

**THE COUNCIL**

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*Minutes of the Proceedings for the*  
**STATED MEETING**  
*of*  
Thursday, June 28, 2018, 2:10 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	Carlina Rivera
Alicia Ampry-Samuel	Barry S. Grodenchik	Ydanis A. Rodriguez
Diana Ayala	Robert F. Holden	Deborah L. Rose
Inez D. Barron	Andy L. King	Helen K. Rosenthal
Justin L. Brannan	Karen Koslowitz	Rafael Salamanca, Jr
Fernando Cabrera	Rory I. Lancman	Ritchie J. Torres
Margaret S. Chin	Bradford S. Lander	Mark Treyger
Andrew Cohen	Stephen T. Levin	Eric A. Ulrich
Costa G. Constantinides	Mark D. Levine	Paul A. Vallone
Robert E. Cornegy, Jr	Alan N. Maisel	James G. Van Bramer
Laurie A. Cumbo	Steven Matteo	Jumaane D. Williams
Chaim M. Deutsch	Carlos Menchaca	Kalman Yeger
Ruben Diaz, Sr.	Francisco P. Moya	
Daniel Dromm	Bill Perkins	
Rafael L. Espinal, Jr	Keith Powers	
Mathieu Eugene	Antonio Reynoso	
Vanessa L. Gibson	Donovan J. Richards	

Absent: Council Members Koo and Miller.

Paternity Leave: Council Members Borelli and Kallos.

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

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

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

### INVOCATION

The Invocation was delivered by Jeff Wells, lead Pastor, Church of the Village, 201 W. 13th Street, New York, New York 10011.

Good afternoon.

Let us enter together into a time of reflection,  
creating and sustaining God,  
open our hearts and minds and spirits  
to your loving, forgiving and compassionate presence.  
Even though we go through our days  
frequently ignoring your movements,  
you invest yourself in every moment of our lives  
and continually offer us guidance  
forgiveness and a loving spirit  
and so we offer our deep gratitude today  
for all of the ways that you offer us  
unconditional love and amazing grace.  
All of those ways that we perceive  
and the ones that we fail to notice.  
We are thankful today to live in this amazing city.  
We are proud to live together  
in a place of such beautiful and incredible diversity  
that attracts people from around this nation  
and from around the world  
who seek to offer their gifts and also to grow  
and to benefit by living together in this place.  
We are also privileged to be in a city  
that was the birth place of pride.  
A city in which millions of people  
come out every year to celebrate and affirm  
our lesbian, gay, bisexual, transgender, and queer siblings  
and yet we also know that we have much work to do  
to create a just city in which everyone can thrive and feel safe.  
In the midst of this wonderful diversity  
we still have segregated neighborhoods and schools  
and in a city with three trillion dollars in wealth  
we have terrible and growing  
economic disparity, poverty, and homelessness.  
And so, God of love and justice  
we lift up the members of this body  
who all bring a passion and experience and skills  
to this important work,  
they all desire to do no harm  
and to do all the good they can  
and remain connected to you  
and to all of our human family in their spirits.

And so loving one we ask you to guide their deliberations,  
their discernment and their decision making,  
help all of us to remember  
that each one of us is your beloved child  
and an amazing expression of your boundless creative love  
and in all that we do today and beyond  
may our actions always contribute  
to bringing justice, well-being, and peace to our city  
and to all who choose to live here.  
Amen.

The Speaker (Council Member Johnson) moved to spread the Invocation in full upon the record.

### **ADOPTION OF MINUTES**

Council Member Barron moved that the Minutes of the Stated Meeting of May 9, 2018 be adopted as printed.

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

Lesandro “Junior” Guzman-Feliz, 15, was murdered on June 20, 2018 by gang members in a case of mistaken identity in the Belmont section of the Bronx. The Speaker (Council Member Johnson) noted that New Yorkers were still in shock and mourning for this young man who had a bright future before his shocking death. Junior was a member of the NYPD Explorers and dreamed of becoming a police officer. The Speaker (Council Member Johnson) said that as painful as it was to be at his wake and see Junior’s heartbroken parents, he was amazed to see how the community came out and supported Junior’s family and friends. He offered his thoughts and prayers to his family and thanked the NYPD for their hard work in swiftly bringing justice for Junior.

Chief of Fire Prevention, Ronald R. Spadafora, a 40-year FDNY veteran, succumbed to 9-11 related cancer. He supervised the rescue and recovery efforts at the World Trade Center site as the Deputy Chief and later became the WTC Chief of Safety for the entire recovery operation. Chief Spadafora was the 178<sup>th</sup> member of the FDNY to die of 9-11 related illnesses.

\* \* \*

**MESSAGES AND PAPERS FROM THE MAYOR**

M-65

**Communication from the Mayor - Submitting amended certificate setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for Fiscal Year 2019 and the ensuing three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which may soundly be made during each fiscal year, pursuant to Section 250 (16) of the NY City Charter.**

June 14, 2018

Honorable Members of the Council  
 Honorable Scott M. Stringer, Comptroller  
 Honorable Ruben Diaz, Jr., Bronx Borough President  
 Honorable Eric L. Adams, Brooklyn Borough President  
 Honorable Gale A. Brewer, Manhattan Borough President  
 Honorable Melinda R. Katz, Queens Borough President  
 Honorable James S. Oddo, Staten Island Borough President  
 Honorable Members of the City Planning Commission

Ladies and Gentlemen:

This certificate amends my previous certificate submitted to you, dated April 26, 2018. I hereby certify that, as of this date, in my opinion, the City of New York (the "City"), the New York City Municipal Water Finance Authority and the New York City Transitional Finance Authority may soundly issue debt and expend reserves to finance total capital expenditures of the City for fiscal year 2019 and the ensuing three fiscal years, in maximum annual amounts as set forth below:

		Mill
2019	\$9,120	ion
2020	11,102	Mill
2021	12,378	Mill
2022	13,040	Mill

Certain capital expenditures are herein assumed to be financed from the proceeds of sale of bonds by the City and the New York City Transitional Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed above and are estimated to be as follows in fiscal years 2019 — 2022:

		Mill
2019	\$7,116	ion
2020	9,061	Mill
2021	10,283	Mill
2022	10,651	Mill

Certain water and sewer capital expenditures are herein assumed to be financed from the proceeds of the sale of bonds by the New York City Municipal Water Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed in the first paragraph hereof and are estimated to be as follows in fiscal years 2019 — 2022:

2019	\$2,004	Mill
2020	2,041	Mill
2021	2,095	Mill

2022	2,389	Mill
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I further certify that, as of this date, in my opinion, the City may newly appropriate in the Capital Budget for fiscal year 2019, and may include in the capital program for the ensuing three fiscal years, amounts to be funded by City debt, New York City Transitional Finance Authority debt or, with respect to water and sewer projects, debt of the New York City Municipal Water Finance Authority, not to exceed the following:

2019	\$10,783	Mill
2020	13,003	Mill
2021	13,311	Mill
2022	12,718	Mill

Sincerely,

Bill de Blasio  
Mayor

Received, Ordered, Printed and Filed.

## COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-66

### **Communication from the New York City Comptroller - Appointing Alison Hirsh, Vice President at 3281 SEIU, to the 2018-2019 Charter Revision Commission, as established by Local Law 91.**

June 18, 2018  
Hon. Corey Johnson  
New York City Council Speaker  
City Hall  
New York, NY 10007

Dear Mr. Speaker,

This letter advises you that I am hereby appointing Alison Hirsh, Vice President at 32BJ SEIU, to the 2018-2019 Charter Revision Commission, as established by Local Law 91.

Please take the necessary steps to ensure that Ms. Hirsh is fully briefed on the agenda for the first Charter Revision Commission meeting and all subsequent Commission business. Ms. Hirsh's contact information is below:

Alison Hirsh  
Vice President  
32BJ SEIU  
917-254-5507  
[alisonh@seiu32bj.org](mailto:alisonh@seiu32bj.org)

Sincerely,

Scott M. Stringer  
New York City Comptroller

Received, Ordered, Printed and Filed.

M-67

**Communication from the Manhattan Borough President - Appointing James W. Caras to the Charter Revision Commission, as established by Local Law 91.**

James W. Caras, Esq.  
General Counsel and Land Use Director  
Manhattan Borough President's Office  
1 Centre Street, 19th Floor  
New York, NY 10007

June 20, 2018

Dear Mr. Caras:

By the authority vested in me pursuant to Local Law 91/2018, I hereby appoint you to serve as a member of the Charter Revision Commission. Congratulations on this appointment and thank you for your interest in serving the City of New York.

Sincerely,

Gale A. Brewer

cc: Hon. Corey Johnson  
Speaker of the New York City Council

Received, Ordered, Printed and Filed.

M-68

**Communication from the Staten Island Borough President - Appointing Stephen J. Fiala, to the Charter Revision Commission, as established by Local Law 91.**

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

RE: Appointment to the City Charter Revision Commission

Dear Speaker Johnson:

I am writing to inform you that I am presenting Stephen J. Fiala as my appointment to the New York City Charter Revision Commission effective immediately.

Please do not hesitate to contact me if you have any further questions or require any additional information.

Sincerely,  
James S. Oddo

President, Borough of Staten Island

Received, Ordered, Printed and Filed.

M-69

**Communication from Manhattan Community Board 4 - Recommending that Community Board 4 Member Delores Rubin be appointed to the City's Charter Revision Commission.**

June 15, 2018

Hon. Corey Johnson  
Speaker, City Council  
224 West 30th Street, Suite 1206  
New York, New York 10001

Hon. Gale A. Brewer  
Manhattan Borough President  
1 Centre Street, 19th Floor  
New York, New York 10007

Re: Charter Revision Commission Appointment

Dear Speaker Johnson and Borough President Brewer,

The Executive Committee of Manhattan Community Board 4 (MCB4) believes it is vital for Community Boards to have an essential role in the current Charter Revision process. Community Boards are listed **in**

the current New York City Charter, review nearly all significant City applications, and play a role in community planning. The MCB4 Executive Committee advocates for MCB4 Board Member Delores Rubin to be appointed to the City's Charter Revision Commission as either one of the Council Speaker appointee or the Manhattan Borough President appointee.

Delores Rubin has been on MCB4 for six years. During this time she has acted as Chair of the Board, First and Second Vice Chair of the Board, Chair of the Budget Task Force, Co-Chair of the Waterfront, Parks, and Environment Committee and represented MCB4 to chair the Hudson River Park Trust Advisory Board. She is steeped in the process and operation of Community Boards. Furthermore she has overseen a number of negotiations with both city agencies and private developers. Professionally she has had over 25 years of experience in finance working as an equity trader, while personally volunteering her time to teach financial literacy with various organizations throughout New York City.

For these reasons, the Executive Committee of MCB4 states its support for Delores Rubin to participate on the Charter Revision Commission as either the Speaker or Manhattan Borough President's appointees.

Sincerely,

Burt Lazarin  
Chair  
Manhattan Community Board 4

Enclosure

Received, Ordered, Printed and Filed.



**LAND USE CALL-UPS**

M-70

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

**Pursuant to Rule 11.20(c) 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 no. C 180203 ZSM, related to applications C 180201 ZMM and N 180202 ZRM, (East 14<sup>th</sup> and Irving), shall be subject to Council review.**

Coupled on Call-Up Vote.

M-71

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

**Pursuant to Rule 11.20(c) 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 nos. C 180206 PPM, C 180207 PQM, and C 180073 MMM, related to application nos. C180204(A) ZMM, N180205(A) ZRM, and C 180208 HAM (Inwood Rezoning) shall be subject to Council review.**

Coupled on Call-Up Vote.

M-72

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

**Pursuant to Rule 11.20(c) 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 no. C 180245 ZSK, related to application no. C 180244 HAK (1019-1029 Fulton Street) shall be subject to Council review.**

Coupled on Call-Up Vote.

M-73

By Council Member Reynoso:

**Pursuant to Rule 11.20(b) of the Council and §20-226 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 188 Havemeyer Street, Borough of Brooklyn, Community District 1, Council District 34, Application No. 20185395 TCK shall be subject to review by the Council.**

Coupled on Call-Up Vote.

M-74

By Council Member Richards:

**Pursuant to Rule 11.20(b) 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 no. C 140187 MMQ (No. Conduit) shall be subject to Council review.**

Coupled on Call-Up Vote.

M-75

By Council Member Rivera:

**Pursuant to Rule 11.20(b) of the Council and §20-226 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 235 E. 4<sup>th</sup> Street, Borough of Manhattan, Community District 3, Council District 2, Application No. 20185534 TCM shall be subject to review by the Council.**

Coupled on Call-Up Vote.

M-76

By Council Member Rodriguez:

**Pursuant to Rule 11.20(b) of the Council and §20-226 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 223 Dyckman Street, Borough of Manhattan, Community District 12, Council District 10, Application No. 20185405 TCM shall be subject to review by the Council.**

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, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, King, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, Matteo, Cumbo, and the Speaker (Council Member Johnson) – **47**.

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 Housing and Buildings**

Report for Int. No. 601-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, in relation to requiring certain reporting on an affordable housing plan.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on February 15, 2018 (Minutes, page 893), respectfully

**REPORTS:****Introduction**

On June 26, 2018, the Committee on Housing and Buildings, chaired by Robert E. Cornegy, Jr., will held a hearing on Int. No. 601-A, Int. No. 607-A and Int. No. 722-A.

The Committee originally heard these bills on April 10, 2018 and received testimony from the Department of Housing Preservation and Development (HPD), tenant advocates and members of the real estate industry. More information about these bills is available with the materials for that hearing, which can be accessed online at <https://tinyurl.com/y8dswpkl>.

**Int. No. 601-A**

This legislation would require the City to report annually on implementation of an affordable housing plan with specificity, including the number of units targeted to be created or preserved in each year and the number of units that were actually created or preserved in the preceding year in each neighborhood tabulation area. This legislation would also require the City to also provide a summary of the current demand for affordable housing and a description of obstacles to fulfilling that demand

**Int. No. 607-A**

This bill would require that, where the City has developed a plan for the creation or preservation, to include in its report on the creation or preservation of such affordable housing, measures to affirmatively further fair housing including actions to address historic patterns of racial segregation.

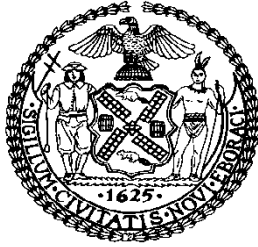
**Int. No. 722-A**

This legislation would require the Department of Housing Preservation and Development (HPD) to create a tracking system for start and expiration dates for all department regulatory agreements and affordability requirements. HPD is required to report on a plan to implement such tracking system and to report annually on the progress of creation of the implementation plan. Following the implementation of the tracking system, HPD must audit the number of expiring affordable housing units in each income band and in each neighborhood tabulation area, and report to the Council annually on the results of that audit and plans for preserving the affordability of the expiring units.

**Update**

On June 26, 2018, the Committee adopted this legislation. Accordingly, the Committee recommends its adoption.

*The following is the text of the Fiscal Impact Statement for Int. No. 601-A:*



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

**PROPOSED INTRO. NO: 601-A**

**COMMITTEE: Housing and Buildings**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring certain reporting on an affordable housing plan

**SPONSORS:** The Speaker (Council Member Johnson), Council Members Richards, Lander, Chin, Rosenthal, Constantinides, Reynoso and Maisel

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 601-A would require the Department of Housing Preservation and Development (HPD) to submit an annual report that details the progress of a citywide affordable housing plan by September 30 of each year to the Council and post the report on its website. The report would include details on the current demand for affordable housing, and housing market conditions that make it difficult to meet such demand, including: rising land costs and construction costs and the availability of financial assistance programs for the creation and preservation of affordable housing. In addition, the legislation would require HPD to report on the projected number of units to be created and preserved each year under the plan for extremely low income, low income, middle income, and moderate income households. The report would also detail the number of units created and preserved by household income category in each preceding fiscal year, disaggregated by neighborhood tabulation area. The legislation would also require HPD to conduct outreach to a wide range of affordable housing stakeholders and describe such outreach efforts.

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

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	De minimis	\$0	De minimis
<b>Net</b>	De minimis	\$0	De minimis

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation. Any expenditures would be related to technology costs associated with implementing software changes needed to post a citywide affordable housing plan online.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Department of Housing Preservation and Development

**ESTIMATE PREPARED BY:** Sarah Gastelum, Principal Financial Analyst

**ESTIMATED REVIEWED BY:** Chima Obichere, Unit Head  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on February 15, 2018 as Intro. No. 601 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on April 10, 2018, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No.601-A, will be considered by the Committee on June 26, 2018. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on June 28, 2018.

**DATE PREPARED:** June 21, 2018.

**(For text of Int. Nos. 607-A and 722-A and their Fiscal Impact Statements, please see the Report of the Committee on Housing and Buildings for Int. Nos. 607-A and 722-A, respectively, printed in these Minutes; for text of Int. No. 601-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 601-A, 607-A, and 722-A.*

**(The following is the text of Int. No. 601-A:)**

Int. No. 601-A

By The Speaker (Council Member Johnson), Council Members Richards, Lander, Chin, Rosenthal, Constantinides, Reynoso, Maisel, Perkins, Miller and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring certain reporting on an affordable housing plan.**

*Be it enacted by the Council as follows:*

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 21 to read as follows:

**CHAPTER 21**  
**AFFORDABLE HOUSING PLAN REPORT**

*§ 26-2101 Definitions. As used in this chapter:*

*Affordable housing. The term “affordable housing” means a dwelling unit that (i) is required pursuant to a federal, state or local law, rule or program to be affordable for an extremely low income household, a very low income household, a low income household, a moderate income household or a middle income household and (ii) operates pursuant to an agreement administered by the department.*

*Area median income. The term “area median income” means the Income Limits as defined annually by the U.S. Department of Housing and Urban Development (HUD) for the New York, NY HUD Metro FMR Area (HMFA), as established in Section 3 of the Housing Act of 1937, as amended.*

*Created. The term “created” means constructed or financed through the development of new buildings or down payment assistance enabling a new homeowner to access affordable housing.*

*Department. The term “department” means the department of housing preservation and development.*

*Dwelling unit. The term “dwelling unit” has the meaning ascribed to such term in the housing maintenance code.*

*Extremely low income household. The term “extremely low income household” means a household that has an income of no more than 30 percent of the area median income, adjusted for the size of the household.*

*Extremely low income affordable housing (ELI-AH) unit. The term “extremely low income affordable housing (ELI-AH) unit” means affordable housing that is affordable to an extremely low income household.*

*Low income household. The term “low income household” means a household that has an income of more than 50 percent of the area median income but no more than 80 percent of the area median income, adjusted for the size of the household.*

*Low income affordable housing (LI-AH) unit. The term “low income affordable housing (LI-AH) unit” means affordable housing that is affordable to a low income household.*

*Middle income household. The term “middle income household” means a household that has an income of more than 120 percent of the area median income but no more than 165 percent of the area median income, adjusted for the size of the household.*

*Middle income affordable housing (MIDI-AH) unit. The term “middle income affordable housing (MIDI-AH) unit” means affordable housing that is affordable to a middle income household.*

*Moderate income household. The term “moderate income household” means a household that has an income of more than 80 percent of the area median income but no more than 120 percent of the area median income, adjusted for the size of the household.*

*Moderate income affordable housing (MI-AH) unit. The term “moderate income affordable housing (MI-AH) unit” means affordable housing that is affordable to a moderate income household.*

*Preserved. The term “preserved” means received physical rehabilitation and/or financial operating assistance for existing buildings in exchange for affordability for existing and future tenants.*

*Very low income household. The term “very low income household” means a household that has an income of more than 30 percent of the area median income but no more than 50 percent of the area median income, adjusted for the size of the household.*

*Very low income affordable housing (VLI-AH) unit. The term “very low income affordable housing (VLI-AH) unit” means affordable housing that is serving a very low income household.*

*§ 26-2102 Affordable housing plan report. The mayor shall, by September 30, 2019, and by September 30 in every year thereafter, submit to the speaker of the council and make publicly available online a report on the progress of a citywide plan that provides for the creation and preservation of affordable housing. Such report shall include, at a minimum:*

- 1. A summary of the current demand for affordable housing;*
- 2. A description of obstacles to fulfilling such demand, including, but not limited to, the price of land and buildings; the availability of federal, state and local financial assistance, including tax benefits relating to the creation or preservation of affordable housing;*
- 3. (a) The number of ELI-AH units projected to be created and the number of ELI-AH units projected to be preserved pursuant to such plan each year;*
  - (b) The number of VLI-AH units projected to be created and the number of VLI-AH units projected to be preserved pursuant to such plan each year;*
  - (c) The number of LI-AH units projected to be created and the number of LI-AH units projected to be preserved pursuant to such plan each year;*
  - (d) The number of MI-AH units projected to be created and the number of MI-AH units projected to be preserved pursuant to such plan each year; and*
  - (e) The number of MIDI-AH units projected to be created and the number of MIDI-AH units projected to be preserved pursuant to such plan each year;*
- 4. (a) The number of ELI-AH units created pursuant to such plan in the preceding fiscal year in each neighborhood tabulation area;*
  - (b) The number of VLI-AH units created pursuant to such plan in the preceding fiscal year in each neighborhood tabulation area;*
  - (c) The number of LI-AH units created pursuant to such plan in the preceding fiscal year in each neighborhood tabulation area;*

*(d) The number of MI-AH units created pursuant to such plan in the preceding fiscal year in each neighborhood tabulation area; and*

*(e) The number of MIDI-AH units created pursuant to such plan in the preceding fiscal year in each neighborhood tabulation area;*

*5. (a) The number of ELI-AH units preserved pursuant to such plan the preceding fiscal year in each neighborhood tabulation area;*

*(b) The number of VLI-AH units preserved pursuant to such plan the preceding fiscal year in each neighborhood tabulation area;*

*(c) The number of LI-AH units preserved pursuant to such plan the preceding fiscal year in each neighborhood tabulation area;*

*(d) The number of MI-AH units preserved pursuant to such plan the preceding fiscal year in each neighborhood tabulation area; and*

*(e) The number of MIDI-AH units preserved pursuant to such plan the preceding fiscal year in each neighborhood tabulation area;*

*8. A list of policies, programs and actions that the city has implemented citywide to carry out such plan, including, but not limited to, additional term sheets created in the preceding fiscal year, preservation programs established by the department in the preceding fiscal year and any other programs established by the mayor to expand preservation and creation of affordable housing.*

*§ 26-2103 Public outreach. In developing a citywide plan for the creation and preservation of affordable housing, representatives of the department shall consult and meet with representatives from the real estate industry, building owners and managers, affordable housing developers, tenant advocacy organizations, affordable housing advocacy organizations, legal service providers and other relevant persons. Such plan shall include a description of outreach performed to fulfill the requirements of this section.*

§ 2. This local law takes effect immediately.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA; Committee on Housing and Buildings, June 26, 2018.

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. 607-A

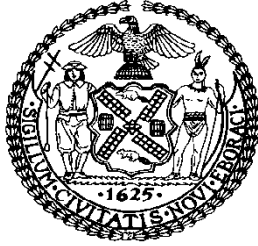
**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law in relation to requiring that city affordable housing plans address historic patterns of racial segregation.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on February 15, 2018 (Minutes, page 900), respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 607-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 607-A:*



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

**PROPOSED INTRO. NO: 607-A**

**COMMITTEE: Housing and Buildings**

**TITLE:** A Local Law in relation to requiring that city affordable housing plans address historic patterns of racial segregation

**SPONSORS:** Council Members Richards, the Speaker (Council Member Johnson), Lander, Chin, Rosenthal, Constantinides and Reynoso

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 607-A would require that, where the City has developed a plan for the creation or preservation of affordable housing, such creation or preservation is in a manner that affirmatively furthers fair housing. This bill would also require the Department of Housing Preservation and Development (HPD) to report to the Mayor and the City Council on its compliance with affirmatively furthering fair housing. The first report would be required by January 1, 2020; afterwards, a new report would be required every five years.

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

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

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

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable.

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

**ESTIMATE PREPARED BY:** Sarah Gastelum, Principal Financial Analyst

**ESTIMATED REVIEWED BY:** Chima Obichere, Unit Head  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on February 15, 2018 as Intro. No. 607 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on April 10, 2018, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 607-A, will be considered by the Committee on June 26, 2018. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on June 28, 2018.



**DATE PREPARED:** June 21, 2018.

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

**(The following is the text of Int. No. 607-A:)**

Int. No. 607-A

By Council Members Richards, The Speaker (Council Member Johnson), Lander, Chin, Rosenthal, Constantinides, Reynoso, Perkins, Miller and Rivera.

**A Local Law in relation to requiring that city affordable housing plans address historic patterns of racial segregation**

*Be it enacted by the Council as follows:*

Section 1. Any citywide plan that provides for the creation or preservation of affordable housing shall, to the greatest extent practicable, provide for such creation or preservation in a manner that affirmatively furthers fair housing by taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. Such plan may explicitly address the prevention of displacement of residents.

§ 2. On or before January 1, 2020 and every five years thereafter, the department of housing preservation and development shall submit a report to the mayor and the council on its compliance with the obligations set forth in this local law, provided that such reporting shall be required no more frequently than once per five years.

§ 3. This local law takes effect immediately.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA; Committee on Housing and Buildings, June 26, 2018.

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. 722-A

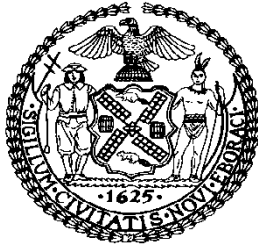
**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to implementation of a tracking system for and a review of expiring affordable housing units.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on March 22, 2018 (Minutes, page 1276), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 607-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 722-A:*



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

**PROPOSED INTRO. NO: 722-A**

**COMMITTEE: Housing and Buildings**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to implementation of a tracking system for and a review of expiring affordable housing units

**SPONSORS:** The Speaker (Council Member Johnson), Council Members Constantinides, Cornegy and Reynoso

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 722-A would require the Department of Housing Preservation and Development (HPD) to submit a report by April 30, 2019 to the Council and the Mayor and post the report on its website, that details a plan for the development of an integrated data tracking system on all regulatory agreements containing requirements for affordable housing units. The data tracking system would include information on the start date and expiration dates for regulatory agreements administered by HPD and the corresponding affordability requirements. The legislation would also require that HPD, beginning in April 2020, submit an annual report to the Council and the Mayor that details the progress of implementing the data tracking system plan. After implementation, this bill would also require HPD to submit an annual report by December 31 of each year to the Council and the Mayor that details the number of expiring affordable housing units citywide for units affordable to extremely low income, low income, middle income, and moderate income households, disaggregated by council district. The legislation would also require HPD to detail the financial assistance programs available to address expiring regulatory agreements and conduct outreach to Council Members to discuss preservation efforts.

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

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	De minimis	\$0	De minimis
<b>Net</b>	De minimis	\$0	De minimis

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation. Any expenditures would be related to technology costs for data systems and subscriptions and any other necessary software changes to maintain and update an integrated data tracking

system within the agency. It is anticipated that the reporting requirements of this legislation would be completed using existing resources.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Department of Housing Preservation and Development

**ESTIMATE PREPARED BY:** Sarah Gastelum, Principal Financial Analyst

**ESTIMATED REVIEWED BY:** Chima Obichere, Unit Head  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on March 22, 2018 as Intro. No. 722 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on April 10, 2018, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 722-A, will be considered by the Committee on June 26, 2018. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on June 28, 2018.

**DATE PREPARED:** June 25, 2018.

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

**(The following is the text of Int. No. 722-A:)**

Int. No. 722-A

By The Speaker (Council Member Johnson), Council Members Constantinides, Cornegy, Reynoso, Chin, Perkins, Rosenthal, Miller and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to implementation of a tracking system for and a review of expiring affordable housing units**

*Be it enacted by the Council as follows:*

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 22 to read as follows:

**CHAPTER 22  
EXPIRING AFFORDABLE HOUSING**

*§ 26-2201 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 that is (i) required, pursuant to a federal, state or local law, rule or program administered by the city or an agreement with the city or a person acting on the city's behalf, to be affordable for an extremely low income household, a very low income household, a low income household, a moderate income household or a middle income household and (ii) operates pursuant to an agreement administered by the department.*

*Area median income. The term "area median income" means the Income Limits as defined annually by the U.S. Department of Housing and Urban Development (HUD) for the New York, NY HUD Metro FMR Area (HMFA), as established in Section 3 of the Housing Act of 1937, as amended.*

*Department. The term "department" means the department of housing preservation and development.*

*Dwelling unit. The term "dwelling unit" has the meaning ascribed to such term in the housing maintenance code.*

*Expiring affordable housing unit.* The term “expiring affordable housing unit” means, with respect to the report required by sections 26-2204 and 26-2205, an affordable housing unit that, without a change in a federal, state or local law, rule or program or an agreement with the city or a person acting on the city’s behalf, will cease to be an affordable housing unit in or before the end of the second calendar year that commences after the due date of such report.

*Extremely low income household.* The term “extremely low income household” means a household that has an income of no more than 30 percent of the area median income, adjusted for the size of the household.

*Extremely low income affordable housing (ELI-AH) unit.* The term “extremely low income affordable housing (ELI-AH) unit” means an affordable housing unit that is required to be occupied upon initial occupancy by an extremely low income household.

*Low income household.* The term “low income household” means a household that has an income of more than 50 percent of the area median income but no more than 80 percent of the area median income, adjusted for the size of the household.

*Low income affordable housing (LI-AH) unit.* The term “low income affordable housing (LI-AH) unit” means an affordable housing unit that is required to be occupied upon initial occupancy by a low income household.

*Moderate income household.* The term “moderate income household” means a household that has an income of more than 80 percent of the area median income but no more than 120 percent of the area median income, adjusted for the size of the household.

*Moderate income affordable housing (MI-AH) unit.* The term “moderate income affordable housing (MI-AH) unit” means an affordable housing unit that is required to be occupied upon initial occupancy by a moderate income household.

*Middle income household.* The term “middle income household” means a household that has an income of more than 120 percent of the area median income but no more than 165 percent of the area median income, adjusted for the size of the household.

*Middle income affordable housing (MIDI-AH) unit.* The term “middle income affordable housing (MIDI-AH) unit” means an affordable housing unit that is required to be occupied upon initial occupancy by a middle income household.

*Very low income household.* The term “very low income household” means a household that has an income of more than 30 percent of the area median income but no more than 50 percent of the area median income, adjusted for the size of the household.

*Very low income affordable housing (VLI-AH) unit.* The term “very low income affordable housing (VLI-AH) unit” means an affordable housing unit that is required to be occupied upon initial occupancy by a very low income household.

§ 26-2202 Tracking system plan. By no later than April 30, 2019, the department shall submit to the mayor and the speaker of the council, and post publicly on the city’s website, a report providing details of a plan for the development of an integrated data tracking system for (i) start dates and expiration dates for all department regulatory agreements containing requirements for affordable housing units to the extent such information is available in the regulatory agreements or department records, (ii) the affordability requirements contained in such regulatory agreements to the extent such information is available in the regulatory agreements or department records, and (iii) a target date for implementation of the plan.

§ 26-2203 Reporting. By no later than April 30, 2020, and annually thereafter, the department shall submit to the mayor and to the council a report on the progress of the tracking system plan required by section 26-2202, until the completion of the implementation of the plan.

§ 26-2204 Annual review. By no later than December 31 in each year following the implementation of the tracking system required by section 26-2202, the department shall conduct a review of affordable housing units citywide to determine:

1. The number of ELI-AH units that are expiring affordable housing units;
2. The number of VLI-AH units that are expiring affordable housing units;
3. The number of LI-AH units that are expiring affordable housing units;
4. The number of MI-AH units that are expiring affordable housing units; and
5. The number of MIDI-AH units that are expiring affordable housing units.

§ 26-2205 *Review of expiring affordable housing units. a. The department shall submit to the mayor, the speaker of the council and each council member by no later than December 31 in each year following implementation of the tracking system required by section 26-2202:*

- 1. The number of ELI-AH units that are expiring affordable housing units in the council district that such member represents;*
  - 2. The number of VLI-AH units that are expiring affordable housing units in the council district that such member represents;*
  - 3. The number of LI-AH units that are expiring affordable housing units in the council district that such member represents;*
  - 4. The number of MI-AH units that are expiring affordable housing units in the council district that such member represents;*
  - 5. The number of MIDI-AH units that are expiring affordable housing units in the council district that such member represents; and*
  - 6. A description of department preservation efforts and the tools available to the department for the purpose of preservation.*
- b. The department shall conduct outreach to council members representing expiring affordable housing units to discuss preservation efforts.*

§ 2. This local law takes effect immediately.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA; Committee on Housing and Buildings, June 26, 2018.

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

**Report of the Committee on Land Use**

Report for L.U. No. 89

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180127 ZMM submitted by DD West 29th LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8b, changing from an M2-3 District to a C6-4X District and establishing a Special Hudson River Park District (HRP), Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 9, 2018 (Minutes, page 1864), respectfully

**REPORTS:**

**(For updated report, please see the Committee on Land Use for L.U. No. 89 & Res. No. 447 printed in the General Order section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 90

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 180128(A) ZRM submitted by DD West 29th 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 VIII, Chapter 9 (Special Hudson River Park District), and related Sections, and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 9, 2018 (Minutes, page 1865), respectfully

**REPORTS:**

**(For updated report, please see the Committee on Land Use for L.U. No. 90 & Res. No. 448 printed in the General Order section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 91

**Report of the Committee on Land Use in favor of approving as modified, Application No. C 180129(A) ZSM submitted by DD West 29th LLC pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 206(c)(1) of Title 22 of the New York City Rules and Regulations, for the grant of a special permit pursuant to Section 24-21 of the Zoning Resolution in connection with a proposed mixed used development on property located at 601-613 West 29th Street (Block 675, Lots 11, 16, and 19), Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 9, 2018 (Minutes, page 1865), respectfully

#### **REPORTS:**

**(For updated report, please see the Committee on Land Use for L.U. No. 91 & Res. No. 449 printed in the General Order section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 92

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180150 ZMM submitted by West 30th Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8b, changing from an M2-3 District to a C6-4X District and establishing a Special Hudson River Park District, Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 9, 2018 (Minutes, page 1866), respectfully

#### **REPORTS:**

**(For updated report, please see the Committee on Land Use for L.U. No. 92 & Res. No. 450 printed in the General Order section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 93

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 180151(A) ZRM submitted by West 30th Street 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 VIII, Chapter 9 (Special Hudson River Park District) and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 9, 2019 (Minutes, page 1866), respectfully

#### **REPORTS:**

**(For updated report, please see the Committee on Land Use for L.U. No. 93 & Res. No. 451 printed in the General Order section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 94

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180152(A) ZSM submitted by West 30th Street LLC pursuant to Sections 197-c and 201 of the New York City Charter and modified pursuant to Section 2 06(c)(1) of Title 62 the New York City Rules and Regulations, for the grant of a special permit pursuant to Section 89-21 of the Zoning Resolution, in connection with a proposed mixed use development on property located at 606-616 West 30th Street (Block 675, Lots 38 & 39), Borough of Manhattan, Community District 4, Council District 3.**



The Committee on Land Use, to which the annexed Land Use item was referred on May 9, 2018 (Minutes, page 1866), respectfully

**REPORTS:**

**(For updated report, please see the Committee on Land Use for L.U. No. 94 & Res. No. 452 printed in the General Order section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 107

**Report of the Committee on Land Use in favor of approving Application No. 20185267 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Ephesus Corp. d/b/a Seven Hills Mediterranean Grill, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 158 West 72nd Street, Borough of Manhattan, Community Board 7, Council District 7. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20(b) of the Council and Section 20-226 of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 23, 2018 (Minutes, page 1994), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 7**

**20185267 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York concerning the petition of Ephesus Corp., d/b/a, Seven Hills Mediterranean Grill for a new revocable consent to maintain, operate and use an unenclosed sidewalk café located at 158 West 72<sup>nd</sup> Street.

**INTENT**

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

**PUBLIC HEARING****DATE:** June 19, 2018**Witnesses in Favor:** None**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** June 19, 2018

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

**In Favor:**

Moya, Constantinides, Lancman, Levin, Reynoso, Rivera.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 424

**Resolution approving the petition for a new revocable consent for an unenclosed sidewalk café located at 158 West 72<sup>nd</sup> Street, Borough of Manhattan (Non-ULURP No. 20185267 TCM; L.U. No. 107).**

By Council Members Salamanca and Moya.

**WHEREAS**, the New York City Department of Consumer Affairs filed with the Council on May 17, 2018 its approval dated May 16, 2018 of the petition of Ephesus Corp., d/b/a, Seven Hills Mediterranean Grill, for a new revocable consent to maintain, operate and use an unenclosed sidewalk café located at 158 West 72<sup>nd</sup> Street, Community District 7, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on June 19, 2018; and

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

**RESOLVED:**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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. 108

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180096 ZMK submitted by South Portland, LLC and Randolph Haig Day Care Center, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of Zoning Map Section No. 16c, changing from an R7A District to an R8A District, establishing within a proposed R8A District a C2-4 District, and establishing a Special Downtown Brooklyn District, for an area for an area bounded by Hanson Place to the north, South Portland Avenue to the east, Academy Place to the south, and South Elliot Place to the west. (Block 2003, Lots 19, 29, 30, 31, 32, 33, 34, and 37), Borough of Brooklyn, Community District 2, Council District 35.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 23, 2018 (Minutes, page 1995), respectfully

**REPORTS:**

**(For updated report, please see the Committee on Land Use for L.U. No. 108 & Res. No. 453 printed in the General Order section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

## Report for L.U. No. 109

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 180097 ZRK submitted by South Portland, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, for the purpose of eliminating a portion of an Inclusionary Housing designated area to establish a Mandatory Inclusionary Housing area, and to extend the Special Downtown Brooklyn District, modifying Article X, Chapter 1, and related Sections, Borough of Brooklyn, Community District 2, Council District 35.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 23, 2018 (Minutes, page 1995

), respectfully

**REPORTS:**

**(For updated report, please see the Committee on Land Use for L.U. No. 109 & Res. No. 454 printed in the General Order section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

## Report for L.U. No. 110

**Report of the Committee on Land Use in favor of approving Application No. 20185361 HAK submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 2003, Lot 37, Borough of Brooklyn, Community District 2, Council District 35.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 23, 2018 (Minutes, page 1995) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****BROOKLYN CB - 2****20185361 HAK**

Application submitted by the New York City Department of Housing Preservation and Development pursuant Section 577 of Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 2003, Lot 37, Council District 35.

**INTENT**

To approve a new real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law for the exemption area for one multiple dwelling which will provide rental housing for low and middle income families.

**PUBLIC HEARING**

**DATE:** May 30, 2018

**Witnesses in Favor:** Thirty-One

**Witnesses Against:** Sixteen

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 19, 2018

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

**In Favor:**

Moya, Constantinides, Lancman, Levin, Reynoso, Rivera.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 425

**Resolution approving a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 2003, Lots 37, Borough of Brooklyn, (L.U. No. 110; Non-ULURP No. 20185361 HAK).**

By Council Members Salamanca and Kallos.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 23, 2018 its request dated May 21, 2018 that the Council approve a new exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption Request") for property located at Block 2003, Lot 37, Community District No. 2, Borough of Brooklyn, Council District No. 35 (the "Exemption Area");

**WHEREAS**, upon due notice, the Council held a public hearing on the Tax Exemption Request on May 30, 2018;

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. "Company" shall mean South Portland LLC or another entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - b. "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - c. "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - d. "Exemption Area" shall mean the real property located in the Borough of the Brooklyn, City and State of New York, identified as Block 2003, Lot 37 on the Tax Map of the City of New York.
  - e. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. "HDFC" shall mean Hanson Place Housing Development Fund Corporation or a housing development fund company that acquires Exemption Area with the prior written consent of HPD.
  - g. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - h. "Owner" shall mean, collectively, the HDFC and the Company.
  - i. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any devoted to business, commercial, or community facility use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written consent of HPD, (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The Exemption shall apply to all land in the Exemption Area, but shall apply only to a building on the Exemption Area that has a permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.
  - c. Nothing herein shall entitle the HDPC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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. 111

**Report of the Committee on Land Use in favor of approving Application No. C 180170 ZMM submitted by QT Soho Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12a, eliminating from within an existing R7-2 District a C1-5 District on certain residential properties along Sullivan Street (Block 504, Lots 31, 34 and p/o Lot 36). and establishing within an existing R7-2 District a C2-5 District along portions of Avenue of the Americas and Spring Street (Block 504, Lots 7501, 43, 39, and p/o Lots 36 and 11), Borough of Manhattan, Community District 2, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 23, 2018 (Minutes, page 1995) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 2**

**C 180170 ZMM**

City Planning Commission decision approving an application submitted by QT Soho Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12a:

1. eliminating from within an existing R7-2 District a C1-5 District bounded by a line 225 feet southerly of Prince Street, a line midway between MacDougal Street and Sullivan Street, a line midway between Avenue of the Americas and Sullivan Street, a line 100 feet northerly of Spring Street, Sullivan Street, Spring Street, Avenue of the Americas, and MacDougal Street; and
2. establishing within an existing R7-2 District a C2-5 District bounded by a line 225 feet southerly of Prince Street, a line 100 feet westerly of Sullivan Street, a line 100 feet northerly of Spring Street, Sullivan Street, Spring Street, Avenue of the Americas, and MacDougal Street;

as shown on a diagram (for illustrative purposes only) dated January 29, 2018.

**INTENT**

To approve the amendment to the Zoning Map, Section No. 12a, in order to establish a C2-5 commercial overlay on a portion of Manhattan Block 504 to facilitate a Use Group 9 dance studio and the legalization of a Physical Culture Establishment (“PCE”) in a new mixed-use building located at 180 Avenue of the Americas in the South Village neighborhood of Manhattan Community District 2.

**PUBLIC HEARING**

**DATE:** May 30, 2018

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 19, 2018

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

**In Favor:**

Moya, Constantinides, Lancman, Levin, Reynoso, Rivera.



**Against:**  
None

**Abstain:**  
None

**COMMITTEE ACTION**

**DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**  
None

**Abstain:**  
None

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

Res. No. 426

**Resolution approving the decision of the City Planning Commission on ULURP No. C 180170 ZMM, a Zoning Map amendment (L.U. No. 111).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on May 16, 2018 its decision dated May 9, 2018 (the "Decision"), on the application submitted by QT Soho Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 12a, establishing a C2-5 commercial overlay on a portion of Manhattan Block 504 to facilitate a Use Group 9 dance studio and the legalization of a Physical Culture Establishment ("PCE") in a new mixed-use building located at 180 Avenue of the Americas in the South Village neighborhood of Manhattan Community District 2, (ULURP No. C 180170 ZMM), Community District 2, Borough of Manhattan (the "Application");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on May 30, 2018;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration (CEQR No. 18DCP070M) issued on January 29, 2018 (the "Negative Declaration").

**RESOLVED:**

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

Pursuant to Section 197-d 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 180170 ZMM, incorporated by reference herein, 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 No. 12a:

1. eliminating from within an existing R7-2 District a C1-5 District bounded by a line 225 feet southerly of Prince Street, a line midway between MacDougal Street and Sullivan Street, a line midway between Avenue of the Americas and Sullivan Street, a line 100 feet northerly of Spring Street, Sullivan Street, Spring Street, Avenue of the Americas, and MacDougal Street; and
2. establishing within an existing R7-2 District a C2-5 District bounded by a line 225 feet southerly of Prince Street, a line 100 feet westerly of Sullivan Street, a line 100 feet northerly of Spring Street, Sullivan Street, Spring Street, Avenue of the Americas, and MacDougal Street;

as shown on a diagram (for illustrative purposes only) dated January 29, 2018, Community District 2, Borough of Manhattan.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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. 112

**Report of the Committee on Land Use in favor of approving Application No. N 180184 ZRM submitted by Times Square Hotel Owner, 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 the Special Times square signage requirements and the Special street wall and setback regulations of the Theater Subdistrict in Article VIII, Chapter 1 (Special Midtown District), Borough of Manhattan, Community District 5, Council District 4.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 23, 2018 (Minutes, page 1996) and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **SUBJECT**

**MANHATTAN CB - 5**

**N 180184 ZRM**

City Planning Commission decision approving an application submitted by Times Square Hotel Owner, 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 the Special Times Square signage requirements and the Special street wall and setback regulations of the Theater Subdistrict in Article VIII, Chapter 1 (Special Midtown District).

**INTENT**

To approve the amendment to the text of the Zoning Resolution in order to modify the Special Times Square signage requirements and the Special Street wall and setback regulations within the Theater Subdistrict Core of the Special Midtown District.

**PUBLIC HEARING**

**DATE:** May 30, 2018

**Witnesses in Favor:** Four

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 19, 2018

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

**In Favor:**

Moya, Constantinides, Lancman, Levin, Reynoso, Rivera.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 427

**Resolution approving the decision of the City Planning Commission on Application No. N 180184 ZRM, for an amendment of the Zoning Resolution of the City of New York, modifying the Special Times Square signage requirements and the Special street wall and setback regulations of the Theater Subdistrict in Article VIII, Chapter 1 (Special Midtown District), Community District 5, Borough of Manhattan (L.U. No. 112).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on May 16, 2018 its decision dated May 9, 2018 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Times Square Hotel Owner, LLC, for an amendment of the text of the Zoning Resolution of the City of New York, modifying the Special Times Square signage requirements and the Special street wall and setback regulations of the Theater Subdistrict in Article VIII, Chapter 1 (Special Midtown District), (Application No. N 180184 ZRM), Community District 5, Borough of Manhattan (the "Application");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on May 30, 2018;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued February 12, 2018 (CEQR No. 18DCP100M) (the "Negative Declaration");

**RESOLVED:**

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

Pursuant to Section 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 180184 ZRM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

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

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

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

**ARTICLE VIII  
SPECIAL PURPOSE DISTRICTS**

**Chapter 1  
Special Midtown District**

**81-00  
GENERAL PURPOSES**

\* \* \*

**81-10  
USE REGULATIONS**

**81-11  
Modifications of Use Regulations in Subdistricts**

The #use# regulations of the underlying districts are modified in:

- (a) the East Midtown Subdistrict in accordance with the provisions of Section 81-62 (Special Use Provisions), inclusive;
- (b) the Theater Subdistrict in accordance with the provisions of Sections 81-72 (Use Regulations Modified) and 81-73 (Special Sign and Frontage Regulations); and
- (c) the Fifth Avenue Subdistrict in accordance with the provisions of Section 81-82 (Special Regulations on Permitted and Required Uses).

\* \* \*

**81-70  
SPECIAL REGULATIONS FOR THEATER SUBDISTRICT**

\* \* \*

**81-73  
Special Sign and Frontage Regulations**

\* \* \*

**81-732  
Special Times Square signage requirements**

The provisions of this Section shall apply to all #developments# and #enlargements# on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway in the Theater Subdistrict.

\* \* \*

- (a) All #developments# located on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway shall provide #signs# meeting all of the following requirements:

\* \* \*

- (2) In addition, #illuminated signs# shall be provided with a minimum aggregate #surface area# of 12 square feet for each linear foot of #street# frontage of the #zoning lot# on Seventh Avenue, Broadway and intersecting #narrow streets# up to the first 40 linear feet of #street# frontage from either Seventh Avenue or Broadway.

No portion of any #illuminated sign# required under this paragraph (a)(2) shall be located:

- (i) further than 40 feet from the Broadway or Seventh Avenue #street line#;
- (ii) below a height of 10 feet above #curb level# or above the top of the #street wall# of the #building# before setback as defined in Section 81-75 (Special Street Wall and Setback Requirements).

There shall be a minimum of one #sign# with a #surface area# of not less than 100 square feet for each 25 linear feet, or part thereof, of #zoning lot street# frontage on Seventh Avenue or Broadway.

- (3) In addition, #illuminated signs# shall be provided with a minimum aggregate #surface area# of 50 square feet for each linear foot of #street# frontage of the #zoning lot# on Seventh Avenue, Broadway and intersecting #narrow streets# up to the first 40 linear feet of #street# frontage from either Broadway or Seventh Avenue, except that for any one #zoning lot#, the required minimum aggregate #surface area# shall not exceed 12,000 square feet.

No portion of any #illuminated sign# required under this paragraph (a)(3) shall be located:

- (i) further than 40 feet from the Seventh Avenue or Broadway #street line# except that, for a #zoning lot# with #street# frontage on Seventh Avenue, Broadway and at least one #narrow street#, the areas of required #signs# specified in paragraph (a)(3)(ii) of this Section may be located without distance limit from the Seventh Avenue or Broadway #street line#;
- (ii) below a height of 10 feet or above a height of 120 feet above #curb level#, except that for a #zoning lot# with #street# frontage on Seventh Avenue, Broadway and 47th Street, a minimum of 25 percent of the minimum aggregate #surface area# required under this Section or 7,500 square feet, whichever is greater, shall comprise #signs# no portion of which shall exceed 250 feet in height above #curb level#, and each of which shall face the intersection of the center lines of 45th Street and Broadway and shall have its #surface area# measured by projecting its edges onto a plane perpendicular to a line drawn between the center of the #sign# and the above intersection at ground level and measuring the resultant #surface area# on that plane; and, for other #zoning lots# with #street# frontage on Seventh Avenue, Broadway and a #narrow street# a maximum of 25 percent of the minimum aggregate #surface area# required under this Section may comprise #signs# located without height limit provided that each such #sign# faces the intersection of the center lines of 45th Street and Broadway and its #surface area# is measured by projecting its edges onto a plane perpendicular to a line drawn between the center of the #sign# and the above intersection at ground level and measuring the resultant #surface area# on that plane.

\* \* \*

There shall be a minimum of one #illuminated sign# with a #surface area# of not less than 1,000 square feet for each 50 linear feet, or part thereof, of #street# frontage on Seventh Avenue or Broadway, except that for any one #zoning lot# no more than five #signs# shall be required.

\* \* \*

- (v) The provisions of paragraphs (a)(3)(iii) and (iv) of this Section may be modified or waived upon certification by the Chairperson of the City Planning Commission that the dynamic character and attractiveness of the #sign# or #signs# for which the modification or waiver is granted are assured by the proposed design and operation and that the signage on the #zoning lot# will produce an effect at least equal to that achieved through the application of paragraphs (a)(3)(iii) and (iv).

Except for an individual #sign# meeting the illumination requirements of paragraphs (a)(3)(iii) and (iv) for at least 50 percent of its #surface area#, for all of the #signs# required under this paragraph (a)(3), all #surface area# not complying with paragraphs

(a)(3)(iii) and (iv) shall be lighted with an average level of illuminance across the entirety of that #surface area# of 75 foot candles and with an average to minimum illuminance ratio of not greater than 3.0 to 1.0.

(vi) For #zoning lots# that contain 15,000 square feet or more of #lot area#, the provisions of paragraphs (a)(2) and (a)(3)(ii) of this Section may be modified or waived, upon certification by the Chairperson that:

(a) the #sign# or #signs# for which the modification or waiver is granted are affixed to a #building# that contains a “listed theater” as designated in Section 81-742 (Listed theaters), and a portion of such theater is located within 100 feet of the #street line# of Seventh Avenue or Broadway; and

(b) such #sign# or #signs# provide visual interest that furthers the purposes of the #illuminated sign# requirements set forth in Section 81-73 (Special Sign and Frontage Regulations), inclusive, in a manner that is at least equal to that achieved through the application of paragraphs (a)(2) and (a)(3)(ii).

(4) One illuminated marquee and one additional #illuminated# projecting identification #sign# are required for each theater on a #zoning lot#. A group of motion picture theaters under single ownership and operation shall be treated as one theater for the purposes of this requirement.

\* \* \*

## 81-75

### Special Street Wall and Setback Requirements

#Buildings# located on #zoning lots#, or portions of #zoning lots# within the Theater Subdistrict Core or the Eighth Avenue Corridor, shall comply with the regulations of this Section. The height of all #buildings or other structures# shall be measured from #curb level#.

## 81-751

### Special street wall and setback regulations within the Theater Subdistrict Core

#Buildings# located on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway, or located partially within the Theater Subdistrict Core and partially within the Eighth Avenue Corridor shall comply with the requirements of this Section and, in all other respects related to height and setback, with the provisions of Section 81-25 (General Provisions Relating to Height and Setback of Buildings), and either Section 81-26 (Height and Setback Regulations - Daylight Compensation) or 81-27 (Alternate Height and Setback Regulations - Daylight Evaluation). The #street wall# location rules of Section 81-43 shall also apply, except as modified in this Section.

\* \* \*

For the purposes of this Section, #signs# are permitted as exceptions to the special #street wall# and setback requirements contained herein, except that above the top of a #street wall# before setback required under this Section, no #sign# may be located closer than six feet to the Seventh Avenue or Broadway #street wall# before setback. #Signs# located below the top of a required #street wall# before setback, as defined in this Section, may project across a #street line# up to 10 feet. Marquees are not subject to the requirements of this Section.

- (a) With the exception of #buildings# located on #zoning lots# between Seventh Avenue and Broadway, #buildings# located on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue or Broadway shall meet the following requirements:

\* \* \*

- (3) For #zoning lots# greater than 15,000 square feet in area:

\* \* \*

- (iii) Alternatively, if the #zoning lot# #building# contains a “listed theater” designated pursuant to theater listed in the table in Section 81-742 and if any portion of the theater is within 100 feet of the #street line# of Seventh Avenue or Broadway, above the required #street wall# height before setback, the #street wall# shall be set back at least 60 feet along the Seventh Avenue or Broadway #street# frontage of the #zoning lot#, except that a portion of the #building# with aggregate area per floor not exceeding the lesser of 4,500 square feet or 30 square feet for each linear foot of #zoning lot street# frontage on Seventh Avenue or Broadway, may extend forward of the 60 foot #setback line#, provided that no portion is closer than 20 feet to the Seventh Avenue or Broadway #street line#, 15 feet to the #street line# of the #narrow street# on which the theater has frontage and 50 feet to any other #narrow street street line#.

In addition, one or more #signs# affixed to any such #building# may project up to 10 feet across the #street line# and rise to a height of 120 feet above #curb level#. Balconies and terraces, including railings or parapets, may be located within the required setback area behind such #signs#. For the purposes of applying the definition of #floor area# in Section 12-10, #signs# projecting across the #street line# shall not constitute an enclosure, and the requirements of Section 32-41 (Enclosure Within Buildings) shall not apply to such balconies or terraces, provided that a portion of any such balcony or terrace is used for an entertainment-related #use# listed in Section 81-725 (Entertainment-related uses) or an accessory #use#.

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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. 113

**Report of the Committee on Land Use in favor of approving Application No. C 150348 ZSM submitted by Zhongyin Apparel LLC pursuant to Sections 197 c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74 781 of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(a) to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar of an existing 5-story building on property located at 85 Mercer Street (Block 485, Lot 25), in an M1-5A District, Borough of Manhattan, Community District 2, Council District 1.**



The Committee on Land Use, to which the annexed Land Use item was referred on May 23, 2018 (Minutes, page 1996) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 2**

**C 150348 ZSM**

City Planning Commission decision approving an application submitted by Zhongyin Apparel LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(a) to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar of an existing 5-story building on property located at 85 Mercer Street (Block 485, Lot 25), in an M1-5A District.

**INTENT**

To approve the Special Permit pursuant to Section 74-781 of the Zoning Resolution to modify the use regulations of Section 42-14D (2)(a) to permit Use Group 6 retail uses on portions of the ground floor and cellar of a five-story building located at 85 Mercer Street, Manhattan Community District 2.

**PUBLIC HEARING**

**DATE:** May 30, 2018

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 19, 2018

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

**In Favor:**

Moya, Constantinides, Lancman, Levin, Reynoso, Rivera.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**  
None

**Abstain:**  
None

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

Res. No. 428

**Resolution approving the decision of the City Planning Commission on ULURP No. C 150348 ZSM (L.U. No. 113), for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(a) to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar of an existing 5-story building, on property located at 85 Mercer Street (Block 485, Lot 25), in an M1-5A District, Community District 2, Borough of Manhattan.**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on May 16, 2018 its decision dated May 9, 2018 (the "Decision"), on the application submitted by Zhongyin Apparel, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(a) to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar of an existing 5-story building, on property located at 85 Mercer Street (Block 485, Lot 25), in an M1-5A District (ULURP No. C 150348 ZSM), Community District 2, Borough of Manhattan, (the "Application");

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

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 74-781 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 May 30, 2018;

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

**WHEREAS**, the Council has considered the relevant environmental issues, the Application is a Type II action and requires no further review under CEQR (the "Type II Determination").

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment pursuant to the Type II Determination.

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 150348 ZSM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission subject to the following conditions:

1. The property that is the subject of this application (C 150348 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by ADG Architecture & Design P.C. filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
CPC-100.00	Site Plan	11/7/2017
CPC-101.00	Zoning Analysis	1/26/2018
CPC-102.00	Sections	1/26/2018
CPC-104.00	Proposed Floor Plan	1/26/2018

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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. 114

**Report of the Committee on Land Use in favor of approving Application No. 20185408 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Madison Entertainment Associates, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 625 Madison Avenue, Borough of Manhattan, Community District 5, Council District 4. This application is subject to review and action by the Land Use Committee only if called-**

**up by vote of the Council pursuant to Rule 11.20(b) of the Council and Section 20-226 of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 7, 2018 (Minutes, page 2154) 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 - 5**

**20185408 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York concerning the petition of Madison Entertainment Associates, LLC, d/b/a, Lavo Restaurant for a renewal revocable consent to maintain and operate an unenclosed sidewalk café located at 625 Madison Avenue.

**INTENT**

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

**PUBLIC HEARING**

**DATE:** June 19, 2018

**Witnesses in Favor:** None

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 19, 2018

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

**In Favor:**

Moya, Constantinides, Lancman, Levin, Reynoso, Rivera.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 429

**Resolution approving the petition for a renewal revocable consent for an unenclosed sidewalk café located at 625 Madison Avenue, Borough of Manhattan (Non-ULURP No. 20185408 TCM; L.U. No. 114).**

By Council Members Salamanca and Moya.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on June 1, 2018 its approval dated May 31, 2018 of the petition of Madison Entertainment Associates, LLC, d/b/a Lavo Restaurant, for a renewal revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 625 Madison Avenue, Community District 5, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on June 19, 2018; and

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

**RESOLVED:**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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. 115

**Report of the Committee on Land Use in favor of approving Application No. 20185230 HKM, pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, concerning the designation by the Landmarks Preservation Commission of**

**the The Emmet Building, located at 95 Madison Avenue (Block 858, Lot 58), as an historic landmark, Borough of Manhattan, Community District 5, Council District 2.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 7, 2018 (Minutes, page xxx) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 5**

**20185230 HKM (N 180405 HKM; N 180405 HIM)**

Designation by the Landmark Preservation Commission [DL-504/LP-2603] pursuant to Section 3020 of the New York City Charter of the landmark designation of 95 Madison Avenue (The Emmet Building) located at 95 Madison Avenue (aka 89-95 Madison Avenue and 26 East 29th Street) (Tax Map Block 858, Lot 58), as an historic landmark.

**PUBLIC HEARING**

**DATE:** June 19, 2018

**Witnesses in Favor:** One

**Witnesses Against:** One

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 20, 2018

Landmarks Subcommittee was deferred and that pursuant to Council Rule 11.10 (e), the matter was called-up to Committee by the Land Use Chair in order to act on it within the time limit prescribed by law.

**COMMITTEE ACTION**

**DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 430

**Resolution affirming the designation by the Landmarks Preservation Commission of 95 Madison Avenue (The Emmet Building) located at 95 Madison Avenue (aka 89-95 Madison Avenue and 26 East 29th Street) (Tax Map Block 858, Lot 58), Borough of Manhattan, Designation List No. 504, LP-2603 (L.U. No. 115; 20185230 HKM; N 180405 HKM; N 180405 HIM).**

By Council Members Salamanca and Adams.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on March 15, 2018 a copy of its designation report dated March 6, 2018 (the "Designation Report"), including the designation pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of 95 Madison Avenue (The Emmet Building) located at 95 Madison Avenue (aka 89-95 Madison Avenue and 26 East 29th Street), Community District 5, Borough of Manhattan, as an historic landmark and Tax Map Block 858, Lot 58, as its landmark site (the "Designation");

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the New York City Planning Commission submitted to the Council on June 15, 2018, its report on the Designation dated June 13, 2018 (the "City Planning Commission Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on June 19, 2018; and

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

**RESOLVED:**

Pursuant to Section 3020 of the New York City Charter, and on the basis of the information and materials contained in the Designation Report and the City Planning Commission Report, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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. 116

**Report of the Committee on Land Use in favor of approving Application No. 20185229 HKM, pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, concerning the designation by the Landmarks Preservation Commission of Hotel Seville (now The James NoMadHotel), located at 22 East 29th Street (Block 858, p/o Lot 17), as an historic landmark, Borough of Manhattan, Community District 5, Council District 4.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 7, 2018 (Minutes, page 2154) 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 - 5**

**20185229 HKM (N 180406 HKM; 180406 HIM)**

Designation by the Landmark Preservation Commission [DL-504/LP-2602] pursuant to Section 3020 of the New York City Charter of the landmark designation of the Hotel Seville (now The James Nomad Hotel) located at 22 East 29<sup>th</sup> Street (aka 18-20 East 29<sup>th</sup> Street, 15-17 East 28<sup>th</sup> Street and 90-94 Madison Avenue) (Tax Map Block 858, p/o Lot 17), as an historic landmark.

**PUBLIC HEARING**

**DATE:** June 19, 2018

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 19, 2018

The Subcommittee recommends that the Land Use Committee affirm the designation.

**In Favor**

Adams, Barron, Koo.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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



Res. No. 431

**Resolution affirming the designation by the Landmarks Preservation Commission of the Hotel Seville (now The James Nomad Hotel) located at 22 East 29<sup>th</sup> Street (aka 18-20 East 29<sup>th</sup> Street, 15-17 East 28<sup>th</sup> Street and 90-94 Madison Avenue) (Tax Map Block 858, p/o Lot 17), Borough of Manhattan, Designation List No. 504, LP-2602 (L.U. No. 116; 20185229 HKM; N 180406 HKM; N 180406 HIM).**

By Council Members Salamanca and Adams.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on March 15, 2018 a copy of its designation report dated March 6, 2018 (the "Designation Report"), including the designation pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the Hotel Seville (now The James Nomad Hotel) located at 22 East 29<sup>th</sup> Street (aka 18-20 East 29<sup>th</sup> Street, 15-17 East 28<sup>th</sup> Street and 90-94 Madison Avenue), Community District 5, Borough of Manhattan, as an historic landmark and Tax Map Block 858, p/o Lot 17, as the landmark site (the "Designation");

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the New York City Planning Commission submitted to the Council on June 15, 2018, its report on the Designation dated June 13, 2018 (the "City Planning Commission Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on June 19, 2018; and

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

**RESOLVED:**

Pursuant to Section 3020 of the New York City Charter, and on the basis of the information and materials contained in the Designation Report and the City Planning Commission Report, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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. 117

**Report of the Committee on Land Use in favor of approving Application No. 20185275 HKM, pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, concerning the designation by the Landmarks Preservation Commission of Public School 109 (now El Barrio's Artspace PS 109), located at 215 East 99th Street (Block 1649, Lot 9), as an historic landmark, Borough of Manhattan, Community District 11, Council District 8.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 7, 2018 (Minutes, page 2154) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 11**

**20185275 HKM (N 180378 HKM; N 180378 HIM)**

Designation by the Landmark Preservation Commission [DL-505/LP-2597] pursuant to Section 3020 of the New York City Charter of the landmark designation of the Public School 109 (now El Barrio's Artspace PS 109) located at 215 East 99<sup>th</sup> Street (Tax Map Block 1649, Lot 9), as an historic landmark.

**PUBLIC HEARING**

**DATE:** June 19, 2018

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 19, 2018

The Subcommittee recommends that the Land Use Committee affirm the designation.

**In Favor:**

Adams, Barron, Koo.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 432

**Resolution affirming the designation by the Landmarks Preservation Commission of the Public School 109 (now El Barrio's Artspace PS 109) located at 215 East 99<sup>th</sup> Street, (Tax Map Block 1649, Lot 9), Borough of Manhattan, Designation List No. 505, LP-2597 (L.U. No. 117; 20185275 HKM; N 180378 HKM; N 180378 HIM).**

By Council Members Salamanca and Adams.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on April 5, 2018 a copy of its designation report dated March 27, 2018 (the "Designation Report"), including the designation pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the Public School 109 (now El Barrio's Artspace PS 109) located at 215 East 99<sup>th</sup> Street, Community District 11, Borough of Manhattan, as an historic landmark and Tax Map Block 1649, Lot 9, as the landmark site (the "Designation");

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the New York City Planning Commission submitted to the Council on June 15, 2018, its report on the Designation dated June 13, 2018 (the "City Planning Commission Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on June 19, 2018; and

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

**RESOLVED:**

Pursuant to Section 3020 of the New York City Charter, and on the basis of the information and materials contained in the Designation Report and the City Planning Commission Report, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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. 118

**Report of the Committee on Land Use in favor of approving Application No. 20185274 HKM, pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, concerning the designation by the Landmarks Preservation Commission of Benjamin Franklin High School (now Manhattan Center for Science and Mathematics), located at 260 Pleasant Avenue (aka 260-300 Pleasant Avenue, 500-528 East 116<sup>th</sup> Street) (Block 1713, p/o Lot 1), as an historic landmark, Borough of Manhattan, Community District 11, Council District 8.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 7, 2018 (Minutes, page 2155) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 11**

**20185274 HKM (N 180350 HKM; N 180350 HIM)**

Designation by the Landmark Preservation Commission [DL-505/LP-2596] pursuant to Section 3020 of the New York City Charter of the landmark designation of the Benjamin Franklin High School (now Manhattan Center for Science and Mathematics) located at 260 Pleasant Avenue (aka 260-300 Pleasant Avenue and 500-528 East 116<sup>th</sup> Street) (Tax Map Block 1713, p/o Lot 1), as an historic landmark.

