, Kallos, Rivera, Levine, Chin, Powers, Van Bramer, Gibson, Brannan, Adams, Salamanca, Koslowitz, Cabrera, Ampry-Samuel, Gjonaj, Louis, Menchaca, Grodenchik, Rosenthal, Cornegy, Treyger, Eugene, Barron, Gennaro, Yeger, Riley, Dinowitz and Vallone.

A Local Law to amend the administrative code of the city of New York, in relation to establishing prevailing wage requirements for security guards and fire guards at city-contracted shelters

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-109.1 to read as follows:

§ 6-109.1 Prevailing wage for security guards and fire guards at city-contracted shelters. a. Definitions. For purposes of this section, the following terms have the following meanings:

Commissioner. The term "commissioner" means the commissioner of homeless services.

Comptroller. The term "comptroller" means the comptroller of the city.

Covered employer. The term "covered employer" means a shelter operator or a covered guard service company.

Covered guard. The term "covered guard" means a security guard or a fire guard.

Covered guard service company. The term "covered guard service company" means a person that has entered into an approved subcontract under a shelter contract, and pursuant to such subcontract:

1. provides the services of fire guards; or

2. provides security services, and is licensed to provide the services of security guards under contract to other entities pursuant to article 7 of the general business law.

Department. The term "department" means the department of homeless services.

Fire guard. The term "fire guard" has the same meaning as provided under section 202 of the fire code.

Prevailing wage. The term "prevailing wage" means the rate of wage and supplemental benefits paid in the locality to workers in the same trade or occupation and determined by the comptroller in a manner consistent with the provisions of section 234 of the labor law.

Security guard. The term “security guard” means any unarmed individual with a current and valid license issued in accordance with article 7-A of the general business law, authorizing such individual to perform security services in the state of New York.

Security services. The term “security services” means the unarmed protection of individuals and/or property from harm or other unlawful activity, as well as prevention, deterrence, observation, detection and/or reporting to government agencies of unlawful activity or conditions that present a risk to the safety of shelter residents, staff or the public.

Shelter. The term “shelter” means temporary emergency housing provided to homeless individuals by the department or by another person through a contract with the department.

Shelter contract. The term “shelter contract” means any written agreement whereby the department is committed to expend and does expend funds and the principal purpose of such agreement is to operate a shelter.

Shelter operator. The term “shelter operator” means any person that enters into a shelter contract with the department.

b. *Prevailing wage in city-contracted shelters required.* 1. A shelter operator or covered guard service company that employs covered guards at a shelter shall pay such guards no less than the prevailing wage determined in a manner consistent with the requirements of section 234 of the labor law. The obligation of a shelter operator or covered guard service company to pay prevailing supplements may be discharged by furnishing any equivalent combinations of fringe benefits or by making equivalent or differential payments in cash under rules and regulations, if any, promulgated pursuant to paragraph 1 of subdivision c of this section.

2. Every covered employer that employs a covered guard to perform services pursuant to such shelter contract shall provide to the comptroller and the commissioner an annual certification executed under penalty of perjury that all such covered guards subject to the requirements of this subdivision have been paid the prevailing wage, provided that a shelter contract may include specifications setting forth a process for a shelter operator to collect such certifications from any covered guard service companies and transmit such certifications to the comptroller and the commissioner. Such certification shall include a record of the days and hours worked and the wages and benefits paid to each covered guard employed at the shelter. Such certification shall be certified by the chief executive or chief financial officer of the covered employer or the designee of any such person. A material inaccuracy in such certification, or a failure to provide such certification, shall constitute a violation of this section by the party that has violation of paragraph.

3. Each covered employer shall maintain original payroll records for each of the covered guards it employs to perform services pursuant to such shelter contract reflecting the days and hours worked, and the wages paid and benefits paid for such hours worked, and shall retain such records for the duration of its provision of services under a shelter contract and at least six years after the end of the contract term. Failure to maintain such records as required shall create a rebuttable presumption that the covered guards were not paid the wages and benefits required under this section. Covered guard services companies shall provide copies of such records to relevant shelter operators. Upon the request of the comptroller or the commissioner, a covered employer shall provide a certified original payroll record. The comptroller or the commissioner may inspect such records to verify the certifications submitted pursuant to paragraph 2 of this subdivision, consistent with applicable law.

4. A shelter operator subject to the requirements of this section shall post in a prominent and accessible place at every shelter a copy of a written notice, prepared by the comptroller, detailing the wages, benefits, and other protections to which covered guards are entitled under this section. Such notice shall also provide the name, address and telephone number of the comptroller and a statement advising such covered guards that if they have been paid less than the prevailing wage, they may notify the comptroller and request an investigation. Such notice shall be provided in English, Spanish and any other language that the shelter operator is aware is the primary language of a significant portion of a covered employer's covered guards. Such notice shall remain posted for the duration of the shelter contract and shall be adjusted periodically to reflect the current prevailing wage for covered guards. Each covered employer shall provide a copy of such notice to each covered guard subject to paragraph 1 of this subdivision. The comptroller shall provide the commissioner with sample written notices explaining the rights of covered guards and covered employers' obligations under this section, and the commissioner shall in turn provide those written notices to shelter operators.

c. *Implementation and enforcement.* 1. The mayor shall promulgate implementing rules and regulations as appropriate and consistent with this section. The mayor may delegate such rulemaking authority to the comptroller, and may also delegate to the comptroller the authority to enforce the requirements established

under paragraphs four and five of this subdivision. For the fiscal year ending June 30, 2024 and every year thereafter, the comptroller shall submit a report to the mayor and the speaker of the council summarizing and assessing the implementation and enforcement of this section during the preceding fiscal year.

2. Every shelter contract and every subcontract between a shelter operator and a covered guard service company for the provision of services at a shelter shall contain a provision obligating covered employers to comply with all applicable requirements of this section.

3. The comptroller shall monitor covered employers' compliance with the requirements of this section. Whenever the comptroller has reason to believe that there has been a violation of this section, or upon a verified complaint in writing from a covered guard, a former covered guard, or a covered guard's representative claiming a violation of this section, the comptroller shall conduct an investigation to determine the facts relating thereto. In conducting such investigation, the comptroller shall have the same powers as are conferred on the comptroller by subdivision b of section 93 of the charter. At the start of such investigation, the comptroller may request that the department withhold from any payment due to the shelter operator under the shelter contract moneys sufficient to safeguard the rights of the covered guards based on any alleged underpayment to such covered guard. Such withholding shall not be based on the value of any potential civil penalties under this subdivision. If the department withholds monies pursuant to this paragraph, such monies shall be held in trust pending completion of the investigation, in accordance with rules promulgated by the mayor.

4. The comptroller shall report the results of such investigation to the mayor. Upon receipt of the results of such investigation, or based on other appropriate findings, the mayor shall, in accordance with the provisions of paragraph 5 of this subdivision, and after providing the covered employer an opportunity to cure any violations, where appropriate, issue an order, determination, or other disposition, which may include a stipulation of settlement. Such disposition may:

(i) Direct payment of wages and/or the monetary equivalent of benefits that were underpaid by the covered employer, including interest from the date of the underpayment to the covered guard, based on the interest rate then in effect as prescribed by the superintendent of banks pursuant to section 14-a of the banking law, but in any event at a rate no less than six percent per year;

(ii) Direct the reinstatement of, or other appropriate relief for, any person found to have been subject to retaliation or discrimination in violation of this section;

(iii) Direct payment of a further sum as a civil penalty in an amount not exceeding 25 percent of the total amount found to be due in violation of this section;

(iv) Direct payment of the sums withheld at the commencement of the investigation and the interest that has accrued thereon to the shelter operator; and

(v) Direct payment of a further sum as a civil penalty up to three times the actual damages sustained when in two or more instances within the last six years final determinations by the mayor, or the comptroller if the mayor has delegated the function pursuant to this subdivision, has found that the covered employer willfully failed to pay the prevailing wage.

In assessing an appropriate remedy, due consideration shall be given to the gravity of the violation, the history of previous violations, the good faith of the covered employer, and the failure to comply with record-keeping, notice, reporting, or other non-wage requirements. Any civil penalty shall be deposited in the general fund.

5. Before issuing an order, determination, or any other disposition, the mayor, or the comptroller if the mayor has delegated the function pursuant to this subdivision, (a) shall give notice thereof, together with a copy of the complaint, which notice shall be served personally or by mail on any person affected thereby and (b) may negotiate an agreed upon stipulation of settlement or refer the matter to the office of administrative trials and hearings, or other appropriate agency or tribunal, for a hearing and recommended disposition. Such covered employer shall be notified of a hearing date by the office of administrative trials and hearings, or other appropriate agency or tribunal, and shall have the opportunity to be heard in respect to such matters.

6. In an investigation conducted under the provisions of this section, the inquiry of the comptroller shall not extend to work performed more than three years prior to the filing of the complaint, or the commencement of such investigation, whichever is earlier.

7. (a) Upon stipulation of settlement or issuance of an order, determination, or other disposition that a covered employer has violated this section, pursuant to paragraph 4 of this subdivision, the department shall pay to such covered guards from any trust money withheld pursuant to paragraph 3 of this subdivision the

amounts specified in such order, determination, or other disposition and shall deduct from such trust monies an amount equal to any civil penalty specified in such order, determination, or other disposition, provided that no review proceeding pursuant to article 78 of the civil practice law and rules or any other law challenging such order, determination, or other disposition has been commenced and the time for initiation of such proceeding has expired. If such a challenge is made, the money withheld shall remain in trust pending final disposition of the review proceeding. The department shall pay any additional withheld trust monies to the shelter operator in accordance with such order, determination, or other disposition.

(b) If the amounts specified in such order, determination, or other disposition to be paid to covered guards or as a civil penalty exceed the value of the funds withheld pursuant to paragraph 3 of this subdivision, or if no such withholding was made pursuant to such paragraph, the department shall deduct the outstanding amounts from monies subsequently earned under the shelter contract or any other existing or future shelter contract with the shelter operator and pay such monies to the applicable guard or to the general fund as a civil penalty, unless the covered employer found to have violated this section provides proof sufficient to the commissioner that such covered employer has made such payments to covered guards in accordance with such order.

8. The comptroller shall be authorized to contract with non-governmental agencies to investigate possible violations of this section. Where a covered employer is found to have violated the requirements of this section, the covered employer shall be liable to the city for costs incurred in investigating and prosecuting the violation.

9. In circumstances where a shelter operator fails to perform in accordance with any of the requirements of this section and there is a continued need for shelter services, the commissioner may through existing procurement mechanisms obtain from another source the required services as specified in the original shelter contract, or any part thereof, and may charge the non-performing shelter operator for any difference in price resulting from the alternative arrangements, may assess any administrative charge established by the commissioner, and may, as appropriate, invoke such other sanctions as are available under the shelter contract and applicable law.

d. Enforcement by private right of action. 1. When a final determination has been made and such determination is in favor of a covered guard, such guard may, in addition to any other remedy provided by this section, institute an action in any court of appropriate jurisdiction against the covered employer found to have violated this section. For any violation of this section, including failure to pay applicable prevailing wages, pay required benefits, or comply with other requirements of this section, including protections against retaliation and discrimination, the court may award any appropriate remedy at law or equity including, but not limited to, back pay, payment for wrongly denied benefits, interest, other equitable relief, reinstatement, injunctive relief and/or compensatory damages. The court shall award reasonable attorney's fees and costs to any complaining party who prevails in any such enforcement action.

2. Notwithstanding any inconsistent provision of paragraph 1 of this subdivision, where a complaint filed with the comptroller is dismissed an aggrieved person shall maintain all rights to commence a civil action pursuant to this section as if no such complaint had been filed.

3. A covered guard subject to this section shall not be barred from the right to recover the difference between the amount paid to such covered guard and the amount which should have been paid to the covered guard under the provisions of this section because of the prior receipt by the covered guard without protest of wages or benefits paid, on account of the covered guard's failure to state orally or in writing upon any payroll or receipt that the covered guard is required to sign that the wages or benefits received by the covered guard are received under protest, or on account of the guard's failure to indicate a protest against the amount, or that the amount so paid does not constitute payment in full of wages or benefits due the covered guard for the period covered by such payment.

4. Such action must be commenced within three years of the date of the alleged violation, or within three years of the final disposition of any administrative complaint or action concerning the alleged violation or, if such a disposition is reviewed in a proceeding pursuant to article 78 of the civil practice law and rules, within three years of the termination of such review proceedings. No procedure or remedy set forth in this section is intended to be exclusive or a prerequisite for asserting a claim for relief to enforce any rights hereunder in a court of law. This section shall not be construed to limit a covered guard's right, if any, to bring a cause of action for wrongful termination.

e. Retaliation and discrimination barred. It shall be unlawful for any covered employer to retaliate, discharge, demote, suspend, take adverse employment action in the terms and conditions of employment or

otherwise discriminate against any covered guard for reporting or asserting a violation of this section, for seeking or communicating information regarding rights conferred by this section, for exercising any other rights protected under this section, or for participating in any investigatory or court proceeding relating to this section. This protection shall also apply to any covered guard or such guard's representative who in good faith alleges a violation of this section, or who seeks or communicates information regarding rights conferred by this section in circumstances where such guard in good faith believes this section applies. Taking adverse employment action against a covered guard or such guard's representative within 60 days of the guard engaging in any of the aforementioned activities shall raise a rebuttable presumption of having done so in retaliation for those activities. Any covered guard subjected to any action that violates this subdivision may pursue administrative remedies or bring a civil action pursuant to subdivision d of this section in a court of competent jurisdiction.

f. Subcontracting. A shelter operator shall not enter into any contract for an amount greater than \$20,000 with a covered guard service company for the provision of security services or the services of a fire guard at a shelter in performance of a shelter contract without the department's prior approval of the proposed covered guard service company. The shelter operator shall provide information to the department demonstrating that the proposed covered guard service company has the necessary facilities, skill, integrity, past experience and financial resources to perform the services required pursuant to the shelter contract. A completed questionnaire containing the information required pursuant to subdivision b of section 6-116.2 by the proposed covered guard service company must be submitted to the department, if required pursuant to the rules of the procurement policy board. The department shall make a final determination in writing approving or disapproving the proposed covered guard service company after receiving all requested information. The approval of a covered guard service company shall not relieve the shelter operator of any of its responsibilities, duties and liabilities under the shelter contract. The shelter operator shall remain fully responsible to the department for the acts and omissions of the covered guard service company.

g. Relation to other laws. This section shall be liberally construed in favor of its purposes. Nothing in this section shall be construed as prohibiting or conflicting with any other obligation or law, including any collective bargaining agreement, that mandates the provision of higher or superior wages, benefits, or protections to covered guards subject to the provisions of this section. No requirement or provision of this section shall be construed as applying to any person or circumstance where such coverage would be preempted by federal or state law. However, in such circumstances, only those specific applications or provisions of this section for which coverage would be preempted shall be construed as not applying.

§ 2. a. This local law takes effect immediately, except that:

1. subdivisions b and f of section 6-109.1 of the administrative code of the city of New York, as added by section one of this local law, shall take effect 180 days after it becomes law; and
2. Compliance with the provisions named in paragraph one of this subdivision, beginning 180 days after the enactment date, shall be a requirement of (A) any shelter contract entered into after such enactment date, and (B) any shelter contract renewed or amended after such enactment date for the renewal term of such contract or the portion of the term of such contract following such amendment, as applicable.

b. For the purposes of this section, the term "shelter contract" has the meaning set forth in subdivision a of section 6-109.1 of such code.

BEN KALLOS, *Chairperson*; HELEN K. ROSENTHAL, INEZ D. BARRON; MARK GJONAJ, JAMES F. GENNARO; Committee on Contracts, October 7, 2021. *Other Council Members Attending: Council Member Moya.*

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 Economic Development

Report for Int. No. 1663-A

Report of the Committee on Economic Development in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to establishing an office of urban agriculture and an urban agriculture advisory board.

The Committee on Economic Development, to which the annexed proposed amended local law was referred on August 14, 2019 (Minutes, page 2736), respectfully

REPORTS:

I. INTRODUCTION

On October 7, 2021, the Committee on Economic Development, chaired by Council Member Paul A. Vallone, held a vote on Proposed Int. No. 1663-A (Int. 1663-A), in relation to establishing an office of urban agriculture and an urban agriculture advisory board. The Committee previously heard testimony on this bill from the New York City Office of the Deputy Mayor for Health and Human Services; food, environmental, and agriculture advocates; and other interested members of the public, and this feedback informed the final version of the bill. The bill passed with seven in the affirmative, zero in the negative, and zero abstentions.

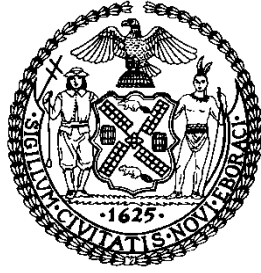
More information about this legislation is available with the materials for this hearing, which can be accessed online at <https://on.nyc.gov/2YjUpMZ>.

II. PROPOSED INT. NO. 1663-A

Proposed Int. No. 1663-A would establish an Office of Urban Agriculture and an Urban Agriculture Advisory Board. The Office of Urban Agriculture, located within the Office of Long-Term Planning and Sustainability, would conduct outreach, receive comments and respond to questions regarding urban agriculture, make recommendations about protecting and expanding urban agriculture, and establish a program to support research for advancing urban agriculture legislation and policy. The Urban Agriculture Advisory Board would consist of thirteen members and would advise the Office of Urban Agriculture, the Mayor and the Council on issues relating to urban agriculture. The members of the Advisory Board would be appointed by the Mayor (seven members) and Speaker of the Council (six members) and would represent various interests and specialties relating to urban agriculture.

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

(The following is the text of the Fiscal Impact Statement for Int. No. 1663-A:)



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

PROPOSED INT. NO.: 1663-A

COMMITTEE: Economic Development

TITLE: A Local Law to amend the New York city charter, in relation to establishing an office of urban agriculture and an urban agriculture advisory board. **Sponsors:** By Council Members Kallos, Ayala, Grodenchik, Gibson, Lander and Rosenthal.

SUMMARY OF LEGISLATION: Proposed Int. No. 1663-A would establish an Office of Urban Agriculture (“OUA or Office”) and an Urban Agriculture Advisory Board (“UAAB”). The OUA would be within the Office of Long-term Planning and Sustainability (“OLTPS”) and would conduct education and outreach to promote urban agriculture and inform the public about urban agriculture, its benefits, and ways to participate. The Office would receive comments and respond to inquiries related to urban agriculture as well as make recommendations with respect to protecting and expanding urban agriculture for the purposes of sustainability, resiliency, environmental protection, health, community development, and small business planning. The Office would also establish a program in coordination with the Mayor’s Office of Food Policy, Department of Parks and Recreation, Department of City Planning and other relevant agencies to support research for advancing urban agriculture legislation and policy within the city; and to receive and respond to comments, questions, and complaints with respect to such program. The proposed legislation would also require the establishment of the UAAB to advise the director of the OUA, the Mayor, and the Council on issues relating to urban agriculture. All members of the urban agriculture advisory board would serve without compensation and within 18 months of the effective date of the local law, the advisory board would be required to submit recommendations to the director, the Mayor, and the Council. After this date, the urban agriculture advisory board may submit recommendations when appropriate.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	(\$103,125)	(\$247,500)	(\$247,500)
Net	(\$103,125)	(\$247,500)	(\$247,500)

IMPACT ON REVENUES: It is estimated that there will no revenue generated from the implementation of this law

IMPACT ON EXPENDITURES: It is estimated that the Office of Urban Agriculture would require two staff, a director and program manager. The director salary is estimated at \$100,000 with 50 percent fringe for a total of \$150,000 per year, and a program manager salary of \$65,000 with 50 percent fringe for a total of \$97,500 per year. The total expense for this office would be \$247,500 per year. The law will be effective for five months in Fiscal 2022 with a total expenses estimated to be \$103,125.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Aliya Ali, Principal Financial Analyst
Julia Haramis, Financial Analyst

ESTIMATE REVIEWED BY: Stephanie Ruiz, Assistant Counsel
Nathan Toth, Deputy Director
Dohini Sompura, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Int. No. 1663 on August 14, 2019 and was referred to the Committee on Economic Development (“Committee”). A hearing was held by the Committee on September 18, 2019 jointly with the Committee on General Welfare and the Committee on Education, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 1663-A, will be voted on by the Committee at a hearing on October 7, 2021. Upon successful vote by the Committee, Proposed Int. No. 1663-A will be submitted to the full Council for a vote on October 7, 2021.

DATE PREPARED: September 30, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1663-A:)

Proposed Int. No. 1663-A

By Council Members Kallos, Ayala, Grodenchik, Gibson, Lander, Rosenthal, Brooks-Powers, Gennaro, Louis and Vallone.

A Local Law to amend the New York city charter, in relation to establishing an office of urban agriculture and an urban agriculture advisory board

Be it enacted by the Council as follows:

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

§ 20-a. *Office of urban agriculture. a. For the purposes of this section, the term “director” means the director of the office of urban agriculture.*

b. The mayor shall establish an office of urban agriculture within the office of long-term planning and sustainability. Such office shall be headed by a director who shall be appointed by the mayor and shall additionally employ at least one staff member.

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

1. Conduct education and outreach to promote urban agriculture and inform the public about urban agriculture, its benefits and ways to participate;

2. Receive comments and respond to inquiries related to urban agriculture;

3. Make recommendations to the office of long-term planning and sustainability and the heads of relevant agencies with respect to protecting and expanding urban agriculture for the purposes of sustainability, resiliency, environmental protection, health, community development and small business planning;

4. Establish a program in coordination with the office of food policy, department of parks and recreation, department of city planning and other relevant agencies to:

(a) Support research for advancing urban agriculture legislation and policy within the city; and

(b) Receive and respond to comments, questions and complaints with respect to such program.

d. The mayor shall establish an urban agriculture advisory board to advise the director, the mayor and the council on issues relating to urban agriculture.

1. The urban agriculture advisory board shall be composed of the following members:

(a) Two representatives specializing in urban agriculture policy, one appointed by the mayor and one appointed by the speaker of the council;

(b) Three representatives who specialize in urban agriculture businesses, such as urban agriculture technology and urban agriculture companies and collectives, two appointed by the mayor and one appointed by the speaker of the council;

(c) Three representatives from community gardening organizations, non-commercial urban farms, or community land trusts involved in urban agriculture, two appointed by the mayor and one appointed by the speaker of the council;

(d) Three representatives, two appointed by the speaker of the council and one appointed by the mayor, from organizations that promote urban agriculture and focus on issues, such as climate, restorative and social justice, one of whom shall be a representative from a youth advocacy organization or network; and

(e) Two representatives from the restaurant industry, one appointed by the mayor and one appointed by the speaker of the council.

2. Each member of the urban agriculture advisory board shall serve at the pleasure of the officer who appointed the member. In the event of a vacancy on the board, a successor shall be selected in the same manner as the original appointment. All members of the urban agriculture advisory board shall serve without compensation.

3. The urban agriculture advisory board shall keep a record of its deliberations and determine its own rules of procedure, which shall include a procedure or mechanism by which members of the public may make submissions to the board. The first meeting of the urban agriculture advisory board shall be convened within 120 days after the effective date of the local law that added this section.

4. Within 18 months of the effective date of the local law that added this section, the urban agriculture advisory board shall submit recommendations to the director, the mayor and the council. After such date, the urban agriculture advisory board may submit recommendations to the director, the mayor and the council as appropriate.

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

PAUL A. VALLONE. *Chairperson*; BRADFORD S. LANDER, INEZ D. BARRON, ROBERT E. CORNEGY, Jr, MARK GJONAJ, KEITH POWERS, FARAH N. LOUIS; Committee on Economic Development, October 7, 2021. *Other Council Members Attending: Council Member Kallos.*

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

Report for Int. No. 455-A

Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the use of all-electric school buses in school bus contracts.

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on February 14, 2018 (Minutes, page 672), respectfully

REPORTS:

I. INTRODUCTION

On October 7, 2021, the Committee on Environmental Protection, chaired by Council Member James F. Gennaro, held a hearing on Int. No. 455-A, in relation to the use of all-electric school buses in school bus contracts.

The Committee previously held a hearing on Int. No. 455 on December 17, 2018 and received testimony from the New York City Department of Education (DOE), school bus manufacturers, environmental and climate justice advocates, public health experts, and interested members of the public. More information about this legislation is available with the materials for this hearing, which can be accessed online at <https://on.nyc.gov/3uHtxm7>.

II. INT. NO. 455-A

Int. No. 455-A would require the City to ensure that all school buses in use by September 1, 2035 shall be all-electric zero emission school buses. The replacement of school buses shall be subject to the commercial availability and reliability of all-electric zero emission school buses, and the technical and physical availability of related planned infrastructure, including but not limited to charging stations and bus depots for all-electric zero emission school buses.

This legislation would also require the DOE to report to the Mayor and the Speaker on a variety of implementation targets within three reporting deadlines: July 1 of 2023, 2028, and 2033. Among the reporting requirements: actions taken to achieve the requirement to replace school buses with all-electric zero emission school buses by September 1, 2035; any barriers to achieving such replacement by such date and related plans to address such barriers; the safety and reliability of the all-electric zero emission school buses in use; the percentage of routes and proportion of charging infrastructure in environment justice areas; a description of each model of all-electric zero emission school bus; and the applications submitted by the DOE for federal, state, private or other funding for the purpose of achieving such replacement.

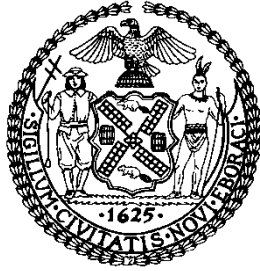
This legislation would require that, each of the three reports include updates on specific replacement targets. Specifically, the July 1, 2023 report shall include the status of replacing 75 buses with all-electric zero emission school buses; the July 1, 2028 report shall include the status achieving 20 percent of school buses in use being all-electric zero emission school buses, in addition to the status of achieving 100 percent of buses under the New York City school bus umbrella corporation, being all-electric zero emissions school buses by September 1, 2030; and the July 1, 2033 report shall include the status of achieving 66 percent of school buses in use being all-electric zero emission school buses.

This legislation would take effect 180 days after it becomes law, except that the commissioner of environmental protection may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such date.

III. UPDATE

On October 7, 2021, the Committee held a vote on Int. No. 455-A. The Committee passed Int. No. 455-A with 4 in the affirmative, 0 in the negative, and 0 abstentions. Thus, the Committee recommends adoption.

(The following is the text of the Fiscal Impact Statement for Int. No. 455-A:)



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

PROPOSED INTRO. NO. 455-A

COMMITTEE: Environmental Protection

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the use of all-electric school buses in school bus contracts.

SPONSORS: Council Members Dromm, Rosenthal, Brannan, Levine, Rivera, Chin, Treyger, Rose, Menchaca, Cornegy, Powers, Holden, Ayala, Koo, the Public Advocate (Mr. Williams), Rodriguez, Cabrera, Grodenchik, Van Bramer, Kallos, Gibson, Reynoso, Moya, Perkins, Lander, Ampry-Samuel, Eugene, Adams, Levin, Miller, Gjonaj, Maisel, Barron, Cumbo, Salamanca, Koslowitz, Louis, Gennaro, Riley, Brooks-Powers, Dinowitz, and Ulrich.

SUMMARY OF LEGISLATION: Proposed Intro. 455-A would require the City to ensure that all school buses in use by September 1, 2035, are all-electric zero emission school buses, subject to the commercial availability and reliability of all-electric zero emission school buses, and the technical and physical availability of related planned infrastructure, including but not limited to charging stations and bus depots. This local law would also require the Department of Education (DOE) to report to the Mayor and the Speaker of the Council on a variety of implementation targets as of July 1 of 2023, 2028, and 2033.

EFFECTIVE DATE: This local law would take effect 180 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023, and continuing through Fiscal 2035

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	*See explanation below	*See explanation below
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: While DOE would be able to use existing resources to plan the electrification of the City’s school buses, this legislation would require additional expenditure on the hard cost associated with electric bus purchases and the infrastructure necessary to support such buses. The majority, if not all, of these direct infrastructure costs to the City would likely be capitolly eligible expenses and not impact the City’s expense budget beyond debt service costs.

Overall, there are approximately 10,700 school buses City-wide, of which the City manages approximately 960 in partnership with the NYC School Bus Umbrella Corporation (NYCSBUS). Of the 960 currently managed by the City, 885 would still be need to be converted from diesel to electric as the City had previously committed to converting 75 school buses. The approximate cost to covert 885 City-owned diesel school buses to electric, as

well as to procure electric charging stations and build-out electrical infrastructure is \$367.3 million in capital costs through Fiscal 2035, or \$28.3 million per fiscal year assuming that after several months of planning in Fiscal 2022 procurement starts in Fiscal 2023.

In addition to the City-owned school buses managed in partnership with NYCSBUS, the City relies upon approximately 9,740 diesel buses operated by private contractors that would also need to be replaced or converted from diesel to electric. It is estimated that the cost to replace 9,740 diesel buses with battery powered electric buses, as well as the cost to procure chargers and build-out electrical connections for the chargers, is \$4.04 billion through Fiscal 2035, or \$310.9 million per fiscal year assuming that after several months of planning in Fiscal 2022 procurement starts in Fiscal 2023. While the City is not directly responsible for the costs incurred by private contractors it is reasonable to expect that allocation of these additional costs will be subject to future contract negotiations. Any increase in contracting costs would result in an increase to the City's expense budget.

While this estimate assumes a constant number of school buses through September 2035, demographic and policy shifts could reduce or increase the number of school buses, which in turn would result in reduced or increased expenses associated with electrifying the fleet.

This estimate is not reduced by contingent opportunities to take advantage of possible savings or replacement funding streams that may become available in the future. For example, the estimate assumes one charger per school bus, whereas it may be possible for multiple buses to take turns using the same charger. Also, "repowering buses" may be possible, whereby current diesel engines and drivetrains are replaced with clean/quiet battery-electric systems. There may also be fuel and maintenance savings from diesel to electric conversion. Finally, grants from federal and State government partners could offset some of these expenses.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Capital Budget/General Fund

SOURCES OF INFORMATION: New York City Council Finance Division
Department of Citywide Administrative Services

ESTIMATE PREPARED BY: Jonathan Seltzer, Senior Financial Analyst

ESTIMATE REVIEWED BY: Crilhien Francisco, Unit Head
Noah Brick, Assistant Counsel
Nathan Toth, Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 455 on February 14, 2018 and referred to the Committee on Environmental Protection (Committee). The Committee heard the legislation on December 17, 2018 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 455-A, will be considered by the Committee on October 7, 2021. Upon a successful vote by the Committee, Intro. No. 455-A will be submitted to the full Council for a vote on October 7, 2021.

DATE PREPARED: October 5, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 455-A:)

Int. No. 455-A

By Council Members Dromm, Rosenthal, Brannan, Levine, Rivera, Chin, Treyger, Rose, Menchaca, Cornegy, Powers, Holden, Ayala, Koo, the Public Advocate (Mr. Williams), Rodriguez, Cabrera, Grodenchik, Van Bramer, Kallos, Gibson, Reynoso, Moya, Perkins, Lander, Ampry-Samuel, Eugene, Adams, Levin, Miller, Gjonaj, Maisel, Barron, Cumbo, Salamanca, Koslowitz, Louis, Gennaro, Riley, Brooks-Powers, Dinowitz, D. Diaz, Vallone and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to the use of all-electric school buses in school bus contracts

Be it enacted by the Council as follows:

Section 1. The heading of section 24-163.9 of the administrative code of the city of New York, as amended by local law number 28 for the year 2018, is amended to read as follows:

§ 24-163.9 Retrofitting, age limitations [and], fuel use of diesel-powered school buses *and use of all-electric zero emission school buses.*

§ 2. Subdivision e of section 24-163.9 of the administrative code of the city of New York, as amended by local law number 38 for the year 2015, is amended to read as follows:

e. School buses shall be replaced pursuant to subdivision d of this section with (1) a school bus meeting the most recent diesel engine emissions standards issued by the United States environmental protection agency, or (2) an all-electric, gasoline-powered, compressed natural gas, or hybrid school bus, as long as the particulate matter emissions of such school bus do not exceed emission levels permitted in the most recent diesel engine emissions standards issued by the United States environmental protection agency, *provided that by September 1, 2035 such school buses shall be replaced with all-electric zero emission school buses, such that all school buses in use by that date shall be all-electric zero emission school buses, subject to the commercial availability and reliability of all-electric zero emission school buses, and the technical and physical availability of related planned infrastructure, including but not limited to charging stations and bus depots for all-electric zero emission school buses.*

§ 3. Subdivision f of section 24-163.9 of the administrative code of the city of New York, as amended by local law number 38 for the year 2015, is amended to read as follows:

f. *Reporting requirements.*

(1) No later than December 31, 2011 and no later than December 31 of every year thereafter, the department of education shall submit a report to the mayor and the speaker of the council on compliance with this section. Such report shall include, but not be limited to, data on the age and crankcase retrofit status of every school bus pursuant to a school bus contract. The department of education shall also perform yearly reviews on a sample of school buses from at least ten different vendors to verify the accuracy of data reported.

(2) *Before the end of the fiscal year commencing on July 1, 2023, July 1, 2028, and July 1, 2033, the department of education shall submit a report to the mayor and the speaker of the council on:*

i. actions taken to achieve the requirement provided by subdivision e to replace school buses with all-electric zero emission school buses by September 1, 2035;

ii. barriers, if any, to achieving such replacement by such date;

iii. plans to address the barriers described in subparagraph ii;

iv. a date by which such replacement will be complete;

v. the safety and reliability of the all-electric zero emission school buses in use pursuant to a school bus contract;

vi. the percentage of routes served by all-electric zero emission school buses where the origin or destination is located in an environmental justice area as defined in section 3-1001;

vii. a description of each model of all-electric zero emission school bus that is in use pursuant to a school bus contract, including but not limited to the name of the manufacturer and the number of buses of each such model in use;

viii. applications that have been submitted by the department for federal, state, private or other funding for the purpose of achieving such replacement; and

ix. progress that vendors have made in developing charging infrastructure, including the proportion of such charging infrastructure that has been installed in an environmental justice area as defined in section 3-1001.

(3) The first report required pursuant to paragraph 2 of this subdivision shall include whether there are, or the status of achieving by the date of the next report, 75 all-electric zero emission school buses. The second report required pursuant to paragraph 2 of this subdivision shall include whether there are, or the status of achieving by the date of the next report, 20 percent of school buses in use being all-electric zero emission school buses, and whether there are, or the status of achieving by September 1, 2030, 100 percent of New York city school bus umbrella corporation, or its successor entity, school buses in use being all-electric zero emissions school buses. The third report required pursuant to paragraph 2 of this subdivision shall include whether there are, or the status of achieving, 66 percent of school buses in use being all-electric zero emission school buses.

§ 4. This local law takes effect 180 days after it becomes law, except that the commissioner of environmental protection may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such date.

JAMES F. GENNARO, *Chairperson*; STEPHEN T. LEVIN, CARLOS MENCHACA, DARMA V. DIAZ; Committee on Environmental Protection, October 7, 2021. *Other Council Members Attending: Council Member Dromm.*

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 Finance

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

Report for Res. No. 1752

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on October 7, 2021, respectfully

REPORTS:

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 30, 2020, the Council adopted the expense budget for fiscal year 2021 with various programs and initiatives

(the “Fiscal 2021 Expense Budget”). On June 30, 2021, the Council adopted the expense budget for fiscal year 2022 with various programs and initiatives (the “Fiscal 2022 Expense Budget”).

Analysis. In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2022 Expense Budget, new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2021 Expense Budget, and amendments to the description for the Description/Scope of Services of certain organizations receiving funding in accordance with the Fiscal 2022 Expense Budget.

This Resolution, dated October 7, 2021, approves the new designation and the changes in the designation of certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022 Expense Budget, approves the new designation and the changes in the designation of certain organizations receiving aging discretionary funding and funding for a certain initiative in accordance with the Fiscal 2021 Expense Budget, and amends the description for the Description/Scope of Services of certain organization receiving local and youth discretionary funding in accordance with the Fiscal 2022 Expense Budget.

This Resolution sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget, as described in Chart 1; sets forth the new designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2022 Expense Budget, as described in Chart 2; sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to certain initiatives in accordance with the Fiscal 2022 Expense Budget, as described in Charts 3-21; sets forth the new designation and the change in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2021 Expense Budget, as described in Chart 22; sets forth the changes in the designation of certain organizations receiving funding pursuant to the Community Housing Preservation Strategies initiative in accordance with the Fiscal 2021 Expense Budget, as described in Chart 23; amends the description for the Description/Scope of Services of certain organizations receiving local and youth discretionary funding in accordance with the Fiscal 2022 Expense Budget, as described in 24; and sets forth the designation of certain organizations receiving funding pursuant to the Beating Hearts Initiative in accordance with the Fiscal 2022 Expense Budget as described in Chart 25.

Specifically, Chart 1 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget. Some of these designations will be effectuated upon a budget modification.

Chart 2 sets forth the new designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2022 Expense Budget.

Chart 3 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2022 Expense Budget. Some of these designations will be effectuated upon a budget modification.

Chart 4 sets forth the new designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 5 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these designations will be effectuated upon a budget modification.

Chart 6 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 7 sets forth the new designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these designations will be effectuated upon a budget modification.

Chart 8 sets forth the new designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these designations will be effectuated upon a budget modification.

Chart 9 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these designations will be effectuated upon a budget modification.

Chart 10 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 11 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 12 sets forth the new designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2022 Expense Budget. One such designation will be effectuated upon a budget modification.

Chart 13 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these designations will be effectuated upon a budget modification.

Chart 14 sets forth the new designation of a certain organization receiving funding pursuant to the Hate Crime Prevention Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 15 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Community Housing Preservation Strategies Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 16 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2022 Expense Budget. All such designations will be effectuated upon a budget modification.

Chart 17 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Senior Centers, Programs, and Enhancement Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 18 sets forth the changes in the designation of a certain organization receiving funding pursuant to College Career and Readiness Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 19 sets forth the new designation of a certain organization receiving funding pursuant to Legal Services for the Working Poor Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 20 sets forth the new designation of certain organizations receiving funding pursuant to Adult Literacy Pilot Project Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 21 sets forth the changes in the designation of certain organizations receiving funding pursuant to Adult Literacy Pilot Project Initiative in accordance with the Fiscal 2022 Expense Budget. All such designation will be effectuated upon a budget modification.

Chart 22 sets forth the new designation and the changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2021 Expense Budget.