**PUBLIC HEARING**

**DATE:** June 19, 2018

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 19, 2018

The Subcommittee recommends that the Land Use Committee affirm the designation.

**In Favor:**

Adams, Barron, Koo.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 433

**Resolution affirming the designation by the Landmarks Preservation Commission of the Benjamin Franklin High School (now Manhattan Center for Science and Mathematics) located at 260 Pleasant Avenue (aka 260-300 Pleasant Avenue and 500-528 East 116<sup>th</sup> Street) (Tax Map Block 1713, p/o Lot 1), Borough of Manhattan, Designation List No. 505, LP-2596 (L.U. No. 118; 20185274 HKM; N 180350 HKM; N 180350 HIM).**

By Council Members Salamanca and Adams.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on April 5, 2018 a copy of its designation report dated March 27, 2018 (the "Designation Report"), including the designation pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the Benjamin Franklin High School (now Manhattan Center for Science and Mathematics) located at 260 Pleasant Avenue (aka 260-300 Pleasant Avenue and 500-528 East 116<sup>th</sup> Street), Community District 11, Borough of Manhattan, as an historic landmark and Tax Map Block 1713, p/o Lot 1, as the landmark site (the "Designation");

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the New York City Planning Commission submitted to the Council on June 15, 2018, its report on the Designation dated June 13, 2018 (the "City Planning Commission Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on June 19, 2018; and

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

**RESOLVED:**

Pursuant to Section 3020 of the New York City Charter, and on the basis of the information and materials contained in the Designation Report and the City Planning Commission Report, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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. 119

**Report of the Committee on Land Use in favor of approving Application No. 20185273 HKM, pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, concerning the designation by the Landmarks Preservation Commission of Richard Webber Harlem Packing House, located at 207-215 East 119<sup>th</sup> Street (Block 1784, p/o Lot 5), as an historic landmark, Borough of Manhattan, Community District 11, Council District 8.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 7, 2018 (Minutes, page 2155) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 11**

**20185273 HKM (N 180377 HKM; N 180377 HIM)**

Designation by the Landmark Preservation Commission [DL-505/LP-2595] pursuant to Section 3020 of the New York City Charter of the landmark designation of the Richard Webber Harlem Packing House located at 207-215 East 119<sup>th</sup> Street (Tax Map Block 1784, p/o Lot 5), as an historic landmark.

**PUBLIC HEARING**

**DATE:** June 19, 2018

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 19, 2018

The Subcommittee recommends that the Land Use Committee affirm the designation.

**In Favor:**

Adams, Barron, Koo.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 434

**Resolution affirming the designation by the Landmarks Preservation Commission of the Richard Webber Harlem Packing House located at 207-215 East 119<sup>th</sup> Street (Tax Map Block 1784, p/o Lot 5), Borough of Manhattan, Designation List No. 505, LP-2595 (L.U. No. 119; 20185273 HKM; N 180377 HKM; N 180377 HIM).**

By Council Members Salamanca and Adams.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on April 5, 2018 a copy of its designation report dated March 27, 2018 (the "Designation Report"), including the designation pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the Richard Webber Harlem Packing House located at 207-215 East 119<sup>th</sup> Street, Community District 11, Borough of Manhattan, as an historic landmark and Tax Map Block 1784, p/o Lot 5, as the landmark site (the "Designation");

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the New York City Planning Commission submitted to the Council on June 15, 2018, its report on the Designation dated June 13, 2018 (the "City Planning Commission Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on June 19, 2018; and

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

**RESOLVED:**

Pursuant to Section 3020 of the New York City Charter, and on the basis of the information and materials contained in the Designation Report and the City Planning Commission Report, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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. 120

**Report of the Committee on Land Use in favor of approving Application No. 20185231 HKK, pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Dr. Maurice T. Lewis House, located at 404 55<sup>th</sup> Street (Block 831, Lot 8), as an historic landmark, Borough of Brooklyn, Community District 7, Council District 38.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 7, 2018 (Minutes, page 2155) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 7**

**20185231 HKK (N 180407 HKK; 180407 HIK)**

Designation by the Landmark Preservation Commission [DL-504/LP-2608] pursuant to Section 3020 of the New York City Charter of the landmark designation of the Dr. Maurice T. Lewis House located at 404 55th Street (aka 402-404 55th Street and 5501 4th Avenue) (Tax Map Block 831, Lot 8), as an historic landmark.

**PUBLIC HEARING**

**DATE:** June 19, 2018

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 19, 2018

The Subcommittee recommends that the Land Use Committee affirm the designation.

**In Favor:**

Adams, Barron, Koo.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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



Res. No. 435

**Resolution affirming the designation by the Landmarks Preservation Commission of the Dr. Maurice T. Lewis House located at 404 55th Street (aka 402-404 55th Street and 5501 4th Avenue) (Tax Map Block 831, Lot 8), Borough of Brooklyn, Designation List No. 504, LP-2608 (L.U. No. 120; 20185231 HKK; N 180407 HKK; N 180407 HIK).**

By Council Members Salamanca and Adams.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on March 15, 2018 a copy of its designation report dated March 6, 2018 (the "Designation Report"), including the designation pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the Dr. Maurice T. Lewis House located at 404 55th Street (aka 402-404 55th Street and 5501 4th Avenue), Community District 7, Borough of Brooklyn, as an historic landmark and Tax Map Block 831, Lot 8, as the landmark site (the "Designation");

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the New York City Planning Commission submitted to the Council on June 15, 2018, its report on the Designation dated June 13, 2018 (the "City Planning Commission Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on June 19, 2018; and

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

**RESOLVED:**

Pursuant to Section 3020 of the New York City Charter, and on the basis of the information and materials contained in the Designation Report and the City Planning Commission Report, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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. 121

**Report of the Committee on Land Use in favor of approving Application No. 20185276 HKK, pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, concerning the designation by the Landmarks Preservation Commission of the The Dime Savings Bank of Williamsburgh, located at 209 Havemeyer Street (aka 257 South 5th Street) (Block 2447, p/o Lot 36), as an historic landmark, Borough of Brooklyn, Community District 1, Council District 34.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 7, 2018 (Minutes, page 2155) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 1**

**20185276 HKK (N 180379 HKK; 180379 HIK)**

Designation by the Landmark Preservation Commission [DL-505/LP-2598] pursuant to Section 3020 of the New York City Charter of the landmark designation of The Dime Savings Bank of Williamsburgh located at 209 Havemeyer Street (aka 257 South 5<sup>th</sup> Street) (Tax Map Block 2447, p/o Lot 36), as an historic landmark.

**PUBLIC HEARING**

**DATE:** June 19, 2018

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 19, 2018

The Subcommittee recommends that the Land Use Committee affirm the designation.

**In Favor:**

Adams, Barron, Koo.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 436

**Resolution affirming the designation by the Landmarks Preservation Commission of The Dime Savings Bank of Williamsburgh located at 209 Havemeyer Street (aka 257 South 5<sup>th</sup> Street) (Tax Map Block 2447, p/o Lot 36), Borough of Brooklyn, Designation List No. 505, LP-2598 (L.U. No. 121; 20185276 HKK; N 180379 HKK; N 180379 HIK).**

By Council Members Salamanca and Adams.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on April 5, 2018 a copy of its designation report dated March 27, 2018 (the "Designation Report"), including the designation pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of The Dime Savings Bank of Williamsburgh located at 209 Havemeyer Street (aka 257 South 5<sup>th</sup> Street), Community District 1, Borough of Brooklyn, as an historic landmark and Tax Map Block 2447, p/o Lot 36, as the landmark site (the "Designation");

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the New York City Planning Commission submitted to the Council on June 15, 2018, its report on the Designation dated June 13, 2018 (the "City Planning Commission Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on June 19, 2018; and

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

**RESOLVED:**

Pursuant to Section 3020 of the New York City Charter, and on the basis of the information and materials contained in the Designation Report and the City Planning Commission Report, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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).

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

Report for L.U. No. 126

**Report of the Committee on Land Use in favor of approving Application No. 20185417 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to the Private Housing Finance Law for the approval of a new real property tax exemption, the termination of a**

**prior tax exemption, and the voluntary dissolution of the current owner of property located at Block 392, Lots 17 and 27, and Block 393, Lots 14 and 56, Borough of Manhattan, Community District 3, Council District 2.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on June 28, 2018 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 - 3**

**20185417 HAM**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to the Private Housing Finance Law for the approval of a new real property tax exemption, the termination of a prior tax exemption, and the voluntary dissolution of the current owner of property located at Block 392, Lots 17 and 27, and Block 393, Lots 14 and 56, Community District 3, Council District 2.

**INTENT**

To approve a new real property tax exemption, termination of the prior tax exemption and voluntary dissolution of current owner pursuant to Sections 577, 125 and 123(4) of the Private Housing Finance Law for an exemption area that contains four multiple dwellings, known as East Village I, which will continue to provide 150 rental housing units for low income families.

**PUBLIC HEARING**

**DATE:** June 19, 2018

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 19, 2018

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

**In Favor:**

Gibson, Deutsch, Diaz.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 437

**Resolution approving a new real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law (PHFL), the termination of a prior exemption pursuant to PHFL Section 125, and consent to the voluntary dissolution of the prior owner pursuant to PHFL Section 123(4) for property located at Block 392, Lots 17 and 27, and Block 393, Lots 14 and 56, Community District 3, Borough of Manhattan, (Preconsidered L.U. No. 126; Non-ULURP No. 20185417 HAM).**

By Council Members Salamanca and Kallos.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on June 5, 2018 its request dated June 5, 2018 that the Council take the following actions regarding a new real property tax exemption for an area located at Block 392, Lots 17 and 27, and Block 393, Lots 14 and 56, Community District 3, Borough of Manhattan, (the "Exemption Area");

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

Approve the termination of a prior tax exemption for the Exemption Area pursuant to PHFL Section 125 (the "Termination");

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

**WHEREAS**, HPD's request for the Tax Exemption is related to a previously approved real property tax exemption by the Board of Estimate on December 15, 1977 (Cal. No. 3);

**WHEREAS**, upon due notice, the Council held a public hearing on the Tax Exemption, Termination and Dissolution on June 19, 2018; and

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

**RESOLVED:**

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

1. Approve the exemption from real property taxation pursuant to Section 577 of the Private Housing Finance Law as follows:

- a. For the purposes hereof, the following terms shall have the following meanings:
- (1) “Contract Rent Differential” shall mean, for the year ending upon any anniversary of the Effective Date, the amount by which the total contract rents applicable to the Exemption Area for such year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which were authorized as of the Effective Date.
  - (2) “Conveyance Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 392, Lot 40 on the Tax Map of the City of New York.
  - (3) “Current Owner” shall mean Lower East Side I Associates, L.P.
  - (4) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the New Owner enter into the Regulatory Agreement.
  - (5) “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 392, Lots 17 and 27 and Block 393, Lots 14 and 56 on the Tax Map of the City of New York.
  - (6) “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (7) “Full Taxes” shall mean, for the year ending upon any anniversary of the Effective Date, the full amount of real property taxes that would have been due and owing in such year in the absence of any form of real property tax exemption, abatement, or other reduction.
  - (8) “HDFC” shall mean East Village I Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - (9) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - (10) “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
  - (11) “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - (12) “New Owner” shall mean, collectively, the HDFC and the Partnership.
  - (13) “New Project” shall mean the new multiple dwelling to be constructed on the Conveyance Area which will contain approximately 11 units of rental housing and which will be subject to a restrictive covenant requiring, *inter alia*, that 10% of the dwelling units in the New Project shall be affordable to persons at or below 70% of

Area Median Income and that an additional 20% of the dwelling units in the New Project shall be affordable to persons at or below 130% of Area Median Income.

- (14) “Partial Tax Payment” shall mean
- (i) for the year ending upon the first anniversary of the Effective Date, \$383,985;
  - (ii) for the year ending upon the second anniversary of the Effective Date, five and one-fourth percent (5.25%) of the total contract rents applicable to the Exemption Area for such year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended);
  - (iii) for the year ending upon the third anniversary of the Effective Date, and the years ending upon each anniversary of the Effective Date thereafter until the Expiration Date, (A) the Partial Tax Payment due for the year ending upon the second anniversary of the Effective Date, plus (B) twenty-five percent (25%) of the Contract Rent Differential;
- provided, however, that if the Department of Buildings does not issue a new certificate of occupancy or temporary certificate of occupancy for all residential areas of the New Project on or before the fifth anniversary of the Effective Date, then “Partial Tax Payment” shall thereafter mean
- (a) for the year ending upon the sixth anniversary of the Effective Date, (i) \$383,985, plus (ii) twenty-five percent (25%) of the Contract Rent Differential, plus (iii) twenty percent (20%) of Full Taxes;
  - (b) for the year ending upon the seventh anniversary of the Effective Date, (i) \$383,985, plus (ii) twenty-five percent (25%) of the Contract Rent Differential, plus (iii) ten percent (10%) of Full Taxes; and
  - (c) for the year ending upon the eighth anniversary of the Effective Date and the years ending upon each anniversary of the Effective Date thereafter until the Expiration Date, (i) ten percent (10%) of the total contract rents for the year ending upon the sixth anniversary of the Effective Date, plus (ii) twenty-five percent (25%) of the Contract Rent Differential.
- (15) “Partnership” shall mean Lower East Side I Associates, L.P. or another entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
- (16) “PHFL” shall mean the Private Housing Finance Law.
- (17) “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area pursuant to Section 125 of the PHFL approved by the Board of Estimate on December 15, 1977 (Cal No. 3).
- (18) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.

- b. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  - c. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real property tax payments in the sum of the Partial Tax Payment. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the lesser of either (a) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation, or (b) seventeen percent (17%) of the contract rents in the applicable year.
  - d. Notwithstanding any provision hereof to the contrary:
    - (1) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the PHFL, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
    - (2) The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
    - (3) Nothing herein shall entitle the HDFC, the New Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  - e. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits, if any, of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, the J-51 Benefits shall remain in effect, but (i) the New Exemption shall be reduced by the amount of such J-51 Benefits, and (ii) the Partial Tax Payment shall not be reduced by such J-51 Benefits.
2. Approve, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption, which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.
  3. Consent, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.
  4. If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as



the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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).

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

Report for L.U. No. 127

**Report of the Committee on Land Use in favor of approving Application No. 20185418 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Section 122(1) of the Private Housing Finance Law for the approval of the conveyance of real property located at Block 392, Lot 40, Borough of Manhattan, Community District 3, Council District 2.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on June 28, 2018 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 - 3**

**20185418 HAM**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 122(1) of the Private Housing Finance Law for the approval of the conveyance of real property located at Block 392, Lot 40, Community District 3, Council District 2.

#### **INTENT**

To approve the conveyance of Block 392, Lot 40 pursuant to Section 122(1) of the Private Housing Finance Law for the construction of a new multiple dwelling building containing 11 rental units, contingent upon the execution and recordation of the Restrictive Covenant.

**PUBLIC HEARING****DATE:** June 19, 2018**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** June 19, 2018

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

**In Favor:**

Gibson, Deutsch, Diaz.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 438

**Resolution approving a conveyance of property located at Block 392, Lot 40, Borough of the Manhattan (Preconsidered L.U. No. 127; 20185418 HAM).**

By Council Members Salamanca and Kallos.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on June 5, 2018 its request dated June 5, 2018 that the Council approve the conveyance of property located at Block 392, Lot 40, Community District 3, Council District 2, Borough of Manhattan (the "Conveyance Area");

**WHEREAS**, the original Article V Plan and Project was approved by the Board of Estimate on December 15, 1977 (Cal. No. 3), (the "Original Project");

**WHEREAS**, the Current Owner, Lower East Side I Associates, L.P., wishes to convey the Conveyance Area to New Owner, East Village III LLC, for the construction of one new multiple dwelling that will contain approximately 11 units of rental housing (the “New Project”);

**WHEREAS**, a Restrictive Covenant will be executed and recorded binding the New Owner to the terms set forth in the HPD request;

**WHEREAS**, upon due notice the Council held a public hearing on the New Project on June 19, 2018; and

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

**RESOLVED:**

The Council approves, pursuant to Section 122(1) of the Private Housing Finance Law, contingent upon the execution and recordation of the Restrictive Covenant, a copy of which is attached hereto as Exhibit A, as same may be modified with any necessary administrative or technical changes as are acceptable to Counsel to HPD, the conveyance of the Conveyance Area by the Current Owner to the New Owner.

**EXHIBIT A**

**DECLARATION OF RESTRICTIVE COVENANT**

**WHEN RECORDED RETURN TO:**

New York City  
Department of Housing Preservation and Development  
Office of Legal Affairs  
100 Gold Street, Room 5-U9  
New York, NY 10038

**DECLARATION OF RESTRICTIVE COVENANT**

This Declaration of Restrictive Covenant (“Declaration”) executed as of this \_\_th day of \_\_\_\_\_, 2018 (the “Effective Date”) is granted to the City of New York acting by and through its Department of Housing Preservation and Development (“HPD”), by \_\_\_\_\_ LLC (“Owner” or “Declarant”).

**RECITALS**

- A. Owner is the owner of that certain parcel of land located in the Borough of Manhattan County of New York, State of New York (the “State”), which is more fully described in Exhibit A hereto (the “Property”).
- B. Owner has acquired the Property pursuant to a Resolution of the New York City Council dated \_\_\_\_\_ (Reso. No. \_\_\_\_\_) (the “Council Resolution”) approving the conveyance of the Property from Lower East Side I Associates, L.P., a redevelopment company which formally owned the Property, to \_\_\_\_\_ LLC .
- C. The Council Resolution conditioned the approval of the conveyance on Owner’s execution and recordation of a Declaration of Restrictive Covenant for the benefit of HPD providing that 30% of any dwelling units be affordable to households at certain specified income levels.

NOW THEREFORE, in consideration of the foregoing premises, the Council Resolution, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Owner declares as follows:

1. Term. The term of this Restrictive Covenant (the "Term") shall commence on the Effective Date and, except as set forth in Section 2 below, shall expire on the fortieth (40<sup>th</sup>) anniversary of the Effective Date (the "Expiration Date").
2. Section 421-a Exemption. Declarant shall seek a partial real estate tax exemption (the "Section 421-a Exemption") for the Property pursuant to Section 421-a of the Real Property Tax Law ("Section 421-a"). In the event that the Property does receive a Section 421-a Exemption, the Expiration Date shall be the later of the fortieth (40<sup>th</sup>) anniversary of the Effective Date or the date of the expiration of the Section 421-a Exemption. Declarant shall comply with all of the requirements for the receipt of the Section 421-a Exemption, including, but not limited to, any income and rent restrictions. Declarant may not sell, convey, or transfer the Property without HPD's prior written consent before receipt of the Section 421-a Exemption.
3. Definitions. For the purposes of this Agreement, the following terms shall have the meanings set forth below:

"70% of AMI" shall mean 140% of the income levels as modified by household size for the New York metropolitan statistical area for fifty percent (50%) of median income families (a.k.a. as "very low income families") as determined from time to time by HUD under Section 3(b)(2) of the United States Housing Act of 1937 (or, if such program is terminated, under such program as was in effect immediately before such termination).

"70% AMI Tenant" shall mean a person or family whose Annual Income at the time of application to lease a Unit is less than or equal to 70% of AMI.

"70% AMI Units" shall have the meaning set forth in Section 5 of this Declaration.

"130% of AMI" shall mean 260% of the income levels as modified by household size for the New York metropolitan statistical area for fifty percent (50%) of median income families (a.k.a. as "very low income families") as determined from time to time by HUD under Section 3(b)(2) of the United States Housing Act of 1937 (or, if such program is terminated, under such program as was in effect immediately before such termination).

"130% AMI Tenant" shall mean a person or family whose Annual Income at the time of application to lease a Unit is less than or equal to 130% of AMI.

"130% AMI Units" shall have the meaning set forth in Section 5 of this Declaration.

"AMI" shall mean the area median income for the primary metropolitan statistical area as determined by HUD from time to time for a family of four, as adjusted for family size.

"Actual Rent" shall mean the rent charged for a Unit in accordance with Section 5 of this Agreement.

"Annual Income" is the anticipated total income from all sources to be received by the household head and spouse and by each additional member of the household, including all net income derived from assets, for the twelve (12) month period following the date of initial determination of income. The definitions and descriptions of income set forth in the HUD regulations contained in 24 CFR 5.609 or any successor regulations shall apply for the purposes of this Agreement and shall be incorporated herein.

“Eligible Tenant” shall mean any tenant who satisfies the income and occupancy restrictions set forth herein.

“HUD” shall mean the United States Department of Housing and Urban Development.

“Legal Rent” shall mean, for each Unit, the maximum rent permitted under the Rent Stabilization Code.

“Regulated Units” shall mean the 70% AMI Units and the 130% AMI Units designated by the Owner and leased pursuant to Section 4 of this Declaration.

“Rent Stabilization Code” shall mean Title 26, Chapter 4 of the New York City Administrative Code (and any successor statute) and the regulations promulgated in connection therewith.

“Units” shall mean the rental dwelling units in the multiple dwellings constructed on the Property.

4. Taxes. Unless the Property receives an exemption from or abatement of real property taxes, Declarant shall pay such real property taxes as may be assessed against the Property and any improvements thereon. Declarant may apply for any form of real estate tax exemption or abatement to which the Property may be legally entitled to apply for.
5. Eligible Tenants and Rents for Regulated Units.
  - (i) Owner shall lease each Regulated Unit to an Eligible Tenant determined as follows:
    - (a) No less than ten percent (10%) of the Units shall be leased to 70% AMI Tenants (“70% AMI Units”) and no less than an additional twenty percent (20%) of the Units shall be leased to 130% AMI Tenants (“130% AMI Units”). No unit may be counted multiple times for the purpose of meeting the aforesaid percentages.
    - (b) A 70% AMI Unit shall be leased to a 70% AMI Tenant for an Actual Rent equal to the lesser of (1) 30% of 70% of AMI and (2) the Legal Rent as of such date.
    - (c) A 130% AMI Unit shall be leased to a 130% AMI Tenant for an Actual Rent equal to the lesser of (1) 30% of 130% of AMI and (2) the Legal Rent as of such date.
    - (d) Units which are not Regulated Units may be leased to tenants without regard to any income restrictions set forth in this Agreement.
  - (ii) Any Eligible Tenant shall be entitled to remain in occupancy and to obtain a renewal lease in accordance with the Rent Stabilization Code, notwithstanding that such tenant’s Annual Income, after initial occupancy, may exceed the maximum for initial eligibility. Further, no Eligible Tenant may be evicted nor its tenancy terminated except for good cause.
  - (iii) In order to determine whether a prospective tenant is an Eligible Tenant, Owner shall ascertain the Annual Income of such tenant’s household. Owner may consult with HPD to obtain advice and guidance with respect to income determinations. Owner must retain all records and documents relating to Owner’s determination for a minimum of three years after the date the tenant commences occupancy. Owner shall provide in each lease for the termination of the lease and eviction of the tenant if the tenant falsely or fraudulently certifies income to Owner.
  - (iv) Owner shall not refuse to lease a Regulated Unit to a holder of a voucher or certificate under the federal Section 8 Voucher Program or Section 8 Certificate Program or successor programs by reason of the status of the prospective tenant as such a holder.
  - (v) Owner shall not utilize any exemption or exclusion from any requirement of the Rent Stabilization Code to which Owner might otherwise be or become entitled with respect to one

or more Regulated Units, including, but not limited to, any exemption from or exclusion from the rent limits, renewal lease requirements, registration requirements or other provisions of the Rent Stabilization Code due to (A) the vacancy of a Regulated Unit where the rent exceeds a prescribed maximum amount, (B) the fact that tenant income and/or rent exceed prescribed maximum amounts, (C) the nature of the tenant, or (D) any other factor.

- (vi) Units may only be occupied as a primary residence, as defined in the Rent Stabilization Code, by natural persons or families pursuant to a one or two year lease who have met the applicable income requirements for Eligible Tenants at the time of such tenant's initial occupancy of such unit. Owner shall only offer a vacant Regulated Unit for occupancy by persons or families intending to occupy such unit as their primary residence pursuant to a one or two year lease and shall not cause or permit the sublease or assignment of any Regulated Unit for transient occupancy, for occupancy by any household that is not income eligible, or to any corporation or other entity.
6. Enforcement. In the event of a breach or threatened breach of this Declaration, HPD shall be entitled to institute proceedings at law or in equity for relief from the consequences of said breach including seeking injunctive relief to prevent a violation thereof. The prevailing party in any such action shall be awarded its costs and expenses, including reasonable attorneys' fees, which shall be deemed to have accrued on the commencement of such action and shall be awarded whether or not such action is prosecuted to judgment.
7. Superiority. The charges and burdens of this Declaration are, and shall at all times be, prior and therefore superior to the lien or charge of any mortgage or deed of trust hereafter made affecting the Property or any part thereof, including any improvements now or hereafter placed thereon, and notwithstanding a foreclosure or other voluntary or involuntary transfer of title pursuant to such instrument, shall remain in full force and effect, but are subordinate to the security interests of record on the Effective Date. Provided, however, that a breach of any of the restrictions hereof shall not defeat or render invalid the lien or charge of any mortgage or deed of trust. The charges and burdens of this Declaration are not intended to either create a lien upon the Property, or grant any right of foreclosure, to any person or party.
8. Notices. All notices provided for herein may be delivered in person, sent by Federal Express or other overnight courier service, mailed in the United States mail postage prepaid, or sent by electronic or facsimile transmission, and, regardless of the method of delivery used, shall be considered delivered upon the actual receipt or refusal of receipt thereof. The name, address and other information to be used in connection with such correspondence and notices to Owner shall be the then-current owner's name and address information maintained in the official real property tax records with respect to the Property.
9. Miscellaneous.
- (a) Headings. The headings in this Declaration are for convenience only and do not in any way limit or affect the terms and provisions hereof.
- (b) Unenforceability. If any provision of this Declaration is held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remainder of such provision or any other provisions hereof.
- (c) Gender. Wherever appropriate in this Declaration, the singular shall be deemed to refer to the plural and the plural to the singular, and pronouns of certain genders shall be deemed to include either or both of the other genders.

- (d) Governing Law. This Declaration shall be construed and enforced in accordance with the laws of the State of New York.
  - (e) Amendments. This Declaration may be amended or canceled only by written instrument executed by HPD and the then-current owner of the Property.
  - (f) Entire Agreement. This Declaration constitutes the entire agreement of Owner with respect to the subject matter hereof and supersedes all prior negotiations or discussions, whether oral or written, with respect thereto.
10. Expiration. Except as otherwise provided herein, upon the expiration of the Term, this Declaration shall be of no further force and effect; provided, however, that HPD shall retain all of its rights and remedies to enforce this Declaration with respect to any default or violation that occurred prior to the expiration of the Term. HPD shall, if requested by Owner, execute and deliver to Owner a document in recordable form to acknowledge the expiration of this Declaration.

IN WITNESS WHEREOF, the undersigned has caused this Agreement to be signed by its duly authorized representatives, as of the day and year first above written.

OWNER

\_\_\_\_\_ LLC

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF NEW YORK)

)ss.

COUNTY OF \_\_\_\_\_)

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2018 before me, the undersigned, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted executed the instrument.

\_\_\_\_\_  
Notary Public

**EXHIBIT A**  
**PROPERTY DESCRIPTION**

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All those certain plots, pieces and parcels of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, in the City and State of New York, designated as:

<u>Block</u>	<u>Lot</u>	<u>Address</u>
392	40	645 East 9 <sup>th</sup> Street

County: New York

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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).

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

Report for L.U. No. 128

**Report of the Committee on Land Use in favor of approving Application No. 20185436 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Section 115 of the Private Housing Finance Law for the modification of a plan and project for property located Block 392, Lots 17, 19, 20, 21, 27, 28, 29, 30, and 40, and Block 393, Lots 12, 14, 15, 56, 57, and 58, Borough of Manhattan, Community District 3, Council District 2.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on June 28, 2018 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 - 3**

**20185436 HAM**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 115 of the Private Housing Finance Law for consent to modify a previously approved Article



V Plan and Project for property located at Block 392, Lots 17, 19, 20, 21, 27, 28, 29, 30 and 40, and Block 393, Lots 12, 14, 15, 56, 57 and 58, Community District 3, Council District 2.

**INTENT**

To remove Block 392, Lot 40 from the original plan and project previously approved by the Board of Estimate on December 15, 1977 (Cal. No. 3), predecessor of the Council, in order to facilitate the construction of one new multiple dwelling containing approximately 11 units of rental housing for low income families.

**PUBLIC HEARING**

**DATE:** June 19, 2018

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 19, 2018

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

**In Favor:**

Gibson, Deutsch, Diaz.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

## Res. No. 439

**Resolution to approve modification to a previously approved Article V Plan and Project located at Block 392, Lots 17, 19, 20, 21, 27, 28, 29, 30 and 40, and Block 393, Lots 12, 14, 15, 56, 57 and 58, Community District 3, Borough of Manhattan (Preconsidered L.U. No. 128; 20185436 HAM).**

By Council Members Salamanca and Kallos.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on June 5, 2018 its request dated June 5, 2018 that the Council take the following actions regarding the previously approved Article V Plan and Project located at Block 392, Lots 17, 19, 20, 21, 27, 28, 29, 30 and 40, and Block 393, Lots 12, 14, 15, 56, 57 and 58, Community District 3, Council District 2, Borough of Manhattan (the "Original Plan and Project");

**WHEREAS**, the deletion of Block 392, Lot 40, from the Original Plan and Project, approved pursuant to Section 114 of the Private Housing Finance Law by the Board of Estimate on December 15, 1977 (Cal. No. 3), is requested, pursuant to Section 115 of the Private Housing Finance Law;

**WHEREAS**, upon due notice, the Council held a public hearing on the New Project on June 19, 2018;

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

**RESOLVED:**

The Council approves, pursuant to Section 115 of the PHFL, the deletion of Block 392, Lot 40, from the Original Plan and Project. All references in the Plan and Project to Block 392, Lot 40 are modified so as to exclude it.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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).

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

Report for L.U. No. 129

**Report of the Committee on Land Use in favor of approving Application No. 20185419 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to the Private Housing Finance Law for the approval of a new real property tax exemption, the termination of a prior tax exemption, and the voluntary dissolution of the current owner of property located at Block 392, Lots 22 and 48, Block 395, Lots 1 and 3, Borough of Manhattan, Community District 3, Council District 2.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on June 28, 2018 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 - 3**

**20185419 HAM**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to the Private Housing Finance Law for the approval of a new real property tax exemption, the termination of a prior tax exemption, and the voluntary dissolution of the current owner of property located at Block 392, Lots 22 and 48, and Block 395, Lots 1 and 3, Community District 3, Council District 2.

**INTENT**

To approve a new real property tax exemption, termination of the prior tax exemption and voluntary dissolution of current owner pursuant to Sections 577, 125 and 123(4) of the Private Housing Finance Law for an exemption area that contains four multiple dwellings, known as East Village II, which will continue to provide 90 rental housing units for low income families.

**PUBLIC HEARING**

**DATE:** June 19, 2018

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 19, 2018

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

**In Favor:**

Gibson, Deutsch, Diaz.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**  
None

**Abstain:**  
None

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

Res. No. 440

**Resolution approving a new real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law (PHFL), the termination of a prior exemption under PHFL Section 125, and consent to the voluntary dissolution of the prior owner under PHFL Section 123(4) for property located at Block 392, Lots 22 and 48, Block 395, Lots 1 and 3, Community District 3, Borough of Manhattan, (Preconsidered L.U. No. 129; Non-ULURP No. 20185419 HAM).**

By Council Members Salamanca and Kallos.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on June 5, 2018 its request dated June 5, 2018 that the Council take the following actions regarding a new real property tax exemption for an area located at Block 392, Lots 22 and 48, Block 395, Lots 1 and 3, Community District 3, Borough of Manhattan, (the "Exemption Area");

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

Approve the termination of a prior tax exemption for the Exemption Area pursuant to PHFL Section 125 (the "Termination");

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

**WHEREAS**, HPD's request for the Tax Exemption is related to a previously approved real property tax exemption by the Board of Estimate on March 20, 1980 (Cal. No. 7);

**WHEREAS**, upon due notice, the Council held a public hearing on the Tax Exemption, Termination and Dissolution on June 19, 2018; and

**WHEREAS**, the Council has considered the land use and financial implications and other policy issues relating to the Tax Exemption, Termination and Dissolution.

**RESOLVED:**

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

1. Approve the exemption from real property taxation pursuant to Section 577 of the Private Housing Finance Law as follows:
  - b. For the purposes hereof, the following terms shall have the following meanings:
    - (1) "Contract Rent Differential" shall mean, for the year ending upon any anniversary of the Effective Date, the amount by which the total contract rents applicable to the Exemption Area for such year (as adjusted and established pursuant to Section 8 of the

United States Housing Act of 1937, as amended) exceed the total contract rents which were authorized as of the Effective Date.

- (2) “Conveyance Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 393, Lot 59 on the Tax Map of the City of New York.
- (3) “Current Owner” shall mean Lower East Side II Associates, L.P.
- (4) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the New Owner enter into the Regulatory Agreement.
- (5) “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 392, Lots 22 and 48 and Block 395, Lots 1 and 3 on the Tax Map of the City of New York.
- (6) “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (7) “Full Taxes” shall mean, for the year ending upon any anniversary of the Effective Date, the full amount of real property taxes that would have been due and owing in such year in the absence of any form of real property tax exemption, abatement, or other reduction.
- (8) “HDFC” shall mean East Village II Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
- (9) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
- (10) “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (11) “New Owner” shall mean, collectively, the HDFC and the Partnership.
- (12) “New Project” shall mean the new multiple dwelling to be constructed on the Conveyance Area which will contain approximately 23 units of rental housing and which will be subject to a restrictive covenant requiring, *inter alia*, that the greater of (i) (A) 39% of all of the dwelling units in the New Project shall be affordable to persons at or below 130% of Area Median Income, and (B) a portion of such dwelling units shall be affordable to persons at or below 70% of Area Median Income, or (ii) (A) three (3) dwelling units in the New Project shall be affordable to persons at or below 130% of Area Median Income, and (B) an additional eight (8) of the dwelling units in the New Project shall be affordable to persons at or below 70% of Area Median Income.
- (13) “Partial Tax Payment” shall mean

- (i) for the year ending upon the first anniversary of the Effective Date, \$212,730,
- (ii) for the year ending upon the second anniversary of the Effective Date, \$245,149, and
- (iii) for the year ending upon the third anniversary of the Effective Date, and the years ending upon each anniversary of the Effective Date thereafter until the Expiration Date, (A) \$245,149, plus (B) twenty-five percent (25%) of the Contract Rent Differential;

provided, however, that if the Department of Buildings does not issue a new certificate of occupancy or temporary certificate of occupancy for all residential areas of the New Project on or before the fifth anniversary of the Effective Date, then "Partial Tax Payment" shall thereafter mean

- (a) for the year ending upon the sixth anniversary of the Effective Date, (i) \$245,149, plus (ii) twenty-five percent (25%) of the Contract Rent Differential, plus (iii) twenty percent (20%) of Full Taxes;
- (b) for the year ending upon the seventh anniversary of the Effective Date, (i) \$245,149, plus (ii) twenty-five percent (25%) of the Contract Rent Differential, plus (iii) ten percent (10%) of Full Taxes; and
- (c) for the year ending upon the eighth anniversary of the Effective Date and the years ending upon each anniversary of the Effective Date thereafter until the Expiration Date, (i) ten percent (10%) of the total contract rents for the year ending upon the sixth anniversary of the Effective Date, plus (ii) twenty-five percent (25%) of the Contract Rent Differential.

- (14) "Partnership" shall mean Lower East Side II Associates, L.P. or another entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
- (15) "PHFL" shall mean the Private Housing Finance Law.
- (16) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area pursuant to Section 125 of the PHFL approved by the Board of Estimate on March 20, 1980 (Cal No. 7).
- (17) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.

- b. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
- c. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real property tax payments in the sum of the Partial Tax Payment. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall

not at any time exceed the lesser of either (a) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation, or (b) seventeen percent (17%) of the contract rents in the applicable year.

- d. Notwithstanding any provision hereof to the contrary:
- (1) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the PHFL, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
  - (2) The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
  - (3) Nothing herein shall entitle the HDFC, the New Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- e. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits, if any, of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.
2. Approve, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption, which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.
  3. Consent, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.
  4. If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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).

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

Report for L.U. No. 130

**Report of the Committee on Land Use in favor of approving Application No. 20185420 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Section 122(1) of the Private Housing Finance Law for the approval of the conveyance of real property located at Block 393, Lot 59, Borough of Manhattan, Community District 3, Council District 2.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on June 28, 2018 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 - 3**

**20185420 HAM**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 122(1) of the Private Housing Finance Law for the approval of the conveyance of real property located at Block 393, Lot 59, Community District 3, Council District 2.

#### **INTENT**

To approve the conveyance of Block 393, Lot 59 pursuant to Section 122(1) of the Private Housing Finance Law for the construction of a new multiple dwelling building containing 23 rental units, contingent upon the execution and recordation of the Restrictive Covenant.

#### **PUBLIC HEARING**

**DATE:** June 19, 2018

**Witnesses in Favor:** Three

**Witnesses Against:** None

#### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 19, 2018

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



**In Favor:**

Gibson, Deutsch, Diaz.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 441

**Resolution approving a conveyance of property located at Block 393, Lot 59, Borough of the Manhattan (Preconsidered L.U. No. 130; 20185420 HAM).**

By Council Members Salamanca and Kallos.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on June 5, 2018 its request dated June 5, 2018 that the Council approve the conveyance of property located at Block 393, Lot 59, Community District 3, Council District 2, Borough of Manhattan (the "Conveyance Area");

**WHEREAS**, the original Article V Plan and Project was approved by the Board of Estimate on March 20, 1980 (Cal. No. 7), (the "Original Project");

**WHEREAS**, the Current Owner, Lower East Side II Associates L.P., wishes to convey the Conveyance Area to New Owner, East Village IV LLC, for the construction of one new multiple dwelling that will contain approximately 23 units of rental housing (the "New Project");

**WHEREAS**, a Restrictive Covenant will be executed and recorded binding the New Owner to the terms set forth in the HPD request;

**WHEREAS**, upon due notice the Council held a public hearing on the New Project on June 19, 2018; and

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

**RESOLVED:**

The Council approves, pursuant to Section 122(1) of the Private Housing Finance Law, contingent upon the execution and recordation of the Restrictive Covenant, a copy of which is attached hereto as Exhibit A, as same may be modified with any necessary administrative or technical changes as are acceptable to Counsel to HPD, the conveyance of the Conveyance Area by the Current Owner to the New Owner.

**EXHIBIT A****DECLARATION OF RESTRICTIVE COVENANT****WHEN RECORDED RETURN TO:**

New York City  
 Department of Housing Preservation and Development  
 Office of Legal Affairs  
 100 Gold Street, Room 5-U9  
 New York, NY 10038

**DECLARATION OF RESTRICTIVE COVENANT**

This Declaration of Restrictive Covenant (“Declaration”) executed as of this \_\_th day of \_\_\_\_\_, 2018 (the “Effective Date”) is granted to the City of New York, acting by and through its Department of Housing Preservation and Development (“HPD”), by \_\_\_\_\_ LLC (“Owner” or “Declarant”).

**RECITALS**

- A. Owner is the owner of that certain parcel of land located in the Borough of Manhattan County of New York, State of New York, which is more fully described in Exhibit A hereto (the “Property”).
- B. Owner has acquired the Property pursuant to a Resolution of the New York City Council dated \_\_\_\_\_ (Reso. No. \_\_\_\_\_) (the “Council Resolution”) approving the conveyance of the Property from Lower East Side II Associates, L.P., a redevelopment company which formally owned the Property, to \_\_\_\_\_ LLC .
- C. The Council Resolution conditioned the approval of the conveyance on Owner’s execution and recordation of a Declaration of Restrictive Covenant for the benefit of HPD providing that the greater of (1) 39% of any dwelling units or (ii) eleven (11) dwelling units constructed on the Property (the “Regulated Units”) be affordable to households at certain specified income levels, as set forth more particularly below.

NOW THEREFORE, in consideration of the foregoing premises, the Council Resolution, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Owner declares as follows:

1. Term. The term of this Restrictive Covenant (the “Term”) shall commence on the Effective Date and, except as set forth in Section 2 below, shall expire on the fortieth (40th) anniversary of the Effective Date (the “Expiration Date”).

2. Section 421-a Exemption. The Declarant shall seek a partial real estate tax exemption for the Property pursuant to Section 421-a of the Real Property Tax Law (the "Section 421-a Exemption"). In the event that the Property does receive a Section 421-a Exemption, the Expiration Date shall be the later of the fortieth (40<sup>th</sup>) anniversary of the Effective Date or the date of the expiration of the Section 421-a(16) Exemption. Declarant shall comply with any and all requirements for the receipt of the Section 421-a (16) Exemption, including, but not limited to, any income and rent restrictions. Furthermore, Declarant shall comply with the income and rent provisions of Section 5 of this Declaration. Declarant may not sell, convey, or transfer the Property without HPD's prior written consent before receipt of the Section 421-a (16) Exemption.

3. Definitions. For the purposes of this Agreement, the following terms shall have the meanings set forth below:

"70% of AMI" shall mean 140% of the income levels as modified by household size for the New York metropolitan statistical area for fifty percent (50%) of median income families (a.k.a. as "very low income families") as determined from time to time by HUD under Section 3(b)(2) of the United States Housing Act of 1937 (or, if such program is terminated, under such program as was in effect immediately before such termination).

"70% AMI Tenant" shall mean a person or family whose Annual Income at the time of application to lease a Unit is less than or equal to 70% of AMI.

"70% AMI Unit" shall have the meaning set forth in Section 5 of this Declaration.

"130% of AMI" shall mean 260% of the income levels as modified by household size for the New York metropolitan statistical area for fifty percent (50%) of median income families (a.k.a. as "very low income families") as determined from time to time by HUD under Section 3(b)(2) of the United States Housing Act of 1937 (or, if such program is terminated, under such program as was in effect immediately before such termination).

"130% AMI Tenant" shall mean a person or family whose Annual Income at the time of application to lease a Unit is less than or equal to 130% of AMI.

"130% AMI Unit" shall have the meaning set forth in Section 5 of this Declaration.

"AMI" shall mean the area median income for the primary metropolitan statistical area as determined by HUD from time to time for a family of four, as adjusted for family size.

"Actual Rent" shall mean the rent charged for a Unit in accordance with Section 5 of this Agreement.

"Annual Income" is the anticipated total income from all sources to be received by the household head and spouse and by each additional member of the household, including all net income derived from assets, for the twelve (12) month period following the date of initial determination of income. The definitions and descriptions of income set forth in the HUD regulations contained in 24 CFR 5.609 or any successor regulations shall apply for the purposes of this Agreement and shall be incorporated herein.

"Eligible Tenant" shall mean any tenant who satisfies the income and occupancy restrictions set forth herein.

"HUD" shall mean the United States Department of Housing and Urban Development.

"Legal Rent" shall mean, for each Unit, the maximum rent permitted under the Rent Stabilization Code.

“Regulated Units” shall mean the 70% AMI Units and the 130% AMI Units designated by the Owner and leased pursuant to Section 4 of this Declaration.

“Rent Stabilization Code” shall mean Title 26, Chapter 4 of the New York City Administrative Code (and any successor statute) and the regulations promulgated in connection therewith.

“Units” shall mean the rental dwelling units in the multiple dwellings constructed on the Property.

4. Taxes. Unless the Property receives an exemption from or abatement of real property taxes, Declarant shall pay such real property taxes as may be assessed against the Property and any improvements thereon. Declarant may apply for any form of real estate tax exemption or abatement to which the Property may be legally entitled to apply for.
5. Eligible Tenants and Rents for Regulated Units.
  - (i) Owner shall lease each Regulated Unit to an Eligible Tenant determined as follows:
    - (a) (i) the greater of (A) 39% of all the Units shall be affordable to persons at or below 130% of AMI (each such Unit, a “130% AMI Unit”), and (B) a portion of such Units shall be affordable to persons at or below 70% of AMI (each such Unit, a “70% AMI Unit”), or
      - (ii) a minimum of three (3) Units shall be 130% AMI Units and an additional minimum of eight (8) Units shall be 70% AMI Units.
    - (b) A 70% AMI Unit shall be leased to a 70% AMI Tenant for an Actual Rent equal to the lesser of (1) 30% of 70% of AMI and (2) the Legal Rent as of such date.
    - (c) A 130% AMI Unit shall be leased to a 130% AMI Tenant for an Actual Rent equal to the lesser of (1) 30% of 130% of AMI and (2) the Legal Rent as of such date.
    - (d) Units which are not Regulated Units may be leased to tenants without regard to any income restrictions set forth in this Agreement.
  - (ii) Any Eligible Tenant shall be entitled to remain in occupancy and to obtain a renewal lease in accordance with the Rent Stabilization Code, notwithstanding that such tenant’s Annual Income, after initial occupancy, may exceed the maximum for initial eligibility. Further, no Eligible Tenant may be evicted nor its tenancy terminated except for good cause.
  - (iii) In order to determine whether a prospective tenant is an Eligible Tenant, Owner shall ascertain the Annual Income of such tenant’s household. Owner may consult with HPD to obtain advice and guidance with respect to income determinations. Owner must retain all records and documents relating to Owner’s determination for a minimum of three years after the date the tenant commences occupancy. Owner shall provide in each lease for the termination of the lease and eviction of the tenant if the tenant falsely or fraudulently certifies income to Owner.
  - (iv) Owner shall not refuse to lease a Regulated Unit to a holder of a voucher or certificate under the federal Section 8 Voucher Program or Section 8 Certificate Program or successor programs by reason of the status of the prospective tenant as such a holder.
  - (v) Owner shall not utilize any exemption or exclusion from any requirement of the Rent Stabilization Code to which Owner might otherwise be or become entitled with respect to one or more Regulated Units, including, but not limited to, any exemption from or exclusion from the rent limits, renewal lease requirements, registration requirements or other provisions of the Rent Stabilization Code due to (A) the vacancy of a Regulated Unit where the rent exceeds a prescribed maximum amount, (B) the fact that tenant income and/or rent exceed prescribed maximum amounts, (C) the nature of the tenant, or (D) any other factor.

- (vi) Units may only be occupied as a primary residence, as defined in the Rent Stabilization Code, by natural persons or families pursuant to a one or two year lease who have met the applicable income requirements for Eligible Tenants at the time of such tenant's initial occupancy of such unit. Owner shall only offer a vacant Regulated Unit for occupancy by persons or families intending to occupy such unit as their primary residence pursuant to a one or two year lease and shall not cause or permit the sublease or assignment of any Regulated Unit for transient occupancy, for occupancy by any household that is not income eligible, or to any corporation or other entity.
6. Enforcement. In the event of a breach or threatened breach of this Declaration, HPD shall be entitled to institute proceedings at law or in equity for relief from the consequences of said breach including seeking injunctive relief to prevent a violation thereof. The prevailing party in any such action shall be awarded its costs and expenses, including reasonable attorneys' fees, which shall be deemed to have accrued on the commencement of such action and shall be awarded whether or not such action is prosecuted to judgment.
7. Superiority. The charges and burdens of this Declaration are, and shall at all times be, prior and therefore superior to the lien or charge of any mortgage or deed of trust hereafter made affecting the Property or any part thereof, including any improvements now or hereafter placed thereon, and notwithstanding a foreclosure or other voluntary or involuntary transfer of title pursuant to such instrument, shall remain in full force and effect, but are subordinate to the security interests of record on the Effective Date. Provided, however, that a breach of any of the restrictions hereof shall not defeat or render invalid the lien or charge of any mortgage or deed of trust. The charges and burdens of this Declaration are not intended to either create a lien upon the Property, or grant any right of foreclosure, to any person or party.
8. Notices. All notices provided for herein may be delivered in person, sent by Federal Express or other overnight courier service, mailed in the United States mail postage prepaid, or sent by electronic or facsimile transmission, and, regardless of the method of delivery used, shall be considered delivered upon the actual receipt or refusal of receipt thereof. The name, address and other information to be used in connection with such correspondence and notices to Owner shall be the then-current owner's name and address information maintained in the official real property tax records with respect to the Property.
9. Miscellaneous.
- (a) Headings. The headings in this Declaration are for convenience only and do not in any way limit or affect the terms and provisions hereof.
- (b) Unenforceability. If any provision of this Declaration is held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remainder of such provision or any other provisions hereof.
- (c) Gender. Wherever appropriate in this Declaration, the singular shall be deemed to refer to the plural and the plural to the singular, and pronouns of certain genders shall be deemed to include either or both of the other genders.
- (d) Governing Law. This Declaration shall be construed and enforced in accordance with the laws of the State of New York.
- (e) Amendments. This Declaration may be amended or canceled only by written instrument executed by HPD and the then-current owner of the Property.

- (f) Entire Agreement. This Declaration constitutes the entire agreement of Owner with respect to the subject matter hereof and supersedes all prior negotiations or discussions, whether oral or written, with respect thereto.
- (g) Expiration. Except as otherwise provided herein, upon the expiration of the Term, this Declaration shall be of no further force and effect; provided, however, that HPD shall retain all of its rights and remedies to enforce this Declaration with respect to any default or violation that occurred prior to the expiration of the Term. HPD shall, if requested by Owner, execute and deliver to Owner a document in recordable form to acknowledge the expiration of this Declaration.

IN WITNESS WHEREOF, the undersigned has caused this Agreement to be signed by its duly authorized representatives, as of the day and year first above written.

OWNER

\_\_\_\_\_ LLC

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF NEW YORK)

)ss.

COUNTY OF \_\_\_\_\_)

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2018 before me, the undersigned, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted executed the instrument.

\_\_\_\_\_  
Notary Public

**EXHIBIT A**  
**PROPERTY DESCRIPTION**

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10.5

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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).

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

Report for L.U. No. 131

**Report of the Committee on Land Use in favor of approving Application No. 20185423 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Section 115 of the Private Housing Finance Law for the modification of a plan and project for property located at Block 392, Lots 22, 48, 50, 51, and 52, Block 393 Lots 59 and 60, and Block 395, Lots 1, 3, and 5, Borough of Manhattan, Community District 3, Council District 2.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on June 28, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 3**

**20185423 HAM**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 115 of the Private Housing Finance Law for consent to modify a previously approved Article V Plan and Project for property located at Block 392, Lots 22, 48, 50, 51 and 52; Block 393, Lots 59 and 60; and Block 395, Lots 1, 3 and 5, Community District 3, Council District 2.

**INTENT**

To remove Block 393, Lots 59 and 60 (currently known as Lot 59) from the original plan and project previously approved by the Board of Estimate on March 20, 1980 (Cal. No. 7), predecessor of the Council, in order to facilitate the construction of one new multiple dwelling containing approximately 23 units of rental housing for low income families.

**PUBLIC HEARING****DATE:** June 19, 2018**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** June 19, 2018

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

**In Favor:**

Gibson, Deutsch, Diaz.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 442

**Resolution to approve modification to a previously approved Article V Plan and Project located at Block 392, Lots 22, 48, 50, 51 and 52, Block 393, Lots 59 and 60, and Block 395, Lots 1, 3 and 5, Community District 3, Borough of Manhattan (Preconsidered L.U. No. 131; 20185423 HAM).**

By Council Members Salamanca and Kallos.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on June 5, 2018 its request dated June 5, 2018 that the Council modify the previously approved Article V Plan and Project located at Block 392, Lots 22, 48, 50, 51 and 52, Block 393, Lots 59 and 60, and Block 395, Lots 1, 3 and 5, Community District 3, Council District 2, Borough of Manhattan (the "Original Plan and Project") to facilitate the development of 23 units of rental housing (the "New Project");

**WHEREAS**, the Original Plan and Project was approved pursuant to Section 114 of the Private Housing Finance Law by the Board of Estimate on March 20, 1980 (Cal. No. 7)



**WHEREAS**, HPD seeks the deletion of Block 393, Lots 59 and 60 (currently known as Lot 59), from the Original Plan and Project pursuant to Section 115 of the Private Housing Finance Law;

**WHEREAS**, upon due notice, the Council held a public hearing on the New Project on June 19, 2018;

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

**RESOLVED:**

The Council approves, pursuant to Section 115 of the PHFL, the deletion of Block 393, Lot 59 and 60 (currently known as Lot 59), from the Original Plan and Project. All references in the Plan and Project to Block 393, Lots 59 and 60 (currently known as Lot 59) are modified so as to exclude them.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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).

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

Report for L.U. No. 132

**Report of the Committee on Land Use in favor of approving Application No. 20185415 HAK submitted by the New York City Department of Housing Preservation and Development pursuant to the Private Housing Finance Law for the approval of a new real property tax exemption, the termination of a prior tax exemption, and the voluntary dissolution of the current owner of property located at Block 3022, p/o Lot 16 (Tentative Lot 116) and Lot 25, Block 3031, p/o Lot 18 (Tentative Lot 118), Borough of Brooklyn, Community District 1, Council District 34.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on June 28, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 1**

**20185415 HAK**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to the Private Housing Finance Law for the approval of a new real property tax exemption, the termination of a prior tax exemption, and the voluntary dissolution of the current owner of property located at Block 3022, p/o Lot 16 (Tentative Lot 16) and Lot 25, Block 3031, p/o Lot 18 (Tentative Lot 18), Community District 1, Council District 34.

**INTENT**

To approve a new real property tax exemption, termination of the prior tax exemption and voluntary dissolution of current owner pursuant to Sections 577, 125 and 123(4) of the Private Housing Finance Law for an exemption area that contains three multiple dwellings, known as La Cabana Houses, which provide rental housing for low income families.

**PUBLIC HEARING**

**DATE:** June 19, 2018

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 19, 2018

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

**In Favor:**

Gibson, Deutsch, Diaz.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 443

**Resolution approving a new real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law (PHFL), the termination of a prior exemption under PHFL Section 125, and consent to the voluntary dissolution of the prior owner under PHFL Section 123(4) for property located at Block 3022, p/o Lot 16 (Tentative Lot 16) and Lot 25, Block 3031, p/o Lot 18 (Tentative Lot 18), Community District 1, Borough of Brooklyn, (Preconsidered L.U. No. 132; Non-ULURP No. 20185415 HAK).**

By Council Members Salamanca and Kallos.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on June 5, 2018 its request dated June 5, 2018 that the Council take the following actions regarding a new real property tax exemption for an area located at Block 3022, p/o Lot 16 (Tentative Lot 16) and Lot 25, Block 3031, p/o Lot 18 (Tentative Lot 18), Community District 1, Borough of Brooklyn, (the "Exemption Area");

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

Approve the termination of a prior tax exemption for the Exemption Area pursuant to PHFL Section 125 (the "Termination");

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

**WHEREAS**, HPD's request for the Tax Exemption is related to a previously approved real property tax exemption by the Board of Estimate on December 16, 1982 (Cal. No. 21);

**WHEREAS**, upon due notice, the Council held a public hearing on the Tax Exemption, Termination and Dissolution on June 19, 2018; and

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

**RESOLVED:**

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

1. Approve the exemption from real property taxation pursuant to Section 577 of the Private Housing Finance Law as follows:
  - a. For the purposes hereof, the following terms shall have the following meanings:
    - (1) "Company" shall mean La Cabana Apartments LLC or another entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
    - (2) "Contract Rent Differential" shall mean, for the year ending upon any anniversary of the Effective Date, the amount by which the total contract rents applicable to the Exemption Area for such year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which were authorized as of the Effective Date.
    - (3) "Current Owner" shall mean La Cabana Associates.
    - (4) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the New Owner enter into the Regulatory Agreement.

- (5) “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 3022, p/o Lot 16 (Tentative Lot 16) and Lot 25, and Block 3031, p/o Lot 18 (Tentative Lot 18) on the Tax Map of the City of New York.
  - (6) “Expiration Date” shall mean the earlier to occur of (i) a date which is thirty-five (35) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (7) “HDFC” shall mean Cabana Apartments Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - (8) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - (9) “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - (10) “New Owner” shall mean, collectively, the HDFC and the Company.
  - (11) “Partial Tax Payment” shall mean, for the year ending upon each anniversary of the Effective Date, (i) \$431,048, plus (ii) twenty-five percent (25%) of the Contract Rent Differential.
  - (12) “PHFL” shall mean the Private Housing Finance Law.
  - (13) “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on December 16, 1982 (Cal. No. 21), or any exemption from real property taxation for the Exemption Area pursuant to the Private Housing Finance Law or the General Municipal Law that was in effect prior to the Effective Date.
  - (14) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
- b. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
- c. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real property tax payments in the sum of the Partial Tax Payment. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the lesser of either (a) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation, or (b) seventeen percent (17%) of the contract rents in the applicable year.

- d. Notwithstanding any provision hereof to the contrary:
- (1) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
  - (2) The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
  - (3) Nothing herein shall entitle the HDFC, the New Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- e. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits, if any, of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.
2. Approve, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption, which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.
  3. Consent, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.
  4. If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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).

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

L.U. No. 133

**Report of the Committee on Land Use in favor of approving Application No. 20185416 HAK submitted by the New York City Department of Housing Preservation and Development pursuant to Section 122(1) of the Private Housing Finance Law for the approval of a conveyance of real property located at Block 3022, p/o Lot 16 (Tentative Lot 116) and Lot 25, Block 3031, p/o Lot 18 (Tentative Lot 118), Borough of Brooklyn, Community District 1, Council District 34.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on June 28, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 1**

**20185416 HAK**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 122(1) of the Private Housing Finance Law for the approval of the conveyance of real property located at Block 3022, p/o Lot 16 (Tentative Lot 116) and Block 3031, p/o Lot 18 (Tentative Lot 118), Community District 1, Council District 34.

**INTENT**

To approve the conveyance pursuant to Section 122(1) of the Private Housing Finance Law for a new project that will consists of approximately 60 units of rental housing, contingent upon the execution and recordation of the Restrictive Covenant and the conveyance by the current owner to the new owners of the Conveyance Area.

**PUBLIC HEARING**

**DATE:** June 19, 2018

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 19, 2018

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

**In Favor:**

Gibson, Deutsch, Diaz.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution..

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 444

**Resolution approving a conveyance of property located at Block 3022, p/o Lot 16 (Tentative Lot 116) (Development Parcel A) and Block 3031, p/o Lot 18 (Tentative Lot 118) (Development Parcel B), Borough of the Brooklyn (Preconsidered L.U. No. 133; 20185416 HAK).**

By Council Members Salamanca and Kallos

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on June 5, 2018 its request dated June 5, 2018 that the Council approve the conveyance of property located at Block 3022, p/o Lot 16 (Tentative Lot 116) (Development Parcel A) and Block 3031, p/o Lot 18 (Tentative Lot 118) (Development Parcel B), Community District 1, Council District 34, Borough of Brooklyn (the "Development Parcels");

**WHEREAS**, the original project was approved by the Board of Estimate on December 16, 1982 (Cal. No. 21), ("Original Project");

**WHEREAS**, the Current Owner wishes to convey the Conveyance Area to New Owners for the New Project;

**WHEREAS**, a restrictive covenant will be executed and recorded binding the New Owners to the terms set forth in the HPD request;

**WHEREAS**, upon due notice the Council held a public hearing on the New Project on June 19, 2018; and

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

**RESOLVED:**

The Council approves, pursuant to Section 122(1) of the Private Housing Finance Law, contingent upon the execution and recordation of the Restrictive Covenant, a copy of which is attached hereto as Exhibit A, as same may be modified with any necessary administrative or technical changes as are acceptable to Counsel to HPD, the conveyance of the Conveyance Area by the Current Owner to the New Owners.

**DECLARATION OF RESTRICTIVE COVENANT**

**WHEN RECORDED RETURN TO:**

Department of Housing Preservation  
and Development  
100 Gold Street, Rm 5-W10  
New York, NY 10038  
Attn: Bryan Kaplan, Esq.

**DECLARATION OF RESTRICTIVE COVENANT**

This Declaration of Restrictive Covenant (“Declaration”) executed as of this \_\_\_th day of \_\_\_\_\_, 2018 (the “Effective Date”) is granted to the City of New York (the “City”), acting by and through its Department of Housing Preservation and Development (“HPD”), by \_\_\_\_\_ LLC (“Owner” or “Declarant”).

RECITALS

- D. Owner is the owner of those certain parcels of land located in the Borough of Brooklyn, County of Kings, State of New York, which are more fully described in Exhibit A hereto (the “Property”).
- E. Owner has acquired the Property pursuant to a Resolution of the City Council of the City of New York dated \_\_\_\_\_ (Reso. No. \_\_\_\_\_) (the “Council Resolution”) approving the conveyance of the Property by La Cabana Associates L.P., a redevelopment company that previously owned the Property, to \_\_\_\_\_ LLC.
- F. The Council Resolution conditioned the approval of the conveyance on Owner’s execution and recordation of a Declaration of Restrictive Covenant for the benefit of the City requiring that any construction on the Property during the term of this Declaration shall be an affordable housing project providing for at least fifty percent (50%) of the total number of Units constructed on the Property to be affordable to households at certain specified income levels in accordance with the terms and conditions contained in Sections 6 and 7 hereof.
- G. Declarant also has agreed that (i) Declarant shall seek a partial real estate tax exemption for the Property (the “Section 421-a Exemption”) under Section 421-a(16) of the Real Property Tax Law (“Section 421-a”) and (ii) any new construction on the Property during the term of this Declaration shall contain at least the number of Units affordable to households at the income levels required to comply with the Affordability Option (A, B or C) selected by Declarant under Section 421-a.



NOW THEREFORE, in consideration of the foregoing premises, the Council Resolution, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Owner declares as follows:

10. Term. The term of this Declaration (the “Term”) shall commence on the Effective Date and expire on June \_\_, 2030.
11. Conveyance. During the Term, Owner may not sell, transfer, or convey any direct or indirect interests in the Property or Declarant (other than passive investment interests) without the prior written consent of HPD.
12. Definitions. For the purposes of this Agreement, the following terms shall have the meanings set forth below:

“40% of AMI” shall mean 80% of the income levels as modified by household size for the New York metropolitan statistical area for fifty percent (50%) of median income families (a.k.a. as “very low income families”) as determined from time to time by HUD under Section 3(b)(2) of the United States Housing Act of 1937 (or, if such program is terminated, under such program as was in effect immediately before such termination).

“40% AMI Tenant” shall mean a person or family whose Annual Income at the time of application to lease a Unit is less than or equal to 40% of AMI.

“40% AMI Units” shall have the meaning set forth in Section 7 of this Declaration.

“80% of AMI” shall mean 160% of the income levels as modified by household size for the New York metropolitan statistical area for fifty percent (50%) of median income families (a.k.a. as “very low income families”) as determined from time to time by HUD under Section 3(b)(2) of the United States Housing Act of 1937 (or, if such program is terminated, under such program as was in effect immediately before such termination).

“80% AMI Tenant” shall mean a person or family whose Annual Income at the time of application to lease a Unit is less than or equal to 80% of AMI.

“80% AMI Units” shall have the meaning set forth in Section 7 of this Declaration.

“100% of AMI” shall mean 200% of the income levels as modified by household size for the New York metropolitan statistical area for fifty percent (50%) of median income families (a.k.a. as “very low income families”) as determined from time to time by HUD under Section 3(b)(2) of the United States Housing Act of 1937 (or, if such program is terminated, under such program as was in effect immediately before such termination).

“100% AMI Tenant” shall mean a person or family whose Annual Income at the time of application to lease a Unit is less than or equal to 100% of AMI.

“100% AMI Units” shall have the meaning set forth in Section 7 of this Declaration.

“135% of AMI” shall mean 270% of the income levels as modified by household size for the New York metropolitan statistical area for fifty percent (50%) of median income families (a.k.a. as “very low income families”) as determined from time to time by HUD under Section 3(b)(2) of the United States Housing Act of 1937 (or, if such program is terminated, under such program as was in effect immediately before such termination).

“135% AMI Tenant” shall mean a person or family whose Annual Income at the time of application to lease a Unit is less than or equal to 135% of AMI.

“135% AMI Units” shall have the meaning set forth in Section 7 of this Declaration.