Chart 23 sets forth the changes in the designation of certain organizations receiving funding pursuant to the Community Housing Preservation Strategies initiative in accordance with the with the Fiscal 2021 Expense Budget.

Chart 24 amends the description for the Description/Scope of Services of certain organizations receiving local and youth discretionary funding in accordance with the Fiscal 2022 Expense Budget.

Chart 25 sets forth the designation of certain organizations receiving funding pursuant to the Beating Hearts Initiative in accordance with the Fiscal 2022 Expense Budget.

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

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

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2022 and Fiscal 2021 Expense Budgets. Such Resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1752:)

Preconsidered Res. No. 1752

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

By Council Member Dromm.

Whereas, On June 30, 2021, the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2022 with various programs and initiatives (the “Fiscal 2021 Expense Budget”); and

Whereas, On June 30, 2020, the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”);

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022 and Fiscal 2021 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, youth, and aging discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local and youth discretionary funding; now, therefore, be it

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Hate Crime Prevention Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Community Housing Preservation Strategies Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Senior Centers, Programs, and Enhancement Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the College Career and Readiness Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to Legal Services for the Working Poor Initiative, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to Adult Literacy Pilot Project Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to Adult Literacy Pilot Project Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Community Housing Preservation Strategies initiative in accordance with the with the Fiscal 2021 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the designation of certain organizations receiving funding pursuant to the Beating Hearts Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 25.

(For text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 1752 of 2021](#) file in the legislation section of the New York City Council website at <https://council.nyc.gov>)

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, October 7, 2021.

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 Housing and Buildings

Report for Int. No. 2261-A

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code in relation to bringing such codes and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, with differences that reflect the unique character of the city, clarifying and updating administration and enforcement of such codes and the 1968 code and repealing chapters 2 and 35, appendices K and M, section N102 of appendix N, appendices P and Q, and section R103.3 figures 1A and 1B of appendix R of the New

York city building code, chapter 15 and appendix A of the New York city mechanical code and chapter 8 of the New York city fuel gas code in relation thereto.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on April 22, 2021 (Minutes, page 885), respectfully

REPORTS:

On October 7, 2021, the Committee on Housing and Buildings, chaired by Council Member Robert Cornegy, Jr., held a hearing on Int. No. 2261-A. This bill was first heard on June 14, 2021. More information about this bill, along with the materials for that hearing, can be found at <https://on.nyc.gov/3lbT5EA>.

Background

Local Law 33 of 2007¹ requires that the New York City Department of Buildings (DOB) revise the New York City Construction Codes (Construction Codes) every three years to keep these Codes up to date with the latest versions of the International Code Council's (ICC) International Codes (I-Codes).² To accomplish this mandate, DOB organizes a series of committees, known as the Construction Codes Revision Committees, that review and prepare suggested revisions to the Construction Codes to increase safety and cost savings and to promote innovation for buildings.³

The first mandated periodic revision resulted in the passage of Local Law 41 of 2012,⁴ Local Law 141 of 2013⁵, and Local Laws 51⁶ and 52 of 2014.⁷ DOB began the latest revision and updating process for the Construction Codes that make up Int. No. 2261-A in 2015 by reviewing the 2014 Construction Codes and the 2015 I-Codes.⁸ DOB established a series of managing, technical, and advisory committees to review provisions of these Codes.⁹ The Assistant Commissioner of Technical Affairs and Code Development at DOB is responsible for overseeing the Construction Codes cycle.¹⁰

Int. No. 2261-A includes 7,400 revisions to the Construction Codes, 600 of which represent new or expanded requirements. Among revisions made to this bill are: enhancements to construction safety, emergency response, fire protection, elevator safety, sustainability, and vertical transportation and accessibility; improvements to tenant protection; and expansions to available affordable housing.

INT. NO. 2261-A

Int. No. 2261-A, A Local Law to amend the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code in relation to bringing such codes and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, with differences that reflect the unique character of the city, clarifying and updating administration and enforcement of such codes and the 1968 code and repealing chapters 2 and 35, appendices K and M,

¹ See Local law 33 for the year 2007, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=447129&GUID=2EB62F1F-8F59-4796-A309-3F0A42B7D207&Options=ID|Text|&Search=>.

² See 2017 Construction Codes Revision Cycle Handbook, https://www1.nyc.gov/assets/buildings/pdf/2017_Revision_Cycle_Handbook.pdf

³ *Id.*

⁴ See Local Law 41 of 2012, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1082208&GUID=327033B9-CE60-4581-A927-665909143620&Options=ID|Text|&Search=>

⁵ See Local Law 141 of 2013, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1444199&GUID=B5415C20-2F03-4542-956D-7A663E7886B7&Options=ID|Text|&Search=>

⁶ See Local Law 51 of 2014, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1903364&GUID=B2B3D23B-FA94-413E-ABD6-CBA6FD62E054&Options=ID|Text|&Search=>

⁷ See Local Law 52 of 2014, [; see also 2017 Handbook, supra note 2.](https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1903363&GUID=84313CE8-16A4-4507-B82C-0DDBE62B29E1&Options=ID|Text|&Search=)

⁸ 2017 Handbook, *supra* note 2.

⁹ *Id.*

¹⁰ *Id.*

section N102 of appendix N, appendices P and Q, and section R103.3 figures 1A and 1B of appendix R of the New York city building code, chapter 15 and appendix A of the New York city mechanical code and chapter 8 of the New York city fuel gas code in relation thereto

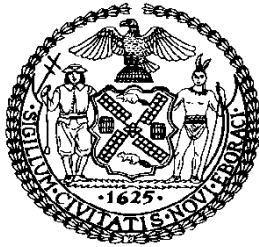
Int. No. 2261-A completes the most recent code revision cycle with amendments to the New York City Building, Fuel Gas, Mechanical and Plumbing Codes, based on the 2015 editions of the International Building, Fuel Gas, Mechanical and Plumbing Codes published by the International Code Council, where necessary, modifying or adding new text tailored to the unique needs and characteristics of the City's built environment. The bill also contains provisions to modify the general administrative provisions and New York City Electrical Code. The proposed legislation improves building construction standards for new buildings and resolves issues relating to the application of some provisions of the new codes to the alteration of existing buildings. Focused on preserving the principles of safety, savings, and innovation, this code revision cycle upgrades these concepts to include additional levels of enhancements, such as promoting sustainability along with resiliency, economizing resources, including affordable housing elements, and enhancing the tenant protection plan.

This local law would take effect 12 months after it is enacted into law and would apply to work related to applications for construction document approval filed on and after such effective date, with some exceptions, including that some provisions would take effect on January 1, 2022.

Update

On Thursday, October 7, 2021, the Committee adopted Int. No. 2261-A by a vote of six in the affirmative, zero in the negative, and zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 2261-A:)



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

PROPOSED INT. NO: 2261-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, the New York city plumbing code, the New York City building code, the New York City mechanical code and the New York City fuel gas code in relation to bringing such codes and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, with differences that reflect the unique character of the city, clarifying and updating administration and enforcement of such codes and the 1968 code and repealing chapters 2 and 35, appendices K and M, section N102 of appendix N, appendices P and Q, and section R103.3 figures 1A and 1B of appendix R of the New York City building code, chapter 15 and appendix A of the New York City mechanical code and chapter 8 of the New York City fuel gas code in relation thereto.

SPONSORS: Council Members Cornegy Jr., Levine (by request of the Mayor).

SUMMARY OF LEGISLATION: Proposed Int. No. 2261-A would complete the most recent code revision cycle with amendments to the New York City Building, Fuel Gas, Mechanical and Plumbing Codes, based on the 2015 editions of the International Building, Fuel Gas, Mechanical and Plumbing Codes published by the International Code Council, where necessary, modifying or adding new text tailored to the unique needs and characteristics of the City’s built environment. The bill also contains provisions to modify the General Administrative Provisions and New York City Electrical Code. The proposed legislation would improve building construction standards for new buildings and resolves issues relating to the application of some provisions of the new codes to the alteration of existing buildings. Focused on preserving the principles of safety, savings, and innovation, this code revision cycle upgrades these concepts to include additional levels of enhancements, such as promoting sustainability along with resiliency, economizing resources, including affordable housing elements, and enhancing the tenant protection plan.

EFFECTIVE DATE: This local law would take effect 12 months after it is enacted into law and shall apply to work related to applications for construction document approval filed on and after such effective date, except that:

- (i) section 28-401.11 and articles 421, 422 and 425 of chapter 4 of title 28 of the administrative code of the city of New York as amended by section 4 of part A of this local law and articles 303, 304 and 323 of chapter 3 of title 28 of the administrative code of the city of New York as amended by section 3 of part A of this local law shall take effect on January 1, 2022;
- (ii) the amendments to section 28-110.1 of the administrative code of the city of New York made by section 1 of part A of this local law and the amendments to chapter 33 of the New York City building code made by sections 32 through 50 of part C of this local law shall apply to:
 - 1. all work on major buildings as defined in section BC 202 of chapter 2 of the New York City building code, as added by section 3 of part C of this local law, for which a site safety plan is approved by the department of buildings on or after such effective date;
 - 2. all temporary construction equipment permits and all crane and derrick permits, as required by article 105 of chapter 1 of Title 28 of the Administrative Code, as amended by section 1 of part A of this local law, where the application for approval for such permit is filed with the department of buildings on or after such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2024

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$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 from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Luke Zangerle, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Chima Obichere, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on April 22, 2021 as Int. No. 2261 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on June 14, 2021, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Int. No. 2261-A, will be considered by the Committee on October 7, 2021. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on October 7, 2021.

DATE PREPARED: October 6, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 2261-A:)

Int. No. 2261-A

By Council Members Cornegy and Levine (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code in relation to bringing such codes and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, with differences that reflect the unique character of the city, clarifying and updating administration and enforcement of such codes and the 1968 code and repealing chapters 2 and 35, appendices K and M, section N102 of appendix N, appendices P and Q, and section R103.3 figures 1A and 1B of appendix R of the New York city building code, chapter 15 and appendix A of the New York city mechanical code and chapter 8 of the New York city fuel gas code in relation thereto

Be it enacted by the Council as follows:

Editor's Note: *The full text of this 2,921 page bill is available at*

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4920277&GUID=1F552D69-C99A-43D2-8203-EEB95C66203A&Options=ID%7CText%7C&Search=2261> .

ROBERT E. CORNEGY, Jr., *Chairperson*; HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, MARK GJONAJ, CARLINA RIVERA, FARAH N. LOUIS; Committee on Housing and Buildings, October 7, 2021.

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 Int. No. 1058-A

Report of the Committee on Land Use in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to developing an urban agriculture report.

The Committee on Land Use, to which the annexed proposed amended local law was referred on August 8, 2018 (Minutes, page 3248), respectfully

REPORTS:

I. INTRODUCTION

On October 7, 2021, the Committee on Land Use, chaired by Council Member Rafael Salamanca, will hold a vote on Proposed Int. No. 1058-A, A Local Law in relation to developing an urban agriculture report. The bill was previously heard as Int. 1058-2018 by the Committee on June 11, 2019 and was amended to address several issues raised at that hearing and in the period since.

II. BACKGROUND

Introduction No. 1058-2018 was originally introduced during the 2014-2017 Council Session as Int. No. 1661-2017.¹ Int. No. 1661 would have required the Department of City Planning (DCP) to develop a comprehensive urban agriculture plan addressing land use policy and other issues to promote the expansion of urban agriculture in the City. DCP would have been required to deliver such plan to the Mayor and the Speaker of the Council by July 1, 2018.

The Committee heard Int. No. 1661 at its October 26, 2017 meeting.² The bill was subsequently amended as Proposed Int. No. 1661-A, A Local Law in relation to requiring the DCP, Department of Small Business Services, and the Department of Parks and Recreation to develop an urban agriculture website. The amended bill required the City to develop an urban agriculture website to promote the expansion of urban agriculture in the City. The bill required that such website be established no later than July 1, 2018. The bill also provided that the Department of City Planning (DCP), the Department of Small Business Services (SBS), and the Department of Parks and Recreation (DPR) would be required to prepare content for such website. Finally, the bill provided that agencies responsible for the construction and maintenance of the website would be required to issue a review of the website's efficacy to the City Council no later than January 1, 2019. The bill became law as Local Law 46 for the year 2018 (Local Law 46) on January 17, 2018.³ The website established pursuant to Local Law 46 is available at <https://www1.nyc.gov/site/agriculture/index.page>.

Council Member Espinal subsequently introduced Int. No. 1058-2018 on August 8, 2018.⁴ The bill is identical in all respects to Int. 1661-2017, except that instead of requiring a comprehensive urban agriculture plan to be posted on DCP's website on or before July 1, 2018, Int. 1058 would require such report to be posted on or before July 1, 2019.

¹ Stated Meeting Agenda (July 20, 2017).

² New York City Council, Committee Report, Int. 1661 (Oct. 26, 2017)

³ Local Law 46 for the Year 2018.

⁴ Stated Meeting Agenda (Aug. 8, 2018).

III. ANALYSIS OF PROPOSED INTRODUCTION NO. 1058-A

Proposed Introduction No. 1058-A would amend Section 20-a of the New York city charter as added by a local law for the year 2021 relating to establishing an office of urban agriculture and an urban agriculture advisory board, as proposed in introduction number 1663 for the year 2019.

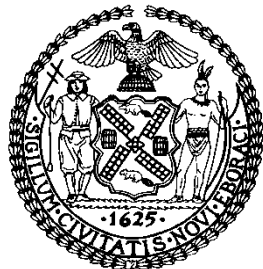
Bill section one would require the office of urban agriculture to prepare an urban agriculture report by October 1, 2023 and no later than every fifth year thereafter. Such report would need to be prepared in cooperation with relevant agencies and stakeholders, including but not limited to food policy educators, representatives from community gardens and urban farming businesses. Such report would need to be submitted to the Mayor and Speaker of the Council and posted on the city's website. The report would need to address but not be limited to, the following issues related to urban agriculture:

1. Resources including support for existing and potential urban agriculture spaces as well as current policies and regulations related to urban agriculture;
2. Classification and prioritization of urban agriculture uses;
3. Opportunities for expanding the availability of healthy food in low-income neighborhoods;
4. Integration of urban agriculture into the city's conservation and resiliency plans; and
5. Youth development and education opportunities with regard to local food production

The bill would also require that the Office of Urban Agriculture submit an annual accounting to the Mayor and Speaker of the Council including the progress made on the recommendations, initiatives and priorities identified in the most recent five-year urban agriculture report. Such accounting would also need to be posted on the city's website.

Bill section 2 would provide that this local law takes effect the same day as a local law for the year 2021 amending the New York city charter, relating to establishing an office of urban agriculture and an urban agriculture advisory board, as proposed in introduction number 1663 for the year 2019, takes effect.

(The following is the text of the Fiscal Impact Statement for Int. No. 1058-A:)



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

PROPOSED INT. NO.: 1058-A

COMMITTEE: Land Use

TITLE: A Local Law to amend the New York city charter, in relation to developing an urban agriculture report.

Sponsors: By Council Members Ampry-Samuel, Cornegy, Brannan, Levine, Powers, Miller, Holden, Rose, Ayala, Koo, the Public Advocate (Mr. Williams), Rodriguez, Dromm, Cabrera, Grodenchik, Yeger, Van Bramer, Kallos, Gibson, Reynoso, Vallone, Rosenthal, Moya, Koslowitz, Treyger, Perkins, Lander, Eugene, Adams, Levin, Chin, Menchaca, Gjonaj, Maisel, Barron, Cumbo, Salamanca, Rivera and Ulrich (by request of the Brooklyn Borough President).

SUMMARY OF LEGISLATION: Proposed Int. No. 1058-A would require the Office of Urban Agriculture (“OUA”) to prepare an urban agriculture report, in cooperation with relevant agencies and stakeholders, including but not limited to food policy educators, representatives from community gardens, and urban farming businesses, once every five years. Topics covered in the report would include the following issues related to urban agriculture: (i) resources including but not limited to support for existing and potential urban agriculture spaces as well as current policies and regulations related to urban agriculture, (ii) classification and prioritization of urban agriculture uses, (iii) opportunities for expanding the availability of healthy food in low-income neighborhoods, (iv) the integration of urban agriculture into the city’s conservation and resiliency plans, and (v) youth development and education opportunities with regard to local food production. The report would be submitted to the Mayor and the Council and posted on the city’s website no later than October 1, 2024. The OUA would also provide an annual accounting of the progress made on the recommendations, initiatives and priorities identified in the report to the Mayor and the Council, and post it on the city’s website.

EFFECTIVE DATE: This law would take effect the same day as a local law for the year 2021 amending the New York city charter, relating to establishing an office of urban agriculture and an urban agriculture advisory board, as proposed in introduction number 1663 for the year 2019, takes effect.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that there will no revenue generated from the implementation of this law

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used to implement the provisions of this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Aliya Ali, Principal Financial Analyst
 Julia Haramis, Financial Analyst
 Luke Zangerle, Financial Analyst

ESTIMATE REVIEWED BY: Stephanie Ruiz, Assistant Counsel
 Nathan Toth, Deputy Director
 Dohini Sompura, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Int. No. 1058 on August 8, 2018 and was referred to the Committee on Land Use (“Committee”). A hearing was held by the Committee on June 11, 2019, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 1058-A, will be voted on by the Committee of Land Use at a hearing on October 7, 2021. Upon successful vote by the Committee, Proposed Int. No. 1058-A will be submitted to the full Council for a vote on October 7, 2021.

DATE PREPARED: September 30, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1058-A:)

Int. No. 1058-A

By Council Members Ampry-Samuel, Cornegy, Brannan, Levine, Powers, Miller, Holden, Rose, Ayala, Koo, the Public Advocate (Mr. Williams), Rodriguez, Dromm, Cabrera, Grodenchik, Yeger, Van Bramer, Kallos, Gibson, Reynoso, Vallone, Rosenthal, Moya, Koslowitz, Treyger, Perkins, Lander, Eugene, Adams, Levin, Chin, Menchaca, Gjonaj, Maisel, Barron, Cumbo, Salamanca, Rivera, Brooks-Powers, Gennaro, Louis and Ulrich (by request of the Brooklyn Borough President) .

A Local Law to amend the New York city charter, in relation to developing an urban agriculture report

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 20-a of the New York city charter, as added by a local law for the year 2021 relating to establishing an office of urban agriculture and an urban agriculture advisory board, as proposed in introduction number 1663 for the year 2019, is amended by adding new paragraphs 5 and 6 to read as follows:

5. *No later than October 1, 2023, and no later than October 1 of every fifth year thereafter, prepare an urban agriculture report, in cooperation with relevant agencies and stakeholders, including but not limited to food policy educators, representatives from community gardens and urban farming businesses. Such report shall address, but not be limited to, the following issues related to urban agriculture: (i) resources including but not limited to support for existing and potential urban agriculture spaces as well as current policies and regulations related to urban agriculture, (ii) classification and prioritization of urban agriculture uses, (iii) opportunities for expanding the availability of healthy food in low-income neighborhoods, (iv) the integration of urban agriculture into the city's conservation and resiliency plans, and (v) youth development and education opportunities with regard to local food production. Such report shall be submitted to the mayor and speaker of the council and posted on the city's website.*

6. *Update the mayor and the speaker of the council, and post on the city's website, an annual accounting of the progress made on the recommendations, initiatives and priorities identified in the most recent report prepared pursuant to paragraph 5 of this subdivision. The first such update shall be completed no later than October 1, 2024.*

§ 2. This law takes effect the same day as a local law for the year 2021 amending the New York city charter, relating to establishing an office of urban agriculture and an urban agriculture advisory board, as proposed in introduction number 1663 for the year 2019, takes effect.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ,; Committee on Land Use, October 7, 2021.

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. 832

Report of the Committee on Land Use in favor of approving Application No. C 200203 ZMK (2840 Knapp Street Rezoning) submitted by Lipkaw Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 29a, changing from an R5 to an R6 District property bounded by the Shore Parkway (northerly portion), Knapp Street, a line 250 feet northerly of Emmons Avenue, and Brigham Street and its northerly centerline prolongation, Borough of Brooklyn, Council District 48, Community District 15.

The Committee on Land Use, to which the annexed Land Use item was referred on August 26, 2021 (Minutes, page 2249) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BROOKLYN CB-15 – TWO APPLICATIONS RELATED TO 2840 KNAPP STREET
REZONING****C 200203 ZMK (L.U. No. 832)**

City Planning Commission decision approving an application submitted by Lipkaw Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 29a, changing from an R5 to an R6 District property bounded by the Shore Parkway (northerly portion), Knapp Street, a line 250 feet northerly of Emmons Avenue, and Brigham Street and its northerly centerline prolongation, as shown on a diagram (for illustrative purposes only) dated April 19, 2021, and subject to the conditions of CEQR Declaration of E-611.

N 200204 ZRK (L.U. No. 833)

City Planning Commission decision approving an application submitted by Lipkaw Realty, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To approve the amendment to rezone the project area from an R5 district to an R6 district and amend the zoning text to establish the Project Area as a Mandatory Inclusionary Housing (MIH) area utilizing Options 1 and 2 to facilitate the interior renovation and expansion of an existing long-term care facility located at 2840 Knapp Street (Block 8808, Lot 45) in the Sheepshead Bay neighborhood of Brooklyn, Community District 15.

PUBLIC HEARING

DATE: September 10, 2021

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** September 24, 2021

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 832 and 833.

In Favor:

Moya, Levin, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None.

COMMITTEE ACTION**DATE:** September 30, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Koo, Levin, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Feliz, Borelli.

Against:

Miller

Abstain:

None.

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

Res. No. 1753

Resolution approving the decision of the City Planning Commission on ULURP No. C 200203 ZMK, a Zoning Map amendment (L.U. No. 832).

By Council Members Salamanca and Moya.

WHEREAS, Lipkaw Realty, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 29a, by changing from an R5 to an R6 District, which in conjunction with the related action would facilitate the interior renovation and expansion of an existing long-term care facility located at 2840 Knapp Street (Block 8808, Lot 45) in the Sheepshead Bay neighborhood of Brooklyn, Community District 15, (ULURP No. C 200203 ZMK) (the "Application");

WHEREAS the City Planning Commission filed with the Council on August 23, 2021, its decision dated August 18, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 200204 ZRK (L.U. No. 833), 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 September 10, 2021;

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 April 19th, 2021, (CEQR No. 20DCP077K) which include an (E) designation related to air quality and noise has been assigned to the site in connection with the proposed action (E-611) (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-611) 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 200203 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 29a, changing from an R5 to an R6 District property bounded by the Shore Parkway (northerly portion), Knapp Street, a line 250 feet northerly of Emmons Avenue, and Brigham Street and its northerly centerline prolongation, as shown on a diagram (for illustrative purposes only) dated April 19, 2021, and subject to the conditions of CEQR Declaration of E-611.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, September 30, 2021 (Remote 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. 833

Report of the Committee on Land Use in favor of approving Application No. N 200204 ZRK (2840 Knapp Street Rezoning) submitted by Lipkaw Realty, LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area for property bounded by the Shore Parkway (northerly portion), Knapp Street, a line 250 feet northerly of Emmons Avenue, and Brigham Street and its northerly centerline prolongation, Borough of Brooklyn, Council District 48, Community District 15.

The Committee on Land Use, to which the annexed Land Use item was referred on August 26, 2021 (Minutes, page 2250) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 832 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1754

Resolution approving the decision of the City Planning Commission on Application No. N 200204 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 833).

By Council Members Salamanca and Moya.

WHEREAS, Lipkaw Realty, 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 APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the interior renovation and expansion of an existing long-term care facility located at 2840 Knapp Street (Block 8808, Lot 45) in the Sheepshead Bay neighborhood of Brooklyn, Community District 15 (ULURP No. N 200204 ZRK), (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on August 23, 2021, its decision dated August 18, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application C 200203 ZMK (L.U. No. 832), a zoning map amendment to change an R5 district to an R6 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 September 10, 2021;

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 April 19th, 2021, (CEQR No. 20DCP077K) which include an (E) designation related to air quality and noise has been assigned to the site in connection with the proposed action (E-611) (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-611) 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 200204 ZRK,

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

Matter underlined is new, to be added;

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

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

* * *

Brooklyn Community District 15

* * *

Map 2 [date of adoption]



Mandatory Inclusionary Housing Area (see Section 23-154(d)(3))

Area # — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 15, Brooklyn

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, September 30, 2021 (Remote 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. 834

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210202 ZSM (The Windmere) submitted by Windmere Properties LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for a special permit pursuant to Section 74-711 of the NYC Zoning Resolution to facilitate a proposed conversion, alteration and enlargement of the Windmere apartment building, located at 400-406 West 57th Street, Borough of Manhattan, Council District 3, Community District 4.

The Committee on Land Use, to which the annexed Land Use item was referred on August 26, 2021 (Minutes, page 2250), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 834 & Res. No. 1760 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, September 30, 2021 (Remote Hearing).

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

Report for L.U. No. 836

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. C 210261 ZMM (629-633 West 142nd Street Rezoning) submitted by Soma 142, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a, by changing from an existing R6A District to an R9A District property bounded by a line midway between West 142rd Street and West 143rd Street and its westerly prolongation, a line 365 feet westerly of Broadway, West 142nd Street and its westerly prolongation, and the easterly boundary line of Riverside Park, Borough of Manhattan, Council District 7, Community District 9.

The Committee on Land Use, to which the annexed Land Use item was referred on August 24, 2021 (Minutes, page 2250) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT**

**MANHATTAN CB-9 – TWO APPLICATIONS RELATED TO 629-639 WEST 142ND STREET
REZONING**

C 210261 ZMM (L.U. No. 836)

City Planning Commission decision approving an application submitted by Soma 142, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a, by changing from an existing R6A District to an R9A District property bounded by a line midway between West 142nd Street and West 143rd Street and its westerly prolongation, a line 365 feet westerly of Broadway, West 142nd Street and its westerly prolongation, and the easterly boundary line of Riverside Park, Borough of Manhattan, Community District 9, as shown on a diagram (for illustrative purposes only) dated March 15, 2021, and subject to the conditions of CEQR Declaration E-607.

N 210262 ZRM (L.U. No. 837)

City Planning Commission decision approving an application submitted by Soma 142, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Manhattan, Community District 9.

INTENT

To approve the amendment to rezone the Project Area from an R6A district to an R9A district and amend zoning text to designate the Project Area as a Mandatory Inclusionary Housing (MIH) area utilizing Options 1 and 2 to facilitate the proposed development of a 17-story residential building with 81 residential units, 21 of which would be permanently affordable units, in the West Harlem neighborhood of Manhattan Community District 9.

PUBLIC HEARING

DATE: September 10, 2021

Witnesses in Favor: Three

Witnesses Against: Twelve

SUBCOMMITTEE RECOMMENDATION

DATE: September 24, 2021

The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal of the applications by the Applicant on L.U. Nos. 836 and 837.

In Favor:

Moya, Levin, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: September 30, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Koo, Levin, Miller, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Feliz, Borelli.

Against:

None

Abstain:

None.

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

Res. No. 1755

Resolution approving a motion to file pursuant to withdrawal of the application regarding the decision of the City Planning Commission on ULURP No. C 210261 ZMM, a Zoning Map amendment (L.U. No. 836).

By Council Members Salamanca and Moya.

WHEREAS, Soma 142, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a, by changing from an existing R6A District to an R9A District, which in conjunction with the related action would facilitate the proposed development of a 17-story residential building with 81 residential units, 21 of which would be permanently affordable units, in the West Harlem neighborhood of Manhattan Community District 9 (ULURP No. C 210261 ZMM) (the "Application");

WHEREAS the City Planning Commission filed with the Council on August 23, 2021 its decision dated August 18, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 210262 ZRM (L.U. No. 837), 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 September 10, 2021;

WHEREAS, by submission dated September 23, 2021 and submitted to the Council on September 23, 2021, the Applicant withdrew the application.

RESOLVED:

The Council approves the motion to file pursuant to withdrawal in accordance with Rules 7.90 and 11.60(b) of the Rules of the Council.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, September 30, 2021 (Remote Hearing).

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 837

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. N 210262 ZRM (629-633 West 142nd Street Rezoning) submitted by Soma 142, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing Area, Borough of Manhattan, Council District 7, Community District 9.

The Committee on Land Use, to which the annexed Land Use item was referred on August 26, 2021 (Minutes, page 2251) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 836 printed in these Minutes)

Accordingly, this Committee recommends its filing.

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

Res. No. 1756

Resolution approving a motion to file pursuant to withdrawal of the application regarding the decision of the City Planning Commission on Application No. N 210262 ZRM, for an amendment of the text of the Zoning Resolution (L.U. No. 837).

By Council Members Salamanca and Moya.

WHEREAS, Soma 142, 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 Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, utilizing Options 1 and 2, which in conjunction with the related action would facilitate the would facilitate the proposed development of a 17-story residential building with 81 residential units, 21 of which would be permanently affordable units, in the West Harlem neighborhood of Manhattan Community District 9 (ULURP No. N 210262 ZRM) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on August 23, 2021, its decision dated August 18, 2021 (the “Decision”), on the Application;

WHEREAS, the Application is related to application C 210261 ZMM (L.U. No. 836), a zoning map amendment to change an existing R6A District to an R9A 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 September 10, 2021; and

WHEREAS, by submission dated September 23, 2021 and submitted to the Council on September 23, 2021, the Applicant withdrew the application.

RESOLVED:

The Council approves the motion to file pursuant to withdrawal in accordance with Rules 7.90 and 11.60(b) of the Rules of the Council.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, September 30, 2021 (Remote Hearing).

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 838

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210270 ZRY (Elevate Transit: Zoning for Accessibility) submitted by the Metropolitan Transportation Authority (MTA) and 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, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related sections, Citywide.

The Committee on Land Use, to which the annexed Land Use item was referred on September 9, 2021 (Minutes, page 2298), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 838 & Res. No. 1761 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, September 30, 2021 (Remote Hearing).

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

Report for L.U. No. 839

Report of the Committee on Land Use in favor of approving Application No. C 180395 ZMQ (106-02 Rockaway Beach Boulevard Rezoning) submitted by RBB II LLC pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section Nos. 30a and 30b by eliminating from an existing R5D District a C2-3 District bounded by Rockaway Freeway, Beach 106th Street, Rockaway Beach Boulevard and Beach 108th Street and changing from an R5D District to an M1-3 District property bounded by Rockaway Freeway, the centerline of a Railroad Right of Way, Beach 106th Street, Rockaway Beach Boulevard, and Beach 108th Street, Borough of Queens, Council District 32, Community District 14.

The Committee on Land Use, to which the annexed Land Use item was referred on September 9, 2021 (Minutes, page 2298) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****QUEENS CB - 14****C 180395 ZMQ**

City Planning Commission decision approving an application submitted by RBB II, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 30a and 30b:

1. eliminating from an existing R5D District a C2-3 District bounded by Rockaway Freeway, Beach 106th Street, Rockaway Beach Boulevard, and Beach 108th Street; and
2. changing from an R5D District to a M1-3 District property bounded by Rockaway Freeway, the centerline of a Railroad Right-Of-Way, Beach 106th Street, Rockaway Beach Boulevard, and Beach 108th Street;

as shown in a diagram (for illustrative purposes only) dated April 5, 2021, and subject to the conditions of CEQR Declaration E-215.

INTENT

To approve the amendment to rezone the Project Area from an R5D/C2-3 to an M1-5 zoning district to facilitate the development of a new six-story self-service storage facility and public parking garage on property located at 106-02 and 106-10 Rockaway Beach Boulevard in the Seaside neighborhood of Queens, Community District 14.

PUBLIC HEARING**DATE:** September 10, 2021**Witnesses in Favor:** Three**Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION**DATE:** September 24, 2021

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

In Favor:

Moya, Levin, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** September 30, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Koo, Levin, Miller, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Feliz, Borelli.

Against:

None

Abstain:

None.

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

Res. No. 1757

Resolution approving the decision of the City Planning Commission on ULURP No. C 180395 ZMQ, a Zoning Map amendment (L.U. No. 839).

By Council Members Salamanca and Moya.

WHEREAS, RBB II, LLC, filed an application pursuant Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 30a and 30b, eliminating from an existing R5D District a C2-3 District and changing from an R5D District to a M1-3 District, in the Seaside neighborhood of Queens, Community District 14 (ULURP No. C 180395 ZMQ) (the "Application");

WHEREAS the City Planning Commission filed with the Council on September 3, 2021, its decision dated August 18, 2021 (the "Decision") on the Application;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 10, 2021;

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 April 5th, 2021 (CEQR No. 20DCP111Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-215) (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-215) 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 180395 ZMQ 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. 30a and 30b:

1. eliminating from an existing R5D District a C2-3 District bounded by Rockaway Freeway, Beach 106th Street, Rockaway Beach Boulevard, and Beach 108th Street; and
2. changing from an R5D District to a M1-3 District property bounded by Rockaway Freeway, the centerline of a Railroad Right-Of-Way, Beach 106th Street, Rockaway Beach Boulevard, and Beach 108th Street;

as shown in a diagram (for illustrative purposes only) dated April 5, 2021, and subject to the conditions of CEQR Declaration E-215, Borough of Queens, Community District 14.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, September 30, 2021 (Remote 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. 840

Report of the Committee on Land Use in favor of approving Application No. C 200306 ZMK (307 Kent Avenue Rezoning) submitted by 307 Kent Associates pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d, by changing from an M3-1 District to an M1-5 District property bounded by South 2nd Street, a line 300 feet northwesterly of Wythe Avenue, South 3rd Street, and Kent Avenue; changing from an M3-1 District to an M1-4/R6A District property bounded by South 2nd Street, a line 210 feet northwesterly of Wythe Avenue, South 3rd Street, and a line 300 feet northwesterly of Wythe Avenue; and establishing a Special Mixed Use

District (MX-8) bounded by South 2nd Street, a line 210 feet northwesterly of Wythe Avenue, South 3rd Street, and a line 300 feet northwesterly of Wythe Avenue; Borough of Brooklyn, Council District 33, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on September 9, 2021 (Minutes, page 2298) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

**BROOKLYN CB-1 – TWO APPLICATIONS RELATED TO 307 KENT AVENUE
REZONING**

C 200306 ZMK (L.U. No. 840)

City Planning Commission decision approving an application submitted by 307 Kent Associates, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d:

1. changing from an M3-1 Districts to an M1-5 District property bounded by South 2nd Street, a line 300 feet northwesterly of Wythe Avenue, South 3rd Street, and Kent Avenue;
2. changing from an M3-1 district to an M1-4/R6A District property bounded by South 2nd Street, a line 210 feet northwesterly of Wythe Avenue, South 3rd Street, and a line 300 feet northwesterly of Wythe Avenue; and
3. establishing a Special Mixed Use District (MX-8) bounded by South 2nd Street, a line 210 feet northwesterly of Wythe Avenue, South 3rd Street, and a line 300 feet westerly of Wythe Avenue;

as shown on a diagram (for illustrative purpose only) dated on April 5, 2021, and subject to the conditions of CEQR Declaration E-592.

N 200307 ZRK (L.U. No. 841)

City Planning Commission decision approving an application submitted by 307 Kent Associates, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing Area.

INTENT

To approve the amendment to rezone the Project Area from an M3-1 zoning district to an M1-5 and M1-4/R6A zoning districts within a Special Mixed Use District (MX-8) districts and amend zoning text to designate a Mandatory Inclusionary Housing (MIH) area for the portion of the Project Area proposed as M1-4/R6A (MX-8) to facilitate the development of a new nine-story, mixed-use building containing approximately 93,000-square-foot mixed-use building containing retail and commercial office uses at 307 Kent Avenue in

Williamsburg neighborhood of Brooklyn, Community District 1.

PUBLIC HEARING

DATE: September 10, 2021

Witnesses in Favor: Eight

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 24, 2021

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 840 and 841.

In Favor:

Moya, Levin, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: September 30, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Koo, Levin, Miller, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Feliz, Borelli.

Against:

None

Abstain:

None

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

Res. No. 1758

Resolution approving the decision of the City Planning Commission on ULURP No. C 200306 ZMK, a Zoning Map amendment (L.U. No. 840).

By Council Members Salamanca and Moya.

WHEREAS, 307 Kent Associates, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d, changing from an M3-1 Districts to an M1-5 District, changing from an M3-1 district to an M1-4/R6A District, and establishing a Special Mixed Use District (MX-8), which in conjunction with the related action would facilitate the development of a new

nine-story 93,000-square-foot mixed-use building containing retail and commercial office uses at 307 Kent Avenue in the Williamsburg neighborhood of Brooklyn, Community District 1 (ULURP No. C 200306 ZMK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 3, 2021 its decision dated September 1, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 200307 ZRK (L.U. No. 841), 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 September 10, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued January 10th, 2020 (CEQR No. 20DCP100K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 20, 2021, which identified significant adverse impacts related to hazardous materials, noise, and air quality would be avoided through the placement of (E) designations (E-592) on the project sites. The proposed project as analyzed in the FEIS also identified significant adverse impacts with respect to transportation (vehicular traffic, transit, pedestrian) and proposed mitigation measures are included in the Restrictive Declaration.

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) 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; and
- (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, report for C 200306 ZMK, those project components related to environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 200306 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 12d:

1. Changing from an M3-1 Districts to an M1-5 District property bounded by South 2nd Street, a line 300 feet northwesterly of Wythe Avenue, South 3rd Street, and Kent Avenue;
2. Changing from an M3-1 District to an M1-4/R6A District property bounded by South 2nd Street, a line 210 feet northwesterly of Wythe Avenue, South 3rd Street, and a line 300 feet northwesterly of Wythe Avenue; and
3. Establishing a Special Mixed Use District (MX-8) bounded by South 2nd Street, a line 210 feet northwesterly of Wythe Avenue, South 3rd Street, and a line 300 feet westerly of Wythe Avenue;

as shown on a diagram (for illustrative purpose only) dated on April 5, 2021, and subject to the conditions of CEQR Declaration E-592, Borough of Brooklyn, Community District 1.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, September 30, 2021 (Remote 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. 841

Report of the Committee on Land Use in favor of approving Application No. N 200307 ZRK (307 Kent Avenue Rezoning) submitted by 307 Kent Associates 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 for property in the Borough of Brooklyn, Council District 33, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on September 9, 2021 (Minutes, page 2299) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 840 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1759

Resolution approving the decision of the City Planning Commission on Application No. N 200307 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 841).

By Council Members Salamanca and Moya.