“Actual Rent” shall mean the rent charged for a Unit in accordance with Section 7 of this Agreement. "AMI" shall mean the area median income for the primary metropolitan statistical area as determined by HUD from time to time for a family of four, as adjusted for family size.

"Annual Income" is the anticipated total income from all sources to be received by the household head and spouse and by each additional member of the household, including all net income derived from assets, for the twelve (12) month period following the date of initial determination of income. The definitions and descriptions of income set forth in the HUD regulations contained in 24 CFR 5.609 or any successor regulations shall apply for the purposes of this Declaration and shall be incorporated herein.

“Destabilization” shall mean any set of facts that causes the Rent Stabilization Code to no longer apply to the Regulated Units, whether by expiration, legislative repeal, judicial invalidation, or any other reason.

“Eligible Tenant” shall mean any tenant who satisfies the income and occupancy restrictions set forth herein.

“HUD” shall mean the United States Department of Housing and Urban Development and any successor agency.

“Legal Rent” shall mean the initial legal regulated rent as adjusted pursuant to the Rent Stabilization Code.

“Regulated Units” shall mean the 40% AMI Units, 80% AMI Units, 100% AMI Units, and 135% AMI Units designated by the Owner and leased pursuant to Section 7 of this Declaration.

“Rent Stabilization Code” shall mean Title 26, Chapter 4 of the New York City Administrative Code (and any successor statute) and the regulations promulgated in connection therewith.

“Units” shall mean the rental dwelling units in the multiple dwellings constructed on the Property.

13. Section 421-a Exemption. Declarant hereby agrees (i) to seek a Section 421-a Exemption with respect to the Property and (ii) that any new construction on the Property during the term of this Declaration shall contain at least the number of Units affordable to households at the income levels required to comply with the Affordability Option (A, B or C) selected by Declarant under Section 421-a. Notwithstanding any provisions in this Declaration to the contrary, Declarant shall comply with all of the requirements for the receipt of the Section 421-a Exemption, including but not limited to any income and rent restrictions.

This Declaration shall remain in full force and effect regardless of whether the Property receives a Section 421-a Exemption. To the extent that (a) the income and rent restrictions set forth in this Declaration or (b) any income and rent restrictions required by the Section 421-a Exemption (if obtained) are more restrictive than the other, the more restrictive terms shall apply.

14. Taxes. Unless the Property receives an exemption from or abatement of real property taxes, Declarant shall pay such real property taxes as may be assessed against the Property and any improvements thereon. Declarant may apply for any form of real estate tax exemption or abatement to which the Property may be legally entitled to apply.
15. Affordable Housing Project. In addition to the covenants contained in Section 4 above, during the Term, any construction on the Property shall be an affordable housing project (“Affordable Housing Project”) that shall provide for at least fifty percent (50%) of the total number of Units constructed on the Property

(the “Affordable Units”) to be affordable to households at the income levels specified in Section 7 below, and upon the terms and conditions set forth therein. In the event that the Affordable Housing Project receives a tax exemption and/or other subsidy from HPD (“HPD Assistance”), then this Declaration shall terminate at the closing of the Affordable Housing Project and Declarant shall enter into a new Regulatory Agreement or Restrictive Declaration (the “Regulatory Agreement”) to be recorded against the Property, with a term of no less than thirty (30) years and at least through the expiration of any tax exemption provided in connection with the Affordable Housing Project. Any such Regulatory Agreement shall be in form and substance acceptable to HPD.

Within two (2) years of the date hereof, Declarant shall deliver to HPD a plan setting forth the proposed terms of the Affordable Housing Project (the “Project Plan”). HPD shall respond to Owner on the Project Plan within six (6) months of receipt thereof, and HPD and the Owner shall thereafter enter into good faith negotiations on the terms of the Project Plan and to effectuate the Affordable Housing Project. In the event that the Owner and HPD agree upon a Project Plan that incorporates the terms of an HPD or New York City Housing Development Corporation (“HDC”) term sheet then in effect, then the acquisition cost of the Property shall be recognized in accordance with the terms of such term sheet. Should HPD and the Owner mutually agree that they are unable to reach agreement on the Project Plan, then the Owner and HPD may seek to modify the terms of this Section 6 and of Section 7 below; provided, that, any such modification shall require the prior written consent of HPD and Owner; provided, further, that, through February 20, 2025, notwithstanding any modification to the contrary, in no event shall the number of Affordable Units be less than at least fifty percent (50%) of the total number of Units constructed on the Property upon the terms and conditions set forth in Section 7 below. In the event that any HPD Assistance obtained by Declarant is restricted by law for use on properties owned by a housing development fund company formed pursuant to Article 11 of the New York State Private Housing Finance Law (an “HDFC”), then Declarant shall transfer legal title of the Property to an HDFC; provided, that, Declarant may retain the beneficial ownership interest in the Property.

16. Eligible Tenants and Rents for Regulated Units.

- (vii) Owner shall lease each Regulated Unit to an Eligible Tenant determined as follows:
  - (e) No less than twenty-five percent (25%) of the Units shall be leased to 40% AMI Tenants (“40% AMI Units”), no less than ten percent (10%) of the Units shall be leased to 80% AMI Tenants (“80% AMI Units”), no less than ten percent (10%) of the Units shall be leased to 100% AMI Tenants (“100% AMI Units”), and no less than five percent (5%) of the Units shall be leased to 135% AMI Tenants (“135% AMI Units”). No Unit may be counted multiple times for the purpose of meeting the aforesaid percentages.
  - (f) A 40% AMI Unit shall be leased to a 40% AMI Tenant for an Actual Rent equal to the lesser of (1) 30% of 40% of AMI and (2) the Legal Rent as of such date.
  - (g) An 80% AMI Unit shall be leased to an 80% AMI Tenant for an Actual Rent equal to the lesser of (1) 30% of 80% of AMI and (2) the Legal Rent as of such date.
  - (h) A 100% AMI Unit shall be leased to a 100% AMI Tenant for an Actual Rent equal to the lesser of (1) 30% of 100% of AMI and (2) the Legal Rent as of such date.
  - (i) A 135% AMI Unit shall be leased to a 135% AMI Tenant for an Actual Rent equal to the lesser of (1) 30% of 135% of AMI and (2) the Legal Rent as of such date.
  - (j) Units that are not Regulated Units may be leased to tenants without regard to any income restrictions set forth in this Agreement.
- (viii) If the Actual Rent for a Regulated Unit shall be less than the Legal Rent for such Regulated Unit, the Actual Rent shall be registered as a “preferential rent” under the Rent Stabilization Code. Upon renewal of any lease for an Actual Rent less than the Legal Rent, the Actual Rent may be increased by the amount of the increase, whether expressed as a percentage or otherwise, authorized for one or two year leases (as applicable) in accordance with the Rent Stabilization Code.

- (ix) Following the expiration of the Term, the rent for each Regulated Unit occupied by a tenant whose occupancy began prior to the expiration of the Term shall continue to be determined in accordance with the terms of this Declaration.
- (x) Any Eligible Tenant shall be entitled to remain in occupancy and to obtain a renewal lease in accordance with the Rent Stabilization Code, notwithstanding that such tenant's Annual Income, after initial occupancy, may exceed the maximum for initial eligibility. Further, no Eligible Tenant may be evicted nor its tenancy terminated except for good cause.
- (xi) In order to determine whether a prospective tenant is an Eligible Tenant, Owner shall ascertain the Annual Income of such tenant's household. Owner may consult with HPD to obtain advice and guidance with respect to income determinations. Owner must retain all records and documents relating to Owner's determination for a minimum of three years after the date the tenant commences occupancy. Owner shall provide in each lease for the termination of the lease and eviction of the tenant if the tenant falsely or fraudulently certifies income to Owner.
- (xii) Owner shall not refuse to lease a Regulated Unit to a holder of a voucher or certificate under the federal Section 8 Voucher Program or Section 8 Certificate Program or successor programs by reason of the status of the prospective tenant as such a holder.
- (xiii) No later than thirty (30) days following the date of the issuance of a temporary certificate of occupancy for any multiple dwelling constructed on the Property (the "TCO Issuance Date"), Owner shall register the rents for any Regulated Unit in accordance with the Rent Stabilization Code at 30% of 40% of AMI for the 40% AMI Units, 30% of 80% of AMI for the 80% AMI Units, 30% of 100% of AMI for the 100% AMI Units, and 30% of 135% of AMI for the 135% AMI Units. For purposes of this paragraph, "AMI" shall mean the AMI as determined by HUD as of the TCO Issuance Date. The rents so registered shall be deemed the initial Legal Rent for each Regulated Unit.
- (xiv) Owner shall not utilize any exemption or exclusion from any requirement of the Rent Stabilization Code to which Owner might otherwise be or become entitled with respect to one or more Regulated Units, including but not limited to any exemption from or exclusion from the rent limits, renewal lease requirements, registration requirements or other provisions of the Rent Stabilization Code due to (A) the vacancy of a Regulated Unit where the rent exceeds a prescribed maximum amount, (B) the fact that tenant income and/or rent exceed prescribed maximum amounts, (C) the nature of the tenant, or (D) any other factor.
- (xv) Units may only be occupied as a primary residence, as defined in the Rent Stabilization Code, by natural persons or families pursuant to a one or two year lease who have met the applicable income requirements for Eligible Tenants at the time of such tenant's initial occupancy of such Unit. Owner shall only offer a vacant Regulated Unit for occupancy by persons or families intending to occupy such Unit as their primary residence pursuant to a one or two year lease and shall not cause or permit the sublease or assignment of any Regulated Unit for transient occupancy, for occupancy by any household that is not income eligible, or to any corporation or other entity.
- (xvi) "Contractual Rent Regulation" shall mean the following after Destabilization:
  - (a) Owner shall be required to offer renewal leases on the same terms and conditions as had been required by the Rent Stabilization Code at the time of Destabilization (subject however to the provisions in subparagraphs (b) and (c) below), as if the Regulated Unit was still subject to and not excluded or exempted from any provision of the Rent Stabilization Code, including, but not limited to, any exemption or exclusion regarding rent limits, renewal lease requirements, or any other provision due to (i) the vacancy of a Regulated Unit where the rent exceeds a prescribed

maximum amount, (ii) the fact that tenant income and/or Regulated Unit rent exceed prescribed maximum amounts, (iii) the nature of the tenant, or (iv) any other factor.

- (b) The “Legal Rent,” as such term is used in this Declaration, shall be limited by percentage increases calculated based on a method or index established by HPD for determining the maximum increase to Legal Rent upon lease renewal or vacancy. Such method or index shall be based on inflation or on factors substantially equivalent to the factors considered in calculating such increases under the Rent Stabilization Code at the time of Destabilization, and shall incorporate a method for determining and implementing increases to Legal Rent by reason of major capital improvements performed by Owner, to the extent that such increases, if any, are not prohibited hereunder. HPD will publish such methodology in the City Record and will provide a copy of the methodology to Owner upon request.
  - (c) Wherever this Declaration limits increases in rent by increases as permitted by the Rent Stabilization Code (or language of similar import), such increases shall be limited by the percentage increases established by HPD as described in subparagraph (b) above.
  - (d) If Destabilization occurs during the Term, then, for the remainder of the Term, all Regulated Units that have undergone Destabilization shall be subject to Contractual Rent Regulation. If some Regulated Units remain subject to the Rent Stabilization Code while other Regulated Units have undergone Destabilization, Contractual Rent Regulation will apply only to the Regulated Units that have undergone Destabilization.
17. Enforcement. In the event of a breach or threatened breach of this Declaration, HPD shall be entitled to institute proceedings at law or in equity for relief from the consequences of said breach including but not limited to seeking injunctive relief to prevent a violation thereof.
18. Superiority. The charges and burdens of this Declaration are, and shall at all times be, prior and therefore superior to the lien or charge of any mortgage or deed of trust hereafter made affecting the Property or any part thereof, including any improvements now or hereafter placed thereon, and, notwithstanding a foreclosure or other voluntary or involuntary transfer of title pursuant to such instrument, shall remain in full force and effect, but are subordinate to the security interests of record on the Effective Date; provided, however, that a breach of any of the restrictions hereof shall not defeat or render invalid the lien or charge of any mortgage or deed of trust. The charges and burdens of this Declaration are not intended to create a lien upon the Property, or grant any right of foreclosure, to any person or party.
19. Notices. All notices provided for herein may be delivered in person, sent by Federal Express or other overnight courier service, mailed in the United States postage prepaid, return receipt requested, or sent by electronic or facsimile transmission, and, regardless of the method of delivery used, shall be considered delivered upon the actual receipt or refusal of receipt thereof. The name, address and other information to be used in connection with such correspondence and notices to Owner shall be the then-current owner’s name and address information maintained in the official real property tax records with respect to the Property.
20. Miscellaneous.
- (h) Headings. The headings in this Declaration are for convenience only and do not in any way limit or affect the terms and provisions hereof.
  - (i) Unenforceability. If any provision of this Declaration is held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remainder of such provision or any other provisions hereof.
  - (j) Gender. Wherever appropriate in this Declaration, the singular shall be deemed to refer to the plural and the plural to the singular, and pronouns of certain genders shall be deemed to include either or both of the other genders.

- (k) Governing Law. This Declaration shall be construed and enforced in accordance with the laws of the State of New York.
- (l) Amendments. This Declaration may be amended or canceled only by written instrument executed by HPD and the then-current owner of the Property.
- (m) Entire Agreement. This Declaration constitutes the entire agreement of the parties hereto with respect to the subject matter hereof and supersedes all prior negotiations or discussions, whether oral or written, with respect thereto.
- 21. Expiration. Except as otherwise provided herein, upon the expiration of the Term, this Declaration shall be of no further force and effect; provided, however, that HPD shall retain all of its rights and remedies to enforce this Declaration with respect to any default or violation that occurred prior to the expiration of the Term. HPD shall, if requested by Owner, execute and deliver to Owner a document in recordable form to acknowledge the expiration of this Declaration.
- 22. Covenants Run With The Land. This Declaration shall run with the land and bind all subsequent parties in interest to the Property, including but not limited to Owner's successors, assigns, heirs, grantees and lessees, during the Term. All references to "Owner" in this Declaration shall include Owner's successors, assigns, heirs, grantees and lessees.
- 23. Enforcement.
  - (a) In the event of a breach of any of the covenants and agreements contained herein, the City shall have the right to one or more of the following nonexclusive remedies:
    - (i) Institute and prosecute any proceeding for an injunction or for specific performance of Owner's obligations hereunder.
    - (ii) Extend the term of this Declaration by the period of such noncompliance upon the recording of an appropriate document, executed solely by the City, against the Property. The period of noncompliance shall be presumed to be the period running from the date of this Declaration to the date that HPD notifies the Owner of such noncompliance, which presumption may be rebutted by Owner.
  - (b) In the event of a threatened breach of any of the covenants and agreements contained herein, the City shall have the right to the remedy described in Paragraph 14(a)(i) above.

*[remainder of page left blank by intention]*

IN WITNESS WHEREOF, the undersigned has caused this Declaration to be signed by its duly authorized representatives, as of the day and year first-above written.

OWNER

\_\_\_\_\_ LLC

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF NEW YORK)

)ss.

COUNTY OF \_\_\_\_\_)

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2018 before me, the undersigned, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted executed the instrument.

\_\_\_\_\_

Notary Public

**EXHIBIT A**

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**DEVELOPMENT PARCEL A: Block 3022, P/O Lot 16 (Tentative Lot 116)**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING IN THE BOROUGH OF BROOKLYN, COUNTY OF KINGS, CITY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF TEN EYCK STREET, DISTANCE OF 347.90 FEET WESTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHERLY SIDE OF TEN EYCK STREET AND THE WESTERLY SIDE OF LORIMER STREET;

RUNNING THENCE WESTERLY, ALONG THE SOUTHERLY SIDE OF TEN EYCK STREET, DISTANCE 77.10 FEET TO A POINT;

THENCE SOUTHERLY, PARALLEL WITH THE WESTERLY SIDE OF LORIMER STREET, 200.00 FEET TO A POINT ON THE NORTHERLY SIDE OF STAGG STREET;

THENCE EASTERLY, ALONG THE NORTHERLY SIDE OF STAGG STREET, 77.10 FEET TO A POINT;

THENCE NORTHERLY, PARALLEL WITH THE WESTERLY SIDE OF LORIMER STREET, 200.00 FEET TO A POINT OR PLACE OF BEGINNING.

**DEVELOPMENT PARCEL B: Block 3031, P/O Lot 18 (Tentative Lot 118)**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING IN THE BOROUGH OF BROOKLYN, COUNTY OF KINGS, CITY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF STAGG STREET, DISTANCE 202.60 FEET WESTERLY FROM THE CORNER FORMERLY THE INTERSECTION OF THE SOUTHERLY SIDE OF STAGG STRUT AND THE WESTERLY SIDE OF LORIMER STREET;

RUNNING THENCE WESTERLY, ALONG THE SOUTHERLY SIDE OF STAGG STREET, DISTANCE 97.40 FEET TO A POINT;

THENCE SOUTHERLY, PARALLEL WITH THE WESTERLY SIDE OF LORIMER STREET, 200.00 FEET TO A POINT ON THE NORTHERLY SIDE OF SCHOLLES STREET;

THENCE EASTERLY, ALONG THE NORTHERLY SIDE OF SCHOLLES STREET, 97.40 FEET TO A POINT;

THENCE NORTHERLY, PARALLEL WITH THE WESTERLY SIDE OF LORIMER STREET, 200.00 FEET TO A POINT OR PLACE OF BEGINNING.



RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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).

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

Report for L.U. No. 134

**Report of the Committee on Land Use in favor of approving Application No. 20185435 HAK submitted by the New York City Department of Housing Preservation and Development pursuant to Section 115 of the Private Housing Finance Law for the modification of a plan and project for property located at Block 3022 Lots 16 and 25 (formerly Block 3022 Lots 11, 12, 13, 14, 15, 16, 44, 45, 46, 47 and 48), and Block 3031, Lot 18 (formerly Block 3031, Lot 16), Borough of Brooklyn, Community District 1, Council District 1.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on June 28, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **SUBJECT**

**BROOKLYN CB - 1**

**20185435 HAK**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 115 of the Private Housing Finance Law for consent to modify a previously approved Plan and Project for property located at Block 3022, Lots 16 and 25, and Block 3031, Lot 18, Community District 1, Council District 34.

#### **INTENT**

To remove two (2) parcels (Development Parcel A and Development Parcel B) from the original plan and project previously approved by the Board of Estimate on December 16, 1982 (Cal. No. 21), predecessor of the Council, in order to facilitate a new project.

#### **PUBLIC HEARING**

**DATE:** June 19, 2018

**Witnesses in Favor:** Three

**Witnesses Against:** None

#### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 19, 2018

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

**In Favor:**

Gibson, Deutsch, Diaz.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 445

**Resolution to approve modification to a previously approved plan and project located at Block 3022, Lots 16 and 25 (formerly Block 3022, Lots 11, 12, 13, 14, 15, 16, 44, 45, 46, 47 and 48) and Block 3031, Lot 18 (formerly Block 3031, Lot 16), Community District 1, Borough of Brooklyn (Preconsidered L.U. No. 134; 20185435 HAK).**

By Council Members Salamanca and Kallos.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on June 5, 2018 its request dated June 5, 2018 that the Council modify the previously approved Article V Plan and Project located at Block 3022, Lots 16 and 25 (formerly Block 3022, Lots 11, 12, 13, 14, 15, 16, 44, 45, 46, 47 and 48) and Block 3031, Lot 18 (formerly Block 3031, Lot 16), Community District 1, Council District 34, Borough of Brooklyn (the "Original Plan and Project") to facilitate the development of two new buildings (the "Development Parcels");

**WHEREAS**, the Original Plan and Project was approved pursuant to the PHFL Section 114 by the Board of Estimate on December 16, 1982 (Cal. No. 21);

**WHEREAS**, HPD seeks the deletion of portions of Block 3022, Lot 16 (Tentative Lot 116) and Block 3031, Lot 18 (Tentative Lot 118), from the Original Plan and Project pursuant to Section 115 of the Private Housing Finance Law;

**WHEREAS**, upon due notice, the Council held a public hearing on the Development Parcels on June 19, 2018; and

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

**RESOLVED:**

The Council approves, pursuant to Section 115 of the PHFL, the deletion of Block 3022, Lot 16 (Tentative Lot 116) and Block 3031, Lot 18 (Tentative Lot 118), from the Original Plan and Project. All references in the Plan and Project to Block 3022, Lot 16 and Block 3031, Lot 18 are modified to exclude the premises described in schedule in Schedules A and B, attached hereto.

SCHEDULE ADEVELOPMENT PARCEL A: Block 3022, P/O Lot 16 (Tentative Lot 116)

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING IN THE BOROUGH OF BROOKLYN, COUNTY OF KINGS, CITY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF TEN EYCK STREET, DISTANCE OF 347.90 FEET WESTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHERLY SIDE OF TEN EYCK STREET AND THE WESTERLY SIDE OF LORIMER STREET;

RUNNING THENCE WESTERLY. ALONG THE SOUTHERLY SIDE OF TEN EYCK STREET. DISTANCE 77.10 FEET TO A POINT;

THENCE SOUTHERLY, PARALLEL WITH THE WESTERLY SIDE OF LORIMER STREET, 200.00 FEET TO A POINT ON THE NORTHERLY SIDE OF STAGG STREET;

THENCE EASTERLY. ALONG THE NORTHERLY SIDE OF STAGG STREET, 77.10 FEET TO A POINT;

THENCE NORTHERLY, PARALLEL WITH THE WESTERLY SIDE OF LORIMER STREET, 200.00 FEET TO A POINT OR PLACE OF BEGINNING.

SCHEDULE BDEVELOPMENT PARCEL B: Block 3031, P/O Lot 18 (Tentative Lot 118)

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING IN THE BOROUGH OF BROOKLYN, COUNTY OF KINGS, CITY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF STAGG STREET, DISTANCE 202.60 FEET WESTERLY FROM THE CORNER FORMERLY THE INTERSECTION OF THE SOUTHERLY SIDE OF STAGG STREET AND THE WESTERLY SIDE OF LORIMER STREET;

RUNNING THENCE WESTERLY, ALONG THE SOUTHERLY SIDE OF STAGG STREET, DISTANCE 97.40 FEET TO A POINT;

THENCE SOUTHERLY, PARALLEL WITH THE WESTERLY SIDE OF LORIMER STREET, 200.00 FEET TO A POINT ON THE NORTHERLY SIDE OF SCHOLES STREET;

THENCE EASTERLY, ALONG THE NORTHERLY SIDE OF SCHOLES STREET, 97.40 FEET TO A POINT;

THENCE NORTHERLY, PARALLEL WITH THE WESTERLY SIDE OF LORIMER STREET, 200.00 FEET TO A POINT OR PLACE OF BEGINNING.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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

### Report of the Committee on Parks and Recreation

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

Report for Int. No. 988

**Report of the Committee on Parks and Recreation in favor of approving and adopting, a Local Law in relation to the naming of 95 thoroughfares and public places, Firefighter William E. Woodlon Place, Borough of Manhattan, 111<sup>th</sup> Street Old Timers Way, Borough of Manhattan, Joseph Calabria Way, Borough of Staten Island, Mill Street Synagogue/Gershom Mendes Seixas Way, Borough of Manhattan, Sgt. John McCormick Street, Borough of the Bronx, Mary Vallati Place, Borough of the Bronx, AKTINA FM Way, Borough of Queens, Frank and Doris Bell Way, Borough of Brooklyn, Sarah and Michoel Behrman Way, Borough of Brooklyn, Special Agent Edwin R. Woodruffe Way, Borough of Brooklyn, Sofia Vinokurov & Mark Rakhman Place, Borough of Brooklyn, Rabbi Dr. Eli B. Greenwald Way, Borough of Brooklyn, Lester's Way, Borough of Brooklyn, Police Officer Leon Fox Way, Borough of Brooklyn, Specialist Rasheed Sahib Way, Borough of Brooklyn, Bishop John L. Smith Way, Borough of Brooklyn, Joanne Webb-Dixon Way, Borough of the Bronx, ILL. RTE. REV. IDUS A. NUNN SR. PLACE, Borough of the Bronx, Sandra Tremble Way, Borough of the Bronx, Detective Joseph G. Lemm Way, Borough of the Bronx, William J. Madonna Way, Borough of the Bronx, Joe Blandino Way, Borough of the Bronx, Blanche Comras Rifkin Way, Borough of the Bronx, Ahmadiyya Way, Borough of Queens, Armenia Way, Borough of Queens, Bayside Hills 9/11 Memorial Way, Borough of Queens, Forest Park Memorial Drive, Borough of Queens, FDNY Paramedic Lt. Mario Bastidas Way, Borough of Queens, Muhammad Ali Way, Borough of Manhattan, Mary Audrey Gallagher Way, Borough of Queens, Lucy and Lenny Cecere Way, Borough of Manhattan, Andy "Pops" King Jr. Way, Borough of the Bronx, Sandra Gresham Way, Borough of the Bronx, Walter Becker Way, Borough of Queens, Ida B. Wells Place, Borough of Brooklyn, American Hero Sergeant Roshain E. Brooks Way, Borough of Brooklyn, Joseph L. Cugini Way, Borough of Staten Island, SPC Marcus Brown Way, Borough of Staten Island, Edward Colucci Way, Borough of Staten Island, Ret. NYPD Capt. Carmine Cantalino Way, Borough of Staten Island, Edgar Meekins Way, Borough of Staten Island, John V. LaFemina Way, Borough of Staten Island, Mario R. Ariemma Way, Borough of Staten Island, George Kaye Katsoris Candy Man Way, Borough of Staten Island, Firefighter Thomas Patrick Phelan Marine Pilot, Borough of Brooklyn, Sue Amendola Way, Borough of Brooklyn, Zanu G. Simpson Way, Borough of Queens, Mother Coreania H. Carter Way, Borough of Queens, Rev. Julius C. Carter Way, Borough of Queens, Nicholas Pennetti Way, Borough of Queens, Patrick Beckles Way, Borough of Queens, Lynda McDougald Way, Borough of Queens, Randy "Bubba" Nelson McGhee Place, Borough of Manhattan, New York Rens Court, Borough of Manhattan, Fannie Pennington Way, Borough of Manhattan, Ruby Dee Place, Borough of Manhattan, Ossie Davis Way, Borough of Manhattan, Michael Lancaster Way, Borough of Manhattan, Valerie M. Orridge, R.N. Way, Borough of Manhattan, Apostle William Brown Way, Borough of Manhattan, Jimmy Breslin Way, Borough of Manhattan, Jack Rudin Way, Borough of Manhattan, Avellar G. Hansley Place, Borough of Brooklyn, Rev. Freddie Brunswick Way, Borough of Queens, Joseph Papp Way, Borough of Manhattan, Isaiah "Obie" Bing Way, Borough of Manhattan, Luis Días Way, Borough of Manhattan, Bishop Arnulfo Romero Way, Borough of Manhattan, Normandía Maldonado Way, Borough of Manhattan, Pamela North Way, Borough of Manhattan, Carmen Giorgina Acosta-Cruz Way, Borough of Manhattan, Rafael Corporán de los Santos Way, Borough of Manhattan, John Brian Murtaugh Way, Borough of Manhattan, Samuel A. Browne, Sr. Way, Borough of Staten Island, Monsignor James J. Dorney Way, Borough of Manhattan, Beulah Sanders Way, Borough of Manhattan, The Chantels Hit Record "Maybe", Borough of the Bronx, Officer Thomas P. Ruotolo Corner, Borough of the Bronx, Archbishop Anthony R. Monk Sr. Way, Borough of Brooklyn, Detective Miosotis Familia Way, Borough of the Bronx, Lynn Wonsang Way, Borough of the Bronx, Emmanuel Mensah Way, Borough of the Bronx, US Navy Seaplane Division One Way, Borough of Queens, Shri Prakash Gossai Marg Way, Borough**

**of Queens, Maria Thomson Way, Borough of Queens, Rev. Lawrence E. Lynch Memorial Triangle, Borough of Queens, James J. Frawley Way, Borough of Queens, Murray Fox Way, Borough of Queens, Alexander M. Bing Place, Borough of Queens, Tibet Way, Borough of Queens, Toussaint L'Overture Boulevard, Borough of Brooklyn, Firefighter William J. Gormley Way, Borough of Brooklyn, Vito Marcantonio Lucky Corner, Borough of Manhattan, Samuel Simpson Way Borough of the Bronx, Samuel Simpson Way, Borough of the Bronx and the repeal of sections 10, 25, 27, 35 and 52 of local law number 237 for the year 2017, section 22 of local law number 110 for the year 2017, section 12 of local law number 45 for the year 2017 and section 7 of local law number 68 for the year 2001.**

The Committee on Parks and Recreation, to which the annexed preconsidered proposed local law was referred on June 28, 2018, respectfully

### **REPORTS:**

#### Comment:

On June 25, 2018, the Committee on Parks and Recreation will hold a vote on Preconsidered Int. No. 988 which co-names ninety-five (95) thoroughfares and public places. The Council acts upon the authority granted in subdivision (b) of section 25-102.1 of the New York City Administrative Code which states:

- b. Unless the local law specifically provides otherwise, any local law changing the name of a street, park, playground or portion thereof, or any facility or structure, located and laid out on the city map, that bears a name indicated on the city map shall not be construed to require a change in such name as it is indicated on the city map; provided, however, that in the case of a local law changing the name of a street or portion thereof, the name added by such local law shall be posted on a sign placed adjacent to or near a sign bearing the name of such street or portion thereof indicated on the city map.

The following street name changes are not to be construed as a change in the City Map, but as additional names to be posted near or adjacent to the street or location indicated on the City Map.

#### **Section 1. Firefighter William E. Woodlon Place**

Introduced by Council Members Ayala and Perkins

William E. Woodlon was one of twelve African-Americans in his class when he joined the FDNY in January 1982, and was assigned to Engine 39 in Manhattan and was later transferred to Engine 21 in Murray Hill. He assisted in the search and rescue attempts at Ground Zero after the 9/11 attacks. He died as a result of 9/11 illness.

#### **Section 2. 111<sup>th</sup> Street Old Timers Way**

Introduced by Council Members Ayala and Perkins

The 111<sup>th</sup> Street Old Timers organization has coordinated the longest running block party in East Harlem, which brings together thousands of visitors each year in celebration of the community, culture, and tradition. For 50 years, this neighborhood event has attracted current residents, families, visitors, tourists, and hundreds of one-time residents who return annually to celebrate in fellowship with East Harlemites old and new. The organizers of this event have always maintained the importance of supporting the community by mentoring formerly incarcerated youth, supporting local artisans and businesses, as well as cultural institutions. The largest attraction of the block party is the traditional stick-ball game, a beloved staple of the community and its history.

### **Section 3. Joseph Calabria Way**

Introduced by Council Member Borelli  
September 21, 1930 – July 28, 2017

Joseph Calabria was drafted into the United States and served in the Korean War. His career, after being discharged from the military, was spent on the Manhattan waterfront initially as a Longshoreman where his performance resulted in his promotion to Forman, Pier Supervision and finally, Hiring Boss. He served as a Union Delegate for Local 856 of the International Longshoremen's Association for several years. Over the years he was affectionately referred to as the "Mayor of Barlow Avenue" by his friends and neighbors. He was the neighborhood "Go-to Guy." He was always willing to help out neighbors and friends with advice, labor and or lending a tool for working around the house, repairing a car or any other task. He could always be counted on to help the kids in the neighborhood by fixing their bikes and putting air in their tires, footballs or basketballs. He had a nickname for many of the kids and loved to joke around with them. The kids loved to hear his stories and struggled to decipher the analogies for which he was famous throughout the neighborhood. He was a family man who loved working on his cars and taking care of his home and enjoyed sitting on the porch and reinforcing the many relationships he formed with the neighbors as they passed by just saying hello. In the 1990's he became active with the Cpl A.F. Kivlehan Chapter of the Korean War Veterans. After his retirement from the waterfront he devoted all of his efforts to working with the Chapter and was its Commanding officer for 18 years. During his tenure he was instrumental in the renaming of the Richmond Parkway to the Korean War Veterans Parkway and in the renaming of the PS 6 School to the Allan F. Kivlehan School. He also helped to establish the Korean Veterans Memorial on Ocean Terrace and the Allan F. Kivlehan Park in New Dorp. He often visited Staten Island schools to speak with students about the Korean War. He would say, "If you like your freedom, thank a vet," which became a tagline for him.

### **Section 4. Mill Street Synagogue/Seixas Way**

Introduced by Council Member Chin  
January 15, 1745 – July 2, 1816

Gershom Mendes Seixas was the first American-born spiritual leader of Shearith Israel and was active in a wide range of civic organizations such as the Humane Society, the Board of Regents of the University of New York, and a regent and trustee of Columbia College. In 1943, the Jewish Studies Society of Columbia University became known as the Seixas Society.

### **Section 5. Sgt. John McCormick Street**

Introduced by Council Member Cohen

John McCormick was killed in the line of duty on April 27, 1988 when he and four officers executed a search warrant for several pounds of cocaine in a suspect's fourth floor apartment. As the raid commenced, the officers broke through the front door and were confronted by the female suspect who had retrieved a 38-caliber revolver. A struggle ensued for control of the weapon and the suspect, and two officers at the scene, all fired shots. Sgt. McCormick, who was standing in the doorway, was fatally wounded by one of the shots fired by the officers.

### **Section 6. Mary Vallati Place**

Introduced by Council Member Cohen  
July 18, 1915 – September 12, 2017

Mary Vallati was a community activist who attended St. Philip Neri Church on a regular basis. She was a tenant leader for a building on Decatur Avenue and later joined the Bedford Mosholu Community Association. She was a community organizer for the Northwest Bronx Community and Clergy Coalition. She took part in a demonstration against the closure of the C-Town on East 204<sup>th</sup> Street and was successful in keeping the store open. She was an active member of the 52<sup>nd</sup> Precinct Community Council, joining in functions that included the Open House held at the Webster Avenue precinct in July. For her dedication, NYPD allowed a bench funded by friends of Mary Vallati bearing her name to be placed outside the stationhouse. She was also an active member of the Bronx Pioneers, a charitable group comprised of retirees from the telephone company.

**Section 7. AKTINA FM Way**

Introduced by Council Member Constantinides

AKTINA FM started broadcasting in 1993 as the first and only true bilingual Greek American radio program in the United States. Airing over the weekend on WNYE 91.5 FM in the New York metro area, the radio shows have developed a listening base of more than half a million people. As technology has improved in recent years, AKTINA FM has expanded to provide twenty-four hour internet streaming of its programming, which is accessed by thousands of listeners worldwide. AKTINA TV soon followed, beginning as a public service news and culture magazine show, which is the only English language Greek American television production in the country. AKTINA TV is broadcast on WNYE every Sunday, and has established an impressive viewership of 600,000 in the tri-state area. Like its radio counterpart, AKTINA TV has also grown with technological advances, utilizing YouTube to distribute original content and act as an archive for past shows. To date, the page has been viewed by over 1.7 million people around the globe. AKTINA also hosts a live music series called Greek Music Journey (GMJ). Launched in 1997, GMJ promotes and preserves different aspects of the representative music of Greece, such as the traditional, folk, popular folk and “rembetika” genres which comprise the basis of Greek music. This program started with local New York-based Greek American performers at small venues in Queens, and since grown to hosting some of the most prestigious musicians from Greece housed in large venues such as Alice Tully Hall at Lincoln Center and the Town Hall. In 2013, GMJ became a bi-annual event with spring and fall concerts hosted at the Kaye Playhouse at Hunter College.

**Section 8. Frank and Doris Bell Way**

Introduced by Council Member Cumbo

Frank and Doris Bell contributed to the community by the encouragement they gave to others who sought advice on overcoming their personal problems regarding their business endeavors, social interaction and financial obstacles. In 1968, they opened the Frank R. Bell Funeral Home. Their success over the years was based on their humanitarian concern to serve those families, mostly in the neighborhood, who could not afford the cost to hold a funeral for their loved ones over the past six decades. Frank R. Bell Funeral Home has hired dozens of employees, some of whom have gone on to start their own businesses. Today, there are seventeen full-time staff members at Frank R. Bell Funeral Home who continue to enjoy a very comfortable standard of living in the community. 2017 will mark 60 years since the Frank R. Bell Funeral Home established a ministry that has served all faiths in the community.

**Section 9. Sarah and Michael Behrman Way**

Introduced by Council Member Cumbo

Sarah Behrman was an educator and advocate for the less fortunate. She worked for Hebrew Academy For Special Children, the Jewish educational and clinical social service agency for people with special needs. In addition to using the resources available from HASC, she worked with State and City agencies, OHEL, Job Path, and other community resources, to insure to those for whom she was advocating were able to lead the most productive lives possible. In 2001, Sarah was the recipient of the Leader Family Fund Award, a \$5,000 prize given to a person who had made an outstanding contribution to the special needs community. She was chosen for this award from a large pool of candidates from social services organizations all over the City. Sarah served as an advisor to Friendship Circle of Brooklyn, a non-profit organization affiliated with The Jewish Children’s Museum and Chabad, which provides volunteer support services for young adults and children with special needs. Sarah was also involved in many other Crown Heights organizations and community activities. Working with Mechon Chana Institute for Women, a diverse educational program for women, Keren Simchas Chosson V’Kallah, which underwrites wedding expenses for needy couples in Crown Heights, she wrote, directed and performed in many musical comedies that gave great delight to women and girls in the community and raised money for their causes. After her passing in June 2013, HASC established an annual award in her name, which recognizes a staff member who excels at implementing HASC’s person-centered philosophy. In 2014, Bnos Chomesh Academy of Crown Heights based their high school production on her powerful story, and life journey. Audience members were deeply touched by the moving performances. After her passing, a short documentary,



"To Catch a Star," was made about Sarah by a local filmmaker, Yanky Ascher. It provides a glimpse into Sarah Behrman's life at HASC.

Michoel Behrman was a civic activist and substance abuse counselor. He founded Operation Survival, a drug prevention program and saved hundreds of lives. In the aftermath of the riots in Crown Heights in 1991, he helped organize emergency committee meetings and events working to protect the residents.

### **Section 10. Special Agent Edwin R. Woodruffe Way**

Introduced by Council Member Cumbo

1941 – January 8, 1969

Special Agent Edwin R. Woodruffe was born and raised in Brooklyn, NY. He later served with the Federal Bureau of Investigation for two years before he was killed in the line of duty while he and Special Agent Anthony Palmisano were shot in an apartment building in Washington, DC, while attempting to arrest a prison escapee who had robbed a bank earlier that morning.

### **Section 11. Sofia Vinokurov & Mark Rakhman Place**

Introduced by Council Member Deutsch

Sofia Vinokurov and Mark Rakhman were siblings who immigrated to America from Odessa, Ukraine in the early 1970's. As early Jewish Immigrants from the former Soviet Union, they planted the necessary seeds in the Brighton Beach Brooklyn neighborhood to allow for the growth and sustainability of the current community today. By establishing the largest Russian American grocery store, they turned Brighton Beach into a major destination for many people. With time, they established the largest Russian Restaurant in the US, "National", where they not only provided a local destination for many customers, but a venue for organizations, community groups, and political assemblages. In 1978, they along with other local merchants developed one of the first business improvement districts (BID), the Brighton Beach BID, where they effectively helped to address major issues in the area, and develop a flourishing business strip. As leaders in the community for decades they've made their mark on individuals throughout Brighton Beach, by providing social services before many current organizations in the area were established, and by helping immigrants settle into their new homes by providing monetary and employment assistance.

### **Section 12. Rabbi Dr. Eli B. Greenwald Way**

Introduced by Council Member Deutsch

Rabbi Dr. Eli B. Greenwald was an active member of his community offering families comfort and guidance for over 50 years as a spiritual leader of Ohel David and Shlomo Synagogue. He was an active member of Community Board 15, served as a Chaplain to Coney Island Hospital and was also a teacher and principal for 20 years at Manhattan Beach Jewish Center. He was vice president of the Rabbinical Board of Flatbush and a member of the Sephardic Rabbinical Council.

### **Section 13. Lester's Way**

Introduced by Council Member Deutsch

May 7, 1925 – August 18, 2012

Lester Kronfeld was a dedicated and civic-minded business leader. He served in the United States Navy during WWII on the USS Quincy from 1943 until 1946 and participated in D-Day at Normandy. He was also involved in the transport of President Franklin Delano Roosevelt to the Yalta Conference in 1945. He was the proprietor of the well-known "Lester's" clothing stores, which he founded after his military service in 1948 and was known for giving people clothing and allowed them to pay at a later time. His small, family-owned chain eventually grew to six stores, including two in Long Island. He was a regular sponsor of fundraisers for local organizations, churches, schools and synagogues. He conducted fashion shows to raise money for people in need throughout the community. He is remembered for his civic role in the community and by his successful clothing chain stores on Avenue U, which have become a trademark of the Avenue U business strip and employed many neighboring residents.

**Section 14. Police Officer Leon Fox Way**

Introduced by Council Member Deutsch

Died February 16, 1941

Leon Fox served with the NYPD for ten years and was assigned to the 60<sup>th</sup> Precinct. He was killed in the line of duty while escorting a store manager to the bank to deposit daily receipts. All three suspects were later apprehended and convicted of murder.

**Section 15. Specialist Rasheed Sahib Way**

Introduced by Council Member Espinal, Jr.

April 29, 1981 - May 18, 2003

Rasheed Sahib was born in Berbice, Guyana. He later moved Brooklyn, New York in 1988. After finishing high school, he found his true calling and decided to become an FBI Agent so he enlisted in the United States Army in 2000. He was assigned to the 20<sup>th</sup> Field Artillery Regiment, 4th Infantry Division, based at Fort Hood, Texas. He re-enlisted in the Army in early 2003, and was sent to Iraq on April 1, 2003 and was assigned to Balad, northwest of Baghdad, Iraq. On May 18, 2003, was killed accidentally by another U.S. Soldier during a routine rifle cleaning in the barracks. The Defense Department's investigation report determined the shooting was an accident and no charges were brought against the other soldier. He was awarded the United States Army Bronze Star Medal, the Army Service Ribbon and the New York State Senate Liberty Award.

**Section 16. Bishop John L. Smith Way**

Introduced by Council Member Espinal, Jr.

May 18, 1934 - October 6, 2017

Bishop John L. Smith served in the United States Navy serving in the Korean War. He was honorably discharged after serving two tours of duty. He worked for the Long Island Railroad where he was recognized as one of the first African-American men to be promoted to Gang Foreman and retired in 1988. He was the founding Pastor and Prelate of Saint Paul Tabernacle Church, City of Ministries located at 2239 Pitkin Avenue in Brooklyn where the institution has been a fixture in the East New York community for over 50 years. He was consecrated to Bishop and established a number of churches throughout the city and along the east coast serving hundreds of residents. Saint Paul Tabernacle Church operates a food pantry and offers services and programs throughout the year and hosts annual Thanksgiving brunch and Summer Neighborhood Outreach which provides medical screenings and other social services.

**Section 17. Joanne Webb-Dixon Way**

Introduced by Council Member Gibson

January 6, 1944 – September 6, 2017

Joanne Webb-Dixon was a member of Bronx Community Board 3 since 2003. She also served on the Health and Welfare Committee, the Usher Board and United Methodist Women and the Port Washington Community Partnership Board of Directors. She was a member of the Tried Stone Baptist Church and served as a Trustee, Church Controller, the Political Action Committee and later served on the Steward Board and the Health Ministry at Christ Church. She was also a member of the Parkchester Branch of the NAACP, SDFSCA Community School District Twelve Advisory Council Member, the Big Brother/Big Sister Program, the Taino Lions Club, the Woodstock Terrace Board of Directors, Vice President of the NYPD 42<sup>nd</sup> Precinct Community Council Inc., Chair of the Health Committee on Community Board 3 and an active supporter of the Williamsbridge Club of the National Association of Negro Business and Professional Women's Clubs, Inc.

**Section 18. ILL. RTE. REV. IDUS A. NUNN SR. PLACE**

Introduced by Council Member Gibson

Rev. Nunn, Sr. enlisted in the United States Army and served in WWII and was honorably discharged as Sergeant in 1945. He was ordained a Deacon in the True Light Baptist Church in 1950 and later became Pastor of the church in 1952 where he served for 18 years. He organized the Bronx Tuesday Night Baptist Ministers Evening Conference of Greater New York and Vicinity. In 1968, he founded the Franklin Avenue Baptist Church and served as Pastor for 27 years and also operated its soup kitchen, organized neighborhood festivals and food giveaways every summer.

**Section 19. Sandra Tremble Way**

Introduced by Council Member Gibson

Sandra Tremble facilitated many annual events including the MLK Health Fair, the MLK Breast Cancer Awareness Health Fair, the MLK Family Picnic, Senior's Thanksgiving Luncheon and Gift Presentation, the Children's Easter Party and Egg Hunt, the Children's Back to School Book Bag and Supplies Giveaway and the Staff Christmas Party at the Dr. Martin Luther King Jr. Health Center. She also facilitated many Community Board programs such as Church Outreach Incentives, Children's Circle Programs and Outreach to the Public School in the Community. As an 199 SEIU Delegate, she served on the Jobs, Labor Management, Hearing and Appeals, BLHC Negotiating, MLK Negotiating and Child Care Committees. The Dr. Martin Luther King Jr. Health Center holds an annual Sandra Tramble Day Health Fair in her honor.

**Section 20. Detective Joseph G. Lemm Way**

Introduced by Council Member Gjonaj

Joseph Lemm worked on the 50<sup>th</sup> Precinct's Bronx Warrant Squad who was killed in a suicide bombing while serving in the Air National Guard in Afghanistan. He joined the NYPD on March 1, 2000 and received five commendations throughout his career and made 427 arrests.

**Section 21. William J. Madonna Way**

Introduced by Council Member Gjonaj

October 6, 1961 – June 10, 2017

William J. Madonna was raised in Yorktown Heights and earned his Bachelor of Science degree from Northeastern University in Boston. He later graduated from the New England School of Law where he received his Juris Doctorate. He began his legal career in the office of Corporation Counsel of the City of New York Law Department and later joined the Bronx District Attorney's Office as a prosecutor. Since 1994, he maintained a successful private practice in the Morris Park section of the Bronx and represented victims of domestic violence, as well as handled divorce and family law, criminal law and real estate. He was a member of the Bronx County Bar Association, the Bronx Family Court Bar Association and served as chief counsel to then state-assemblyman, Mark Gjonaj. He represented the Tracey Towers tenant organization in their fight to block rent increases. He was honored by the Van Nest Neighborhood Alliance, the Morris Park Avenue Association on multiple occasions and Friends of Pelham Parkway, among others. He also took on the lawsuit for the Friends of Pelham Parkway to save the trees that were set to be removed for the reconstruction of Pelham Parkway and won the case.

**Section 22. Joe Blandino Way**

Introduced by Council Member Gjonaj

February 28, 1964 – February 26, 2018

Joe Blandino widely known as Big Joe, was an alumnus of Iona Preparatory School class of 1982, and attained his Bachelor's degree in Political Science in 1991. His family lived in the Bronx until they moved to Florida when he was 17 years old. While in Florida, he worked at the family-owned restaurant Espresso Pizzeria, was a part of the Treasure Coast Opera Society, and coached football at John Carrol High School. When he was 23 years old, he moved back to the Bronx where he was a well-known photographer and video editor for Martone Brothers' Photography for over 30 years. He was very involved in his children's schooling by playing Santa Claus every year at their school during Christmas, volunteered with the drama club, was a member and president of the Father's Club and volunteered as a chef for school barbecues and other charity events. He was also a member and served as an umpire for the Bronx Umpire Alliance, was a member of the Italian-American Club, the Morris Park Association, the Boy Scouts of America, the Kiwanis Club and also volunteered at Calvary Hospital.

**Section 23. Blanche Comras Rifkin Way**

Introduced by Council Member Gjonaj  
March 18, 1916 – December 31, 2015

Blanche Comras Rifkin was an active member of Community Board 11, served on the Einstein and Jacobi Medical Center Advisory Boards, the Pelham Parkway Citizens Council, P.S. 105 Parents Association, the Ruth Kurzon Group for Handicap Children and served on the boards of the Pelham Parkway Jewish Center, the National Council of Jewish Women, the Bronx House and the UJA Federation.

**Section 24. Ahmadiyya Way**

Introduced by Council Member Grodenchik

The Ahmadiyya Muslim Community is the world's largest Islamic community under one divinely appointed leader, His Holiness the Khalifa of Islam, Mirza Masroor Ahmad. The AMC spans over 200 nations with membership exceeding tens of millions. The Ahmadiyya Muslim Community USA (est. 1920) is America's largest Muslim organization under one leader. It stands at the forefront of disaster relief in the United States and worldwide through Humanity First, a non-profit charity.

**Section 25. Armenia Way**

Introduced by Council Member Grodenchik

This co-naming will commemorate the 60<sup>th</sup> Anniversary of the Armenian Church of Holy Martyrs.

**Section 26. Bayside Hills 9/11 Memorial Way**

Introduced by Council Member Grodenchik

The Bayside Hills 9/11 Memorial is located at the intersection of Horace Harding Expressway and Bell Boulevard on the Parks Department's green streets median. The Memorial is maintained year round by the Bayside Hills Civic Association and contains many plants, bushes and two trees. The trees stand next to each other representing the Twin Towers. In addition, the Memorial contains two steel beams salvaged from the wreckage of the World Trade Center. Each year, in the evening of the anniversary of the 9/11 terrorist attacks, the community comes together for a memorial service run by the Bayside Hills Civic Association and is attended by local elected officials, community and civic leaders, local police and firefighters, veterans groups, local clergy and the local Boy Scout troop.

**Section 27. Forest Park Memorial Drive**

Introduced by Council Member Holden

Forest Park currently includes several memorials in recognition of veterans who have served in WWI, WWII and Vietnam. Additionally, the Park contains a 9/11 memorial near the bandstand in recognition of all those who lost their lives in the attacks. Co-naming Forest Park Drive, which connects all of these memorials, to Forest Park Memorial Drive would be a fitting tribute.

**Section 28. FDNY Paramedic Lt. Mario Bastidas Way**

Introduced by Council Member Holden

Lt. Mario Bastidas served as a paramedic for 26 years and then a Lt. Paramedic in the FDNY Emergency Medical Service Command. He responded to the terrorist attacks on 9/11 and spent countless hours at the World Trade Center in rescue and recovery efforts. He was exposed to toxins that later developed into an aggressive form of cancer, where he succumbed in April 2017.

**Section 29. Muhammad Ali Way**

Introduced by The Speaker Council Member Johnson  
January 17, 1942 – June 3, 2016

Cassius Marcellus Clay, Jr. was regarded as one of the most celebrated sports figures of the 20<sup>th</sup> century. He was an Olympic and World Champion boxer, who was crowned "Sportsman of the Century" by Sports Illustrated in 1999. He won the World Heavyweight Boxing championship three times, and won the North American Boxing Federation championship as well as an Olympic gold medal. He was born in Louisville, Kentucky and was named after his father, Cassius Marcellus Clay, Sr., but later changed his name after joining

the Nation of Islam and subsequently converted to Sunni Islam in 1975. In Louisville, October 29, 1960, he won his first professional fight winning a six-round decision over Tunney Hunsaker, who was the police chief of Fayetteville, West Virginia. He went on to later retire with a boxing record of 61 bouts with 56 wins (37 KOs), 5 losses (1 Kos) and 0 draws fighting some of the most exciting bouts in boxing history. In 1964, Ali failed the Armed Forces qualifying test because his writing and spelling skills were subpar, however, in early 1966, the tests were revised and Ali was reclassified 1A. He refused to serve in the United States Army during the Vietnam War as a conscientious objector. This and his affiliation with the Nation of Islam made him a controversial and popular figure in history. Near the end of 1967, he was stripped of his title by the professional boxing commission and would not be allowed to fight professionally for more than three years. He was also convicted for refusing induction into the army and sentenced to five years in prison. In 1970, he was allowed to fight again, and in late 1971 the Supreme Court reversed his conviction. He went on to fight Joe Frazer and George Foreman in what is arguably considered some of the best fights in boxing history. He was diagnosed with Parkinson's disease in the early 1980s causing his motor functions to decline. Despite his disability, he remained a beloved and active public figure. In 1985, he served as a guest referee at the inaugural WrestleMania event. In 1987, he was selected by the California Bicentennial Foundation for the U.S. Constitution to personify the vitality of the United States Constitution and Bill of Rights in various high profile activities and rode on a float at the 1988 Tournament of Roses Parade, launching the United States Constitution's 200th birthday commemoration. He received a Spirit of America Award calling him the most recognized American in the world and in 1996, he had the honor of lighting the flame at the 1996 Summer Olympics in Atlanta, Georgia. In 1999, he received a special one-off award from the BBC at its annual BBC Sports Personality of the Year Award ceremony, which was the BBC Sports Personality of the Century Award. He was also named "Kentucky Athlete of the Century" by the Kentucky Athletic Hall of Fame in ceremonies at the Galt House East. In 2005, he received the Presidential Medal of Freedom at a White House ceremony on and the prestigious Otto Hahn peace medal in Gold of the United Nations Association of Germany in Berlin for his work with the US civil rights movement and the United Nations. On November 19, 2005, the \$60 million non-profit Muhammad Ali Center opened in downtown Louisville, Kentucky. In addition to displaying his boxing memorabilia, the center focuses on core themes of peace, social responsibility, respect, and personal growth. After his retirement from boxing, he was devoted to humanitarian endeavors around the world lending his name and presence to hunger and poverty relief, supporting education efforts of all kinds, promoting adoption and encouraging people to respect and better understand one another. It is estimated that he has helped to provide more than 22 million meals to feed the hungry.

### **Section 30. Mary Audrey Gallagher Way**

Introduced by The Speaker Council Member Johnson

Mary Gallagher was an early advocate for the LGBT community by founding the Queens chapter of Parents, Families and friends of Lesbians and Gays and served as its Queens Hospitality Chairperson. She served as a public school teacher for many years and later opened a nursery school and served as administrator of several daycare centers in New York City.

### **Section 31. Lucy and Lenny Cecere Way**

Introduced by The Speaker Council Member Johnson

Lucy Cecere served on the board of the Village Nursing Home and helped save the home when it was threatened with closing in 1975. The Village Nursing Home, now Village Care, is still open today and remains an important primary-care institution for the elderly and people with HIV/AIDS in the Downtown area. She founded the Golden Age Club to support low-income seniors with healthy meals and was the co-founder of the Caring Community which today serves more than 2,000 seniors at four different locations in and around Greenwich Village. After 9/11, she coordinated with the NYPD to provide healthy meals for first responders. Lenny Cecere was born in Brooklyn, also to Italian immigrant parents, but lived in the Village from 1949 on. Lenny was an army veteran involved with the allied recapture of France and the Battle of the Bulge. After marrying Lucy at Our Lady of Pompeii in 1949, they moved to nearby Sullivan Street. After they bought 51 MacDougal Street in 1962, Lenny eventually took over the retail space on the ground floor, turning it into a store called "Something Special," selling doughnuts, bagels, candy, greeting cards, and eventually renting mailboxes and copying keys. In this capacity Lenny became a beloved and widely known fixture in the community, whom

countless Villagers, famous and everyday, came to rely upon for essential services in their daily lives. Lenny was also an active member of the Father's Club at Our Lady of Pompeii School, and a member of the Knights of Columbus and American Legion posts in Greenwich Village.

### **Section 32. Andy "Pops" King Jr. Way**

Introduced by The Speaker Council Member Johnson

Andy King served in the Korean War for three years and later founded the King 5 basketball team organization in the early 1970's. The organization assisted in getting the neighborhood youth off the streets and provided youths with recreational activity and cultivated leadership skills. He financed trips outside of the Bronx for the participants to meet professional basketball players and participate in basketball championship tournaments across the city and Westchester County. Kings 5 included more than 10,000 youths, ages 8 to 40 and has been the longest running basketball program to exist in the northeast Bronx.

### **Section 33. Sandra Gresham Way**

Introduced by Council Member King

Sandra Gresham was a schoolteacher and educator caring for her students to learn and thrive in society who lovingly raised her own family of three children. She found time and energy to teach and volunteer at the historic Little Red Schoolhouse, as well as coordinate its summer camp program. The school cherished her for her advocacy and dedication. She was relentless even in her times of illness she spend half of her life helping the communities and fighting and guiding health leaders and workers. A woman who maintained a positive outlook so strong, that she could overcome her own health issues and advocate for others through her work with the Children's Defense Fund and who for years supported and guided her fellow patients at the dialysis clinic until her last days of her life.. She fought for civil rights and injustice in her community and within the United States. In partnership with 1199 SEIU and with her husband President George Gresham, she fought for healthcare for workers and acted as his unofficial and most-trusted advisor. Sandy Gresham, the compassionate and empathetic advocate, was a role model in the Northeast Bronx who generously shared her spirit and moxie and provide encouragement to everyone she touched.

### **Section 34. Walter Becker Way**

Introduced by Council Member Koslowitz

February 20, 1950 – September 3, 2017

Walter Carl Becker was an American musician, songwriter, bassist and record producer. He was a native of Forest Hills, Queens, growing up at 112-20 72 Drive, Forest Hills. In 1971, Walter Becker and his partner, Donald Fagen, formed the jazz-rock band Steely Dan. They produced music that was highly regarded by critics and fellow musicians alike. His partnership with Fagen produced music that sustained a devoted audience for over 40 years. In 2000, Steely Dan won four Grammys, including Record of the Year. Steely Dan was inducted into the Rock N Roll Hall of Fame in 2001.

### **Section 35. Ida B. Wells Place**

Introduced by Council Member Levin

July 16, 1862 – March 25, 1931

Ida B. Wells was an African-American journalist, abolitionist and feminist who led an anti-lynching crusade in the United States in the 1890s. She went on to found and become integral in groups for African-American justice. She was a teacher who became a vocal critic of the condition of African-American only schools in Memphis. In 1896, she formed the National Association of Colored Women and later became a founding member of the National Association for the Advancement of Colored People. She worked with the National Equal Rights League to end discriminatory hiring practices for government jobs and also created the first African-American kindergarten in her community and fought for women's suffrage.

**Section 36. American Hero Sergeant Roshain E. Brooks Way**

Introduced by Council Member Maisel

Died August 2017

Sergeant Roshain E. Brooks was a Field Artillery Cannoneer assigned to the 82<sup>nd</sup> Airborne Division of the United States Army. He joined in 2012 and was later killed in the line of duty while serving in Iraq. He was posthumously awarded the Bronze Star, the Purple Heart, the Meritorious Service Medal and the Combat Action Badge.

**Section 37. Joseph L. Cugini Way**

Introduced by Council Member Matteo

July 16, 1931 – April 2, 2018

Joseph L. Cugini served in the Korean War and later became a teacher and Assistant Principal at Intermediate School 51. He went on to become principal of Public School 46 and Continuing Education where he supervised numerous after school and evening centers for the students of Staten Island. He also coordinated schoolyard carnivals and trips to Washington, DC for students. He received the Educator of the Year Award, the Too Cool School Award, the Dedicated Service and Support for Staten Island Concert and Stage Band Program Award and the American Legion Award for Education, among others. He retired in 2001 and then Borough President Guy V. Molinari proclaimed June 19, 2001 as “Joseph L. Cugini Day” in the borough of Staten Island.

**Section 38. SPC Marcus Brown Way**

Introduced by Council Member Matteo

Died October 6, 2017

Marcus Brown served in the United States Army for 11 years and was a decorated Iraq Combat Veteran receiving the Bronze Star with valor in 2008 for his service. He was able to establish a perimeter around his vehicle preventing another attack after it was struck by a roadside bomb that killed his commanding officer and driver. He was serving in the National Guard at the time of his death from a car accident.

**Section 39. Edward Colucci Way**

Introduced by Council Member Matteo

Died April 11, 2018

Edward Colucci joined the military in 1942 and served in the United States Army, 45<sup>th</sup> Infantry, Thunderbird Division. While he served with the Thunderbird Division, they took Munich and then liberated the Dachau concentration camp. For his service, he received the Bronze Star. He was a member of the American Legion Post for 75 years where he helped hold hundreds of benefits for veterans and produced many important programs for children.

**Section 40. Ret. NYPD Capt. Carmine Cantalino Way**

Introduced by Council Member Matteo

Died September 29, 2017

Carmine Cantalino served on the NYPD for 25 years and died as a result of 9/11 illness after spending a great deal of his time at Ground Zero after 9/11.

**Section 41. Edgar Meekins Way**

Introduced by Council Member Matteo

February 17, 1921 - October 15, 1999

Edgar Meekins served in the United States Army during WWII and was awarded three Bronze Stars for his valor in battle. After the war, he was very active with the Knights of Columbus and was employed by Staten Island Savings Bank where he planted vegetables on the bank property and would give them to all the employees.

**Section 42. John V. LaFemina Way**

Introduced by Council Member Matteo

June 5, 1934 – February 16, 2018

John V. LaFemina was a longtime community activist and was known as the “founding father” of the Staten Island Republican Party. He served in the United States Army during the Korean War and continued his service as an active member of the United States Army Reserve. He served on Community Board 2, was president of the Oakwood Civic Association, vice president of the Great Kills Friendship Club, was chairman of the South Shore Republican Club and was awarded the Dominick A. Alini Memorial Award for his more than 40 years service to the Staten Island Republican Party. He also served as a member of the board of directors for the Great Kills Little League and former president of the Staten Island Roller Hockey League.

**Section 43. Mario R. Ariemma Way**

Introduced by Council Member Matteo

September 6, 1928 – December 19, 2017

Mario R. Ariemma started working on produce trucks while he was in high school and eventually acquired his own truck delivering produce and eggs to customers. He later purchased an apple farm in Dongan Hills in 1956 and started a successful deli business in a one-story building at 1791 Hylan Boulevard.

**Section 44. George Kaye Katsoris Candy Man Way**

Introduced by Council Member Matteo

George Kaye Katsoris was born into the candy business who turned his father’s ice cream parlor into a 200,000-square-foot facility that holds the current factory and offices of Supreme Chocolatier. He is a founder of the American Hellenic Educational Progressive Association and the Holy Trinity Greek Orthodox Church and Cultural Center. He helped establish and served as chairperson for the Gateway State Commercial Bank and received the Staten Island Chamber of Commerce Louis R. Miller Business Leadership Award, as well as the Anthony G. Gaeta Democrat Club’s Humanitarian Community Activist Award. He served as a member of the Staten Island Chamber of Commerce and is a benefactor to the New York City Park Department Carousel, the Greenbelt Conservation Nature Center, the Staten Island Botanical Gardens and the Staten Island Borough Hall restoration. He was also a founder of the National Association for the Specialty Food Trade, a member of the Candy Executive’s Club of New York and earned Export Achievement recognition from the United States Department of Commerce.

**Section 45. Firefighter Thomas Patrick Phelan Marine Pilot**

Introduced by Council Member Menchaca

June 6, 1972 – March 16, 2018

Thomas Patrick Phelan was a ferry captain who turned his boat into a rescue vessel during the 9/11 attacks and later became a firefighter. On 9/11, he used his Statue of Liberty tour boat to join the effort in evacuating New Yorkers to safety. In 2003, he joined the FDNY and was assigned to Engine Co. 55 before becoming a marine pilot with Marine 9 in Staten Island. He died as a result of illness from 9/11.

**Section 46. Sue Amendola Way**

Introduced by Council Member Menchaca

Died in 2017

Sue Amendola was an active member of the Red Hook Community for over 70 years. She held leadership positions in the Ladies Auxiliary of the VFW NY Post 5195, Visitation of the Blessed Virgin Mary Church and the Red Hook Civic Association. She led efforts to close a number of environmentally damaging garbage transfer stations in the 1980’s and 90’s and she also successfully fought to get several traffic lights installed on Van Brunt Street and helped get Red Hook’s first bank to open on Lorraine Street. She was also very active in getting support for the Red Hook 197A plan, which was eventually approved by Community Board 6 in June 1994. Along with her sister, she decorated Red Hook streets for decades during Valentine’s Day, St. Patrick’s Day, Halloween, Thanksgiving and Christmas, among others.



### **Section 47. Zanu G. Simpson Way**

Introduced by Council Member Miller

July 9, 1985 – July 25, 2017

Zanu Simpson or Z Da Great as he's affectionately known by his friends, family, and clients, was more than a barber. He was a leader amongst his peers and in his community. He was the son of Jamaican immigrants who came to America when he was as a small child. As a young man he played sports and attended I.S 192 and Bayside High School. He was all city football quarterback and starting point guard for the Bayside basketball team. He traded his football for clippers and went into business with older brother becoming a barber. He quickly became one of the most sought after barbers in New York. When he wasn't cutting hair, he spent his time mentoring younger Rifles players and Campus Magnet football players. On his days off, he would make house calls to a young man with autism just to cut his hair and make him smile. When his beloved Rifles would host carwash fundraisers, he showed up just to donate in order to help them meet their goals even when he did not need a car wash. He held annual Back to School Picnics in which he provided a day of free food, games, tournaments, and a \$200 backpack give away filled with school supplies for the children of Hollis Queens. He spent holidays giving free haircuts to the homeless and if a single mother could not afford her sons haircut, he would offer a free haircut.

### **Section 48. Mother Coreania H. Carter Way**

Introduced by Council Member Miller

Coreania Hayman Carter (March 5, 1916 – October 14, 2014) taught at Daniel Payne College, in Alabama and Dunbar Middle School in Tucson Arizona. While an educator, she had a passion for music. She possessed a profound lyric soprano voice and was asked to perform throughout the country. She was eventually asked to join the Porgy and Bess Broadway Production, with whom she traveled extensively to over 45 different countries. Afterwards, she starred as Cindy Lou in the opera Carmen Jones. Despite her love for music, she decided to retire from signing and traveling to assist her husband in ministry. In 1940, she met Rev. Julius Ceasar Carter and in 1945, they married. In 1946, Rev Carter rejoined active duty in the military. At that time, Mrs. Carter was directing the choir at Allen AME Church, Jamaica. Those members impressed upon Mrs. Carter to ask Rev. Carter to organize a church and be its pastor and Carter Community AME Church was founded with the first services being held in Crowe Funeral Home in 1947. Many of the members were Broadway and professional musicians and performers. By 1947, Rev. Carter located a white frame building on Linden Blvd, moved the church to its first official church building location, and had their first worship service in August 1948. That building was destroyed by fire in 1952 and in 1964, they broke ground and erected a new church and senior citizen complex on the same site, where Carter Community AME Church resides. While Rev. Carter was away serving his country, Mrs. Carter held the church together, including buying bricks for the facing of the building and also jumping on oil trucks to bring oil to keep the church warm for service. In 1965, the first senior citizen complex of its kind in the state of NY was completed and was dedicated. Mrs. Carter was involved in many church ministries. Mrs. Carter organized the Bertha Faithful Missionary Society at Carter Community and served as its first president and as adviser until the end. She also was president of the AME Ministers Wives and Widows Alliance, president of the NY Interdenominational Association of Ministers Wives and Widows Alliance, Corresponding secretary of NY State and taught at the International Convention for eleven years. She is a life member of the AME Missionary Society and a life member of the International Association of Missionaries.

### **Section 49. Rev. Julius C. Carter Way**

Introduced by Council Member Miller

Coreania Hayman Carter (March 5, 1916 – October 14, 2014) taught at Daniel Payne College, in Alabama and Dunbar Middle School in Tucson Arizona. While an educator, she had a passion for music. She possessed a profound lyric soprano voice and was asked to perform throughout the country. She was eventually asked to join the Porgy and Bess Broadway Production, with whom she traveled extensively to over 45 different countries. Afterwards, she starred as Cindy Lou in the opera Carmen Jones. Despite her love for music, she decided to retire from signing and traveling to assist her husband in ministry. In 1940, she met Rev. Julius Ceasar Carter and in 1945, they married. In 1946, Rev Carter rejoined active duty in the military. At that time, Mrs. Carter was directing the choir at Allen AME Church, Jamaica. Those members impressed upon Mrs. Carter to ask Rev. Carter to organize a church and be its pastor and Carter Community AME Church was founded with the first

services being held in Crowe Funeral Home in 1947. Many of the members were Broadway and professional musicians and performers. By 1947, Rev. Carter located a white frame building on Linden Blvd, moved the church to its first official church building location, and had their first worship service in August 1948. That building was destroyed by fire in 1952 and in 1964, they broke ground and erected a new church and senior citizen complex on the same site, where Carter Community AME Church resides. While Rev. Carter was away serving his country, Mrs. Carter held the church together, including buying bricks for the facing of the building and also jumping on oil trucks to bring oil to keep the church warm for service. In 1965, the first senior citizen complex of its kind in the state of NY was completed and was dedicated. Mrs. Carter was involved in many church ministries. Mrs. Carter organized the Bertha Faithful Missionary Society at Carter Community and served as its first president and as adviser until the end. She also was president of the AME Ministers Wives and Widows Alliance, president of the NY Interdenominational Association of Ministers Wives and Widows Alliance, Corresponding secretary of NY State and taught at the International Convention for eleven years. She is a life member of the AME Missionary Society and a life member of the International Association of Missionaries.

### **Section 50. Nicholas Pennetti Way**

Introduced by Council Member Moya

Nicholas Pennetti was a beloved member of the Corona community who served in World War II with the United States Army. After the war, he became very active in his community. He was a leader in his parish, Saint Leo's, and a president of the Holy Name Society and the Golden Age Club. He served as president of the Parish Ushers and was the leader of the Corona Volunteer Ambulance Corp where he was on call twenty-four hours to ensure the safety of his community. He also served on the Community Board 3 for many years.

### **Section 51. Patrick Beckles Way**

Introduced by Council Member Moya

Patrick Beckles was very involved in civic and community activities for over 40 years. He was the president of the Ditmars Boulevard Block Association, volunteered as an auxiliary police officer with the rank of sergeant at the 115th precinct, and was a member of Community Planning Board 3, Queens as well as the East Elmhurst-Corona Civic Association, all in which he held various positions. Mr. Beckles spearheaded the revitalization of Flushing Bay and spent many hours working with the Army Corps of Engineers on the project. In 1967, he co-founded The American Small Craft Association, which, is celebrating its 51<sup>st</sup> anniversary this year and continues to be a not-for-profit, volunteer organization dedicated to the teaching of sailing and boating.

### **Section 52. Lynda McDougald Way**

Introduced by Council Member Moya

Lynda McDougald was a resident of Corona and East Elmhurst, Queens. She was very active in her community. In 1965, she moved to Curtis Street in East Elmhurst. In her youth, she attended PS 127, Flushing High School and worshipped at the Corona Congregational Church of Corona, where she was a member of the Sunbeam Choir and the Friday Youth Fellowship. In the 1960's, she was a Civil Rights pioneer. She marched on Washington with Dr. King, and participated at a sit in at the Department of Education. She founded the networking/investment group Wealth of Knowledge that is now known as Endeavors Unlimited. In 1991, she joined the staff of the Abyssinian Baptist Church and served as the membership and ministry manager. In 1978, the Curtis Street Block Association was formed, and she became one of its first members. She served as the president of the Curtis Street Block Association many times and was also the president of the East Elmhurst-Corona Civic Association. She was also a member of the Antioch Baptist Church of Corona, Community Board 3, the Jerome Hardeman Sr. Child Care center, the Frederick Douglass Democratic Association, the NAACP, and the 115<sup>th</sup> Precinct Council.

### **Section 53. Randy "Bubba" Nelson McGhee Place**

Introduced by Council Member Perkins

January 8, 1953 – May 9, 2016

Randy Nelson "Bubba" McGhee was the director of the Phipps Police Athletic League (PAL) in Harlem. Under his leadership, the Phipps PAL was the first PAL to win the National Arts Program Award. He developed

the Harlem PAL into one of the most innovative programs in New York City and he was known for admitting children even when their parents could not afford the league. He set up basketball, volleyball, dance classes, arts and crafts and other recreational opportunities for children. He received the Community Service Award, which is now known as the Randy “Bubba” Nelson McGhee Community Service Award and the Randy “Bubba” Nelson McGhee Basketball Classic tournament was named in his honor.

#### **Section 54. New York Rens Court**

Introduced by Council Member Perkins

This co-naming will commemorate the New York Rens basketball team which was the first all-black professional African-American owned basketball team. Formed in Harlem in 1923, the Rens were immediately successful and helped shift the presence of African-American sports from the amateur level to the professional level. The team won 88 consecutive games in the 1932-1933 season, which has never been matched or surpassed by a professional basketball team since. In 1939, they won the first professional basketball championship in the World Professional Basketball Tournament and they were inducted in the Naismith Basketball Hall of Fame in 1963.

#### **Section 55. Fannie Pennington Way**

Introduced by Council Member Perkins

February 1, 1914 – February 13, 2013

Fannie Pennington was an activist, organizer and fundraising coordinator for the United States Congressional Representative Adam Clayton Powell, Jr.’s Isaac Democratic Club and the Abyssinian Baptist Church A.C.P. overseas Club. She served on the Abyssinian Baptist Church Progressive Ladies Usher Board, the Welcome and Hospitality Committee, the Socialite Club, the Women’s Day Committee and the Courtesy Guild. She also welcomed, hosted and accommodated many Civil Rights leaders who visited Harlem such as, Malcolm X, Moms Mabley, Rev. Jesse Jackson and Martin Luther King, Jr. She was employed by the New York City Board of Elections and was a member of the Alfred Isaac Democratic Club. She was honored by the NAACP.

#### **Section 56. Ruby Dee Place**

Introduced by Council Member Perkins

October 27, 1922 – June 11, 2014

Ruby Dee was an actor, poet, playwright, screenwriter, journalist and civil rights activist. She was raised in Harlem and later joined the American Negro Theater while attending Hunter College. She was well known for her collaborations with her husband, actor Ossie Davis. She starred in such films and plays as the Jackie Robinson Story, 1961’s A Raisin in the Sun and 1988’s Do the Right Thing. She received an Oscar nomination for playing Mama Lucas in the film American Gangster. She was very active in the Civil Rights Movement participating in marches and speaking out for racial equality.

#### **Section 57. Ossie Davis Way**

Introduced by Council Member Perkins

December 18, 1917 – February 4, 2005

Ossie Davis was a legendary actor and activist who influenced generations with his professional achievements and humanitarian causes. He was born in Cogdell, Georgia and later moved to New York City to embark upon a writing and acting career and studied drama with Harlem’s Rose McClendon Players. He served in World War II as a surgical technician, where he developed his writing ability by creating shows for his fellow troops. After his service in World War II, he returned to United States and made his Broadway debut in 1946 appearing in “Jeb Turner.” In 1948, he married the actor Ruby Dee and together they would go on to form one of the greatest husband-and-wife teams in entertainment history. He began his cinema career in 1950, appearing with his wife in the film “No Way Out;” and starred in films like “The Cardinal” and “The Hill,” and also appeared in numerous television shows, including the acclaimed detective drama “The Outsider” and as a cast member of “The Defenders” series. He became a major force in the theater world when he wrote the hit Broadway musical “Purlie Victorious,” and was an acclaimed director of stage and screen, best known for his direction of the popular “Cotton Comes To Harlem.” He founded the innovative Third World Cinema Production Company, which assists African-American and Latino filmmakers. Throughout his career, he branched out

beyond his role as an artist and embraced the African-American struggle for equality, by being a highly visible member of the civil rights movement with his support of Paul Robeson, Malcolm X and Dr. Martin Luther King, Jr., and in his later years, as an outspoken proponent against apartheid in South Africa and for diversity in the entertainment industry. He was the recipient of numerous awards and honors including the NAACP Image Hall of Fame, the Theater Hall of Fame and the National Medal of Arts Award.

### **Section 58. Michael Lancaster Way**

Introduced by Council Member Perkins

March 30, 1954 – April 15, 2016

Michael Lancaster received recognition from the New York State Senate and the City Council for his community involvement and activism throughout his life. He was the vice president and treasurer of 5 Star Gardens, a voting member of Manhattan Land trust since its formation over 16 years ago, Community Advisory Board Member of Harlem Children's Zone, president of the 121<sup>st</sup> Street Home Owner's Association, president of the Block Association and volunteered at New York Cares. He received recognition from the New York State Senate and the City Council for his community involvement and activism. He was very involved with the New York State Nurses Association advocating for safe patient handling, safe nurse staffing and abolishing stop and frisk.

### **Section 59. Valerie M. Orridge, R.N. Way**

Introduced by Council Member Perkins

1932 – September 13, 2017

Valerie Marie Orridge was born in Harlem Hospital in 1932 and raised in Brooklyn's Bedford Stuyvesant. She attended New York City primary and secondary schools. Upon graduation from Franklin K. Lane High School, she entered the Harlem Hospital School of Nursing. Two years after completing this program she was accepted into Columbia University's Teachers College where she earned a B.S. Degree in Nursing Education. As Administrative Teacher in Charge, she taught many courses in the nursing curricula at the Manpower Development Training Program under the aegis of the New York City Board of Education. Subsequent to this experience, she was admitted into New York University where she earned a Master's Degree in Human Sexuality and Family Life. In addition to performing as a registered professional nurse at Mount Sinai Hospital, Ms. Orridge taught Sex Education to the special needs' clients at Harlem Hospital Department of Psychiatry affiliated facilities. Valerie M. Orridge was a resident of Harlem for all of her adult life. Valerie M. Orridge graduated from Harlem Hospital School of Nursing and was a registered nurse for over 50 years. She was a resident of Delano Village/Savoy Park for 50 years. Valerie M. Orridge was a tenant organizer and the President of the Delano Village/ Savoy Park Tenant Association for over 35 years. She taught generations of Harlem community residents to fight for their rights; that the power of one voice and a collective community can move mountains that change comes when people unite to support and lift up their communities and most importantly, the grace and selflessness of giving back to your community. She taught a generation of seriously and persistently mentally ill adults that dignity, courage and the right to live and experience all that life has to offer belongs to everyone, and; Valerie M. Orridge sat on the Board of Directors of the School Committee at the Cathedral School of Saint John The Divine, a position appointed by Bishop James Moore, head of the Episcopal Diocese of New York, and was the Chair of the Minority Interest Committee of the school which addressed the needs of the minority students from 1976-1980, and; Valerie M. Orridge received a Master's Degree in Human Sexuality from New York University, and was a Certified Sex Educator receiving her certification from AASECT (American Association of Sex Educators, Counselors and Therapists). Ms. Orridge taught human sexuality to the mentally challenged at Harlem House which is a part of Harlem Hospital and which solely addresses mental health issues. Valerie M. Orridge voluntarily provided sexuality education to the members/ patients of Harlem Clubhouse for more than ten years; an outpatient, psychiatric rehabilitation program based on the Fountain House model here at NYC Health and Hospitals: Harlem. She recognized the need for this very specialized and important modality early on and developed innovative interventions designed to educate, inform and guide patients/ members at Harlem Hospital Residency Training and Education Program, where she taught the importance of recognizing human sexuality among the seriously and persistently mentally ill and embracing strategies for addressing their needs. Valerie M. Orridge was the Registered Nurse for the A. Philip Randolph Senior Citizen Center until her death.

### **Section 60. Apostle William Brown Way**

Introduced by Council Member Perkins

1933 – 2009

Apostle William Brown was an international religious leader who founded Salvation and Deliverance Churches Worldwide, a non-denominational, multicultural ministry in 1975. The church was founded with a fundamental objective of preaching salvation and deliverance confirmed by signs, miracles and wonders with a worldwide evangelic underpinning. The Salvation and Deliverance Church ministry is currently located at 37 West 116<sup>th</sup> Street in Harlem, New York. The church is a six-story, privately owned building that has been the church's home since 1978 under the leadership of Apostle William Brown. He was called to the ministry in the late 1960's after evangelizing for a number of years and leaving a highly successful career as a corporate executive. Since the establishment of the church in 1975, he had over 250 churches located within the United States and in countries across the world. The Salvation and Deliverance Churches operate day care centers, clinics, Christian schools, one of the largest Christian resorts on the east coast, Bible Colleges and a transportation entrepreneurship. In addition, the congregation has an outreach ministry that feeds and clothes the hungry and homeless. He was a member of Larry Jones Feed the Children program and launched Christ Not Crack and Hope Not Dope campaigns when drug addiction was at its highest in Harlem and hosted revivals in the park preaching the Word of God. He had many accomplishments in ministry which include the building of hospitals and medical clinics in countries such as the Democratic Republic of Congo, Ghana, Zambia, Liberia, Guatemala, Nicaragua, Argentina, Jamaica and Haiti.

### **Section 61. Jimmy Breslin Way**

Introduced by Council Member Powers

October 17, 1928 – March 19, 2017

James Earle "Jimmy" Breslin was a native New Yorker, award-winning journalist, and American author. He was born in Queens and later brought a unique perspective to his writing and was known as a "street reporter" for his ability to communicate the thoughts and needs of New York's working class. He dedicated his life to using journalism as a means to a more just society, whether it was reporting on crime, or the struggles of the American working class, his veracious voice left an imprint on New York. His reporting on the "Son of Sam" killings and on the scandals of Borough President Donald Manes undoubtedly demonstrates the way he was never afraid to uncover the truth. While at the Daily News, his reporting earned him numerous accolades, including the Pulitzer Prize for Commentary and the George Polk Award for Metropolitan Reporting; but perhaps his greatest achievement was elevating New York's class consciousness. He used his position to raise the voices of those who had gone unheard, and for that he is remembered as a champion of the people. He served as the voice of this city for over 60 years as a lead columnist and was considered a leader in "New Journalism." His portrayal of President John F. Kennedy's gravedigger changed the face of journalism, and gave Americans an understanding of working-class life. This style of reporting, now referred to as the "Gravedigger Theory," is taught in journalism schools across the country, proving that his influence spans lifetimes. He has amassed over 6,000 newspaper columns; 1,500 major magazine pieces; and 20 books; three of them bestsellers.

### **Section 62. Jack Rudin Way**

Introduced by Council Member Powers

June 28, 1924 – December 4, 2016

Jack Rudin was an owner and developer of New York real estate and was president and chairman of Rudin Management. He oversaw the design and construction of an office tower at 345 Park Avenue in Manhattan that occupies a full block bordered by 51<sup>st</sup> and 52<sup>nd</sup> Streets and Lexington Avenue, 1 Battery Park Plaza and three Times Square housing Thomson Reuters at 42<sup>nd</sup> Street. He served in the United States Army in 1942 and served as a Staff Sergeant under General George Patton. He was a member of The Rolling W, 89<sup>th</sup> Infantry Division and was among the soldiers who liberated Nazi concentration camps. He later received the Bronze Star for heroic and meritorious service in combat. He along with his brother provided the initial sponsorship of the New York Marathon and the trophy is named in memory of their father. He also served on the boards of the Memorial Sloan-Kettering Cancer Center, Jazz at Lincoln Center, the American Museum of Natural History and Congregation Shearith Israel.

**Section 63. Avellar G. Hansley Place**

Introduced by Council Member Reynoso

Died May 12, 2017

Avellar G. Hansley was the founder and president of the Linden-Bushwick Block Association. She received numerous awards for her work in her community such as the Certificate of Honor from the Kings County District Attorney's Office, a New York State Assembly Citation, a New York State Assembly Certificate of Merit and a Certificate of Special Congressional Recognition that will provide recognition on the file at the Library of Congress in Washington, DC. She also served on Community Board 4, the 83<sup>rd</sup> Precinct Council and the Democratic Club.

**Section 64. Rev. Freddie Brunswick Way**

Introduced by Council Member Richards

September 27, 1927 – February 27, 2018

Rev. Freddie Brunswick was born in Jacksonville, Florida. He was drafted into the United States Military and served until 1949. After having attended the National Baptist Convention in New York City, he moved to Harlem, New York in 1951 and joined the Southern Baptist Church where he preached his trial sermon under the leadership of Rev. C. B. Wilson. His ministry pursuits led him to the Mount Nebo Baptist Church where he was ordained to Christian Ministry. His zeal to give the Lord the best of his service, caused Rev. Brunswick to enhance his religious education through the Union Theological Seminary. Early in his ministry, he was called to pastor the Mt. Cellar Baptist Church in Harlem, it was there he met and married the former Shirley Edmonds. He was later called to pastor the Mt. Zion Baptist Church in Jamaica, New York. In September 1964, the Lord led Pastor Brunswick to organize along with several others, the Salem Missionary Baptist Church, where he served as the Pastor and Founder for over 42 years. Pastor Brunswick has served the church and community well. He has led many community actions that have benefitted the Queens residents and continues to be active in public and denominational affairs and has had the distinction of being the Senior Baptist Pastor in Queens. He maintained friendships with many Civil Rights Movement leaders, including Rev. Jesse Jackson, Rev. Al Sharpton, Rev. Dr. Wyatt T. Walker, among others. Throughout his ministry, he participated and led several marches, protests, sit-ins, and community actions. Notably, his efforts led to maintaining the campus of York College in its current location as a benefit to the Southeast Jamaica community and the development and sustaining of the Springfield Gardens Civic Association. He was a mentor to countless Baptist ministers throughout the United States and was known throughout the National Baptist Convention, Empire Missionary Baptist State Convention and Eastern Baptist Association as "Uncle Freddie." He participated in numerous ordination councils, seminars, workshops and training sessions for new ministers and pastors. He was the former President of the Sunday School and Baptist Training Union (BTU) Department, served as the Chairman of the Trustee Board of the Eastern Baptist Association and was the former President of the Baptist Ministers Conference of Queens, NY. He served for several years as the Musical Director for the Baptist Ministers of New York City and Vicinity and was a member of numerous organizations and received many awards, plaques, and citations for his many years of service and dedication to the Christian Community. In 2006, he received an honorary Doctor of Divinity degree from the New Freedom Bible College which recognized his long service to both the church and community.

**Section 65. Joseph Papp Way**

Introduced by Council Member Rivera

June 22, 1921 – October 31, 1991

Joseph Papp was considered the single most creative and controversial figure in American theater. He founded the New York Shakespeare Festival in 1954 which was the first company to offer free productions of Shakespeare, with an emphasis on an American style of performance in the United States. The festival performed in the New York City's parks and opened its permanent, open-air home in Central Park, the Delacorte Theater in 1962. The Festival expanded in 1967, as the Public Theater opening in the landmark Astor Library building in the East Village. The company renovated the building to house five theaters where new works were displayed becoming one of the pioneers of the nonprofit theater movement in the City and across the United States. He launched over 900 productions changing the face of American theater and produced groundbreaking works by American playwrights.

**Section 66. Isaiah “Obie” Bing Way**

Introduced by Council Member Rodriguez

Died January 18, 2018

Isaiah Bing was an active community leader and environmental advocate who was an expert in Brownfield, subsurface infrastructure and waterfront remediation. He served as an environmental adviser to elected officials, First Vice Chair of CB12, was a member of the Land Use Committee of CB 12 and former Co-Chair of the Health and Environmental Committee of CB 12. He testified before the New York State Environmental Conservation Committee regarding pollution from the North River Sewage Treatment Plant and continued to alert political leadership to environmental health hazards in northern Manhattan throughout his career. He was a co-founder and president of both the Barack Obama Democratic Club and the Uptown Community Democratic Club which were multi-ethnic forces for progressive politics in uptown neighborhoods. He was also a member of the New York Presbyterian Hospital/Columbia Community Leadership Council and Conservancy North, a non-profit organization dedicated to ensuring that public spaces in northern Manhattan are guided by the needs of the community and planned comprehensively to improve quality of place.

**Section 67. Luís Días Way**

Introduced by Council Member Rodriguez

June 21, 1952 – December 8, 2009

Luís Días was a Dominican folk and rock guitarist, singer and composer. He was an influential musician in both the traditional and contemporary music area. He began as guitarist and singer for the band Convite but went on to become the most important and prolific Dominican composer of our time. He was known for his bold musical fusions and myriad styles. Many called him the “Father of Dominican rock.” He mixed rock, reggae, jazz and blues with over 40 native rhythms of the Dominican Republic, including merengue, bachata and mangulina. More than 300 of his compositions have been recorded by different artists and music bands. He lived in New York from 1980 to 1982, where he taught Dominican traditional music workshops at the American Museum of Natural History. In 1982, he formed the legendary Dominican rock band Transporte Urbano, which mixed a wide range of musical styles, including bachata and heavy metal. From 1999 to 2000, he was the vice-director of Casa De La Cultura Dominicana, an organization responsible for promoting Dominican Culture in New York City and authored many books, including "Tránsito Entre Guácaras", a poem book that recreates Taíno myths. Throughout his life he received many international awards and recognitions and was a cult figure who transformed contemporary Dominican music forever.

**Section 68. Bishop Arnulfo Romero Way**

Introduced by Council Member Rodriguez

August 15, 1917 – March 24, 1980

Bishop Arnulfo Romero was ordained in April 1942. He spoke against poverty, social injustice, assassinations and torture in El Salvador. He was a popular preacher who responded with real compassion to the plight of the poor. For 25 years, he gave dedicated pastoral service to the diocese of San Miguel. He was assassinated while offering Mass in the chapel of the Hospital of Divine Providence. Thirty-five years later, he was declared a martyr of the Church, killed out of hatred of the faith and was beatified on May 23, 2015.

**Section 69. Normandía Maldonado Way**

Introduced by Council Member Rodriguez

Died February 8, 2018

Normandía Maldonado was a staunch advocate and leader in the Dominican community. She co-founded Club Civico y Cultural Juan Pablo Duarte, Inc. currently known as the Instituto Duarteano de los Estados Unidos, Inc, the second oldest Dominican cultural organization in New York. The organization is responsible for the creation of the statue of Juan Pablo Duarte, the founding father of the Dominican Republic, on the Avenue of Americas. She also co-founded the Centro Cultural Ballet Quisqueya in 1967 and also co-founded the Dominican Day Parade, Inc. She was very dedicated to teaching children about Dominican traditions and customs in both the Dominican Republic and New York. She was honored by local organizations and institutions, such as Alianza Dominicana and the Dominican Folklore Hall of Fame.

### **Section 70. Pamela North Way**

Introduced by Council Member Rodriguez

March 9, 1951 – January 4, 2018

Pamela North was an advocate and innovator in the fields of organization training and development, forging successful partnerships and consulting relationships with numerous U.S. and international entities. In the summer of 2006, she was commissioned by the deputy prime minister of Trinidad and Tobago to co-direct a four-week executive and management development program for the ministers of government, who were responsible for implementing the nations large-scale systems change program, Vision 2020. And in her capacity as the architect of large-scale intervention on talent retention for the Interpublic Group Advertising Agencies, she was the Co-Director of the Or Dyne Global Virtual Teams Conference—one of the first virtual global conferences organized to engage both industry leaders and academics on the impact of virtual group work on collaboration in the virtual workplace. She was a long serving member of Community Board 12, and the chair for the maximum two-year term. She was also on the Board of Directors for the Morris-Jumel Mansion, and was its current Chairperson. She also served as the President of the Metropolitan chapter of Jack and Jill, for two terms, during her children’s school years. She also served on the Upper Manhattan Empowerment Zone Board of Directors as Vice Chairperson; was a founding member of the Metropolitan Museum of Art’s Trustee Multicultural Committee Initiative and served many community advisory boards for NY Presbyterian Hospital. She also managed to serve as the Chair of the Education Commission at Riverside Church and was on the Board of the 168th St. Armory Track Foundation. Pam was a wonderful parent, committed wife, and a driven individual dedicated to serving her community.

### **Section 71. Carmen Giorgina Acosta-Cruz Way**

Introduced by Council Member Rodriguez

Carmen was born in Santo Domingo, Dominican Republic immigrating with her to New York City in 1965 Carmen Georgina was a dedicated ambitious and forthcoming community activist Carmen had an innate ability to lead in critical times and a steadfast dedication in the face of challenges. After graduating first in her class from Mother Cabrini High School Carmen earned A Bachelor's degree in Nuclear Engineering from City College & A Bachelor's degree in Labor Laws from Queens College. Carmen worked spiritedly to advocate for education, activism and collaboration Carmen was a tireless, unwavering community activist whose words and commitment evolved in achievements Professional Memberships and Affiliations: Carmen served as president of the Asociación de Mujeres Progresistas launching two programs that were very close to her heart: Play Street and Dance Exercise Carmen served as labor activist for the 1199SEIU with honor compassion and integrity. Carmen was an active member of the People Health Movement-a worldwide network of grassroots health care activists. Carmen was an active a member of the Organización Dominicana por la Salud- bringing medication/medical equipment to the underprivileged population. Carmen was a pioneer in the struggle for Rights Equality: for men and women regardless of their sexual orientation Carmen was a committed Activist and advocate for LGTB: Marriage Equality Campaign.

### **Section 72. Rafael Corporán de los Santos Way**

Introduced by Council Member Rodriguez

July 22, 1937 – March 5, 2012

Rafael Corporán de los Santos was a TV producer, TV host, entrepreneur, political figure and philanthropist from the Dominican Republic. He achieved notoriety through radio and television. Through his radio show, he offered food products to his listeners through telephone contests. In the 1980's, Sábado De Corporán aired on Dominican television and was later awarded as the best weekly variety show. He was also paid tribute to Color Vision for his 25 years uninterrupted on television. He created Noticiario Popular, a radio newscast that hosted many eventual well-known journalists and artists. He pursued the candidacy for trustee for the Santo Domingo by the Constitutional Action Party but did not win.

### **Section 73. John Brian Murtaugh Way**

Introduced by Council Member Rodriguez

John Brian Murtaugh was a Mariner, New York State Supreme Court Drug Specialist, and a State Assemblyman for 16 years. He spent most of his life living in Inwood, New York City, and was dedicated to



serving his community. John graduated from Elmira Free Academy, and later earned a graduate degree in Business from Columbia University. He also served as an adjunct professor at the City College of New York, and Baruch College-CUNY.

#### **Section 74. Samuel A. Browne, Sr. Way**

Introduced by Council Members Rose and Matteo

1873 – 1970

Samuel Browne was born in Washington, D.C. and enlisted in the Army in 1898 during the Spanish American War. After the war, he eventually purchased a home for him and his family in Castleton Corners, Staten Island. During this time in 1924, Castleton Corners was an all-white neighborhood. When neighbors heard that an African-American family had moved into the area, they lobbied together to try and purchase the house to get the Browne family out of the neighborhood. When that failed, marches and demonstrations were organized outside their home. Rocks were thrown at the house, their lawn and hedges were destroyed and crosses were burnt on the lawn with letters sent to the house signed by the KKK. His children were verbally and physically abused while they attended PS 29. These acts of violence and abused occurred for over a year until a group of African-Americans banded together to form the Staten Island Chapter NAACP to help provide support and assistance for the Browne family.

#### **Section 75. Monsignor James J. Dorney Way**

Introduced by Council Member Rose

Monsignor Dorney was ordained a priest in 1958, and served in the Bronx and Manhattan before he came to Staten Island in 1976. He served as assistant pastor of St. Margaret Mary R.C. Church in Midland Beach until 1983, when he was assigned as pastor of St. Peter's where he served for the remainder of his life. He was elevated to monsignor in 1995 by Pope John Paul II. He served as chaplain to the U.S. Coast Guard, the New York Police Department, the Ancient Order of Hibernians, the Knights of Columbus and the Richmond Division Holy Name Society. He was a trustee emeritus of Richmond University Medical Center and a board member emeritus of Project Hospitality. He also was a member of the Ancient Order of Hibernians and an honorary member of the Notre Dame Club of Staten Island. He took part in the annual Unity Night service that brings together Staten Island's Christians and he was there at most ecumenical and interfaith events. Most recently he took part in the September 11 "Eve of Solemn Remembrance" service honoring victims of the World Trade Center attacks. As pastor of St. Peter's he believed in opening the church to the community. A strong supporter of the arts, he often invited music, drama and arts organizations to perform there. In 2008, he marked his 50th anniversary in the priesthood, where he was honored at a round of celebrations.

#### **Section 76. Beulah Sanders Way**

Introduced by Council Member Rosenthal

January 14, 1938 – November 4, 1984

Beulah Sanders was a relentless advocate for welfare recipients' rights. Born in North Carolina, she moved to New York City at age 22 in 1957. She was a founding member of the National Welfare Rights Organization (NWRO) and was elected as its chair multiple times. She served as a voice for her family, her community and every poor mother throughout the United States. During the Nixon administration, she and the NWRO were active in the face of new federal work requirements for welfare in the form of the Family Assistance Plan. During its time in Congress, she fought to get the voices of those on welfare, particularly those of urban mothers, heard to the senate committee members in charge of the legislation. The NWRO served as an incredibly powerful advocate for poor women and children to be collectively heard in government. Sander's tenure as chair of the NWRO coincided with one of the most active points of the NWRO's existence as many conservatives looked to further restrict the extent of welfare within the United States. In New York City, she led a march of nearly 2,000 mothers through the rain to demand the city's welfare commissioner provide the long awaited clothing vouchers for children before the school year started. In 1967, when the clothing grants had stalled, she directly confronted Mayor John Lindsay with a press conference and occupation of the steps of City Hall. With these marches, she was able to garner significant media attention and use the newfound momentum to help launch the NWRO. With support from labor groups, tenants organizations and anti-Vietnam activists, as well as a strong source of funding in the Community Action Program, she helped build and eventually became the chair of the largest welfare rights

group throughout the entire United States with over 100,000 members. She also attended numerous international peace conferences in war torn parts of the world, such as Vietnam. In 1968, she became an educative force to Dr. Martin Luther King, Jr. and along with the NWRO, provided him and his associates with a basic understanding of the welfare system. Welfare reform quickly became an integral part in the Poor People's Campaign spearheaded by Dr. Martin Luther King, Jr. and provided a strong link between the civil rights and anti-poverty movements. Her activism continued until her death in 1984 and provided a platform from which many more marginalized women and children have had a voice both locally and nationally.

#### **Section 77. The Chantels Hit Record "Maybe"**

Introduced by Council Member Salamanca, Jr.

"Maybe" by The Chantels was written in by Arlene Smith when she was 16 years old. It was recorded at a church in midtown Manhattan in October 1957, while the group were all still in high school at St. Anthony of Padua in the Bronx. The song was released in December 1957 and it is ranked No. 199 by Rolling Stone on its list of the 500 Greatest Songs of All Time.

#### **Section 78. Officer Thomas P. Ruotolo Corner**

Introduced by Council Member Salamanca, Jr.

Officer Thomas P. Ruotolo was killed in the line of duty on February 14, 1984 responding to a call at the corner of 149<sup>th</sup> Street and Bruckner Avenue in the Bronx. A three-year member of the force, assigned to the 41<sup>st</sup> Precinct, Officer Ruotolo received eight citations for outstanding service in his time with the NYPD. Officer Ruotolo graduated from Long Island University with a master's degree in criminal justice.

#### **Section 79. Archbishop Anthony R. Monk Sr. Way**

Introduced by Council Member Samuel

Anthony R. Monk, Sr. was very active in the community for over 65 years. He spent his teenaged years as a drug dealer, thief and gun-maker. He turned to God and later after his father's passing, took over managing Monk's Memorial Non-Denominational Church. He was the Chief Pre-Late of a Non-Denominational Organization with churches from New England to Florida and to the Dominican Republic. He consecrated over 25 Bishops and trained over 500 preachers and pastors. In his community, he helped establish businesses, healthcare centers and affordable housing. He also assisted in cleaning out crack houses and helped ex-offenders get help and become more productive in society.

#### **Section 80. Detective Miosotis Familia Way**

Introduced by Council Member Torres

Miosotis Familia worked as a nurse at NYU Langone Medical Center and as a medical assistant for the Red Cross before joining the NYPD in 2005. She was assigned to the 46<sup>th</sup> Precinct. She was the first female NYPD officer killed in the line of duty since 9/11 and only the third female officer killed in a combat-type encounter in NYPD history.

#### **Section 81. Lynn Wonsang Way**

Introduced by Council Member Torres

February 8, 1950 – July 13, 2008

Lynn Wonsang founded Unique People Services (UPS), an organization that provides shelter, food and counseling for formerly homeless individuals often struggling with health challenges. Its Housing Opportunities for Persons with AIDS program serves over 200 clients, while its day habilitation programs offer and array of activities to those with physical disabilities. It operates 24 housing programs in four boroughs and Westchester. UPS also opened Lynn's Place, the agency's first affordable housing complex which includes 69 mixed-use units, 42 of which are allocated to formerly homeless individuals with mental illness and will also include on-site support services.

### **Section 82. Emmanuel Mensah Way**

Introduced by Council Member Torres

Emmanuel Mensah was from Ghana, Africa and later moved to the United States. He became a Private 1<sup>st</sup> Class in the New York National Guard and was training to be a military police officer. He was killed while trying to rescue people from a building fire in the Bronx where he lived. He was able to save four people, but on his third attempt to go back into the building, he was not able to find his way out. He was posthumously awarded The Soldier's Medal, a medal that is the United States Army's highest award for heroism that occurs outside of combat and the New York State Medal of Valor.

### **Section 83. US Navy Seaplane Division One Way**

Introduced by Council Member Ulrich

In April of 1919, the US Navy created Naval Seaplane Division One, a unit comprised of four NC (Navy Curtiss) seaplanes with the explicit purpose of planning and executing the first transatlantic flight. Hundreds of Naval personnel, including pilots, mechanics, riggers and support staff were transferred to the Rockaway Naval Air Station with employees from the Curtiss Aviation Company, to accomplish this mission. The parts for the aircraft were built at factories in Manhattan, Massachusetts, Rhode Island, and Garden City, Long Island and assembled and flight-tested in Rockaway. On May 8, 1919, three of the aircraft took off from Jamaica Bay off Rockaway with planned stops in Nova Scotia, Newfoundland, the Azores, and Lisbon. On May 27, 1919, one of the aircraft, the NC-4, landed in Lisbon, becoming the first aircraft to fly across the ocean. The other two aircraft had mechanical issues and only made it as far as the Azores. Navigator (Navy LCDR) Albert Read, Pilots (Navy Lt.) Walter Hinton and (CG Lt.) Elmer Stone, (Navy Lt.) Radioman Herbert Rodd, and mechanics (Navy CMM) Eugene Rhoads and (Navy CMM) James Breese were honored for being "First Across." Four days later, the crew completed the mission by flying to Plymouth, England to commemorate the 400<sup>th</sup> anniversary of the Pilgrims sailing in the opposite direction. Crew members were celebrated by Kings and Prime Ministers in Europe, and later-President Wilson here in the United States. The street co-naming will take place on/about May 8, 2018, one year prior to the 100<sup>th</sup> anniversary of this historic occasion, when many events including a ceremony, flyover, flight re-enactment, and local gallery exhibitions are planned.

### **Section 84. Shri Prakash Gossai Marg Way**

Introduced by Council Member Ulrich

Mr. Shri Prakash Gossai, born on April 25, 1953, in Mahaica Creek, Guyana, was internationally known and loved. He came to the United States in 1983 on a teaching scholarship for marine biology and taught for 10 years at Thomas Jefferson High School, serving underprivileged youth. He had a strong connection to spirituality and went to India for an intensive study of Vedant Hindu philosophy. After his studies, he founded the Bhuvaneshwar Mandir in 1984 in Brooklyn and then founded the Queens branch located at 86-01 101<sup>st</sup> Avenue in 2004. At Bhuvaneshwar Mandir, he was able to distill the high-level wisdom he attained in India, and verbally package it into easily accessible, practical, and inspirational advice on how one can live life efficiently while striving for peace in the world. Mr. Gossai went back to Guyana in 2006 as the Spiritual Advisor to the President of Guyana. This was his dream and it was there that his millions of devotees around the world learned of his ultimately passing in 2009. For three straight days, more than 10,000 people came to Grace Funeral Chapel to mourn his passing in 2009—the largest service the chapel had ever held.

### **Section 85. Maria Thomson Way**

Introduced by Council Members Ulrich and Holden

Died January 2018

Maria Thomson was a strong community advocate and leader. She served as president of the 102<sup>nd</sup> Precinct Community Council, executive director of the Greater Woodhaven Development Corporation, founder of the Woodhaven Business Improvement District and also served as a member of Community Board 9 and the Woodhaven Residents' Block Association. She was the founder of the Woodhaven Residents' Security Patrol and was named the first and only 102<sup>nd</sup> Precinct Honorary Police Officer of the Month and actively worked to keep Fire Engine Company 293 open during the Bloomberg administration.

**Section 86. Rev. Lawrence E. Lynch Memorial Triangle**

Introduced by Council Member Ulrich

Lawrence E. Lynch was assigned to the 69th Infantry Regiment during WWII. He tended to the mortally wounded offering comfort and gave last rites to hundreds of the 20,000 American soldiers that lost their lives in the battle on Okinawa. He was killed on April 25, 1945 in battle while reading the last rites to a mortally wounded soldier.

**Section 87. James J. Frawley Way**

Introduced by Council Member Van Bramer

April 11, 1949 – October 17, 1998

James Frawley was a lifelong Woodside resident who served with the 101<sup>st</sup> Airborne Division of the United States Army as a Combat Medic during the Vietnam War. He was the recipient of a Silver Star medal and two Bronze Stars. He also received two Air Medals and a Combat Medical Badge.

**Section 88. Murray Fox Way**

Introduced by Council Member Van Bramer

1927 – 2015

Murray Fox served in the United States Navy and later was a long-time Sunnyside resident who was active in the Kiwanis Club of Sunnyside for over 20 years serving as president for a number of those years. He also served as the Kiwanis Club Lt. Governor of the Queens West Division. He also operated Fox's Variety Store on the north side of Greenpoint Avenue and was very involved with charitable events throughout the community.

**Section 89. Alexander M. Bing Place**

Introduced by Council Member Van Bramer

Alexander M. Bing founded Bing and Bing with his brother Leo, one of New York City's most important real estate developers in the early 20<sup>th</sup> century. He was also a member of the Regional Planning Association of America, president and chief financier of the City Housing Corporation and co-founder of the Friends of Whitney Museum of American Art and a board member of the museum. He founded the City Housing Corporation, a limited dividend construction company whose mission was to develop affordable residences for the middle class. He frequently called on charitable foundations and insurance companies to set aside a small portion of their resources to fund projects in Sunnyside, Queens. In Sunnyside Gardens, he effectively persuaded his fellow investors to set aside nearly 3 acres in order to provide the largest private park in New York City, a playground for children and adults of the neighborhood, which became Sunnyside Park, which opened on May 18, 1926.

**Section 90. Tibet Way**

Introduced by Council Member Van Bramer

This co-naming will commemorate the location of the Tibetan Community of New York and New Jersey, Inc. (TCNYNJ). The Tibetan Community of New York & New Jersey is the center of the largest concentration of Tibetans in the Americas with around 12,000 Tibetan Americans who first started to come to America in the early 1960's. The center has been working to preserve the Tibetan language, culture, and customs as members of the community face challenges of adapting to a new society, while maintaining their own. The TCNYNJ was established in 1979 and has been working for decades to support the community.

**Section 91. Toussaint L'Overture Boulevard**

(Introduced by Council Member Williams and Cumbo)

Toussaint Louverture, originally François Dominique, a Haitian general, now known as "the Precursor." Born of slave parents near Cap-Français, Saint-Domingue (now Cap-Haïtien, Haiti), Toussaint was self-educated. He acted as physician to the insurgent army and became a leader of the Haitian slave revolt, a 1791 black slave uprising against the French colonial regime. After France abolished slavery in the territory in 1794, Toussaint supported the French rulers of the country against British invaders and was made a general in 1795. In 1801 he succeeded, after many struggles, in liberating Saint-Domingue from French control and became president for life of a new republic. In 1802 Napoleon sent troops under the command of his brother-in-law, General Charles Victor Emmanuel Leclerc, to subdue the Haitians. Toussaint was defeated, captured, and

accused of conspiracy. He was taken to France, where he was imprisoned at Fort-de-Joux, and died the next year. He is honored today as one of the founders and heroes of Haiti.

### **Section 92. Firefighter William J. Gormley Way**

Introduced by Council Member Williams

Died June 14, 2017

William J. Gormley was a veteran of the United States Marine Corps. and later joined the FDNY in 1988. He retired from the East Flatbush Ladder Company 174 in 2006. He died as a result of illness from being a first responder on 9/11.

### **Section 93. Vito Marcantonio Lucky Corner**

Introduced by Council Member Ayala

The Lucky Corner is located on East 116th Street and Lexington Avenue, a site that represented both a crossroads and a borderline. Located on this corner was a subway stop for East Harlem's sole subway line, and cross-town as well as north-south buses traversed this corner. Lexington Avenue also signified the informal border between Italian Harlem--America's largest Little Italy—and Jewish East Harlem which was gradually replaced by El Barrio, the largest Puerto Rican community in the United States. Also, East 116<sup>th</sup> Street is East Harlem's major shopping street. Closer to the East River it served as Italian Harlem's corso, the street where the doctors, dentists, and political leaders lived. From 1924 until the 1960's, the Lucky Corner was the site of Election Eve rallies. The first took place in 1924 when "Marcantonio introduced Fiorello La Guardia," who was running for his second Congressional term from the East Harlem district.

### **Section 94. Reverend Dr. Samuel G. Simpson Way**

Introduced by Council Members King and Torres

Samuel Simpson was born in Jamaica, West Indies and later relocated to the United States in the early 1960s. He was ordained at Evergreen Baptist Church in Brooklyn, N.Y., in 1963 and pastored Bronx Baptist Church for 45 years and Wake-Eden Community Baptist Church 39 years. He received a Master of Professional Studies from New York Theological Seminary, was a Merrill Fellow at Harvard Divinity School, and a Senior Common Fellow at Regents Park College of Oxford University. He received honorary doctorates from Asia Bible College and Martha's Vineyard Theological Seminary. He served two terms as president of the Baptist Convention of New York, was the founding pastor of the Bronx Baptist Church and Wake-Eden Community Baptist Church, both in New York, and was a Home Mission Board (North American Mission Board) missionary. He was often called the "Bishop of the Bronx" who helped pave the way for African-Americans to serve in Southern Baptist life. He was a founding member and two-term president of the Clergy Coalition of the 47<sup>th</sup> Precinct of New York and was chairman of the Board for the Council of Churches of the City of New York. He was instrumental in founding several New York churches, including Protestant Community Church in Northern Bronx, Honeywell Baptist Chapel and New Hope Mission in Spring Valley, and Grace Baptist Chapel in the Bronx.

### **Section 95. Reverend Dr. Samuel G. Simpson Way**

Introduced by Council Members King and Torres

Samuel Simpson was born in Jamaica, West Indies and later relocated to the United States in the early 1960s. He was ordained at Evergreen Baptist Church in Brooklyn, N.Y., in 1963 and pastored Bronx Baptist Church for 45 years and Wake-Eden Community Baptist Church 39 years. He received a Master of Professional Studies from New York Theological Seminary, was a Merrill Fellow at Harvard Divinity School, and a Senior Common Fellow at Regents Park College of Oxford University. He received honorary doctorates from Asia Bible College and Martha's Vineyard Theological Seminary. He served two terms as president of the Baptist Convention of New York, was the founding pastor of the Bronx Baptist Church and Wake-Eden Community Baptist Church, both in New York, and was a Home Mission Board (North American Mission Board) missionary. He was often called the "Bishop of the Bronx" who helped pave the way for African-Americans to serve in Southern Baptist life. He was a founding member and two-term president of the Clergy Coalition of the 47<sup>th</sup> Precinct of New York and was chairman of the Board for the Council of Churches of the City of New York. He was instrumental in founding several New York churches, including Protestant Community Church in Northern Bronx, Honeywell Baptist Chapel and New Hope Mission in Spring Valley, and Grace Baptist Chapel in the Bronx.

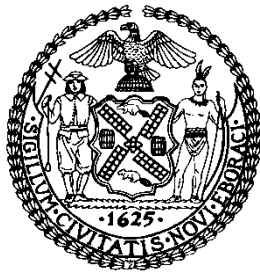
**Section 96. The REPEAL of Sections 10, 25, 27, 35 and 52 of Local Law number 237 for the year 2017.** This section repeals Sections 10, 25, 27, 35 and 52 of Local Law number 237 for the year 2017.

**Section 97. The REPEAL of Section 22 of Local Law number 110 for the year 2017.** This section repeals Section 22 of Local Law number 110 for the year 2017.

**Section 98. The REPEAL of Section 12 of Local Law number 45 for the year 2017.** This section repeals Section 12 of Local Law number 45 for the year 2017.

**Section 99. The REPEAL of Section 7 of Local Law number 68 for the year 2001.** This section repeals Section 7 of Local Law number 68 for the year 2001.

*The following is the text of the Fiscal Impact Statement for Int. No. 988:*



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

**PROPOSED INTRO. NO: Pre-Considered Int. 988**

**COMMITTEE: Parks and Recreation**

**TITLE:** A Local Law in relation to the naming of ninety-five thoroughfares and public places.

**SPONSOR (S):** By The Speaker (Council Member Johnson) and Council Members Ayala, Borelli, Chin, Cohen, Constantinides, Cumbo, Deutsch, Espinal, Gibson, Gjonaj, Grodenchik, Holden, King, Koslowitz, Levin, Maisel, Matteo, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Samuel, Torres, Ulrich, Van Bramer and Williams.

In relation to the naming of 95 thoroughfares and public places, Firefighter William E. Woodlon Place, Borough of Manhattan, 111<sup>th</sup> Street Old Timers Way, Borough of Manhattan, Joseph Calabria Way, Borough of Staten Island, Mill Street Synagogue/Gershon Mendes Seixas Way, Borough of Manhattan, Sgt. John McCormick Street, Borough of the Bronx, Mary Vallati Place, Borough of the Bronx, AKTINA FM Way, Borough of Queens, Frank and Doris Bell Way, Borough of Brooklyn, Sarah and Michael Behrman Way, Borough of Brooklyn, Special Agent Edwin R. Woodruffe Way, Borough of Brooklyn, Sofia Vinokurov & Mark Rakhman Place, Borough of Brooklyn, Rabbi Dr. Eli B. Greenwald Way, Borough of Brooklyn, Lester's Way, Borough of Brooklyn, Police Officer Leon Fox Way, Borough of Brooklyn, Specialist Rasheed Sahib Way, Borough of Brooklyn, Bishop John L. Smith Way, Borough of Brooklyn, Joanne Webb-Dixon Way, Borough of the Bronx, ILL. RTE. REV. IDUS A. NUNN SR. PLACE, Borough of the Bronx, Sandra Tremble Way, Borough of the Bronx, Detective Joseph G. Lemm Way, Borough of the Bronx, William J. Madonna Way, Borough of the Bronx, Joe Blandino Way, Borough of the Bronx, Blanche Comras Rifkin Way, Borough of the Bronx, Ahmadiyya Way, Borough of Queens, Armenia Way, Borough of Queens, Bayside Hills 9/11 Memorial Way, Borough of Queens, Forest Park Memorial Drive, Borough of Queens, FDNY Paramedic Lt. Mario Bastidas Way, Borough of Queens, Muhammad Ali Way, Borough of Manhattan, Mary Audrey Gallagher Way, Borough of Queens, Lucy and Lenny Cecere Way, Borough of Manhattan, Andy "Pops" King Jr. Way, Borough of the Bronx, Sandra Gresham Way, Borough of the Bronx, Walter Becker Way, Borough of Queens, Ida B. Wells

Place, Borough of Brooklyn, American Hero Sergeant Roshain E. Brooks Way, Borough of Brooklyn, Joseph L. Cugini Way, Borough of Staten Island, SPC Marcus Brown Way, Borough of Staten Island, Edward Colucci Way, Borough of Staten Island, Retired NYPD Captain Carmine Cantalino Way, Borough of Staten Island, Edgar Meekins Way, Borough of Staten Island, John V. LaFemina Way, Borough of Staten Island, Mario R. Ariemma Way, Borough of Staten Island, George Kaye Katsoris Candy Man Way, Borough of Staten Island, Firefighter Thomas Patrick Phelan Marine Pilot, Borough of Brooklyn, Sue Amendola Way, Borough of Brooklyn, Zanu G. Simpson Way, Borough of Queens, Mother Coreania H. and Rev. Julius C. Carter Way, Borough of Queens, Nicholas Pennetti Way, Borough of Queens, Patrick Beckles Way, Borough of Queens, Lynda McDougald Way, Borough of Queens, Randy “Bubba” Nelson McGhee Place, Borough of Manhattan, New York Rens Court, Borough of Manhattan, Fannie Pennington Way, Borough of Manhattan, Ruby Dee Place, Borough of Manhattan, Ossie Davis Way, Borough of Manhattan, Michael Lancaster Way, Borough of Manhattan, Valerie M. Orridge, R.N. Way, Borough of Manhattan, Apostle William Brown Way, Borough of Manhattan, Jimmy Breslin Way, Borough of Manhattan, Jack Rudin Way, Borough of Manhattan, Avellar G. Hansley Place, Borough of Brooklyn, Rev. Freddie Brunswick Way, Borough of Queens, Joseph Papp Way, Borough of Manhattan, Isaiah “Obie” Bing Way, Borough of Manhattan, Luis Díaz Way, Borough of Manhattan, Bishop Arnulfo Romero Way, Borough of Manhattan, Normandía Maldonado Way, Borough of Manhattan, Pamela North Way, Borough of Manhattan, Carmen Giorgina Acosta-Cruz Way, Borough of Manhattan, Rafael Corporán de los Santos Way, Borough of Manhattan, John Brian Murtaugh Way, Borough of Manhattan, Samuel A. Browne, Sr. Way, Borough of Staten Island, Monsignor James J. Dorney Way, Borough of Manhattan, Beulah Sanders Way, Borough of Manhattan, The Chantels Hit Record “Maybe”, Borough of the Bronx, Officer Thomas P. Ruotolo Corner, Borough of the Bronx, Archbishop Anthony R. Monk Sr. Way, Borough of Brooklyn, Detective Miosotis Familia Way, Borough of the Bronx, Lynn Wonsang Way, Borough of the Bronx, Emmanuel Mensah Way, Borough of the Bronx, US Navy Seaplane Division One Way, Borough of Queens, Shri Prakash Gossai Marg Way, Borough of Queens, Maria Thomson Way, Borough of Queens, Rev. Lawrence E. Lynch Memorial Triangle, Borough of Queens, James J. Frawley Way, Borough of Queens, Murray Fox Way, Borough of Queens, Alexander M. Bing Place, Borough of Queens, Tibet Way, Borough of Queens, Jean-Jacques Dessalines Boulevard, Borough of Brooklyn, Toussaint L’Overture Boulevard, Borough of Brooklyn, Firefighter William J. Gormley Way, Borough of Brooklyn, Vito Marcantonio Lucky Corner, Borough of Manhattan, Samuel Simpson Way Borough of the Bronx, Samuel Simpson Way, Borough of the Bronx and the repeal of sections 10, 25, 27, 35 and 52 of local law number 237 for the year 2017, section 22 of local law number 110 for the year 2017, section 12 of local law number 45 for the year 2017 and section 7 of local law number 68 for the year 2001.

**SUMMARY OF LEGISLATION:** The proposed law would add, through the posting of additional signs, the following new street names:

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Firefighter William E. Woodlon Place	None	At the southwest corner of East 118 <sup>th</sup> Street and Park Avenue
111 <sup>th</sup> Street Old Timers Way	None	At the intersection of 111 <sup>th</sup> Street and Fifth Avenue
Joseph Calabria Way	Barlow Avenue	Between Richmond Avenue and Wainwright Avenue
Mill Street Synagogue/Gershom Mendes Seixas Way	None	At the intersection of South William Street and Coenties Alley
Sgt. John McCormick Street	None	At the intersection of Baldwin Street and Bradley Street
Mary Vallati Place	None	At the intersection of Mosholu Parkway South and Perry Avenue
AKTINA FM Way	None	At the intersection of 27 <sup>th</sup> Street and 23 <sup>rd</sup> Avenue

Frank and Doris Bell Way	None	At the southwest corner of Classon Avenue and Sterling Place
Sarah and Michael Behrman Way	Carroll Street	Between Brooklyn Avenue and New York Avenue
Special Agent Edwin R. Woodruffe Way	Jefferson Avenue	Between Claver Place and Franklin Avenue
Sofia Vinokurov & Mark Rakhman Place	None	At the northeast corner of Brighton Beach Avenue and Brighton 2 <sup>nd</sup> Street
Rabbi Dr. Eli B. Greenwald Way	None	At the intersection of Ocean Avenue and Shore Boulevard
Lester's Way	None	At the southeast corner of Avenue U and Coney Island Avenue
Police Officer Leon Fox Way	None	At the northeast corner of Surf Avenue and West 12 <sup>th</sup> Street
Specialist Rasheed Sahib Way	None	At the intersection of Woodbine Street and Irving Avenue
Bishop John L. Smith Way	None	At the intersection of Pitkin Avenue and Hendrix Street
Joanne Webb-Dixon Way	Trinity Avenue	Between East 161 <sup>st</sup> Street and East 163 <sup>rd</sup> Street
ILL. RTE. REV. IDUS A. NUNN SR. PLACE	Franklin Avenue	Underneath the Franklin Avenue street sign at the corner of East 169 <sup>th</sup> Street and Franklin Avenue
Sandra Tremble Way	Franklin Avenue	Underneath the East 169 <sup>th</sup> Street sign at the corner of Franklin Avenue and East 169 <sup>th</sup> Street across the street from 611 East 169 <sup>th</sup> Street
Detective Joseph G. Lemm Way	None	At the intersection of Bayshore Avenue and Ampere Avenue
William J. Madonna Way	Bogart Avenue	Between Morris Park and Rhinelander Avenue
Joe Blandino Way	Bogart Avenue	Between Morris Park Avenue and Van Nest Avenue
Blanche Comras Rifkin Way	None	At the intersection of Pelham Parkway South and Bogart Avenue
Ahmadiyya Way	85 <sup>th</sup> Road	After the Grand Central Parkway Entrance to 188-48 85 <sup>th</sup> Road
Armenia Way	None	At the southwest corner of 210 <sup>th</sup> Street and Horace Harding Expressway adjacent to the Armenian Church of Holy Martyrs
Bayside Hills 9/11 Memorial Way	None	At the northeast corner of Horace Harding Expressway and Bell Boulevard
Forest Park Memorial Drive	Forest Park Drive	Just below Oak Ridge with the street sign pointing down the sloped Memorial Drive
FDNY Paramedic Lt. Mario Bastidas Way	73 <sup>rd</sup> Place	Between 57 <sup>th</sup> Avenue and the Queens Midtown Expressway



Muhammad Ali Way	33 <sup>rd</sup> Street	Between Seventh Avenue and Eighth Avenue
Mary Audrey Gallagher Way	91 <sup>st</sup> Street	Between Northern Boulevard and 34 <sup>th</sup> Avenue with the sign located on the southeast corner of Northern Boulevard and 91 <sup>st</sup> Street
Lucy and Lenny Cecere Way	None	At the southwest corner of MacDougal Street and Houston Street
Andy "Pops" King Jr. Way	None	At the southeast corner of East 215 <sup>th</sup> Street and Barnes Avenue
Sandra Gresham Way	None	At the northwest corner of East 233 <sup>rd</sup> Street and Murdock Avenue
Walter Becker Way	None	At the intersection of 112 <sup>th</sup> Street and 72 <sup>nd</sup> Drive
Ida B. Wells Place	Gold Street	Between Willoughby Avenue and Myrtle Avenue
American Hero Sergeant Roshain E. Brooks Way	None	At the southeast corner of East 85 <sup>th</sup> Street and Avenue L
Joseph L. Cugini Way	None	At the intersection of Parkinson Avenue and Reid Avenue
SPC Marcus Brown Way	None	At the intersection of Dinsmore Street and Victory Boulevard
Edward Colucci Way	None	At the intersection of Newberry Avenue and Bank Place
Retired NYPD Captain Carmine Cantalino Way	None	At the intersection of Guyon Avenue and South Railroad Avenue
Edgar Meekins Way	None	At the intersection of Woodlawn Avenue and Fayette Avenue
John V. LaFemina Way	None	At the intersection of Malone Avenue and Hylan Boulevard
Mario R. Ariemma Way	None	At the intersection of Buel Avenue and Hylan Boulevard
George Kaye Katsoris Candy Man Way	None	At the corner of South Avenue and Travis Avenue
Firefighter Thomas Phelan Marine Pilot	None	At the northeast corner of 40 <sup>th</sup> Street and 4 <sup>th</sup> Avenue
Sue Amendola Way	Van Brunt Street	Between King Street and Sullivan Street
Zanu G. Simpson Way	None	At the southeast corner of 191 <sup>st</sup> Street and Hollis Avenue
Mother Coreania H. Way	None	At the northeast corner of 167 <sup>th</sup> Street and Linden Boulevard
Rev. Julius C. Carter Way	None	At the northeast corner of 167 <sup>th</sup> Street and Linden Boulevard
Nicholas Pennetti Way	None	At the intersection of 102 <sup>nd</sup> Street and Nicholls Avenue
Patrick Beckles Way	31 <sup>st</sup> Drive	Between Astoria Boulevard and Ditmars Boulevard

Lynda McDougald Way	25 <sup>th</sup> Avenue	Between Ericsson Street and Curtis Street
Randy “Bubba” Nelson McGhee Place	None	At the southwest corner of West 123 <sup>rd</sup> Street and Frederick Douglass Boulevard
New York Rens Court	None	At the northeast corner of West 137 <sup>th</sup> Street and Adam Clayton Jr. Boulevard
Fannie Pennington Way	None	At the northeast corner of West 123 <sup>rd</sup> Street and Manhattan Avenue
Ruby Dee Place	None	At the intersection of West 123 <sup>rd</sup> Street and St. Nicholas Avenue with the sign facing east in front of 258 St. Nicholas Avenue
Ossie Davis Way	None	At the intersection of West 123 <sup>rd</sup> Street and St. Nicholas Avenue with the sign facing north in front of 258 St. Nicholas Avenue
Michael Lancaster Way	None	At the northeast corner of 121 <sup>st</sup> Street and St. Nicholas Avenue
Valerie M. Orridge, R.N. Way	None	At the northeast corner of 139 <sup>th</sup> Street and Malcolm X Boulevard
Apostle William Brown Way	None	At the northeast corner of 116 <sup>th</sup> Street and Lenox Avenue
Jimmy Breslin Way	42 <sup>nd</sup> Street	Between Second Avenue and Third Avenue
Jack Rudin Way	East 51 <sup>st</sup> Street	Between Lexington Avenue and Park Avenue
Avellar G. Hansley Place	Linden Street	Between Broadway and Bushwick Avenue
Rev. Freddie Brunswick Way	None	At the intersection of 140 <sup>th</sup> Avenue and 180 <sup>th</sup> Street
Joseph Papp Way	None	At the intersection of Astor Place and Lafayette
Isaiah “Obie” Bing Way	None	At the intersection of 169 <sup>th</sup> Street and St. Nicholas Avenue
Luís Días Way	165 <sup>th</sup> Street	Between Audubon Avenue and Amsterdam Avenue
Bishop Arnulfo Romero Way	None	At the intersection of 179 <sup>th</sup> Street and Fort Washington Avenue
Normandía Maldonado Way	Amsterdam Avenue	Between 166 <sup>th</sup> Street and 167 <sup>th</sup> Street
Pamela North Way	None	At the north side corner of West 162 <sup>nd</sup> Street and Edgecombe Avenue
Carmen Giorgina Acosta-Cruz Way	None	At the northeast corner of Broadway and West 180 <sup>th</sup> Street
Rafael Corporán de los Santos Way	None	At the southeast corner of 176 <sup>th</sup> Street and Broadway
John Brian Murtaugh Way	None	At the intersection of Indian Road and 218 <sup>th</sup> Street

Samuel A. Browne, Sr. Way	None	At the southeast corner of Fairview Avenue and Knox Place
Monsignor James J. Dorney Way	None	At the northeast corner of Carroll Place and St. Peter's Place
Beulah Sanders Way	None	At the northeast corner of Columbus Avenue and West 92 <sup>nd</sup> Street
The Chantels Hit Record "Maybe"	Prospect Avenue	Between 165 <sup>th</sup> Street and 166 <sup>th</sup> Street
Officer Thomas P. Ruotolo Corner	None	At the intersection of Southern Boulevard and Intervale Avenue
Archbishop Anthony R. Monk Sr. Way	None	At the intersection of Fulton Street and Buffalo Avenue
Detective Miosotis Familia Way	None	At the intersection of Ryer Avenue and East 181 <sup>st</sup> Street
Lynn Wonsang Way	Vyse Avenue	Between East 180 <sup>th</sup> Street and East 181 <sup>st</sup> Street
Emmanuel Mensah Way	Prospect Avenue	Between East 185 <sup>th</sup> Street and East 187 <sup>th</sup> Street
US Navy Seaplane Division One Way	None	At the northeast corner of Beach Channel Drive and Beach 169 <sup>th</sup> Street
Shri Prakash Gossai Marg Way	86 <sup>th</sup> Street	Between 101 <sup>st</sup> Avenue and 102 <sup>nd</sup> Avenue
Maria Thomson Way	None	At the intersection of Jamaica Avenue and Forest Parkway
Rev. Lawrence E. Lynch Memorial Triangle	None	At the triangle at Atlantic Avenue and Rockaway Boulevard
James J. Frawley Way	52 <sup>nd</sup> Street	Between Roosevelt Avenue and Skillman Avenue
Murray Fox Way	None	At the intersection of 44 <sup>th</sup> Street and Greenpoint Avenue
Alexander M. Bing Place	None	At the intersection of 49 <sup>th</sup> Street and 39 <sup>th</sup> Avenue
Tibet Way	None	At the intersection of 59 <sup>th</sup> Street and 32 <sup>nd</sup> Avenue
Toussaint L'Overture Boulevard	Nostrand Avenue	Between Glenwood Road and Flatbush Avenue
Firefighter William J. Gormley Way	Flatlands Avenue	Between Flatbush Avenue and Avenue M
Vito Marcantonio Lucky Corner	None	At the northeast corner of 116 <sup>th</sup> Street and Lexington Avenue
Reverend Dr. Samuel G. Simpson Way	None	At the southeast corner of Strang Avenue and Murdock Avenue
Reverend Dr. Samuel G. Simpson Way	None	At the northeast corner of 187 <sup>th</sup> Street and Tiebout Avenue

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2019

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY18</b>	<b>FY Succeeding Effective FY19</b>	<b>Full Fiscal Impact FY19</b>
<b>Revenues</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures</b>	<b>\$27,313</b>	<b>\$0</b>	<b>\$27,313</b>
<b>Net</b>	<b>\$27,313</b>	<b>\$0</b>	<b>\$27,313</b>

**IMPACT ON REVENUES:** There would be no impact on revenues resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** It is estimated that this legislation would require the installation of 95 new street signs. Each sign costing \$37.50 and the labor to install each sign costing \$250, for a total cost of \$287.50 each. As such, the total cost of enacting this legislation would be approximately \$27,313.