WHEREAS, 307 Kent Associates, 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 APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing Area, which in conjunction with the related action would facilitate the development of a new nine-story, mixed-use building containing approximately 93,000-square-foot mixed-use building containing retail and commercial office uses at 307 Kent Avenue in Williamsburg neighborhood of Brooklyn, Community District 1 (ULURP No. N 200307 ZRK), (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 3, 2021, its decision dated September 1, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application C 200306 ZMK (L.U. No. 840), a zoning map amendment to change an M3-1 zoning district to an M1-5 and M1-4/R6A zoning districts within a Special Mixed Use District (MX-8) districts;

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 September 10, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued January 10th, 2020 (CEQR No. 20DCP100K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 20, 2021, which identified significant adverse impacts related to hazardous materials, noise, and air quality would be avoided through the placement of (E) designations (E-592) on the project sites. The proposed project, as analyzed in the FEIS, also identified significant adverse impacts with respect to transportation (vehicular traffic, transit, pedestrian) and proposed mitigation measures are included in the Restrictive Declaration.

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) 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; and
- (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, report for C 200306 ZMK, those project components related to environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 200307 ZRK,

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

Matter underlined is new, to be added;

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

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

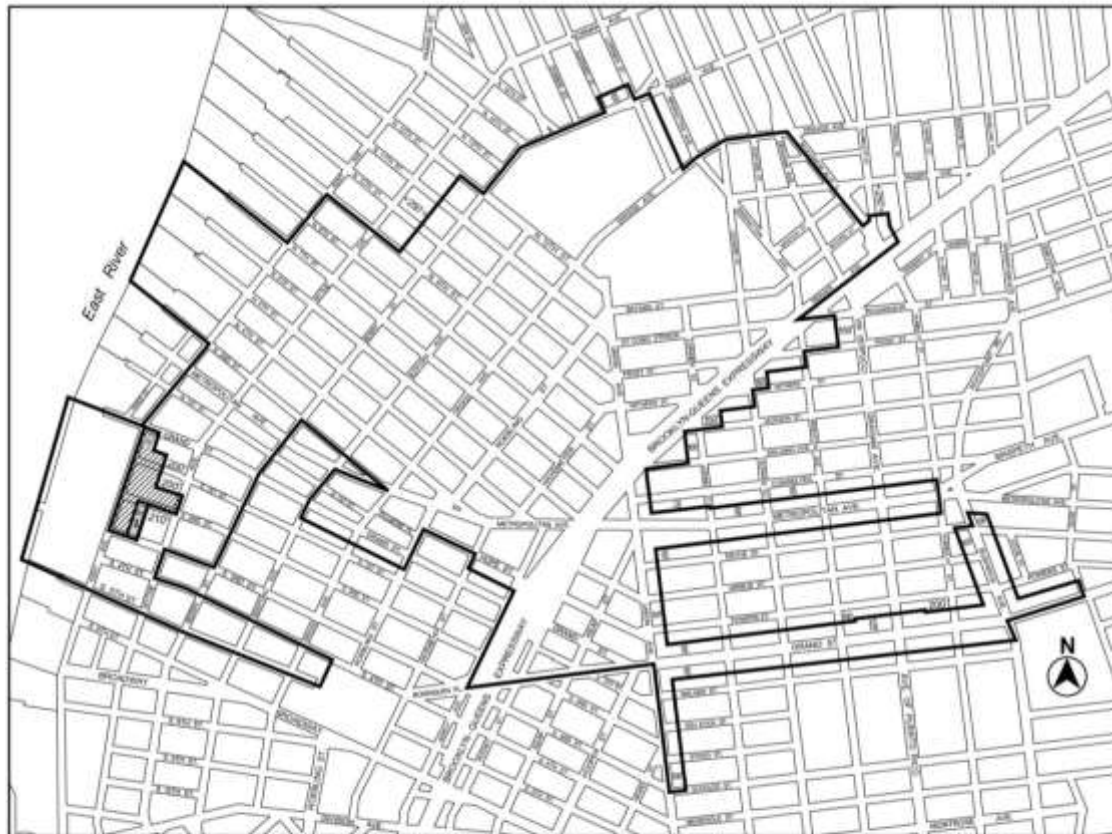
* * *

Brooklyn Community District 1

* * *

Map 2 - [September 1, 2021]

[PROPOSED MAP]



- Inclusionary Housing designated area*
 Excluded Area
 Mandatory Inclusionary Housing Area see Section 23-154(d)(3)

Area 2 – [date of adoption] – MIH Program Option 1 and Option 2

Portion of Community District 1, Brooklyn

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, September 30, 2021 (Remote 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 Public Housing

Report for Int. No. 2330-A

Report of the Committee on Public Housing in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to New York city housing authority complaints and requests for service.

The Committee on Public Housing, to which the annexed preconsidered amended proposed local law was referred on June 17, 2021 (Minutes, page 1868), respectfully

REPORTS:

INTRODUCTION

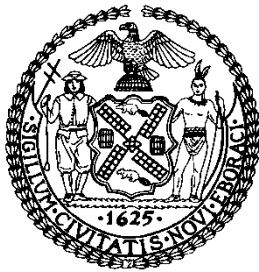
On October 7, 2021, the Committee on Public Housing, chaired by Council Member Alicka Ampry-Samuel, will hold a hearing on Proposed Int. No. 2330-A, in relation to New York city housing authority complaints and requests for service. The original bill was first heard on June 16, 2021. More information about this bill, along with the materials for that hearing, can be found at <https://tinyurl.com/59sb7jp4>.

PROPOSED INT. NO. 2330-A

This bill would require the 311 customer service center to receive complaints or service requests related to the New York City Housing Authority in the same manner it routinely receives other complaints or service requests, and to refer those complaints or service requests to NYCHA. The 311 customer service center would also be required to annually publish all such complaints or service requests.

This legislation would take effect 120 days after becoming law.

(The following is the text of the Fiscal Impact Statement for Int. No. 2330-A:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. NO.: 2330-A

COMMITTEE: Public Housing

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to New York city housing authority complaints and requests for service.

SPONSOR(S): Council Members Cabrera, Ampry-Samuel, Yeger, Kallos, Louis, and Gjonaj.

SUMMARY OF LEGISLATION: This bill would require the City's 311 Customer Service Center to track complaints or requests for service it receives from all members of the public, including residents of a New York

City Housing Authority (NYCHA) development, related to NYCHA. This bill would also require 311 to refer such complaints to NYCHA, and to publish information relating to those complaints.

EFFECTIVE DATE: This legislation would take effect 120 days after becoming law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used to implement the provisions of this local law.

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: Luke Zangerle, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Chima Obichere, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was first considered by the Committee on Public Housing (Committee) as a preconsidered introduction on June 16, 2021, and the bill was laid over. On June 17, 2021, the legislation was introduced to the full Council as Int. No. 2330 and was referred to the Committee. The legislation was subsequently amended, and the amended version, Proposed Int. No. 2330-A, will be considered by the Committee on October 7, 2021. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on October 7, 2021.

DATE PREPARED: October 5, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 2330-A:)

Int. No. 2330-A

By Council Members Cabrera, Ampry-Samuel, Yeger, Kallos, Louis, Gjonaj, Salamanca, Gennaro and Cornegy.

A Local Law to amend the administrative code of the city of New York, in relation to New York city housing authority complaints and requests for service

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 307 to read as follows:

§ 23-307 NYCHA complaints and requests for service. *a. The 311 customer service center shall allow the public, including residents of a New York city housing authority development, to contact the center to file complaints or requests for service relating to the New York city housing authority by phone, online and in any other manner that such center routinely accepts complaints or requests for service from the public. Such center shall refer to such authority complaints or requests for service relating to such authority.*

b. The 311 customer service center shall publish annually, in a searchable and machine-readable format, all complaints or requests for service relating to such authority.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of information technology and telecommunications shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

ALICKA AMPRY-SAMUEL, *Chairperson*; VANESSA L. GIBSON, LAURIE A. CUMBO, CARLOS MENCHACA, MARK TREYGER, JAMES VAN BRAMER, RAFAEL SALAMANCA, Jr., DIANA AYALA, MARK GJONAJ, KEVIN C. RILEY; OSWALD FELIZ; Committee on Public Housing, October 7, 2021.

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 Resiliency and Waterfronts

Report for Int. No. 1620-A

Report of the Committee on Resiliency and Waterfronts in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the creation of a citywide climate adaptation plan.

The Committee on Resiliency and Waterfronts, to which the annexed proposed amended local law was referred on June 26, 2019 (Minutes, page 2169), respectfully

REPORTS:

INTRODUCTION

On October 7, 2021, the Committee on Resiliency and Waterfronts, chaired by Council Member Justin Brannan, held a hearing to vote on Int. No. 1620-A, sponsored by Council Member Brannan, in relation to the creation of a citywide climate adaptation plan. At this hearing, the Committee voted 3 in favor, 0 opposed and 0 abstentions on the bill. This legislation was originally heard at a joint hearing with the Committee on Environmental Protection held on October 29, 2019, during which the Committees received testimony from the Mayor's Office of Resiliency, now the Mayor's Office of Climate Resiliency, advocates and other interested parties. More information about these bills, along with the materials for that hearing, can be accessed [here](#).

LEGISLATION

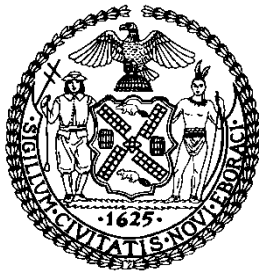
Below is a brief summary of the legislation being considered today by this Committee. This summary is intended for informational purposes only and does not substitute for legal counsel. For more detailed information, you should review the full text of the bill, which is attached below.

Int. No. 1620-A, A Local Law to amend the administrative code of the city of New York, in relation to the creation of a citywide climate adaptation plan

Int. No. 1620-A would require that no later than September 30, 2022, and every ten years thereafter, the Office of Long-Term Planning and Sustainability, or another office or agency designated by OLTPS, in consultation with other City agencies, develop and post on its website a climate adaptation plan that considers and evaluates various climate hazards impacting the City and its shoreline. Such climate hazards would include extreme storms, sea level rise, tidal flooding, extreme heat, extreme precipitation, extreme wind, wild fire, and flooding surge events associated with a storm. The climate adaptation plan would include recommendations for resiliency and adaptation measures to protect residents, property and infrastructure in the City. The plan would identify areas that are highly vulnerable to climate hazards to help determine where resiliency and adaptation measures should first be implemented. The plan would also consider the potential impact on environmental justice areas.

This local law would take effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 1620-A:)



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

PROPOSED INTRO. NO. 1620-A

COMMITTEE: Resiliency and Waterfronts

TITLE: To amend the administrative code of the city of New York, in relation to the creation of a citywide climate adaptation plan.

SPONSORS: Council Members Brannan, Koo, Levin, Gibson, Grodenchik, Rivera, Kallos, Vallone, Powers, Reynoso, Koslowitz, Lander, Chin, Rodriguez, Dromm, Holden, Cornegy, Levine, Van Bramer, Rosenthal, Yeger, Gjonaj, Perkins, Treyger, Salamanca, Eugene, Ayala, Barron, Maisel, Cumbo, Moya, Rose, Adams, Ampy-Samuel, Menchaca, Cabrera, Louis, Brooks-Powers, Dinowitz, Gennaro and Ulrich.

SUMMARY OF LEGISLATION: Proposed Intro. 1620-A would require that no later than September 30, 2022, and every ten years thereafter, the Office of Long-Term Planning and Sustainability (OLTPS), or another office or agency designated by OLTPS, in consultation with other City agencies, develop and post on its website a climate adaptation plan that considers and evaluates various climate hazards impacting the City and its shoreline. Such climate hazards would include extreme storms, sea level rise, tidal flooding, extreme heat, extreme precipitation, extreme wind, wild fires, and flooding surge events associated with a storm. The climate adaptation plan would include recommendations for resiliency and adaptation measures to protect residents, property and

infrastructure in the City. Such plan would identify areas that are highly vulnerable to climate hazards to help determine where resiliency and adaptation measures should first be implemented. Such plan would also consider the potential impact on environmental justice areas.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation as the agencies responsible for implementing its requirements would use existing resources to implement the requirements of the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Jonathan Seltzer, Senior Financial Analyst

ESTIMATE REVIEWED BY: Crilhien Francisco, Unit Head
Noah Brick, Assistant Counsel
Nathan Toth, Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1620 on June 26, 2019 and referred to the Committee on Resiliency and Waterfronts (Committee). The Committee, joint with the Committee on Environmental Protection, heard the legislation on October 29, 2020 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1620-A, will be considered by the Committee on October 7, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 1620-A will be submitted to the full Council for a vote on October 7, 2021.

DATE PREPARED: October 6, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1620-A:)

Int. No. 1620-A

By Council Members Brannan, Koo, Levin, Gibson, Grodenchik, Rivera, Kallos, Vallone, Powers, Reynoso, Koslowitz, Lander, Chin, Rodriguez, Dromm, Holden, Cornegy, Levine, Van Bramer, Rosenthal, Yeger, Gjonaj, Perkins, Treyger, Salamanca, Eugene, Ayala, Barron, Maisel, Cumbo, Moya, Rose, Adams, Ampry-Samuel, Menchaca, Cabrera, Louis, Brooks-Powers, Dinowitz, Gennaro and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a citywide climate adaptation plan

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 *Citywide climate adaptation plan. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Climate hazard. The term “climate hazard” means a physical process or event related to the climate that can harm human health, livelihoods, property or natural resources, including but not limited to:

- 1. an extreme storm, such as a hurricane, nor’easter, or blizzard;*
- 2. sea level rise;*
- 3. tidal flooding;*
- 4. extreme heat;*
- 5. extreme precipitation;*
- 6. extreme wind;*
- 7. a wild fire; or*
- 8. a flooding surge event that may be associated with a storm.*

Director. The term “director” means the director of long-term planning and sustainability.

Environmental justice area. The term “environmental justice area” has the same meaning as such term is defined in section 3-1001.

Non-structural risk reduction approach. The term “non-structural risk reduction approach” means a program, policy, process or incentive to safeguard communities from climate hazards or to remove a structure from a location at risk of a climate hazard, including wetlands preservation, creation and restoration, densification in areas that are not prone to flooding, or other similar concepts.

Office. The term “office” means the office of long term planning and sustainability.

Resiliency and adaptation measure. The term “resiliency and adaptation measure” means a measure to enable a community or structure to withstand or avoid a climate hazard, including but not limited to a rip rap, groin, breakwater, levee, floodwall, marsh, wetland, erosion control method, natural resource beach nourishment and restoration, floodproofing, weatherization, cooling measures, rain garden, drainage improvement, water detention structure, permeable pavement, tree planting, reflective roof, shade structure, building retrofits, or green roof.

b. Not later than September 30, 2022, and every 10 years thereafter, the office, or another agency or office designated by the director, in consultation with the department of city planning, the department of environmental protection, the department of transportation, the department of housing preservation and development, the department of education, the department of citywide administrative services, the department of buildings, and the department of parks and recreation, shall develop and post on the office’s website a climate adaptation plan that considers and evaluates a range of climate hazards impacting the city, including its shoreline, and identifies and recommends resiliency and adaptation measures and non-structural risk reduction approaches to protect and prepare the city’s residents, property and infrastructure.

c. Such climate adaptation plan shall identify areas of the city that the director determines are highly vulnerable to climate hazards and evaluate whether such areas should be prioritized for resiliency and adaptation measures and non-structural risk reduction approaches.

d. Such climate adaptation plan shall consider the potential impact of identified resiliency and adaptation measures and non-structural risk reduction approaches on environmental justice areas.

e. Such climate adaptation plan shall take into account recommendations contained in assessment reports, technical reports and working group reports issued by the intergovernmental panel on climate change and the New York city panel on climate change or any successor entities and recommendations included in the comprehensive waterfront plan, prepared pursuant to section 205 of the charter.

f. Such climate adaptation plan shall propose additional strategies to address climate hazards.

g. Such climate adaptation plan shall not be a long-term sustainability plan for the purpose of subdivision e of section 20 of the charter, a plan for the purposes of section 197-a of the charter, or a comprehensive waterfront plan for the purposes of section 205 of the charter.

§ 2. This local law takes effect immediately.

JUSTIN L. BRANNAN, *Chairperson*; DEBORAH L. ROSE, JAMES F. GENNARO; Committee on Resiliency and Waterfronts, October 7, 2021.

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. 834 & Res. No. 1760

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210202 ZSM (The Windmere) submitted by Windermere Properties LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for a special permit pursuant to Section 74-711 of the NYC Zoning Resolution to facilitate a proposed conversion, alteration and enlargement of the Windermere apartment building, located at 400-406 West 57th Street, Borough of Manhattan, Council District 3, Community District 4.

The Committee on Land Use, to which the annexed Land Use item was referred on August 26, 2021 (Minutes, page 2250) 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 - 4

C 210202 ZSM

City Planning Commission decision approving an application submitted Windermere Properties LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify:

1. the use regulations of:
 - a. Section 22-00 (Use Regulations - General Provisions) to allow the conversion of residential floor area to commercial floor area; and
 - b. Section 32-421 (Limitation on Floors Occupied by Commercial Uses) to allow commercial use in Use Group 6 uses to be located above the first story of a building occupied by residential use on its upper stories; and

2. the bulk regulations of:
 - a. Sections 35-32 (Open Space Ratio for Residential Portions of Buildings) and 23-15 (Open Space and Floor Area Regulations in R6 through R10 Districts) to reduce the required amount of open space;
 - b. Section 33-432 (Maximum Height of Walls and Required Setbacks) to allow the building to penetrate the permitted height and setback requirements;
 - c. Section 23-863 (Minimum Distance between Legally Required Windows and Walls or Lot Lines) to reduce the minimum required distance between legally required windows and walls; and
 - d. Section 23-87 (Permitted Obstructions in Courts) to allow portions of the building to be located within the inner court;

in connection with the proposed conversion, alteration and enlargement of an existing 8-story building, on property located at 400-406 West 57th Street (Block 1066, Lot 32), in C1-8 and R8/C1-5 Districts, within the Special Clinton District, Borough of Manhattan, Community District 4.

INTENT

To grant an approval of the special permit pursuant to ZR Section 74-711 to modify use and bulk requirements to facilitate the restoration, conversion, and enlargement of an existing vacant building for one of two alternate schemes: (1) Scheme A, with ground floor retail and hotel and residential use on the upper floors, or (2) Scheme B, with ground floor retail and office and residential use on the upper floors at 400-406 West 57th Street (Block 1066, Lot 32) in the Special Clinton District of Manhattan, Community District 4.

PUBLIC HEARING

DATE: September 10, 2021

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 30, 2021

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

In Favor:

Moya, Levin, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: September 30, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Koo, Levin, Miller, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Feliz, Borelli.

Against:

None

Abstain:

None.

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated October 4, 2021, with the Council on October 5, 2021, 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. 1760

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 210202 ZSM, for the grant of a special permit (L.U. No. 834).

By Council Members Salamanca and Moya.

WHEREAS, Windermere Properties, LLC, 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 74-711 of the Zoning Resolution to modify the use regulations of Section 22-00 (Use Regulations - General Provisions) and Section 32-421 (Limitation on Floors Occupied by Commercial Uses); and the bulk regulations of Sections 35-32 (Open Space Ratio for Residential Portions of Buildings), Section 23-151 (Basic regulations for R6 through R9 Districts) Section 33-432 (Maximum Height of Walls and Required Setbacks), Section 23-861 (Minimum Distance between Legally Required Windows and Walls or Lot Lines – General Provisions), Section 23-863 (Minimum distance between legally required windows and any wall in an inner court) and Section 23-87 (Permitted Obstructions in Courts), which would facilitate the restoration, conversion, and enlargement of an existing vacant building for one of two alternate schemes: (1) Scheme A, with ground floor retail and hotel and residential use on the upper floors, or (2) Scheme B, with ground floor retail and office and residential use on the upper floors at 400-406 West 57th Street (Block 1066, Lot 32) in the Special Clinton District of Manhattan, Community District 4 (ULURP No. C 210202 ZSM) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on August 23, 2021, its decision dated August 18, 2021 (the “Decision”) on the Application;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-711 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 10, 2021;

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 April 5th, 2021 (CEQR No. 19DCP016M) (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 210202 ZSM, 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 ~~double struck out~~ is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council

1. The property that is the subject of this application (C 210202 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following Scheme A and Scheme B plans, prepared by Morris Adjmi Architects, filed with this application and incorporated in this resolution:

Scheme A Plans

<u>Dwg No.</u>	<u>Title</u>	<u>Last Revised Date</u>
Z-001A	Zoning Analysis	05/24/2021
Z-006A	Site Plan	03/26/2021
Z-010A	Waiver Plan – Site Plan	03/26/2021
Z-011A	Waiver Plan – Ground Floor Plan (1st Floor)	03/26/2021
Z-012A	Waiver Plans	03/26/2021
Z-013A	Waiver Plans	08/16/2021
Z-014A	Waiver Sections	05/24/2021
Z-015A	Waiver Sections	05/24/2021
Z-016A	Waiver Sections	05/24/2021

Scheme B Plans

<u>Dwg No.</u>	<u>Title</u>	<u>Last Revised Date</u>
Z-001B	Zoning Analysis	05/24/2021
Z-006B	Site Plan	03/26/2021
Z-010B	Waiver Plan – Site Plan	03/26/2021
Z-011B	Waiver Plan – Ground Floor Plan (1 st Floor)	03/26/2021
Z-012B	Waiver Plans	03/26/2021
Z-013B	Waiver Plans	08/16/2021
Z-014B	Waiver Sections	05/24/2021
Z-015B	Waiver Sections	05/24/2021
Z-016B	Waiver Sections	05/24/2021

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration, as amended by the Council, executed by Windermere Properties LLC, the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe

any of the covenants, restrictions, agreements, terms or conditions of this resolution 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 or breach of any of the conditions as stated above, may constitute grounds for the City Planning Commission or City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted or of the attached restrictive declaration.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city'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, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, September 30, 2021 (Remote 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. 838 & Res. No. 1761

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210270 ZRY (Elevate Transit: Zoning for Accessibility) submitted by the Metropolitan Transportation Authority (MTA) and 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, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related sections, Citywide.

The Committee on Land Use, to which the annexed Land Use item was referred on September 9, 2021 (Minutes, page 2298) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

CITYWIDE

N 210270 ZRY

City Planning Commission decision approving an application submitted by the Metropolitan Transit Authority and 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, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

INTENT

To approve the amendment of Article VI, Chapter 6 and related Sections of the text of the Zoning Resolution to create a system-wide transit easement provision and an expanded transit improvement bonus program through City Planning Commission (CPC) authorization.

PUBLIC HEARING

DATE: September 10, 2021

Witnesses in Favor: Thirteen

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 24, 2021

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

In Favor:

Moya, Levin, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: September 30, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Koo, Levin, Miller, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Feliz, Borelli.

Against:

None

Abstain:

None.

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated October 4, 2021, with the Council on October 5, 2021, 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. 1761

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 210270 ZRY, for an amendment of the text of the Zoning Resolution (L.U. No. 838).

By Council Members Salamanca and Moya.

WHEREAS, the Metropolitan Transit Authority and the New York City Department of City Planning, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections, Citywide (Application No. N 210270 ZRY) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 3, 2021, its decision dated September 1, 2021 (the “Decision”), on the Application;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 10, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued on April 5, 2021 (CEQR No. 21DCP136Y) (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 210270 ZRY, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

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

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

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

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

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

**ARTICLE II
RESIDENCE DISTRICT REGULATIONS**

Chapter 3
Residential Bulk Regulations in Residence Districts

* * *

23-10
OPEN SPACE AND FLOOR AREA REGULATIONS

* * *

23-16
Special Floor Area and Lot Coverage Provisions for Certain Areas

* * *

(b) For R10 Districts in Community District 7 in the Borough of Manhattan

Within the boundaries of Community District 7 in the Borough of Manhattan, in R10 Districts, except R10A or R10X Districts, the maximum #floor area ratio# shall be 10.0. No #floor area# bonuses shall be permitted except as ~~authorized~~ granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

* * *

ARTICLE III
COMMERCIAL DISTRICT REGULATIONS

Chapter 7
Special Urban Design Regulations

* * *

37-40
OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR

Where a #development# or an #enlargement# is constructed on a #zoning lot# of 5,000 square feet or more of #lot area# that fronts on a portion of a sidewalk containing a stairway entrance or entrances into a subway station located within the #Special Midtown District# as listed in Section 81-46, the #Special Lower Manhattan District# as listed in Section 91-43, the #Special Downtown Brooklyn District# as listed in Section 101-43, the #Special Long Island City Mixed Use District# as described in Section 117-44, the #Special Union Square District# as listed in Section 118-50, the #Special East Harlem Corridors District# as described in Section 138-33, and those stations listed in the following table, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances* shall be provided in accordance with the provisions of this Section.

A relocated subway stair or a subway stair that has been renovated in accordance with the provisions of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE) may be counted as pedestrian circulation space pursuant to Section 37-50. In addition, for #developments or #enlargements# on such #zoning lots# where a relocated or renovated subway stair has been provided in accordance with the provisions of this Section, the special #use#, #bulk#, parking, and streetscape modifications set forth in Sections 66-22 (Special Use Regulations) through 66-25 (Special Streetscape Regulations) may be applied.

* * *

- * Provision of a new subway entrance or entrances pursuant to the requirements of this Section may also require satisfaction of additional obligations under the Americans with Disabilities Act of 1990 (ADA), including the ADA Accessibility Guidelines. The New York City Transit Authority should be consulted with regard to any such obligations

* * *

**37-50
REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE**

* * *

**37-52
Types of Pedestrian Circulation Space**

The pedestrian circulation space provided shall be of one or more of the following types: an arcade, #building# entrance recess area, corner arcade, corner circulation space, relocation or renovation of a subway stair, sidewalk widening, ~~subway station improvement~~ #transit volumes# and improvements to #mass transit stations#, through #block# connection or #public plaza#. For the purposes of this Section, defined terms additionally include those in Section 66-11 (Definitions).

Each #zoning lot# shall be categorized as either a #corner lot#, #through lot# or #interior lot#, and pedestrian circulation space shall be provided on each #zoning lot# in at least one of the applicable types, or combinations of types, specified in the following table:

PROVISION OF PEDESTRIAN CIRCULATION SPACE ON CERTAIN TYPES OF LOTS

Type of Pedestrian Circulation Space	#Corner lot#	#Through lot#	#Interior lot#
Arcade	X	X	X
#Building# entrance recess area	X	X	X
Corner arcade	X		
Corner circulation space	X		

Relocation or renovation of subway stair	X	X	X
Sidewalk widening	X	X	X
Subway station improvement #Transit volumes# and improvements to #mass transit stations#	X	X	X
Through #block# connection	X	X	
#Public plaza#	X	X	X

* * *

**37-53
Design Standards for Pedestrian Circulation Spaces**

* * *

(g) ~~Subway station improvement #Transit volumes# and improvements to #mass transit stations#~~

~~For #developments# or #enlargements# that are granted a special permit pursuant to Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan), no more than 3,000 square feet may count toward meeting the pedestrian circulation space requirement.~~

Where #transit volumes# or improvements to #mass transit stations# are provided pursuant to the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), each square foot of mass transit access may constitute one square foot of required pedestrian circulation space, not to exceed 3,000 square feet. For the purposes of this paragraph, defined terms include those in Section 66-11 (Definitions).

* * *

**ARTICLE VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

**Chapter 2
Special Regulations Applying in the Waterfront Area**

* * *

**62-10
GENERAL PROVISIONS**

* * *

**62-13
Applicability of District Regulations**

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. However, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4, or Article VI, Chapter 6, the provisions of Article VI, Chapter 4, or Article VI, Chapter 6 shall control.

* * *

**62-30
SPECIAL BULK REGULATIONS**

* * *

**62-32
Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks**

* * *

**62-324
Community facility and commercial uses in Residence Districts**

In #Residence Districts#, for any #community facility building# or #community facility# portion of a #building# on a #zoning lot#, the following regulations shall apply:

- (a) The maximum #floor area ratio# shall be in accordance with the applicable district regulations, except that no #floor area# bonuses shall apply. In R7-3 and R9-1 Districts, the maximum #floor area ratio# shall be the maximum permitted for #residential buildings# pursuant to Section 62-322 (Residential uses in R1, R2, R6, R7, R8, R9 and R10 Districts). For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be ~~authorized~~ granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

**62-325
Buildings in Commercial Districts**

In #Commercial Districts#, for any #commercial# or #community facility uses# on a #zoning lot#, the maximum #floor area ratio# shall be in accordance with the applicable district regulations, except:

- (a) no #floor area# bonuses shall be permitted except as permitted pursuant to the provisions of paragraph (c) of this Section; and
- (b) the #floor area ratio# on a #zoning lot# shall not exceed 10.0; and
- (c) For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be ~~authorized~~ granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

For #residential buildings# and #residential# portions of #mixed buildings#, the maximum #floor area ratio# and #lot coverage# applicable to #residential buildings# set forth in Sections 62-321 through 62-323 shall apply as set forth for the applicable #Residence District# and its corresponding #Commercial District# in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts).

62-326

Buildings in Manufacturing Districts

In #Manufacturing Districts#, for any #zoning lot#, the maximum #floor area ratio# shall be in accordance with the applicable district regulations, ~~except that no #floor area# bonuses shall be permitted.~~ However, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be ~~authorized~~ granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

Chapter 6

Special Regulations Applying Around Mass Transit Stations

[All text in this Chapter is new text]

66-00

GENERAL PURPOSES

The provisions of this Chapter establish special regulations which are designed to support and facilitate transit accessibility and improvements in conjunction with developments and enlargements near transit stations, and in doing so, promote and protect public health, safety, general welfare and amenity. The general goals of this Chapter include, among others, the following purposes:

- (a) to support the long-term planning needs of mass transit stations and systemwide accessibility;

- (b) to reduce pedestrian congestion on city streets in the vicinity of transportation nodes, by facilitating the provision of easements and moving transit station entrance infrastructure off the sidewalk;
- (c) to offset potential burdens of such easement on development feasibility by providing zoning flexibility where easements are provided;
- (d) to encourage well-designed development and pedestrian environment, including enhanced pedestrian circulation, around mass transit stations;
- (e) to coordinate the present and future relationship of land uses around transit stations; and
- (f) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues.

66-10
GENERAL PROVISIONS

66-11
Definitions

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS) and in this Section, except where explicitly stated otherwise in individual provisions in this Chapter.

Above-grade mass transit station

For the purposes of this Chapter, an “above-grade mass transit station” shall refer to a #mass transit station# with a platform that is located entirely above five feet from #curb level#.

At or below-grade mass transit station

For the purposes of this Chapter, an “at- or below-grade mass transit station” shall refer to a #mass transit station# that is not an #above-grade mass transit stations#.

Central Business Districts

For the purposes of this Chapter, “Central Business Districts” shall refer to #Special Midtown District#, #Special Hudson Yards District#, #Special Lower Manhattan District#, #Special Downtown Brooklyn District#, #Special Long Island City Mixed Use District# or #Special Garment Center District#.

Clear path

For the purposes of this Chapter, a “clear path” shall refer to an unobstructed area between the #street line# and #street wall# that

- (a) directly #abuts# an adjoining public sidewalk; and

- (b) extends along the #street line# for a distance equal to the width of an existing or planned access point to a #mass transit station# facing such #transit-adjacent site#, plus, in the aggregate, a maximum of 30 feet from the outermost extents of such width.

All #clear paths# shall be accessible to the public at all times.

Easement volume

For the purposes of this Chapter, an “easement volume” shall refer to an area of the #zoning lot# used to accommodate either:

- (a) station access infrastructure, including but not limited to elevators, stairs, escalators, ramps or fare control areas; or
- (b) ancillary facilities that are needed to support transit system functionality.

Eligible zoning districts

For the purposes of this Chapter, “eligible zoning districts” shall refer to the following zoning districts:

- (a) R5D, R6, R7, R8, R9 or R10 Districts;
- (b) #Commercial Districts# mapped within, or with an equivalent of an R5, R5D, R6, R7, R8, R9, or R10 District;
- (c) M1 Districts paired with R6 through R10 Districts; or
- (d) #Manufacturing Districts#.

Mass transit station

For the purposes of this Chapter, “mass transit station” shall refer to any subway or rail #mass transit station# operated by a #transit agency#. Such #mass transit stations# shall include all publicly accessible parts of the station, including but not limited to stairs, escalators, elevators, corridors, platforms, and fare control areas inclusive of paid and unpaid areas of the station. Publicly accessible parts of the station shall also include stairs, escalators, elevators, corridors and fare control areas that are currently closed but could be reopened and that have previously been open to the public.

Primary transit-adjacent sites

For the purposes of this Chapter, “primary transit-adjacent sites” shall refer to #transit-adjacent sites# that have a #lot area# of 5,000 square feet or more.

Qualifying transit improvement sites

For the purposes of this Chapter, “qualifying transit improvement sites” shall refer to #zoning lots# that are:

- (a) located in one of the following zoning districts:
- (1) R9 or R10 Districts;
 - (2) #Commercial Districts# mapped within, or with an equivalent of an R9 or R10 District;
 - (3) M1 Districts paired with an R9 or R10 District; or
 - (4) M1-6 Districts; and
- (b) located wholly or partially within the following distance from a #mass transit station#:
- (1) 500 feet for such #zoning lots# outside of #Central Business Districts#; or
 - (2) 1,500 feet for such #zoning lots# and #mass transit stations# within #Central Business Districts#.

Such distance shall be measured from the outermost extent of the #mass transit station#. For the purposes of such calculation, the outermost extent may include #buildings# containing #easement volumes# serving such #mass transit station#.

Secondary transit-adjacent sites

For the purposes of this Chapter, “secondary transit-adjacent sites” shall refer to #transit-adjacent sites# that have a #lot area# of less than 5,000 square feet.

Transit agency

For the purposes of this Chapter, a “transit agency” shall refer to any governmental agency with jurisdiction over the affected #mass transit station#.

Transit-adjacent sites

For the purposes of this Chapter, “transit-adjacent sites” shall refer to #zoning lots# that are located within 50 feet of a #mass transit station#, and located in #eligible zoning districts#. #Transit-adjacent sites# include #primary transit-adjacent sites# and #secondary transit-adjacent sites#.

Transit volume

For the purposes of this Chapter, a “transit volume” shall refer to an area of a #transit-adjacent site# where, pursuant to the provisions of this Chapter, a #transit agency# has determined transit or pedestrian circulation improvements are needed for a #mass transit station#. Such #transit volume# may be used to accommodate #easement volumes# or #clear paths#.

66-12
Applicability

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.

66-121
General Applicability

The provisions of this Chapter shall apply to #transit-adjacent sites# or #qualifying transit improvement sites#, as follows:

- (a) For #transit-adjacent sites#
- (1) The provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), inclusive, shall apply to all #developments# or #enlargements# on the lowest #story# of a #building# on #primary transit-adjacent sites#.
 - (2) The provisions of Section 66-30 (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES), inclusive, include optional provisions available to #developments# and #enlargements# on #secondary transit-adjacent sites#, #conversions# on #transit-adjacent sites#.
 - (3) The provisions of Section 66-40 (CONSTRUCTION, MAINTENANCE AND ADDITIONAL PROVISIONS), inclusive, shall apply to all #transit-adjacent sites# providing an #easement volume# pursuant to Section 66-20 or Section 66-30.
- (b) For #qualifying transit improvement sites#
- The provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements) shall be optional for #qualifying transit improvement sites#.

66-122
Limitations on applicability in certain areas

The provisions of this Chapter shall not apply as follows:

- (a) The provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES) and Section 66-30 (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES), shall not apply to the following areas within Special Purpose District:
- (1) All subdistricts except 34th Street Corridor Subdistrict C and South of Port Authority Subdistrict E within #Special Hudson Yards District#;
 - (2) #Qualifying sites# in the East Midtown Subdistrict within #Special Midtown District#, as defined in Section 81-613 (Definitions); or

- (3) the #Special Transit Land Use District#.
- (b) The provisions of 66-51 (Floor Area Bonus for Mass Transit Station Improvements) shall not apply:
- (1) to the following areas within Special Purpose Districts:
- (i) All subdistricts except 34th Street Corridor Subdistrict C and South of Port Authority Subdistrict E within #Special Hudson Yards District#;
- (ii) The Court Square Subdistrict within #Special Long Island Mixed Use District#; or
- (iii) #Qualifying sites# in the East Midtown Subdistrict within #Special Midtown District#, as defined in Section 81-613 (Definitions); or
- (2) to the 34th Street - Hudson Yards Station.

66-123

Other limitations on applicability

The provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) regarding the right to continue construction shall apply. In addition, the following special vesting provisions shall apply:

- (a) Inapplicability of easement provisions for vested sites and previously approved easements

The provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), shall not apply to:

- (1) #developments# or #enlargements# on the lowest #story# of a #building# on #zoning lots# with an easement created pursuant to the provisions of this Resolution on or before [date of adoption], where such easement is providing transit station access infrastructure or ancillary facilities; or
- (2) #developments# or #enlargements# on the lowest #story# of a #building# if, on or before [date of adoption]:
- (i) an application has been filed with the Department of Buildings, and if, on or before [date of adoption], the Department of Buildings has approved an application for a foundation, a new #building# or an alteration based on a complete zoning analysis showing zoning compliance for such #development# or #enlargement#. The application may be revised and retain vested status, provided that the #lot coverage# for the #development# or #enlargement# is not increased beyond the amount described in the approved application;
- (ii) an application for a special permit or variance has either been approved or is pending before the Board of Standards and Appeals;
- (iii) an authorization or special permit from the City Planning Commission has either been approved, certified or referred; or

- (iv) an application for a Certificate of Appropriateness or other permits has either been approved or is pending before the Landmarks Preservation Commission.

Subsequent to [date of adoption] such applications for #developments# or #enlargements# may be continued, and, if approved, construction may be started or continued pursuant to the provisions in effect prior to [date of adoption].

- (b) Applicability of bonus provisions to previously filed special permits applications

If, before [date of adoption], an application for a special permit for a #floor area# bonus for subway station improvements has been referred for public review by the City Planning Commission pursuant to Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan), as such Section existed prior to [date of adoption], such application may continue pursuant to the regulations in effect at the time such special permit was referred for public review by the Commission. Such special permit, if granted by the Commission, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such special permit was referred by the Commission.