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

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

**ESTIMATE PREPARED BY:** Kenneth Grace Legislative Financial Analyst

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

**LEGISLATIVE HISTORY:** This legislation will be considered by the Committee on Parks and Recreation as a Pre-Considered Intro. on June 25, 2018. Upon a successful vote by the Committee, the bill would be introduced and submitted to the full Council for a vote on June 28, 2018.

## Fiscal Impact Schedule

<b>New Name</b>	<b>Number of Signs</b>	<b>Cost</b>	<b>Installation (street signs only)</b>	<b>Total Cost</b>
Firefighter William E. Woodlon Place	1	37.5	250	287.50
111 <sup>th</sup> Street Old Timers Way	1	37.5	250	287.50
Joseph Calabria Way	1	37.5	250	287.50
Mill Street Synagogue/Gershom Mendes Seixas Way	1	37.5	250	287.50
Sgt. John McCormick Street	1	37.5	250	287.50
Mary Vallati Place	1	37.5	250	287.50
AKTINA FM Way	1	37.5	250	287.50
Frank and Doris Bell Way	1	37.5	250	287.50
Sarah and Michoel Behrman Way	1	37.5	250	287.50
Special Agent Edwin R. Woodruffe Way	1	37.5	250	287.50
Sofia Vinokurov & Mark Rakhman Place	1	37.5	250	287.50
Rabbi Dr. Eli B. Greenwald Way	1	37.5	250	287.50
Lester's Way	1	37.5	250	287.50
Police Officer Leon Fox Way	1	37.5	250	287.50

Specialist Rasheed Sahib Way	1	37.5	250	287.50
Bishop John L. Smith Way	1	37.5	250	287.50
Joanne Webb-Dixon Way	1	37.5	250	287.50
ILL. RTE. REV. IDUS A. NUNN SR. PLACE	1	37.5	250	287.50
Sandra Tremble Way	1	37.5	250	287.50
Detective Joseph G. Lemm Way	1	37.5	250	287.50
William J. Madonna Way	1	37.5	250	287.50
Joe Blandino Way	1	37.5	250	287.50
Blanche Comras Rifkin Way	1	37.5	250	287.50
Ahmadiyya Way	1	37.5	250	287.50
Armenia Way	1	37.5	250	287.50
Bayside Hills 9/11 Memorial Way	1	37.5	250	287.50
Forest Park Memorial Drive	1	37.5	250	287.50
FDNY Paramedic Lt. Mario Bastidas Way	1	37.5	250	287.50
Muhammad Ali Way	1	37.5	250	287.50
Mary Audrey Gallagher Way	1	37.5	250	287.50
Lucy and Lenny Cecere Way	1	37.5	250	287.50
Andy "Pops" King Jr. Way	1	37.5	250	287.50
Sandra Gresham Way	1	37.5	250	287.50
Walter Becker Way	1	37.5	250	287.50
Ida B. Wells Place	1	37.5	250	287.50
American Hero Sergeant Roshain E. Brooks Way	1	37.5	250	287.50
Joseph L. Cugini Way	1	37.5	250	287.50
SPC Marcus Brown Way	1	37.5	250	287.50
Edward Colucci Way	1	37.5	250	287.50
Retired NYPD Captain Carmine Cantalino Way	1	37.5	250	287.50
Edgar Meekins Way	1	37.5	250	287.50
John V. LaFemina Way	1	37.5	250	287.50
Mario R. Ariemma Way	1	37.5	250	287.50
George Kaye Katsoris Candy Man Way	1	37.5	250	287.50
Firefighter Thomas Phelan Marine Pilot	1	37.5	250	287.50
Sue Amendola Way	1	37.5	250	287.50
Zanu G. Simpson Way	1	37.5	250	287.50
Mother Coreania H. Way	1	37.5	250	287.50
Rev. Julius C. Carter Way	1	37.5	250	287.50
Nicholas Pennetti Way	1	37.5	250	287.50
Patrick Beckles Way	1	37.5	250	287.50
Lynda McDougald Way	1	37.5	250	287.50

Randy "Bubba" Nelson McGhee Place	1	37.5	250	287.50
New York Rens Court	1	37.5	250	287.50
Fannie Pennington Way	1	37.5	250	287.50
Ruby Dee Place	1	37.5	250	287.50
Ossie Davis Way	1	37.5	250	287.50
Michael Lancaster Way	1	37.5	250	287.50
Valerie M. Orridge, R.N. Way	1	37.5	250	287.50
Apostle William Brown Way	1	37.5	250	287.50
Jimmy Breslin Way	1	37.5	250	287.50
Jack Rudin Way	1	37.5	250	287.50
Avellar G. Hansley Place	1	37.5	250	287.50
Rev. Freddie Brunswick Way	1	37.5	250	287.50
Joseph Papp Way	1	37.5	250	287.50
Isaiah "Obie" Bing Way	1	37.5	250	287.50
Luís Días Way	1	37.5	250	287.50
Bishop Arnulfo Romero Way	1	37.5	250	287.50
Normandía Maldonado Way	1	37.5	250	287.50
Pamela North Way	1	37.5	250	287.50
Carmen Giorgina Acosta-Cruz Way	1	37.5	250	287.50
Rafael Corporán de los Santos Way	1	37.5	250	287.50
John Brian Murtaugh Way	1	37.5	250	287.50
Samuel A. Browne, Sr. Way	1	37.5	250	287.50
Monsignor James J. Dorney Way	1	37.5	250	287.50
Beulah Sanders Way	1	37.5	250	287.50
The Chantels Hit Record "Maybe"	1	37.5	250	287.50
Officer Thomas P. Ruotolo Corner	1	37.5	250	287.50
Archbishop Anthony R. Monk Sr. Way	1	37.5	250	287.50
Detective Miosotis Familia Way	1	37.5	250	287.50
Lynn Wonsang Way	1	37.5	250	287.50
Emmanuel Mensah Way	1	37.5	250	287.50
US Navy Seaplane Division One Way	1	37.5	250	287.50

Shri Prakash Gossai Marg Way	1	37.5	250	287.50
Maria Thomson Way	1	37.5	250	287.50
Rev. Lawrence E. Lynch Memorial Triangle	1	37.5	250	287.50
James J. Frawley Way	1	37.5	250	287.50
Murray Fox Way	1	37.5	250	287.50
Alexander M. Bing Place	1	37.5	250	287.50
Tibet Way	1	37.5	250	287.50
Toussaint L'Overture Boulevard	1	37.5	250	287.50
Firefighter William J. Gormley Way	1	37.5	250	287.50
Vito Marcantonio Lucky Corner	1	37.5	250	287.50
Reverend Dr. Samuel G. Simpson Way	1	37.5	250	287.50
Reverend Dr. Samuel G. Simpson Way	1	37.5	250	287.50
<b>TOTAL</b>	<b>95</b>	<b>\$3,563</b>	<b>\$23,750</b>	<b>\$27,313</b>

*Accordingly, this Committee recommends its adoption.*

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

BARRY S. GRODENCHIK, *Chairperson*; JOSEPH C. BORELLI, JUSTIN L. BRANNAN, ANDREW COHEN, COSTA G. CONSTANTINIDES, MARK GJONAJ, ANDY L. KING, PETER A. KOO, FRANCISCO P. MOYA, ERIC A. ULRICH, JAMES G. VAN BRAMER; Committee on Parks and Recreation, June 25, 2018. *Other Council Members Attending: Council Members Richards and Williams.*

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 Sanitation and Solid Waste Management**

Report for Int. No. 203-B

**Report of the Committee on Sanitation and Solid Waste Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to adjusting penalties for littering.**

The Committee on Sanitation and Solid Waste Management, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 383), respectfully

**REPORTS:**

## **I. INTRODUCTION**

On March 6, 2018, the Committee on Sanitation and Solid Waste Management (“the Committee”), chaired by Council Member Antonio Reynoso, held a first hearing on Proposed Int. No. 203-A sponsored by Council Member Matteo, a Local Law to amend the administrative code of the city of New York, in relation to increasing penalties for littering; Preconsidered Int. No. 656 sponsored by Council Member Miller, a Local Law to amend the administrative code of the city of New York, in relation to unlawful dumping and the improper placement of discarded material; and Preconsidered Int. No. 655 sponsored by Council Member Matteo, a Local Law to amend the administrative code of the city of New York, in relation to evidence of unlawful dumping.

On April 24, 2018, the Committee, chaired by Council Member Antonio Reynoso, held a first hearing on Preconsidered Int. No. 850 sponsored by Council Member Matteo, a Local Law to amend the administrative code of the city of New York, in relation to penalties for littering from a vehicle and Preconsidered Int. No. 851 sponsored by Council Member Matteo, a Local Law in relation to a plan to increase enforcement of littering out of vehicles.

On June 26, 2018, the Committee, chaired by Council Member Antonio Reynoso, held a second hearing on all five of these bills.

## **II. LEGISLATION**

### **Int. No. 203-B**

This bill would adjust the penalties for littering for the second and third violations to not \$300 for any second violation within any 12 month period and \$400 for any third violation within any 12 month period.

### **Int. No. 656-A**

This bill would raise the criminal fine for unlawful dumping while engaged in commercial activities to \$4,000 for the first offense and \$9,000 for any subsequent offenses. This bill would also raise the civil fine for unlawful dumping to \$4,000 for the first offense, \$9,000 for the second offense, and \$18,000 for any subsequent offence within any 18 month period.

Additionally, this bill would make an owner whose vehicle has been impounded subject to forfeiture after having been held liable for a violation two times, instead of three.

This bill would also impose a violation if household, commercial refuse or liquid waste was placed on any sidewalk, street, lot, park, public place, wharf, pier, dock, bulkhead, slip, navigable waterway, or other area whether publicly or privately owned and create a rebuttable presumption that if there is identifying information in the garbage, that person has improperly disposed of the material. This bill would also impose a civil penalty of \$300 if someone fails to answer a notice of violation.

### **Int. No. 655-A**

This bill would create a rebuttable presumption when identifying information is found in waste that has been unlawfully dumped that the person whose information was found dumped the material if that person has control of the dump truck or vehicle used to dump the garbage, or any dump truck.

### **Int. No. 850-A**

This bill would adjust the fines for littering and spillage out of a vehicle to 200 dollars for a first violation, 350 dollars for any second violation within any 12-month period, and 450 dollars for any third violation within any 12 month period.



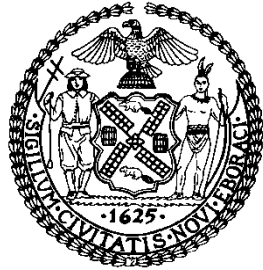
**Int. No. 851**

This bill would mandate that the Department of Sanitation create a list of locations where littering out of a vehicle is currently an issue and create a plan to increase enforcement.

**Update**

On June 26, 2018, the Committee on Sanitation and Solid Waste Management adopted all five bills by a vote of five in the affirmative, none in the negative and no abstentions. Accordingly, the Committee recommends its adoption.

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



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

**PROPOSED INT. NO. 203-B**

**COMMITTEE:** Sanitation and Solid Waste Management

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to adjusting penalties for littering **Sponsors:** By Council Members Matteo, Holden, and Ulrich

**SUMMARY OF LEGISLATION:** Proposed Int. 203-B would adjust penalties for a second and third violations of public littering within a 12-month period from a range to a set amount. Fines for a second violation would be \$300 and fines for a third violation would be \$400.

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

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**IMPACT ON REVENUES:** It is anticipated that there would be no impact on revenues resulting from the enactment of this legislation because full compliance with the City’s littering laws is anticipated

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures from the enactment of this legislation, as the Department of Sanitation would use existing resources to comply with the requirements of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A****SOURCE OF INFORMATION:** New York City Council Finance Division**ESTIMATE PREPARED BY:** Jonathan Seltzer, Financial Analyst**ESTIMATE REVIEWED BY:** Rebecca Chasan, Counsel  
Crielhien Francisco, Unit Head

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on January 31, 2018 as Intro. No. 203, and was referred to the Committee on Sanitation and Solid Waste Management. The legislation was subsequently amended and the Committee on Sanitation and Solid Waste Management considered the amended legislation, Proposed Intro. No. 203-A, at a hearing on March 6, 2018, and the legislation was laid over. The legislation was subsequently amended for a second time and the amended version, Proposed Intro. No. 203-B, will be voted on by the Committee on Sanitation and Solid Waste Management at a hearing on June 26, 2018. Upon successful vote by the Committee, Proposed Intro. No. 203-B will be submitted to the full Council for a vote on June 28, 2018.

**DATE PREPARED:** June 19, 2018.

**(For text of Int. Nos. 655-A, 656-A, 850-A, and 851 and their Fiscal Impact Statements, please see the Report of the Committee on Housing and Buildings for Int. Nos. 655-A, 656-A, 850-A, and 851, respectively, printed in these Minutes; for text of Int. No. 203-B, please see below)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 203-B, 655-A, 656-A, 850-A, and 851.*

**(The following is the text of Int. No. 203-B:)**

Int. No. 203-B

By Council Members Matteo, Holden, Vallone, Miller and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to adjusting penalties for littering**

*Be it enacted by the Council as follows:*

Section 1. Paragraph c of subdivision 9 of section 16-118 of the administrative code of the city of New York, as added by local law number 75 for the year 2016, is amended to read as follows:

c. notwithstanding paragraph a of this subdivision, for any natural person violating subdivision 1 of this section:

- (1) 75 dollars for a first violation, and
  - (2) [not less than 250 and not more than 350] 300 dollars for any second violation within any 12 month period, and
  - (3) [not less than 350 and not more than 450] 400 dollars for any third violation within any 12 month period.
- § 2. This local law takes effect 120 days after it becomes law.

ANTONIO REYNOSO, *Chairperson*; FERNANDO CABRERA, CHAIM M. DEUTSCH, RAFAEL L. ESPINAL, Jr., PAUL A. VALLONE; Committee on Sanitation and Solid Waste Management, June 26, 2018.

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. 655-A

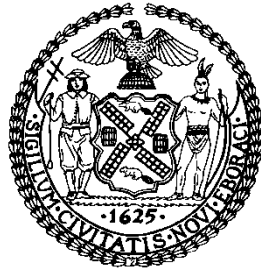
**Report of the Committee on Sanitation and Solid Waste Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to evidence of unlawful dumping.**

The Committee on Sanitation and Solid Waste Management, to which the annexed proposed amended local law was referred on March 7, 2018 (Minutes, page 1030), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Sanitation and Solid Waste Management for Int. No. 203-B printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 655-A:*



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

**PROPOSED INT. NO. 655-A  
COMMITTEE: Sanitation and Solid Waste  
Management**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to evidence of unlawful dumping  
**Sponsors:** By Council Members Matteo, Holden and Yeger

**SUMMARY OF LEGISLATION:** Proposed Int. No. 655-A would allow identifying information found in waste by the Department of Sanitation (DSNY), Department of Environmental Protection (DEP) and the Department of Small Business Services (DSBS) that has been unlawfully dumped to be used as evidence of a violation.

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

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

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**FISCAL IMPACT STATEMENT:**

	Effective FY19	FY Succeeding Effective FY20	Full Fiscal Impact FY20
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**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 from the enactment of this legislation, as DSNY, DEP and DSBS would use existing resources to comply with the requirements of this legislation.

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

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

**ESTIMATE PREPARED BY:** Jonathan Seltzer, Financial Analyst

**ESTIMATE REVIEWED BY:** Rebecca Chasan, Counsel  
Cirilhien Francisco, Unit Head

**LEGISLATIVE HISTORY:** This legislation was considered by the Committee on Sanitation and Solid Waste Management as a Preconsidered Intro. on March 6, 2018 and the legislation was laid over. The legislation was subsequently introduced to the full Council as Intro. No. 655 on March 7, 2018 and referred to the Committee on Sanitation and Solid Waste Management. The legislation was subsequently amended and the amended version, Proposed Intro. No. 655-A, will be voted on by the Committee on Sanitation and Solid Waste Management at a hearing on June 26, 2018. Upon successful vote by the Committee, Proposed Intro. No. 655-A will be submitted to the full Council for a vote on June 28, 2018.

**DATE PREPARED:** June 19, 2018.

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

**(The following is the text of Int. No. 655-A:)**

Int. No. 655-A

By Council Members Matteo, Holden, Yeger, Vallone and Miller.

**A Local Law to amend the administrative code of the city of New York, in relation to evidence of unlawful dumping**

*Be it enacted by the Council as follows:*

Section 1. Subdivision c of section 16-119 of the administrative code of the city of New York is amended by adding a new paragraph 5 to read as follows:

*(5) If the department, the department of small business services or the department of environmental protection has established that material transported in a dump truck or other vehicle has been dumped, deposited or otherwise disposed of in violation of subdivision a of this section, there shall be a rebuttable presumption that the person whose name, or other identifying information, appears on any such material has violated such subdivision if the department, the department of small business services or the department of environmental protection establishes that such person owns or has control of (i) such dump truck or other vehicle or (ii) any dump truck.*

§ 2. This local law takes effect immediately.

ANTONIO REYNOSO, *Chairperson*; FERNANDO CABRERA, CHAIM M. DEUTSCH, RAFAEL L. ESPINAL, Jr., PAUL A. VALLONE; Committee on Sanitation and Solid Waste Management, June 26, 2018.

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. 656-A

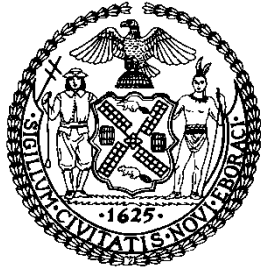
**Report of the Committee on Sanitation and Solid Waste Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to unlawful dumping and the improper placement of discarded material.**

The Committee on Sanitation and Solid Waste Management, to which the annexed proposed amended local law was referred on March 7, 2018 (Minutes, page 1031), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Sanitation and Solid Waste Management for Int. No. 203-B printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 656-A:*



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

**PROPOSED INT. NO. 656-A**

**COMMITTEE:** Sanitation and Solid Waste Management

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to unlawful dumping and the improper placement of discarded material

**Sponsors:** By Council Members Miller, Holden, Yeger, and Borelli

**SUMMARY OF LEGISLATION:** Proposed Int. 656-A would prohibit the improper disposal of household garbage on streets, sidewalks, and other places, and would allow the Department of Sanitation (DSNY) to use identifying information found in the garbage as a way to identify who to issue a violation. Furthermore, this legislation would raise the penalties related to unlawful dumping.

**EFFECTIVE DATE:** This local law would take effect 60 days after it becomes law.

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

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**IMPACT ON REVENUES:** It is anticipated that there would be no impact on revenues resulting from the enactment of this legislation because full compliance with the City's littering and dumping laws is anticipated.

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures from the enactment of this legislation, as DSNY would use existing resources to comply with the requirements of this legislation.

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

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

**ESTIMATE PREPARED BY:** Jonathan Seltzer, Financial Analyst

**ESTIMATE REVIEWED BY:** Rebecca Chasan, Counsel  
Cirilhen Francisco, Unit Head

**LEGISLATIVE HISTORY:** This legislation was considered by the Committee on Sanitation and Solid Waste Management as a Preconsidered Intro. on March 6, 2018 and the legislation was laid over. The legislation was subsequently introduced to the full Council as Intro. No. 656 on March 7, 2018 and referred to the Committee on Sanitation and Solid Waste Management. The legislation was subsequently amended and the amended version, Proposed Intro. No. 656-A, will be voted on by the Committee on Sanitation and Solid Waste Management at a hearing on June 26, 2018. Upon successful vote by the Committee, Proposed Intro. No. 656-A will be submitted to the full Council for a vote on June 28, 2018.

**DATE PREPARED:** June 19, 2018.

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

**(The following is the text of Int. No. 656-A:)**

Int. No. 656-A

By Council Members Miller, Holden, Yeger and Borelli.

**A Local Law to amend the administrative code of the city of New York, in relation to unlawful dumping and the improper placement of discarded material**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions a and b of section 16-119 of the administrative code of the city of New York, subdivision a as amended by local law number 4 for the year 2010 and subdivision b as amended by local law number 29 for the year 1995, are amended to read as follows:

a. It shall be unlawful for any person, his or her agent, employee or any person under his or her control to suffer or permit any *amount of* dirt, sand, gravel, clay, loam, stone, rocks, rubble, building rubbish, sawdust, shavings or trade or household waste, refuse, ashes, manure, garbage, rubbish or debris of any sort or any other organic or inorganic material or thing or other offensive matter being transported in a dump truck or other vehicle

to be dumped, deposited or otherwise disposed of in or upon any *sidewalk*, street, lot, park, public place, wharf, pier, dock, bulkhead, slip, navigable waterway or other area whether publicly or privately owned.

b. Any person who violates the provisions of this section *while engaged in commercial activities* shall be liable to arrest and upon conviction thereof shall be deemed guilty of a misdemeanor and shall be punished by a fine of [not less than one thousand five hundred dollars nor more than ten thousand dollars] *\$4,000 for the first offense and \$9,000 for any subsequent offense* or by imprisonment not to exceed [ninety] 90 days or by both such fine and imprisonment.

§ 2. Paragraph (1) of subdivision c of section 16-119 of the administrative code of the city of New York, as designated by chapter 500 of the laws of 1999, is amended to read as follows:

(1) Any person who violates the provisions of subdivision a of this section shall also be liable for a civil penalty of [not less than one thousand five hundred dollars nor more than ten thousand dollars] *\$4,000* for the first offense, [and not less than five thousand dollars nor more than twenty thousand dollars] *\$9,000 for the second offense within any eighteen-month period and \$18,000* for each subsequent offense *within any eighteen-month period*. In addition, every owner of a dump truck or other vehicle shall be liable for a civil penalty of [not less than one thousand five hundred dollars nor more than ten thousand dollars] *\$4,000* for the first offense- [and not less than five thousand dollars nor more than twenty thousand dollars]- , *\$9,000 for the second offense within any eighteen-month period and \$18,000* for each subsequent offense *within any eighteen-month period* of unlawful dumping described in subdivision a of this section by any person using or operating the [same] *dump truck or other vehicle*, in the business of such owner or otherwise, with the permission, express or implied, of such owner. *It shall not be a defense for any owner of a dump truck or other vehicle that the person using or operating the dump truck or other vehicle in violation of this section is a member of the owner's immediate family, including, but not limited to, spouse, domestic partner, sibling, child, grandchild, parent or grandparent.*

§ 3. Paragraph 2 of subdivision e of section 16-119 of the administrative code of the city of New York is amended to read as follows:

(2) In addition to any other penalties provided in this section, the interest of an owner as defined in subdivision c of this section in any vehicle impounded pursuant to paragraph (1) of this subdivision shall be subject to forfeiture upon notice and judicial determination thereof if such owner (i) has been convicted of or found liable for a violation of this section in a civil or criminal proceeding or in a proceeding before the environmental control board [three] *two* or more times, [all] *both* of which violations were committed within an eighteen month period or (ii) has been convicted of or found liable for a violation of this section in a civil or criminal proceeding or in a proceeding before the environmental control board if the material unlawfully dumped is a material identified as a hazardous waste or an acute hazardous waste in regulations promulgated pursuant to section 27-0903 of the environmental conservation law.

§ 4. Subdivisions e and f of section 16-120 of the administrative code of the city of New York, as amended by local law number 42 for the year 2007, are amended to read as follows:

e. (1) No person shall deposit household or commercial refuse or liquid wastes in a public litter basket placed on the streets by the department or any other person. There shall be a rebuttable presumption that the person whose name, or other identifying information, appears on any household or commercial refuse or liquid wastes deposited in such public litter basket violated this [subdivision] *paragraph*.

(2) *No person shall place household or commercial refuse in or upon any sidewalk, street, lot, park, public place, wharf, pier, dock, bulkhead, slip, navigable waterway or other area whether publicly or privately owned, except in accordance with rules of the department relating to collection (i) by the department or (ii) by a private carter that is required to be licensed or registered pursuant to chapter 1 of title 16-A of the code. There shall be a rebuttable presumption that the person whose name, or other identifying information, appears on any household or commercial refuse placed in or upon any sidewalk, street, lot, park, public place, wharf, pier, dock, bulkhead, slip, navigable waterway or other area whether publicly or privately owned violated this paragraph.*

f. Any person violating the provisions of this section, except subdivision e, shall be liable for a civil penalty of not less than [twenty-five] *\$25* nor more than [one hundred dollars] *\$100* for the first violation, not less than [one hundred dollars] *\$100* nor more than [two hundred dollars] *\$200* for a second violation within any twelve-month period, and not less than [two hundred dollars] *\$200* nor more than [three hundred dollars] *\$300* for a third or subsequent violation [with] *within* any twelve-month period. Any person violating the provisions of *paragraph (1)* of subdivision e of this section shall be liable for a civil penalty of [not less than one hundred dollars nor more than three hundred dollars] *\$100* for the first violation, [not less than two hundred fifty dollars

nor more than three hundred fifty dollars] \$250 for a second violation within any twelve-month period, and [not less than three hundred fifty dollars nor more than four hundred dollars] \$350 for a third or subsequent violation within any [twelve month] *twelve-month* period. *Any person violating the provisions of paragraph (2) of subdivision e of this section shall be liable for a civil penalty \$75 for the first violation, \$300 for a second violation within any twelve-month period, and \$400 for a third or subsequent violation within any twelve-month period.*

§ 5. Subdivision h of section 16-120 of the administrative code of the city of New York, as amended by local law number 1 for the year 2003, is amended to read as follows:

h. In the event that a person fails to answer such notice of violation within the time provided therefor by the environmental control board, that person shall become liable for additional penalties. The additional penalties shall [not exceed three hundred dollars] *be \$300* for each violation.

§ 6. For one year after the effective date of section four of this local law, the commissioner of sanitation shall make reasonable efforts to include information concerning paragraph (2) of subdivision (e) of section 16-120 of the administrative code of the city of New York, as added by this local law, in public outreach or education conducted by the department of sanitation related the improper disposal of household or commercial refuse.

§ 7. This local law takes effect 60 days after it becomes law.

ANTONIO REYNOSO, *Chairperson*; FERNANDO CABRERA, CHAIM M. DEUTSCH, RAFAEL L. ESPINAL, Jr., PAUL A. VALLONE; Committee on Sanitation and Solid Waste Management, June 26, 2018.

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. 850-A

**Report of the Committee on Sanitation and Solid Waste Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to penalties for littering from a vehicle**

The Committee on Sanitation and Solid Waste Management, to which the annexed proposed amended local law was referred on April 25, 2018 (Minutes, page 1637), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Sanitation and Solid Waste Management for Int. No. 203-B printed in these Minutes)**



*The following is the text of the Fiscal Impact Statement for Int. No. 850-A:*



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

**FISCAL IMPACT STATEMENT**

**PROPOSED INT. NO. 850-A**

**COMMITTEE:** Sanitation and Solid Waste Management

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to penalties for littering from a vehicle

**Sponsors:** By Council Members Matteo, Holden, and Ulrich

**SUMMARY OF LEGISLATION:** Proposed Int. No. 850-A would increase the penalties for littering or spilling out of a vehicle to \$200 for a first violation, \$350 for any second violation within any 12-month period, and \$450 for any third violation within any 12-month period.

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

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**IMPACT ON REVENUES:** It is anticipated that there would be no impact on revenues resulting from the enactment of this legislation because full compliance with the City’s littering laws is anticipated.

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures from the enactment of this legislation, as the Department of Sanitation would use existing resources to comply with the requirements of this legislation.

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

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

**ESTIMATE PREPARED BY:** Jonathan Seltzer, Financial Analyst

**ESTIMATE REVIEWED BY:** Rebecca Chasan, Counsel  
 Crilhien Francisco, Unit Head

**LEGISLATIVE HISTORY:** This legislation was considered by the Committee on Sanitation and Solid Waste Management as a Preconsidered Intro. on April 24, 2018 and the legislation was laid over. The legislation was subsequently introduced to the full Council as Intro. No. 850 on April 25, 2018 and referred to the Committee on Sanitation and Solid Waste Management. The legislation was subsequently amended and the amended version, Proposed Intro. No. 850-A, will be voted on by the Committee on Sanitation and Solid Waste Management at a hearing on June 26, 2018. Upon successful vote by the Committee, Proposed Intro. No. 850-A will be submitted to the full Council for a vote on June 28, 2018.

**DATE PREPARED:** June 19, 2018.

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

**(The following is the text of Int. No. 850-A:)**

Int. No 850-A

By Council Members Matteo, Holden, Vallone, Miller and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to penalties for littering from a vehicle**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 9 of section 16-118 of the administrative code of the city of New York, as amended by local law number 75 for the year 2016, paragraph c of such subdivision, as amended by a local law for the year 2018 amending the administrative code of the city of New York relating to adjusting penalties for littering, as proposed in introduction number 203-A, is amended to read as follows:

9. Any person violating the provisions of this section shall be liable for a civil penalty in the following amounts, provided that for the purposes of this subdivision, the term "first violation" means any number of violations issued for a single incident:

a. not less than 50 and not more than 250 dollars for a first violation, except that the civil penalty shall be not less than 250 and not more than 350 dollars for a second violation of subdivision 3, 4 or 6 of this section within any 12 month period, and not less than 350 and not more than 450 dollars for a third or subsequent violation of subdivision 3, 4 or 6 of this section within any 12 month period;

b. notwithstanding paragraph a of this subdivision, for any natural person violating subdivision 6 of this section by means of the act of public urination:

(1) 75 dollars for a first violation, and

(2) not less than 250 and not more than 350 dollars for any second violation within any 12 month period,

and

(3) not less than 350 and not more than 450 dollars for any third violation within any 12 month period; [and]

c. notwithstanding paragraph a of this subdivision, for any natural person violating subdivision 1 of this section:

(1) 75 dollars for a first violation, and

(2) 300 dollars for any second violation within any 12 month period, and

(3) 400 dollars for any third violation within any 12 month period; and

d. notwithstanding paragraph a of this subdivision, for any natural person violating subdivision 4 of this section:

(1) 200 dollars for a first violation; and

(2) 350 dollars for any second violation within any 12 month period; and

(3) 450 dollars for any third violation within any 12 month period.

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

ANTONIO REYNOSO, *Chairperson*; FERNANDO CABRERA, CHAIM M. DEUTSCH, RAFAEL L. ESPINAL, Jr., PAUL A. VALLONE; Committee on Sanitation and Solid Waste Management, June 26, 2018.

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. 851

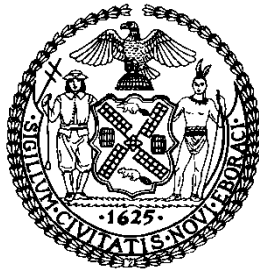
**Report of the Committee on Sanitation and Solid Waste Management in favor of approving and adopting a Local Law in relation to a plan to increase enforcement of littering out of vehicles.**

The Committee on Sanitation and Solid Waste Management, to which the annexed proposed local law was referred on April 25, 2018 (Minutes, page 1638), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Sanitation and Solid Waste Management for Int. No. 203-B printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 851:*



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

**INT. NO. 851**

**COMMITTEE:** Sanitation and Solid Waste Management

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**TITLE:** A Local Law, in relation to a plan to increase enforcement of littering out of vehicles.

**Sponsors:** By Council Members Matteo, Holden, and Ulrich

**SUMMARY OF LEGISLATION:** Int. No. 851 would require the Department of Sanitation (DSNY) to develop a plan to increase enforcement of littering out of vehicles, and submit the plan to the Mayor and Speaker by April 1, 2019.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2019

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY19</b>
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**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 from the enactment of this legislation, as DSNY will use existing resources to comply with the requirements of this legislation.

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

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

**ESTIMATE PREPARED BY:** Jonathan Seltzer, Financial Analyst

**ESTIMATE REVIEWED BY:** Rebecca Chasan, Counsel  
Cirilhien Francisco, Unit Head

**LEGISLATIVE HISTORY:** This legislation was considered by the Committee on Sanitation and Solid Waste Management as a Preconsidered Intro. on April 24, 2018 and the legislation was laid over. The legislation was subsequently introduced to the full Council as Intro. No. 851 on April 25, 2018 and referred to the Committee on Sanitation and Solid Waste Management. Intro. No. 851, will be voted on by the Committee on Sanitation and Solid Waste Management at a hearing on June 26, 2018. Upon successful vote by the Committee, Intro. No. 851 will be submitted to the full Council for a vote on June 28, 2018.

**DATE PREPARED:** June 19, 2018.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Int. No. 851:)**

Int. No. 851

By Council Members Matteo, Holden, Vallone, Miller and Ulrich.

**A Local Law in relation to a plan to increase enforcement of littering out of vehicles.**

*Be it enacted by the Council as follows:*

Section 1. The commissioner of sanitation shall develop and submit to the mayor and the speaker of the council by April 1, 2019, a plan to increase enforcement of section 16-118(4) of the administrative code. This plan shall include but not be limited to:

- a. a list of locations in the city where litter is commonly thrown from cars, which shall be developed by the commissioner in consultation with council members and community boards;
- b. the number of sanitation officers necessary to enforce section 16-118(4) of the administrative code in such locations;
- c. the number of violations issued annually for littering out of a vehicle, disaggregated by sanitation district;

- d. a description of steps the department of sanitation will take to increase enforcement of section 16-118(4);
  - and
  - e. a date for implementation of such plan.
- § 2. This local law takes effect immediately.

ANTONIO REYNOSO, *Chairperson*; FERNANDO CABRERA, CHAIM M. DEUTSCH, RAFAEL L. ESPINAL, Jr., PAUL A. VALLONE; Committee on Sanitation and Solid Waste Management, June 26, 2018.

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 Int. No. 720

**Report of the Committee on Housing and Buildings in favor of approving and adopting a Local Law to amend the New York city building code, in relation to clarifying the requirements for site safety training providers.**

The Committee on Housing and Buildings, to which the annexed preconsidered proposed local law was referred on March 7, 2018 (Minutes, page 1092), and which same item has been laid over by the Council since the March 7, 2018 Stated Meeting (Minutes, page 924), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 720 printed in the Minutes of March 7, 2018, page 1092)**

*Accordingly, this Committee recommends its adoption.*

ROBERT E. CORNEGY, Jr., Chairperson; FERNANDO CABRERA, MARGARET S. CHIN, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA; Committee on Housing and Buildings, March 6, 2018.

Laid Over by the Council.

Report for L.U. No. 84 & Res. No. 446

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180063 ZSM submitted by Madison 45 Broad Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 91-251 and 74-634 of the Zoning Resolution to allow a floor area bonus on a zoning lot where major improvements to adjacent subway stations are provided in accordance with the provisions of Section 74-634, in connection with a proposed mixed-use development on property located at 45 Broad Street (Block 25, Lots 7 and 10), Borough of Manhattan, Community District 1, Council District 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20(b) of the Council and Section 197-d(b)(3) of the New York City Charter.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 9, 2018 (Minutes, page 1864) and which same Land Use item was coupled with the resolution shown below and was referred to the City Planning Commission on June 7, 2018 (Minutes, page 2028) , respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 1**

**C 180063 ZSM**

City Planning Commission decision approving an application submitted by the Madison 45 Broad Development LLC pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 91-251 and 74-634 of the Zoning Resolution to allow a floor area bonus not to exceed 20 percent of the basic maximum floor area ratio for a development located on a zoning lot where major improvements to adjacent subway stations are provided in accordance with the provisions of Section 74-634, in connection with a proposed mixed-use development on property located at 45 Broad Street (Block 25, Lots 7 and 10), in a C5-5 District, within the Special Lower Manhattan District.

### **INTENT**

To approve the grant for the Special Permit, pursuant to Sections 91-251 and 74-634 of the Zoning Resolution to allow a floor area bonus of up to 20 percent of the basic maximum floor area ratio (FAR) in order to facilitate the development of a mixed-use development on property located at 45 Broad Street in connection with proposed subway improvements to the Broad Street J/Z station and the Wall Street 4/5 station in Manhattan, Community District 1.

### **PUBLIC HEARING**

**DATE:** May 15, 2018

**Witnesses in Favor:** Eight

**Witnesses Against:** None

### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 30, 2018

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission with modifications. The modifications to the restrictive declaration achieve additional signage, clarifications to definitions, and required the location of the bonus floor area to be specified.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

### **COMMITTEE ACTION**

**DATE:** June 5, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Levin, Reynoso, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

The City Planning Commission filed a letter dated June 11, 2018, with the Council on June 21, 2018, 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. 446

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 180063 ZSM (L.U. No. 84), for the grant of a special permit pursuant to Sections 91-251 and 74-634 of the Zoning Resolution to allow a floor area bonus not to exceed 20 percent of the basic maximum floor area ratio for a development located on a zoning lot where major improvements to adjacent subway stations are provided in accordance with the provisions of Section 74-634, in connection with a proposed mixed-use development on property located at 45 Broad Street (Block 25, Lots 7 and 10), in a C5-5 District, within the Special Lower Manhattan District, Community District 1, Borough of Manhattan.**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on May 4, 2018 its decision dated April 23, 2018 (the "Decision"), on the application submitted by the Madison 45 Broad Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Sections 91-251 and 74-634 of the Zoning Resolution to allow a floor area bonus not to exceed 20 percent of the basic maximum floor area ratio for a development located on a zoning lot where major improvements to adjacent subway stations are provided in accordance with the provisions of Section 74-634, in connection with a proposed mixed-use development on property located at 45 Broad Street (Block 25, Lots 7 and 10), in a C5-5 District, within the Special Lower Manhattan District, (ULURP No. C 180063 ZSM) Community District 1, Borough of Manhattan, (the "Application");

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

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Sections 91-251 and 74-634 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 May 15, 2018;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration (CEQR No. 18DCP063M) issued on November 27, 2017 (the "Negative Declaration") and Technical Memorandum, dated June 8, 2018 (the Technical Memorandum"), together the "CEQR Determination";

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the



Environment, as set forth in the CEQR Determination.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 180063 ZSM, incorporated by reference herein, the Council approves with modifications the Decision of the City Planning Commission subject to the following conditions:

Matter in double underline is new, to be added;

Matter in ~~double-strikeout~~ is old; to be deleted

1. The application that is the subject of this application (C 180063 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans, prepared by CetraRuddy Architecture, DPC, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
CPC-Z1	Zoning Site Plan	11/20/2017

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. Development pursuant to this resolution shall be allowed only after the restrictive declaration dated ~~April 23~~ April 23, 2018, ~~to be~~ to be executed by Madison 45 Broad Development LLC, ~~and which is appended hereto as Exhibit A.~~ and which is appended hereto as Exhibit A. the terms of which are hereby incorporated in this resolution, shall have been recorded in the Office of the City Register, New York County.
5. In the event that the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
6. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification,

cancellation or amendment of the special permit hereby granted.

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

EXHIBIT A  
RESTRICTIVE DECLARATION AS MODIFIED BY CITY COUNCIL

Matter in double underline is new, to be added;

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

**RESTRICTIVE DECLARATION**

**NEW YORK COUNTY  
BLOCK 25 – LOT 7**

**RECORD AND RETURN TO:**

**Fried Frank Harris Shriver & Jacobson, LLP  
One New York Plaza  
New York, New York 10004  
Attention: David Karnovsky, Esq.**

**RESTRICTIVE DECLARATION**

**THIS RESTRICTIVE DECLARATION** (“**Declaration**”), made as of the [ ] day of [ ], 2018, by MADISON 45 BROAD DEVELOPMENT LLC, a Delaware limited liability company having an address at c/o Madison Equities, 105 Madison Avenue, New York, New York 10016 (the “**Declarant**”).

**WITNESSETH:**

**WHEREAS**, the Declarant is fee owner of certain real property located in the Borough of Manhattan, City and State of New York, designated as Lot 7 of Block 25 (the “**Subject Property**”) on the Tax Map of the City of New York (the “**Tax Map**”), which is more particularly described in **Exhibit A** attached hereto;

**WHEREAS**, in accordance with the procedure available pursuant to Section 12-10 of the Zoning Resolution of the City of New York, effective as of December 15, 1961, as amended (the “**Zoning Resolution**”), the Development Site and certain real property located in the Borough of Manhattan, City and State of New York, designated as Lot 10 of Block 25 on the Tax Map, which is more particularly described in **Exhibit B** attached hereto, have been declared to be a single “zoning lot” (the “**Subject Zoning Lot**”) as that term is defined in the Zoning Resolution, pursuant to that certain Declaration of Zoning Lot Restrictions (the “**Declaration of Zoning Lot Restrictions**”) by and between 45 Broad LLC, the predecessor in interest to Declarant, and Walwilhal Associates, LLC, dated February 26, 2007, and recorded in the Office of the City Register, New York County, at City Register File Number 2007000122083, a copy of which is attached as **Exhibit C** hereto;

**WHEREAS**, Declarant filed applications with the New York City Department of City Planning (“**DCP**”) for approval by the New York City Planning Commission (the “**Commission**”) of a special permit pursuant to Sections 74-634 and 91-251 of the Zoning Resolution for an increase in the maximum floor area ratio for the provision of major improvements at a subway station adjacent to the Subject Zoning Lot (Application No. C 180063 ZSM) (the “**Special Permit**”);

**WHEREAS**, the Declarant intends to develop the Subject Property pursuant to the Special Permit with a new building utilizing approximately 334,317 zoning square feet of zoning floor area, containing a mix of residential, office, retail and amenity uses (the “**Proposed Building**”) and to undertake improvements to the Broad Street station of the Nassau Street subway line (the “**Broad Street Station**”) and to fund improvements to the Wall Street station of the Lexington Avenue subway line (the “**Wall Street Station**”) in accordance with the Transit Improvement Drawings (defined below);

**WHEREAS**, the Proposed Building would utilize up to 71,391 square feet of zoning floor area (3.0 FAR) (the “**Bonus Floor Area**”) pursuant to the Special Permit;

**WHEREAS**, environmental review of the Special Permit demonstrated that the Proposed Building would be no taller than a building that could be constructed as-of-right on the Subject Property and accordingly would not lead to additional ground disturbance, and this Declaration provides for a maximum permitted height of the Proposed Building;

**WHEREAS**, Section 74-634(e)(2) of the Zoning Resolution requires applicants proposing subway station improvements pursuant to Section 91-251 to execute a legally enforceable instrument running with the land containing complete drawings of the proposed improvement and setting forth the obligations of the 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;

**WHEREAS**, MTA (defined below) has provided a letter (the “**MTA Letter**”) to the Commission stating that it has determined that drawings and other documents submitted by Declarant are of sufficient scope

and detail (subject to such further review of MTA) to fix and describe the size and character of the Broad Street Station Improvements and the Wall Street Station Improvements (each as defined herein);

**WHEREAS**, DCP, acting on behalf of the Commission, conducted an environmental review of the Special Permits as lead agency pursuant to City Environmental Quality Review, Executive Order No. 91 of 1977, as amended, and the regulations promulgated thereunder at 62 RCNY§5-01 et seq. ("**CEQR**") and the State Environmental Quality Review Act, New York State Environmental Conservation Law § 8-0101 et seq. and the regulations promulgated thereunder at 6 NYCRR Part 617 ("**SEORA**"), and issued a Negative Declaration on November 27, 2017 (CEQR No. 18DCP063M);

**WHEREAS**, Declarant desires to restrict the manner in which the Subject Property may be developed, redeveloped, maintained and operated now and in the future;

**WHEREAS**, the certificate(s) annexed hereto as **Exhibit D** ("**Certification of Parties-in-Interest**"), Madison Abstract, Inc., dated as of ~~August~~ April 28, 2017~~8~~, lists the "parties-in-interest" (as defined in subdivision (c) of the definition of the term "zoning lot" in Section 12-10 of the Zoning Resolution) (each, a "**Party-in-Interest**"; multiple being "**Parties-in-Interest**"), to the Subject Property ;~~±~~

**WHEREAS**, all Parties-in-Interest have either executed this Declaration or waived their right to execute, and subordinated their interest in the Subject Property to, this Declaration, as listed on the Certification of Parties-in-Interest; and

**WHEREAS**, Declarant represents and warrants that, except with respect to mortgages or other instruments specified herein, the holders of which have given their consent or waived their respective rights to object hereto, there are no restrictions of record on the development or use of the Subject Property, nor any existing lien, obligation covenant, easement, limitation or encumbrance of any kind that shall preclude the enforcement of the obligations and restrictions as set forth herein.

**NOW, THEREFORE**, Declarant does hereby declare and agree that the Subject Property shall be held, sold, transferred, conveyed and occupied subject to the restrictions, covenants, obligations, easements, and agreements of this Declaration, which shall run with the Subject Property and which shall be binding on Declarant, its successors and assigns.

## ARTICLE I.

### CERTAIN DEFINITIONS

#### Section 1.01 Definitions.

For purposes of this Declaration, the following terms shall have the following meanings:

"**Additional Scope Items**" shall have the meaning set forth in Section 2.01 of this Declaration.

"**As-of-Right Building**" shall mean any building that can be developed and constructed on the Subject Premises without utilizing the Special Permit.

"**Bonus Floor Area**" shall have the meaning set forth in the Recitals of this Declaration.

**“Broad Street Station Improvements”** shall have the meaning set forth in Section 2.01 of this Declaration.

**“Broad Street Transit Improvements Deposit”** shall have the meaning set forth in Section 3.01 of this Declaration.

**“Business Days”** means any day other than a Saturday, Sunday or other day on which banks in the State of New York are not open for business.

**“CEQR”** shall have the meaning set forth in the Recitals of this Declaration.

**“Certification of Parties-in-Interest”** shall have the meaning set forth in the Recitals of this Declaration.

**“City Council”** shall mean the New York City Council.

**“Chair”** shall mean the Chairperson of the City Planning Commission.

**“Commission”** shall have the meaning set forth in the Recitals of this Declaration.

**“CO Notice”** shall have the meaning set forth in Section 7.03 of this Declaration.

**“Construction Drawings”** shall have the meaning set forth in Section 3.02(b)(ii) of this Declaration.

**“DCP”** shall have the meaning set forth in the Recitals of this Declaration.

**“Declarant”** shall have the meaning set forth in the Preamble hereof.

**“Declaration”** shall have the meaning set forth in the Preamble hereof.

**“Delay Notice”** shall have the meaning set forth in Section 9.04(a) of this Declaration.

**“Default Notice”** shall have the meaning set forth in Section 7.01(a) of this Declaration.

**“DOB”** shall mean the New York City Department of Buildings, or any successor agency thereto.

**“Final Completion”** or **“Finally Complete”** shall mean the completion of all relevant items of work, including any so-called “punch-list” items that remain to be completed upon Substantial Completion (defined below).

**“Final Approval”** shall mean approval or approval with modifications of the Special Permit by the City Council, or (b) if the City Council disapproves the decision of the Commission and the Mayor of the City of New York (the **“Mayor”**) files a written disapproval of the City Council’s action pursuant to New York City Charter Section 197-d(e), and the City Council does not override the Mayor’s disapproval, in which event “Final Approval” shall mean the Mayor’s written disapproval of the City Council’s action pursuant to such New York City Charter Section 197-d(e).

**“Mortgage”** shall mean a mortgage given as security for a loan in respect of all or any portion of the Subject Property.

**“Mortgagee”** shall mean the holder of a Mortgage.

“**MTA**” shall mean the Metropolitan Transportation Authority and/or the New York City Transit Authority, as the case may be or any successor to its jurisdiction.

“**Named Mortgagee**” shall have the meaning set forth in Section 10.01(d) of this Declaration.

“**New Building Permit**” shall mean for a New Building Permit issued by the Department of Buildings for the As-of-Right Building.

“**Non-Bonus Floor Area**” shall mean approximately 191,670 square feet of floor area that is permitted as-of-right on the Subject Property.

“**Notice**” shall have the meaning set forth in Section 10.01(a) of this Declaration.

“**Notice of Final Completion**” shall have the meaning set forth in Section 7.02 of this Declaration.

“**Notice of Substantial Completion**” shall have the meaning set forth in Section 7.01 of this Declaration.

“**Parties-in-Interest**” shall have the meaning set forth in the Recitals of this Declaration.

“**PCO**” shall mean a Permanent Certificate of Occupancy issued by DOB.

“**Post-Approval Amendment**” shall mean a post-approval amendment to the New Building Permit for purposes of incorporation of Bonus Floor Area in the Proposed Building.

“**Proposed Building**” shall have the meaning set forth in the Recitals of this Declaration.

“**SEQRA**” shall have the meaning set forth in the Recitals of this Declaration.

“**Special Permit**” shall have the meaning set forth in the Recitals of this Declaration.

“**Subject Property**” shall have the meaning set forth in the Recitals of this Declaration.

“**Substantial Completion**” or “**Substantially Complete**” shall mean that the Broad Street Station Improvements have been constructed substantially in accordance with the Special Permit and may be operated and made available for public use. An improvement may be deemed Substantially Complete notwithstanding that minor or insubstantial items of construction, decoration or mechanical adjustment remain to be performed. A portion of the Transit Improvements shall be considered Substantially Complete where it has been certified as Substantially Complete by the MTA, as applicable. Notwithstanding the foregoing and for the avoidance of doubt, the installation of fare array turnstiles at the exit to the southbound platform of the Broad Street Station shall not be a requirement for Substantial Completion, provided that all connections necessary for such installation by the MTA are in place.

“**TCO**” shall mean a Temporary Certificate of Occupancy issued by DOB.

“**Transit Improvement Agreement**” shall have the meaning set forth in Section 3.02(a) of this Declaration.

“**Transit Improvement Drawings**” shall have the meaning set forth in Section 2.01 of this Declaration.

“**Transit Improvements**” shall mean the Broad Street Station Improvements and Wall Street Station Improvements respectively defined in Section 2.01(a) & (b) of this Declaration.

**“Uncontrollable Circumstances”** shall include the following elements which directly and materially delay the ability of Declarant to fund the Wall Street Station Improvement and/or complete the Broad Street Station Improvements: strike(s) or labor dispute(s); an industry-wide inability to obtain labor, equipment, supplies or materials or reasonable substitutes therefore in the open market; acts of God; governmental restrictions, regulations, omissions or controls pertaining to the area of New York City below 14<sup>th</sup> Street; enemy or hostile government actions, war, hostilities, terrorism, explosion, invasion; civil commotion, riot, mob violence, malicious mischief, insurrection, revolution or sabotage; a lockout; a flood, earthquake, or fire (destruction due to any of the foregoing events in this paragraph hereinafter referred to as “Casualty”); inclement weather of such a nature as to delay performance or completion of the Broad Street Station Improvements; a taking of the Subject Property, or a portion thereof that impairs the further construction of the Proposed Building, by condemnation or eminent domain; failure of a public utility to provide power, heat or light for the area below 14<sup>th</sup> Street; governmental actions with respect to construction projects in the vicinity of the Broad Street Station Improvement that directly delay performance or completion of the Broad Street Station Improvement; disruptions in subway services that impact the timely delivery of materials for the Broad Street Station Improvements if Declarant decides to deliver materials by the subway; inability to perform work due to transit related accident(s) at the Broad Street Station including property damage, and the need for repairs as a result thereof; inability to access the work area; inability to perform work during hours stipulated by MTA for such work due to conditions outside of Declarant’s control; the pendency of litigation not initiated by Declarant or similar proceeding which results in an injunction or restraining order or similar relief prohibiting or otherwise delaying the commencement or continuation of the obligations of Declarant pursuant to this Declaration, provided such litigation or proceeding resulting in the injunction or restraining order was not instituted, financed or supported by Declarant or any of its affiliates. In addition, “Uncontrollable Circumstances” shall also include (i) material delays by the City, State or United States government, or any agency or instrumentality thereof, MTA, or any utility company, in the performance of any work or processing or approval of any applications, or comment on architectural and engineering plans within a reasonable time period following receipt of such plans, unless due to any act or failure to act by Declarant ; (ii) denial to Declarant by any owner, ground lessee or franchisee of an enforceable interest in adjoining real property, including any private fee owner or ground lessee of adjoining real property, or any agency of the City or State or any utility company having an enforceable interest in adjoining real property, including sidewalk or streets, of a right to access to such adjoining real property provided that the Declarant has no “work around” for such denial of access; and (iii) design changes required by MTA, except those made as a result of changed or unforeseen field conditions No event shall constitute Uncontrollable Circumstances unless (i) the event is not due to an act or failure to act of Declarant, (ii) Declarant complies with the procedures set forth in Section 9.04 hereof, and (iii) the Chair has certified the existence of Uncontrollable Circumstances in accordance with the provisions of Section 9.04 hereof or has failed to respond.

**“Wall Street Station Improvements”** shall have the meaning set forth in Section 2.01 (b) of this Declaration.

**“Wall Street Transit Improvements Deposit”** shall have the meaning set forth in Section 3.01 of this Declaration.

**“Zero Occupancy TCO”** shall mean a temporary certificate of occupancy issued by DOB for the core and shell of the Proposed Building. A Zero Occupancy TCO shall not include any certificate of occupancy that permits occupancy of the building or portions thereof for ~~office, retail, eating and drinking establishment, amenity or other tenant uses~~ any use.

**“Zoning Resolution”** shall have the meaning set forth in the Recitals hereof.

## ARTICLE II.

### TRANSIT IMPROVEMENT DRAWINGS

**Section 2.01** As a requirement for utilizing Bonus Floor Area, the Declarant shall undertake the following with respect to the Transit Improvements set forth in the following drawings (the “**Transit Improvement Drawings**”) which are subject to further review and are supplemented by additional scope items (the “Additional **Scope Items**”) annexed hereto as **Exhibit G** hereto:

(a) Construct, at its sole cost and expense, the proposed improvements to the Broad Street Station as shown on the following plans prepared by Urbahn Architects, annexed hereto as **Exhibit E** (the “**Broad Street Station Improvements**”):

<u>Drawing Number</u>	<u>Title</u>	<u>Last Revision Date</u>
<u>A-201</u>	<u>Key Plans Street, Platform and Underpass Level</u>	4/19/18
<u>A-211</u>	<u>Street Level Plan</u>	4/19/18
<u>A-212</u>	<u>Platform Level Plan</u>	<del>45/19</del> 30/18
<u>A-213</u>	<u>Underpass Level Plan</u>	4/19/18
<u>A-301</u>	<u>Longitudinal Section Through Northbound Elevator</u>	4/19/18
<u>A-302</u>	<u>Cross Section Through Northbound Elevator</u>	4/19/18
<u>A-303</u>	<u>Longitudinal Section Through Southbound Elevator</u>	4/19/18
<u>A-304</u>	<u>Cross Section Through Southbound Elevator</u>	4/19/18

(b) Fund all costs of acquisition and installation by the MTA of the proposed improvements to the Wall Street Station as shown on the following plans prepared by the MTA, annexed hereto as **Exhibit F** (the “**Wall Street Station Improvements**”):

<u>Drawing Number</u>	<u>Title</u>	<u>Last Revision Date</u>
<u>R204A(1),R204B,R204C</u>	<u>Control Area Plan</u>	1/26/17
<u>R204A(2) (Option I)</u>	<u>Control Area Plan</u>	1/26/17
<u>R204A(3) (Option II)</u>	<u>Control Area Plan</u>	1/26/17
<u>R204A (Option III)</u>	<u>Control Area Plan</u>	<u>1/26/17</u>



(c) Notwithstanding the foregoing provisions of this Article II, Declarant may develop an As-of-Right Building, in which case the provisions of Sections 2.01(a) and 2.01(b) and the provisions of Articles III through VII of this Declaration shall not apply to such development.

### ARTICLE III.

#### TRANSIT IMPROVEMENTS

**Section 3.01 Building Permits.** Declarant shall not accept the issuance by the DOB of a Post-Approval Amendment for the Proposed Building until the Declarant (a) has entered into an agreement with the MTA with respect to the design, construction and maintenance of the Transit Improvements (the “**Transit Improvement Agreement**”) and recorded such agreement in the Office of the City Register, New York County; (b) has paid funds to the MTA for the purpose of acquisition and installation by MTA of the Wall Street Transit Improvements (the “**Wall Street Transit Improvements Deposit**”); and (c) has paid funds to the MTA for the purpose of acquisition and installation by MTA of fare array turnstiles at the exit to the southbound platform of the Broad Street Station (the “**Broad Street Transit Improvements Deposit**”). The amounts of the Wall Street Transit Improvements Deposit and the Broad Street Transit Improvements Deposit are currently estimated at One Million Dollars (\$1,000,000) and Five Hundred Thousand Dollars (\$500,000), respectively. No later than sixty (60) days following recordation of this Declaration, MTA shall provide Declarant with a second estimate of the amounts of the Wall Street Transit Improvements Deposit and the Broad Street Transit Improvements Deposit and shall meet and confer with Declarant upon request with respect thereto. The amount of the Wall Street Transit Improvements Deposit shall be the lesser of: (X) such second estimate; and (Y) One Million Dollars (\$1,000,000). The amount of the Broad Street Transit Improvements Deposit shall be the lesser of: (X) such second estimate; and (Y) Five Hundred Thousand Dollars (\$500,000). Notwithstanding the foregoing, the Declarant may file a Post-Approval Amendment application for the Proposed Building with the DOB solely for the purpose of seeking plan review for the Proposed Building prior to recordation of the Transit Improvement Agreement or making the Wall Street Transit Improvements Deposit or making the Broad Street Transit Improvements Deposit. For the avoidance of doubt, nothing herein shall affect or impair the New Building Permit or the performance of work pursuant thereto.

**Section 3.02 Transit Improvement Agreement Terms.** The Transit Improvement Agreement shall be generally consistent with the terms and conditions of MTA’s standard subway entrance agreement (“**Subway Entrance Agreement**”), a copy of which has been provided to Declarant, with adjustments and modifications to address the subject improvements, and shall also include but not be limited to the following terms:

(a) **Construction Schedule.** Declarant shall develop a construction schedule for the Broad Street Station Improvements in consultation with the MTA describing the phasing of work and permitted work hours.

(b) **Design Development and Construction Drawings.** Declarant shall prepare design development and construction drawings (the “**Design Development and Construction Drawings**”) also known as “Plans and Specifications” in the Subway Entrance Agreement for the various scopes of work comprising the Broad Street Station Improvements for review and approval by MTA prior to construction commencement. The Design Development and Construction Drawings shall be in substantial compliance with the Transit Improvement Drawings and shall be prepared in accordance with MTA design standards and guidelines in effect at the time Declarant gives to MTA a “Notice to Advance Design” that Declarant is commencing to advance design of the Transit Improvements at a level of detail greater than the Transit Improvement Drawings. The form and content of Design Development and Construction Drawings and timeframes for review and approval by MTA of submissions made by Declarant shall be as specified in the Transit Improvement Agreement. The Design Development and Construction Drawings shall include signage at the elevator landings at street level indicating that the westerly elevator services the southbound terminus of the Nassau Street (J/Z line) and that the easterly elevator services the northbound entry to the Nassau Street (J/Z) line, as specified by MTA.

(c) **Security.** Prior to the commencement of construction of the Broad Street Station Improvements, Declarant shall provide (i) a letter of credit for the performance of Declarant's construction obligations relating to the Broad Street Station Improvements, in an amount not to exceed 120% of the estimated construction cost of the Broad Street Station Improvements (including but not limited to engineering services, railroad support and compliance with ADA requirements), based on cost estimates prepared by Declarant and approved by MTA, which security may be subject to reduction by 15% of the original amount upon the achievement of substantial completion of the Broad Street Station Improvements as certified by MTA; and (ii) pursuant to Section 5 of Article 2 of the New York Lien Law, payments bonds or such other security provided for under the New York Lien Law as is acceptable to the MTA.¶

(d) **Maintenance, Repair and Replacement.** Upon Substantial Completion of the Broad Street Station Improvements, Declarant shall assume responsibility for the maintenance and repair thereof, by entering into agreements with service providers upon terms consistent with the provisions of the Transit Improvement Agreement. The Transit Improvement Agreement shall include a license or other agreement as necessary to permit service providers to perform such maintenance and repair services. In no event shall Declarant be responsible for public safety and security in the areas of the Transit Improvements. Declarant shall provide letters of credit reasonably satisfactory to the MTA for the performance of such maintenance and repair services in an amount equal to 120% of the annual cost of the elevator service and repair services under the agreements with service providers. The Transit Improvement Agreement shall also include provisions for the capital replacement of the Broad Street Station Improvements.

(e) **Successors and Assigns.** The Transit Improvement Agreement shall run with the land and be binding on the Declarant, its successors and assigns.

#### ARTICLE IV.

##### PROPOSED BUILDING REQUIREMENTS

**Section. 4.01 Height Limit of Proposed Building.** In no event shall the height of the Proposed Building exceed 1,115 feet.

#### ARTICLE V.

##### CERTIFICATES OF OCCUPANCY

**Temporary Certificate of Occupancy.** Except as provided in Section 7.04 hereof, Declarant shall not accept a TCO for any portion of the Proposed Building utilizing the Bonus Floor Area prior to certification by the Chair based on certification of the MTA in accordance with Section 5.03 that: (a) the Wall Street Transit Improvements Deposit and the Broad Street Transit Improvements Deposit have been funded in accordance with this Declaration; (b) the Broad Street Station Improvements are Substantially Complete ("**Notice of Substantial Completion**"); and (c) provisions regarding maintenance and repair obligations are met by repair/maintenance contracts and a letter of credit. However, (i) nothing herein shall prevent occupancy of Non-Bonus Floor Area prior to receipt of a Notice of Substantial Completion, and (ii) notwithstanding anything to the contrary herein, Declarant may apply for and accept a Zero Occupancy TCO prior to receipt of a Notice of Substantial Completion. For the purposes of this Section 5.01, at least 36,695 square feet of Floor Area located in the Proposed Building, at an elevation that is above 229 feet above grade (241 feet above datum), shall be designated as Bonus Floor Area, as shown on plans to be filed with DOB. The remainder of the Bonus Floor Area may be located below 229 feet above grade (241 feet above datum) and its location shall also be shown on plans to be filed with DOB. Such plans may be modified from time to time in connection with an application made to DOB for the issuance of a TCO made in accordance with Section 5.03, in order to adjust the location of the Bonus Floor Area, provided that such plans shall at all times demonstrate compliance with the requirements of this Section 5.01 with respect to the amounts of Bonus Floor Area that may be located above and below 229 feet above grade (241 feet above datum).

**Section 5.01 Permanent Certificates of Occupancy.** Except as provided in Section 7.04 hereof, Declarant shall not accept a PCO for any portion of the Proposed Building utilizing the Bonus Floor Area prior to certification by the Chair based on the certification by MTA in accordance with Section 5.03 that the Broad Street Transit Improvements are Finally Complete (“**Notice of Final Completion**”). However, nothing herein shall prevent occupancy of Non-Bonus Floor Area prior to receipt of a Notice of Final Completion.

**Section 5.02 DCP and MTA Review.** Except as provided in Section 7.04 hereof, prior to accepting a TCO or PCO from DOB for zoning floor area in excess of the Non-Bonus Floor Area, Declarant shall submit a notice to DCP and MTA (the “**CO Notice**”) certifying that the Broad Street Station Improvements are Substantially Complete (or in the case of a PCO, Finally Complete). The MTA shall perform an on-site review of the Broad Street Station Improvements pursuant to time frames set forth in the Transit Improvement Agreement and will follow procedures set forth therein to make such determination of Substantial Completion. MTA will provide DCP with a copy of its certificate and any punch list items if the Broad Street Station Improvements are substantially complete. If the Broad Street Station Improvements are substantially complete, Declarant shall be entitled to obtain the TCO or PCO as the case may be, provided that all other requirements of Section 5.01 have been met. Notwithstanding the foregoing, in the event that (i) DCP has failed to (x) respond in writing to Declarant within twenty (20) business days of receipt of the CO Notice, (y) meet with Declarant within ten (10) business days of receipt of the CO Notice, or (z) respond in writing to Declarant within ten (10) business days of receipt of any additional materials provided to DCP and under this Section, and (ii) the MTA has failed to take the actions required under the Transit Improvement Agreement following the CO Notice within the time frames set forth therein, then DCP and the MTA shall be deemed to have accepted the CO Notice and any subsequent materials related thereto as demonstrating compliance with the requirements for the issuance of the TCO or PCO and Declarant shall be entitled to apply for and accept the TCOs or PCOs.

## **ARTICLE VI.**

### **EFFECTIVE DATE; AMENDMENTS AND MODIFICATIONS TO AND CANCELLATION OF THIS DECLARATION**

#### **Section 6.01 Effective Date; Lapse; Cancellation.**

(a) This Declaration and the provisions and covenants hereof shall become effective upon Final Approval of the Special Permit, but Declarant’s obligations hereunder shall be postponed until: (A) the latest to occur of the following dates: (i) the date on which the right to seek judicial review of the Special Permit has expired; (ii) the date on which the time to appeal from an order of any court of competent jurisdiction upholding or affirming the Special Permit has expired; and (iii) the date on which a final order upholding or affirming the Special Permit is entered pursuant to a decision by a court of competent jurisdiction from which no appeal can be taken; or (B) at any time prior to the latest to occur of the dates set forth in (A) above, such earlier date upon which Declarant proceeds to develop the Proposed Building in accordance with the Special Permit. For avoidance of doubt, construction of an As-of-Right Building shall not be deemed development for purposes of the foregoing sentence.

(b) Promptly, and no later than ten (10) days after Final Approval of the Special Permit, Declarant shall file and record this Declaration and any related waivers executed by Mortgagees or other Parties-in-Interest that are required to be recorded in public records, in the Office of the City Register, indexing them against the entire Subject Zoning Lot, and deliver to the Commission within ten (10) days from any such submission for recording, a copy of such documents as submitted for recording, together with an affidavit of submission for recordation. Declarant shall deliver to the Commission a copy of all such documents, as recorded, certified by the Office of the City Register, promptly upon receipt of such documents from the Office of the City Register. If Declarant fails to so record such documents within ten (10) days after Final Approval of the Special Permit, then the City may record duplicate originals of such documents. However, all fees paid or payable for the purpose of recording such documents, whether undertaken by Declarant or by the City, shall be borne by

Declarant.

(c) Notwithstanding anything to the contrary contained in this Declaration, if the Special Permits is declared invalid or otherwise voided by a final judgment of any court of competent jurisdiction from which no appeal can be taken or for which no appeal has been taken within the applicable statutory period provided for such appeal, then, upon entry of said judgment or the expiration of the applicable statutory period for such appeal, this Declaration shall be cancelled and shall be of no further force or effect and an instrument discharging it may be recorded. Prior to the recordation of an instrument discharging this Declaration, Declarant shall notify the Chair of Declarant's intent to cancel and terminate this Declaration and request the Chair's approval, which approval shall be limited to insuring that such cancellation and termination is in proper form. The Chair shall respond to such notice and request within thirty (30) days of receipt by the Chair of such notice, and shall at Declarant's request execute an instrument in recordable form consenting to the discharge of Declarant's obligations hereunder. The failure of the Chair to respond within such thirty (30) day period shall be deemed an approval by the Chair of the cancellation of the Declaration. Upon recordation of such instrument, Declarant shall provide a copy thereof to the Commission so certified by the Office of the City Register.

**Section 6.02 Modification and Amendment.**

(a) Except as otherwise provided in Sections 6.01, 6.02(b), 6.02(c), or 6.02(d) hereof, this Declaration may be amended, modified or cancelled only with the express written approval of the Commission and the MTA. No other approval or consent shall be required from any public body, private person or legal entity of any kind, including, without limitation, any other present Party-in-Interest or future Party-in-Interest who is not a successor of Declarant.

(b) Changes to Transit Improvement Drawings for the Broad Street Station Improvements that the Chair and the MTA deem to be minor shall be amended or modified administratively by the Chair and MTA, and no other approval or consent (including modifications to the Special Permits) shall be required from any public body, private person or legal entity of any kind, including, without limitation, any other present Party-in-Interest or future Party-in-Interest who is not a successor of Declarant.

(c) Changes to Transit Improvement Drawings for the Wall Street Station Improvements requested or made by MTA that do not reduce the amount of fare array controls to be provided shall be amended or modified administratively by MTA and no other approval or consent (including modifications to the Special Permits) shall be required from any public body, private person or legal entity of any kind, including, without limitation, any other present Party-in-Interest or future Party-in-Interest who is not a successor of Declarant.

(d) Changes to this Declaration that the Chair and the MTA deem to be minor shall be amended or modified administratively by the Chair and the MTA, and no other approval or consent (including modifications to the Special Permits) shall be required from any public body, private person or legal entity of any kind, including, without limitation, any other present Party-in-Interest or future Party-in-Interest who is not a successor of Declarant.

(e) Any modification or amendment of this Declaration shall be executed and recorded in the same manner as this Declaration. Declarant shall record any such modification or amendment immediately after approval or consent has been granted pursuant to Section 6.02(a) and provide an executed and certified true copy thereof to DCP and, upon Declarant's failure to so record, permit its recording by DCP at the cost and expense of Declarant.

(f) Notwithstanding any other provision of this Section 6.02 to the contrary, in the event that the Transit Improvement Agreement includes provisions relating to security that differ or vary from those of Section 3.02(c), the provisions of Section 3.02(c) shall thereby be deemed superseded and no amendment of this Declaration shall be required under this Section 6.02, provided that Declarant notifies the Chair in writing that

the provisions of the Transit Improvement Agreement alternate to Section 3.02 (c) are accepted and agreed to by the MTA, in the exercise of its sole discretion. In such event, the Declarant shall, if so directed by Counsel to DCP, file and record a notice in the Office of the City Register, indexed against the entire Subject Zoning Lot, stating that the provisions of Section 3.02 ( c) are inoperative in accordance with the provisions of this Section 6.02(f). “

## **ARTICLE VII.**

### **COMPLIANCE; DEFAULTS; REMEDIES**

#### **Section 7.01 Default.**

(a) The City shall give written notice (each, a “Default Notice”) of any alleged breach of the provisions of this Declaration to Declarant. Upon receipt of a Default Notice, Declarant shall effect a cure within forty-five (45) business days thereof. Alternatively, if the violation is not capable of cure within such forty-five (45) business day period, Declarant shall promptly initiate and diligently pursue any steps required to cure such breach and, if Declarant thereafter proceeds diligently toward the effectuation of such cure, the aforesaid forty-five (45) business day period shall be deemed extended for so long as Declarant continues to proceed diligently with the effectuation of such cure. Declarant shall have the right, in its sole discretion, to determine the manner in which a breach of this Declaration will be cured, provided such cure is in compliance with this Declaration. The forty-five (45) business day period for curing any breach of this Declaration by Declarant (as such may be extended in accordance with this Section 7.01) shall be subject to further extension for Uncontrollable Circumstances, provided that Declarant shall have taken the steps required by Section 7.04 hereof.

(b) The City retains all remedies at law and in equity and via administrative enforcement to enforce this Declaration.

(c) The City retains the right to resolve any dispute regarding the provisions of this Declaration by an alternate dispute resolution acceptable to Declarant, before resorting to litigation or administrative enforcement.

(d) In the case of an alleged breach of, or other dispute regarding the provisions of this Declaration, both Declarant and the City may (but shall not be obligated to) agree that the same shall be resolved by arbitration in a manner to be agreed upon, provided that nothing herein shall be construed to limit the provisions of Section 7.01(b) of this Declaration.

(e) A Named Mortgagee shall have the right to cure a breach on behalf of Declarant within the applicable notice and cure period provided in this Article VII.

#### **Section 7.02 Enforcement of Declaration.**

(a) The obligations of Declarant under this Declaration shall be enforceable solely by the City. No person or entity other than the City shall be entitled to enforce, or assert any claim arising out of or in connection with, this Declaration. This Declaration shall not create any enforceable interest or right in any person or entity other than the City.

(b) Notwithstanding anything to the contrary contained in this Declaration, the City will look solely to the fee estate and interest of Declarant in the Subject Property, on an in rem basis only, for the collection of any money judgment recovered against Declarant, or the enforcement of any monetary remedy based upon any breach by the Declarant under this Declaration, and no other property of Declarant shall be subject to levy, execution or other enforcement procedure for the satisfaction of the remedies of the City or any

other person or entity with respect to this Declaration, and Declarant shall have no personal liability under this Declaration. For the purposes of this Section 7.02, "Declarant" shall mean "Declarant" as defined in the Preamble of this Declaration, as well as any principals, disclosed or undisclosed, partners, affiliates, officers, employees, shareholders or directors of Declarant.

(c) The restrictions, covenants and agreements set forth in this Declaration shall be binding upon Declarant only for the period during which such party is the holder of a fee interest in or is a Party-in-Interest of the Subject Property and only to the extent of such fee interest or the interest rendering such party a Party-in-Interest. At such time as Declarant or any successor-in-interest thereto has no further fee interest in the Subject Property or portion thereof, and is no longer a Party-in-Interest of the Subject Property, or portion thereof, such party's obligations and liability with respect to this Declaration shall wholly cease and terminate as to the portion conveyed from and after the conveyance of such party's interest and such party's successor-in-interest in the Subject Property, or portion thereof, by acceptance of such conveyance automatically shall be deemed to assume such party's obligations and liabilities hereunder to the extent of such successor-in-interest's interest.

(d) Notwithstanding the foregoing, nothing herein shall be deemed to preclude, qualify, limit or prevent any of the City's governmental rights, powers or remedies, including, without limitation, with respect to the satisfaction of the remedies of the City under any laws, statutes, codes or ordinances.

(e) If Declarant is found by a court of competent jurisdiction to have been in default of any of its obligations under this Declaration and such finding is upheld on final appeal, or the time for such further review of such finding on appeal or by other proceeding has lapsed, Declarant shall indemnify and hold harmless the City from and against all of its reasonable legal and administrative expenses arising out of or in connection with the enforcement of any of the City's remedies resulting from such default.

### **Section 7.03 Certain Remedies.**

(a) Declarant hereby agrees that failure to comply with conditions or restrictions in this Declaration shall constitute a violation of the Zoning Resolution, and such failure to comply may constitute the basis for denial or revocation of Building Permit(s) or certificate(s) of occupancy.

(b) In any application for an amendment or modification of this Declaration, Declarant shall verify that it has complied with each of the material conditions of the Declaration applicable at the time of such application.

(c) In the event that Declarant has not complied with the material conditions of this Declaration, such non-compliance may constitute grounds for the Commission and/or the City Council, as applicable, to disapprove any application for amendment or modification of the Declaration.

(d) For purposes of this Section 7.03, Declarant shall not be deemed to have failed to comply under any of paragraphs (a), (b) or (c) unless and until Declarant or a Named Mortgagee, as the case may be, has failed to remedy or cure the event or occurrence which is the basis of any allegation of a failure to comply in accordance with the procedure as set forth in Section 7.01 of this Declaration with respect to alleged default(s), including all applicable notice and cure periods afforded Declarant and Named Mortgagee(s) therein.

### **Section 7.04 Uncontrollable Circumstances.**

(a) In the event that, as the result of Uncontrollable Circumstances, Declarant is or believes it will be unable to perform or complete any obligation required to be performed hereunder with respect to the Broad Street Station Improvements prior to accepting a TCO or PCO, Declarant shall promptly after it has actual knowledge of such Uncontrollable Circumstances so notify the Chair in writing (such notice, the "**Delay**

**Notice**”), who may certify the existence of such Uncontrollable Circumstances. Any Delay Notice shall include a description of the Uncontrollable Circumstances, and, if known to Declarant, their cause and estimated impact on performance of the obligation in question. The Chair shall thereafter determine whether the Uncontrollable Circumstances exist, acting in consultation with MTA, and upon notice to Declarant no later than ten (10) days after its receipt of the Delay Notice, certify whether the Uncontrollable Circumstances exist. Failure to certify within ten (10) days after receipt of the Delay Notice shall be deemed a finding of Uncontrollable Circumstances by the Chair. If the Chair certifies that Uncontrollable Circumstances do not exist, the Chair shall set forth with specificity in the certification the reasons therefor. If the Chair certifies that Uncontrollable Circumstances exist, the Chair shall, either concurrently with such certification or no later than ten (10) days thereafter, authorize Declarant to accept a TCO or PCO, as applicable, for the Proposed Building incorporating the Bonus Floor Area or such portions of the Bonus Floor Area as the Chair determines to be warranted. In authorizing such occupancy of the Bonus Floor Area, the Chair may (i) take into account commitments to tenants relating to the occupancy of such space, (ii) require such additional security as the Chair determines is sufficient to assure the performance of Declarant’s obligations, and (iii) specify a date whereby performance of Declarant’s obligations shall be completed.

(b) Any delay caused as the result of Uncontrollable Circumstances shall be deemed to continue only as long as the Uncontrollable Circumstances continue. Upon cessation of the Uncontrollable Circumstances causing such delay, Declarant shall promptly recommence the work or implement the measure needed to complete the obligation, in accordance with any applicable directive of the Chair, unless an alternative is specified and agreed to by the Chair. Unless as otherwise agreed between Declarant and MTA, as a further condition to granting relief as aforesaid, if the Chair, acting in consultation with MTA, determines that as a result of such Uncontrollable Circumstances the security provided for completion in accordance with Section 3.02(c)(i) hereof is no longer adequate, the Chair may also require that Declarant post an additional letter of credit (“Completion Letter of Credit”) or similar security if acceptable to the Chair and MTA, in a form reasonably acceptable to the Chair and MTA as beneficiary, to secure Declarant’s obligation to complete the Broad Street Station Improvements upon cessation of the Uncontrollable Circumstances. The amount of such Completion Letter of Credit or similar security, together with the security provided in accordance with Section 3.02(c)(i) hereof, shall be in a sum of no more than 125% of the estimated cost of completing such work (including but not limited to engineering services, railroad support and compliance with ADA requirements, based upon an estimate provided by Declarant and accepted by MTA to complete the Broad Street Station Improvements. If Declarant fails to resume performance of such work upon cessation of the Uncontrollable Circumstances, the MTA may undertake the performance of such work in accordance with the Transit Improvement Agreement and its own standards and guidelines. Upon final completion of the Broad Street Station Improvements, whether by Declarant, or MTA, MTA shall promptly return the any amount remaining of the aforesaid security (or the undrawn balance thereof) to Declarant in accordance with the terms of the Transit Improvement Agreement.

**Section 7.05 Representation.** Declarant hereby represents and warrants that (a) there is no restriction of record on the development, enlargement, or use of the Subject Property, nor any present or presently existing estate or interest in the Subject Property, nor any existing lien, obligation, covenant, easement, limitation or encumbrance of any kind that shall preclude the enforcement of the obligations and restrictions as set forth herein; and (b) the Parties-in-Interest listed in the Certification of Party-in-Interest are the only known Parties-in-Interest in the Subject Property as of the date hereof.

## **ARTICLE VIII.**

### **MISCELLANEOUS**

#### **Section 8.01 Notices.**

(a) All notices, demands, requests, consents, approvals, or other communications (each of which is hereinafter referred to as “**Notice**”) which may be or are permitted, desirable or required to be given, served or sent hereunder shall be effective only if in writing and (i) mailed to the party for which it is intended

by certified or registered mail, return receipt requested, or (ii) sent via nationally recognized overnight courier service, , addressed as follows:

If to Declarant:

MADISON 45 BROAD DEVELOPMENT, LLC  
c/o Madison Equities  
105 Madison Avenue  
New York, NY 10016  
Attention: Anthony Labozzetta

with a copy to:

Fried, Frank, Harris, Shriver & Jacobson LLP  
One New York Plaza  
New York, New York 10004  
Attention: David Karnovsky, Esq.

If to the City:

New York City Department of City Planning  
120 Broadway, 31st Floor  
New York, New York 10271  
Attention: General Counsel

If to the MTA

Metropolitan Transportation Authority – New York City Transit  
2 Broadway  
New York, New York 10004  
Attention: General Counsel

(b) Any recipient of Notice may from time to time by Notice designate a new or additional related entity or person or address for receipt of Notices.

(c) Notice shall be deemed given five (5) days after mailing, two (2) Business Days after sending by nationally recognized overnight courier service, , except that a Notice providing for change of Notice name or address shall only be effective upon receipt.

(d) A copy of all Notices to Declarant shall be simultaneously given to any mortgagee or ground lessor of all or a portion of the Subject Property of which the City has been given Notice (any such mortgagee or lessor, a “**Named Mortgagee**”).

(e) In the event that there is more than one Declarant at any time, any Notice from the City or the Commission shall be provided to all Declarants of whom the Commission has notice.

(f) Any Notice or submission to the City and any Notice or approval from the City provided for in this Declaration shall be given to or given by the DCP on behalf of the City, and any approval given by the DCP shall be binding on the City. The foregoing shall not apply to any notices or approvals related to any matters that fall under the jurisdiction of any other agency of the City, including, without limitation, the Department of Buildings or the Department of Transportation.



**Section 8.02 Certificates.** The City will at any time and from time to time upon not less than fifteen (15) days' prior notice by Declarant or a Named Mortgagee execute, acknowledge and deliver to Declarant or such Named Mortgagee, as the case may be, a statement in writing certifying (a) that this Declaration is unmodified and in full force and effect (or if there have been modifications or supplements that the same is in full force and effect, as modified or supplemented, and stating the modifications and supplements), (b) whether or not to the best knowledge of the signer of such certificate Declarant is in default in the performance of any obligation contained in this Declaration, and, if so, specifying each such default of which the signer may have knowledge, and (c) as to such further matters as Declarant or such Named Mortgagee may reasonably request.

**Section 8.03 Conveyance.** Nothing contained herein shall be construed as requiring the consent of the DCP, the City, any agency thereof or any other person or entity to any sale, transfer, conveyance, mortgage, lease or assignment of any interest in the Subject Property.

**Section 8.04 Successors of Declarant.** References in this Declaration to "Declarant" shall be deemed to include any successor to or assign of Declarant. Notwithstanding anything to the contrary contained in this Declaration, (i) no tenant of the Subject Property shall be deemed to be a Declarant for any purpose, and (ii) no holder of a mortgage or other lien in the Subject Property shall be deemed to be a Declarant for any purpose, unless and until such holder obtains either a fee interest in the Subject Property or any portion thereof or a lessee's estate in a ground lease of all or substantially all the Subject Property, and provided further that the holder of any such mortgage or lien shall not be liable for any obligations of Declarant as the "Declarant" hereunder unless such holder commences to develop the Subject Property in accordance or has acquired its interest from a party who has done so.

**Section 8.05 Parties-in-Interest.** Declarant shall cause any individual, business organization or other entity which, between the date hereof and the effective and recording date and time of this Declaration, becomes a Party-in-Interest in the Subject Property or portion thereof to subordinate its interest in the Subject Property to this Declaration. Any and all mortgages or other liens encumbering the Subject Property after the recording date of this Declaration shall be subject and subordinate hereto as provided herein.

**Section 8.06 Condominiums and Cooperative Corporations.**

In the event that the Subject Property is subject to a declaration of condominium or if the Subject Property is owned by a cooperative cooperation in accordance with the provisions of New York state law, from and after the date the declaration of condominium has been recorded in the Office of the City Register, or the date that the Subject Property is conveyed to the cooperative corporation, the Board of Directors or the Board of Managers, as the case may be (the "Board"), shall be deemed to be the sole Declarant and Party-in-Interest under this Declaration with respect to the premises owned by the cooperative apartment corporation or held in condominium ownership, and the owners of the shares of stock of the cooperative apartment corporation, the holder of a lien encumbering any such shares, the holder of any other occupancy or other interest in such cooperative apartment, the holder of any unit in the condominium, the holder of a lien encumbering any such condominium unit and the holder of any other occupancy or other interest in such condominium unit (each of the foregoing, hereinafter, a "Unit Interested Party") shall not be deemed to be a Declarant or a Party-in-Interest. Each and every Unit Interested Party hereby (x) irrevocably consents to any amendment, modification, cancellation, revision or other change in this Declaration by the Board; (y) waives and subordinates any rights it may have to enter into an amended Declaration or other instrument amending, modifying, canceling, revising or otherwise changing this Declaration, and (z) nominates, constitutes and appoints the Board its true and lawful attorney-in-fact, coupled with an interest, to execute any documents or instruments that may be required in order to amend, modify, cancel, revise or otherwise change this Declaration.

In the event that cooperative or condominium units are offered for sale in the Proposed Development, a summary of the terms of this Declaration shall be included in any offering plan or "red herring" issued in connection therewith. Such offering plan or "red herring" shall clearly identify the rights and

obligations pursuant to this Declaration of the unit owners or the owners of shares of stock in the cooperative cooperation, as the case may be, that may be formed.

**Section 8.07 Governing Law.** This Declaration shall be governed and construed by the laws of the State of New York, without regard to principles of conflicts of law.

**Section 8.08 Severability.** In the event that any provision of this Declaration shall be deemed, decreed, adjudged or determined to be invalid or unlawful by a court of competent jurisdiction, such provision shall be severed and the remainder of this Declaration shall continue to be of full force and effect.

**Section 8.09 Applications.** Declarant shall include a copy of this Declaration as part of any application pertaining to the Subject Property submitted to the DOB or any other interested governmental agency or department having jurisdiction over the Subject Property.

**Section 8.09 Incorporation by Reference.** Any and all exhibits, appendices and attachments referred to herein are hereby incorporated fully and made an integral part of this Declaration by reference.

[SIGNATURE LINES ON FOLLOWING PAGE]

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

**MADISON 45 BROAD DEVELOPMENT, LLC**

By: \_\_\_\_\_  
Name:  
Title: Authorized Signatory

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

On the \_\_\_ day of \_\_\_\_\_ in the year 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity(ies), and that by his signatures on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_

**SCHEDULE OF EXHIBITS**

- EXHIBIT A**                   Metes and Bounds Description of the Subject Property
- EXHIBIT B**                   Metes and Bounds Description of Lot 10
- EXHIBIT C**                   Declaration of Zoning Lot Restrictions
- EXHIBIT D**                   Certification of Parties-in-Interest
- EXHIBIT E**                   Broad Street Station Improvements
- EXHIBIT F**                   Wall Street Station Improvements
- EXHIBIT G**                   Additional Scope Items

**EXHIBIT A****Metes and Bounds Description of the Subject Property**Lot 7

## Parcel I

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

BEGINNING at a point on the easterly side of Broad Street, distant one-hundred thirty feet nine and three-fourths inches northerly from the corner formed by the intersection of the said easterly side of Broad Street with the northerly side of Beaver Street;

RUNNING THENCE easterly along a line which forms an angle on its northerly side with said easterly side of Broad Street of 82 degrees 30 minutes 10 seconds and along the northerly face of northerly walls of buildings adjoining on the South, and along southerly face of the Southerly wall of the brick building on the premises hereby described; 146 feet and 2 1/4 inches (Tax Map 145.93/Survey 145.87) to the westerly face of the westerly wall of the building on the premises adjoining on the East;

THENCE northerly along said westerly face of said westerly wall of 60 feet 3 3/4 inches to the southerly face of the southerly wall of the one story brick building on the rear of the premises adjoining on the North;

THENCE westerly along a line which forms an angle on its southerly side with the easterly side of Broad Street of 96 degrees 2 minutes 20 seconds 128 feet 1 1/2 inches to the said easterly side of Broad Street; and

THENCE southerly along said easterly side of Broad Street, 63 feet 5 1/4 inches to the point or place of BEGINNING.

TOGETHER with the benefits of the easements set forth, defined and limited in that certain Zoning Lot Development and Easement Agreement dated as of February 26, 2007, by and between Walwilhal Associates, LLC and 45 Broad LLC, and recorded in the Office of the City Register of the City of New York, on March 2, 2007 under CRFN 2007000122089.

## Parcel II

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

BEGINNING at a point the following two (2) courses and distances from the corner formed by the intersection of the easterly side of Broad Street and the northerly side of Beaver Street;

- (1) northerly along the said easterly side of Broad Street 130.81 feet to a point; and
- (2) easterly along a line which forms an angle on its northerly side with said easterly side of Broad Street of 82 degrees 30 minutes 10 seconds and along the northerly face of northerly walls of buildings adjoining on the South, a distance of 145.87 feet to the easterly face of the building adjoining on the west at the point or place of BEGINNING;

RUNNING THENCE from said point of beginning southerly along a line which forms an angle on its westerly side with the preceding course of 99 degrees 04 minutes 25 seconds and along the easterly face of the easterly wall of the building adjoining on the West, a distance of 16.75 (Survey and Tax Map 16.73) feet to the northerly face of the building adjoining to the South;

THENCE easterly along a line which forms an angle on its northerly side with the preceding course of 89 degrees 38 minutes 45 seconds and along the northerly face of the building adjoining to the South and an open space, a distance of 48.21 feet to a point in said open space;

THENCE northerly through said open space which forms an angle on its westerly side with the preceding course of 88 degrees 29 minutes 00 seconds, a distance of 74.47 feet to a point in said open space;

THENCE westerly along a line which forms an angle on its southerly side with the preceding course of 125 degrees 52 minutes 30 seconds and along the southerly face of the southerly wall of the building adjoining on the North, a distance of 55.22 feet to the easterly face of a building adjoining on the West;

THENCE southerly along a line which forms an angle on its easterly side with the preceding course of 55 degrees 59 minutes 45 seconds, a distance of 88.79 feet to the point or place of BEGINNING.

Perimeter Description

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

BEGINNING at a point the following one (1) course and distance from the corner formed by the intersection of the easterly side of Broad Street and the northerly side of Beaver Street;

(1) Northerly along the said easterly side of Broad Street 130.81 feet to the point or place of BEGINNING;

RUNNING THENCE from said point of beginning easterly along a line which forms an angle on its northerly side with said easterly side of Broad Street of 82 degrees 30 minutes 10 seconds and along the northerly face of northerly walls of buildings adjoining on the South, a distance of 145.87 (Tax Map 145.93) feet to the easterly face of the building adjoining on the West;

THENCE southerly along a line which forms an angle on its westerly side with the preceding course of 99 degrees 04 minutes 25 seconds and along the easterly face of the easterly wall of the building adjoining on the West, a distance of 16.75 (16.73 Survey and Tax Map) feet to the northerly face of the building adjoining to the South;

THENCE easterly along a line which forms an angle on its northerly side with the preceding course of 89 degrees 38 minutes 45 seconds and along the northerly face of the building adjoining to the South and an open space, a distance of 48.21 feet to a point in said open space;

THENCE northerly through said open space which forms an angle on its westerly side with the preceding course of 88 degrees 29 minutes 00 seconds, a distance of 74.47 feet to a point in said open space;

THENCE westerly along a line which forms an angle on its southerly side with the preceding course of 125 degrees 52 minutes 30 seconds and along the southerly face of the southerly wall of the building adjoining on the North, a distance of 55.22 feet to the easterly face of a building adjoining on the West;

THENCE southerly along a line which forms an angle on its easterly side with the preceding course of 55 degrees 59 minutes 45 seconds, a distance of 28.48 feet to the southerly face of the southerly wall of the building on the premises adjoining on the North;

THENCE westerly along a line which forms an angle on its southerly side with the easterly side of Broad Street of 96 degrees 2 minutes 20 seconds, 128.12 feet to said easterly side of Broad Street;

THENCE southerly along said easterly side of Broad Street, 63.44 feet to the point or place of  
BEGINNING.

**EXHIBIT B**

**Metes and Bounds Description of Lot 10**

Lot 10

BEGINNING at a point on the easterly side of Broad Street, distant 106 feet 8 inches southerly from the southeasterly corner of Broad Street and Exchange Place, which point is opposite the northerly face of the northerly wall of the northerly building on the premises herein described;

THENCE southerly along the easterly side of Broad Street, 46 feet 1-1/2 inches to an angle in the easterly side of Broad Street;

THENCE southerly still along the easterly side of Broad Street, 60 feet 7 inches to a point on the easterly side of Broad Street, distant 194 feet 3 inches northerly from the corner formed by the intersection of the easterly side of Broad Street and the northerly side of Beaver Street, which point is opposite the southerly face of the southerly wall of the southerly building on the premises herein described;

THENCE easterly along the said southerly face of said wall, 128 feet 1-1/2 inches to the westerly face of the westerly wall of the building adjoining on the east;

THENCE northerly along said westerly face of said last mentioned wall and on a line which makes an interior angle with the last mentioned course of 79 degrees 28 minutes 0 seconds, 31 feet 2 inches to the northerly face of the northerly wall of the southerly building on the premises herein described;

THENCE northerly on a line which makes an interior angle with the last mentioned course of 190 degrees 7 minutes 50 seconds, 16 feet 11-1/4 inches;

THENCE northerly along a line which makes an interior angle with the last mentioned course of 178 degrees 39 minutes, 13 feet 4- 1/2 inches to the northerly face of the independent wall of the rear building on premises known as 39 Broad Street;

THENCE westerly along the same and on a line which makes an interior angle with the last mentioned course, 91 degrees 42 minutes 0 seconds, 6 feet 7-1/2 inches to the easterly face of the easterly wall of the rear building on the premises known as 35 Broad Street;

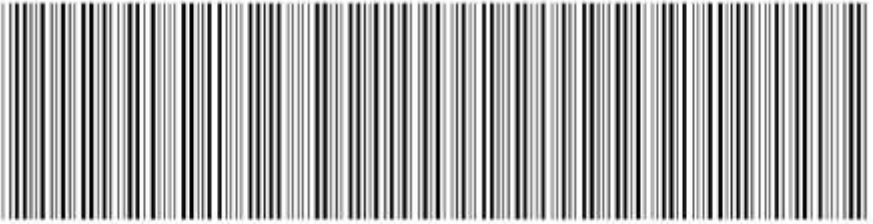

THENCE northerly along the same and on a line which makes an exterior angle with the last mentioned course of 75 degrees 12 minutes 0 seconds, 29 feet 6- 1/4 inches to the northerly side of the northerly wall of the said building;

THENCE westerly along the same and along the northerly face of the northerly wall of the front building on the premises known as 35 Broad Street and on a line which makes an interior angle with the last mentioned course of 83 degrees 16 minutes 30 seconds, 102 feet 9-1/2 inches to the point or place of BEGINNING.



**EXHIBIT C**

**Declaration of Zoning Lot Restrictions**

<p><b>NYC DEPARTMENT OF FINANCE OFFICE OF THE CITY REGISTER</b></p> <p>This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.</p>	 <p>2015060300981002001E6CB5</p>			
<b>RECORDING AND ENDORSEMENT COVER PAGE</b>				
<b>PAGE 1 OF 14</b>				
<p><b>Document ID: 2015060300981002</b>      Document Date: 06-01-2015      Preparation Date: 06-03-2015</p> <p>Document Type: SUNDRY MISCELLANEOUS</p> <p>Document Page Count: 13</p>				
<p><b>PRESENTER:</b>                  MADISON ABSTRACT, INC. ( NY 15 17623 )                  670 WHITE PLAINS ROAD, SUITE 121                  AS AGENT TO                  SCARSDALE, NY 10583                  914-725-7200                  AFRIEDMAN@MADISONABSTRACT.COM</p>	<p><b>RETURN TO:</b>                  MADISON ABSTRACT, INC. ( NY 15 17623 )                  670 WHITE PLAINS ROAD, SUITE 121                  AS AGENT TO                  SCARSDALE, NY 10583                  914-725-7200                  AFRIEDMAN@MADISONABSTRACT.COM</p>			
<b>PROPERTY DATA</b>				
<b>Borough</b>	<b>Block</b>	<b>Lot</b>	<b>Unit</b>	<b>Address</b>
MANHATTAN	25	7	Entire Lot	43-45 BROAD STREET
<b>Property Type:</b> NON-RESIDENTIAL VACANT LAND				
<b>Borough</b>	<b>Block</b>	<b>Lot</b>	<b>Unit</b>	<b>Address</b>
MANHATTAN	25	10	Entire Lot	35-41 BROAD STREET
<b>Property Type:</b> OTHER				
<b>CROSS REFERENCE DATA</b>				
CRFN: 2007000122083				
<b>PARTIES</b>				
<p><b>PARTY 1:</b>                  45 BROAD STREET L/CAL LLC                  C/O LCOR INCORPORATED, 850 CASSATT ROAD,                  SUITE 300                  BERWYN, PA 19312</p>				
<b>FEES AND TAXES</b>				
<b>Mortgage :</b>		Filing Fee:		
Mortgage Amount:	\$	0.00	\$	0.00
Taxable Mortgage Amount:	\$	0.00	NYC Real Property Transfer Tax:	
Exemption:			\$	0.00
TAXES: County (Basic):	\$	0.00	NYS Real Estate Transfer Tax:	
City (Additional):	\$	0.00	\$	0.00
Spec (Additional):	\$	0.00		
TASF:	\$	0.00		
MTA:	\$	0.00		
NYCTA:	\$	0.00		
Additional MRT:	\$	0.00		
<b>TOTAL:</b>	<b>\$</b>	<b>0.00</b>		
Recording Fee:	\$	105.00		
Affidavit Fee:	\$	0.00		
		<p><b>RECORDED OR FILED IN THE OFFICE OF THE CITY REGISTER OF THE CITY OF NEW YORK</b></p> <p>Recorded/Filed 06-11-2015 11:47                  City Register File No.(CRFN):  <b>2015000198455</b></p>  <p><i>Annette M. Hill</i>                  City Register Official Signature</p>		

**DECLARATION OF ZONING LOT RESTRICTIONS**

THIS DECLARATION OF ZONING LOT RESTRICTIONS ("this Declaration"), dated as of June 1, 2015, made by 45 Broad Street L/CAL LLC a Delaware limited liability company, having an address c/o LCOR Incorporated, 850 Cassatt Road, Suite 300, Berwyn, Pennsylvania 19312, (hereafter called "45 Broad Street" or "Declarant Party").

RECITALS

1. 45 Broad Street is the owner of the land described on Exhibit A-1 hereto, which land is designated as a portion of Tax Lot 7 in Block 25 on the Tax Map of the City of New York, County of New York (the "Tax Map") (which land is hereafter called the "Original Lot 7 Land").

2. The Original Lot 7 Land is a part of a combined zoning lot created in accordance with the terms of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended from time to time (the "Zoning Resolution"), pursuant to a certain Declaration of Zoning Lot Restrictions (the "Existing Declaration"), dated as of February 26, 2007, and recorded on March 6, 2007 under CRFN 2007000122083 in the Office of the New York City Register, New York County (the "Register's Office"). The combined zoning lot created by the Existing Declaration (the "Existing Combined Zoning Lot") consists of (i) the Original Lot 7 Land (ii) the land parcel described in Exhibit A-2 hereto, which land parcel is designated as Tax Lot 10 in Block 25 on the Tax-Map (which land is hereafter called the "Lot 10 Land") (the Original Lot 7 Land and the Lot 10 Land being hereafter collectively called the "Existing CZL Lands").

3. 45 Broad Street is also the owner of the land described on Exhibit B hereto, which land is designated as a portion of Tax Lot 7 in Block 25 as shown on the Tax Map (which land is hereafter called the "Acquired Lot 7 Land"). The Acquired Lot 7 Land is adjacent to, and contiguous for a minimum of ten (10) linear feet with, one or more of the Existing CZL Lands.

4. As certified by Madison Abstract Inc., as agent for First American Title Insurance Co., pursuant to the Certification of Parties in Interest attached as Exhibit C hereto (i) 45 Broad Street is the only "party in interest" (as defined in Section 12-10 {definition of "Zoning Lot" subdivision (d)} of the Zoning Resolution) with respect to the Existing CZL Lands, except for those parties in interest with respect to the Existing CZL Lands that have previously waived their respective rights to join herein, and (ii) 45 Broad Street is the only "party in interest" with respect to the Acquired Lot 7 Land, except for those parties in interest with respect to the Acquired Lot 7 Land that have previously waived their respective rights to join herein.

5. Pursuant to this Declaration, the Declarant Party intends, *inter alia*, to merge the Existing Combined Zoning Lot with the Acquired Lot 7 Land pursuant to the Zoning Resolution.

NY  
B: 25  
L: 7 AND 10

NY 15 17623

Record & Return To:  
Madison Abstract Inc.  
670 White Plains Road  
Scarsdale, NY 10583

## MERGER

The Declarant Party, for good and valuable consideration, and with intent to bind all persons in whom title to any portion of the Existing CZL Lands or the Acquired Lot 7 Land is now or shall hereafter become vested, as well as all persons having, or hereafter acquiring, any interest of any nature whatsoever in the Existing CZL Lands (or any portion thereof) or the Acquired Lot 7 Land (or any portion thereof),

DOES HEREBY state, confirm, declare and covenant that the Existing Combined Zoning Lot is hereby merged with the Acquired Lot 7 Land into a single zoning lot, such that the Existing CZL Lands and the Acquired Lot 7 Land are to be treated as a single zoning lot for the purposes of the Zoning Resolution and in accordance with the provisions thereof (such combined zoning lot being herein called the "Enlarged Combined Zoning Lot," and the Existing CZL Lands and the Acquired Lot 7 Land being herein collectively called the "Enlarged CZL Lands").

## AGREEMENTS

In respect of the foregoing, the Declarant Party hereby acknowledges as follows:

1. Defined Terms. Terms used herein that are defined in the Zoning Resolution shall have the meanings assigned to them therein, unless the context requires otherwise.

2. Merger Unaffected by Breach. No breach by a Declarant Party of this Declaration (or of any agreement ancillary hereto) shall affect the treatment of all the lands included within the Enlarged Combined Zoning Lot as one zoning lot, and, notwithstanding any such breach, all such lands shall continue to be treated as one zoning lot unless and until such zoning lot is subdivided in accordance and in conformity with the provisions of the Zoning Resolution.

3. Governing Law. This Declaration shall be governed by, and construed in accordance with, the laws of the State of New York.

4. Declaration Runs with the Land. This Declaration, and all the covenants contained herein, runs with the land, and shall bind, and inure to the benefit of, the Declarant Party and its respective successors and assigns, as well as each and every party now having, or hereafter acquiring, any right, title or interest in the Enlarged CZL Lands or any part thereof.

5. Recordation. This Declaration shall be recorded in the Office of the Register of the City of New York, New York County in accordance with the Zoning Resolution.

[SIGNATURE APPEARS ON FOLLOWING PAGE]



EXHIBIT A-1  
Original Lot 7 Land

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

BEGINNING at a point on the easterly side of Broad Street, distant one-hundred thirty feet nine and three-fourths inches northerly from the corner formed by the intersection of the said Easterly side of Broad Street with the Northerly side of Beaver Street;

RUNNING THENCE Easterly along a line which forms an angle on its Northerly side with said Easterly side of Broad Street of 82 degrees 30 minutes 10 seconds and along the northerly face of Northerly walls of buildings adjoining on the south, and along southerly face of the Southerly wall of the brick building on the premises hereby described; 146 feet and 2 1/4 inches to the Westerly face of the Westerly wall of the building on the premises adjoining on the East;

THENCE Northerly along said Westerly face of said Westerly wall of 60 feet 3 3/4 inches to the Southerly face of the Southerly wall of the one story brick building on the rear of the premises adjoining on the North;

THENCE Westerly along a line which forms an angle on its southerly side with the Easterly side of Broad Street of 96 degrees 2 minutes and 20 seconds 128 feet 1 1/2 inches to the said Easterly side of Broad Street; and

THENCE Southerly along said easterly side of Broad Street, 63 feet 5 1/4 inches to the point or place of BEGINNING.

TOGETHER WITH the benefits of the negative covenants and easement for light and air set forth, defined and limited in that certain Zoning Lot Development and Easement Agreement dated as of February 26, 2007, by and between Walwilhal Associates, LLC and 45 Broad LLC, and recorded in the Office of the City Register of the City of New York, on March 2, 2007 under CRFN 2007000122089.

EXHIBIT A-2  
Lot 10 Land

**ALL THAT CERTAIN** plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, County, City and State of New York, bounded and described as follows:

BEGINNING at a point on the easterly side of Broad Street, distant 106 feet 8 inches southerly from the southeasterly corner of Broad Street and Exchange Place, which point is opposite the northerly face of the northerly wall of the northerly building on the premises herein described;

RUNNING THENCE southerly along the easterly side of Broad Street, 46 feet 1-1/2 inches to an angle in the easterly side of Broad Street;

THENCE southerly still along the easterly side of Broad Street, 60 feet 7 inches to a point on the easterly side of Broad Street, distant 194 feet 3 inches northerly from the corner formed by the intersection of the easterly side of Broad Street and the northerly side of Beaver Street, which point is opposite the southerly face of the southerly wall of the southerly building on the premises herein described;

THENCE easterly along the said southerly face of said wall, 128 feet 1-1/2 inches to the westerly face of the westerly wall of the building adjoining on the east;

THENCE northerly along said westerly face of said last mentioned wall and on a line which makes an interior angle with the last mentioned course of 79 degrees 28 minutes 0 seconds, 31 feet 2 inches to the northerly face of the northerly wall of the southerly building on the premises herein described;

THENCE northerly on a line which makes an interior angle with the last mentioned course of 190 degrees 7 minutes 50 seconds, 16 feet 11-1/4 inches;

THENCE northerly along a line which makes an interior angle with the last mentioned course of 178 degrees 39 minutes, 13 feet 4-1/2 inches to the northerly face of the independent wall of the rear building on premises known as 39 Broad Street;

THENCE westerly along the same and on a line which makes an interior angle with the last mentioned course, 91 degrees 42 minutes 0 seconds, 6 feet 7-1/2 inches to the easterly face of the easterly wall of the rear building on the premises known as 35 Broad Street;

THENCE northerly along the same and on a line which makes an exterior angle with the last mentioned course of 75 degrees 12 minutes 0 seconds, 29 feet 6-1/4 inches to the northerly side of the northerly wall of the said building;

THENCE westerly along the same and along the northerly face of the northerly wall of the front building on the premises known as 35 Broad Street and on a line which makes an interior angle with the last mentioned course of 83 degrees 16 minutes 30 seconds, 102 feet 9-1/2 inches to the point or place of BEGINNING.

**EXHIBIT B**  
**Acquired Lot 7 Land**

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

**BEGINNING** at a point the following two (2) courses and distances from the corner formed by the intersection of the easterly side of Broad Street and the northerly side of Beaver Street;

- (1) northerly along the said easterly side of Broad Street 130.81 feet to a point; and
- (2) easterly along a line which forms an angle on its northerly side with said easterly side of Broad Street of 82 degrees 30 minutes 10 seconds and along the northerly face of northerly walls of buildings adjoining on the South, a distance of 145.87 feet to the easterly face of the building adjoining on the west at the point or place of **BEGINNING**;

**RUNNING THENCE** from said point of beginning southerly along a line which forms an angle on its westerly side with the preceding course of 99 degrees 04 minutes 25 seconds and along the easterly face of the easterly wall of the building adjoining on the West, a distance of 16.75 feet to the northerly face of the building adjoining to the South;

**THENCE** easterly along a line which forms an angle on its northerly side with the preceding course of 89 degrees 38 minutes 45 seconds and along the northerly face of the building adjoining to the South and an open space, a distance of 48.21 feet to a point in said open space;

**THENCE** northerly through said open space which forms an angle on its westerly side with the preceding course of 88 degrees 29 minutes 00 seconds, a distance of 74.47 feet to a point in said open space;

**THENCE** westerly along a line which forms an angle on its southerly side with the preceding course of 125 degrees 52 minutes 30 seconds and along the southerly face of the southerly wall of the building adjoining on the North, a distance of 55.22 feet to the easterly face of a building adjoining on the West;

**THENCE** southerly along a line which forms an angle on its easterly side with the preceding course of 55 degrees 59 minutes 45 seconds, a distance of 88.79 feet to the point or place of **BEGINNING**.

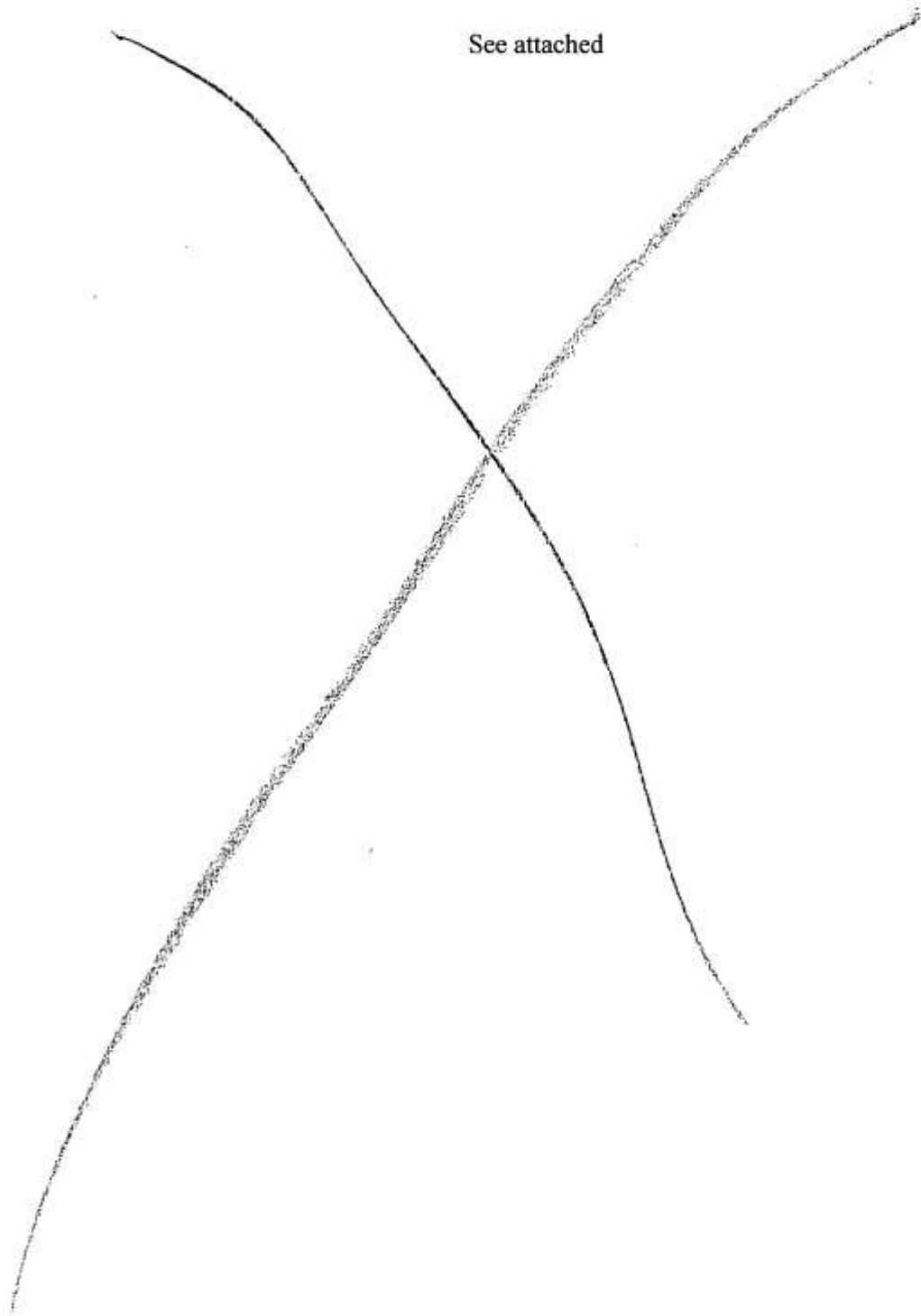
**TOGETHER WITH** the benefits of the easements and subject to the burdens set forth, defined and limited by the terms of those certain Easement Modification Agreement dated as of June 20, 2008, by and between 25 Broad, LLC and SDS William Street LLC, and recorded in the Office of the City Register of the City of New York, on November 21, 2008 under CRFN 2008000450552 and Relocation and Modification Agreement dated as of June 20, 2008 by and between 40 Exchange Place Corp. and SDS William Street LLC and recorded in the Office of the City Register of the City of New York, on November 21, 2008 under CRFN 2008000450553, together with the benefits of all other covenants and agreements set forth in Liber 14, cp. 190, Liber 1398 cp. 408, Liber 1504 cp. 182, Liber 3082 cp. 329, Liber 1409, cp. 80 and Liber 4072, cp. 411 and subject to the limitations contained therein.



EXHIBIT C

Certification of Parties in Interest

See attached



N.B.# \_\_\_\_\_  
 or  
 Alt.# \_\_\_\_\_

Exhibit "II"

CERTIFICATION PURSUANT TO ZONING LOT SUBDIVISION D OF SECTION  
 12-10 OF THE ZONING RESOLUTION OF DECEMBER 15, 1961 OF THE CITY OF  
 NEW YORK, AS AMENDED EFFECTIVE AUGUST 18, 1977

Madison Abstract Inc., as agent for First American Title Insurance Co., a title company licensed to do business in the State of New York and having its principal office at 670 White Plains Road, Scarsdale, New York, hereby certifies that as to the land hereafter described being a tract of land, either unsubdivided or consisting of two or more lots of record, contiguous for a minimum of ten linear feet, located within a single block, that all the parties in interest constituting a party as defined in Section 12-10 subdivision (d) of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended, are the following:

<u>NAME</u>	<u>ADDRESS</u>	<u>INTEREST</u>
45 Broad Street L/Cal LLC	c/o LCOR Incorporated 850 Cassett Road Suite 300 Berwyn, Pennsylvania 19312	Fee owner/ Lot 7 CRFN-2012000218743 and CRFN-2013000219394
Walwilhal Associates LLC	820 Morris Turnpike Short Hills, NJ 07078	Fee owner/ Lot 10 Waiver recorded in CRFN-2007000122089
Claremont Preparatory School, LLC	150 East 58 <sup>th</sup> Street 31 <sup>st</sup> Floor New York, New York 10155	Tenant/ Lot 10 Waiver recorded in CRFN-2007000122086
Capital One, National Association by Assignment of Mortgage from Landesbank Hessen-Thuringen Girozentrale	275 Broadhollow Road Melville, NY 11747	Mortgagee/ Lot10 Waiver recorded in CRFN-2007000122085 and CRFN-2007000122089

The subject tract of land with respect to which the foregoing parties are the parties in interest as aforesaid is known as Lots 10 and 7, in Block 25, as shown on the tax map of the City of New York, New York County, and is more particularly bounded and described as follows:

Lot 7

Parcel I

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

BEGINNING at a point on the easterly side of Broad Street, distant one-hundred thirty feet nine and three-fourths inches northerly from the corner formed by the intersection of the said easterly side of Broad Street with the northerly side of Beaver Street;

RUNNING THENCE easterly along a line which forms an angle on its northerly side with said easterly side of Broad Street of 82 degrees 30 minutes 10 seconds and along the northerly face of northerly walls of buildings adjoining on the South, and along southerly face of the Southerly wall of the brick building on the premises hereby described; 146 feet and 2 1/4 inches (Tax Map 145.93/Survey 145.87) to the westerly face of the westerly wall of the building on the premises adjoining on the East;

THENCE northerly along said westerly face of said westerly wall of 60 feet 3 3/4 inches to the southerly face of the southerly wall of the one story brick building on the rear of the premises adjoining on the North;

THENCE westerly along a line which forms an angle on its southerly side with the easterly side of Broad Street of 96 degrees 2 minutes 20 seconds 128 feet 1 1/2 inches to the said easterly side of Broad Street; and

THENCE southerly along said easterly side of Broad Street, 63 feet 5 1/4 inches to the point or place of BEGINNING.

TOGETHER with the benefits of the easements set forth, defined and limited in that certain Zoning Lot Development and Easement Agreement dated as of February 26, 2007, by and between Walwilhal Associates, LLC and 45 Broad LLC, and recorded in the Office of the City Register of the City of New York, on March 2, 2007 under CRFN 2007000122089.

## Parcel II

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

BEGINNING at a point the following two (2) courses and distances from the corner formed by the intersection of the easterly side of Broad Street and the northerly side of Beaver Street;

- (1) northerly along the said easterly side of Broad Street 130.81 feet to a point; and
- (2) easterly along a line which forms an angle on its northerly side with said easterly side of Broad Street of 82 degrees 30 minutes 10 seconds and along the northerly face of northerly walls of buildings adjoining on the South, a distance of 145.87 feet to the easterly face of the building adjoining on the west at the point or place of BEGINNING;

RUNNING THENCE from said point of beginning southerly along a line which forms an angle on its westerly side with the preceding course of 99 degrees 04 minutes 25 seconds and along the easterly face of the easterly wall of the building adjoining on the West, a distance of 16.75 (Survey and Tax Map 16.73) feet to the northerly face of the building adjoining to the South;

THENCE easterly along a line which forms an angle on its northerly side with the preceding course of 89 degrees 38 minutes 45 seconds and along the northerly face of the building adjoining to the South and an open space, a distance of 48.21 feet to a point in said open space;

THENCE northerly through said open space which forms an angle on its westerly side with the preceding course of 88 degrees 29 minutes 00 seconds, a distance of 74.47 feet to a point in said open space;

THENCE westerly along a line which forms an angle on its southerly side with the preceding course of 125 degrees 52 minutes 30 seconds and along the southerly face of the southerly wall of the building adjoining on the North, a distance of 55.22 feet to the easterly face of a building adjoining on the West;

THENCE southerly along a line which forms an angle on its easterly side with the preceding course of 55 degrees 59 minutes 45 seconds, a distance of 88.79 feet to the point or place of BEGINNING.

BEGINNING at a point on the easterly side of Broad Street, distant 106 feet 8 inches southerly from the southeasterly corner of Broad Street and Exchange Place, which point is opposite the northerly face of the northerly wall of the northerly building on the premises herein described;

THENCE southerly along the easterly side of Broad Street, 46 feet 1-1/2 inches to an angle in the easterly side of Broad Street;

THENCE southerly still along the easterly side of Broad Street, 60 feet 7 inches to a point on the easterly side of Broad Street, distant 194 feet 3 inches northerly from the corner formed by the intersection of the easterly side of Broad Street and the northerly side of Beaver Street, which point is opposite the southerly face of the southerly wall of the southerly building on the premises herein described;

THENCE easterly along the said southerly face of said wall, 128 feet 1-1/2 inches to the westerly face of the westerly wall of the building adjoining on the east;

THENCE northerly along said westerly face of said last mentioned wall and on a line which makes an interior angle with the last mentioned course of 79 degrees 28 minutes 0 seconds, 31 feet 2 inches to the northerly face of the northerly wall of the southerly building on the premises herein described;

THENCE northerly on a line which makes an interior angle with the last mentioned course of 190 degrees 7 minutes 50 seconds, 16 feet 11-1/4 inches;

THENCE northerly along a line which makes an interior angle with the last mentioned course of 178 degrees 39 minutes, 13 feet 4- 1/2 inches to the northerly face of the independent wall of the rear building on premises known as 39 Broad Street;

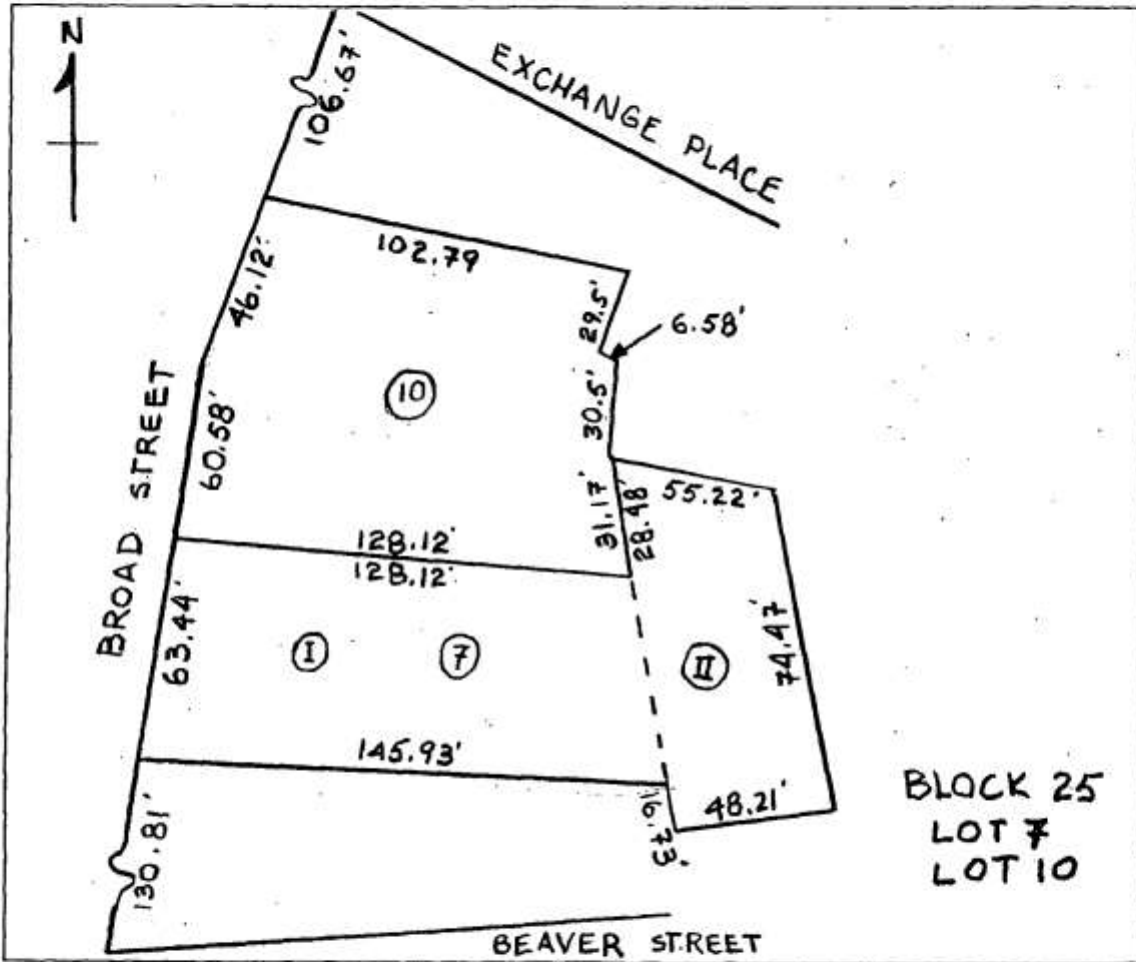
THENCE westerly along the same and on a line which makes an interior angle with the last mentioned course, 91 degrees 42 minutes 0 seconds, 6 feet 7-1/2 inches to the easterly face of the easterly wall of the rear building on the premises known as 35 Broad Street;

THENCE northerly along the same and on a line which makes an exterior angle with the last mentioned course of 75 degrees 12 minutes 0 seconds, 29 feet 6- 1/4 inches to the northerly side of the northerly wall of the said building;

THENCE westerly along the same and along the northerly face of the northerly wall of the front building on the premises known as 35 Broad Street and on a line which makes an interior angle with the last mentioned course of 83 degrees 16 minutes 30 seconds, 102 feet 9-1/2 inches to the point or place of BEGINNING.

That the said premises are known as and by street address, 35-41 Broad Street and 43-45 Broad Street New York, New York, and as shown on the following diagram:

DIAGRAM

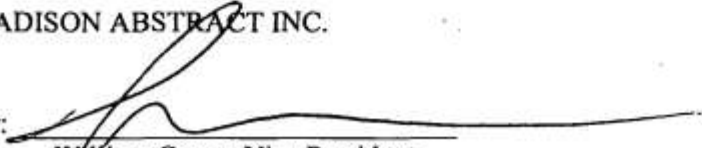


Certified this 2 day of JUNE, to 45 Broad Street L/Cal LLC, the applicant for this certification.

Note: A zoning lot may or may not coincide with a lot as shown on the Official Tax Map of the City of New York, or on any recorded subdivision plot or deed. A zoning lot may be subdivided into two or more zoning lots provided all of the resulting zoning lots and the buildings thereon shall comply with the applicable provisions of the zoning lot resolution.

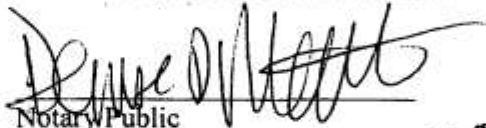
This certificate is made for and accepted by the applicant upon the express understanding that liability hereunder is limited to one thousand (\$1,000) dollars.

MADISON ABSTRACT INC.

By:   
William Cryan, Vice President

State of New York )  
  )ss.:  
County of Westchester

On the 2 day of June, 2015 before me, the undersigned, personally appeared, WILLIAM CRYAN personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity and that by his/her signature on the instrument the individual or person upon behalf of which the individual acted, executed the instrument.

  
Notary Public

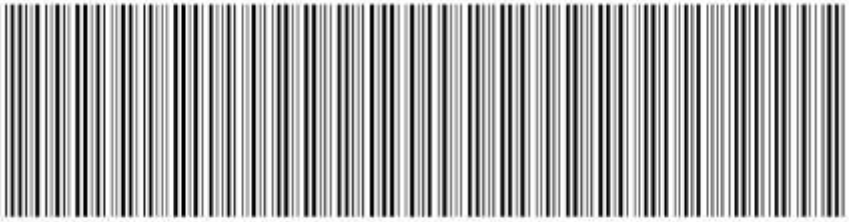
**SEAL**

DENISE D. MATTHEWS  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01MA6144637  
Qualified in Westchester County  
My Commission Expires May 01, 2018

**EXHIBIT D**

**Certification of Parties-in-Interest**



<p><b>NYC DEPARTMENT OF FINANCE OFFICE OF THE CITY REGISTER</b></p> <p>This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.</p>	 <p>2018051700489001001EE7B8</p>			
<p><b>RECORDING AND ENDORSEMENT COVER PAGE</b> <span style="float: right;"><b>PAGE 1 OF 8</b></span></p>				
<p><b>Document ID: 2018051700489001</b>      Document Date: 04-25-2018      Preparation Date: 05-17-2018</p> <p>Document Type: CERTIFICATE Document Page Count: 7</p>				
<p><b>PRESENTER:</b> MADISON ABSTRACT, INC. ( NY 15 17623B ) 670 WHITE PLAINS ROAD, SUITE 121 AS AGENT TO SCARSDALE, NY 10583 914-725-7200 AFRIEDMAN@MADISONABSTRACT.COM</p>	<p><b>RETURN TO:</b> MADISON ABSTRACT, INC. ( NY 15 17623B ) 670 WHITE PLAINS ROAD, SUITE 121 AS AGENT TO SCARSDALE, NY 10583 914-725-7200 AFRIEDMAN@MADISONABSTRACT.COM</p>			
<p><b>PROPERTY DATA</b></p>				
<p><b>Borough</b></p>	<p><b>Block</b></p>	<p><b>Lot</b></p>	<p><b>Unit</b></p>	<p><b>Address</b></p>
MANHATTAN	25	7	Entire Lot	45 BROAD STREET
<p><b>Property Type:</b> COMMERCIAL REAL ESTATE</p>				
<b>Borough</b>	<b>Block</b>	<b>Lot</b>	<b>Unit</b>	<b>Address</b>
MANHATTAN	25	10	Entire Lot	41 BROAD STREET
<p><b>Property Type:</b> COMMERCIAL REAL ESTATE</p>				
<p><b>CROSS REFERENCE DATA</b></p>				
<p>CRFN _____ or DocumentID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____</p>				
<p><b>PARTIES</b></p>				
<p><b>PARTY 1:</b> MADISON ABSTRACT INC. 670 WHITE PLAINS ROAD SCARSDALE, NY 10583</p>				
<p><b>FEES AND TAXES</b></p>				
<b>Mortgage :</b>			Filing Fee:	
Mortgage Amount:	\$	0.00	\$	0.00
Taxable Mortgage Amount:	\$	0.00	NYC Real Property Transfer Tax:	
Exemption:			\$	0.00
TAXES: County (Basic):	\$	0.00	NYS Real Estate Transfer Tax:	
City (Additional):	\$	0.00	\$	0.00
Spec (Additional):	\$	0.00		
TASF:	\$	0.00		
MTA:	\$	0.00		
NYCTA:	\$	0.00		
Additional MRT:	\$	0.00		
<b>TOTAL:</b>	<b>\$</b>	<b>0.00</b>		
Recording Fee:	\$	75.00		
Affidavit Fee:	\$	0.00		
			<p><b>RECORDED OR FILED IN THE OFFICE OF THE CITY REGISTER OF THE CITY OF NEW YORK</b></p> <p>Recorded/Filed 05-21-2018 12:45 City Register File No.(CRFN): <b>2018000169144</b></p>  <p><i>Annette Mc Hill</i> City Register Official Signature</p>	

N.B.# \_\_\_\_\_  
 or  
 Alt.# \_\_\_\_\_

Exhibit "II"

CERTIFICATION PURSUANT TO ZONING LOT SUBDIVISION D OF SECTION  
 12-10 OF THE ZONING RESOLUTION OF DECEMBER 15, 1961 OF THE CITY OF  
 NEW YORK, AS AMENDED EFFECTIVE AUGUST 18, 1977

Madison Abstract Inc., as agent for First American Title Insurance Co., a title company licensed to do business in the State of New York and having its principal office at 670 White Plains Road, Scarsdale, New York, hereby certifies that as to the land hereafter described being a tract of land, either unsubdivided or consisting of two or more lots of record, contiguous for a minimum of ten linear feet, located within a single block, that all the parties in interest constituting a party as defined in Section 12-10 subdivision (d) of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended, are the following:

<u>NAME</u>	<u>ADDRESS</u>	<u>INTEREST</u>
Madison 45 Broad Development LLC	c/o Madison Equities LLC 105 Madison Avenue New York, N.Y. 10016	Fee owner/ Lot 7  CRFN-2015000391828
HSBC Bank USA, National Association	452 Fifth Avenue, New York, N.Y. 10018	Mortgagee/ Lot 7  CRFN-2017000281060
Walwilhal Associates LLC	820 Morris Turnpike Short Hills, NJ 07078	Fee owner/ Lot 10 Waiver recorded in CRFN-2007000122089
Claremont Preparatory School, LLC	150 East 58 <sup>th</sup> Street 31 <sup>st</sup> Floor New York, New York 10155	Tenant/ Lot 10 Waiver recorded in CRFN-2007000122086
Capital One, National Association by Assignment of Mortgage from Landesbank Hessen-Thuringen Girozentrale	275 Broadhollow Road Melville, NY 11747	Mortgagee/ Lot10 Waivers recorded in CRFN-2007000122085 CRFN-2007000122089

The subject tract of land with respect to which the foregoing parties are the parties in interest as aforesaid is known as Lots 7 and 10, in Block 25, as shown on the tax map of the City of New York, New York County, and is more particularly bounded and described as follows:

Lot 7

Parcel I

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

BEGINNING at a point on the easterly side of Broad Street, distant one-hundred thirty feet nine and three-fourths inches northerly from the corner formed by the intersection of the said easterly side of Broad Street with the northerly side of Beaver Street;

RUNNING THENCE easterly along a line which forms an angle on its northerly side with said easterly side of Broad Street of 82 degrees 30 minutes 10 seconds and along the northerly face of northerly walls of buildings adjoining on the South, and along southerly face of the Southerly wall of the brick building on the premises hereby described; 146 feet and 2 1/4 inches (Tax Map 145.93/Survey 145.87) to the westerly face of the westerly wall of the building on the premises adjoining on the East;

THENCE northerly along said westerly face of said westerly wall of 60 feet 3 3/4 inches to the southerly face of the southerly wall of the one story brick building on the rear of the premises adjoining on the North;

THENCE westerly along a line which forms an angle on its southerly side with the easterly side of Broad Street of 96 degrees 2 minutes 20 seconds 128 feet 1 1/2 inches to the said easterly side of Broad Street; and

THENCE southerly along said easterly side of Broad Street, 63 feet 5 1/4 inches to the point or place of BEGINNING.