66-20

SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES

For all #developments# or #enlargements# on the lowest #story# of a #building# on #primary transit-adjacent sites#, a determination, or certification, where applicable, for a #transit volume# shall be obtained pursuant to Section 66-21 (Determination and Certification for Transit Volumes). Where a #transit volume# is needed, special #use#, #bulk#, parking, and streetscape regulations are set forth in Sections 66-22 (Special Use Regulations), 66-23 (Special Bulk Regulations), 66-24 (Special Regulations for Accessory Off-Street Parking), and 66-25 (Special Streetscape Regulations) respectively. Separate applicability is set forth within such Sections for #primary transit-adjacent sites# with #easement volumes# and for those with #clear paths#.

66-21

Determination and Certification for Transit Volumes

For all #developments# or #enlargements# on the lowest #story# of a #building# on #primary transit-adjacent sites#, a determination by the #transit agency# as to whether a #transit volume# is needed on the #zoning lot# shall be obtained pursuant to the provisions of this Section prior to any application with the Department of Buildings for an excavation permit, foundation permit, new building permit or alteration permit. An initial determination by the #transit agency# shall be made in accordance with paragraph (a) of this Section. Where a #transit volume# is needed based on the initial determination, the dimensions and location of such #transit volume# shall be established in accordance with paragraph (b) of this Section, and certified by the Chairperson of the City Planning Commission pursuant to paragraph (c).

- (a) Initial determination

The owner of the #zoning lot# shall request a determination by the #transit agency# as to whether or not a #transit volume# is needed on the portion of the #zoning lot# not otherwise occupied by existing #buildings# that will remain. Within 30 days of receipt of such request, the #transit agency# shall issue a determination, indicating whether or not a #transit volume# is needed on such portion of the #zoning lot#. Failure by the #transit agency# to issue the determination within the 30-day period will release the owner from any obligation to provide a #transit volume# on such #zoning lot#.

Where the #transit agency# determines a #transit volume# is needed on the #zoning lot#, the provisions of paragraphs (b) and (c) of this Section shall apply. Where the #transit agency# determines a #transit volume# is not needed, a building permit may be issued for such #development# or #enlargement#, and no remaining provisions of this Section shall apply.

(b) Determination of easement dimensions and location

Where a #transit volume# is needed, as determined pursuant to the provisions of paragraph (a) of this Section, the #transit agency# shall, within 30 days, determine the appropriate type, dimensions and general location of the #transit volume# on the #zoning lot# based on a concept plan for the use of such volume. Prior to the 30-day period, the #transit agency# may request relevant materials from the owner of the #zoning lot#, including existing and proposed site conditions, or other necessary information that will support the planning of such #transit volume#.

After the size and general location of the #transit volume# has been determined by the #transit agency#, the owner shall submit for approval by the #transit agency# a site plan showing a proposed specific location of the #transit volume# that would be compatible with the proposed #development# or #enlargement# on the #zoning lot#. The #transit agency# shall, within 30 days of its receipt, either approve the site plan, or request modifications to the #transit volume# within the site plan in a manner that aligns with the concept plan. Upon such request, the owner shall submit a revised site plan, and within 15 days of its receipt, the #transit agency# shall confirm that the requested modifications have been addressed. In the event that such requested modifications have not been sufficiently addressed, subsequent revisions to the site plan may be requested by the #transit agency#, and each submission shall have a 15-day review period from the #transit agency#.

Upon approval of the site plan by the #transit agency#, such site plan shall be certified by the Chairperson of the City Planning Commission pursuant to paragraph (c) of this Section prior to the issuance of a building permit by the Department of Buildings for such #development# or #enlargement#.

Notwithstanding the above, a building permit may be issued for a #development# or #enlargement#:

- (1) where the size of the proposed #transit volume# exceeds 25 percent of the width of any #street# frontage on the #zoning lot#, as measured along the #street line#; or
- (2) where the number of days associated with the determination and review periods by the #transit agency# exceeds any of the limits set forth in this paragraph, or a total review period of 120 days. The total review period shall only be inclusive of the duration of the #transit agency's# determination and review periods set forth in both paragraphs (a) and (b) of this Section.

(c) Chairperson certification

Upon approval of the site plan by the #transit agency#, a legally enforceable instrument, running with the land and setting forth the dimensions and location of a #transit volume#, shall be executed and recorded in a form acceptable to the #transit agency# and Chairperson of the City Planning Commission. The Chairperson shall be provided with a certified copy of the legally enforceable instrument, and upon receipt, shall certify the application and forward copies of such certification to the Commissioner of the Department of Buildings. Such certification shall be a precondition for the utilization of the remaining provisions of Section 66-20, inclusive, in any #development# or #enlargement# on a #zoning lot# where a #transit volume# is needed.

Where an #easement volume# is needed on the #zoning lot# pursuant to paragraph (a) and (b) of this Section, additional requirements setting forth the construction, maintenance and other obligations shall apply pursuant to the provisions of Section 66-41 (Construction, Maintenance and Other Obligations).

No temporary or final certificate of occupancy for the #development# or #enlargement# shall be granted until the Chairperson of the City Planning Commission notifies the Department of Buildings that the execution and recordation of other basic terms of the #easement volume# setting forth the obligations and requirements of either the #transit agency# or the owner and developer, their successors and assigns, inclusive of the requirements set forth in Section 66-41, have been completed.

66-22

Special Use Regulations

Where an #easement volume# is provided, the applicable #use# regulations of this Resolution shall be modified in accordance with the provisions of Sections 62-221 (Temporary uses) and 62-222 (Special use allowances around easement volumes).

66-221

Temporary uses

Any space within an #easement volume# may be temporarily allocated to the following #uses# until such time as the space is needed by the #transit agency#:

- (a) in all districts, any #community facility use# without sleeping accommodations allowed by the underlying district;
- (b) in #Residence Districts#, #uses# listed in Use Group 6A and 6C; or
- (c) in #Commercial# and #Manufacturing Districts#, any #commercial# or #manufacturing use# allowed by the underlying district.

The floor space allocated to such temporary #uses# within the #easement volume# shall continue to be exempt from the definition of #floor area# and shall not be included for the purpose of calculating #accessory# off-street parking, bicycle parking, or loading berths.

Improvements to, or construction of a temporary nature within the #easement volume# for such temporary #uses# shall be removed by the owner of the #building# or portion of the #zoning lot# within which the #easement volume# is located prior to the time at which public #use# of the easement area is needed, except as otherwise specified by the #transit agency#. A minimum notice of 12 months shall be given, in writing, by the #transit agency# to the owner of the #building# or portion of the #zoning lot# to vacate the easement volume.

66-222

Special use allowances around easement volumes

The following #use# allowances around #easement volumes# shall apply in applicable districts.

- (a) Special #use# allowances in #Residence Districts#

In all #Residence Districts#, #uses# listed in Use Group 6A and 6C shall be permitted within a distance of 30 feet from the outermost edge of the #easement volume#:

- (1) at the ground floor level of a #building# on a #zoning lots# with an #easement volume# serving an #at- or below-grade mass transit station#, or
- (2) at the two lowest #stories# of a #building# on a #zoning lot# with an #easement volume# serving an #above-grade mass transit station#.

Such #uses# may be permitted so long as that in #buildings# that include #residential uses#, such #uses# are located in a portion of the #building# that has separate access to the outside with no opening of any kind to the #residential# portion of the #building#, and that such #uses# are not located directly over any #story# containing #dwelling units#.

- (b) Special regulations for #commercial use# location in #mixed buildings# in #Commercial Districts#

In C1 or C2 Districts, the underlying provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified for #mixed buildings# that are #developed# or #enlarged# with an #easement volume# serving an #above-grade mass transit station#, to allow all permitted #commercial uses# on the lowest two #stories#.

66-23

Special Bulk Regulations

Where an #easement volume# is provided, the applicable #bulk# regulations of this Resolution shall be modified in accordance with the provisions of this Section. Where a #clear path# is provided, only the #street wall# provisions of Section 66-234 (Special street wall modifications) shall apply.

66-231

Special floor area modification

The #floor area# modifications of this Section shall apply as follows:

- (a) #Floor area# exemption

The floor space contained within any #easement volume# shall be excluded from the definition of #floor area#.

- (b) #Commercial# #floor area# in #Residence Districts#

Where special #use# allowances pursuant to paragraph (a) of Section 66-222 (Special use allowances around easement volumes) are permitted in #Residence Districts#, the maximum permitted #commercial floor area# shall be equivalent to the area permitted for #commercial uses# pursuant to such Section.

66-232

Special open space, lot coverage and yard modifications

The #open space#, #lot coverage# and #yard# modifications of this Section shall apply as follows.

(a) Permitted obstructions(1) #Easement volumes# in all zoning districts

Any portion of an #easement volume# shall be considered a permitted obstruction within a required #open space#, #yards#, #rear yard equivalent#, or #court# pursuant to the regulations of this Resolution. Any #easement volume#, including any #use# or structure therein, shall be located at least 30 feet from any #legally required window# at the same level on the #zoning lot#.

(2) Non-residential uses in #Commercial# or #Manufacturing Districts#

Any #building# or portion of a #building# used for any permitted #commercial# or #community facility uses#, up to two #stories#, excluding #basements#, or 30 feet above #curb level#, whichever is less, shall be considered a permitted obstruction in any #rear yard# or #rear yard equivalent# of a #zoning lot# with an #easement volume# serving an #above-grade mass transit station#. Any portion of a #building# containing residences or rooms used for living or sleeping purposes (other than a room in a hospital used for the care or treatment of patients, or #joint living-work quarters for artists#) shall not be a permitted obstruction.

(b) Special #open space# modifications in certain districts

In R5D Districts and #Commercial Districts# mapped within or with a #residential# equivalent of an R5 or R5D Districts, the provisions of paragraph (g) of Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts) shall not apply.

(c) Special #lot coverage# modifications in certain districts

The underlying #lot coverage# provisions shall apply except as modified pursuant to this paragraph.

(1) Any #easement volume#, or portion thereof, that is open to the sky shall not be included in #lot coverage#.

(2) In R5D Districts and #Commercial Districts# mapped within or with a #residential# equivalent of an R5 or R5D Districts, 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 85 percent. Such provisions shall also apply to #buildings# utilizing the optional provisions for a #predominantly built-up area#.

(3) In R6 and R7 Districts, for #Quality Housing buildings#, the maximum #residential lot coverage# for #interior lots# and #through lots# shall be 70 percent.

66-234**Special street wall modifications**

The #street wall# modifications of this Section shall apply to districts with #street wall# requirements.

(a) #Street wall# location where an #easement volume# is provided

For #Quality Housing buildings#, the underlying #street wall# location provisions shall be modified pursuant to this paragraph.

- (1) For all #zoning lots#, any portion of the #easement volume# facing the #street#, as well as any portion of a #building# behind or above such #easement volume# shall not be subject to #street wall# location provisions along the #street# frontage the #easement volume# is located.
- (2) Where an #easement volume# is located wholly beyond 50 feet of the intersection of two #street lines#, #street walls# within 15 feet of an #easement volume#, as measured along the #street line# may be recessed, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#. However, on #corner lots#, where an #easement volume# is placed partially or wholly within 50 feet of the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and lines drawn perpendicular to such #street lines# within 15 feet from the edges of such #easement volume#. For #corner lots# with an angle of 75 degrees or less, such distance may be increased to 20 feet.

- (b) #Street wall# location where a #clear path# is provided

Where a #clear path# is provided, the interior boundary of such #clear path# shall be considered a #street line# for the purposes of applying the applicable #street wall# location requirements.

66-235

Special height and setback modifications

The height and setback modifications of this Section shall apply as follows:

- (a) Permitted obstructions

- (1) #Easement volumes#

Any portion of an #easement volume# shall be considered a permitted obstruction within a required setback or above any maximum base height, maximum #building# height, or #sky exposure plane# set forth in height and setback regulations of this Resolution. Any #easement volume#, including any #use# or structure therein, shall be located at least 30 feet from any #legally required window# at the same level on the #zoning lot#.

- (2) Dormers

For #Quality Housing buildings#, as an alternative to the provisions of paragraph (c) of Section 23-621, dormers may be a permitted obstruction within a required front setback distance above a maximum base height, provided that the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height. Such dormers need not decrease in width as the height above the maximum base height increases. For the purposes of this paragraph, the width of the #street wall# shall be determined pursuant to the provisions of paragraph (a) of Section 234 (Special street wall modifications).

- (b) Special height and setback provisions for R5 Districts

The requirements of Section 23-63 (Height and Setback Requirements in R1 Through R5 Districts) shall be modified for the portions of a #building# used for #residential use#, as follows:

- (1) In #Commercial Districts# mapped within, or with a #residential# equivalent of an R5 District, the maximum height of a #street wall# before setback shall be 35 feet. Above such height, a setback of 10 feet shall be provided, and the maximum #building# height shall be 45 feet. Such provisions shall also apply to #buildings# utilizing the optional provisions for a #predominantly built-up area#; and
- (2) In R5D Districts or #Commercial Districts# mapped within, or with a #residential# equivalent of an R5D District, the maximum #building# height shall be increased by 10 feet or one #story#, whichever is less.
- (c) Special height provisions for R6 through R10 Districts and certain #Commercial# and M1 Districts
- In R6 through R10 Districts, #Commercial Districts# mapped within or with a #residential# equivalent of such districts, M1 Districts paired with R6 through R10 Districts, and M1-6 Districts, where maximum #building# height limitations apply, the maximum #building# height shall be increased by 10 feet, or one #story#, whichever is less.
- However, for #zoning lots# with an #easement volume# serving an #above-grade mass transit station# in R7 through R10 Districts, #Commercial Districts# mapped within or with a #residential# equivalent of such districts, M1 Districts paired with R7 through R10 Districts, and M1-6 Districts, the maximum #building# height shall be increased by 20 feet or two #stories#, whichever is less.

66-24

Special Regulations for Accessory Off-Street Parking

Where an #easement volume# is provided, the underlying parking regulations of this Resolution shall be modified in accordance with the provisions of this Section.

- (a) Parking space deduction

For all applicable #zoning lots#, 15 spaces may be deducted from the total number of required #accessory# off-street parking spaces. Where #accessory# off-street parking spaces are required by multiple #uses# on a #zoning lot#, such deduction may apply to any required #accessory# off-street parking spaces provided that in no event shall the aggregate total of such deduction exceed 15 spaces. Any allowances for reductions or waivers of #accessory# off-street parking spaces set forth in underlying district regulations or Special Purpose Districts, shall continue to apply.

- (b) Special waiver of requirements for small #zoning lots#

For #zoning lots# with a #lot area# of 10,000 or 15,000 square feet or less, as applicable, requirements for #accessory# off-street parking spaces are waived pursuant to the following table:

District

Lot Area
(in square feet)

<p><u>R5 R5D</u></p> <p><u>C1-1 C2-1 C3 C4-1</u></p> <p><u>C1-2 C2-2 C4-2 C8-1</u></p> <p><u>C1-3 C2-3 C4-2A C4-3 C7 C8-2</u></p> <p><u>M1-1 M1-2 M1-3 M2-1 M2-2 M3-1</u></p>	<p><u>10,000 or less</u></p>
<p><u>R6 R7 R8 R9 R10</u></p> <p><u>C1-4 C2-4 C4-4 C4-5D C8-3</u></p> <p><u>C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A</u> <u>C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4</u></p> <p><u>M1-4 M1-5 M1-6 M2-3 M2-4 M3-2</u></p>	<p><u>15,000 or less</u></p>

(c) Waiver of requirements where access would be forbidden

The location and size of the #transit volume#, along with an area within 30 feet thereof, shall be considered for the purposes of applying waiver provisions of Sections 25-27, 25-34, 36-24, 36-38 or 44-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden).

66-25
Special Streetscape Regulations

Where an #easement volume# is provided, the underlying ground floor level and planting requirements shall be modified in accordance with Sections 62-251 (Ground floor level requirements) and 62-252 (Planting requirements).

66-251
Ground floor level requirements

An #easement volume# shall be excluded from any ground floor level requirements of this Resolution, including, but not limited to, the location of such ground floor in relation to the adjoining sidewalk level, the height of a #qualifying ground floor#, restrictions of types of #use#, the minimum depth for certain #uses#, maximum width for certain #uses#, minimum transparency requirement, and parking wrap and screening requirements.

66-252
Planting requirements

(a) Planting requirements for R5D Districts

In R5D Districts, planting requirements shall be modified as follows:

- (1) The #easement volume# shall be discounted from the area of a #front yard# for the purposes of applying the planting requirement of Section 23-451 (Planting requirement). Where planting is required within the #front yard# pursuant to Section 23-451 (Planting requirement), the area of the #easement volume# shall be discounted from the #street# frontage for the purposes of the #zoning lot# for the purposes of determining the minimum percentage of #front yard# to be planted; and
- (2) Where planting strips are required along the entire length of the curb of the #street# pursuant to Section 26-42 (Planting Strips), such planting strips may be interrupted by utilities or paved areas providing public access to an #easement volume#.

(b) Planting requirements for #Quality Housing buildings#

For #Quality Housing buildings#, the area of the #zoning lot# between the #street line# and the #easement volume# shall be exempt from the planting requirements of Section 28-23 (Planting Areas).

66-26

Additional Modifications

Where a #transit volume# is provided pursuant to Section 66-21 (Determination and Certification for Transit Volumes), the City Planning Commission may authorize or grant, by special permit, the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the provisions set forth in Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), inclusive, pursuant to Section 66-52 (Additional Modifications).

66-30

SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES

For all #secondary transit-adjacent sites#, the provisions of this Section are optional. On such sites, an optional #transit volume# may be provided in accordance with a determination by the #transit agency# and certification by the Chairperson of the City Planning Commission pursuant to Section 66-31 (Determination and Certification for Optional Transit Volumes). Where a #transit volume# is provided, special #use#, #bulk#, parking, and streetscape regulations are set forth in Sections 66-32 (Special Modifications for Secondary Transit-adjacent Sites).

66-31

Determination and Certification for Optional Transit Volumes

For all #developments# and #enlargements# on #secondary transit-adjacent sites# and #conversions# on all #transit-adjacent sites# seeking to provide a #transit volume#, an initial determination by the #transit agency# shall be made in accordance with the provisions of paragraph (a) of Section 66-21 (Determination and Certification for Transit Volumes). Where a #transit volume# is needed based on the initial determination, the dimensions and location of such #transit volume# shall be established in accordance with paragraph (b) of Section 66-21, and certified by the Chairperson of the City Planning Commission pursuant to paragraph (c) of such Section.

66-32
Special Modifications for Secondary Transit-adjacent Sites

Where a #transit volume# is provided pursuant to Section 66-31 (Determination and Certification for Optional Transit Volumes), special #use#, #bulk#, parking, and streetscape regulations may be applied as follows:

- (a) For all #developments# or #enlargements# on #secondary transit-adjacent sites#, the modifications set forth in Sections 66-22 through 66-25 shall apply as if such #development# or #enlargement# was on a #primary transit-adjacent site#.
- (b) For #conversions# on all #transit-adjacent sites#, the following modifications shall apply as if such #conversion# was on a #primary transit-adjacent site#:
 - (1) #Use# modifications pursuant to Section 66-221 (Temporary uses);
 - (2) #Bulk# modifications pursuant to Section 66-231 (Special floor area modification), paragraph (a)(1) of Section 66-232 (Special open space, lot coverage and yard modifications), Section 66-234 (Special street wall modifications), and paragraph (a)(1) of Section 66-235 (Special height and setback modifications);
 - (3) Waiver provisions for required parking pursuant to paragraph (c) of Section 66-24 (Special Regulations for Accessory Off-Street Parking); and
 - (4) Streetscape modifications pursuant to Section 66-25 (Special Streetscape Regulations).

66-33
Additional Modifications

Where a #transit volume# is provided pursuant to Section 66-31 (Determination and Certification for Optional Transit Volumes), the City Planning Commission may authorize or grant, by special permit, the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the provisions set forth in this Section, pursuant to Section 66-52 (Additional Modifications).

66-40
CONSTRUCTION, MAINTENANCE, AND ADDITIONAL PROVISIONS

Where an #easement volume# is provided pursuant to Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES) or Section 66-30 (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES) the provisions of this Section, inclusive, shall apply. Where a #clear path# is provided pursuant to the aforementioned Sections, the provisions of Section 66-42 (Termination of a Transit Volume) shall also apply.

66-41
Construction, Maintenance and Other Obligations

Where an #easement volume# is provided pursuant to this Chapter, transit access improvements within such volume shall be constructed and maintained either by the #transit agency# or the owner of the #zoning lot# with the #development#, #enlargement# or #conversion#.

- (a) Where such transit access improvement is constructed and maintained by the #transit agency#:
- (1) the owner of #zoning lot# with the #development#, #enlargement# or #conversion# shall provide an #easement volume# that is designed and constructed in such a manner that would not inhibit the #transit agency's# functional requirements and ability to construct such transit access improvement at a future date;
 - (2) in the event that the construction of the improvement is not contemporaneous with the construction of the #development#, #enlargement# or #conversion#, any underground walls constructed along the #front lot line# adjacent to an #at- or below-grade mass transit station# shall include one or more knockout panels, below #curb level# down to the bottom of the #easement volume#. The actual location and size of such knockout panels shall be determined through consultation with the #transit agency#;
 - (3) temporary construction access shall be granted to the #transit agency# on portions of the #zoning lot# outside of the #easement volume#, as needed, to enable construction within and connection to the #easement volume#; and
 - (4) in the event that the #transit agency# has approved of obstructions associated with the #development#, #enlargement# or #conversion# within the #easement volume#, such as #building# columns or footings, such construction and maintenance shall exclude any such obstructions within the #easement volume#.
- (b) Where such transit access improvement is constructed and maintained by the owner of the #development #, #enlargement# or #conversion#:
- (1) a transit access improvement shall be provided in accordance with standards set forth by the #transit agency#;
 - (2) such improvement shall be accessible to the public at all times, except as otherwise approved by the #transit agency#;
 - (3) such improvement shall include #signs# to announce accessibility to the public. Such #signs# shall be exempt from the maximum #surface area# of non-#illuminated signs# permitted by Section 32-642 (Non-illuminated signs); and
 - (4) no temporary certificate of occupancy shall be granted by the Department of Buildings until the Chairperson of the City Planning Commission, acting in consultation with the #transit agency#, has certified that the improvement is substantially complete and usable by the public.

66-42

Termination of a Transit Volume

In the event that the #transit agency# and the Chairperson of the City Planning Commission jointly notify, in writing, the owner of the #zoning lot# and the Department of Buildings that a #transit volume# is not needed on such #zoning lot# in its final construction plans, the restrictions imposed on such #zoning lot# by the provisions of this Section shall lapse, following receipt of notification thereof by the owner, and the owner shall have the

right to record an instrument reciting the consent of the #transit agency# to the extinguishment of the #transit volume#.

Where initially determined that an #easement volume# is needed on any #zoning lot# which has been #developed#, #enlarged# or #converted# in accordance with the provisions of this Chapter, where termination of such #easement volume# has been certified pursuant to this paragraph, the #use# provisions of Section 66-221 (Temporary uses) and Section 66-222 (Special use allowances around easement volumes) shall continue to apply to any floor space in a previously needed #easement volume# and around such #easement volume# where special #uses# allowances are permitted in #Residence Districts# pursuant to this Chapter. Additionally, any floor space in a previously needed #easement volume# shall continue to be exempt from the definition of #floor area#, and shall not be included for the purpose of calculating requirements for #accessory# off-street parking, bicycle parking or loading berths. However, where such previously needed volume is located within a #building#, the ground floor space shall be subject to all applicable ground floor level requirements of this Resolution.

66-43

Annual Reporting

The #transit agency# shall submit annually to the Chairperson of the City Planning Commission and to the City Council a report containing an inventory of all #easement volumes# established through the provisions of this Chapter and describing the status of improvements within all such #easement volume#.

66-50

SPECIAL APPROVALS

For #qualifying transit improvement sites#, a #floor area# bonus may be granted, either by authorization or special permit, ~~authorized by the City Planning Commission pursuant to Section 66-51 (Additional Floor Area for Mass Transit Improvements)~~ where major #mass transit station# improvements are provided pursuant to Section 66-51 (Additional Floor Area for Mass Transit Improvements).

For all applications pursuant to the provisions of Sections 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), 66-30 (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES) or 66-51, additional modifications may be granted by the City Planning Commission, either by authorization or special permit, pursuant to Section 66-52 (Additional Modifications).

66-51

Additional Floor Area for Mass Transit Station Improvements

For #developments# or #enlargements# located on #qualifying transit improvement sites#, the City Planning Commission may grant a #floor area# bonus, by authorization, pursuant to Section 66-511 (Additional floor area for mass transit station improvements by authorization), or by special permit, pursuant to Section 66-512 (Additional floor area for mass transit station improvements by special permit). All such #floor area# bonuses shall comply with the conditions, findings and additional requirements set forth in Section 66-513 (Additional rules and limitations, conditions, findings and requirements).

66-511**Additional floor area for mass transit station improvements by authorization**

For #developments# or #enlargements# located on #qualifying transit improvement sites# the City Planning Commission may ~~authorize a #floor area# bonus in accordance with the provisions of paragraph (a) of this Section~~ grant, by authorization, an increase in the maximum permitted #floor area ratio#, up to a maximum of 20 percent or 200,000 square feet of #floor area#, whichever is less, where a major improvement to a #mass transit station# is provided ~~in accordance with paragraph (b)~~. All applications for an authorization pursuant to this Section shall be subject to the conditions, application requirements, findings and additional requirements of ~~paragraphs (c) through (e)~~.

The provisions of Section 66-513 (Additional rules and limitations, conditions, findings and requirements) shall apply to all #developments# or #enlargements# utilizing the provisions of this Section. Additional rules and limitations on bonus #floor area# are set forth in paragraph (a), conditions associated with the improvement to a #mass transit station# are set forth in paragraph (b), application requirements are set forth in paragraph (c), the findings that must be met in order for the Commission to grant the authorization, are set forth in paragraph (d), and additional requirements for all applications are set forth in paragraph (e).

The Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.

66-512**Additional floor area for mass transit station improvements by special permit**

For #developments# or #enlargements# located on #qualifying transit improvement sites# the City Planning Commission may grant, by special permit, an increase in the maximum permitted #floor area ratio#, up to a maximum of 20 percent, without limitation on overall square footage, where a major improvement to a #mass transit station# is provided.

The provisions of Section 66-513 (Additional rules and limitations, conditions, findings and requirements) shall apply to all #developments# or #enlargements# utilizing the provisions of this Section. Additional rules and limitations on bonus #floor area# are set forth in paragraph (a), conditions associated with the improvement to a #mass transit station# are set forth in paragraph (b), application requirements are set forth in paragraph (c), the findings that must be met in order for the Commission to grant the special permit, are set forth in paragraph (d), and additional requirements for all applications are set forth in paragraph (e).

The Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.

66-513**Additional rules and limitations, conditions, findings and requirements**

Any authorization or special permit application pursuant to the provisions of Section 66-511 (Additional floor area for mass transit station improvements by authorization) or Section 66-512 (Additional floor area for mass transit station improvements by special permit), respectively, shall be subject to the following provisions.

- (a) #Floor area# bonus Additional rules and limitations on bonus #floor area#

The City Planning Commission may authorize an increase in the maximum permitted #floor area ratio# on a #qualifying transit improvement site#, up to a maximum of 20 percent. Such #floor area# bonus shall additionally be subject to the following:

The following rules and limitations on bonus #floor area# shall apply in addition to the provisions set forth in Sections 66-511 and 66-512:

- (1) Where a #zoning lot# contains multiple #uses# with different #floor area ratios#, the bonus may be applied to any individual #use#, and the total of all #floor area ratios# shall not exceed 20 percent of the greatest #floor area ratio# permitted on the #zoning lot#;
- (2) The #floor area# bonus may be used in combination with other #floor area# bonuses, provided that the maximum #floor area ratio# permitted through the combination of bonuses does not exceed 20 percent of the maximum #floor area ratio# otherwise permitted on the #zoning lot#. However, such 20 percent limitation shall not apply:
 - (i) where explicitly stated otherwise in a Special Purpose District; or
 - (ii) within #Inclusionary Housing designated areas# or within R10 Districts outside of #Inclusionary Housing designated areas#;
- (3) Within #Inclusionary Housing designated areas# or within R10 Districts outside of #Inclusionary Housing designated areas#, the #residential# #floor area ratio# used to calculate the maximum permitted #floor area# bonus shall be the maximum #residential# #floor area ratio# set forth in paragraph (a) or (b) of Section 23-154 (Inclusionary Housing), as applicable; and
- (4) For #compensated developments# or #MIH developments#, as defined in Section 23-911 (General definitions), the requirements of Section 23-154 shall not apply to the bonus #floor area# ~~authorized~~ granted under the provisions of this Section.

For the purposes of applying this paragraph to applications seeking an authorization pursuant to Section 66-511, notwithstanding the above allowances, in no event shall the amount of bonus #floor area# exceed 200,000 square feet.

(b) Conditions

All applications shall include proposed on-site or off-site improvements to a proximate #mass transit station#, that shall be characteristic of current best practice in mass transit network design.

All applications shall include accessibility or capacity-enhancing improvements, including, but not limited to, the provision of elevators and escalators, widening, straightening, expanding or otherwise enhancing the existing pedestrian circulation network, or reconfiguring circulation routes to provide more direct pedestrian connections to subway or rail mass transit facilities. Where improvements are proposed for a #mass transit station# that is not in compliance with the Americans with Disabilities Act, accessibility improvements shall be prioritized.

In addition to accessibility or capacity-enhancing improvements, environmental design or resiliency improvements may also be provided, including but not limited to, daylight access, retail #uses#, enhancements to noise abatement, air quality, lighting, finishes, ~~or~~ rider orientation in new or existing passageways, or flood resiliency upgrades.

All proposed improvements shall be subject to the approval of the applicable #transit agency# and the City Planning Commission.

(c) Application requirements

All applications ~~for an authorization pursuant to this Section~~ shall include the following:

- (1) Prior to submitting an application ~~for an authorization pursuant to this Section~~, the applicant shall submit a schematic or concept plan for the proposed improvement to the #transit agency# and the Chairperson of the City Planning Commission. Such schematic or concept plan shall include such materials and information sufficient to provide the basis for the #transit agencies# to evaluate and determine the constructability of such proposed improvement.
- (2) At the time of application referral or certification, the Commission shall be provided with the following application materials:
 - (i) a letter from the #transit agency# containing a conceptual approval of the improvement, including a statement of any considerations regarding the construction and operation of the improvement;
 - (ii) all information and justification sufficient to provide the Commission with the basis for evaluating the benefits of such improvements to the general public; and
 - (iii) initial plans for the maintenance of the proposed improvements.
- (3) Where a #transit volume# is needed pursuant to the provisions of Section 66-21 (Determination and Certification for Transit Volumes), the applicant shall provide materials sufficient to demonstrate the relationship between the proposed on-site improvement and such #transit volume#.

(d) Findings

In order to grant such ~~authorization~~ #floor area# bonus, the Commission shall find that:

- (1) the public benefit derived from the #mass transit station# improvements merits the amount of additional #floor area# being granted to the proposed #development# pursuant to ~~this~~ the authorization or special permit;
- (2) for accessibility or capacity-enhancing improvements, newly created or expanded accessible routes for persons with physical disabilities, or measures to improve station ingress and egress routes or platform capacity, such improvements will constitute significant enhancements to connectivity from the pedestrian circulation network to and through the #mass transit station#; and
- (3) where environmental design or resiliency improvements are provided in addition to accessibility or capacity-enhancing improvements, such improvements ~~measures to augment station beautification, walkability and passenger safety, or environmental noise or air quality,~~ will constitute significant enhancements to the station environment or its function.

(e) Additional requirements

In addition to the application requirements of paragraph (c) of this Section, additional requirements set forth in this paragraph shall apply.

(1) Prior to the granting of an ~~authorization pursuant to this Section~~ such #floor area# bonus, the following requirements shall be met:

(i) To the extent required by the #transit agency#, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; establish a program for maintenance and capital maintenance; and establish that such improvements shall be accessible to the public during the hours of operation of the station or as otherwise approved by the #transit agency#. Where the #transit agency# deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the #transit agency#: and

(ii) The City Planning Commission shall be provided with a final letter of approval from the #transit agency# stating that the drawings and other documents submitted by the applicant have been determined by such #transit agency# to be of sufficient scope and detail to describe the size and character of the improvement as to architectural, structural, mechanical and electrical systems, materials, relationship to existing site conditions and such other conditions as may be appropriate, and that the construction of the improvement in accordance with such submission is feasible.

(2) Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvement and setting forth the obligations of the owner as agreed upon with the #transit agency# pursuant to the requirements of paragraph (e)(1) of this Section, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

(3) No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# ~~authorized~~ granted pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, acting in consultation with the #transit agency#, where applicable, and such improvements are usable by the public. Such portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson, acting in consultation with the #transit agency#, where applicable.

Where an #easement volume# is needed pursuant to the provisions of Section 66-21 (Determination and Certification for Transit Volumes) or Section 66-31 (Determination and Certification for Optional Transit Volumes), the provisions of paragraph (b) of Section 66-41 (Construction, Maintenance and Other Obligations) shall not apply.

The Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.

66-52**Additional Modifications**

In conjunction with any application pursuant to Section 66-21 (Determination and Certification for Transit Volumes), 66-31 (Determination and Certification for Optional Transit Volumes) and 66-51 (Additional Floor Area for Mass Transit Station Improvements), modifications may be granted pursuant to Section 66-521 (Authorization for transit-adjacent sites or qualifying transit improvement sites) or Section 66-522 (Special permit for transit-adjacent sites or qualifying transit improvement sites).

66-521**Authorization for transit-adjacent sites or qualifying transit improvement sites**

For #transit-adjacent sites# or #qualifying transit improvement sites#, the City Planning Commission may authorize the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the other modifications set forth within this Chapter, provided that the Commission determines that the conditions and limitations set forth in paragraph (a), the application requirements of paragraph (b) and the findings set forth in paragraph (c) of this Section are met.

(a) Conditions and limitations

Where maximum #building# height limitations apply, modifications to the maximum permitted #building# height shall not result in an increase that exceeds 25 percent of the maximum #building# height as set forth in applicable district regulations. Any additional height permitted pursuant to Section 66-235 (Special height and setback modifications) shall not be included in such percentage increase, but may be applied in addition to the resulting #building# height limits.

(b) Application requirements

Applications for an authorization for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications.

(c) Findings

The Commission shall find that:

- (1) such proposed modifications are the minimum extent necessary to**
 - (i) reasonably accommodate an #easement volume#, including any associated access thereto; or**
 - (ii) where improvements to #mass transit stations# are provided, reasonably accommodate the additional #floor area# ~~authorized~~ granted pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements);**
- (2) any modifications to #use# regulations will not be incompatible with or adversely affect the essential character, use or future growth of the surrounding area;**

- (3) any modifications to #bulk# regulations will not unduly obstruct access of light and air to surrounding #streets# and properties; and
- (4) any modifications to #accessory# off-street parking or loading regulations will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow.

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

66-522

Special permit for transit-adjacent sites or qualifying transit improvement sites

For #transit-adjacent sites# or #qualifying transit improvement sites#, the City Planning Commission may grant, by special permit, the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the other modifications set forth within this Chapter, provided that the Commission determines that the application requirements of paragraph (a) and the findings set forth in paragraph (b) of this Section are met.

(a) Application requirements

Applications for a special permit for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications.

(b) Findings

The Commission shall find that:

- (1) such proposed modifications are necessary
 - (i) to facilitate an #easement volume#, including any associated access thereto; or
 - (ii) where improvements to #mass transit stations# are provided, to accommodate the additional #floor area# ~~authorized~~ granted pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements);
- (2) any modifications to #use# regulations will not be incompatible with or adversely affect the essential character, use or future growth of the surrounding area;
- (3) any modifications to #bulk# regulations:
 - (i) will not unduly obstruct the access of light and air to surrounding #streets# and properties nor adversely affect the character of the surrounding area; and
 - (ii) will result in an improved distribution of #bulk# on the #zoning lot# that is harmonious with the surrounding area; and
- (4) any modifications to #accessory# off-street parking or loading regulations will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow.

8th Street	Broadway-60th Street
23rd Street	Broadway-60th Street
23rd Street	Lexington Avenue
28th Street	Lexington Avenue
33rd Street	Lexington Avenue
34th Street-Penn Station	8th Avenue
59th Street/Lexington Avenue (60th St)	Lexington Avenue and Broadway-60th Street

~~The selection of subway station improvements shall be on a case-by-case basis and shall be subject to the approval of the Metropolitan Transportation Authority, New York City Transit and the City Planning Commission. All such improvements shall comply with all applicable design standards of the current station planning guidelines of New York City Transit.~~

(a) ~~Pre-application requirements~~

~~Prior to submitting an application for a special permit pursuant to this Section, the applicant shall submit a schematic or concept plan for the proposed improvement to the Metropolitan Transportation Authority, New York City Transit and the Chairperson of the City Planning Commission.~~

(b) ~~Requirements for application~~

~~An application for a special permit pursuant to this Section shall include a letter from New York City Transit to the City Planning Commission containing conceptual approval of the improvement and a statement of any special considerations regarding New York City Transit's future operation of the improvement. The applicant shall submit all information and justification sufficient to enable the Commission to:~~

- ~~(1) evaluate the benefits to the City;~~
- ~~(2) determine the appropriate amount of bonus #floor area#; and~~
- ~~(3) where applicable, assess the advantages and disadvantages of waiving or modifying #street wall# continuity requirements.~~

(c) ~~Conditions~~

- ~~(1) Within the #Special Midtown District#, for a #development# or #enlargement# within the Theater Subdistrict on a #zoning lot# containing a theater designated as listed pursuant to Section 81-742 (Listed theaters), the Commission shall find that the requirements of Section 81-743 (Required assurances for continuance of legitimate theater use) have been met.~~
- ~~(2) Within the #Special Midtown District#, for a #development# or #enlargement# located on a #zoning lot# divided by a Theater Subdistrict Core boundary, as defined in Section 81-71 (General Provisions), the amount of #lot area# eligible for bonus #floor area# shall not exceed~~

~~an amount equal to twice the #lot area# of that portion of the #zoning lot# located outside the Theater Subdistrict Core.~~

(d) Findings

- (1) ~~In determining the amount of #floor area# bonus, the City Planning Commission shall consider the degree to which:

 - (i) ~~the general accessibility and security of the subway station will be improved by the provision of new connections, additions to or reconfigurations of circulation space, including provision of escalators or elevators; and~~
 - (ii) ~~significant improvements to the station's environment by provision for direct daylight access, or improvements to noise control, air quality, lighting or rider orientation and satisfactory integration of the #street# level entryway into the #development# or #enlargement# will occur.~~~~
- (2) ~~In determining modifications to the requirements of Article III, Chapter 7 (Special Regulations), the Commission shall find that the provisions of a subway improvement cannot be accommodated without modification to these requirements.~~
- (3) ~~In determining modifications to the #street wall# continuity provisions of Section 81-43 in the #Special Midtown District#, Section 91-31 (Street Wall Regulations) in the #Special Lower Manhattan District# or Section 101-41 in the #Special Downtown Brooklyn District#, the Commission shall find that the modification will permit the proposed design to provide for access of daylight and air to the subway platform, mezzanine or concourse and that the advantages of such access outweigh the disadvantages incurred by the interruption of #street wall# and retail continuity.~~

(e) Procedural _____ requirements

~~Prior to the granting of a special permit, the City Planning Commission shall be provided with the following:~~

- (1) ~~a letter from New York City Transit stating that the drawings and other documents submitted by the applicant have been determined by New York City Transit to be of sufficient scope and detail to fix and describe the size and character of the subway improvement as to architectural, structural, mechanical and electrical systems, materials, relationship to existing site conditions and such other conditions as may be appropriate, and that the construction of the subway improvement in accordance with such submission is feasible; and~~
- (2) ~~a legally enforceable instrument running with the land and signed by the applicant and all parties in interest, other than parties in interest who have waived and subordinated their interests, containing complete drawings of the improvement and setting forth the obligations of owner and developer, their successors and assigns, to construct and provide capital maintenance for the improvement, establish a construction schedule and provide a performance bond for completion of the improvement.~~

(f) Recordation and completion procedures

~~Any instrument creating a transit easement on the #zoning lot# shall be recorded against the #zoning lot# in the Office of the Register of the City of New York and a certified copy of the instrument shall be submitted to the City Planning Commission and New York City Transit. The applicant shall not~~

~~apply for nor accept a temporary certificate of occupancy for the bonus #floor area#, and the Department of Buildings shall not issue such a temporary certificate of occupancy, until New York City Transit has determined that the bonused subway improvement is substantially complete which shall, for this purpose, mean open to and usable by the public.~~

~~The applicant shall not apply for or accept a permanent certificate of occupancy for the #development# or #enlargement#, nor shall the Department of Buildings issue such permanent certificate of occupancy, until the bonused subway improvement has been completed in accordance with the approved plans and such completion has been certified by New York City Transit.~~

~~The Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.~~

* * *

**ARTICLE VIII
SPECIAL PURPOSE DISTRICTS**

Chapter 1
Special Midtown District

81-00
GENERAL PURPOSES

* * *

81-02
General Provisions

81-021
Applicability of underlying district regulations

Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect.

The regulations of the districts set forth below are applicable in the following Midtown districts unless modified by this Chapter:

Midtown Districts	Districts Whose Regulations Apply
C5P C5-2.5	C5-2
C6-4.5	C6-4
C6-5.5	C6-5

C6-6.5	C6-6
C6-7T	C6-7

For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

81-022

Applicability of Special Transit Land Use District regulations

Except as otherwise provided in paragraphs (a), (b) or (c) of this Section, wherever the #Special Transit Land Use District# includes an area which also lies within the #Special Midtown District#, as designated on the #zoning map# by the letters "MiD-TA", the requirements of the #Special Transit Land Use District#, as set forth in Article IX, Chapter 5, shall apply.

(a) However, the requirements of Article IX, Chapter 5, shall be waived where the City Planning Commission certifies, in the case of a specific #development# otherwise subject to those requirements, that:

- (1) the developer has agreed in a writing recorded against the property to implement a plan approved by the Commission and New York City Transit for off-street relocation of a subway stair entrance, in accordance with the requirements of Section 81-46 (Off-street Relocation or Renovation of a Subway Stair); or
- (2) the developer has agreed in a writing recorded against the property to implement a plan approved by the Commission and New York City Transit for the provision of a ~~subway station~~ #mass transit station# improvement in accordance with the provisions of ~~Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan)~~ Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

* * *

81-06

Applicability of Article VII Provisions

* * *

81-066

Special permit modifications of Section 81-254, Section 81-40 and certain Sections of Article VII, Chapter 7

* * *

(b) For #developments# or #enlargements# on a #zoning lot# with a #lot area# of at least 60,000 square feet located wholly or partially in the Penn Center Subdistrict, which have been ~~granted authorized~~ granted a #floor area# bonus for subway station and/or rail mass transit facility improvements pursuant to Section 81-541 ~~in accordance with Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan)~~, the Commission may permit modifications of the mandatory district plan elements of Section 81-40, the height and setback

regulations of 81-26 and 81-27, or the provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries), that determine the distribution of permitted #floor area# on such #zoning lots# and, in conjunction with such modifications, may also modify the applicable #yard# and #court# requirements subject to the following findings:

* * *

**81-20
BULK REGULATIONS**

**81-21
Floor Area Ratio Regulations**

* * *

**81-211
Maximum floor area ratio for non-residential or mixed buildings**

- (a) For #non-residential buildings# or #mixed buildings#, the basic maximum #floor area ratios# of the underlying districts shall apply as set forth in this Section.
- (b) In the #Special Midtown District#, the basic maximum #floor area ratio# on any #zoning lot# may be increased by bonuses or other #floor area# allowances only in accordance with the provisions of this Chapter, and the maximum #floor area ratio# with such additional #floor area# allowances shall in no event exceed the amount set forth for each underlying district in the following table:

MAXIMUM FLOOR AREA ALLOWANCES FOR SPECIFIED FEATURES AND MAXIMUM FLOOR AREA RATIOS BY DISTRICTS

Means for Achieving Permitted FAR Levels on a #Zoning Lot#	Maximum #Floor Area Ratio# (FAR)				
	C5P	C6-4 C6-5 M1-6	C5-2.5 C6-4.5 C6-5.5 C6-6.5	C6-7T	C5-3 C6-6 C6-7
A. Basic Maximum FAR	8.0	10.0	12.0	14.0	15.0
B. Maximum As-of-Right #Floor Area# Allowances:(District-wide Incentives), #Public plazas# - Section 81-23	—	1.0 ^{1,2}	1.0 ^{1,3}	—	1.0 ²
C. Maximum Total FAR with As-of-Right Incentives	8.0	11.0 ^{1,2,7}	13.0 ^{1,3}	14.0	16.0
D. Maximum Special Permit #Floor Area# Allowances by Authorization: (District-wide Incentives), Subway station improvements—Section 74-634 #Mass Transit Station# Improvements – Section 66-51	<u>1.6</u>	2.0 ^{4,6}	2.4 [†]	<u>2.8</u>	3.0
E. Maximum Total FAR with District-wide and As-of-Right Incentives	8.0 <u>9.6</u>	12.0	14.4	14.0 <u>16.8</u>	18.0

F. Maximum Special Permit #Floor Area# Allowances by Authorization in Penn Center Subdistrict: #Mass Transit Facility Station# Improvement - Section 74-634 Section 81-541	—	2.0	—	—	3.0
G. Maximum Total FAR with As-of-Right, District-wide and Penn Center Subdistrict Incentives:	—	12.0	—	—	18.0
H. Maximum As-of-Right #Floor Area# Allowances in Theater Subdistrict:					
Development rights (FAR) of a "granting site" - Section 81-744	—	10.0	12.0	14.0	15.0
Maximum amount of transferable development rights (FAR) from "granting sites" that may be utilized on a "receiving site" - Section 81-744(a)	—	2.0	2.4	2.8	3.0
Inclusionary Housing - Sections 23-90 and 81-22	—	2.0 ⁴	—	—	—
I. Maximum Total FAR with As-of-Right #Floor Area# Allowances in Theater Subdistrict	—	12.0	14.4	16.8	18.0
J. Maximum #Floor Area# Allowances by Authorization in Eighth Avenue Corridor - Section 81-744(b)	—	2.4	—	—	—
K. Maximum Total FAR with As-of-Right and Theater Subdistrict Authorizations	—	14.4	14.4	16.8	18.0
L. Maximum Special Permit #Floor Area# Allowances in Theater Subdistrict: Rehabilitation of "listed theaters" Section 81-745	—	4.4	2.4	2.8	3.0
M. Maximum Total FAR with Theater Subdistrict, District-wide and As-of-Right Incentives	8.0 9.6	14.4 ⁸	14.4	16.8	18.0
N. Maximum FAR of Lots Involving Landmarks:					
Maximum FAR of a lot containing non-bonusable landmark - Section 74-711 or as-of-right	8.0	10.0	12.0	14.0	15.0
Development rights (FAR) of a landmark lot for transfer purposes - Section 74-79	8.0	10.0	13.0 ⁵	14.0	16.0
Maximum amount of transferable development rights (FAR) from a landmark #zoning lot# that may be utilized on an "adjacent lot" - Section 74-79	1.6	2.0	2.4	No Limit	No Limit

O. Maximum Total FAR of a Lot with Transferred Development Rights from Landmark #Zoning Lot#, Theater Subdistrict Incentives, District-wide Incentives and As-of Right Incentives	9.6	14.4 ⁸	14.4	No Limit	No Limit
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- 1 Not available for #zoning lots# located wholly within Theater Subdistrict Core
- 2 Not available within the Eighth Avenue Corridor
- 3 Not available within 100 feet of a #wide street# in C5-2.5 Districts
- 4 Applicable only within that portion of the Theater Subdistrict also located within the #Special Clinton District#
- 5 12.0 in portion of C6-5.5 District within the Theater Subdistrict Core
- 6 Not available on west side of Eighth Avenue within the Eighth Avenue Corridor within R10 Districts outside of #Inclusionary Housing designated areas# the permitted #floor area# bonus shall be calculated in accordance with Section 66-51 (Additional Floor Area for Mass Transit Station Improvements)
- 7 12.0 for #zoning lots# with full #block# frontage on Seventh Avenue and frontage on West 34th Street, pursuant to Section 81-542 (Retention of floor area bonus for plazas or other public spaces)
- 8 for #zoning lots# utilizing a #floor area# bonus pursuant to Section 66-51, such maximum #floor area ratio# shall only be permitted through combination with Inclusionary Housing

**81-29
Incentives by Special Permit for Provisions of Public Amenities**

**81-291
General provisions and procedures**

~~The City Planning Commission may grant special permits authorizing, for #non-residential# or #mixed buildings#, #floor area# bonuses in accordance with the provisions of this Section.~~

**81-292
Subway station improvements**

[Replaced by various provisions of Article VI, Chapter 6]

~~Except in the Preservation Subdistrict and except for #zoning lots# wholly within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions), the City Planning Commission may grant special permits for #floor area# bonuses for #non-residential# or #mixed buildings#, in accordance with the provisions of Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).~~

The subway stations where such improvements are permitted are listed in the following table and shown on Map 3 (Subway Station and Rail Mass Transit Facility Improvement Areas) in Appendix A of this Chapter.

MIDTOWN SUBWAY STATIONS

Station	Line
34th Street Penn Station	Broadway 7th Avenue
34th Street Penn Station	8th Avenue
34th Street Herald Square	6th Avenue/Broadway 60th Street
42nd Street Times Square/42nd Street Port Authority Bus Terminal	Broadway 7th Ave/Broadway/8th Ave/42nd Street Shuttle
42nd Street Bryant Park/Fifth Avenue	6th Avenue/Flushing
42nd Street Grand Central	Lexington Avenue/Flushing/42nd Street Shuttle
47th 50th Street Rockefeller Center	6th Avenue
49th Street	Broadway 60th Street
50th Street	8th Avenue
50th Street	Broadway 7th Avenue
7th Avenue	53rd Street
Fifth Avenue 53rd Street	53rd Street
51st Street/Lexington Avenue 53rd Street	53rd Street/Lexington Avenue
57th Street	Broadway 60th Street
57th Street	6th Avenue
59th Street Columbus Circle	Broadway 7th Avenue/8th Avenue

* * *

**81-40
MANDATORY DISTRICT PLAN ELEMENTS**

* * *

**81-42
Retail Continuity Along Designated Streets**

For #buildings developed# or #enlarged# after May 13, 1982, where the ground floor level of such #development# or #enlarged# portion of the #building# fronts upon a designated retail #street# (see Appendix A, Map 3), #uses# within #stories# on the ground floor or with a floor level within five feet of #curb level# shall be limited to retail, personal service or amusement #uses# permitted by the underlying zoning district regulations but not including #uses# in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 and 12D or automobile showrooms or plumbing, heating or ventilating equipment showrooms. Museums and libraries shall be permitted. A #building's street# frontage shall be allocated exclusively to such #uses#, except for:

- (a) lobby space or entrance space;
- (b) entrance areas to subway station improvements for which bonus #floor area# is granted and #street wall# continuity restrictions waived pursuant to Sections ~~74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan)~~ 66-51 (Additional Floor Area for Mass Transit Station Improvements) and ~~81-292 (Subway station improvements);~~

* * *

**81-43
Street Wall Continuity Along Designated Streets**

* * *

Pedestrian circulation spaces may be provided to meet the requirements of Sections 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair) or 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), subject to the setback restrictions of this Section and to the minimum width of the #street wall# subject to such setback restrictions. However, the City Planning Commission may waive such restrictions for a subway entrance area which is part of a subway station or a rail mass transit facility improvement for which bonus #floor area# is granted, in accordance with the provisions of Sections ~~74-634 (Subway station improvements in Downtown Brooklyn and Commercial Districts of 10 FAR and above in Manhattan)~~ 66-51 (Additional Floor Area for Mass Transit Station Improvements), ~~81-292 (Subway station improvements)~~ and 81-542 (Retention of floor area bonus for plazas or other public spaces), or an off-street improvement of access to a rail mass transit facility that has been certified in accordance with Section 81-48.

* * *

**81-50
SPECIAL REGULATIONS FOR THE PENN CENTER SUBDISTRICT**

* * *

**81-54
Floor Area Bonus in the Penn Center Subdistrict**

**81-541
~~Rail mass transit facility improvement~~ Mass transit station improvements**

~~In addition to the provisions of Section 81-29 (Incentives by Special Permit for Provisions of Public Amenities), the City Planning Commission may grant #floor area# bonuses for subway station and/or rail mass transit facility improvements for #non-residential# or #mixed buildings#, in accordance with Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan), and~~

~~may modify or waive the provisions of Section 81-43 (Street Wall Continuity Along Designated Streets) in accordance with the provisions of Section 74-634, provided that such improvement is approved by the entities which own and/or operate the rail mass transit facility.~~

~~Prior to granting a special permit, the City Planning Commission shall be provided with:~~

- ~~(a) a letter from each entity that operates the rail mass transit facility confirming that the drawings of the subway and/or rail mass transit improvement are of sufficient scope and detail to describe the layout and character of the improvements and that the proposed implementation of the improvements is physically and operationally feasible, and~~
- ~~(b) a legally enforceable instrument containing:

 - ~~(1) drawings of the improvements, as approved by the transit operator;~~
 - ~~(2) provisions that all easements required for the on-site improvements will be conveyed and recorded against the property;~~
 - ~~(3) the obligations of the applicant to construct, maintain and provide capital maintenance for the improvements; and~~
 - ~~(4) a schedule for completion of the improvements and a requirement that a performance bond or other appropriate security be provided to ensure the completion of the improvements.~~~~

~~For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be ~~authorized~~ granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).~~

~~For the purposes of this Section, improvements to any rail mass transit facility #mass transit station# on a #zoning lot# #qualifying transit improvement site# located wholly or partially within the Subdistrict qualifies for bonus #floor area# in accordance with the provisions of Section 74-634 66-51, as modified herein. For #zoning lot# #qualifying transit improvement site# located partially within the Subdistrict, such bonus #floor area# may be located anywhere on such #zoning lot# #qualifying transit improvement site#. In addition, if a subway and/or rail mass transit #mass transit station# improvement has been constructed in accordance with an approved special permit authorization or special permit and has received a Notice of Substantial Completion in accordance with the provisions of Section 74-634 66-51, the bonus #floor area# may be retained at the full amount granted by the special permit authorization or special permit and may be utilized elsewhere on the #zoning lot# #qualifying transit improvement site# subject to any applicable review and approval process for such #development# or #enlargement#.~~

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**81-60
SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT**

* * *

**81-63
Special Floor Area Provisions for the Vanderbilt Corridor Subarea**

For non-#residential buildings# or #mixed buildings# in the Vanderbilt Corridor Subarea of the East Midtown Subdistrict, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the

basic maximum #floor area ratios# of the underlying districts shall apply as set forth in this Section. Such basic maximum #floor area ratio# on any #zoning lot# may be increased by bonuses or other #floor area# allowances only in accordance with the provisions of this Chapter, and the maximum #floor area ratio# with such additional #floor area# allowances shall in no event exceed the amount set forth for each underlying district in the following table:

Means for Achieving Permitted FAR Levels on a #Zoning Lot# in the Vanderbilt Corridor Subarea	Maximum #Floor Area Ratio# (FAR)
A. Basic Maximum FAR	15
B. Maximum Special Permit Authorization #Floor Area# Allowances: (District-wide Incentives), Subway station #Mass transit station# improvements (Section 74-634 <u>66-51</u>)	3.0
* * *	
* * *	

**81-64
Special Floor Area Provisions for Qualifying Sites**

* * *

**81-644
Special permit for transit improvements**

For #qualifying sites# located in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the City Planning Commission may permit a #floor area# bonus in accordance with the provisions of this Section, where a major improvement to a subway or mass rail transit facility is provided in accordance with the conditions of paragraph (b). All applications for a special permit pursuant to this Section shall be subject to the ~~conditions~~, application requirements, findings and additional requirements of paragraphs (c) through (e). ~~an increase in the amount of #floor area ratio# permitted on such #zoning lots#, up to the amount specified in Row F of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), as applicable, where subway station improvements are made in accordance with the provisions of Sections 81-292 (Subway station improvements) and 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).~~

As a pre-condition to applying for such special permit, an applicant shall demonstrate that the maximum as-of-right #floor area ratio# for #qualifying sites# set forth in Row E of the table in Section 81-64 has been achieved prior to, or in conjunction with, the special permit application.

(a) #Floor area# bonus

The City Planning Commission may permit an increase in the amount of #floor area ratio# permitted on a #qualifying site#, up to the amount specified in Row F of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites).

(b) Conditions

All applications shall include proposed on-site or off-site improvements to a proximate subway or rail mass transit facility, that shall be characteristic of current best practice in mass-transit network design.

All applications shall include accessibility or capacity-enhancing improvements, including, but not limited to, the provision of elevators and escalators, widening, straightening, expanding or otherwise enhancing the existing pedestrian circulation network, or reconfiguring circulation routes to provide more direct pedestrian connections to subway or rail mass transit facilities. Where improvements are proposed for a subway or rail mass transit facilities that is not in compliance with the Americans with Disabilities Act, accessibility improvements shall be prioritized.

In addition to accessibility or capacity-enhancing improvements, environmental design or resiliency improvements may also be provided, including but not limited to, daylight access, retail #uses#, enhancements to noise abatement, air quality, lighting, finishes, ~~or~~ rider orientation in new or existing passageways, or flood resiliency upgrades.

All proposed improvements shall be subject to the approval of the Metropolitan Transportation Authority (MTA) and the City Planning Commission.

(c) Application requirements

All applications for a special permit pursuant to this Section shall include the following:

- (1) Prior to submitting an application for a special permit pursuant to this Section, the applicant shall submit a schematic or concept plan for the proposed improvement to the MTA and the Chairperson of the City Planning Commission. Such schematic or concept plan shall include such materials and information sufficient to provide the basis for the #transit agencies# to evaluate and determine the constructability of such proposed improvement.
- (2) At the time of certification, the Commission shall be provided with the following application materials:
 - (i) a letter from the MTA containing a conceptual approval of the improvement, including a statement of any considerations regarding the construction and operation of the improvement;
 - (ii) all information and justification sufficient to provide the Commission with the basis for evaluating the benefits of such improvements to the general public; and
 - (iii) initial plans for the maintenance of the proposed improvements.

(d) Findings

In order to grant such special permit, the Commission shall find that:

- (1) the public benefit derived from the improvements to a subway or rail mass transit facility merits the amount of additional #floor area# being granted to the proposed #development# pursuant to this special permit;
- (2) for accessibility or capacity-enhancing improvements, newly created or expanded accessible routes for persons with physical disabilities, or measures to improve station ingress and egress routes or platform capacity, such improvements will constitute significant enhancements to

connectivity from the pedestrian circulation network to and through the subway or rail mass transit facility; and

- (3) where environmental design or resiliency improvements are provided in addition to accessibility or capacity-enhancing improvements, such improvements ~~measures to augment station beautification, walkability and passenger safety, or environmental noise or air quality,~~ will constitute significant enhancements to the station environment or its function.

(e) Additional requirements

In addition to the application requirements of paragraph (c) of this Section, additional requirements set forth in this paragraph shall apply.

- (1) Prior to the granting of a special permit pursuant to this Section, the following requirements shall be met:
- (i) To the extent required by the MTA, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; establish a program for maintenance and capital maintenance; and establish that such improvements shall be accessible to the public during the hours of operation of the station or as otherwise approved by the MTA. Where the MTA deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the MTA; and
- (ii) The City Planning Commission shall be provided with a final letter of approval from the MTA stating that the drawings and other documents submitted by the applicant have been determined by the MTA to be of sufficient scope and detail to fix and describe the size and character of the improvement as to architectural, structural, mechanical and electrical systems, materials, relationship to existing site conditions and such other conditions as may be appropriate, and that the construction of the improvement in accordance with such submission is feasible.
- (2) Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvement and setting forth the obligations of the owner as agreed upon with the MTA pursuant to the requirements of paragraph (e)(1) of this Section, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.
- (3) No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, acting in consultation with the MTA, where applicable, and such improvements are usable by the public. Such portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been

completed in accordance with the approved plans, as determined by the Chairperson, acting in consultation with the MTA, where applicable.

The Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.

* * *

**81-65
Special Floor Area Provisions for All Non-qualifying Sites**

For #non-residential buildings# or #mixed buildings# on #non-qualifying sites# in the East Midtown Subdistrict, the basic maximum #floor area ratios# of the underlying districts shall apply as set forth in this Section. Such basic maximum #floor area ratio# on any #zoning lot# may be increased by bonuses or other #floor area# allowances only in accordance with the provisions of this Chapter, and the maximum #floor area ratio# with such additional #floor area# allowances shall in no event exceed the amount set forth for each underlying district in the following table:

	Grand Central Core Area		Any Other Area	
Means for achieving permitted FAR on a #zoning lot# for all other sites	C5-3 C6-6	C5-2.5 C6-4.5	C5-3 C6-6	C5-2.5 C6-4.5
A. Basic Maximum FAR	15	12	15	12
B. Additional FAR for provision of a #public plaza# (Section 81-651)	--	--	1	1
C. Total as-of-right FAR	15	12	16	13
D. Additional FAR for subway station #mass transit station# improvements through special permit authorization (Section 81-652)	3	2.4	3	2.4
E. Maximum FAR of a #landmark or other structure# for transfer purposes (Sections 74-79 and 81-653)	15	12	16	13
F. Maximum amount of transferable development rights from a landmark #zoning lot# that may be utilized on an #adjacent lot# (Sections 74-79 and 81-653)	No limit	2.4	No limit	2.4
G. Maximum FAR permitted on an #adjacent lot#	No limit	14.4	No limit	14.4

* * *

81-652

Floor area bonus for ~~subway station~~ mass transit station improvements

For ~~#non-qualifying sites#~~, the City Planning Commission may permit an increase in the amount of ~~#floor area ratio#~~ permitted on such ~~#zoning lots#~~, up to the amount specified in Row D of the table in Section 81-65 (Special Floor Area Provisions for All Non-qualifying Sites), as applicable, where subway station improvements are made in accordance with the provisions of Sections 81-292 (Subway station improvements) and Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).

For ~~#developments#~~ or ~~#enlargements#~~ on ~~#non-qualifying sites#~~ that are ~~#qualifying transit improvement sites#~~, a ~~#floor area#~~ bonus for ~~#mass transit station#~~ improvements may be ~~authorized~~ granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

81-70

SPECIAL REGULATIONS FOR THEATER SUBDISTRICT

* * *

81-74

Special Incentives and Controls in the Theater Subdistrict

* * *

81-743

Required assurances for continuance of legitimate theater use

Prior to the issuance of any special permit under the provisions of Sections 81-745 (Floor area bonus for rehabilitation of existing listed theaters) or 81-747 (Transfer of development rights from landmark theaters), or the issuance of a certification, ~~or~~ authorization or special permit under the provisions of Sections ~~66-51~~ (Additional Floor Area for Mass Transit Station Improvements), 81-744 (Transfer of development rights from listed theaters), ~~or~~ 81-746 (Additional provisions for zoning lots divided by district or subdistrict core boundaries) the following conditions shall exist:

* * *

Chapter 2
Special Lincoln Square District

82-00

GENERAL PURPOSES

* * *

**82-02
General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Lincoln Square District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Lincoln Square District# is superimposed are made inapplicable, and special regulations are substituted in this Chapter. Each #development# within the Special District shall conform to and comply with all of the applicable district regulations of this Resolution, except as otherwise specifically provided in this Chapter.

For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

* * *

**82-10
MANDATORY DISTRICT IMPROVEMENTS**

* * *

**82-13
Special Provisions for a Transit Easement**

~~Any #development# located on the east side of Broadway between West 66th Street and West 67th Street shall provide an easement on the #zoning lot# for public access to the subway mezzanine or station when required by the New York City Transit Authority (TA) in accordance with the procedure set forth in Section 95-04 (Certification of Transit Easement Volume) and hereby made applicable.~~

* * *

**82-30
SPECIAL BULK REGULATIONS**

* * *

**82-32
Special Provisions for Increases in Floor Area**

No #floor area# bonuses shall be permitted within the #Special Lincoln Square District# except as provided in this Section. The following #floor area# increases may be used separately or in combination, ~~provided that the total #floor area ratio# permitted on a #zoning lot# does not exceed 12.0.~~

- (a) #Floor area# increase for Inclusionary Housing

For any #development# to which the provisions of Section 23-90 (INCLUSIONARY HOUSING) are applicable, the maximum permitted #residential floor area ratio# may be increased by a maximum of 20 percent under the terms and conditions set forth in Section 23-90.

(b) #Floor area# bonus for public amenities

~~On a #zoning lot# that is adjacent to the West 59th Street (Columbus Circle) or the West 66th Street subway station mezzanine, platform, concourse or connecting passageway, where no tracks intervene to separate the #zoning lot# from these elements, and such #zoning lot# contains 5,000 square feet or more of #lot area#, the City Planning Commission may, by special permit pursuant to Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan), grant a maximum of 20 percent #floor area# bonus.~~

~~For a subway station improvement or for a subsurface concourse connection to a subway, the amount of #floor area# bonus that may be granted shall be at the discretion of the Commission. In determining the precise amount of #floor area# bonus, the Commission shall consider:~~

- ~~(1) the direct construction cost of the public amenity;~~
- ~~(2) the cost of maintaining the public amenity; and~~
- ~~(3) the degree to which the station's general accessibility and security will be improved by the provision of new connections, additions to, or reconfigurations of, circulation space, including the provision of escalators or elevators.~~

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be ~~authorized~~ granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

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Chapter 3
Special Limited Commercial District

* * *

83-00
GENERAL PURPOSES

* * *

83-02
General Provisions

#Special Limited Commercial Districts# may only be mapped in #Commercial Districts# within areas, or portions of areas, designated by the Landmarks Preservation Commission as "Historic Districts" pursuant to Chapters 8A or 63 of the New York City Charter and Chapter 8A of the New York City Administrative Code.

In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special Limited Commercial District# and in accordance with the provisions of this Chapter, certain specified #use#, #sign# and enclosure regulations of the districts on which #Special Limited Commercial Districts# are superimposed are made inapplicable, and are superseded by the #use#, #sign# and enclosure regulations of the #Special Limited Commercial District# as set forth in this Chapter.

In addition to meeting the #use#, #sign# and enclosure regulations as set forth in this Chapter, each #building# shall conform to and comply with all of the applicable district regulations of this Resolution, except as otherwise specifically provided in this Chapter.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

* * *

Chapter 6
Special Forest Hills District

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86-00
GENERAL PURPOSES

* * *

86-02
General Provisions

In harmony with the general purposes of this Resolution and in accordance with the provisions of the #Special Forest Hills District#, the regulations of this Chapter shall apply within the Special District. Unless modified by the particular provisions of the Special District, the regulations of the underlying zoning districts shall remain in effect. 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. However, for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

Any special permit granted by the Board of Standards and Appeals before March 24, 2009, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such special permit was granted, subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

* * *

Chapter 8
Special Hudson Square District

88-00
GENERAL PURPOSES

* * *

88-02
General Provisions

In harmony with the general purposes and intent of this Resolution and the general purposes of the #Special Hudson Square District#, the provisions of this Chapter shall apply within the #Special Hudson Square 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. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4,~~ shall control.

* * *

88-30
SPECIAL BULK REGULATIONS

* * *

88-31
Floor Area Regulations

Except in Subdistrict A of this Chapter, the maximum #floor area# ratio for #zoning lots# that do not contain #residences# shall be 10.0; ~~no #floor area# bonuses shall apply.~~

The maximum base #floor area ratio# for #zoning lots# that contain #residences# shall be 9.0 plus an amount equal to 0.25 times the non-#residential floor area ratio# provided on the #zoning lot#, provided that such base #floor area ratio# does not exceed 10.0. Such #floor area ratio# may be increased to a maximum of 12.0 only as set forth in Section 88-32 (Inclusionary Housing).

For any #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be ~~authorized~~ granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For #zoning lots# that contain #residences#, such bonus may be applied separately or in combination with the #floor area# provisions of Section 88-32. No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

**88-311
Special floor area regulations in Subdistrict A**

For #zoning lots# in Subdistrict A of this Chapter that do not contain #residences#, the maximum #floor area ratio# shall be 10.0; ~~no #floor area# bonuses shall.~~

For #zoning lots# in Subdistrict A containing #residences#, the maximum #floor area ratio# shall be 9.0 plus an amount equal to 0.25 times the non-#residential# #floor area ratio# provided on the #zoning lot#, provided that such base #floor area ratio# does not exceed 10.0.

For any #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be ~~authorized~~ granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

Additionally, Any any floor space designated for #use# as a #school# shall be exempted from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#, provided that such school is either:

- (a) a public school, subject to the jurisdiction of the New York City Department of Education, pursuant to an agreement accepted by the School Construction Authority; or
- (b) a charter school, subject to the New York State Education Law, pursuant to an agreement with a charter school organization.

* * *

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

**Chapter 1
Special Lower Manhattan District**

**91-00
GENERAL PURPOSES**

* * *

**91-01
General Provisions**

* * *

In #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4~~, shall control.

* * *

**91-20
FLOOR AREA AND DENSITY REGULATIONS**

* * *

**91-22
Floor Area Increase Regulations**

The basic maximum #floor area ratio# (FAR) of the underlying district may be increased by the inclusion of specific additional bonus #floor area# for a maximum #floor area ratio# as specified in the table in this Section.

The provisions of paragraph (c) of Section 74-792 (Conditions and limitations), pertaining to the transfer of development rights from landmark sites, shall be subject to the restrictions on the transfer of development rights (FAR) of a landmark "granting lot" as set forth in this table. Wherever there may be an inconsistency between any provision in Section 74-79 and the table, the provisions of the table shall apply.

MAXIMUM FLOOR AREA RATIOS AND FLOOR AREA BONUSES BY ZONING DISTRICT
BASIC AND MAXIMUM FLOOR AREA RATIOS (FAR)

Means for Achieving Permitted FAR Levels on a #Zoning Lot#	#Special Lower Manhattan District# except within Core or Subdistrict				Historic & Comm Core	South Street Seaport Subdistrict and all waterfront #zoning lots#				
	R8	C6-4	C5-3 C5-5 C6-9	M1-4		C5-5	C2-8	C4-6	C6-2A	C5-3
Basic maximum FAR	6.02 ¹ 6.5 ³	10.0 ^{2,3,4}	10.0 ⁴ 15.0 ^{2,3}	2.0 ² 6.5 ³	10.0 ⁴ 15.0 ^{2,3}	2.0 ² 3.4 ³ 10.0 ⁴	3.4 ^{2,3,4}	6.0 ² 6.02 ⁴ 6.5 ³	10.0 ⁴ 15.0 ^{2,3}	15.0
Maximum as-of-right #floor area# bonus for #public plazas#	NA	2.0	3.0	NA	NA	NA	NA	NA	NA	NA

development rights from landmark #zoning lot# and as-of-right and <u>authorization or special permit</u> #floor area# bonuses	6.02 ¹ 6.5 ³	14.0 ¹⁰	21.6	2.4 ² 7.8 ³	21.6	NA	3.4	8.02	21.6 ⁷	21.6 ⁷
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- 1 maximum #floor area ratio# and minimum #open space ratio# shall be determined in accordance with the provisions of Article II, Chapter 3
- 2 for a #commercial# or, where permitted, #manufacturing use#
- 3 for a #community facility use#
- 4 for a #residential use#
- 5 if receiving lot is located in a zoning district with a basic maximum FAR of less than 15
- 6 if receiving lot is located in a zoning district with a basic maximum FAR of 15
- 7 maximum FAR for receiving lots less than 30,000 square feet
- 8 for #zoning lots# utilizing a #floor area# bonus pursuant to Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), the maximum #floor area# bonus shall be 2.4 FAR
- 9 only pursuant to Section 66-51
- 10 for #zoning lots# utilizing a #floor area# bonus pursuant to Section 66-51, the maximum FAR may be increased through a combination with Inclusionary Housing, in accordance with the provisions of such Section.

* * *

**91-25
Special Permit Bonuses for Increased Floor Area**

* * *

**91-251
~~Special permit for subway station improvements~~**

[Replaced by various provisions of Article VI, Chapter 6]

~~Within the #Special Lower Manhattan District#, the City Planning Commission may grant, by special permit, a #floor area# bonus for #zoning lots# that provide subway station improvements, pursuant to the provisions of~~

Section 24-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan):

The total additional #floor area# permitted on the #zoning lot# shall not exceed the maximum amount permitted in the underlying district by the provisions of Sections 24-21 (Maximum Floor Area Ratio) or 24-22 (Floor Area Increase Regulations):

For the purposes of the Special District, the #zoning lot# that will receive the #floor area# bonus shall be located within a #Commercial District# with a #floor area ratio# of 10.0 or above and shall be adjacent to a subway station where major improvements have been provided. Upon completion of the improvement, the #zoning lot# will physically adjoin a subway station mezzanine, platform, concourse or connecting passageway.

The subway stations where such improvements are permitted are listed in the following table and shown on Map 7 (Subway Station Improvement Areas) in Appendix A:

STATION	LINE
Bowling Green	Lexington Avenue
Broad St	Nassau Street
Broadway Nassau Street	8th Avenue
Fulton Street	Nassau Street/Broadway 7th Ave/ Lexington Ave
Brooklyn Bridge City Hall	Lexington Avenue
Chambers Street	Nassau Street
Chambers Street	Broadway 7th Avenue
Chambers Street	8th Avenue
Park Place	Broadway 7th Avenue
World Trade Center	8th Avenue
City Hall	Broadway 60th Street
Cortlandt Street-WTC	Broadway 7th Avenue
Cortlandt Street	Broadway 60th Street
Rector Street	Broadway 7th Avenue
Rector Street	Broadway 60th Street
Wall Street	Broadway 7th Avenue
Wall Street	Lexington Avenue
Whitehall Street South Ferry	Broadway 7th Avenue/ Broadway 60th Street

91-252
Special permit for covered pedestrian space

* * *

Chapter 2
Special Park Improvement District

92-00

GENERAL PURPOSES

* * *

**92-02
General Provisions**

Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

For the purposes of this Chapter, Duke Ellington Circle, located at the intersection of Fifth Avenue and East 110th Street, shall be considered a separate #street#.

For #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

**92-04
Special Bulk Provisions**

**92-041
Maximum Floor Area Ratio**

The maximum #floor area ratio# for any #zoning lot# shall not exceed 10.0. No #floor area# bonuses shall be permitted. However, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be ~~authorized~~ granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

Chapter 3
Special Hudson Yards District

**93-00
GENERAL PURPOSES**

* * *

**93-02
General Provisions**

The provisions of this Chapter shall apply within the #Special Hudson Yards 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. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4~~, shall control.

* * *

**93-20
SPECIAL FLOOR AREA REGULATIONS**

* * *

**93-22
Floor Area Regulations in Subdistricts B, C, D, E and F**

* * *

**93-222
Maximum floor area ratio in the 34th Street Corridor Subdistrict C**

In the 34th Street Corridor Subdistrict C, the basic maximum #floor area ratios# of #non-residential buildings# are set forth in Row A in the table in Section 93-22 and may be increased to the amount specified in Row C pursuant to Section 93-31 (District Improvement Fund Bonus). The basic maximum #floor area ratios# of any #building# containing #residences# are set forth in Row B.

The #floor area ratio# of any #building# containing #residences# may be increased from 6.5, pursuant to Sections 93-31 (District Improvement Fund Bonus) and 23-154 (Inclusionary Housing), as modified by Section 93-23 (Modifications of Inclusionary Housing Program), as follows:

- (a) the #residential floor area ratio# may be increased from 6.5 to a maximum of 12.0 only if for every five square feet of #floor area# increase, pursuant to Section 93-31, there is a #floor area# increase of six square feet, pursuant to Section 23-154, as modified by Section 93-23; and
- (b) any #floor area# increase above a #floor area ratio# of 12.0 shall be only pursuant to Section 93-31.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be ~~authorized~~ granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). As a pre-condition to applying for such ~~authorization~~ #floor area# bonus, the applicant shall demonstrate that a #floor area ratio# of no less than 0.1 of the maximum #floor area ratio# set forth in Row C of Section 93-22 (Floor Area Regulations in Subdistricts B, C, D, E, and F), has been achieved prior to, or in conjunction with, the application. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

93-224

Maximum floor area ratio in the South of Port Authority Subdistrict E

In the South of Port Authority Subdistrict E, #residential use# shall only be permitted as part of a #development# or #enlargement# on a #zoning lot# with a #commercial floor area ratio# of 15.0 or more, or as provided for phased developments in Section 93-122 (Certification for residential use in Subdistricts A, B and E).