TOGETHER with the benefits of the easements set forth, defined and limited in that certain Zoning Lot Development and Easement Agreement dated as of February 26, 2007, by and between Walwilhal Associates, LLC and 45 Broad LLC, and recorded in the Office of the City Register of the City of New York, on March 2, 2007 under CRFN 2007000122089.

**Parcel II**

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

BEGINNING at a point the following two (2) courses and distances from the corner formed by the intersection of the easterly side of Broad Street and the northerly side of Beaver Street;

- (1) northerly along the said easterly side of Broad Street 130.81 feet to a point; and
- (2) easterly along a line which forms an angle on its northerly side with said easterly side of Broad Street of 82 degrees 30 minutes 10 seconds and along the northerly face of northerly walls of buildings adjoining on the South, a distance of 145.87 feet to the easterly face of the building adjoining on the west at the point or place of BEGINNING;

RUNNING THENCE from said point of beginning southerly along a line which forms an angle on its westerly side with the preceding course of 99 degrees 04 minutes 25 seconds and along the easterly face of the easterly wall of the building adjoining on the West, a distance of 16.75 (Survey and Tax Map 16.73) feet to the northerly face of the building adjoining to the South;

THENCE easterly along a line which forms an angle on its northerly side with the preceding course of 89 degrees 38 minutes 45 seconds and along the northerly face of the building adjoining to the South and an open space, a distance of 48.21 feet to a point in said open space;

THENCE northerly through said open space which forms an angle on its westerly side with the preceding course of 88 degrees 29 minutes 00 seconds, a distance of 74.47 feet to a point in said open space;

THENCE westerly along a line which forms an angle on its southerly side with the preceding course of 125 degrees 52 minutes 30 seconds and along the southerly face of the southerly wall of the building adjoining on the North, a distance of 55.22 feet to the easterly face of a building adjoining on the West;

THENCE southerly along a line which forms an angle on its easterly side with the preceding course of 55 degrees 59 minutes 45 seconds, a distance of 88.79 feet to the point or place of BEGINNING.

Perimeter Description

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

BEGINNING at a point the following one (1) course and distance from the corner formed by the intersection of the easterly side of Broad Street and the northerly side of Beaver Street;

(1) Northerly along the said easterly side of Broad Street 130.81 feet to the point or place of BEGINNING;

RUNNING THENCE from said point of beginning easterly along a line which forms an angle on its northerly side with said easterly side of Broad Street of 82 degrees 30 minutes 10 seconds and along the northerly face of northerly walls of buildings adjoining on the South, a distance of 145.87 (Tax Map 145.93) feet to the easterly face of the building adjoining on the West;

THENCE southerly along a line which forms an angle on its westerly side with the preceding course of 99 degrees 04 minutes 25 seconds and along the easterly face of the easterly wall of the building adjoining on the West, a distance of 16.75 (16.73 Survey and Tax Map) feet to the northerly face of the building adjoining to the South;

THENCE easterly along a line which forms an angle on its northerly side with the preceding course of 89 degrees 38 minutes 45 seconds and along the northerly face of the building adjoining to the South and an open space, a distance of 48.21 feet to a point in said open space;

THENCE northerly through said open space which forms an angle on its westerly side with the preceding course of 88 degrees 29 minutes 00 seconds, a distance of 74.47 feet to a point in said open space;

THENCE westerly along a line which forms an angle on its southerly side with the preceding course of 125 degrees 52 minutes 30 seconds and along the southerly face of the southerly wall of the building adjoining on the North, a distance of 55.22 feet to the easterly face of a building adjoining on the West;

THENCE southerly along a line which forms an angle on its easterly side with the preceding course of 55 degrees 59 minutes 45 seconds, a distance of 28.48 feet to the southerly face of the southerly wall of the building on the premises adjoining on the North;

THENCE westerly along a line which forms an angle on its southerly side with the easterly side of Broad Street of 96 degrees 2 minutes 20 seconds, 128.12 feet to said easterly side of Broad Street;

THENCE southerly along said easterly side of Broad Street, 63.44 feet to the point or place of BEGINNING.

Lot 10

BEGINNING at a point on the easterly side of Broad Street, distant 106 feet 8 inches southerly from the southeasterly corner of Broad Street and Exchange Place, which point is opposite the northerly face of the northerly wall of the northerly building on the premises herein described;

THENCE southerly along the easterly side of Broad Street, 46 feet 1-1/2 inches to an angle in the easterly side of Broad Street;

THENCE southerly still along the easterly side of Broad Street, 60 feet 7 inches to a point on the easterly side of Broad Street, distant 194 feet 3 inches northerly from the corner formed by the intersection of the easterly side of Broad Street and the northerly side of Beaver Street, which point is opposite the southerly face of the southerly wall of the southerly building on the premises herein described;

THENCE easterly along the said southerly face of said wall, 128 feet 1-1/2 inches to the westerly face of the westerly wall of the building adjoining on the east;

THENCE northerly along said westerly face of said last mentioned wall and on a line which makes an interior angle with the last mentioned course of 79 degrees 28 minutes 0 seconds, 31 feet 2 inches to the northerly face of the northerly wall of the southerly building on the premises herein described;

THENCE northerly on a line which makes an interior angle with the last mentioned course of 190 degrees 7 minutes 50 seconds, 16 feet 11-1/4 inches;

THENCE northerly along a line which makes an interior angle with the last mentioned course of 178 degrees 39 minutes, 13 feet 4- 1/2 inches to the northerly face of the independent wall of the rear building on premises known as 39 Broad Street;

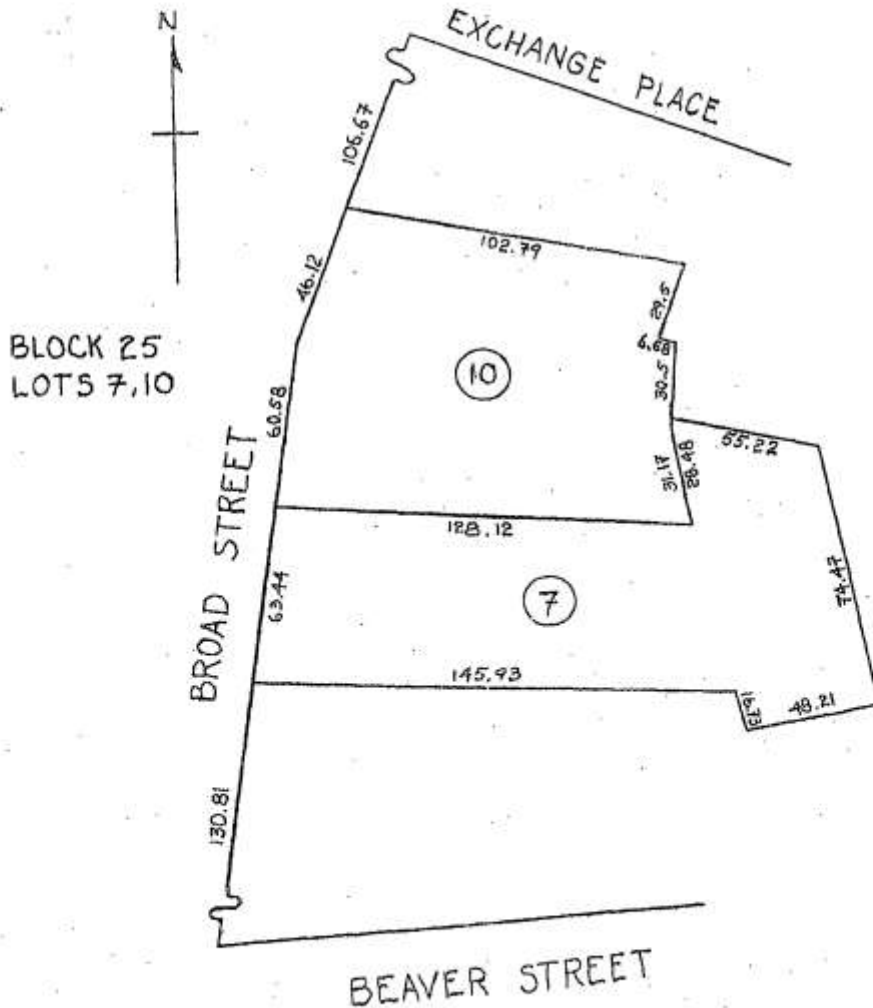
THENCE westerly along the same and on a line which makes an interior angle with the last mentioned course, 91 degrees 42 minutes 0 seconds, 6 feet 7-1/2 inches to the easterly face of the easterly wall of the rear building on the premises known as 35 Broad Street;

THENCE northerly along the same and on a line which makes an exterior angle with the last mentioned course of 75 degrees 12 minutes 0 seconds, 29 feet 6- 1/4 inches to the northerly side of the northerly wall of the said building;

THENCE westerly along the same and along the northerly face of the northerly wall of the front building on the premises known as 35 Broad Street and on a line which makes an interior angle with the last mentioned course of 83 degrees 16 minutes 30 seconds, 102 feet 9-1/2 inches to the point or place of BEGINNING.

DIAGRAM

That the said premises are known as and by the street address 45 Broad Street, lot 7, and 41 Broad Street, lot 10, New York, N.Y., as shown on the following diagram:




Certified this 25<sup>th</sup> day of APRIL, 2018, to Madison 45 Broad Development LLC, the applicant for this certification.

Note: A zoning lot may or may not coincide with a lot as shown on the Official Tax Map of the City of New York, or on any recorded subdivision plot or deed. A zoning lot may be subdivided into two or more zoning lots provided all of the resulting zoning lots and the buildings thereon shall comply with the applicable provisions of the zoning lot resolution.


This certificate is made for and accepted by the applicant upon the express understanding that liability hereunder is limited to one thousand (\$1,000) dollars.

MADISON ABSTRACT INC.

By:   
William Cryan, Vice President

State of New York            )  
  )ss.:  
County of WEST )

On the 25<sup>th</sup> day of April, 2018 before me, the undersigned, personally appeared, William Cryan personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity and that by his/her signature on the instrument the individual or person upon behalf of which the individual acted, executed the instrument.

  
Notary Public

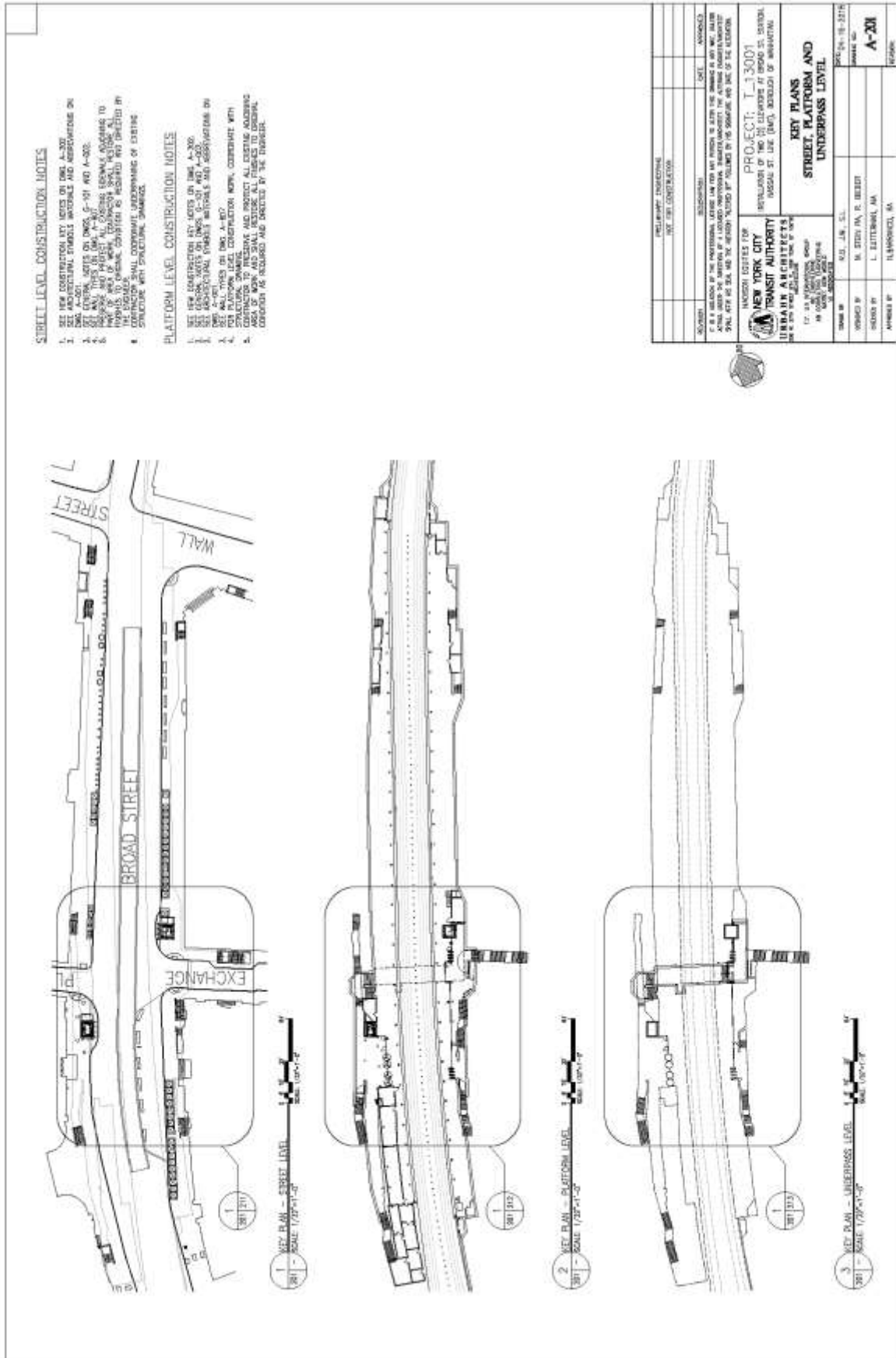
**SEAL**

DEBORAH G. ZINN  
Notary Public, State of New York  
Qualified in Westchester County  
No. 01214976367  
Commission Expires Jan. 14, 2019

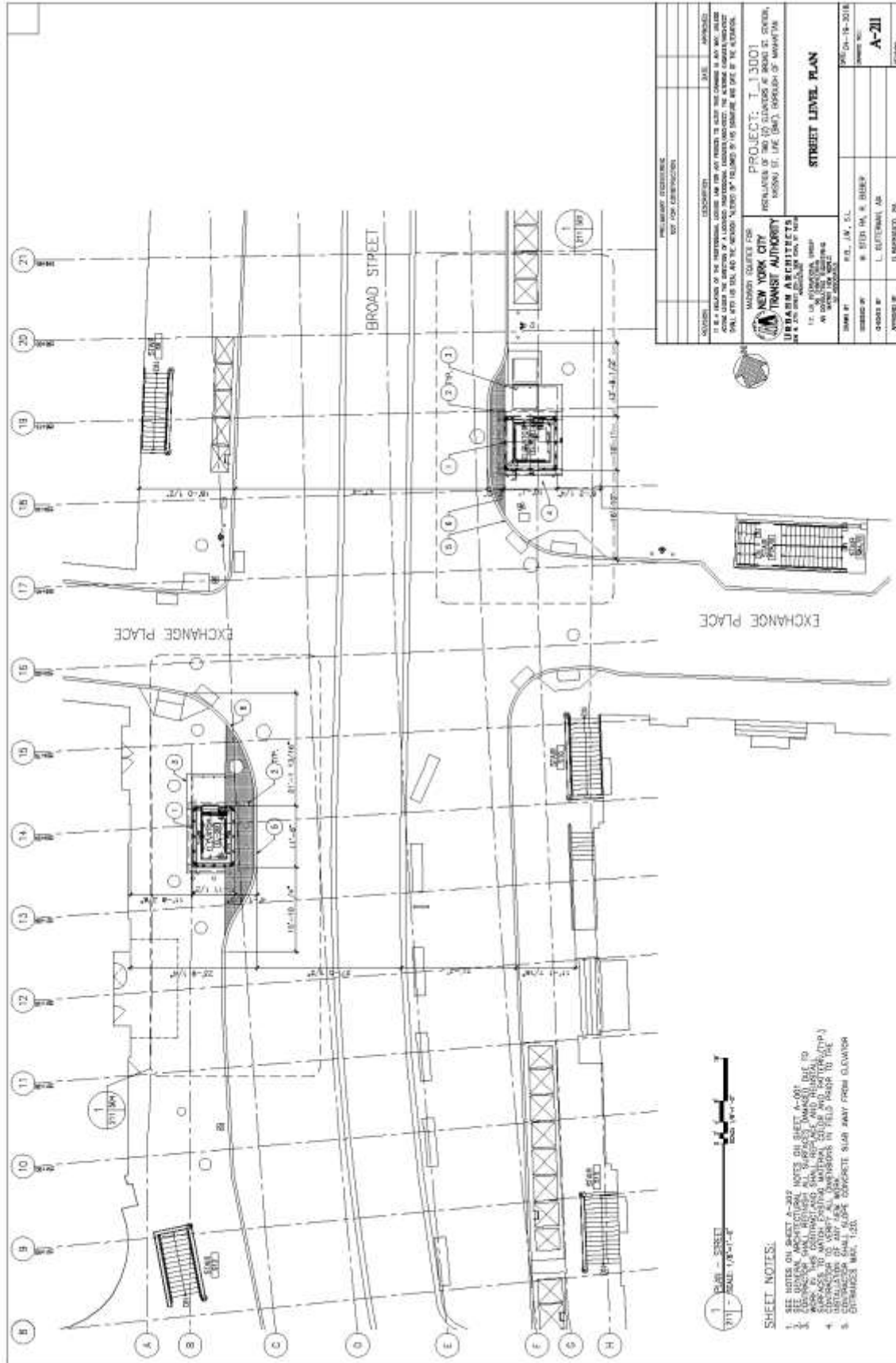


**EXHIBIT E**

**Broad Street Station Improvements**

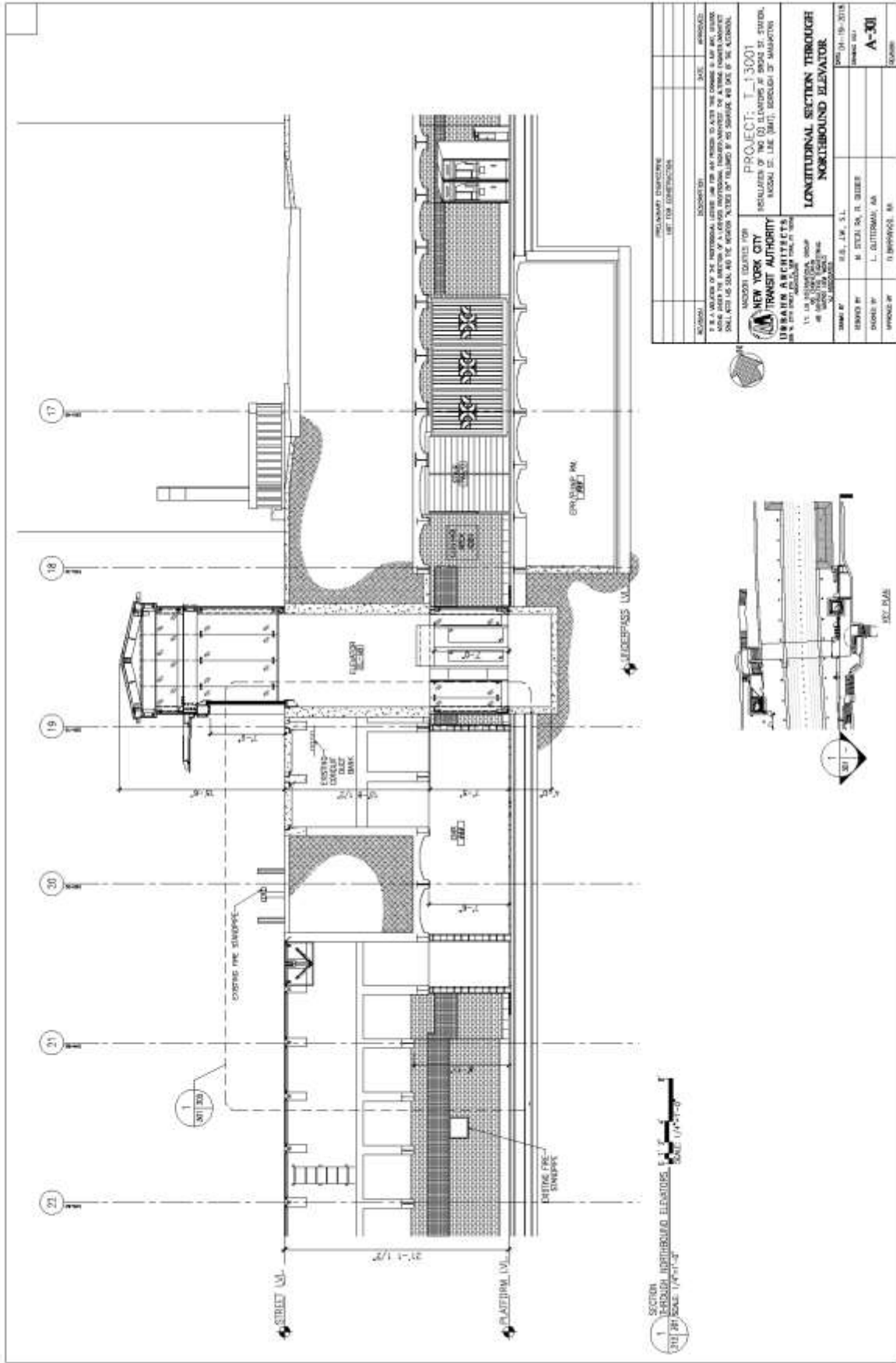


DESIGNED BY	ARCHITECTURE	DATE	APPROVED
PROJECT NO.	PROJECT NAME	PROJECT LOCATION	PROJECT DESCRIPTION
<p>NEW YORK CITY TRANSIT AUTHORITY                  170 EAST 25th STREET                  NEW YORK, NY 10010</p>			
<p>PROJECT: T-13001                  RETAILERS OF TWO (2) STATIONS AT BROAD ST. STATION                  (BROAD ST. LINE) (DASH) (STATION OF INHABITANT)</p>			
<p><b>KEY PLANS                  STREET, PLATFORM AND                  UNDERPASS LEVEL</b></p>			
DRAWN BY	CHECKED BY	SCALE	DATE
DESIGNED BY	APPROVED BY	PROJECT NO.	PROJECT NAME
DESIGNED BY	APPROVED BY	PROJECT NO.	PROJECT NAME
DESIGNED BY	APPROVED BY	PROJECT NO.	PROJECT NAME
DESIGNED BY	APPROVED BY	PROJECT NO.	PROJECT NAME









SECTION THROUGH NORTHBOUND ELEVATOR, S.E.P.  
 DATE: 1/24/18  
 SCALE: 1/8"=1'-0"

NO.	DATE	DESCRIPTION
1	1/24/18	ISSUED FOR PERMIT

PROJECT: T-13001  
 REGULATIONS OF THE (M) BOARD OF TRANSPORTATION  
 METRO-NORTH RAILROAD, HARTFORD, CONNECTICUT

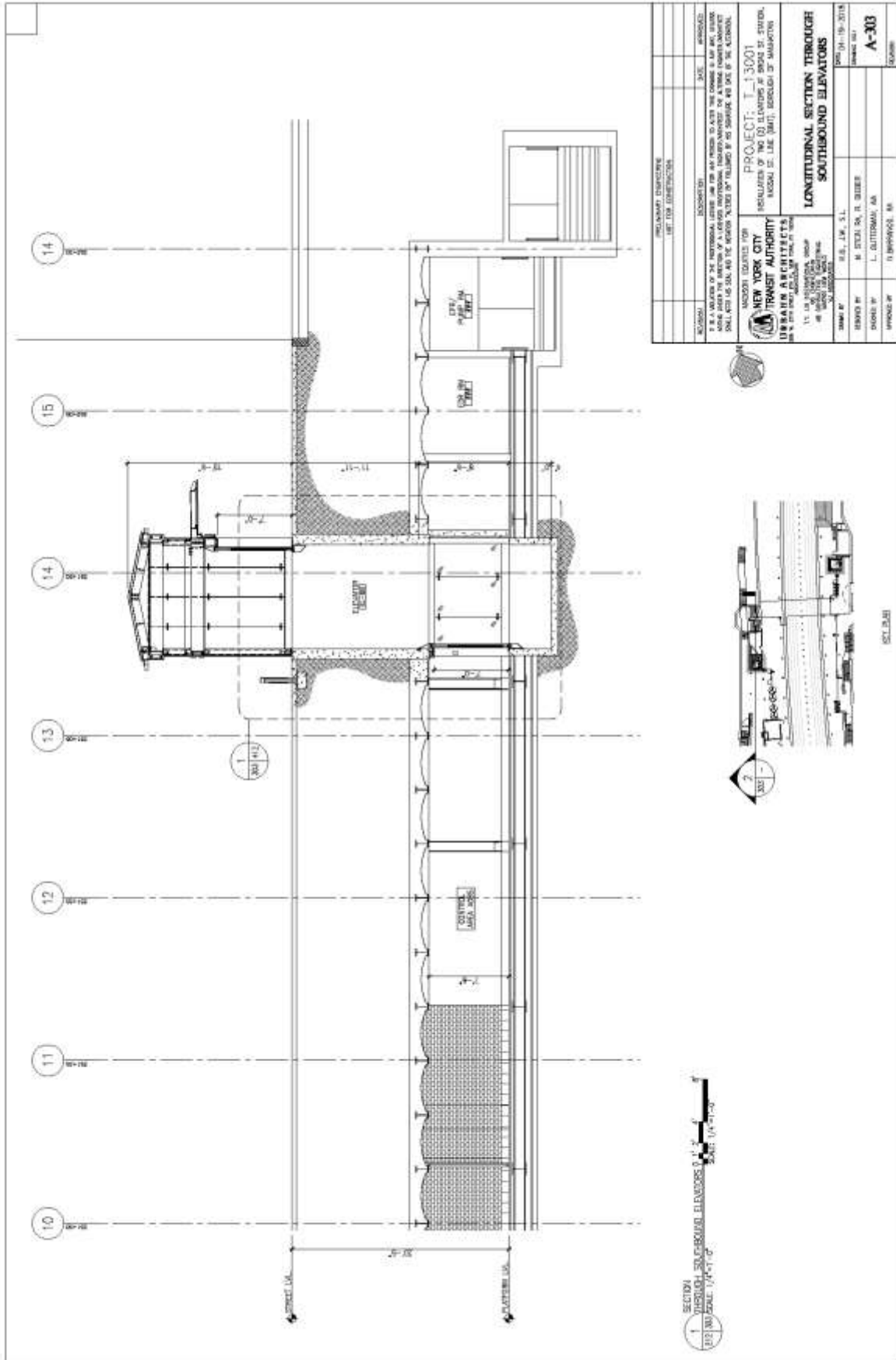
DESIGNED BY: URBAN ARCHITECTS  
 110 WEST 11TH STREET, NEW YORK, NY 10011  
 TEL: 212-675-1100  
 WWW.URBANARCHITECTS.COM

ARCHITECT: URBAN ARCHITECTS  
 110 WEST 11TH STREET, NEW YORK, NY 10011  
 TEL: 212-675-1100  
 WWW.URBANARCHITECTS.COM

ENGINEER: M. STELLER, R. GIBER  
 L. GUTTERMAN, AS  
 110 WEST 11TH STREET, NEW YORK, NY 10011  
 TEL: 212-675-1100  
 WWW.URBANARCHITECTS.COM

DATE: 06-28-2018  
 SHEET NO.: A-301  
 OF: 301



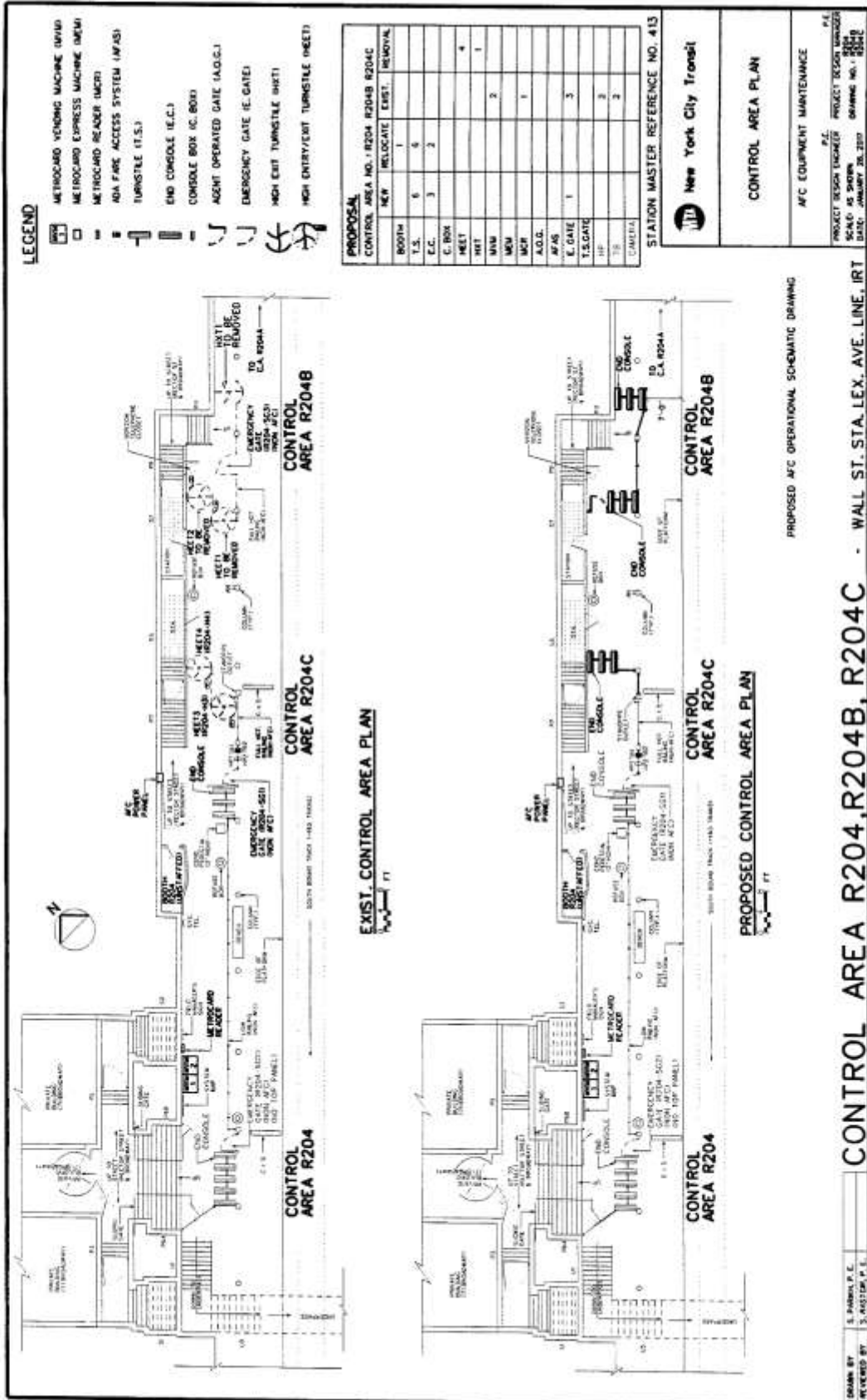






**EXHIBIT F**

**Wall Street Station Improvements**



**LEGEND**

- MICROCARD READING MACHINE (M/RM)
- MICROCARD EXPRESS MACHINE (M/EM)
- MICROCARD READER (M/CR)
- ADA FARE ACCESS SYSTEM (M/FAS)
- TURNSTILE (T.S.)
- END CONSOLE (E.C.)
- CONSOLE BOX (C.BOX)
- AGENT OPERATED GATE (A.O.G.)
- EMERGENCY GATE (E.GATE)
- HIGH EXIT TURNSTILE (H/ET)
- HIGH ENTRY/EXIT TURNSTILE (H/ET)

**PROPOSAL**

ROOM	NEW	RELOCATE	EXIST.	REMOVAL
T.S.	6	4		
E.C.	3	2		
C.BOX				
H/ET				4
M/RM			2	1
M/EM			1	
M/CR			1	
A.O.G.				
M/FAS			3	
E.GATE	1			
T.S.GATE			3	
H/P			2	
CAMERA				

STATION MASTER REFERENCE NO. 413

New York City Transit

**CONTROL AREA PLAN**

AFC EQUIPMENT MAINTENANCE

PROJECT DESIGN ENGINEER PROJECT DESIGN NUMBER  
 SCALED AS SHOWN DRAWING NO. 18019  
 DATE: JANUARY 28, 2018 DRAWING NO. 18019

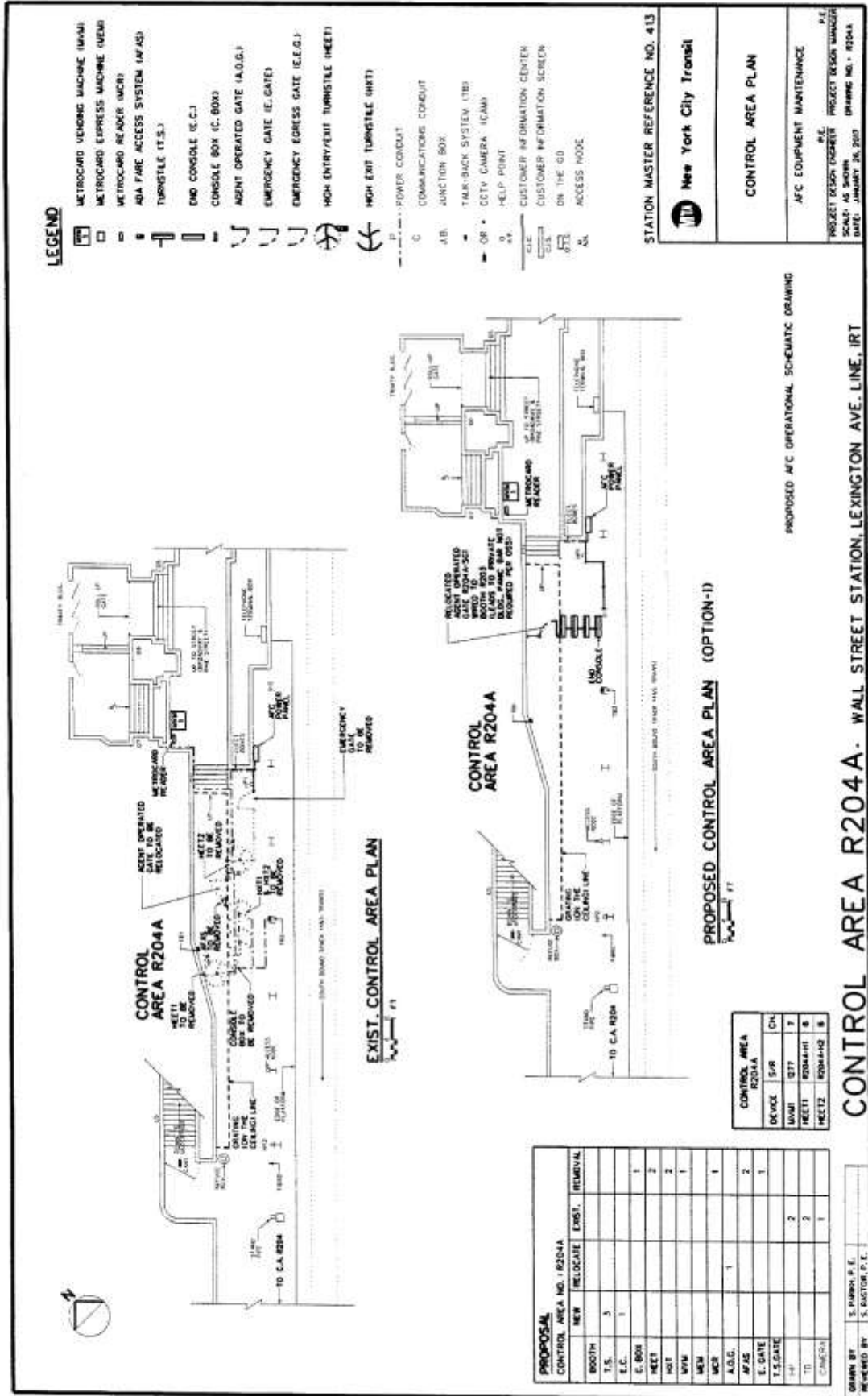
PROPOSED AFC OPERATIONAL SCHEMATIC DRAWING

**CONTROL AREA R204, R204B, R204C**

WALL ST. STA. LEX. AVE. LINE, IRT

Old file name: R204AS, R204B1 & R204

SHOWN BY: S. PARKIN, P. E.  
 REVIEWED BY: S. MASTERS, P. E.  
 Printed on DATEPLOT1003 CADD File Location: R204\SWP\LENG\PP\AFC\INSPEC3



**LEGEND**

- METROCARD VENDING MACHINE (MVM)
- METROCARD EXPRESS MACHINE (MEM)
- METROCARD READER (MCR)
- ADA FARE ACCESS SYSTEM (AFAS)
- TURNSTILE (T.S.)
- END CONSOLE (E.C.)
- CONSOLE BOX (C. BOX)
- AGENT OPERATED GATE (A.O.G.)
- EMERGENCY GATE (E. GATE)
- EMERGENCY EGRESS GATE (E.E.G.)
- HIGH ENTRY/EXIT TURNSTILE (HEET)
- HIGH EXIT TURNSTILE (HET)
- POWER CONDUIT
- COMMUNICATIONS CONDUIT
- JUNCTION BOX
- TALK-BACK SYSTEM (TBS)
- CCTV CAMERA (CAM)
- HELP POINT
- CUSTOMER INFORMATION CENTER
- CUSTOMER INFORMATION SCREEN
- ON THE GO
- ACCESS NODE

STATION MASTER REFERENCE NO. 413



**CONTROL AREA PLAN**

AFC EQUIPMENT MAINTENANCE  
 PROJECT DESIGN (SHEET)  
 SCALE: AS SHOWN  
 DATE: JANUARY 24, 2018  
 DRAWING NO.: R204A

**EXIST. CONTROL AREA PLAN**

**CONTROL AREA R204A**

**PROPOSED CONTROL AREA PLAN (OPTION-1)**

PROPOSED AFC OPERATIONAL SCHEMATIC DRAWING

PROPOSAL			
CONTROL AREA NO. / R204A	NEW	RELOCATE	REMOVAL
BOOTH			
T.S.	3		
E.C.	1		
C. BOX			
HEET			
HET			
MVM			
MEM			
MCR			
A.O.G.	1		
AFAS			
E. GATE			
T.S.GATE			
TI			
CAMERA			

CONTROL AREA R204A	
DEVICE	QTY
MVM	7
HEET	8
HET	8

**CONTROL AREA R204A - WALL STREET STATION, LEXINGTON AVE. LINE, IRT**

On file name: R204AX

Printed on RECYCLED PAPER - CAD File Location: R204AX\DWG\R204AX.DWG

DRAWN BY: S. PARKH, P.E.  
 CHECKED BY: S. BASTON, P.E.

- LEGEND**
- ☐ METROCARD VENDING MACHINE (MVM)
  - ☐ METROCARD EXPRESS MACHINE (MEM)
  - ☐ METROCARD READER (MCR)
  - ADA FARE ACCESS SYSTEM (AFAS)
  - ☐ TURNSTILE (T.S.)
  - ☐ END CONSOLE (E.C.)
  - ☐ CONSOLE BOX (C.BOX)
  - ☐ AGENT OPERATED GATE (A.O.G.)
  - ☐ EMERGENCY GATE (E.GATE)
  - ☐ EMERGENCY EGRESS GATE (E.E.G.)
  - ☐ HIGH ENTRY/EXIT TURNSTILE (HEET)
  - ☐ HIGH EXIT TURNSTILE (HET)
  - ☐ POWER CONDUIT
  - ☐ COMMUNICATIONS CONDUIT
  - ☐ JUNCTION BOX
  - ☐ TALK-BACK SYSTEM (TBS)
  - ☐ OR CCTV CAMERA (SCAM)
  - ☐ HELP POINT
  - ☐ CUSTOMER INFORMATION CENTER
  - ☐ CUSTOMER INFORMATION SCREEN
  - ☐ OR THE OO
  - ☐ ACCESS NOISE

STATION MASTER REFERENCE NO. 413

**New York City Transit**

**CONTROL AREA PLAN**

AFC EQUIPMENT MAINTENANCE

P.L.E.  
PROJECT DESIGN ENGINEER PROJECT DESIGN MANAGER  
SCALE AS SHOWN DRAWING NO. 1 R204A  
DATE: JANUARY 28, 2017



**PROPOSAL**

CONTROL AREA NO. / R204A	NEW	RELOCATE	EXIST.	REMOVAL
BOOTH				
T.S.	3			
E.C.	1			
C. BOX				1
MCR				2
MVM				1
MEN				2
MEN				1
A.G.E.	1			
A.F.A.S.				2
E. GATE				1
T.S. CHAIR				2
HP				2
OO				1
TOTAL				

**CONTROL AREA R204A**

DEVICE	S/N	ON
MVM	0177	7
MCR	R204A-M1	8
MCR	R204A-M2	8

PROPOSED AFC OPERATIONAL SCHEMATIC DRAWING

**CONTROL AREA R204A - WALL STREET STATION, LEXINGTON AVE. LINE, IRT**

Drawn by: P. J. ...  
Reviewed by: S. ...

Printed on RECYCLED PAPER - 50% POST CONSUMER WASTE



**EXHIBIT G**Additional Scope Items

- Flood protection at street level for both sidewalk elevators
- New York City Department of Transportation (DOT) to approve final dimensioned location of sidewalk elevators and location of bollards; adjust as necessary.
- Madison responsible to pay for any NYCT “General Orders” required for construction (service shut-down or re-routing)
- Any stairs, vents or mechanical closing devices temporarily closed during construction must be cleaned and repaired as necessary prior to reopening
- Madison to install additional bollards to those shown on 3/26/18 drawings (subject to DOT approval)
- Madison responsible for all costs associated with relocating any Transit Wireless equipment
- A design for support of excavation and demolition to be provided during design phase
- Alternate method to driving sheet piles to be proposed and developed during the design phase.
- New vent bays must be installed within the station to replace any vents closed as a result of the elevator project construction and must include flood protection.
- In addition to the CCTV equipment shown on the drawings, Madison to provide two cameras and two intercoms for remote AFAS gate monitoring.
- New Themis CCTV server with Genetec licenses to be provided to support the new equipment needed for the elevator (if the existing server does not support the capabilities needed for the elevator).
- Extend existing PSLAN infrastructure by installing application nodes in the area of work.
- Install and configure (N) Cisco 3850 switch inside Application Cabinet in Comm room if required for the elevator work.
- Replace (E) Nortel 1648 with switch Cisco IE-5000 and IE-4010 inside Data Cabinet if required for the elevator work.
- Madison responsible to manufacture and install all station signage pending NYCT Station Signage review and approval
- ~~Provide low turnstiles at the fare array at the south end of the southbound platform (control area #A085)~~

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 5, 2018.

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. 89 & Res. No. 447

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180127 ZMM submitted by DD West 29th LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8b, changing from an M2-3 District to a C6-4X District and establishing a Special Hudson River Park District (HRP), Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 9, 2018 (Minutes, page 1865) 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 180127 ZMM**

City Planning Commission decision approving an application submitted by DD West 29th LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8b:

1. changing from an M2-3 District to a C6-4X District property bounded by West 30th Street, Eleventh Avenue, West 29th Street, a line perpendicular to the northerly street line of West 29th Street distant 260 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of West 29th Street and the easterly street line of Twelfth Avenue, a line midway between West 30th Street and West 29th Street, and a line a line 100 feet westerly of Eleventh Avenue; and
2. establishing a Special Hudson River Park District (HRP) bounded by:
  - a. West 30th Street, Eleventh Avenue, West 29th Street, a line perpendicular to the northerly street line of West 29th Street distant 260 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of West 29th Street and the easterly street line of Twelfth Avenue, a line midway between West 30th Street and West 29th Street, and a line 100 feet westerly of Eleventh Avenue; and
  - b.
    - i. a line perpendicular to the U.S. Bulkhead Line distant 71 feet northerly (as measured along the U.S. Bulkhead Line) from the point of intersection of the westerly prolongation of the northerly street line of West 21<sup>st</sup> Street and the U.S. Bulkhead Line;
    - ii. the U.S. Pierhead Line,
    - iii. a line 1125 feet southerly of the first named course; and
    - iv. a line 78 feet easterly of the U.S. Bulkhead Line;

as shown on a diagram (for illustrative purposes only) dated November 27, 2017, and subject to the conditions of the CEQR Declaration E-455, Community District 4, Borough of Manhattan.

**INTENT**

To approve an amendment to the Zoning Map, along with other related actions, in order to facilitate the redevelopment of 601 West 29<sup>th</sup> Street with a mix of uses, including up to 731,668 square feet of residential floor area, of which up to 182,917 square feet would be permanently affordable; 8,927 square feet or more of retail space; a potential Emergency Medical Services ambulance station; and additionally enable a transfer of



123,437.5 square feet of unused development rights to support certain identified improvements and capital maintenance in the Hudson River Park within Community District 4, Borough of Manhattan.

**PUBLIC HEARING**

**DATE:** May 15, 2018

**Witnesses in Favor:** Ten

**Witnesses Against:** Five

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 19, 2018

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

**In Favor:**

Moya, Constantinides, Lancman, Levin, Reynoso, Rivera.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 447

**Resolution approving the decision of the City Planning Commission on ULURP No. C 180127 ZMM, a Zoning Map amendment (L.U. No. 89).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on May 7, 2018 its decision dated May 7, 2018 (the "Decision"), on the application submitted by DD West 29<sup>th</sup> LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 8b, by changing from an M2-3 District to a C6-4X District and establishing a Special Hudson River Park District, which in conjunction with the related actions would facilitate the redevelopment of 601 West 29th Street with a mix of uses, including up to 731,668 square feet of residential floor area, of which up to 182,917 square feet would be permanently affordable; 8,927 square feet or more of retail space; a potential Emergency Medical Services ambulance station; and additionally would enable a transfer of 123,437.5 square feet of unused development rights to support certain identified improvements and capital maintenance in the Hudson River Park within Community District 4 (ULURP No. C 180127 ZMM), Community District 4, Borough of Manhattan (the "Application");

**WHEREAS**, the Application is related to applications N 180128(A) ZRM (L.U. No. 90), an amendment of the Zoning Resolution to modify the regulations of the Special Hudson River Park District and related Sections, define new granting and receiving sites within the special district, and designate a Mandatory Inclusionary Housing (MIH) area on the receiving site, and C 180129(A) ZSM (L.U. No. 91), a special permit pursuant to Section 89-21 to transfer floor area and to modify bulk and parking regulations in connection with the proposed mixed use development.

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on May 15, 2018;

**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 (CEQR No. 17DCP159M) issued on April 14, 2017 and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on April 27, 2018 which included an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-455) and the Technical Memorandum dated February 23, 2018, (the "Technical Memorandum").

**RESOLVED:**

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

1. The FEIS and the Technical Memorandum meet 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, adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;
3. The adverse environmental impacts disclosed in the FEIS and the Technical Memorandum will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A to the report for the related permit (C 180129A ZSM), those project components related to the environment and mitigation measures that were identified as practicable and the placement of (E) designation (E-455) for hazardous materials and air quality; as such Restrictive Declaration is modified by the Council;
4. No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached

as Exhibit A to the report for the related permit (C 180129A ZSM), as same may be modified with any necessary administrative or technical changes, all as are acceptable to Counsel to the Department of City Planning, is executed by DD West 29th LLC or its successor, and such Restrictive Declaration, as modified by the Council, shall have been executed and recorded and filed in the Office of the Register of the City of New York, County of New York; and

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

Pursuant to Section 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 180127 ZMM, incorporated by reference herein, 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. 8b:

1. changing from an M2-3 District to a C6-4X District property bounded by West 30th Street, Eleventh Avenue, West 29th Street, a line perpendicular to the northerly street line of West 29th Street distant 260 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of West 29th Street and the easterly street line of Twelfth Avenue, a line midway between West 30th Street and West 29th Street, and a line a line 100 feet westerly of Eleventh Avenue; and
2. establishing a Special Hudson River Park District (HRP) bounded by:
  - a. West 30th Street, Eleventh Avenue, West 29th Street, a line perpendicular to the northerly street line of West 29th Street distant 260 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of West 29th Street and the easterly street line of Twelfth Avenue, a line midway between West 30th Street and West 29th Street, and a line 100 feet westerly of Eleventh Avenue; and
  - b.
    - i. a line perpendicular to the U.S. Bulkhead Line distant 71 feet northerly (as measured along the U.S. Bulkhead Line) from the point of intersection of the westerly prolongation of the northerly street line of West 21<sup>st</sup> Street and the U.S. Bulkhead Line;
    - ii. the U.S. Pierhead Line,
    - iii. a line 1125 feet southerly of the first named course; and
    - iv. a line 78 feet easterly of the U.S. Bulkhead Line;

as shown on a diagram (for illustrative purposes only) dated November 27, 2017, and subject to the conditions of the CEQR Declaration E-455, Community District 4, Borough of Manhattan.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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. 90 & Res. No. 448

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 180128(A) ZRM submitted by DD West 29th 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 VIII, Chapter 9 (Special Hudson River Park District), and related Sections, and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 9, 2018 (Minutes, page 1865) 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**

**N 180128(A) ZRM**

City Planning Commission decision approving an application submitted by DD West 29th 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 VIII, Chapter 9 (Special Hudson River Park District), and related Sections, and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, in connection with a proposed mixed used development on property located at 601- 613 West 29th Street (Block 675, Lots 12, 29, and 36), in a C6-4X District, within the Special Hudson River Park District (HRP).

**INTENT**

To approve the amendment to the text of the Zoning Resolution, along with other related actions, in order to facilitate the redevelopment of 601 West 29<sup>th</sup> Street (Block 675, Lots 12, 29, and 36) with a mix of uses, including up to 731,668 square feet of residential floor area, of which up to 182,917 square feet would be permanently affordable; 8,927 square feet or more of retail space; a potential Emergency Medical Services (EMS) ambulance station; and additionally enable a transfer of 123,437.5 square feet of unused development rights to support certain intended improvements and capital maintenance in the Hudson River Park within Community District 4, Borough of Manhattan.

**PUBLIC HEARING**

**DATE:** May 15, 2018

**Witnesses in Favor:** Ten

**Witnesses Against:** Five

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 19, 2018

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

**In Favor:**

Moya, Constantinides, Lancman, Levin, Reynoso, Rivera.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 448

**Resolution approving the decision of the City Planning Commission on Application No. N 180128(A) ZRM (L.U. No. 90), for an amendment of the Zoning Resolution of the City of New York, modifying Article VIII, Chapter 9 (Special Hudson River Park District), and related Sections, and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, in connection with a proposed mixed used development on property located at 601- 613 West 29th Street (Block 675, Lots 12, 29, and 36), in a C6-4X District, within the Special Hudson River Park District (HRP), Community District 4, Borough of Manhattan.**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on May 7, 2018 its decision dated May 7, 2018 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by DD West 29<sup>th</sup>, LLC, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Article VIII, Chapter 9 (Special Hudson River Park District), and related Sections, and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, in connection with a proposed mixed used development on property located at 601- 613 West 29th Street (Block 675, Lots 12, 29, and 36), in a C6-4X District, within the Special Hudson River Park District (HRP), (Application No. N 180128(A) ZRM), Community District 4, Borough of Manhattan (the "Application");

**WHEREAS**, the Application is related to applications C 180127 ZMM (L.U. No. 89), zoning map amendment to change an M2-3 zoning district to a C6-4X district and establish a Special Hudson River Park District and C 180129(A) ZSM (L.U. No. 91), special permit to transfer floor area and modify bulk and parking regulations in connection with the proposed mixed use development;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on May 15, 2018;

**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 (CEQR No. 17DCP159M) issued on April 14, 2017 and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on April 27, 2018 which included an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-455) and the Technical Memorandum dated February 23, 2018, (the “Technical Memorandum”).

**RESOLVED:**

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

1. The FEIS and the Technical Memorandum meet 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, adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;
3. The adverse environmental impacts disclosed in the FEIS and the Technical Memorandum will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A to the report for the related special permit (C 180129A ZSM), those project components related to the environment and mitigation measures that were identified as practicable and the placement of (E) designation (E-455) for hazardous materials and air quality, as such Restrictive Declaration is modified by the Council;
4. No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached as Exhibit A to the report for the related special permit (C 180129(A) ZSM), as same may be modified with any necessary administrative or technical changes, all as are acceptable to Counsel to the Department of City Planning, as modified by the Council, is executed and recorded by DD West 29<sup>th</sup> LLC or its successor, and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York; and
5. The Decision, together with the FEIS and the Technical Memorandum, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Section 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 180128(A) ZRM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

Matter in underline is new, to be added; Matter in ~~strikeout~~ is old, to be deleted;

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

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

**ARTICLE I  
GENERAL PROVISIONS**

**Chapter 3  
Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core**

\* \* \*

**13-05  
Exceptions**

The provisions of this Chapter shall not apply to Roosevelt Island, in Community District 8, or to Governors Island, in Community District 1, in the Borough of Manhattan. In the #Hudson Yards parking regulations applicability area#, as defined in Section 93-81, the provisions of this Chapter shall apply as specified in Section 93-80 (OFF-STREET PARKING REGULATIONS).

Additional modifications to the provisions of this Chapter are found in the following Special Purpose Districts:

\* \* \*

(k) the #Special Hudson River Park District#, as set forth in Section 89-21 (Transfer of Floor Area From Hudson River Park).

\* \* \*

**ARTICLE VIII  
SPECIAL PURPOSE DISTRICTS**

**Chapter 9  
Special Hudson River Park District**

\* \* \*

**89-02  
Definitions**

For the purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS) and in this Section.

Granting site

Within the #Special Hudson River Park District#, ~~the~~ a “granting site” is a #zoning lot#, or a portion of a #zoning lot#, within the areas identified as “A1” or “B1” on the maps in the Appendix to this Chapter, upon which development is regulated by contract, lease, covenant, declaration or otherwise to assure compliance with the purposes of this Special District and from which #floor area# may be transferred. A #granting site# may only transfer #floor area# to a #receiving site# within an area that shares the same letter designation. For example, a #granting site# within area A1 may transfer #floor area# to a #receiving site# within area A2, but not to a #receiving site# within area B2.

Receiving site

Within the #Special Hudson River Park District#, ~~the a~~ “receiving site” is a #zoning lot#, within the areas identified as “A2” or “B2” on the maps in the Appendix to this Chapter, to which #floor area# of ~~the a~~ #granting site# may be transferred.

\* \* \*

## **89-10 USE AND BULK REGULATIONS**

### **89-11 Use and Bulk Regulations on Receiving Sites**

The #use# and #bulk# regulations applicable to ~~the a~~ #receiving site# shall be modified as follows:

(a) C6-4 Districts

Within Area A2 on the maps in the Appendix to this Chapter, the ~~The~~ #use# and #bulk# regulations of the underlying C6-4 District shall not apply. In lieu thereof, the #use# and #bulk# regulations of an M1-5 District shall apply.

Within Area B2, the #use# and #bulk# regulations of the underlying C6-4X District shall not apply. In lieu thereof, the #use# and #bulk# regulations of an M2-3 District shall apply.

(b) C6-3 and M1-5 Districts

The #use# and #bulk# regulations of the underlying C6-3 and M1-5 Districts shall not apply. In lieu thereof, the #use# and #bulk# regulations of an M2-4 District shall apply.

However, on a #receiving site#, for any #development#, #enlargement# or #conversion# that is the subject of a special permit granted by the City Planning Commission pursuant to Section 89-21 (Transfer of Floor Area From Hudson River Park), the #use# and #bulk# regulations of the underlying C6-3, C6-4 or M1-5 District shall only apply to such approved #development#, #enlargement# or #conversion#.

### **89-12 Special Floor Area Regulations Within Area B2**

Within Area B2 on the maps in the Appendix to this Chapter, where the #bulk# regulations of the underlying C6-4X District apply pursuant to the provisions of Section 89-11 (Use and Bulk Regulations on Receiving Sites), the #floor area ratio# of the underlying district shall not apply. In lieu thereof, the maximum base #floor area ratio# shall be 10.0 within a #Mandatory Inclusionary Housing area#, and such maximum #floor area ratio# may be increased to a maximum of 12.0 only as set forth in Section 89-21 (Transfer of Floor Area From Hudson River Park).



**89-20  
SPECIAL PERMITS  
89-21**

**Transfer of Floor Area From Hudson River Park**

The City Planning Commission may permit a transfer of #floor area# from a #granting site# to a #receiving site#, may permit distribution of total allowable #floor area# of a #receiving site# without regard for zoning district boundaries, may permit that such #receiving site# be treated as a single #zoning lot# for all purposes of this Resolution, and may modify #bulk# regulations, except #floor area# regulations, for a #development#, #enlargement# or #conversion# located on such #receiving site#. In addition, for #receiving sites# within Area B2 on the maps in the Appendix to this Chapter, the Commission may exempt floor space from the definition of #floor area# in a #building# that contains an ambulance station and may increase the maximum number of #accessory# off-street parking spaces permitted for such station.

\* \* \*

(b) Conditions and limitations

All applications for a special permit pursuant to this Section shall comply with the following conditions:

\* \* \*

(6) for the #receiving site# within Area A2:

(i) the portion of the #receiving site# located over West Houston Street shall not generate #floor area# for the proposed special permit #development#, and no #floor area# shall be located directly above West Houston Street;

~~(7)~~ (ii) the height and setback requirements of the applicable district shall apply to the portions of the #receiving site# located on each side of the mapped #street lines# of West Houston Street; and

~~(8)~~(7) no more than 200,000 square feet of #floor area#, in the aggregate, shall be transferred to #receiving sites# located within the boundaries of Manhattan Community ~~Board~~-District 2.

\* \* \*

(c) Findings

The Commission may grant the transfer of #floor area# and any associated #bulk# modifications, provided that:

\* \* \*

(3) for the #receiving site#:

\* \* \*

- (iv) such transferred #floor area# and any proposed modifications to #bulk# are appropriate in relation to the identified improvements to Hudson River Park; ~~and~~
- (v) any #affordable housing#, as defined in Section 23-90 (INCLUSIONARY HOUSING), that is provided as part of the project will support the objectives of the Inclusionary Housing Program.; and
- (vi) the Commission, in consultation with the Fire Department, determines that the amount of proposed floor space and the number of proposed parking spaces in such ambulance station is reasonable in order to provide a necessary service to the surrounding area.