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be ~~authorized~~ granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). As a pre-condition to applying for such ~~authorization~~ #floor area# bonus, the applicant shall demonstrate that a #floor area ratio# of no less than 0.1 of the maximum #floor area ratio# set forth in Row C of Section 93-22 (Floor Area Regulations in Subdistricts B, C, D, E, and F), has been achieved, prior to, or in conjunction with, the application. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

Chapter 5

Special Transit Land Use District

95-00

GENERAL PURPOSES

* * *

95-02

General Provisions

#Special Transit Land Use Districts# are mapped in the vicinity of existing or proposed subway stations. Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

Whenever this Special District overlaps another Special District and imposes contradictory regulations, the provisions of the #Special Transit Land Use District# shall apply. Nothing contained in this regulation shall be understood to supersede Landmark or Historic District designations of the New York City Landmarks Preservation Commission.

For #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

95-05

Terms and Conditions for Permitted Uses and Construction Within Transit Easement Volume

The transit easement volume shall be used as an entrance/exit for public access to the subway and/or to provide better access of light and air to the subway station mezzanine, and for related uses. Illustrative of such purposes

are light wells, stairs, ramps, escalators, elevators or, for #zoning lots# subject to the provisions of Section 95-032 (Determination of transit easements at other stations), ancillary facilities required to support the functioning of subways, including, but not limited to, emergency egress or ventilation structures.

No #floor area# bonus shall be allowed for any transit easement provided on a #zoning lot#, except in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), where applicable.

When a transit easement volume required on a #zoning lot# is located within a #building#, any floor spaces occupied by such transit easement volume shall not count as #floor area#. Any portion of the #lot area# of a #zoning lot# occupied by a transit easement and weather protected by an overhang or roofed area, shall be considered as a #public plaza# in the districts that allow such #public plaza# bonuses.

The transit easement volume, any construction allowed therein or any weather protection provided thereon by an overhang or roofed area pursuant to Section 95-053, shall be considered permitted obstructions within required #yards#, #open space# or in a #public plaza# area.

* * *

Chapter 6
Special Clinton District

96-00
GENERAL PURPOSES

* * *

96-02
General Provisions

Except as modified by the express provisions of this Chapter, the regulations of the underlying districts, or as modified by the #Special Midtown District#, remain in effect.

The #Special Midtown District# and its regulations, where applicable in the #Special Clinton District#, shall also apply and shall supplement or supersede regulations as set forth in this Chapter pursuant to Section 96-22 (Special Regulations for Eighth Avenue Perimeter Area). In the event of any conflict or discrepancy between the regulations, the more restrictive regulations shall apply in accordance with Section 11-22 (Application of Overlapping Regulations). This portion of the Special Purpose District is designated on the #zoning map# by the letters "CL-MiD."

In #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4,~~ shall control.

* * *

96-20

PERIMETER AREA

* * *

**96-21
Special Regulations for 42nd Street Perimeter Area**

* * *

(b) #Floor area# regulations

(1) #Floor area# regulations in Subarea 1

In Subarea 1 of the 42nd Street Perimeter Area as shown in Appendix A, the basic #floor area ratio# on a #zoning lot# shall be 10.0, and may be increased to a maximum of 12.0 only in accordance with the provisions of Section 23-154 (Inclusionary Housing), except that any units for which a #floor area# increase has been earned, pursuant to Section 23-154 shall be within the #Special Clinton District#. In addition, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be ~~authorized~~ granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Improvements). Such bonuses may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

**96-22
Special Regulations for Eighth Avenue Perimeter Area**

For #zoning lots#, or portions thereof, located in an area bounded by a line 150 feet west of Eighth Avenue, West 56th Street, Eighth Avenue and West 45th Street, excluding such area between West 49th and West 50th Streets, the #floor area ratio# permitted by the underlying district may be increased from 10.0 to 12.0 only pursuant to Section 23-90 (INCLUSIONARY HOUSING), except that any units for which a #floor area# increase has been earned pursuant to Section 23-90 shall be within the #Special Clinton District#. In addition, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be ~~authorized~~ granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Improvement Bonus). Such bonuses may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

All #developments# or #enlargements# located in an area bounded by a line 150 feet west of Eighth Avenue, West 45th Street, Eighth Avenue and West 42nd Street shall comply with special regulations set forth in Article VIII, Chapter 1 (Special Midtown District), including Sections 81-21 (Floor Area Ratio Regulations) and 81-70 (SPECIAL REGULATIONS FOR THEATER SUBDISTRICT). For #developments# or #enlargements# that utilize a #floor area# increase pursuant to the Inclusionary Housing Program of Section 23-90, any units for which a #floor area# increase has been earned shall be within the #Special Clinton District#.

* * *

Chapter 7
Special 125th Street District

97-00
GENERAL PURPOSES

* * *

97-02
General Provisions

In harmony with the general purposes of the #Special 125th Street District# and in accordance with the provisions of this Chapter, the express requirements of the Special District shall apply within the Special District.

Except as modified by the particular provisions of the Special District, the regulations of the underlying zoning districts shall remain in effect. 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. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

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97-40
SPECIAL BULK REGULATIONS

* * *

97-42
Additional Floor Area and Lot Coverage Regulations

Within #Inclusionary Housing designated areas#, as specified in APPENDIX F of this Resolution, the maximum #floor area ratio# may be increased pursuant to the #floor area# provisions of Section 97-421 (Inclusionary Housing) or paragraph (a) of Section 97-422 (Floor area bonus for visual or performing arts uses), which may be used concurrently.

Within #Mandatory Inclusionary Housing areas#, as specified in APPENDIX F of this Resolution, the maximum #floor area ratio# may be increased for certain #zoning lots# specified in paragraph (b) or (c), as applicable, of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) by the provisions of Section 97-422.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be ~~authorized~~ granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). Bonuses pursuant to Sections 66-51, 97-421 and 97-422 may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

Chapter 9
Special Madison Avenue Preservation District

99-00
GENERAL PURPOSES

* * *

99-02
General Provisions

Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

* * *

99-04
Special Bulk Provisions

For the purposes of this Chapter, the maximum #floor area ratio# on a #zoning lot# shall not exceed 10.0. However, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be ~~authorized~~ granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

ARTICLE X
SPECIAL PURPOSE DISTRICTS

Chapter 1
Special Downtown Brooklyn District

101-00
GENERAL PURPOSES

* * *

101-02
General Provisions

The provisions of this Chapter shall apply within the #Special Downtown Brooklyn 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. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

Whenever a #zoning lot# is divided by the boundary of the #Special Downtown Brooklyn District#, the requirements set forth in this Chapter shall apply, and shall apply only to that portion of the #zoning lot# within the #Special Downtown Brooklyn District#.

* * *

**101-20
SPECIAL BULK REGULATIONS**

The bulk regulations of the underlying districts shall apply, except as superseded, supplemented or modified by the provisions of this Section, inclusive.

Within #Mandatory Inclusionary Housing areas#, as shown on the map in APPENDIX F of this Resolution, the provisions of Sections 23-154 (Inclusionary Housing) and 23-90 (INCLUSIONARY HOUSING) shall apply.

In addition, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be ~~authorized~~ granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

**101-21
Special Floor Area and Lot Coverage Regulations**

* * *

(c) In C6-4.5 Districts

In C6-4.5 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 12.0. No #floor area# bonuses for #commercial# or #community facility uses# shall be permitted except in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), where applicable.

(d) In C6-6 Districts

In C6-6 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 15.0, and the maximum #residential floor area ratio# shall be 9.0. No #floor area# bonuses shall be permitted except in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), where applicable.

(e) In C6-9 Districts

In C6-9 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 18.0, ~~and no #commercial# or #community facility floor area# bonuses shall be permitted.~~

In addition, #residential floor area ratio# may be increased only pursuant to the applicable provisions of Section 23-154 (Inclusionary Housing), ~~and no other #residential floor area# bonuses shall be permitted.~~

However, in the C6-9 District bounded by Flatbush Avenue, State Street, 3rd Avenue and Schermerhorn Street, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 12.0, and the maximum #residential floor area ratio# shall be 9.0. ~~No #floor area# bonuses shall be permitted.~~ However, on a #zoning lot# with a minimum #lot area# of 50,000 square feet improved with public #schools# containing at least 100,000 square feet of floor space #developed# pursuant to an agreement with the New York City Educational Construction Fund, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 15.0, and the maximum #residential floor area ratio# shall be 12.0. Up to 46,050 square feet of floor space within such public #schools# shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#. In addition, any #building# containing #residences# may be #developed# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. In such instances, the #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

No #floor area# bonuses shall be permitted except as ~~authorized~~ granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

**101-211
Special permit for subway station improvements**

[Replaced by various provisions of Article VI, Chapter 6]

~~Within the #Special Downtown Brooklyn District#, the City Planning Commission may grant, by special permit, a #floor area# bonus for #buildings# that provide subway station improvements, pursuant to the provisions of Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).~~

~~The total additional #floor area# permitted on the #zoning lot# shall not exceed 20 percent of the basic maximum #floor area ratio# permitted by the underlying district regulations.~~

~~For the purposes of the Special District, the #zoning lot# for the #development# that will receive the #floor area# bonus shall be adjacent to a subway station where major improvements have been provided. Upon completion of the improvement, the #zoning lot# will physically adjoin a subway station mezzanine, platform, concourse or connecting passageway.~~

~~The subway stations where such improvements are permitted are listed in the following table and shown on Map 7 (Subway Station Improvement Areas) in Appendix E of this Chapter.~~

Station	Line
Borough Hall	Eastern Parkway
Court Street	Montague Street Tunnel
DeKalb Avenue	4th Avenue/Brighton

Hoyt Street	Eastern Parkway
Hoyt-Schermerhorn Street	Crosstown/Fulton Street
Jay St. MetroTech	Culver/Fulton Street
Lawrence Street	Montague Street Tunnel
Nevins Street	Eastern Parkway
Atlantic Ave-Pacific Street	4th Avenue/Brighton/Eastern Parkway

* * *

Chapter 4
Special Manhattanville Mixed Use District

* * *

104-00
GENERAL PURPOSES

* * *

104-02
General Provisions

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Manhattanville Mixed Use District#, the regulations of this Chapter shall apply within the Special 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. However, in #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4,~~ shall control.

* * *

Chapter 5
Special Natural Area District

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105-00

GENERAL PURPOSES

* * *

**105-02
General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Natural Area District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter, in order to protect outstanding #natural features# described herein. Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

The provisions of this Chapter shall apply to:

* * *

When a #zoning lot# existing on the effective date of the Special District designation is subdivided into two or more #zoning lots#, an application shall be submitted to the Commission for review and approval pursuant to Section 105-90 (FUTURE SUBDIVISION).

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

* * *

Chapter 7
Special South Richmond Development District

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**107-00
GENERAL PURPOSES**

* * *

**107-02
General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special South Richmond Development District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect. In #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4~~, shall control.

* * *

Chapter 9
Special Little Italy District

109-00
GENERAL PURPOSES

* * *

109-02
General Provisions

In harmony with the general purposes and intent of this Resolution and the general purposes of the #Special Little Italy District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Little Italy District# are superimposed are made inapplicable, and special regulations are substituted therefore in this Chapter.

Except as modified by the express provisions of this Special District, the regulations of the underlying zoning district remain in effect. For the purposes of this Chapter, the provisions of Sections 23-15, 23-20 and 33-13 are made inapplicable.

For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

* * *

109-30
HOUSTON STREET CORRIDOR (Area B)

109-32
Bulk Regulations

* * *

109-321
Floor area regulations

The maximum #floor area ratio# permitted on a #zoning lot# is 7.52 for #residential use#, 6.0 for #commercial use# and 7.5 for #community facility use#. In no event shall the total #floor area ratio# for all #uses# exceed 7.52. However, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be ~~authorized~~ granted by the City Planning Commission

pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

**ARTICLE XI
SPECIAL PURPOSE DISTRICTS**

Chapter 1
Special Tribeca Mixed Use District

111-00
GENERAL PURPOSES

* * *

111-02
General Provisions

The provisions of this Chapter shall apply to all #developments, enlargements, extensions#, alterations, #accessory uses#, open and enclosed and changes in #uses# within the Special District.

Except as modified by the express provisions of the District, the regulations of the underlying districts remain in effect. In #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4~~, shall control.

* * *

111-20
SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7

* * *

(b) Area A2

The underlying regulations applicable to a C6-3 District shall apply to #developments# and #enlargements#, except as set forth herein.

(1) Maximum #floor area ratio#

~~No #floor area# bonuses shall be permitted in Area A2.~~

The maximum #floor area ratio# permitted shall be 7.52. In no case shall the #floor area ratio# of the #commercial# or #community facility# portion of the #building# be more than 6.0.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be ~~authorized~~ granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions). No other #floor area# bonuses shall be permitted in Area A2.

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Chapter 3
Special Ocean Parkway District

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113-00
GENERAL PURPOSES

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113-01
General Provisions

In harmony with the general purposes of the #Special Ocean Parkway District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Ocean Parkway District# is superimposed are made inapplicable and special regulations are substituted therefor. Except as modified by the express provisions of the Special District, the regulations of the underlying districts remain in force. In #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4,~~ shall control.

* * *

Chapter 4
Special Bay Ridge District

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114-00
GENERAL PURPOSES

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114-01
General Provisions

In harmony with the general provisions and intent of this Resolution and the general purposes of the #Special Bay Ridge District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. The provisions of this Chapter shall apply to all #buildings#.

Except as modified by the provisions of this Chapter, the regulations of the underlying districts remain in effect.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

* * *

Chapter 5
Special Downtown Jamaica District

115-00
GENERAL PURPOSES

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115-01
General Provisions

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Downtown Jamaica District#, the regulations of this Chapter shall apply within the #Special Downtown Jamaica District#. The regulations of all other chapters of this Resolution are applicable except as modified, supplemented or superseded 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. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

Any special permit granted by the City Planning Commission before September 10, 2007, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such special permit was granted, subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

* * *

115-20
SPECIAL BULK REGULATIONS

* * *

115-21

Floor Area Ratio, Open Space and Lot Coverage

- (a) Maximum #floor area ratio# for #zoning lots# containing non-#residential uses#

In C6-2 and C6-3 Districts, the underlying #floor area ratio# and #open space# provisions shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial# and #community facility uses#, separately or in combination, shall not exceed 6.0 in C6-2 Districts and 8.0 in C6-3 Districts. ~~No #floor area# bonuses shall be permitted.~~

In C6-4 Districts, the underlying #floor area ratio# provisions, ~~including #floor area# bonus provisions,~~ shall apply to #community facility uses#. For #commercial uses#, the maximum #floor area ratio# shall be 12.0, ~~and no #floor area# bonuses shall apply.~~

In M1-4 Districts, the maximum #floor area ratio# permitted for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be 2.0.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be ~~authorized~~ granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

- (b) Maximum #floor area ratio# for #zoning lots# containing #residential uses#

The maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed the #floor area ratio# set forth in Section 115-211 (Special Inclusionary Housing regulations) for the applicable district. In addition, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be ~~authorized~~ granted by the City Planning Commission pursuant to the provisions of Section 66-51. Such bonuses may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section 66-11.

* * *

Chapter 6
Special Stapleton Waterfront District

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116-00
GENERAL PURPOSES

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116-02
General Provisions

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Stapleton Waterfront District#, the provisions of this Chapter shall apply to all #developments#, #enlargements#

and changes of #use# within the #Special Stapleton Waterfront District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded 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. However, in #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4~~, shall control, except in Subarea E of this Chapter.

Within the #Special Stapleton Waterfront District#, the regulations of the underlying R6, C2-2, C4-2A and M2-1 Districts shall apply, as modified in this Chapter.

* * *

Chapter 7
Special Long Island City Mixed Use District

117-00
GENERAL PURPOSES

* * *

117-02
General Provisions

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Long Island City Mixed Use District#, the regulations of this Chapter shall apply within the #Special Long Island City Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as modified, supplemented or superseded 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. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4~~, shall control.

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117-50
QUEENS PLAZA SUBDISTRICT

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117-52
Queens Plaza Subdistrict Special Bulk Regulations

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117-522

Maximum floor area ratio for all uses

The maximum #floor area ratio# permitted for #commercial#, #community facility#, #manufacturing# and #residential uses# in accordance with the applicable designated district shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial#, #community facility#, #manufacturing# or #residential uses#, separately or in combination, is specified in the following table:

MAXIMUM FLOOR AREA RATIO FOR ALL USES IN THE QUEENS PLAZA SUBDISTRICT

Area	Maximum #Floor Area Ratio#
A-1 A-2	12.0
B	8.0
C	5.0

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be ~~authorized~~ granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

Chapter 8

Special Union Square District

118-00

GENERAL PURPOSES

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118-01

General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Union Square District# and in accordance with the provisions of this Chapter, certain specified #use#, #bulk# and #sign# regulations of the underlying district are made inapplicable and are superseded by the #use#, #bulk# and #sign# regulations of the #Special Union Square District# as set forth in this Chapter. In addition, special #street wall# transparency and location of entrance requirements are set forth in this Chapter. Except as modified by the express provisions of this Chapter, the underlying district regulations remain in effect.

For #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around

Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

**118-20
BULK REGULATIONS**

**118-21
Floor Area Regulations**

The maximum #floor area ratio# permitted on property bounded by:

- (a) Broadway, a line midway between East 14th Street and East 13th Street, a line 100 feet west of University Place, Union Square West and Broadway, a line midway between East 17th Street and East 18th Street, a line 100 feet east of Park Avenue South and Union Square East, East 15th Street, Union Square East, East 17th Street, Union Square West and East 14th Street is 8.0; and
- (b) Broadway, a line midway between East 13th Street and East 14th Street, south prolongation of the center line of Irving Place and Irving Place, East 15th Street, Union Square East, Fourth Avenue, and East 14th Street is 10.0, ~~except as provided in Section 118-60 (SUBWAY STATION IMPROVEMENTS WITHIN THE SPECIAL UNION SQUARE DISTRICT).~~

~~In no event, shall the~~ The commercial #floor area ratio# shall not exceed 6.0 except in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

* * *

**118-60
SUBWAY STATION IMPROVEMENTS WITHIN THE SPECIAL UNION SQUARE DISTRICT**

[Replaced by various provisions of Article VI, Chapter 6]

~~The City Planning Commission may, by special permit, grant #residential floor area# bonuses for #developments# or #enlargements# that provide major improvements on the 14th Street/Union Square Subway Station in accordance with the provisions of Section 74-634. The #zoning lot# for the #development# or #enlargement# on which such #floor area# bonus is requested shall be adjacent to the 14th Street/Union Square Subway Station or to an existing passageway to the station.~~

~~As part of the special permit, the Commission may modify the #street wall# regulations of Section 118-30 (STREET WALL HEIGHT AND SETBACK REGULATIONS) if it finds that such major improvements cannot be provided without modifications of these provisions.~~

* * *

**ARTICLE XII
SPECIAL PURPOSE DISTRICTS**

Chapter 1
Special Garment Center District

121-00
GENERAL PURPOSES

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121-01
General Provisions

The provisions of this Chapter shall apply within the #Special Garment Center 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. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

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121-40
SPECIAL BULK REGULATIONS WITHIN SUBDISTRICT A-2

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121-41
Maximum Permitted Floor Area Within Subdistrict A-2

The basic maximum #floor area ratio# of a #zoning lot# containing #non-residential buildings# shall be 10.0 and may be increased to a maximum #floor area ratio# of 12.0 ~~only~~ pursuant to Section 93-31 (District Improvement Fund Bonus). Such #zoning lot# may also contain #residences# within #buildings# existing on January 19, 2005, provided that such #buildings# are not #enlarged# after such date. For #zoning lots# containing #residences# within a #building# that is #developed# or #enlarged# on or after January 19, 2005, the basic maximum #floor area ratio# shall be 6.5. The #floor area ratio# of any such #zoning lot# may be increased from 6.5, pursuant to Section 93-31, and pursuant to Section 23-90 (INCLUSIONARY HOUSING), as modified by Section 93-23 (Modifications of Inclusionary Housing Program), provided that for every five square feet of #floor area# increase pursuant to Section 93-31, there is a #floor area# increase of six square feet pursuant to Section 23-90, as modified by Section 93-23, inclusive. The maximum #residential floor area ratio# shall be 12.0.

For the #conversion# to #dwelling units# of #non-residential buildings#, or portions thereof, where the total #floor area# on the #zoning lot# to be #converted# to #residential use# exceeds a #floor area ratio# of 12.0, such excess #floor area# shall be permitted only pursuant to Section 93-31.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be ~~authorized~~ granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). As a pre-condition to applying for such ~~authorization~~ #floor area# bonus, the applicant shall demonstrate that a #floor

area ratio# of no less than 0.1 of the maximum #floor area ratio# pursuant to Section 93-31 or Section 93-23, has been achieved prior to, or in conjunction with, the application. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

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Chapter 2
Special Grand Concourse Preservation District

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122-00
GENERAL PURPOSES

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122-02
General Provisions

Except as modified by the express provisions of the #Special Grand Concourse Preservation District#, the regulations of the underlying zoning districts shall remain in effect.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

* * *

Chapter 3
Special Mixed Use District

123-10
GENERAL PROVISIONS

The provisions of this Chapter shall apply within the #Special Mixed Use 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. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4,~~ shall control.

In #Special Mixed Use Districts#, an M1 District is paired with a #Residence District#, as indicated on the #zoning maps#.

The designated #Residence Districts# in #Special Mixed Use Districts# shall not include either an R1 or an R2 District.

* * *

Chapter 5
Special Southern Hunters Point District

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125-00
GENERAL PURPOSES

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125-01
General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Southern Hunters Point District#, the regulations of this Chapter shall apply within the #Special Southern Hunters Point 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. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4,~~ shall control.

* * *

125-20
FLOOR AREA REGULATIONS

125-21
East River Subdistrict

In the East River Subdistrict, the maximum #residential floor area ratio# shall be as set forth in the following table, ~~and no #floor area# bonuses shall apply.~~ For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be ~~authorized~~ granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

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Chapter 8
Special St. George District

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128-00
GENERAL PURPOSES

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128-02
General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special St. George District#, the regulations of this Chapter shall apply within the #Special St. George 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. However, in #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4,~~ shall control.

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ARTICLE XIII
SPECIAL PURPOSE DISTRICTS

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Chapter 1
Special Coney Island District

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131-00
GENERAL PURPOSES

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131-01
General Provisions

The provisions of this Chapter shall apply within the #Special Coney Island 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. However, in #flood zones#, or for #transit-

adjacent sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 4, shall control.

* * *

Chapter 2
Special Enhanced Commercial District

* * *

132-10
GENERAL PROVISIONS

The provisions of this Chapter shall apply to all #buildings# with #street# frontage along a #designated commercial street#.

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. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

Chapter 5
Special Bay Street Corridor District

* * *

135-00
GENERAL PURPOSES

* * *

135-04
Applicability

* * *

135-045
Applicability of Article VI, Chapter 6

Notwithstanding the general provisions of Section 135-01, for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

~~135-045~~ 135-046

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 June 26, 2019, the provisions of this Chapter shall not apply. In lieu thereof, the provisions of an M1-1 District shall apply.

* * *

Chapter 6

Special Downtown Far Rockaway District

* * *

136-00

GENERAL PURPOSES

* * *

136-01

General Provisions

The regulations of this Chapter shall apply within the #Special Downtown Far Rockaway District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded 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.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

* * *

Chapter 7

Special Coastal Risk District

* * *

137-10

GENERAL PURPOSES

The provisions of this Chapter shall apply in the #Special Coastal Risk 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.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

* * *

Chapter 8
Special East Harlem Corridors District

138-00
GENERAL PURPOSES

* * *

138-01
General Provisions

The provisions of this Chapter shall apply within the #Special East Harlem Corridors 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. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

138-20
SPECIAL BULK REGULATIONS

* * *

138-21
Floor Area Regulations

* * *

138-211
Special floor area regulations

* * *

(c) ~~Any floor space occupied by a subway entrance provided pursuant to the provisions of Section 138-33 (Off-street Relocation or Renovation of a Subway Stair) shall not count as #floor area#. For #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).~~

**138-212
Additional floor area regulations in the Park Avenue Subdistrict**

Within the Park Avenue Subdistrict, as shown on Map 1 of the Appendix to this Chapter, the #floor area ratio# regulations of paragraphs (a) and (b) of Section 138-211 are further modified in this Section.

* * *

**ARTICLE XIV
SPECIAL PURPOSE DISTRICTS**

**Chapter 1
Special Jerome Corridor District**

**141-00
GENERAL PURPOSES**

* * *

**141-01
General Provisions**

The provisions of this Chapter shall apply within the #Special Jerome 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. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

* * *

**Chapter 2
Special Inwood District**

142-00

GENERAL PURPOSES

* * *

**142-01
General Provisions**

The provisions of this Chapter shall apply within the #Special Inwood 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. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4~~, shall control.

* * *

**142-09
Off-street Relocation of Subway Station Entrances**

For all #developments# or #enlargements# involving ground floor level construction on a #zoning lot# that is wholly or partially located within a Transit Easement Zone, as shown on Map 3 (Special Inwood District – Transit Easement Zones) in the Appendix to this Chapter, a transit easement volume may be ~~required~~ needed on such #zoning lot# for public access between the #street# and the adjacent above- or below-grade subway station, pursuant to the provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES). Such #zoning lots# that are wholly or partially within a Transit Easement Zone shall be considered a #primary transit-adjacent site#, as defined in Section 66-11 (Definitions).

(a) **Transit Easement**

~~Prior to filing any application with the Department of Buildings for an excavation permit, foundation permit, new building permit or alteration permit for a #development# or #enlargement#, the owner of the #zoning lot# shall file an application with the Metropolitan Transportation Authority (MTA) and the Chairperson of the City Planning Commission requesting a certification as to whether or not a transit easement volume is required on the #zoning lot#.~~

~~Within 60 days of receipt of such application, the MTA and the Chairperson shall jointly certify whether or not a transit easement volume is required on the #zoning lot#. Failure to certify within the 60-day period will release the owner from any obligation to provide a transit easement volume on such #zoning lot#.~~

~~When the MTA and the Chairperson indicate that a transit easement volume is required, the MTA shall, in consultation with the owner of the #zoning lot# and the Chairperson, determine the appropriate type of transit easement and reasonable dimensions for such transit easement volume.~~

~~The owner shall submit a site plan showing a proposed location of such transit easement volume that would provide access between the #street# and the adjacent subway station and be compatible with the proposed #development# or #enlargement# on the #zoning lot# for joint approval and final certification by the MTA and the Chairperson. The MTA and the Chairperson shall comment on such site plan within 45 days of its receipt and may, within such 45-day period or following its expiration, permit the granting~~

~~of an excavation permit while the location and size of the transit easement volume is being finalized. Upon joint approval of a site plan by the MTA and the Chairperson, copies of such certification shall be forwarded by the Chairperson to the Department of Buildings.~~

~~Legally enforceable instruments, running with the land, creating a transit easement volume, and setting forth the obligations of either the MTA or the owner and developer, their successors and assigns, to design and construct the improvement, shall be executed and recorded in a form acceptable to the MTA and the Chairperson. The execution and recording of such instruments shall be a precondition to the issuance of any foundation permit, new building permit, or alteration permit by the Department of Buildings allowing such #development# or #enlargement#.~~

(b) Construction and Maintenance

~~Where a transit easement volume is required pursuant to this Section, transit access improvements within such volume shall be constructed and maintained either by the MTA or the owner of the #zoning lot# with the #development# or #enlargement#.~~

- (1) ~~Where such mass transit improvement is constructed and maintained by the owner of the #development# or #enlargement#:~~
 - (i) ~~a transit access improvement shall be provided in accordance with standards set forth by the MTA;~~
 - (ii) ~~such improvement shall be accessible to the public at all times, except as otherwise approved by the MTA;~~
 - (iii) ~~such improvement shall include #signs# to announce accessibility to the public. Such #signs# shall be exempt from the maximum #surface area# of non #illuminated signs# permitted by Section 32-642 (Non illuminated signs); and~~
 - (iv) ~~no temporary certificate of occupancy shall be granted by the Department of Buildings for the #building# until the Chairperson of the City Planning Commission, acting in consultation with the MTA, has certified that the improvement is substantially complete and usable by the public.~~
- (2) ~~Where such mass transit improvement is constructed and maintained by the MTA:~~
 - (i) ~~Where the construction of the improvement is not contemporaneous with the construction of the #development# or #enlargement#, any underground walls constructed along the #front lot line# adjacent to a below grade subway station shall include a knockout panel, not less than 12 feet wide, below #curb level# down to the bottom of the easement. The actual location and size of such knockout panel shall be determined through consultation with the MTA.~~
 - (ii) ~~Temporary construction access shall be granted to the MTA on portions of the #zoning lot# outside of the transit easement volume, as necessary, to enable construction within and connection to the transit easement volume.~~
 - (iii) ~~In the event that the MTA has approved of obstructions associated with the #development# or #enlargement# within the transit easement volume, such as building columns or footings, such construction and maintenance shall exclude any such obstructions within the transit easement volume.~~

(e) Additional modifications

~~Where a transit easement volume is required pursuant to paragraph (a) of this Section, the Chairperson of the City Planning Commission shall certify the following modifications in conjunction with such transit easement volume certification:~~

- ~~(1) the edge of the transit easement volume facing the #street# shall be considered a #street wall# for the purposes of applying the #street wall# location provisions set forth in Section 142-40 (SPECIAL HEIGHT AND SETBACK REGULATIONS), inclusive, irrespective of whether such volume is incorporated into a #building#;~~
- ~~(2) for #zoning lots# adjacent to a below-grade subway station, the maximum height for the #building# set forth in Section 142-40, inclusive, shall be increased by 10 feet, and the maximum number of #stories#, if applicable, shall be increased by one, except where the provisions of Section 142-48 (Special Regulations for Certain Sites in Subdistricts C and F) are being utilized;~~
- ~~(3) the floor space contained within any transit easement volume required pursuant to this Section shall be excluded from the definition of #floor area#; and~~
- ~~(4) the street frontage of such transit easement volume shall be excluded for the purpose of applying the provisions of Section 142-14 (Ground Floor Level Requirements).~~

(d) Temporary Use

~~Any easement volume required on a #zoning lot# pursuant to paragraph (a) of this Section may be temporarily used for any permitted #commercial# or #community facility uses# until such time as required by the MTA for transit access improvements. The floor space allocated to such temporary #uses# within the transit easement volume shall continue to be exempt from the definition of #floor area# and shall not be included for the purpose of calculating #accessory# off street parking, bicycle parking, _____ or _____ loading _____ berths.~~

~~Improvements or construction of a temporary nature within the easement volume for such temporary #uses# shall be removed by the owner of the #building# or portion of the #zoning lot# within which the easement volume is located prior to the time at which public #use# of the easement area is required, except as otherwise specified by the MTA. A minimum notice of six months shall be given, in writing, by the MTA to the owner of the #building# or portion of the #zoning lot# to vacate the easement volume.~~

(e) Termination of an easement volume

~~In the event that the MTA and the City Planning Commission jointly notify the Department of Buildings and the owner in writing that a transit easement volume is not required on a #zoning lot# in its final construction plans, the restrictions imposed on such #zoning lot# by the provisions of this Section shall lapse, following receipt of notification thereof by the owner, and the owner shall have the right to record an instrument reciting the consent of the MTA to the extinguishment of the easement volume.~~

~~On any #zoning lot# which has been #developed# or #enlarged# in accordance with the provisions of this Section and on which termination of transit easement has been certified, pursuant to this paragraph, any floor space in a previously required transit easement volume shall continue to be exempt from the definition of #floor area# and shall not be included for the purpose of calculating requirements for #accessory# off street parking, bicycle parking or loading berths. However, where such previously required volume is located within a #building#, the ground floor space shall be subject to the provisions of Section 142-14.~~

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, September 30, 2021 (Remote 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).

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

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

Approved New Applicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
Ayashah Anwar	157-24 84th Street Queens, New York 11414	32
Sanola Thomas	1052 E 105th Street, 1st Floor Brooklyn, New York 11236	46
Inessa Segal	2909 Ocean Ave, Apt 2D Brooklyn, New York 11235	48
Irina Dvorkin	448 Neptune Ave, Apt 20G Brooklyn, New York 11224	48
Tamari Shedania	1565 E 14th Street, Apt 5D Brooklyn, New York 11230	48
Anna Alvarez	874 Bard Ave Staten Island, New York 10301	49
Jeanette Alvarez	874 Bard Ave Staten Island, New York 10301	49
Ariana Thomas	280 Mulberry Street, Apt 4D New York, New York 10012	1
Cloey Romans	225 W 23rd Street, Apt 2K New York, New York 10011	3
Adriaan Denbroeder	21-03 29th Ave, Apt 1 Queens, New York 11102	20
Damaris Almonte	9115 120th Street Queens, New York 11418	29
Yin-Yin	65-38 Booth Street, Apt 5J Rego Park, New York 11374	29
Hattie Thomas	137 Montague Street Brooklyn, New York 11201	30

Joseph Hennessy	672 Halsey Street, Apt 1A Brooklyn, New York 11233	36
Madeline Plasencia	158 Cleveland Street Brooklyn, New York 11208	37
Emmitt Sklar	578 7th Street Brooklyn, New York 11215	39
Josette Spencer	33 Crooke Ave, Apt 3A Brooklyn, New York 11226	40
Xliao Ting Jlang	8700 16th Ave, 2nd FL Brooklyn, New York 11214	43

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) | Int 455-A - | Use of all-electric school buses in school bus contracts. |
| (2) | Int 1058-A - | Developing an urban agriculture report. |
| (3) | Int 1620-A - | Creation of a citywide climate adaptation plan. |
| (4) | Int 1663-A - | Establishing an office of urban agriculture and an urban agriculture advisory board. |
| (5) | Int 1995-A - | Shelter security guard and fire guard training. |
| (6) | Int 2006-A - | Establishing prevailing wage requirements for security guards and fire guards at city-contracted shelters. |
| (7) | Int 2261-A - | New York City Plumbing Code, the New York City Building Code, the New York City Mechanical Code and the New York City Fuel Gas Code in relation to bringing such codes and related provisions of law up to date. |
| (8) | Int 2330-A - | New York City Housing Authority complaints and requests for service. |
| (9) | Res 1752 - | New designation and changes in the designation of certain organizations to receive funding in the Expense Budget (Transparency Resolution). |
| (10) | L.U. 832 & Res 1753 - | App. C 200203 ZMK (2840 Knapp Street Rezoning) Borough of Brooklyn, Council District 48, Community District 15. |
| (11) | L.U. 833 & Res 1754 - | App. N 200204 ZRK (2840 Knapp Street Rezoning) Borough of Brooklyn, Council District 48, Community District 15. |
| (12) | L.U. 834 & Res 1760 - | App. C 210202 ZSM (The Windmere) Borough of Manhattan, Council District 3, Community District 4. |

- (13) L.U. 836 & Res 1755 - App. C 210261 ZMM (629-633 West 142nd Street Rezoning) Borough of Manhattan, Council District 7, Community District 9. (Coupled to be Filed).
- (14) L.U. 837 & Res 1756 - App. N 210262 ZRM (629-633 West 142nd Street Rezoning) Borough of Manhattan, Council District 7, Community District 9. (Coupled to be Filed).
- (15) L.U. 838 & Res 1761 - App. N 210270 ZRY (Elevate Transit: Zoning for Accessibility) Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related sections, Citywide.
- (16) L.U. 839 & Res 1757 - App. C 180395 ZMQ (106-02 Rockaway Beach Boulevard Rezoning) Borough of Queens, Council District 32, Community District 14.
- (17) L.U. 840 & Res 1758 - App. C 200306 ZMK (307 Kent Avenue Rezoning) Borough of Brooklyn, Council District 33, Community District 1.
- (18) L.U. 841 & Res 1759 - App. N 200307 ZRK (307 Kent Avenue Rezoning) Borough of Brooklyn, Council District 33, Community District 1.
- (19) 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, Brannan, Brooks-Powers, Cabrera, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – 45.

The General Order vote recorded for this Stated Meeting was 45-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int. No. 455-A**:

Affirmative – Adams, Ampy-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabrera, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Vallone, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **44**.

Negative – The Minority Leader (Council Member Matteo) – **1**.

The following was the vote recorded for **Int. No. 2006-A**:

Affirmative – Adams, Ampy-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabrera, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Vallone, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **44**.

Negative – The Minority Leader (Council Member Matteo) – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 455-A, 1058-A, 1620-A, 1663-A, 1995-A, 2006-A, 2261-A, and 2330-A.*

INTRODUCTION AND READING OF BILLS

Int. No. 2410

By Council Members Brooks-Powers and Yeager (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to agency actions in case of a breach of security and to repeal section 20-117 of such code, relating to licensee disclosure of a security breach

Be it enacted by the Council as follows:

Section 1. Section 10-501 of the administrative code of the city of New York, as added by local law number 45 for the year 2005, is amended to read as follows:

§ 10-501. Definitions. For the purposes of this chapter,

a. The term ["personal identifying information" shall mean any person's date of birth, social security number, driver's license number, non-driver photo identification card number, financial services account number or code, savings account number or code, checking account number or code, brokerage account number or code, credit card account number or code, debit card number or code, automated teller machine number or code, personal identification number, mother's maiden name, computer system password, electronic signature or unique biometric data that is a fingerprint, voice print, retinal image or iris image of another person. This term shall apply to all such data, notwithstanding the method by which such information is maintained.] *"personal information" shall mean any information concerning an individual that because of a name, number, symbol, mark or other identifier, can be used to identify that individual.*

b. *The term "private information" shall mean either: (i) personal information consisting of any information in combination with any one or more of the following data elements, when either the data element alone or the combination of such information plus the data element is not encrypted, or encrypted with an encryption key that has also been accessed or acquired:*

(1) social security number;

(2) driver's license number or non-driver identification card number;

(3) account number, credit or debit card number, in combination with any required security code, access code, password or other information which would permit access to an individual's financial account;

(4) account number, or credit or debit card number, if circumstances exist wherein such number could be used to access an individual's financial account without additional identifying information, security code, access code, or password; or

(5) biometric information, meaning data generated by electronic measurements of an individual's unique physical characteristics, such as a retina or iris scan, fingerprint, voiceprint, or scan of hand or face geometry, any of which is collected, retained, converted, stored or shared to identify an individual; or

(ii) a user name or e-mail address in combination with a password or security question and answer that would permit access to an online account.

"Private information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

[b.] c. The term "breach of security" shall mean the unauthorized *access, acquisition*, disclosure or use [by an employee or agent of an agency, or the unauthorized possession by someone other than an employee or agent of an agency, of personal identifying information] *of computerized data* that compromises the security, confidentiality or integrity of [such] *private information maintained by an agency*. Good faith or inadvertent [possession of] *access, acquisition, disclosure, or use of* any [personal identifying] *private information* by an employee or agent of an agency for the legitimate purposes of the agency, and good faith or legally mandated disclosure of any [personal identifying] *private information* by an employee or agent of an agency for the legitimate purposes of the agency shall not constitute a breach of security, *but in such instances an agency must comply with the protocols issued pursuant to subdivision i of section 10-502.*

c. The term "consumer reporting agency" shall mean any person that, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

§ 2. Section 10-502 of the administrative code of the city of New York, as added by local law number 45 for the year 2005, is amended to read as follows:

§ 10-502. Agency disclosure of a [security breach] *breach of security*. a. Any city agency that owns, [or] leases, *or licenses* data that includes [personal identifying information and any city agency that maintains but does not own data that includes personal identifying] *private* information[,] shall [immediately] *promptly* disclose to the [police department] *chief privacy officer, office of cyber command and department of information technology and telecommunications* any breach of security following discovery by a supervisor or manager, or following notification to a supervisor or manager, of such breach if such [personal identifying] *private* information was, or is reasonably believed to have been, *accessed, acquired, disclosed, or used* by an unauthorized person.

b. Subsequent to compliance with the provisions set forth in subdivision a of this section, any city agency that owns, [or] leases, *or licenses* data that includes [personal identifying] *private* information shall disclose, in accordance with the procedures set forth in [subdivision] *subdivisions d, e and f* of this section, any breach of security following discovery by a supervisor or manager, or following notification to a supervisor or manager, of such breach to any [person] *individual* whose [personal identifying] *private* information was, or is reasonably believed to have been, *accessed, acquired, disclosed, or used* by an unauthorized person.

c. [Subsequent to compliance with the provisions set forth in subdivision a of this section, any] Any city agency that maintains but does not own, *lease, or license* data that includes [personal identifying] *private* information shall disclose[, in accordance with the procedures set forth in subdivision d of this section,] any breach of security following discovery by a supervisor or manager, or following notification to a supervisor or manager, of such breach to the owner, lessor or licensor of the data if the [personal identifying] *private* information was, or is reasonably believed to have been, *accessed, acquired, disclosed, or used* by an unauthorized person.

d. The disclosures required by subdivisions b and c of this section shall be made as soon as practicable by a method reasonable under the circumstances[. Provided], *provided* said method is not inconsistent with the legitimate needs of law enforcement or any other investigative or protective measures necessary to restore the [reasonable] integrity of the data system[, disclosures]. *Disclosures required by subdivision b of this section* shall be made *to each affected individual* by at least one of the following means:

1. Written notice [to the individual at his or her last known address]; or
2. [Verbal notification to the individual by telephonic communication] *Telephonic notification, provided that a log of each such notification is maintained by the agency that notifies the affected individuals*; or
3. Electronic notification [to the individual at his or her last known e-mail address] , *provided that the affected individual has expressly consented to receiving such notification in electronic form and a log of each such notification is maintained by the agency that notifies affected individuals in such form; provided further, however, that in no case shall any individual or business require an individual to consent to accepting notification in such form as a condition of establishing any business relationship or engaging in any transaction.*

e. Should disclosure pursuant to paragraph one, two or three of subdivision d be impracticable or inappropriate given the circumstances of the breach and the identity of the victim, such disclosure shall be made by a mechanism [of the agency's election, provided such mechanism] *that* is reasonably targeted to the individual in a manner that does not further compromise the integrity of the [personal] *private* information.

f. In the event that five thousand or more New York residents are to be notified at one time pursuant to this section, the agency shall also notify consumer reporting agencies as to the timing, content and distribution of the notices and approximate number of affected individuals. Such notice shall be made without delaying notice to affected New York residents.

g. Notice to affected individuals under this section is not required if the exposure of private information was an inadvertent disclosure by persons authorized to access private information, and the agency reasonably determines, in accordance with the protocols established pursuant to subdivision i of this section, that such

exposure will not likely result in misuse of such information, or financial, personal, or reputational harm to the affected individuals. Such a determination must be documented in writing and maintained for at least five years.

h. If notice of a breach of security is made to affected individuals pursuant to any law or rule of the state of New York, or pursuant to a law described in paragraph b of subdivision 2 of section two hundred eight of the state technology law, nothing in this section shall require any additional notice to those affected individuals, but notice still shall be provided pursuant to subdivision a of this section.

i. The office of cyber command, in consultation with the chief privacy officer and the department of information technology and telecommunications, shall issue protocols for agency coordination and recordkeeping for any breach of security and any incident that is not a breach of security but involves the good faith or inadvertent access, acquisition, disclosure, or use of any private information by an employee or agent of an agency for the legitimate purposes of the agency. Such protocols may apply to all agencies or a subset thereof.

j. Notifications made pursuant to this section may overlap with notifications required pursuant to the identifying information law, codified in chapter 12 of title 23, including the regulations, policies and protocols issued by the chief privacy officer pursuant to such law. Nothing in this section or the identifying information law shall require duplicate notifications, as long as any notice provided meets any applicable requirements of both this law and the identifying information law.

§ 3. Section 10-503 of the administrative code of the city of New York, as added by local law number 45 for the year 2005, is amended to read as follows:

§ 10-503 Agency disposal of [personal identifying] *private* information. An agency that discards records containing any individual's [personal identifying] *private* information shall do so in a manner intended to prevent retrieval of the information contained therein or thereon.

§ 4. Section 20-117 of the administrative code of the city of New York is repealed and a new section 20-117 is added to read as follows:

§ 20-117 *Licensee disclosure of breach of security, notification requirements. Any person who is required to be licensed pursuant to chapter two of this title, or pursuant to provisions of state law enforced by the department and who is also required to make a notification pursuant to subdivisions 2 or 3 of section 899-aa of the general business law shall promptly submit a copy of such notification to the department. Such notice shall be made without delaying notice to any individual whose private information was, or is reasonably believed to have been, accessed, acquired, disclosed, or used by an unauthorized person.*

§ 5. Subchapter 1 of chapter 3 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-302 to read as follows:

§ 17-302 *Licensee disclosure of breach of security, notification requirements. Every recipient of a license issued pursuant to this title who is required to make a notification pursuant to subdivisions 2 or 3 of section 899-aa of the general business law shall promptly submit a copy of such notification to the department. Such notice shall be made without delaying notice to any individual whose private information was, or is reasonably believed to have been, acquired by an unauthorized person.*

§ 6. Section 19-546 of the administrative code of the city of New York, as added by local law 43 for the year 2016, is amended by adding a new subdivision d to read as follows:

d. Every recipient of a license obtained pursuant to this chapter who is required to make a notification pursuant to subdivisions 2 or 3 of section 899-aa of the general business law shall promptly submit a copy of such notification to the commission. Such notice shall be made without delaying notice to any individual whose private information was, or is reasonably believed to have been, acquired by an unauthorized person.

§ 7. This local law takes effect 120 days after it becomes law, except that the office of the mayor and any other agency may take such measures prior to such date as are necessary for implementation of this local law, including the promulgation of rules.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 2411

By Council Member Cornegy (by request of the Mayor).

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to enforcement of provisions of the zoning resolution related to eligibility requirements with respect to the development, acquisition, rehabilitation, preservation, sale or rental of affordable housing administered by the department of housing preservation and development

Be it enacted by the Council as follows:

Section 1. Paragraphs (l) and (m) of subdivision 6 of section 1802 of the New York city charter, as amended by a vote of the electors on November 7, 1989, are amended, and a new paragraph (n) is added, to read as follows:

(l) exercise such other powers and duties as may be prescribed by law in relation to the management, demolition or sealing or other treatment of residential real property of the city; [and]

(m) employ professional, community and other personnel to manage residential real property of the city; and

(n) enforce the provisions of the zoning resolution related to eligibility requirements with respect to the development, acquisition, rehabilitation, preservation, sale or rental of affordable housing administered by the department pursuant to such resolution, including, but not limited to, sections 23-154 and 23-90 thereof and related provisions of law and rules promulgated pursuant thereto.

§ 2. Title 26 of the administrative code of the city of New York is amended by adding a new chapter thirty to read as follows:

CHAPTER 30

ENFORCEMENT OF ZONING RESOLUTION PROVISIONS RELATED TO ELIGIBILITY REQUIREMENTS REGARDING THE DEVELOPMENT, ACQUISITION, REHABILITATION, PRESERVATION, SALE OR RENTAL OF AFFORDABLE HOUSING ADMINISTERED BY THE DEPARTMENT

§ 26-3001 *Definitions.* For the purposes of this chapter, the following terms have the following meanings:

Affordable housing unit. The term “affordable housing unit” means a dwelling unit subject to affordability restrictions by the zoning resolution.

Applicable affordable housing provisions. The term “applicable affordable housing provisions” means provisions of the zoning resolution related to eligibility requirements with respect to the development, acquisition, rehabilitation, preservation, sale or rental of affordable housing administered by the department pursuant to such resolution, including, but not limited to, those found in sections 23-154 and 23-90 of the zoning resolution, and related provisions of law and rules promulgated pursuant thereto.

Authorized monitor. The term “authorized monitor” means a person, partnership, corporation or other legal entity appointed by the department pursuant to contract to ensure that unlawful conduct under this chapter has been corrected. The department shall, through standards imposed by means of procurement, ensure that such person, partnership, corporation or other legal entity is subject to appropriate eligibility criteria, training requirements and grounds for revoking monitoring authority.

Building. The term “building” has the meaning set forth in section 28-101.5.

Commissioner. The term “commissioner” means the commissioner of the department of housing preservation and development or the commissioner’s designee.

Department. The term “department” or “HPD” means the department of housing preservation and development or its successor agency or designee.

Owner. The term “owner” means any person, agent, firm, partnership, corporation or other legal entity having a legal or equitable interest in, or control of, the premises, or their successors.

Premises. The term “premises” has the meaning set forth in section 28-101.5.

Qualifying household. The term “qualifying household” has the meaning set forth in section 23-911 of the zoning resolution.

Regulatory agreement. The term “regulatory agreement” has the meaning set forth in section 23-911 of the zoning resolution.

Zoning resolution. The term “zoning resolution” means the New York city zoning resolution.

§ 26-3002 *General.* The department shall enforce compliance with applicable affordable housing provisions, as provided in this chapter and the rules of the department.

§ 26-3003 *Methods of enforcement.* The commissioner may use any of the methods set forth in this chapter to enforce compliance with applicable affordable housing provisions. Those methods include, but are not limited to:

- a. Proceedings before an administrative tribunal within the jurisdiction of the office of administrative trials and hearings for the recovery of civil penalties for violations.
- b. Civil judicial proceedings for the recovery of civil penalties or injunctive relief or both for violations, and for the enforcement of orders issued by the commissioner.
- c. Investigatory powers as set forth in this chapter.
- d. Appointment of an authorized monitor.
- e. Other special remedies as set forth in this chapter, the zoning resolution, or other related provisions of law and rules.

§ 26-3004 *Unlawful conduct.* It shall be unlawful to erect, construct, alter, extend, occupy, use, operate, rent, or sell any building or premises subject to applicable affordable housing provisions, or to cause or permit same to be done, in conflict with or in violation of any such provisions. It shall be unlawful to fail to comply with an order of the commissioner or to violate any order of the commissioner issued pursuant to this chapter, or to cause or permit same to be done.

§ 26-3005 *Enforcement.* Officers and employees of the department and of other city agencies designated by the commissioner shall have the power to issue notices of violation, administrative summonses and appearance tickets for violations of applicable affordable housing provisions.

§ 26-3006 *Classification of violations.* The commissioner shall promulgate rules classifying all violations of applicable affordable housing provisions as major violations or minor violations. Such classification of violations shall be based upon such factors as the effect of the violation on neighborhood economic diversity, the public interest or the necessity for economic disincentives.

§ 26-3007 *Rules.* The department shall promulgate rules necessary to effectuate applicable affordable housing provisions. Such rules shall include, but not be limited to, provisions that prohibit the following, which shall constitute violations of section 23-154 or 23-90 of the zoning resolution:

- a. Occupancy of an affordable housing unit by other than a qualifying household.
- b. Unlawful configuration, distribution, sizing or use of an affordable housing unit.
- c. Charging unlawful monthly rent or fees for an affordable housing unit.
- d. Filing a certification of correction of a violation or a statement that an unlawful use or condition has been corrected or did not exist that contains material misstatements of fact.
- e. Failing to comply with a commissioner’s order issued pursuant to this chapter.
- f. Charging an unlawful sales price or fees for an affordable housing unit.
- g. Failing to comply with primary residence requirements.
- h. Unlawful restriction of access to the premises.

§ 26-3008 *Civil penalties.* Except as otherwise provided by law, violations of applicable affordable housing provisions shall be punishable by civil penalties in accordance with penalty schedules established by rules promulgated by the department and such schedules shall be within the ranges set forth below:

- a. For major violations, a civil penalty of not more than \$25,000 may be imposed for each violation. In addition to such civil penalty, a separate additional penalty may be imposed of not more than \$1,000 for each day that the violation is not corrected.
- b. For minor violations, a civil penalty of not more than \$10,000 may be imposed for each violation. In addition to such civil penalty, a separate additional penalty may be imposed of not more than \$250 for each 30-day period that the violation is not corrected.
- c. Notwithstanding the assessment of daily penalties, each day that a violation continues shall be a separate and distinct offense.

§ 26-3009 *Enforcement of civil penalty.* The owner, architect, builder, contractor, engineer, or any other person who maintains any building, or who erects, constructs, alters, extends, occupies, uses, operates, rents,

or sells any building or affordable housing unit subject to applicable affordable housing provisions, or assists or causes same to be done, in conflict with or in violation of any of such provisions, or who fails to comply with an order of the commissioner or violates any order of the commissioner issued pursuant to this chapter, shall be liable for a civil penalty that may be recovered in a proceeding before an administrative tribunal within the jurisdiction of the office of administrative trials and hearings or before a court of competent jurisdiction.

§ 26-3010 Correction order. Each notice of violation, administrative summons, or appearance ticket issued pursuant to this chapter shall contain an order of the commissioner directing the respondent to correct the condition constituting the violation and to file with the department electronically, or in such other manner as the department may authorize by rule, a certification that the condition has been corrected. The time for correction of such violation may be as specified by the department in rules.

§ 26-3011 Dismissal. In any proceeding pursuant to this chapter, if the administrative tribunal determines that the commissioner has failed to prove the violation charged, the order requiring the respondent to correct the condition constituting the violation shall be deemed dismissed.

§ 26-3012 Failure to comply. Failure to comply with an order of the commissioner issued pursuant to this chapter to correct and to certify correction of a violation within the applicable time period shall be a violation of this chapter for which a civil penalty of not more than \$10,000 may be imposed in addition to the penalties that may be or have been imposed for the violation referred to in such order. Upon application, for good cause, the commissioner may extend the time for filing the certification of correction of a violation.

§ 26-3013 Material misstatements of fact. For the purposes of this chapter, if there is a finding that a certification of correction filed pursuant to section 26-3010 or a statement filed pursuant to subdivision c of section 26-3016 contained material misstatements of fact relating to the correction or existence of a violation, such certification of correction or statement shall be deemed null and void and the penalties set forth in this chapter for the violation may be imposed as if such false certification or statement had not been filed with and accepted by the department. It shall be an affirmative defense that the respondent neither knew nor should have known that such material misstatements of fact in such certification of correction or statement were false.

§ 26-3014 Orders. a. The commissioner may issue an order to the persons responsible for any unlawful use or condition relating to applicable affordable housing provisions in any premises, directing such person to correct the unlawful use or condition. Each such order shall have the commissioner's signature affixed thereto; provided, however, that the commissioner may authorize any subordinate to affix such signature, including an electronic signature.

b. All orders issued by the commissioner shall contain a description of the building or subject matter affected, and shall be designated by address, where applicable. All such orders shall be served by regular mail or, upon consent, electronically. Such orders may be served by any officer or employee of the department, or of any agency authorized by the department. Failure to comply with a commissioner's order within the time stated in the order shall be a violation of this chapter punishable by a civil penalty of not more than \$10,000. Proof of compliance with a commissioner's order shall consist of certification as prescribed by the rules of the department.

§ 26-3015 Power to hold investigatory hearings; subpoena power; production of documents. The department may investigate any matter within its jurisdiction pursuant to this chapter and shall have full power to compel the attendance, examine and take testimony under oath of such persons as it may deem necessary in relation to such investigation, and to require the production of books, accounts, papers and other evidence relevant to such investigation.

§ 26-3016 Commissioner's request for corrective action. a. As an alternative to the issuance of an order or notice of violation, administrative summons or appearance ticket the commissioner may issue a request for corrective action to any person responsible for any claimed violation of applicable affordable housing provisions. Each request for corrective action shall have the commissioner's signature affixed thereto; but the commissioner may authorize any subordinate to affix such signature, including an electronic signature.

b. The request for corrective action shall contain a description of the building, premises, affordable housing unit or subject matter affected, which shall be designated by address, where applicable, and shall be sent by regular mail or, upon consent, electronically to the owner, lessee, person in charge, or occupant of the building or to any person responsible for the unlawful use or condition at the last known address for such person. Requests for corrective action may be sent to a managing agent or other person specifically designated by the owner to attend to such requests on behalf of the owner. Each such request shall describe the violation of

applicable affordable housing provisions and call upon the person addressed to correct it and to inform the department of the action taken. A time for correction or response shall be specified.

c. The department shall keep a record, available to the public, of requests for corrective action issued pursuant to this chapter. The record of a request for corrective action shall be reflected as withdrawn upon submission to the department of a statement in a form prescribed by rule indicating that the use or condition has been corrected or did not exist, or following an inspection or investigation by the department that confirms correction. A request for corrective action may be issued in response to a complaint, investigation, or inspection. Nothing in this section shall be construed to require that the commissioner issue a request for corrective action as a prerequisite to any other enforcement action.

§ 26-3017 Inspection. a. An authorized representative of the department may, consistent with applicable law and in accordance with rules of the department, enter on any premises and access any records of the owner related to unlawful conduct under this chapter to confirm that such violation has been corrected.

b. The commissioner shall have the authority to delegate to authorized monitors the authority to carry out inspections pursuant to this chapter or any rule promulgated pursuant thereto and report their findings to the department.

c. The cost of inspections pursuant to this chapter shall be paid by the owner.

§ 26-3018 Judicial proceedings. a. The owner, architect, builder, contractor, engineer, or any other person who maintains any building or premises, or who erects, constructs, alters, extends, occupies, uses, operates, rents, or sells any building, premises or affordable housing unit subject to applicable affordable housing provisions, or assists or causes same to be done, in conflict with or in violation of any of such provisions, or who fails to comply with an order of the commissioner or violates any order of the commissioner issued pursuant to this chapter, shall be subject to an action or proceeding to restrain, correct, or abate such violation, or to compel compliance with such order. Upon request of the commissioner, the corporation counsel may institute judicial actions or proceedings seeking such relief. In addition to any other remedies, in any such action or proceeding, the defendant or respondent shall be subject to the payment of civil penalties as provided in this chapter.

b. Such actions and proceedings may be instituted by the corporation counsel in the name of the city in any court of competent jurisdiction in such city. In such actions or proceedings, the city may apply for restraining orders, preliminary injunctions or other provisional remedies and no undertakings shall be required as a condition to the granting or issuing of any such order, injunction or remedy, or by reason thereof.

§ 26-3019 Regulatory agreement. The commissioner may take any actions necessary to enforce the provisions of any regulatory agreement recorded in accordance with section 23-953 of the zoning resolution or any successor provision. Such actions may include seeking the imposition of penalties or injunctive relief.

§ 26-3020 Appeals to board of standards and appeals. Any order, requirement, decision or determination of the commissioner made pursuant to provisions of the zoning resolution related to the construction or renovation of affordable housing, including, but not limited to, sections 23-96(c) and 23-94(f) of the zoning resolution, and related provisions of law and rules promulgated thereto, shall be subject to review by the board of standards and appeals in the same manner and with the same effect as determinations of the commissioner of buildings with respect to such matters pursuant to section 666 of the New York city charter.

§ 3. This local law takes effect 180 days after it becomes law, provided, however, that the commissioner of housing preservation and development may take any actions, including the promulgation of rules, for its implementation prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 2412

By Council Member Dromm.

A Local Law to amend the New York city charter, in relation to the application procedure for the correction of assessment for taxation

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 163 of the New York city charter, as amended by local law number 77 for the year 1984, is amended to read as follows:

b. During the time that the books of annual records of the assessed valuation of real estate are open for public inspection, any person or corporation claiming to be aggrieved by the assessed valuation of real estate may apply for correction of such assessment. Such application shall be [duly verified] *certified* by a person having personal knowledge of the facts stated therein, provided that if the application is signed by someone other than the person or an officer of the corporation claiming to be aggrieved, the application must be accompanied by a duly executed power of attorney as prescribed by the rules and regulations of the tax commission. *The application shall contain the following sentence: "I certify that all statements made on this application are true and correct to the best of my knowledge and belief and I understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relevant to the making and filing of false instruments."*

§2. Subdivision a of section 164-a of the New York city charter, as amended by local law number 80 for the year 1981, is amended to read as follows:

a. Notwithstanding any other provision of this charter or the administrative code, the tax commission may itself or by a commissioner or assessor authorized by the commission act upon applications for correction of an assessment of real property assessed at seven hundred fifty thousand dollars or more between the first day of February and the first day of September. Any such application shall specify all income received or accrued and all expenses paid or incurred in the operation of the property during the calendar year preceding the date of application, or during the applicant's last fiscal year preceding the date of the application if the applicant's books and records are maintained on a fiscal year basis for federal income tax purposes which ends six months or more prior to the date of application, or during any part of such calendar or fiscal year in which the property was operated by the applicant, except that where the applicant has not operated the property and is without knowledge of the income and expenses of the operation, it shall [state] *certify* such facts [under oath] in lieu thereof. In the event that the statement of income and expenses is not filed as part of the application, such *certified* statement[, when duly verified,] shall be filed prior to the twenty-fifth day of March. *Such statement shall also contain the following sentence: "I certify that all statements made herein are true and correct to the best of my knowledge and belief and I understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relevant to the making and filing of false instruments."*

§2. This local law takes effect 120 days after it becomes law, except that the tax commission shall 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 Finance.

Int. No. 2413

By Council Members Dromm, Yeger and Kallos.

A Local Law to amend the New York city charter, in relation to online publications of the city record

Be it enacted by the Council as follows:

Section 1. Subdivisions f and g of section 1066 of the New York city charter, subdivision f as amended by local law number 59 for the year 1996 and subdivision g as added by local law number 38 for the year 2014, are amended to read as follows:

f. The commissioner of citywide administrative services shall provide copies of each issue of the City Record to the municipal reference and research center where they shall be available without charge to any member of the public requesting a copy on the publication date or within a reasonable period of time thereafter, to be determined by the commission of records and information services. The commissioner shall also provide free *online* subscriptions to the City Record to each borough president, council member, community board, and branch of the public library and to the news media as defined in paragraph three of subdivision b of section one thousand forty-three of the charter. *Each borough president, council member, community board, and branch of the public library and news media as defined in paragraph three of subdivision b of section one thousand forty-*

three of the charter may also receive a free printed subscription to the City Record upon request. The commissioner of citywide administrative services, each borough president, council member and community board shall, upon receipt, make [copies of] each issue of the City Record available in their respective offices for reasonable public inspection without charge.

g. All information published in the City Record after the effective date of the local law that created this subdivision shall be available as soon as possible, but no later than 24 hours of publishing, at no charge on a website maintained by or on behalf of the city of New York as well as on a single web portal that is linked to nyc.gov or any successor website maintained by, or on behalf of, the city of New York created pursuant to section 23-502 of the administrative code. *On the date of publication of each issue of the City Record, the commissioner shall post a complete copy of each such issue on any website maintained pursuant to this subdivision.* Such information shall be made available in both a non-proprietary, machine-readable format and a human-readable format and shall be capable of being downloaded in bulk. Such information shall be searchable by, at a minimum, date of publication, relevant agency, keyword, and category, such as public hearings, procurement notices, and changes in personnel.

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

Referred to the Committee on Governmental Operations.

Int. No. 2414

By Council Members Dromm and Yeger.

A Local Law to amend the New York city charter, in relation to the city administrative procedure act

Be it enacted by the Council as follows:

Section 1. The lead-in paragraph of subdivision a of section 1042 of the administrative code of the city of New York, as added by a vote of the electors on November 8, 1988, is amended to read as follows:

a. Each agency shall publish by the first day of May annually, *and shall transmit to the department of citywide administrative services*, a regulatory agenda which shall contain:

§ 2. Subdivisions e, g and h of section 1043 of the New York city charter, subdivision e as amended by local law number 134 for the year 2013 and subdivisions g and h as redesignated by local law number 46 for the year 2010, are amended to read as follows:

e. Opportunity for and consideration of agency and public comment. The agency shall provide the public an opportunity to comment on the proposed rule (i) through outreach to the discrete regulated community or communities, if one exists, provided that this clause shall not be construed to create a private right of action to enforce this requirement; (ii) through submission of written data, views, or arguments, and (iii) at a public hearing unless it is determined by the agency in writing, which shall be published in the notice of proposed rulemaking in the City Record, that such a public hearing on a proposed rule would serve no public purpose. All written comments, [and] a summary of oral comments *and an assessment of both oral and written comments* concerning a proposed rule received from the public or any agency shall be placed in a public record and be made readily available to the public as soon as practicable and in any event within a reasonable time, not to be delayed because of the continued pendency of consideration of the proposed rule. *Such assessment shall be based upon any written comments submitted to the agency and any comments presented at any public hearing held on the proposed rule by the agency. The assessment shall contain (i) a summary and an analysis of the issues raised and significant alternatives suggested by any such comments; (ii) a statement of the reasons why any significant alternatives were not incorporated into the rule; and (iii) a description of any changes made in the rule as a result of such comments. If a comment has been submitted to an agency by e-mail, the agency shall electronically transmit an automated message confirming receipt of such comment.* After consideration of the relevant comments presented *and completion of the assessment required by this subdivision*, the agency may adopt a final rule pursuant to subdivision f of this section; except that, other than a rule adopted pursuant to

subdivision i of this section, no final rule shall be adopted by such board or commission unless its final language is posted in a prominent location on such agency's website and electronically transmitted to each member of such board or commission at least three calendar days, exclusive of Sundays, prior to such rule's adoption; provided, however, that revisions may be made to a final rule posted online and sent electronically in conformity with this subdivision at any time prior to the vote on such rule if such revisions are approved by all members of such board or commission by unanimous consent. Such final rule may include revisions of the proposed rule, and such adoption of revisions based on the consideration of relevant agency or public comments shall not require further notice and comment pursuant to this section. *The mayor's office of operations shall electronically transmit a notice containing the agency's final rule to members of the public that opt-in to receive such notifications.* This [paragraph] *subdivision* shall not be construed to create a private right of action to enforce its provisions. Inadvertent failure to comply with this [paragraph] *subdivision* shall not result in the invalidation of any rule.

g. *Petition for rules.* Any person may petition an agency to consider the adoption of any rule. Within sixty days after submission of a petition, the agency shall either deny such petition in writing, stating the reasons for such denial, or state the agency's intention to initiate rulemaking, by a specified date, concerning the subject of such petition, *and shall post on the agency's website the text of such petition and such denial or intention to initiate rulemaking.* Each agency shall prescribe by rule the procedure for submission, consideration and disposition of such petitions. In the case of a board, commission or other body that is not headed by a single person, such rules of procedure may authorize such body to delegate to its chair the authority to reject such petitions. Such decision shall be within the discretion of the agency and shall not be subject to judicial review.

h. *Maintenance of comments.* Each agency shall establish a system for maintaining and making available for public inspection all written comments received in response to each notice of rulemaking. *All comments received by an agency, including but not limited to comments submitted by mail, e-mail or on an agency website, shall be published on such agency's website no later than 60 days after such comment has been submitted.*

§ 3. Section 1043 of the New York city charter is amended by adding new subdivisions j, k, l and m to read as follows:

j. *Public comment database.* *The mayor's office of operations, in collaboration with the department of citywide administrative services, shall establish a publicly accessible electronic database which contains archived comments from members of the public and responses from agencies for each proposed rule.*

k. *Website.* *The mayor's office of operations, in collaboration with the department of citywide administrative services and the department of information technology and telecommunications, shall maintain a website to provide the public with information about the rulemaking of each agency, as well as an opportunity to comment on such rulemaking. Such website shall include notices of a public hearing for each proposed rule by an agency through which members of the public may submit comments electronically. A comment box shall accompany each such notice that allows members of the public to enter comments regarding a proposed rule. Such comment box shall be made available for the period of submission of written comments. Comments submitted by such comment box shall be transmitted to the agency that submitted the notice of a public hearing no later than three days after the period for submission of written comments has expired, or as soon as practicable after receipt. The department of citywide administrative services shall post each regulatory agenda transmitted by an agency pursuant to subdivision a of section 1042 on the website required by this subdivision on the date such agenda is published in the City Record.*

l. *Reporting.* *Each quarter, each agency shall report on its rulemaking process, including the petitions and comments received for each rule, the number of public hearings or time periods between publication of a proposed rule and a public hearing that were waived by such agency, any inadvertent failures to comply with provisions of local law made by such agency, and the public notice and outreach conducted by such agency for each proposed rule. Such report shall specifically include, but need not be limited to, the following information for the preceding quarter:*

1. *The total number of days between the publication of a proposed rule and the adoption of such rule, and the date the final rule was adopted;*

2. *The total number of proposed rules for which substantive revisions were made;*

3. *The total number of petitions to consider the adoption of a rule received by such agency, the total number of petitions for which rulemaking was initiated, and the total number of petitions which were denied, including the reasons for such denial;*

4. *The total number of comments such agency received for each proposed rule;*
 5. *The total number of times a public hearing for a proposed rule was waived;*
 6. *The total number of times the required time period between publication of a proposed rule and a public hearing was waived;*
 7. *The total number of emergency rules adopted;*
 8. *A list of the media and civic organizations that received or requested notification of proposed rules;*
 9. *Any records of outreach conducted to discrete regulated communities; and*
 10. *The total number of instances in which such agency inadvertently failed to comply with provisions of this chapter, pursuant to subdivision c of section 1042, paragraphs 2 and 4 of subdivision b of section 1043, paragraph 3 of subdivision d of section 1043, subdivision e of section 1043, paragraph 2 of subdivision f of section 1043, and subdivision d of section 1044.*
- m. Public outreach. Each agency shall submit to the department of citywide administrative services a plan to conduct outreach to notify members of the public of each proposed rule. Such plan shall include, but need not be limited to, such agency's methods of notifying members of the public of a proposed rule and the opportunity to comment, any additional outreach conducted to a discrete regulated community for such proposed rule, and a description of any materials developed or distributed regarding such proposed rule.*

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

Referred to the Committee on Governmental Operations.

Preconsidered Res. No. 1752

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

By Council Member Dromm.

Whereas, On June 30, 2021, the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2022 with various programs and initiatives (the "Fiscal 2021 Expense Budget"); and

Whereas, On June 30, 2020, the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2021 with various programs and initiatives (the "Fiscal 2021 Expense Budget");

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022 and Fiscal 2021 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, youth, and aging discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local and youth discretionary funding; now, therefore, be it

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Hate Crime Prevention Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Community Housing Preservation Strategies Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Senior Centers, Programs, and Enhancement Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the College Career and Readiness Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to Legal Services for the Working Poor Initiative, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to Adult Literacy Pilot Project Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to Adult Literacy Pilot Project Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Community Housing Preservation Strategies initiative in accordance with the with the Fiscal 2021 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the designation of certain organizations receiving funding pursuant to the Beating Hearts Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 25.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 1752 of 2021 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>).

Int. No. 2415

By Council Members Gjonaj, Vallone, Yeger and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to promulgate rules regarding the confiscation and destruction of all-terrain vehicles

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-192 to read as follows:

§ 14-192 Confiscation and destruction of all-terrain vehicles; rules. a. Definitions. For the purposes of this section, the term “all-terrain vehicle” has the same meaning as set forth in subdivision 1 of section 2281 of the vehicle and traffic law, which includes dirt bikes, or any successor provision.

b. The department shall promulgate rules regarding the confiscation and destruction of all-terrain vehicles that have been used unlawfully. In promulgating such rules, the department shall at a minimum address:

- 1. The circumstances under which an all-terrain vehicle may be confiscated;*
- 2. The circumstances under which an all-terrain vehicle may be destroyed;*
- 3. The process for confiscation and destruction of an all-terrain vehicle; and*
- 4. Such other rules as the department considers to be necessary.*

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

Referred to the Committee on Public Safety.

Int. No. 2416

By Council Members Holden, Vallone, Yeger, Adams, Miller, Brannan, Ayala, Rose, D. Diaz, Koo, Koslowitz, Gjonaj, Cumbo, Levin, Cabrera, Powers, Maisel, Riley, Barron, Rosenthal, Salamanca, Feliz, Ulrich and Borelli.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting triple tours of duty for department of correction custodial officers

Be it enacted by the Council as follows:

Section 1. Section 9-116 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. Custodial officers shall be assigned to not more than two consecutive tours of duty. A tour of duty shall consist of not more than 8 consecutive hours. Assignment of additional hours into a third consecutive tour of duty is prohibited.

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

Int. No. 2417

By Council Members Holden, Grodenchik, Vallone, Yeager, Adams, Kallos, Dinowitz, Miller, Brannan, Ayala, Rose, Lander, D. Diaz, Koo, Koslowitz, Moya, Powers, Gjonaj, Chin, Cumbo, Levin, Cabrera, Maisel, Salamanca, Feliz, Ulrich and Borelli.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale or distribution of materials that obscure license plates or distort images of license plates

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 10-182 to read as follows:

§ 10-182 Unlawful sale or distribution of materials that obscure license plates. a. It is unlawful for any person or entity to sell, offer for sale or distribute any artificial or synthetic material or substance for the purpose of application to the license plate of a motor vehicle that will, upon application to such license plate, conceal or obscure the number on such license plate or distort a recorded or photographic image of such license plate.

b. Civil penalty. Any person who violates subdivision a of this section shall be liable for a civil penalty of not less than \$300 or the first violation and not less than \$500 for each subsequent violation, which may be recoverable in a proceeding before the office of administrative trials and hearings, pursuant to chapter 45-A of the charter.

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

Referred to the Committee on Transportation.

Int. No. 2418

By Council Member Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to the provision of internet service to residential tenants

Be it enacted by the Council as follows:

Section 1. Article 12 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2051.2 to read as follows:

§ 27-2051.2 Internet service. a. Definitions. For purposes of this section, the following terms have the following meanings:

Broadband internet service. The term “broadband internet service” means a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the

communications service, but excluding dial-up internet access service. Broadband internet service shall support speeds no less than those determined by the federal communications commission, in such commission's most recent notice of inquiry initiated pursuant to subsection (b) of section 1302 of title 47 of the United States code, to meet the definition of the term "advanced telecommunications capability," as defined in paragraph (1) of subsection (d) of section 1302 of title 47 of the United States code, or any higher speeds set forth in rules of the department.

City financial assistance. The term "city financial assistance" means any loan, grant, tax credit, tax exemption, tax abatement, subsidy, mortgage, debt forgiveness, land conveyance for less than appraised value, land value or other thing of value allocated, conveyed or expended by the city.

b. Internet service required. 1. An owner of a multiple dwelling comprising 10 dwelling units or more shall provide internet service to each dwelling unit therein for the use of the tenants and occupants of such dwelling unit by either:

(a) Contracting for broadband internet service with a broadband internet service provider; or

(b) Directly connecting the dwelling unit to internet service by way of ethernet cable or successor technology, provided that such connection meets the same standards of service as a broadband internet service available to such multiple dwelling, including but not limited to maintenance and uptime guarantees.

2. The cost of internet service provided pursuant to this subdivision, including any related charges for connection, activation or convenience, shall not be passed on to a tenant.

c. Facilities. Each dwelling unit within a multiple dwelling of 10 dwelling units or more shall have at least one port for ethernet cable connection in every living room within such unit.

d. Wiring. A multiple dwelling of 10 dwelling units or more shall contain wiring as necessary to facilitate connection to internet service in each such dwelling unit therein as required by subdivision b of this section. Such wiring shall meet the standards of category 6 gigabit cabling, as established by the telecommunications industry association, or a successor grade sufficient to provide internet service pursuant to this section, as determined by the department.

e. Prior existing multiple dwellings. An owner of a multiple dwelling of 10 or more dwelling units constructed on or before the effective date of the local law that added this section shall meet the requirements of this section no later than January 1, 2026, except that:

1. The requirements of this section shall be met by such owner before January 1, 2026, in any such multiple dwelling that undergoes alteration before such date, and no later than the completion of such alteration; and

2. The requirements of this section may be met in any such multiple dwelling where the owner of such multiple dwelling provides any service that the department determines is the functional equivalent of broadband internet service.

f. Financial assistance. Subject to appropriation, the department of housing preservation and development shall assist owners of multiple dwellings of 10 or more dwelling units constructed on or before the effective date of the local law that added this section by providing city financial assistance to such owners.

g. Rules. The department shall promulgate rules in furtherance of the provisions of this section

h. Additional internet service not prohibited. This section shall not be construed to limit a tenant's ability to purchase, or an owner's ability to charge for, internet service at a greater speed than that required by this section and the rules of the department, provided, however, that any charges by an owner for such service shall not include the cost of internet service required by subdivision b of this section, as provided in paragraph 2 of such subdivision.

§ 2. This local law takes effect 180 days after it becomes law, except that the department of housing preservation and development shall 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 Housing and Buildings.

Int. No. 2419

By Council Member Levin.

A Local Law to amend the administrative code of the city of New York, in relation to quarterly reporting by the administration for children's services on the amount of time children spend in the children's center or temporary placement facilities

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-918 to read as follows:

§ 21-918 Children's center and temporary placement facility reporting. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Children's center. The term "children's center" means the Nicholas Scoppetta Children's Center or a successor center that is a temporary residence for children coming into foster care until a permanent placement is found.

Temporary placement facility. The term "temporary placement facility" means a facility for children in ACS custody awaiting a longer-term foster care placement. Such temporary placement facility includes but is not limited to rapid intervention centers, youth reception centers, and the children's center.

b. No later than April 30, 2022, and quarterly thereafter, ACS shall submit to the mayor and the speaker of the council, and shall post conspicuously on the ACS website, a report for the immediately preceding quarter regarding the amount of time children spend in the children's center or another temporary placement facility. The information in that report shall include and, where applicable, be disaggregated by:

- 1. The total number of children who spent any time in the children's center or a temporary placement facility during the reporting period;*
- 2. The number of days spent in the children's center or temporary placement facility, in accordance with subdivision c;*
- 3. Whether the child spent time in the children's center or another temporary placement facility;*
- 4. The age of the child;*
- 5. The level of care recommended;*
- 6. The number of children who are placed at the children's center or temporary placement facility for the first time; and*
- 7. The number of children who are placed at the children's center or temporary placement facility on two or more occasions. Such information shall be disaggregated by the placement type for the placement immediately preceding the placement of a child at the temporary placement facility.*

c. The report required by subdivision b shall disaggregate the number of days spent in the children's center or temporary placement facility as follows:

- 1. 0-3 days;*
- 2. 4-7 days;*
- 3. 8-10 days;*
- 4. 11-20 days;*
- 5. 21-30 days;*
- 6. 31-60 days;*
- 7. 61-120 days;*
- 8. 121-180 days; and*
- 9. 181 or more days.*

d. No report required by subdivision b of this section shall contain personally identifiable information. If a category contains between one and five children, or contains a number that would allow another category that contains between one and five children to be deduced, the number shall be replaced with a symbol. A category that contains zero shall be reported as zero, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of children's information.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 2420

By Council Member Levin.

A Local Law to amend the administrative code of the city of New York, in relation to requiring an audit and report on foster care placement notices

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-918 to read as follows:

§ 21-918 Foster care placement notices; audit and report. a. ACS shall conduct quarterly random audits of a statistically significant sample of foster care placement change notices required by paragraph (g) of subdivision (3) of section 358-a of the social services law, subdivision (5) of section 1017 of the family court act, subdivision (j) of section 1055 of the family court act and item (H) of paragraph (vii) of subdivision (d) of section 1089 of the family court act. Such audit shall include a review of the following:

- 1. The incidence of failure to provide a notice of placement change where required by law;*
- 2. The amount of time that elapsed between changes in foster care placement and the provision of the placement change notice;*
- 3. When the notice of such placement change was provided to an attorney for the child in relation to the date of such placement change;*
- 4. Whether or not the notice included all the information required by law; and*
- 5. A summary of the legally required information that was missing from the notice, if any.*

b. No later than April 30, 2022, and quarterly thereafter, ACS shall submit to the mayor and the speaker of the council, and shall post conspicuously on the ACS website, a report for the immediately preceding quarter with the results of the audit required by subdivision a. Such report shall include the following:

- 1. The number of instances in which a placement change notice was required but no such notice was sent;*
- 2. The number of placement change notices sent, disaggregated by the number of days before or after the change;*
- 3. The number of emergency placement changes made, disaggregated by the number of notices sent within 24 hours of the change and the number of notices sent 24 hours or more after the change;*
- 4. The number of notices that included all required information; and*
- 5. The number of notices that did not include all required information, disaggregated by the category of information that was missing; provided that such categories shall include, but not be limited to, the information missing as to the reason for the change, the planned new placement location, the contact information for the new placement location, and the number of placement changes in which a child moved from one borough to another.*

c. No report required by subdivision a of this section shall contain personally identifiable information. If a category contains between one and five children, or contains a number that would allow another category that contains between one and five children to be deduced, the number shall be replaced with a symbol. A category that contains zero shall be reported as zero, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of child information.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 2421

By Council Members Miller and D. Diaz

A Local Law to amend the New York city charter, in relation to the establishment of an office of cannabis business services

Be it enacted by the Council as follows:

Section 1. Chapter 56 of the New York city charter is amended by adding a new section 1309 to read as follows:

§ 1309 Office of cannabis business services. a. Definitions. As used in this section, the following terms have the following meanings:

Cannabis. The term “cannabis” has the same meaning as such term is defined in section three of the cannabis law.

Cannabis control board. The term “cannabis control board” has the same meaning as such term is defined in section three of the cannabis law.

Cannabis establishment. The term “cannabis establishment” means any business engaging in commercial cannabis activity.

Commercial cannabis activity. The term “commercial cannabis activity” means the production, processing, possession, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products.

Communities disproportionately impacted. The term “communities disproportionately impacted” has the same meaning as such term is defined in section eighty-seven of the cannabis law.

Social and economic equity applicant. The term “social and economic equity applicant” has the same meaning as such term is defined in section three of the cannabis law.

b. There shall be an office of cannabis business services within the department. The purpose of such office shall be to establish goals and promote equitable ownership and participation in cannabis establishments for individuals who are from communities disproportionately impacted by the enforcement of cannabis prohibition in the city.

c. The responsibilities of the office shall include:

1. monitoring the implementation of regulations pursuant to the cannabis law governing cannabis and cannabis establishments in the city;

2. establishing citywide social and economic cannabis equity goals at no less than those established under section eighty-seven of the cannabis law;

3. assisting social and economic equity applicants in applying for a license to operate cannabis establishments in accordance with article four of the cannabis law; and

4. offering, to the extent permitted under the cannabis law, incentives and programs to social and economic equity applicants in the city.

d. The office shall offer the following incentives and programs for social and economic equity applicants, to the extent permitted under the cannabis law:

1. legal and technical advice;

2. a subsidized loan program or programs;

3. assistance in identifying appropriate commercial locations including affordable retail space; and

4. any other benefit or mechanism that the office believes will further the purpose of an equity program.

e. One year from the enactment of this local law and every six months thereafter, the commissioner shall submit a report to the mayor and the council on matters relating to the status of commercial cannabis activity within the city. Such report shall include, but shall not be limited to, the total number of cannabis establishments, total local tax revenue collected from such establishments, the participation of social and economic equity applicants in cannabis establishments, and the impact of cannabis legalization on public safety, land use, environmental protection, health, consumer protection and social justice. Such report shall also include an evaluation of the social and economic equity incentives and programs offered by the office of cannabis business services and recommendations for improvement.

§ 3. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 2422

By Council Members Rodriguez, Yeger and Holden (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to parking meters, and to repeal section 19-167 of such code, relating to suspending the activation of parking meters on Sundays; section 19-167.1 of such code, relating to parking at broken or missing meters or muni-meters; section 19-167.2 of such code, relating to transfer of muni-meter time; section 19-167.3 of such code, relating to deactivating muni-meters; section 19-167.4 of such code, relating to new muni-meter installation; section 19-175.3 of such code, relating to notification of changes relating to parking meters; section 19-214 of such code, relating to failure to display a muni-meter receipt; and section 19-215 of such code, relating to cancellation of certain tickets

Be it enacted by the Council as follows:

Section 1. Sections 19-167, 19-167.1, 19-167.2, 19-167.3, 19-167.4, and 19-175.3 of the administrative code of the city of New York are REPEALED, and a new section 19-167 is added to read as follows:

§ 19-167 Parking meters.

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

Affected council member(s) and community board(s). The term “affected council member(s) and community board(s)” has the same meaning as set forth in section 19-101.2.

Blockface. The term “blockface” means that portion of the street along the curb on one side of a street which is between the boundaries of the corner area at either end of the block.

Credential. The term “credential” means any explicit approval from the department or other authorized agency to park at a parking meter or other location, including, but not limited to, a record of payment or valid parking permit.

Parking field. The term “parking field” means any parking lot containing parking meters that is owned, operated and controlled by the city or its contractor and is available for public use. The term “parking field” does not include any parking lot operated by a city agency intended for exclusive use by such agency’s employees or by the public to conduct business with such agency.

Parking meter. The term “parking meter” means a device which accepts payment or a credential, including, but not limited to a pay-and-display parking meter or a pay-by-plate parking meter.

Pay-and-display parking meter. The term “pay-and display parking meter” means an electronic parking meter that dispenses timed receipts that must be displayed on the dashboard of a motor vehicle or in a visible and secure place on a motorcycle; and

Pay-by-plate parking meters. The term “pay-by-plate parking meter” means an electronic parking meter that requires entry of license plate information for proper registration of payment.

b. Suspension of parking meter activation on Sundays.

Notwithstanding any other provision of law, no person parking a vehicle at a parking meter is required to activate such meter on a Sunday and no notice of violation or summons may be issued solely for the failure to activate such parking meter on a Sunday.

c. Deactivation of parking meters. The department shall program each parking meter to ensure that such parking meter is unable to accept payment:

1. from the last time in a day that parking meter rules are in effect for any parking space within the blockface or parking field of such parking meter, or for any other parking space within one hundred feet of such parking meter, until one hour prior to the next time meter rules take effect for any parking space within the blockface or parking field, or for any other parking space within one hundred feet of such parking meter; and

2. when such parking meter is not capable of producing receipts or lacks the functionality to track parking payments.

d. *Parking at broken or missing parking meters.* If all parking meters in a parking field or on a blockface are missing or broken, a person shall be allowed to park in such parking field or on such blockface up to the maximum amount of time otherwise lawfully permitted by such parking meters in such controlled parking field or blockface.

e. *Transferability of parking meter time.* Parking time may only be utilized on the blockface for which it was purchased. Transfer of parking time between blockfaces is prohibited.

f. *Notification of changes involving parking meters.*

1. *New parking meter installation.* Prior to the installation of new parking meters covering at least four contiguous blockfaces, the department shall forward notice of such installation to affected council member(s) and community board(s) by electronic mail.

(a) *Within 10 business days after receipt of such notice:* (i) the affected council member(s) may submit recommendations and/or comments regarding such notice to the department; and (ii) the affected community board(s) may either submit recommendations and/or comments regarding such notice, and/or request a presentation regarding such installation, which where practicable shall be made to such community board(s) within 30 days of such request.

(b) *Any recommendations and/or comments received by the department pursuant to this subdivision shall be reviewed prior to the installation of such new parking meters.*

2. *Existing parking meter alterations.* Prior to making changes to parking meter rates or replacing a parking meter with a different type of parking meter, the department shall provide at least 30 days written notice of such changes by regular first-class mail and electronic mail to the community board and council member in whose district the affected parking meters are or will be located and shall post such written notice on the department's website. Such notice shall at a minimum provide the following information with regard to the changes:

(a) *Parking rates.* The notice shall include the proposed new rate, the location(s) of the meters affected by such rate change and the earliest date such new rate will go into effect.

(b) *Change in meter type.* The notice shall include the location(s) where meters will be converted and the earliest date on which such converted meters will go into operation.

§ 2. Sections 19-214 and 19-215 of the administrative code of the city of New York are REPEALED.

§ 3. Section 19-213 of title 19 of the administrative code of the city of New York, as added by local law 82 for the year 2009, is amended to read as follows:

§ 19-213 *Grace period; failure to purchase parking time and cancellation of certain tickets.*

a. [For the purposes of this section, the term "munimeter receipt" shall mean the receipt showing the amount of parking time purchased that is dispensed by an electronic parking meter and must be displayed in a conspicuous place on a vehicle's dashboard.] *Definitions.* As used in this section, the following terms have the following meanings:

Agent. The term "agent" means any person employed by the city of New York authorized to issue a notice of violation for parking violations.

Parking meter. The term "parking meter" means a device which accepts payment or a credential that authorizes vehicle parking time, including, but not limited to, a pay-and-display parking meter or a pay-by-plate parking meter.

Pay-and-display parking meter. The term "pay-and-display parking meter" means an electronic parking meter that dispenses timed receipts that must be displayed on the dashboard of a motor vehicle or in a visible and secure place on a motorcycle.

Pay-by-plate parking meter. The term "pay-by-plate parking meter" means an electronic parking meter that requires entry of license plate information for proper registration of payment.

b. *Grace period.* No notice of violation shall be issued for allegedly parking in excess of the [allotted] parking time [displayed on a munimeter receipt] purchased or longer than the time period allowed by a sign posted by the department until five minutes after the time that such a violation occurs.

c. *Failure to purchase parking time.* Notwithstanding any rule or regulation to the contrary, and subject to the provisions of the vehicle and traffic law, where a notice of violation was issued to an owner or operator of a vehicle for the failure to purchase parking time, it shall be an affirmative defense to such violation that such owner or operator purchased parking time for the time such notice of violation was issued or up to five minutes

thereafter from a parking meter at the location such notice of violation was issued. Evidence in support of the affirmative defense shall be the presentation, in person or by mail, of a valid payment receipt for the time such notice of violation was issued or for up to five minutes thereafter or other suitable evidence, as determined by the hearing officer, that such parking time was purchased.

d. Cancellation of certain tickets. 1. Any agent who issues a notice of violation by electronic means for failure to pay the parking charge required at a pay-and-display parking meter shall cancel such notice of violation when, not later than five minutes after the issuance of such notice, such agent is shown a valid payment receipt with an official start time indicated and such start time is no later than five minutes after the time of the issuance of such notice. The electronic copy of such canceled notice shall be marked "valid receipt shown; ticket canceled" and shall include the number of such payment receipt shown. The electronic parking meter system shall be programmed to prohibit such notice from being canceled later than five minutes after the issuance of such notice.

2. If an agent has issued a notice of violation by electronic means for failure to pay the parking charge required at a pay-by-plate parking meter, and parking time is purchased for such vehicle for the blockface where the vehicle is located not more than five minutes after the notice of violation was issued, such notice of violation shall be canceled automatically by the electronic parking meter system.

§ 4. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Transportation.

Int. No. 2423

By Council Members Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to connecting victims of domestic violence with support services

Withdrawn by the Council.

Int. No. 2424

By Council Members Rosenthal, the Public Advocate (Mr. Williams), Van Bramer and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a street harassment advisory board

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 10-182 to read as follows:

§ 10-182 Street harassment advisory board. a. Definitions. For purposes of this section, the following terms have the following meanings:

Advisory board. The term "advisory board" means the street harassment advisory board established pursuant to this section.

Street harassment. The term "street harassment" means unwanted or unwelcome disrespectful, offensive or threatening statements, gestures or other conduct directed at a natural person in public based on the person's actual or perceived age, race, creed, color, national origin, gender, disability, sexual orientation or any other trait, status or condition.

b. Advisory board established. There shall be an advisory board to advise the mayor and the council on the issue of street harassment in the city.

c. Duties. The advisory board shall have the following duties:

1. *To study the occurrence of street harassment;*
 2. *To identify persons most at risk of street harassment;*
 3. *To develop and recommend policies and training materials for appropriate agencies to prevent and respond to street harassment;*
 4. *To develop and recommend policies and education materials to promote public awareness and prevention of street harassment;*
 5. *To develop and recommend forms of redress for victims of street harassment, which forms of redress shall not involve criminalization;*
 6. *No later than 1 year after the effective date of the local law that added this section, and as frequently thereafter as the advisory board determines is necessary to fulfill the duties assigned in subdivision c of this section, to conduct a survey regarding the occurrence of street harassment. The advisory board shall determine the specific data elements to be collected in such survey, and shall collaborate with the commission on gender equity to conduct such survey;*
 7. *No later than December 31 of each year, to submit a report to the mayor and the speaker of the council that contains a summary of the advisory board's activities for the prior year, the advisory board's recommendations for legislation and policy, a list of materials the advisory board considered to make its recommendations, including a summary of findings of any survey conducted pursuant to paragraph 6 of this subdivision in the prior year, and the projected costs of implementing any recommendations; and to post the advisory board's report on the website of the commission on gender equity no later than 10 days after its submission to the mayor and the speaker of the council; and*
 8. *No later than December 31, 2022, to post on the website of the commission on gender equity a resource guide for victims of street harassment, and to update the resource guide as appropriate.*
 - d. *Members. The advisory board shall be composed of the following members:*
 1. *The executive director of the commission on gender equity or such director's designee, who shall serve as chair of the advisory board; and*
 2. *Four members appointed by the mayor, one member appointed by the speaker of the council and one member appointed by the public advocate, each of whom shall have demonstrated expertise on the topic of street harassment prevention.*
 - e. *Other participants. The chair may invite officers and representatives of relevant federal, state and local agencies and authorities to participate in the work of the advisory board.*
 - f. *Appointments. All appointments required by this section shall be made no later than April 1, 2022. Each member of the advisory board shall serve at the pleasure of the officer who appointed the member for a term of two years. In the event of a vacancy on the advisory board, a successor shall be appointed in the same manner as the original appointment for the remainder of the unexpired term. All members of the advisory board shall serve without compensation.*
 - g. *Meetings. 1. The chair shall convene the first meeting of the advisory board no later than May 1, 2022, except that where not all members of the advisory board have been appointed within the time specified in subdivision f, the chair shall convene the first meeting of the advisory board within 10 days of the appointment of a quorum.*
 2. *The advisory board shall meet no less than once each quarter to carry out the duties described in subdivision c.*
 3. *The advisory board may invite, or accept requests from, experts and stakeholders to attend its meetings and to provide testimony and information relevant to its duties.*
- § 2. *This local law takes effect immediately.*

Referred to the Committee on Women and Gender Equity.

Int. No. 2425

By Council Members Salamanca, Vallone, Yeger, Holden, Dinowitz, Rosenthal, Cabrera, Levin, Ampry-Samuel, Koslowitz, Adams, Cumbo, Ayala, D. Diaz, Riley, Louis, Rose, Ulrich, Cornegy, Moya, Chin, Dromm, Eugene, Powers, Koo, Treyger, Grodenchik, Brooks-Powers, Borelli, Barron, Kallos, Reynoso, Van Bramer, Brannan, Lander, Maisel and Feliz.

A Local Law to amend the New York city charter, in relation to requiring borough commissioners in the department of environmental protection

Be it enacted by the Council as follows:

Section 1. Chapter 57 of the New York city charter is amended by adding a new section 1405 to read as follows:

§ 1405. *Borough commissioners. a. For each borough, the commissioner of environmental protection shall assign a borough commissioner, who shall:*

- 1. Oversee, under the direction of the commissioner of environmental protection, department programs, personnel, and facilities within the respective borough;*
- 2. Inform the commissioner of environmental protection regularly regarding such programs, personnel, and facilities; and*
- 3. Consult when appropriate with the relevant borough president and community boards.*

b. Nothing in this section shall prohibit the commissioner of environmental protection from assigning as borough commissioner under this section an individual who is also assigned to a position in the department under subdivision f of section 2704 or subdivision a of section 2706.

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

Referred to the Committee on Environmental Protection.

Preconsidered Int. No. 2426

By Council Members Treyger, Yeger, Kallos, Gjonaj, Dinowitz and Gibson.

A Local Law in relation to requiring the department of education to report on school attendance, vaccination, testing consent, and quarantine data related to COVID-19, and providing for the repeal of such provision upon the expiration thereof

Be it enacted by the Council as follows:

Section 1. Report on school attendance, vaccination, testing consent, and quarantine data related to COVID-19. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Chancellor. The term “chancellor” means the chancellor of the city school district of the city of New York.

COVID-19. The term “COVID-19” means the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

Department. The term “department” means the New York city department of education.

School. The term “school” means any elementary, middle, or high school within the jurisdiction of the New York city department of education and in any educational facility owned or leased by the city of New York, holding some combination thereof, including, but not limited to, district 75 schools.

b. No later than 30 days after the effective date of this local law, and weekly thereafter, the chancellor shall conspicuously post on the department’s website a report that includes the following information, disaggregated by school, for the previous week:

1. The number and percentage of students in attendance;

2. The number and percentage of students partially and fully vaccinated for COVID-19;
3. The number and percentage of COVID-19 student testing consent forms submitted;
4. The number of COVID-19 student testing consent forms withdrawn; and
5. The number and percentage of students required to quarantine due to exposure in school to an individual who tested positive for COVID-19.

c. The report required pursuant to subdivision b of this section shall also include the cumulative totals for each category of information required pursuant to paragraphs 2, 3, 4 and 5 of such subdivision. Such cumulative data shall, to the extent feasible, be disaggregated by grade level, gender, race or ethnicity, individualized education program status, English language learner status, status as a student residing in shelter, and status as a student in temporary housing other than students who are residing in shelter.

d. The report required pursuant to subdivision b of this section shall include a data dictionary.

e. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information. If a category contains between 1 and 5 students, or contains an amount that would allow another category that contains between 1 and 5 students to be deduced, the number shall be replaced with a symbol. A category that contains 0 shall be reported as 0, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of student information.

§ 2. This local law takes effect immediately and expires and is deemed repealed on June 30, 2023.

Referred to the Committee on Education (preconsidered but laid over by the Committee on Education).

Preconsidered Int. No. 2427

By Council Members Treyger, Yeger, Kallos, Gjonaj, Dinowitz and Gibson.

A Local Law in relation to a report on COVID-19 within city schools and providing for the repeal of such provision upon the expiration thereof

Be it enacted by the Council as follows:

Section 1. Report on COVID-19 within city schools. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Chancellor. The term “chancellor” means the chancellor of the city school district of the city of New York.

COVID-19. The term “COVID-19” means the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

Department. The term “department” means the department of education.

School. The term “school” means a public school of the city school district of the city of New York that contains any combination of grades from and including pre-kindergarten through grade 12 or an early education center with which the department contracts to provide pre-kindergarten..

b. No later than 30 days after the effective date of this local law, and weekly thereafter, the chancellor shall conspicuously post on the department’s website a report that includes the following information, disaggregated by school, for the previous week:

1. The number of reported and confirmed positive COVID-19 cases for:

(a) Teachers;

(b) Administrators;

(c) Students; and

(d) Other school staff;

2. The total number of reported and confirmed positive COVID-19 cases;

3. Which schools closed due to COVID-19 and the period of time such schools were closed. If a school was closed more than once, then the number of closures shall be reported separately;

4. Which classrooms closed due to COVID-19 and the period of time such classrooms were closed. If a classroom was closed more than once, then the number of closures shall be reported separately;
 5. The percent of teachers vaccinated for COVID-19;
 6. The percent of administrators vaccinated for COVID-19;
 7. The percent of other school staff vaccinated for COVID-19;
 8. The percent of students vaccinated for COVID-19; and
 9. The overall vacation rate for such school.
- c. The report required by subdivision b of this section shall include a data dictionary.
- d. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information. If a category contains between 1 and 5 students, or contains an amount that would allow another category that contains between 1 and 5 students to be deduced, the number shall be replaced with a symbol. A category that contains 0 shall be reported as 0, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of student information.
- § 2. This local law takes effect immediately and expires and is deemed repealed on June 30, 2023.

Referred to the Committee on Education (preconsidered but laid over by the Committee on Education).

Int. No. 2428

By Council Members Vallone and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to agency outreach to businesses in minority- and women-owned business enterprise categories for which agencies fail to achieve utilization goals, and technical amendments in relation thereto

Be it enacted by the Council as follows:

Section 1. The section heading of section 6-125 of the administrative code of the city of New York, as added by local law number 26 for the year 2003, is amended to read as follows:

§ 6-125 *City contracts with hospitals; emergency contraception.*

§ 2. Paragraph (3) of subdivision 1 of section 6-129 of the administrative code of the city of New York, as amended by local law number 118 for the year 2016, is amended to read as follows:

(3) If an agency that has submitted an agency utilization plan pursuant to subdivision g of this section fails to achieve its utilization goal, the agency head shall prepare and submit to the director, the commissioner, the city chief procurement officer, and the speaker of the council, by January 31, a performance improvement plan, which shall describe in detail the efforts such agency intends to undertake to increase M/WBE participation. *Such efforts shall include, but not be limited to, agency outreach and education that are tailored to the businesses in the M/WBE categories for which an agency fails to achieve its utilization goals. An agency shall utilize community-based organizations and the office of ethnic and community media to conduct the outreach and education, which shall inform such businesses about issues related to agency procurement, including, but not limited to, how non-certified firms certify as M/WBEs and how WBEs and MBEs apply for agency contracts. The agency M/WBE officer shall monitor the agency's progress across any such M/WBE categories and coordinate such outreach and education with the community-based organizations and the office of ethnic and community media.*

§ 3. Paragraph (1) of subdivision m of section 6-129 of the administrative code of the city of New York, as added by local law number 129 for the year 2005, is amended to read as follows:

(1) Each agency shall submit to the commissioner and the city chief procurement officer such information as is necessary for the city chief procurement officer to complete his or her reports as required in subdivision l of this section. The director, the commissioner, and the city chief procurement officer shall review each agency's submissions. The director shall convene the agency M/WBE officers for those agencies that have submitted

utilization plans pursuant to subdivision g of this section as often as the director deems necessary, but no less frequently than once per quarter, in order to have agency M/WBE officers (i) discuss the results of the reports required in subdivision 1 of this section; (ii) offer detailed information concerning their effectuation of their performance improvement plans, *including, but not limited to, the outreach and education efforts pursuant to paragraph (3) of subdivision 1 of this section* and any additional efforts undertaken to meet goals established in agency utilization plans; (iii) share the practices that have yielded successes in increasing M/WBE participation; and (iv) devise strategic plans to improve the performance of those failing to meet goals established in agency utilization plans. No less frequently than twice per year, agency heads for those agencies that have submitted utilization plans pursuant to subdivision g of this section shall join such quarterly meetings. Whenever it has been determined that an agency is not making adequate progress toward the goals established in its agency utilization plan, the director, the commissioner, and the city chief procurement officer shall act to improve such agency's performance, and may take any of the following actions:

(a) require the agency to submit more frequent reports about its procurement activity;

(b) require the agency to notify the director, the commissioner, and the city chief procurement officer, prior to solicitation of bids or proposals for, [and/or] *or* prior to award of, contracts in any category where the agency has not made adequate progress toward achieving its utilization goals;

(c) reduce or rescind contract processing authority delegated by the mayor pursuant to sections 317 and 318 of the charter; and

(d) any other action the director, the commissioner, and the city chief procurement officer deem appropriate.

§ 4. Section 6-130 of the administrative code of the city of New York, as amended by local law number 212 for the year 2019, is renumbered section 6-130.1.

§ 5. The commissioner of small business services shall promulgate any rules necessary and appropriate to the administration of sections two and three of this local law.

§ 6. This local law takes effect 90 days after it becomes 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 any rules, before such date.

Referred to the Committee on Contracts.

Int. No. 2429

By Council Members Yeger, Gjonaj, Miller, Borelli, Holden, Adams, Brannan, Salamanca, Grodenchik, D. Diaz, Feliz, Dinowitz, R. Diaz, Sr., Menchaca, Kallos, Maisel, Louis, Koslowitz, Eugene, Levin, Cabrera, Cornegy, Levine and Matteo.

A Local Law to amend the New York city charter, in relation to the budget of the campaign finance board

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 1052 of the New York city charter, as amended by a vote of the electors on November 3, 1998, is amended to read as follows:

c. The board shall, not later than [March] *February* tenth of each year, approve and submit to the mayor *and council* detailed itemized estimates of the financial needs of the campaign finance board for the ensuing fiscal year. Such estimates shall be comprised of at least one personal service unit of appropriation and at least one other than personal service unit of appropriation. [The mayor shall include such estimates in the executive budget without revision, but with such recommendations as the mayor may deem proper. Upon inclusion in the executive budget, the budget submitted by the campaign finance board shall be adopted pursuant to such provisions of chapter ten of this charter as are applicable to the operating budget of the council.]

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Preconsidered L.U. No. 879

By Council Member Salamanca:

Application No. C 210025 ZMQ (Broadway and 11th Street Rezoning) submitted by 11 St. & Broadway, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a, changing from an R5 District to an M1-4/R7A District and establishing a Special Mixed Use District (MX-23), Borough of Queens, Community District 1, Council District 26).

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

Preconsidered L.U. No. 880

By Council Member Salamanca:

Application No. N 210026 ZRQ ((Broadway and 11th Street Rezoning) submitted 11 St. & Broadway, LLC, pursuant to Section 201 of the New York City Charter for an amendment to the Zoning Resolution of the City of New York, modifying provisions of Article XII, Chapter 3 (Special Mixed Use District) for the purpose of establishing a new Special Mixed Use District and APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 1, Council District 26).

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 881

By Council Member Salamanca:

Application No. C 210428 PPM (Las Raices) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter, for the disposition of a city owned property located at 303 East 102nd Street (Block 1674, Lot 104), 338 East 117th Street (Block 1688, Lot 34), 505-507 East 118th Street (Block 1815, Lots 5 and 6), 1761-1763 Park Avenue (Block 1771, Lots 1 and 2), Borough of Manhattan, Council Districts 8 and 9, Community District 11.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions.

L.U. No. 882

By Council Member Salamanca:

Application No. C 210192 ZMQ (185-17 Hillside Avenue Rezoning) submitted by 18517 Hillside LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 15b: changing from an R3X District to an R7A District; changing from an R6A District to an R7A District; establishing within a proposed R7A District a C2-4 District; and establishing a Special Downtown Jamaica District (DJ) bounded by a line 140 feet northerly of Hillside Avenue, a line 100 feet westerly of Chelsea Street, a line 100 feet northerly of Hillside Avenue, and Dalny Road, Borough of Queens, Council District 24, Community District 8.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 883

By Council Member Salamanca:

Application No. N 210193 ZRQ (185-17 Hillside Avenue Rezoning) submitted by 18517 Hillside 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 5 (Special Downtown Jamaica District) and related Sections, and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Council District 24, Community District 8.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 884

By Council Member Salamanca:

Application No. C 180039 MMK (Gowanus Canal CSO Facility) submitted by the New York City Department of Environmental Protection pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving the elimination of Douglass Street between Nevins Street and the Gowanus Canal, the adjustment of grades and block dimensions necessitated thereby, including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. N-2752 dated July 2, 2019 and signed by the Borough President, Borough of Brooklyn, Council District 33, Community District 6.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 885

By Council Member Salamanca:

Application No. C 200319 PCK (Gowanus Canal CSO Facility) submitted by the New York City Department of Sanitation, the New York City Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 110 5th Street (Block 990, Lot 21), 122 5th Street (Block 990, Lot 16), 22 2nd Avenue (Block 990, Lot 1), 5th Street (Block 977, p/o Lot 1) and 2 2nd Avenue (Block 977, p/o Lot 3) for Department of Sanitation salt and equipment storage, environmental education activities and additional space as needed for the combined sewer overflow (CSO) control facility, Borough of Brooklyn, Council District 39, Community District 6.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 886

By Council Member Salamanca:

Application No. C 200320 MMK (Gowanus Canal CSO Facility) submitted by the New York City Department of Environmental Protection pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving: the elimination of 5th Street between 2nd Avenue and the Gowanus Canal; the adjustment of grades and block dimensions necessitated thereby; including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. X-2758 dated May 3, 2021 and signed by the Borough President, Borough of Brooklyn, Council District 39, Community District 6.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 887

By Council Member Salamanca:

Application No. C 200321 PSK (Gowanus Canal CSO Facility) submitted by the New York City Department of Environmental Protection, the New York City Department of Sanitation and the New York City Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection of property located at 2 2nd Avenue (Block 977, Lot 3) for use as a combined sewer overflow (CSO) control facility, Borough of Brooklyn, Council District 39, Community District 6.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 888

By Council Member Salamanca:

Application No. 20225005 HAK (Gowanus Mercy Home UDAAP Amendment) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 694 of the General Municipal Law requesting approval of an amendment to an Urban Development Action Areas Project previously approved by the Council by Resolution No. 510 for the year 2002, Borough of Brooklyn, Council District 39, Community District 6.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 889

By Council Member Salamanca:

Application No. C 210480 ZMK (Cooper Park Commons) submitted by Maspeth Manager, LLC and the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 13a and 13b, changing from an R6 District to an R7-2 District and establishing within the proposed R7-2 District a C2-4 District, Borough of Brooklyn, Council District 34, Community District 1.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions.

L.U. No. 890

By Council Member Salamanca:

Application No. C 210481 ZSK (Cooper Park Commons) submitted by Maspeth Manager, LLC and the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the requirements of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) and Section 23-711 (Standard minimum distance between buildings), in connection the development of two new buildings and the enlargement and conversion of two existing buildings, within a large-scale general development generally bounded by Jackson Street, Debevoise Avenue, Maspeth Avenue, and Kingsland Avenue/Grandparents Avenue (Block 2885, Lots 1, 20, 23, 28, and 32), in proposed R7-2* and R7-2/C2-4* Districts, Borough of Brooklyn, Council District 34, Community District 1.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions.

L.U. No. 891

By Council Member Salamanca:

Application No. N 210482 ZRK (Cooper Park Commons) submitted by Maspeth Manager, LLC and the New York City Department of Housing Preservation and Development, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Council District 34, Community District 1.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions.

L.U. No. 892

By Council Member Salamanca:

Application No. C 210483 HAK (Cooper Park Commons) submitted by the New York City Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State and Section 197-c of the New York City Charter for the designation of property located at 288 Jackson Avenue (Block 2885, Lot 1) as an Urban Development Action Area, approval of an Urban Development Action Area Project for such area, and the disposition of such property to a developer to be selected by HPD, Borough of Brooklyn, Council District 34, Community District 1.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions.

L.U. No. 893

By Council Member Salamanca:

Application No. C 210484 PPK (Cooper Park Commons) submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Sections 197-c of the New York City Charter, to modify the restriction limiting use of property located at 20 Kingsland Avenue (Block 2885, Lot 10) from a health care facility use to general community facility uses, Borough of Brooklyn, Council District 34, Community District 1.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions.

NEW YORK CITY COUNCIL

A N N O U N C E M E N T S

Friday, October 8, 2021

[Committee on Women and Gender Equity](#) jointly with the Darma V. Diaz, Chairperson
[Committee on Mental Health, Disabilities & Addiction](#) Farah N. Louis, Chairperson
Oversight - The Mental Health Impact of COVID-19 on Women as Caregivers.
 Remote Hearing (Virtual Room 1).....10:00 a.m.

[Committee on Transportation](#) Ydanis Rodriguez, Chairperson
Oversight - TLC’s Medallion Relief Program and Supporting the Black Car and Livery Sectors.
 Remote Hearing (Virtual Room 2).....10:30 a.m.

Tuesday, October 12, 2021

[Subcommittee on Zoning & Franchises](#) Francisco Moya, Chairperson
See Land Use Calendar
 Remote Hearing (Virtual Room 1).....10:00 a.m.

[Committee on Public Housing](#) Alicka Ampry-Samuel, Chairperson
Oversight - Utilities in Public Housing and Winter Preparedness.
 Remote Hearing (Virtual Room 2).....10:30 a.m.

Wednesday, October 13, 2021

[Subcommittee on Landmarks, Public Sitings and Dispositions](#) Kevin C. Riley, Chairperson
See Land Use Calendar
 Remote Hearing (Virtual Room 1).....10:00 a.m.

[Committee on Land Use](#) Rafael Salamanca, Jr., Chairperson
All items reported out of the Subcommittees
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
 Remote Hearing (Virtual Room 1).....1:00 p.m.

Thursday, October 14, 2021

[Committee on Youth Services](#) Deborah Rose, Chairperson
Oversight - RHY Legislation: Reporting and Implementation Follow-Up.
 Remote Hearing (Virtual Room 2).....1:00 p.m.

Friday, October 15, 2021

[Committee on Hospitals](#) jointly with the Carlina Rivera, Chairperson
[Committee on Health](#) Mark Levine, Chairperson
Oversight - Hospital Costs – Impact on Access to Care.
 Remote Hearing (Virtual Room 1)..... 10:00 a.m.

Monday, October 18, 2021

[Committee on Women and Gender Equity](#) jointly with the Darma V. Diaz, Chairperson
[Committee on Public Safety](#) Adrienne E. Adams, Chairperson
Oversight - NYPD Special Victims Division – Update
 Remote Hearing (Virtual Room 1)..... 10:00 a.m.

[Committee on Aging](#) Margaret Chin, Chairperson
Oversight - The Community Care Plan.
Int 1219 - By Council Members Dromm and Yeger - **A Local Law** to amend the administrative code of the city of New York, in relation to providing assistance to seniors with bed bugs in their homes.
 Remote Hearing (Virtual Room 2)..... 11:00 a.m.

Wednesday, October 20, 2021

[Subcommittee on Capital Budget](#) Helen Rosenthal, Chairperson
Int 2328 - By Council Members Rosenthal and Yeger - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring reporting on design-build contracts.
 Remote Hearing (Virtual Room 5)..... 10:00 a.m.

[Subcommittee on Zoning & Franchises](#) Francisco Moya, Chairperson
See Land Use Calendar
 Remote Hearing (Virtual Room 1)..... 10:00 a.m.

[Committee on Environmental Protection](#) jointly with the James F. Gennaro, Chairperson
[Committee on Resiliency and Waterfronts](#) and the Justin Brannan, Chairperson
[Committee on Parks and Recreation](#) Peter Koo, Chairperson
Oversight - Green Infrastructure, Urban Flooding and Combined Sewer Overflows.
 Remote Hearing (Virtual Room 4)..... 2:00 p.m.

Thursday, October 21, 2021

Stated Council Meeting.....Agenda –1:30 p.m.

The following comments were among the remarks made by the Speaker (Council Member Johnson) during the Communication from the Speaker segment of this meeting:

The Speaker (Council Member Johnson) acknowledged that October 11th marks National Coming Out Day. He noted that National Coming Out Day helps raise awareness of the LGBTQ+ community and celebrates the power of living your truth. The Speaker (Council Member Johnson) added that he himself had come out in April 1999 when he was sixteen years old.

The Speaker (Council Member Johnson) acknowledged the presence of former Council Member Costa Constantinides on the Council floor as those assembled in the Chambers applauded in appreciation. The Speaker (Council Member Johnson) noted that former Council Member Constantinides was intimately involved with a number of environmental protection bills that have been before the Council. He praised him as an environmental champion and expressed the Council's affection for him and his son Niko.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these in-person proceedings to meet again for the Stated Meeting on Thursday, October 21, 2021.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int. Nos. 1209-A, 1483-A, 1484-A, 1622-A, 1811-A, 1897-A, 2283-A, 2284-A, and Preconsidered Int. No. 2390, all adopted at the August 26, 2021 Stated Meeting, were returned unsigned by the Mayor on September 27, 2021. These items had become law on September 26, 2021 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 95 to 103 of 2021, respectively.

Int. No. 2397-A, adopted by the Council at the September 23, 2021 Stated Meeting, was signed into law by the Mayor on October 5, 2021 as Local Law No. 104 of 2021.