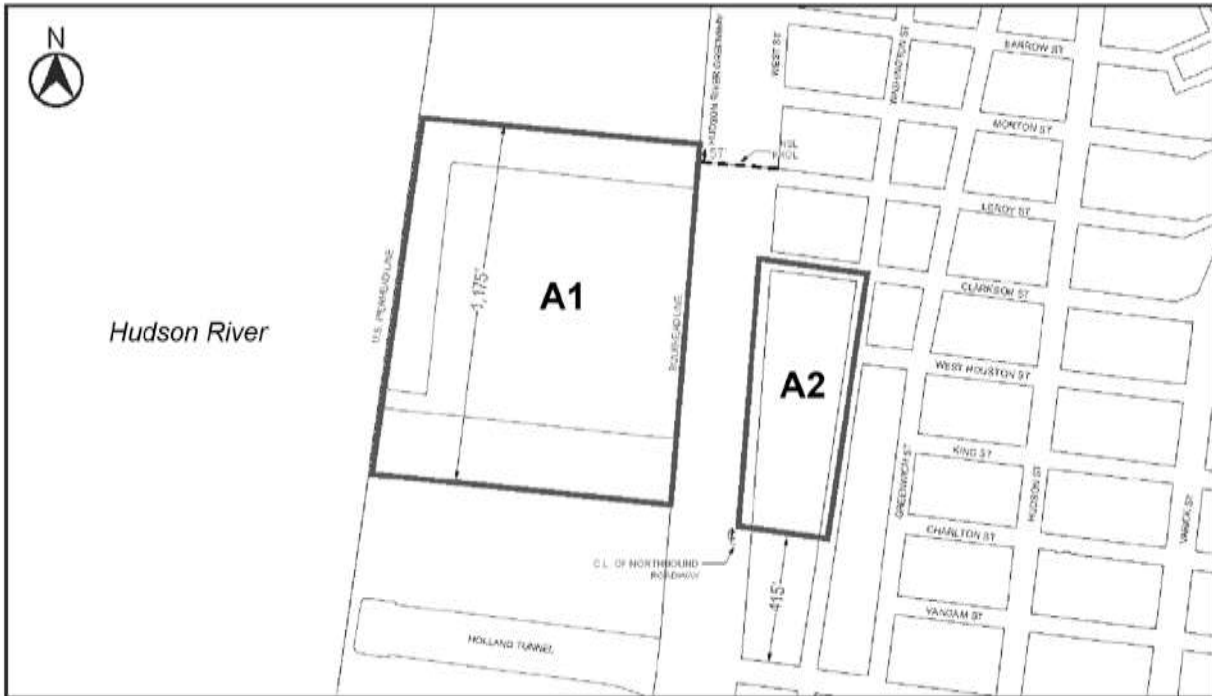
(d) Additional requirements

\* \* \*

**Appendix**  
**Special Hudson River Park District Plan**

Map 1. Transfer of Floor Area - Granting and Receiving Sites within Areas A1 and A2

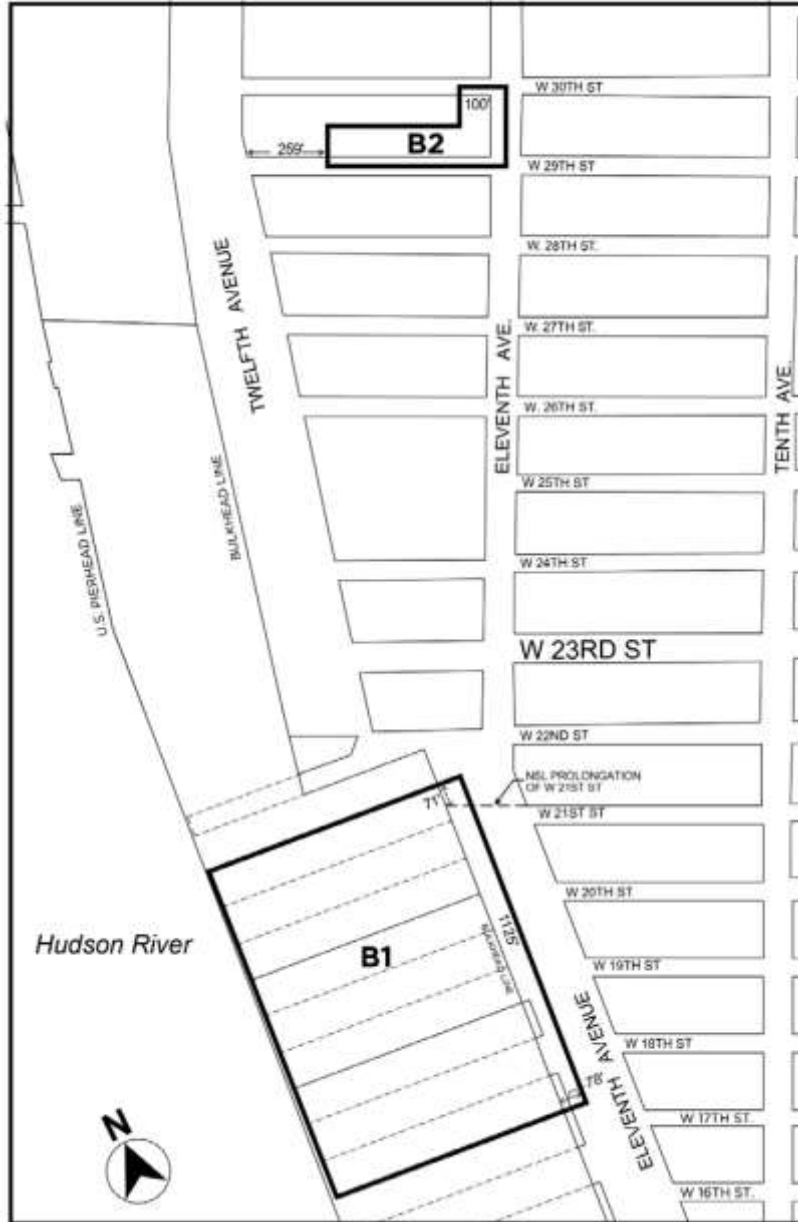
\* \* \*



#Special Hudson River Park District#

- A1 Area within which a #Granting S-site# may be located
- A2 Area within which a #Receiving S-site# may be located

Map 2. Transfer of Floor Area - Granting and Receiving Sites within Areas B1 and B2



- B1**
- B2**

#Special Hudson River Park District#  
Area within which a #granting site# may be located  
Area within which a #receiving site# may be located

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

\* \* \*

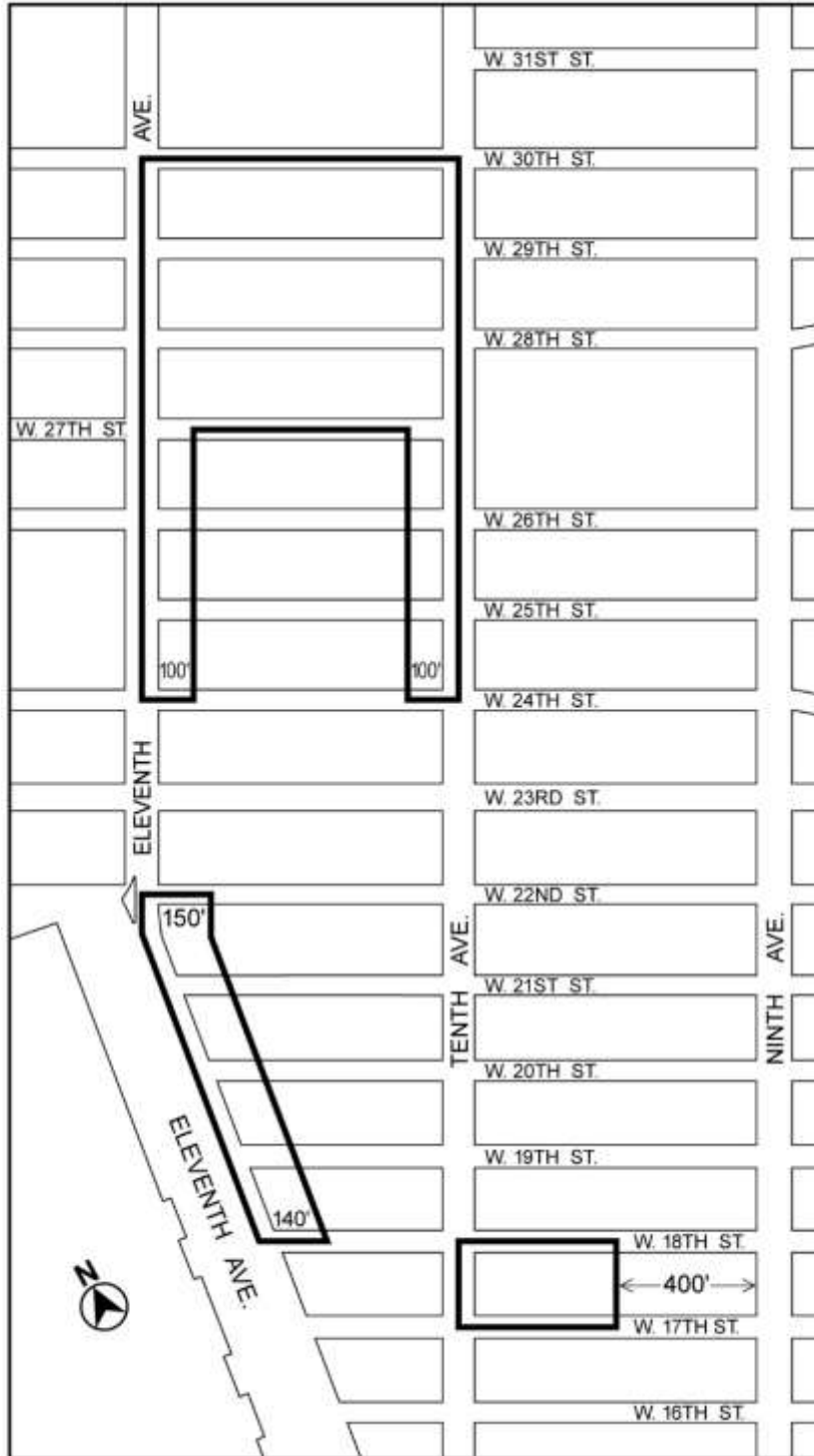
**MANHATTAN**

\* \* \*

**Manhattan Community District 4**

Map 1. (date of adoption)

[EXISTING MAP]



[PROPOSED MAP]



-  Inclusionary Housing Designated Area
  -  Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)
- Area 1 (date of adoption) - MIH Program Option 1

Portion of Community District 4, Manhattan

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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. 91 & Res. No. 449

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180129(A) ZSM submitted by DD West 29th LLC pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2 06(c)(1) of Title 62 of the New York City Rules and Regulations, for the grant of a special permit pursuant to Section 89-21 of the Zoning Resolution in connection with a proposed mixed used development on property located at 601-613 West 29th Street (Block 675, Lots 11, 16, and 19), Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 9, 2018 (Minutes, page 1865) 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 180129(A) ZSM**

City Planning Commission decision approving an application submitted by DD West 29th LLC pursuant to Sections 197- c and 201 and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure of the New York City Charter for the grant of a special permit pursuant to Section 89-21 of the Zoning Resolution:

1. to allow the distribution of 123,437.5 square feet of floor area from granting site (B1, Block 662, Lots 11, 16 & 19) to a receiving site (B2, Block 675, Lots 12, 29, and 36);
2. to modify the height and setback requirements and tower lot coverage requirements of Section 35-65 (Height and Setback Requirements for Quality Housing Buildings) and Section 23-60 (Height and Setback Regulations); and
3. to exempt a maximum of 18,500 square feet of floor area allocated to an ambulance station to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS); and
4. to modify the requirements of Section 13-12 (Permitted Parking for Non-Residential Uses) to allow a maximum of 18 permitted off-street parking spaces accessory to an ambulance station;

in connection with a proposed mixed used development on property located at 601 West 29<sup>th</sup> Street (Block 675, Lots 12, 29, and 36), in a C6-4X District, within the Special Hudson River Park District (HRP).

**INTENT**

To approve the grant for the special permit, along with other related actions, in order to facilitate the redevelopment of 601 West 29<sup>th</sup> Street (Block 675, Lots 12, 29, and 36) with a mix of uses, including up to 731,668 square feet of residential floor area, of which up to 182,917 square feet would be permanently affordable; 8,927 square feet or more of retail space; a potential Emergency Medical Services (EMS) ambulance station; and additionally enable a transfer of 123,437.5 square feet of unused development rights to support certain intended improvements and capital maintenance in the Hudson River Park within Community District 4, Borough of Manhattan.

**PUBLIC HEARING**

**DATE:** May 15, 2018

**Witnesses in Favor:** Ten

**Witnesses Against:** Five

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 19, 2018

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

**In Favor:**

Moya, Constantinides, Lancman, Levin, Reynoso, Rivera.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None



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

The City Planning Commission filed a letter dated June 25, 2018, with the Council on June 27, 2018, 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. 449

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 180129(A) ZSM (L.U. No. 91), for the grant of a special permit pursuant to Section 89-21 of the Zoning Resolution to allow the distribution of 123,437.5 square feet of floor area from a granting site (B1, Block 662, Lots 11, 16, 19) to a receiving site (B2, Block 675, Lots 12, 29, and 36), to modify the height and setback requirements and tower lot coverage requirements of Section 35-65 (Height and Setback Requirements for Quality Housing Buildings) and Section 23-60 (Height and Setback Regulations), to exempt a maximum of 18,500 square feet of floor area allocated to an ambulance station to be exempted from the definition of floor area as set forth in Section 12-10 (Definition), and to modify the requirements of Section 13-12 (Permitted Parking for Non- Residential Uses) to allow a maximum of 18 permitted off-street parking spaces accessory an ambulance station, in connection with a proposed mixed use development, on property located at 601-613 West 29<sup>th</sup> Street (Block 675, Lots 12, 29, and 36), in an C6-4X district, within the Special Hudson River Park District, Community District 4, Borough of Manhattan.**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on May 7, 2018 its decision dated May 7, 2018 (the "Decision"), on the application submitted by DD West 29<sup>th</sup> LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 89-21 of the Zoning Resolution to allow the distribution of 123,437.5 square feet of floor area from a granting site (B1, Block 662, Lots 11, 16, 19) to a receiving site (B2, Block 675, Lots 12, 29, and 36), to modify the height and setback requirements and tower lot coverage requirements of Section 35-65 (Height and Setback Requirements for Quality Housing Buildings) and Section 23-60 (Height and Setback Regulations), to exempt a maximum of 18,500 square feet of floor area allocated to an ambulance station to be exempted from the definition of floor area as set forth in Section 12-10 (Definition), and to modify the requirements of Section 13-12 (Permitted Parking for Non- Residential Uses) to allow a maximum of 18 permitted off-street parking spaces accessory an ambulance station, in connection with a proposed mixed use development, on property located at 601-613 West 29<sup>th</sup> Street (Block 675, Lots 12, 29, and 36), in an C6-4X district, within the Special Hudson River Park District, (ULURP No. C 180129(A) ZSM), Community District 4, Borough of Manhattan, (the "Application");

**WHEREAS**, the Application is related to applications C 180127 ZMM (L.U. No. 89), zoning map amendment to change an M2-3 zoning district to a C6-4X district and establish a Special Hudson River Park District and N 180128(A) ZRM (L.U. No. 90), zoning text amendment to modify the regulations of the Special Hudson River Park District and related Sections, define new granting and receiving sites within the special district, and designate a Mandatory Inclusionary Housing (MIH) area on the receiving site;

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

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 89-21 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 May 15, 2018;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the positive declaration (CEQR No. 17DCP159M) issued on April 14, 2017 and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on April 27, 2018 which included an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-455) and the Technical Memorandum dated February 23, 2018, (the “Technical Memorandum”).

**RESOLVED:**

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

1. The FEIS and the CEQR Technical Memorandum meet 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, adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;
3. The adverse environmental impacts disclosed in the FEIS and the Technical Memorandum will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A, those project components related to the environment and mitigation measures that were identified as practicable and the placement of (E) designation (E-455) for hazardous materials and air quality, as such Restrictive Declaration is modified by the Council; and
4. No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached as Exhibit A, as same may be modified with any necessary administrative or technical changes, all as acceptable to Counsel to the Department of City Planning, as modified by the Council, is executed by DD West 29<sup>th</sup> LLC or its successor, and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.
5. The Decision, together with the FEIS and the Technical Memorandum 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 this report, C 180129(A) ZSM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission with the following modifications:

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

1. The property that is the subject of this application (C 180129A ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations

indicated on the following approved plans prepared by FXFOWLE Architects, LLP, filed with this application and incorporated in this resolution:

<b><u>Dwg No.</u></b>	<b><u>Title</u></b>	<b><u>Last Date Revised</u></b>
Z-001A	Granting Site Survey	11/20/2017
Z-001b	Granting Site Zoning Calculations	11/20/2017
Z-002	Receiving Site Survey	10/23/2017
Z-003	Zoning Calculations	2/26/2018
Z-005	Site Plan	<del>2/14/2018</del> <u>6/20/2018</u>
Z-101A	Ground Floor Plan	2/26/2018
Z-101B	Ground Floor Plan – No EMS Alt	2/26/2018
Z-101C	Ground Floor Plan – No EMS Alt 2	2/26/2018
Z-110	Waiver Plan	<del>2/26/2018</del> <u>6/20/2018</u>
Z-201	Waiver Sections Section A	<del>2/14/2018</del> <u>6/20/2018</u>
Z-202	Waiver Sections Section B	<del>11/20/2017</del> <u>6/20/2018</u>
Z-203	Waiver Sections Section C	<del>11/20/2017</del> <u>6/20/2018</u>
Z-204	Waiver Sections Section D & E	<del>10/23/2017</del> <u>6/20/2018</u>
Z-205	Waiver Sections Section F	<del>11/20/2017</del> <u>6/20/2018</u>
Z-211	Urban Design Controls	<del>11/20/2017</del> <u>6/20/2018</u>

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. No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached as Exhibit A, as same may be modified with any necessary administrative or technical changes, all as are acceptable to Counsel to the Department of City Planning, is executed and recorded by DD West 29th Street LLC or its successor, and such Restrictive Declaration, as modified by the City Council as

of June 28, 2018, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.

5. The development shall include those mitigation measures listed in the Final Impact Statement (CEQR No. 17DCP159M) issued on April 27, 2018 and in the CEQR Technical Memorandum which were identified as practicable.
6. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
7. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
8. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
9. 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.
10. The application is further modified as reflected in Exhibit B hereto.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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. 92 &amp; Res. No. 450

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180150 ZMM submitted by West 30th Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8b, changing from an M2-3 District to a C6-4X District and establishing a Special Hudson River Park District, Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 9, 2018 (Minutes, page 1866) 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 180150 ZMM**

City Planning Commission decision approving an application submitted by West 30th Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8b.

1. changing from an M2-3 District to a C6-4X District property bounded by West 30<sup>th</sup> Street, a line 100 feet westerly of Eleventh Avenue, a line midway between West 29<sup>th</sup> Street and West 30<sup>th</sup> Street, and a line 525 feet easterly of Twelfth Avenue, and
2. establishing a Special Hudson River Park District bounded by:
  - a. West 30<sup>th</sup> Street, a line 100 feet westerly of Eleventh Avenue, a line midway between West 29<sup>th</sup> Street and West 30<sup>th</sup> Street, and a line 525 feet easterly of Twelfth Avenue; and
  - b.
    - i. a line perpendicular to the U.S. Bulkhead Line distant 71 feet northerly (as measured along the U.S. Bulkhead Line) from the point of intersection of the westerly prolongation of the northerly street line of West 21<sup>st</sup> Street and the U.S. Bulkhead Line;
    - ii. the U.S. Pierhead Line,
    - iii. a line 1125 feet southerly of the first named course; and
    - iv. a line 78 feet easterly of the U.S. Bulkhead Line;

as shown on a diagram (for illustrative purposes only) dated November 27, 2017, and subject to the conditions of the CEQR Declaration E-455.

**INTENT**

To approve the amendment to the Zoning Map, along with other related actions, in order to facilitate the redevelopment of 606 West 30<sup>th</sup> Street with a mix of uses, including approximately 193,124 square feet of residential floor area, including affordable housing; 14,251 square feet of commercial floor area, and additionally enable a transfer of 34,562.5 square feet of unused development rights to support certain intended improvements and capital maintenance in the Hudson River Park within Community District 4, Borough of Manhattan.

**PUBLIC HEARING****DATE:** May 15, 2018**Witnesses in Favor:** Nine**Witnesses Against:** Five**SUBCOMMITTEE RECOMMENDATION****DATE:** June 19, 2018

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

**In Favor:**

Moya, Constantinides, Lancman, Levin, Reynoso, Rivera.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 450

**Resolution approving the decision of the City Planning Commission on ULURP No. C 180150 ZMM, a Zoning Map amendment (L.U. No. 92).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on May 7, 2018 its decision dated May 7, 2018 (the "Decision"), on the application submitted by West 30th Street, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 8b, by changing from an M2-3 District to a C6-4X District and establishing a Special Hudson River Park District which in conjunction with the related actions would facilitate the redevelopment of 606 West 30th Street (Block 675, Lots 38 and 39) with a mix of uses, including approximately 193,124 square feet of residential floor area, including affordable

housing; 14,251 square feet of commercial floor area; and additionally would enable a transfer of 34,562.5 square feet of unused development rights to support certain identified improvements and capital maintenance in the Hudson River Park within Community District 4, (ULURP No. C 180150 ZMM), Community District 4, Borough of Manhattan (the "Application");

**WHEREAS**, the Application is related to applications N 180151A ZRM (L.U. No. 93), an amendment of the Zoning Resolution to modify the regulations of the Special Hudson River Park District, define new granting and receiving sites within the special district, and designate a Mandatory Inclusionary Housing (MIH) area and C 180152A ZSM (L.U. No. 94), a special permit pursuant to Section 89-21 to transfer floor area and to modify bulk regulations in connection with the proposed mixed use development;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on May 15, 2018;

**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 (CEQR No. 17DCP159M) issued on April 14, 2017 and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on April 27, 2018 which included an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-455) and the Technical Memorandum dated February 23, 2018, (the "Technical Memorandum").

**RESOLVED:**

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

1. The FEIS and the Technical Memorandum meet 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, adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;
3. The adverse environmental impacts disclosed in the FEIS and the Technical Memorandum will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A those project components related to the environment and mitigation measures that were identified as practicable and the placement of (E) designation (E-455) for hazardous materials and air quality, as such Restrictive Declaration is modified by the Council; and
4. No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached as Exhibit A, as same may be modified with any necessary administrative or technical changes, all as acceptable to Counsel to the Department of City Planning, as modified by the Council, is executed by West 30th Street LLC or its successor, and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.
5. The Decision, together with the FEIS and the Technical Memorandum, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Section 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 180150 ZMM, incorporated by reference herein, 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. 8b:

1. changing from an M2-3 District to a C6-4X District property bounded by West 30th Street, a line 100 feet westerly of Eleventh Avenue, a line midway between West 29th Street and West 30th Street, and a line 525 feet easterly of Twelfth Avenue, and
2. establishing a Special Hudson River Park District bounded by:
  - a. West 30<sup>th</sup> Street, a line 100 feet westerly of Eleventh Avenue, a line midway between West 29<sup>th</sup> Street and West 30<sup>th</sup> Street, and a line 525 feet easterly of Twelfth Avenue; and
  - b.
    - i. a line perpendicular to the U.S. Bulkhead Line distant 71 feet northerly (as measured along the U.S. Bulkhead Line) from the point of intersection of the westerly prolongation of the northerly street line of West 21<sup>st</sup> Street and the U.S. Bulkhead Line;
    - ii. the U.S. Pierhead Line,
    - iii. a line 1125 feet southerly of the first named course; and
    - iv. a line 78 feet easterly of the U.S. Bulkhead Line;

as shown on a diagram (for illustrative purposes only) dated November 27, 2017, and subject to the conditions of the CEQR Declaration E-455, Community District 4, Borough of Manhattan.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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. 93 & Res. No. 451

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 180151(A) ZRM submitted by West 30th Street 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 VIII, Chapter 9 (Special Hudson River Park District) and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 9, 2018 (Minutes, page 1866) 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****N 180151(A)ZRM**

City Planning Commission decision approving an application submitted by West 30th Street 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 VIII, Chapter 9 (Special Hudson River Park District) and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, in connection with a proposed mixed used development on property located at 606 West 30<sup>th</sup> Street (Block 675, Lots 38 and 39), in a C6-4X District, within the Special Hudson River Park District.

**INTENT**

To approve the amendment to the text of the Zoning Resolution, along with other related actions in order to facilitate the redevelopment of 606 West 30<sup>th</sup> Street (Block 675, Lots 38 and 39) with a mix of uses, including approximately 193,124 square feet of residential floor area, including affordable housing; 14,251 square feet of commercial floor area; and additionally enable a transfer of 34,562.5 square feet of unused development rights to support certain intended improvements and capital maintenance in the Hudson River Park within Community District 4, Borough of Manhattan.

**PUBLIC HEARING****DATE:** May 15, 2018**Witnesses in Favor:** Nine**Witnesses Against:** Five**SUBCOMMITTEE RECOMMENDATION****DATE:** June 19, 2018

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

**In Favor:**

Moya, Constantinides, Lancman, Levin, Reynoso, Rivera.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**  
None

**Abstain:**  
None

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

Res. No. 451

**Resolution approving the decision of the City Planning Commission on Application No. N 180151(A) ZRM (L.U. No. 93), for an amendment of the Zoning Resolution of the City of New York, modifying Article VIII, Chapter 9 (Special Hudson River Park District) and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, in connection with a proposed mixed used development on property located at 606 West 30<sup>th</sup> Street (Block 675, Lots 38 and 39), in a C6-4X District, within the Special Hudson River Park District (HRP), Community District 4, Borough of Manhattan.**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on May 7, 2018 its decision dated May 7, 2018 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by West 30th Street, LLC, for an amendment of the text of the Zoning Resolution of the City of New York, modifying the Article VIII, Chapter 9 (Special Hudson River Park District) and related Sections, and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, in connection with a proposed mixed used development on property located at 606 West 30<sup>th</sup> Street (Block 675, Lots 38 and 39), in a C6-4X District, within the Special Hudson River Park District, Community District 4 (Application No. N 180151(A) ZRM), Community District 4, Borough of Manhattan (the "Application");

**WHEREAS**, the Application is related to applications C 180150 ZMM (L.U. No. 92), Zoning map amendment to change an M2-3 zoning district to a C6-4X district and establish a Special Hudson River Park District and C 180152A ZSM (L.U. No. 94), Special permit pursuant to transfer floor area and modify bulk regulations in connection with the proposed mixed use development;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on May 15, 2018;

**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 (CEQR No. 17DCP159M) issued on April 14, 2017 and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on April 27, 2018 which included an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-455) and the Technical Memorandum dated February 23, 2018, (the "Technical Memorandum").

**RESOLVED:**

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

1. The FEIS and the Technical Memorandum meet 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, adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
3. The adverse environmental impacts disclosed in the FEIS and the Technical Memorandum will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A to the report for the related special permit (C 180152A ZSM), those project components related to the environment and mitigation measures that were identified as practicable and the placement of (E) designation (E-455) for hazardous materials and air quality, as such Restrictive Declaration is modified by the Council; and
4. No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached as Exhibit A to the report for the related special permit (C 180152A ZSM), as same may be modified with any necessary administrative or technical changes, all as are acceptable to Counsel to the Department of City Planning, as such Restrictive Declaration is modified by the Council, is executed and recorded by West 30<sup>th</sup> Street LLC or its successor, in the Office of the Register of the City of New York, County of New York.
5. The Decision, together with the FEIS and the Technical Memorandum 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 180151(A) ZRM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

Matter in underline is new, to be added; Matter in ~~strikeout~~ is old, to be deleted;

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

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

## **ARTICLE VIII SPECIAL PURPOSE DISTRICTS**

### **Chapter 9 Special Hudson River Park District**

\* \* \*

#### **89-02 Definitions**

For the purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS) and in this Section.

#### **Granting site**

Within the #Special Hudson River Park District#, ~~the a~~ “granting site” is a #zoning lot#, or a portion of a #zoning lot#, within the areas identified as “A1” or “B1” on the maps in the Appendix to this Chapter, upon which development is regulated by contract, lease, covenant, declaration or otherwise to assure compliance with the purposes of this Special District and from which #floor area# may be transferred. A #granting site# may only

transfer #floor area# to a #receiving site# within an area that shares the same letter designation. For example, a #granting site# within area A1 may transfer #floor area# to a #receiving site# within area A2, but not to a #receiving site# within area B2.

Receiving site

Within the #Special Hudson River Park District#, ~~the a~~ “receiving site” is a #zoning lot#, within the areas identified as “A2” or “B2” on the maps in the Appendix to this Chapter, to which #floor area# of ~~the a~~ #granting site# may be transferred.

\* \* \*

## **89-10**

### **USE AND BULK REGULATIONS**

## **89-11**

### **Use and Bulk Regulations on Receiving Sites**

The #use# and #bulk# regulations applicable to ~~the a~~ #receiving site# shall be modified as follows:

(a) C6-4 Districts

Within Area A2 on the maps in the Appendix to this Chapter, the ~~The~~ #use# and #bulk# regulations of the underlying C6-4 District shall not apply. In lieu thereof, the #use# and #bulk# regulations of an M1-5 District shall apply.

Within Area B2, the #use# and #bulk# regulations of the underlying C6-4X District shall not apply. In lieu thereof, the #use# and #bulk# regulations of an M2-3 District shall apply.

(b) C6-3 and M1-5 Districts

The #use# and #bulk# regulations of the underlying C6-3 and M1-5 Districts shall not apply. In lieu thereof, the #use# and #bulk# regulations of an M2-4 District shall apply.

However, on a #receiving site#, for any #development#, #enlargement# or #conversion# that is the subject of a special permit granted by the City Planning Commission pursuant to Section 89-21 (Transfer of Floor Area From Hudson River Park), the #use# and #bulk# regulations of the underlying C6-3, C6-4 or M1-5 District shall only apply to such approved #development#, #enlargement# or #conversion#.

## **89-12**

### **Special Floor Area Regulations Within Area B2**

Within Area B2 on the maps in the Appendix to this Chapter, where the #bulk# regulations of the underlying C6-4X District apply pursuant to the provisions of Section 89-11 (Use and Bulk Regulations on Receiving Sites), the #floor area ratio# of the underlying district shall not apply. In lieu thereof, the maximum base #floor area

ratio# shall be 10.0 within a #Mandatory Inclusionary Housing area#, and such maximum #floor area ratio# may be increased to a maximum of 12.0 only as set forth in Section 89-21 (Transfer of Floor Area From Hudson River Park).

**89-20  
SPECIAL PERMITS**

**89-21  
Transfer of Floor Area From Hudson River Park**

The City Planning Commission may permit a transfer of #floor area# from a #granting site# to a #receiving site#, may permit distribution of total allowable #floor area# of a #receiving site# without regard for zoning district boundaries, may permit that such #receiving site# be treated as a single #zoning lot# for all purposes of this Resolution, and may modify #bulk# regulations, except #floor area# regulations, for a #development#, #enlargement# or #conversion# located on such #receiving site#.

\* \* \*

(b) Conditions and limitations

All applications for a special permit pursuant to this Section shall comply with the following conditions:

\* \* \*

(6) for the #receiving site# within Area A2:

(i) the portion of the #receiving site# located over West Houston Street shall not generate #floor area# for the proposed special permit #development#, and no #floor area# shall be located directly above West Houston Street;

~~(7)~~ (ii) the height and setback requirements of the applicable district shall apply to the portions of the #receiving site# located on each side of the mapped #street lines# of West Houston Street; and

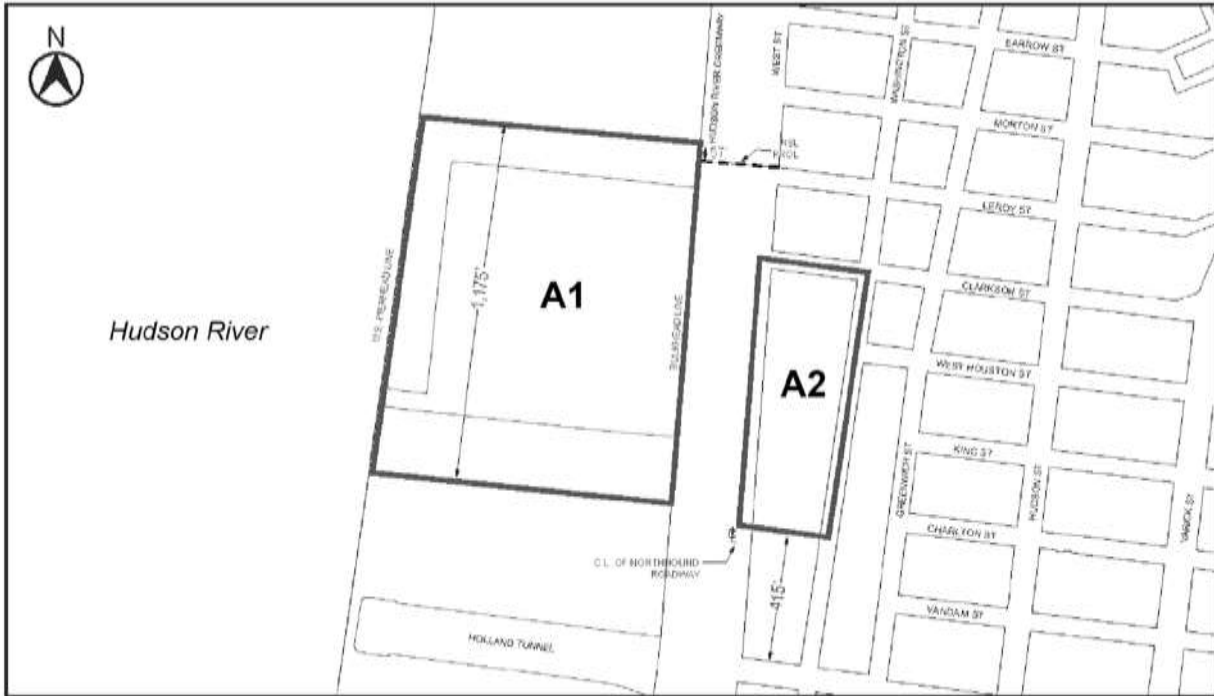
~~(8)~~(7) no more than 200,000 square feet of #floor area#, in the aggregate, shall be transferred to #receiving sites# located within the boundaries of Manhattan Community ~~Board~~ District 2.

\* \* \*

**Appendix  
Special Hudson River Park District Plan**

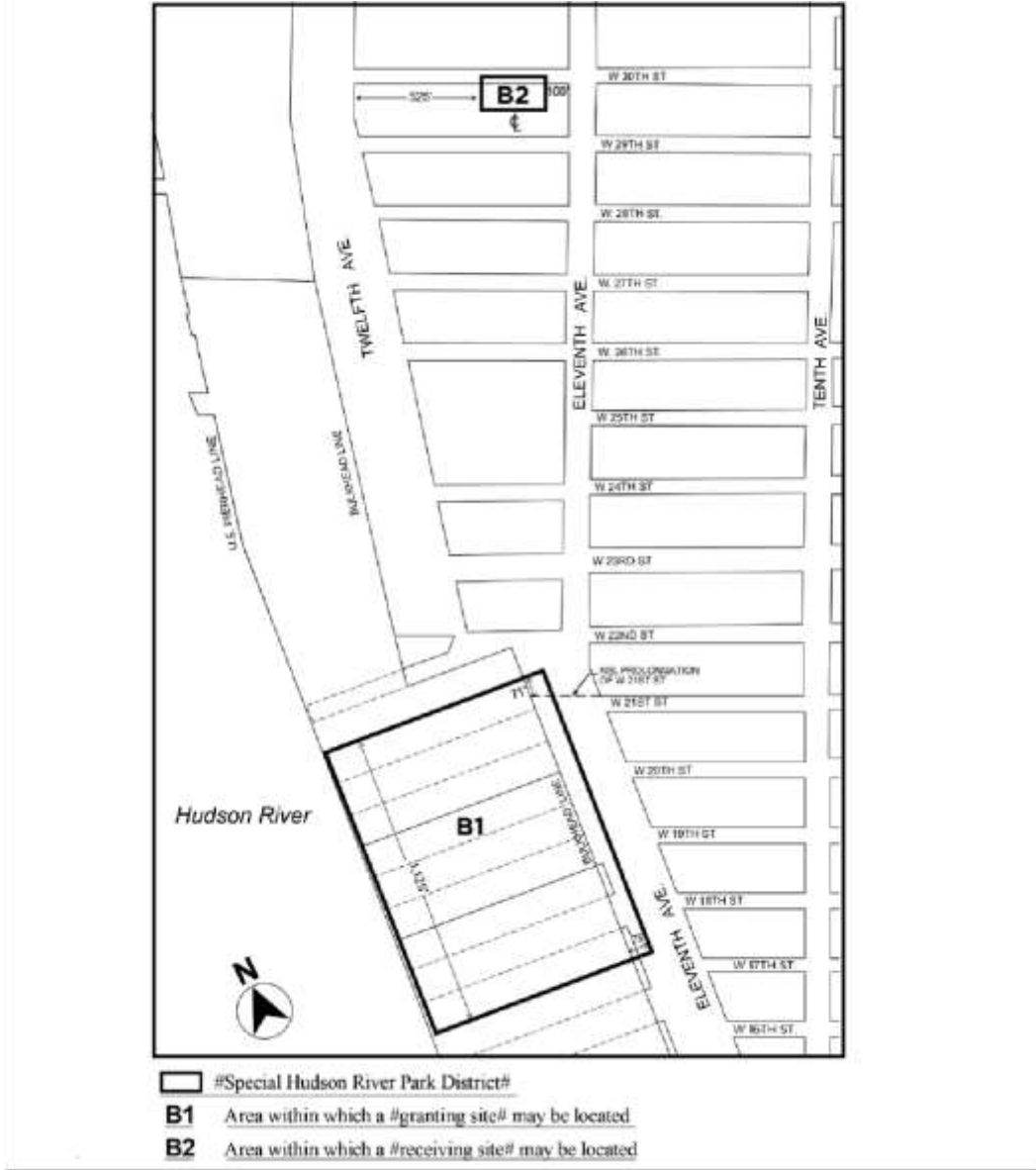
Map 1. Transfer of Floor Area - Granting and Receiving Sites within Areas A1 and A2

\* \* \*



- #Special Hudson River Park District#
- A1 Area within which a #Granting S-site# may be located
- A2 Area within which a #Receiving S-site# may be located

Map 2. Transfer of Floor Area - Granting and Receiving Sites within Areas B1 and B2



\*\*\*

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

\*\*\*

**MANHATTAN**

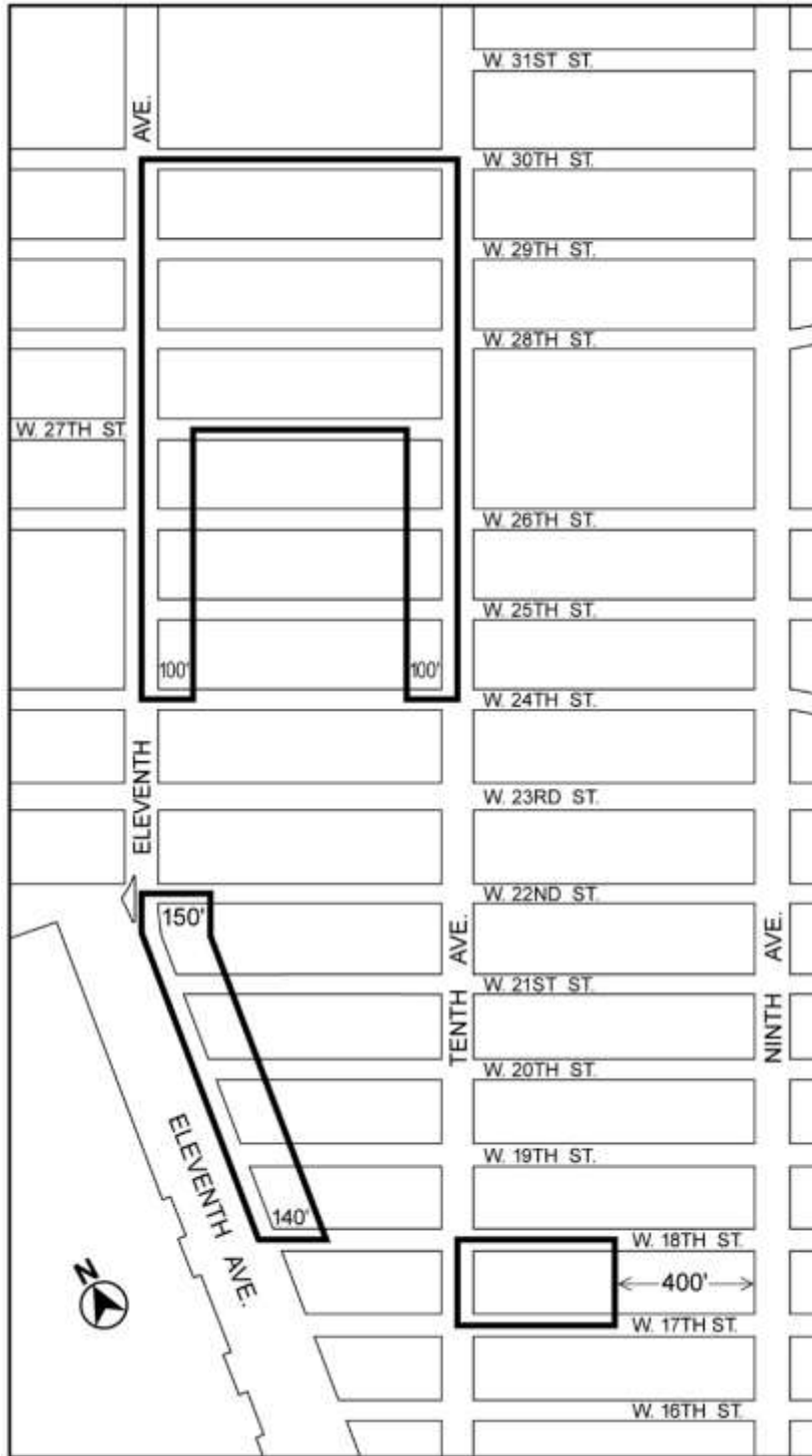
\* \* \*

**Manhattan Community District 4**

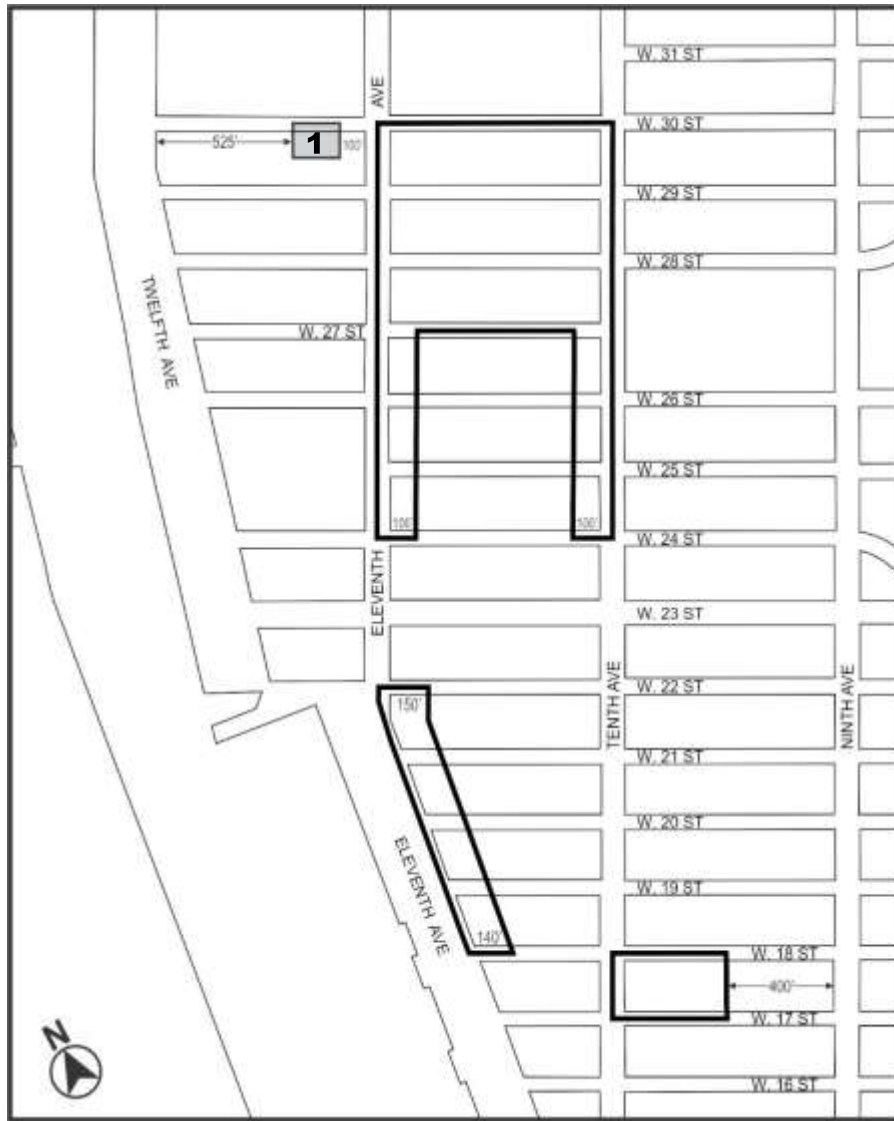
Map 1. (date of adoption)





[EXISTING MAP]



[PROPOSED MAP]



-  #Inclusionary Housing designated area#
  -  Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
- Area 1 — [date of adoption] — MIH Program Option 1

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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. 94 & Res. No. 452

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180152(A) ZSM submitted by West 30th Street LLC pursuant to Sections 197-c and 201 of the New York City Charter and modified pursuant to Section 2 06(c)(1) of Title 62 the New York City Rules and Regulations, for the grant of a special permit pursuant to Section 89-21 of the Zoning Resolution, in connection with a proposed mixed use development on property located at 606-616 West 30th Street (Block 675, Lots 38 & 39), Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 9, 2018 (Minutes, page 1866) 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 180152(A) ZSM**

City Planning Commission decision approving an application submitted by West 30<sup>th</sup> Street LLC pursuant to Sections 197-c and 201 and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure of the New York City Charter for the grant of a special permit pursuant to Section 89-21\* of the Zoning Resolution:

1. to allow the distribution of 34,562.5 square feet of floor area from a granting site (B1, Block 662, Lots 11, 16 & 19) to a receiving site (B2, Block 675, Lots 38 & 39);
2. to modify the height and setback requirements of Section 35-65 (Height and Setback Requirements for Quality Housing Buildings) and Section 23-60 (Height and Setback Regulations); and
3. to modify the rear yard requirements of Section 33-26 (Minimum Required Rear Yards);

in connection with a proposed mixed used development on property located at 606 West 30<sup>th</sup> Street (Block 675, Lots 38 and 39), in a C6-4X District, within the Special Hudson River Park District (HRP).

**INTENT**

To grant an approval of the special permit, along with other related actions, in order to facilitate the redevelopment of 606 West 30th Street (Block 675, Lots 38 and 39) with a mix of uses, including approximately 193,124 square feet of residential floor area, including affordable housing; 14,251 square feet of commercial floor area; and additionally enable a transfer of 34,562.5 square feet of unused development rights floor area to support certain intended improvements and capital maintenance in the Hudson River Park within Community District 4, Borough of Manhattan.

**PUBLIC HEARING**

**DATE:** May 15, 2018

**Witnesses in Favor:** Nine

**Witnesses Against:** Five

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 19, 2018

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

**In Favor:**

Moya, Constantinides, Lancman, Levin, Reynoso, Rivera.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

The City Planning Commission filed a letter dated June 25, 2018, with the Council on June 27, 2018, 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. 452

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 180152(A) ZSM (L.U. No. 94), for the grant of a special permit pursuant to Section 89-21 of the Zoning Resolution to allow the distribution of 34,562.5 square feet of floor area from a granting site (B1, Block 662, Lots 11, 16, 19) to a receiving site (B2, Block 675, Lots 38 and 39), to modify the height and setback requirements of Section 35-65 (Height and Setback Requirements for Quality Housing Buildings) and Section 23-60 (Height and Setback Regulations), and to modify the rear yard requirements of Section 33-26 (Minimum Required Rear Yards), in connection with a proposed mixed use development, on property located at 606 West 30th Street (Block 675, Lots 38 and 39), in an C6-4X district, within the Special Hudson River Park District, Community District 4, Borough of Manhattan.**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on May 7, 2018 its decision dated May 7, 2018 (the "Decision"), on the application submitted by West 30th Street, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 89-21 of the Zoning Resolution to allow the distribution of 34,562.5 square feet of floor area from a granting site (B1, Block 662, Lots 11, 16, 19) to a receiving site (B2, Block 675, Lots 38 and 39), to modify the height and setback requirements of Section 35-65 (Height and Setback Requirements for Quality Housing Buildings) and Section 23-60 (Height and Setback Regulations), and to modify the rear yard requirements of Section 33-26 (Minimum Required Rear Yards), in connection with a proposed mixed use development, on property located at 606 West 30th Street (Block 675, Lots 38 and 39), in an C6-4X district, within the Special Hudson River Park District, (ULURP No. C 180152(A) ZSM) Community District 4 Borough of Manhattan, (the "Application");

**WHEREAS**, the Application is related to applications C 180150 ZMM (L.U. No. 92), Zoning map amendment to change an M2-3 zoning district to a C6-4X district and establish a Special Hudson River Park District and N 180151A ZRM (L.U. No. 93), zoning text amendment to modify the regulations of the Special Hudson River Park District and related Sections, define new granting and receiving sites within the special district, and designate a Mandatory Inclusionary Housing (MIH) area on the receiving site;

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

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 89-21 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 May 15, 2018;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the positive declaration (CEQR No. 17DCP159M) issued on April 14, 2017 and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on April 27, 2018 which included an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-455) and the Technical Memorandum dated February 23, 2018, (the "Technical Memorandum").

**RESOLVED:**

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

1. The FEIS and the Technical Memorandum meet 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, adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;
3. The adverse environmental impacts disclosed in the FEIS and the Technical Memorandum will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A those project components related to the environment and mitigation measures that were identified as practicable and the placement of (E) designation (E-455) for hazardous materials and air quality, as such Restrictive Declaration is modified

by the Council; and

4. No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached as Exhibit A, as same may be modified with any necessary administrative or technical changes, all as acceptable to Counsel to the Department of City Planning, and as modified by the Council, is executed by West 30th Street LLC or its successor, and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.
5. The Decision, together with the FEIS and the Technical Memorandum 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 this report, C 180152(A) ZSM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission with the following modifications:

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

1. The property that is the subject of this application (C 180152A ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans prepared by Ismael Leyva Architects, P.C., filed with this application and incorporated in this resolution:

<u>Dwg No.</u>	<u>Title</u>	<u>Last Date Revised</u>
1 of 1	Parcel Area Survey Chelsea Piers	11/21/2017
Z-101.00	Zoning Analysis	11/21/2017
Z-001	Development Site Survey – Lot 38	04.13.18
Z-002	Development Site Survey – Lot 39	04.13.18
Z-003	Zoning Calculations	04.13.18
Z-004	Zoning Lot Site Plan	04.13.18
Z-100	Ground Floor Plan	04.13.18
Z-101	2 <sup>nd</sup> & 3 <sup>rd</sup> Floor Plans	04.13.18
Z-200	Waiver Site Plan	04.13.18
Z-201	Waiver Section 1	04.13.18
Z-202	Waiver Section 2	04.13.18

2. Such development shall conform to all applicable provisions of the Zoning Resolution except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached as Exhibit A, as same may be modified with any necessary administrative or technical changes, all as are acceptable to Counsel to the Department of City Planning, is executed by West 30<sup>th</sup> Street LLC or its successor, and such Restrictive Declaration, as modified by the City Council as of June 28, 2018, shall have been executed and recorded and filed in the Office of the Register of the City of New York, County of New York. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
5. The development shall include those mitigation measures listed in the Final Impact Statement (CEQR No. 17DCP159M) issued on April 27, 2018 and in the CEQR Technical Memorandum which were identified as practicable.
6. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
7. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
8. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
9. 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.
10. The application is further modified as reflected in Exhibit B hereto.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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. 108 & Res. No. 453

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180096 ZMK submitted by South Portland, LLC and Randolph Haig Day Care Center, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of Zoning Map Section No. 16c, changing from an R7A District to an R8A District, establishing within a proposed R8A District a C2-4 District, and establishing a Special Downtown Brooklyn District, for an area for an area bounded by Hanson Place to the north, South Portland Avenue to the east, Academy Place to the south, and South Elliot Place to the west. (Block 2003, Lots 19, 29, 30, 31, 32, 33, 34, and 37), Borough of Brooklyn, Community District 2, Council District 35.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 23, 2018 (Minutes, page 1995) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 2**

**C 180096 ZMK**

City Planning Commission decision approving an application submitted by South Portland, LLC and Randolph Haig Day Care Center, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c:

1. changing from an R7A District to an R8A District property bounded by Hanson Place, South Portland Avenue, a line 235 feet southerly of Hanson Place, a line midway between South Portland Avenue and South Elliott Place, a line 275 feet southerly of Hanson Place, and South Elliott Place;
2. establishing within a proposed R8A District a C2-4 District bounded by Hanson Place, South Portland Avenue, a line 100 feet southerly of Hanson Place, and South Elliott Place; and
3. establishing a Special Downtown Brooklyn District bounded by Hanson Place, South Portland Avenue, a line 235 feet southerly of Hanson Place, a line midway between South Portland Avenue and South Elliott Place, a line 275 feet southerly of Hanson Place, and South Elliott Place;

as shown on a diagram (for illustrative purposes only) dated January 2, 2018, and subject to the conditions of CEQR Declaration E-460.

The CPC decision modified the application to remove paragraph 3, above.



**INTENT**

To approve the amendment to the Zoning Map, Section No. 16c, in order to change an R7A zoning district to an R8A district and to an R8A/C2-4 district which in conjunction with the related action would facilitate a new, approximately 85,900-square-foot mixed residential development with community facility space at 142-150 South Portland Avenue in the Fort Greene neighborhood of Brooklyn, Community District 2.

**PUBLIC HEARING**

**DATE:** May 30, 2018

**Witnesses in Favor:** Thirty-One

**Witnesses Against:** Sixteen

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 19, 2018

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

**In Favor:**

Moya, Constantinides, Lancman, Levin, Reynoso, Rivera.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

The City Planning Commission filed a letter dated June 25, 2018, with the Council on June 27, 2018, 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. 453

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 180096 ZMK, a Zoning Map amendment (L.U. No. 108).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on May 16, 2018 its decision dated May 9, 2018 (the "Decision"), on the application submitted by South Portland, LLC and Randolph Haig Day Care Center, Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 16c, changing from an R7A District to an R8A District and to an R8A/C2-4 District would facilitate a new, approximately 85,900-square-foot mixed residential development with community facility space at 142-150 South Portland Avenue in the Fort Greene neighborhood of Brooklyn Community District 2, (ULURP No. C 180096 ZMK), Community District 2, Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to applications N 180097 ZRK (L.U. No. 109), as modified, zoning text amendment to change an Inclusionary Housing designated area to a Mandatory Inclusionary Housing (MIH) area, and to extend the Special Downtown Brooklyn District (SDBD) and to modify height limitations for buildings in certain areas and 20185361 HAK (L.U. No. 110), a real property tax exemption;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on May 30, 2018;

**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 January 2, 2018 (CEQR No. 18DCP044K), which include (E) designations to avoid potential significant adverse impacts related to hazardous materials and air quality which would be assigned to sites within the Rezoning Area (Block 2003, Lots 19, 29, 30, 31, 32, 33, 34, and 37) (E-460) (the "Negative Declaration").

**RESOLVED:**

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

Pursuant to Section 197-d and 201 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 180096 ZMK, incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter ~~strike out~~ is old, deleted by the City Council;  
Matter underline is new, added by the City Council.

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. 16c:

1. changing from an R7A District to an R8A District property bounded by ~~Hanson Place~~ a line 115 feet southerly of Hanson Place, South Portland Avenue, a line 235 feet southerly of Hanson Place, and a line midway between South Portland Avenue and South Elliott Place, ~~a line 275 feet southerly of Hanson Place, and South Elliott Place; and~~

~~2. establishing within a proposed R8A District a C2-4 District bounded by Hanson Place, South Portland Avenue, a line 100 feet southerly of Hanson Place, and South Elliott Place;~~

as shown on a diagram (for illustrative purposes only) dated January 2, 2018, modified by the City Planning Commission on May 9, 2018, and subject to the conditions of CEQR Declaration E-460, Community District 2, Borough of Brooklyn.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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. 109 & Res. No. 454

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 180097 ZRK submitted by South Portland, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, for the purpose of eliminating a portion of an Inclusionary Housing designated area to establish a Mandatory Inclusionary Housing area, and to extend the Special Downtown Brooklyn District, modifying Article X, Chapter 1, and related Sections, Borough of Brooklyn, Community District 2, Council District 35.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 23, 2018 (Minutes, page 1995) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

#### **REPORTS:**

#### **SUBJECT**

**BROOKLYN CB - 2**

**N 180097 ZRK**

City Planning Commission decision approving with modifications an application submitted by South Portland, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, for the purpose of eliminating a portion of an Inclusionary Housing designated area to establish a Mandatory Inclusionary Housing area, and to extend the Special Downtown Brooklyn District, modifying Article X, Chapter 1, and related Sections. The City Planning Commission decision removed the extension of the Special Downtown Brooklyn District.

#### **INTENT**

To approve the amendment to the text of the Zoning Resolution, in order to change an Inclusionary Housing designated area to a Mandatory Inclusionary Housing (MIH) area, which in conjunction with the related actions would facilitate a new, approximately 85,900-square-foot mixed residential development with community facility space at 142-150 South Portland Avenue in the Fort Greene neighborhood of Brooklyn Community District 2.

**PUBLIC HEARING****DATE:** May 30, 2018**Witnesses in Favor:** Thirty-One**Witnesses Against:** Sixteen**SUBCOMMITTEE RECOMMENDATION****DATE:** June 19, 2018

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

**In Favor:**

Moya, Constantinides, Lancman, Levin, Reynoso, Rivera.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** June 20, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Constantinides, Deutsch, Koo, Lancman, Levin, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

The City Planning Commission filed a letter dated June 25, 2018, with the Council on June 27, 2018, 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. 454

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 180097 ZRK, for an amendment of the Zoning Resolution of the City of New York, for the purpose of eliminating a portion of an Inclusionary Housing designated area to establish a Mandatory Inclusionary Housing area, and to extend the Special Downtown Brooklyn District, modifying Article X, Chapter 1, and related Sections, Community District 2, Borough of Brooklyn (L.U. No. 109).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on May 16, 2018 its decision dated May 9, 2018 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by South Portland, LLC, for an amendment of the text of the Zoning Resolution of the City of New York, for the purpose of eliminating a portion of an Inclusionary Housing designated area to establish a Mandatory Inclusionary Housing area, and to extend the Special Downtown Brooklyn District, modifying Article X, Chapter 1, and related Sections, which in conjunction with the related action would facilitate a new, approximately 85,900-square-foot mixed residential development with community facility space at 142-150 South Portland Avenue in the Fort Greene neighborhood of Brooklyn Community District 2, (Application No. N 180097 ZRK), Community District 2, Borough of Brooklyn (the "Application");

**WHEREAS**, the City Planning Commission's Decision modified the Application, declining to extend the Special Downtown Brooklyn District;

**WHEREAS**, the Application is related to application C 180096 ZMK (L.U. No. 108), as modified, Zoning map amendment to change an R7A district to an R8A district and to an R8A/C2-4 district and 20185361 HAK (L.U. No. 110), a real property tax exemption;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on May 30, 2018;

**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 January 2, 2018 (CEQR No. 18DCP044K), which include (E) designations to avoid potential significant adverse impacts related to hazardous materials and air quality which would be assigned to sites within the Rezoning Area (Block 2003, Lots 19, 29, 30, 31, 32, 33, 34, and 37) (E-460) (the "Negative Declaration").

**RESOLVED:**

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

Pursuant to Section 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 180097 ZRK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

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

Matter within # # is defined in Section 12-10;  
Matter ~~double struck out~~ is old, deleted by the City Council;  
Matter double-underlined is new, added by the City Council;  
\* \* \* indicates where unchanged text appears in the Zoning Resolution.

\* \* \*

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**BROOKLYN**

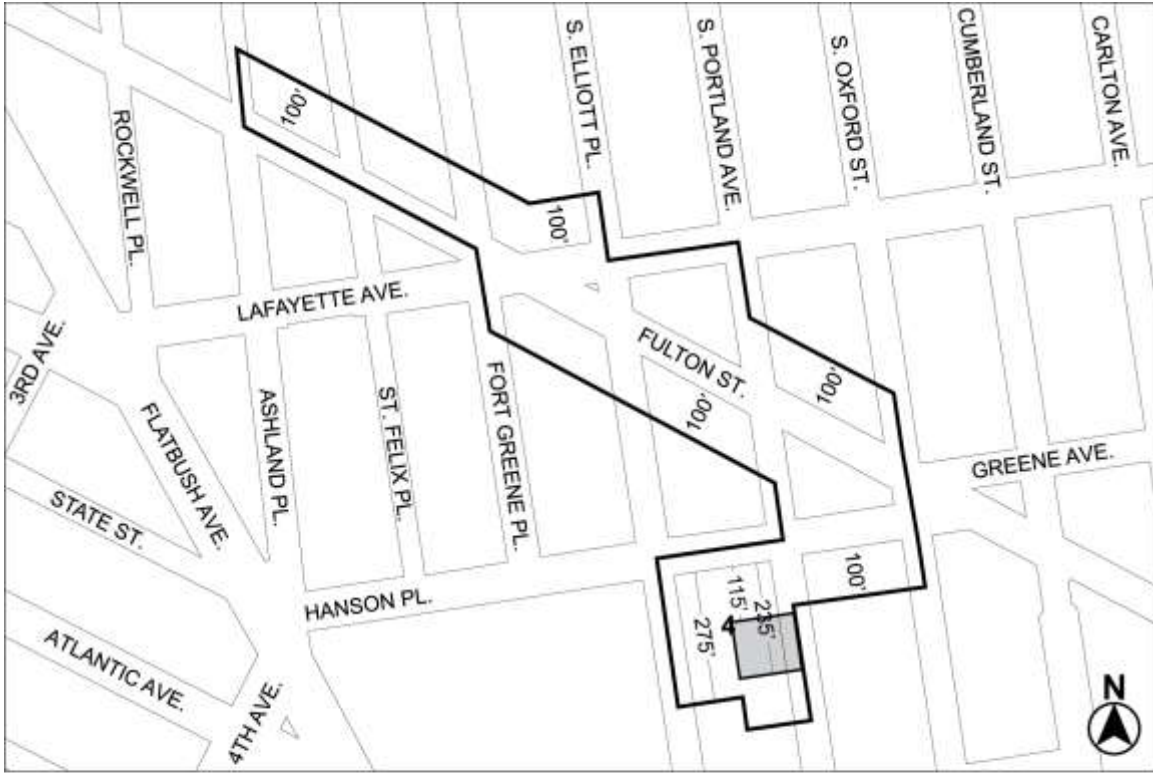
\* \* \*

**Brooklyn Community District 2**

\* \* \*

Map 4 - [date of adoption]

[PROPOSED MAP]



-  Inclusionary Housing Designated Area
  -  Mandatory Inclusionary Housing Program Area (see Section 23-154(d)(3))
- Area 4 [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 2, BROOKLYN

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 20, 2018.

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>
Taylor Jackson	17244 Highland Ave Queens, New York 11432	24
Natasha Polanco Gonzalez	90-26 77th Street Queens, New York 11421	30
Diallo McKnight	107-43 105th Street Queens, New York 11417	32
Jessica Inoa	114-10 150th Ave #FL 2 Queens, New York 11420	32
Damaris Rivera	300 Bushwick Ave #2A Brooklyn, New York 11206	34
Tameisha Honeygan	1235 Putnam Ave Brooklyn, New York 11221	37
Elizabeth Wolozin	266 10th Street #3 Brooklyn, New York 11215	39
Bessie Pratt	452 Vermont Street #1 Brooklyn, New York 11207	42
Tattie Clarke	527 Snediker Ave # 3rd Fl Brooklyn, New York 11207	42
Shirin Palivanova	1745 E 8th Street #A2 Brooklyn, New York 11223	44
Kerry-Ann Cameron	2042 E 60th Street 2nd FL Brooklyn, New York 11234	46
Cassandra Bellange	1850 Ocean Parkway #B8 Brooklyn, New York 11223	47
Dilara Nasirova	150 Oceana Drive West #11 Brooklyn, New York 11235	48



Brandy Williams	162 Catherine St Staten Island, New York 10302	49
Tameika Caldwell	195 Steuben St #36 Staten Island, New York 10304	49

*Approved Reapplicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Raissa Kravchunas	310 Greenwich Street #36G New York, New York 10013	1
Derrick Fulton	116 West 176th Street #5A Bronx, New York 10453	9
Mary R. Frazier	700 Lenox Avenue #8G New York, New York 10039	9
Gladys Echevarria	666 West 188th Street #5H New York, New York 10040	10
Marie M. Beaudouin	140 Alcott Place #20 Bronx, New York 10475	12
Cynthia V. Foster	280 Longstreet Avenue #3B Bronx, New York 10465	13
Parbattie Chinapen	825 Boynton Ave #14F Bronx, New York 10473	17
Terry Dixon	880 Boynton Avenue #5F Bronx, New York 10473	17
Vasiliki Vana Partridge	33-55 157th Street Queens, New York 11354	19
Simone Smith	116-19 168th Street Queens, New York 11434	27
Charmaine Berry	134-15 166th Place #13C Jamaica, New York 11434	28
Yawei Wang	51-43 69th Place Woodside, New York 11377	30
Lisa Suzette Long-Waithe	150 Crown Street #D4 Brooklyn, New York 11225	35

Christopher Leon Johnson	273 Buffalo Avenue #3H Brooklyn, New York 11213	41
Gwendolyn King	287 Marion Street Brooklyn, New York 11233	41
Vanessa Jones	249 Thomas Boyland Street #23K Brooklyn, New York 11233	41
Martin R. Hirschhorn	8417 5th Avenue #2 Brooklyn, New York 11209	43
Susan Freund	1825 55th Street Brooklyn, New York 11204	44
Kamilah Cherry	2980 West 28th Street #1941 Brooklyn, New York 11224	47
Gina Marie Dibona	2327 E 24th Street #2 Brooklyn, New York 11229	48
Polina Smolianski	3903 Nostrand Ave #2R Building C Brooklyn, New York 11235	48
Chrissy Voskerichian	69-11 Exeter St Flushing, New York 11375	51

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

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

- |      |                                |  |
|------|--------------------------------|--|
| (1)  | <b>Int 203-B -</b>             | Adjusting penalties for littering.   |
| (2)  | <b>Int 601-A -</b>             | Reporting on an affordable housing plan.   |
| (3)  | <b>Int 607-A -</b>             | City affordable housing plans address historic patterns of racial segregation.             |
| (4)  | <b>Int 655-A -</b>             | Evidence of unlawful dumping.  |
| (5)  | <b>Int 656-A -</b>             | Unlawful dumping and the improper placement of discarded material.                         |
| (6)  | <b>Int 722-A -</b>             | Implementation of a tracking system for and a review of expiring affordable housing units. |
| (7)  | <b>Int 850-A -</b>             | Penalties for littering from a vehicle.  |
| (8)  | <b>Int 851 -</b>               | Increase enforcement of littering out of vehicles.   |
| (9)  | <b>Int 988 -</b>               | The naming of 95 thoroughfares and public places.  |
| (10) | <b>L.U. 84 &amp; Res 446 -</b> | App. C <b>180063 ZSM</b> Manhattan, Community District 1, Council District 1.              |
| (11) | <b>L.U. 89 &amp; Res 447 -</b> | App. C <b>180127 ZMM</b> Manhattan, Community District 4, Council District 3.              |
| (12) | <b>L.U. 90 &amp; Res 448 -</b> | App. N <b>180128(A) ZRM</b> Manhattan, Community District 4, Council District 3.           |
| (13) | <b>L.U. 91 &amp; Res 449 -</b> | App. C <b>180129(A) ZSM</b> Manhattan, Community District 4, Council District 3.           |
| (14) | <b>L.U. 92 &amp; Res 450 -</b> | App. C <b>180150 ZMM</b> Manhattan, Community District 4, Council District 3.              |

- (15) **L.U. 93 & Res 451 -** App. **N 180151(A) ZRM** Manhattan, Community District 4, Council District 3.
- (16) **L.U. 94 & Res 452 -** App. **C 180152(A) ZSM** Manhattan, Community District 4, Council District 3.
- (17) **L.U. 107 & Res 424 -** App. **20185267 TCM** Manhattan, Community Board 7, Council District 7.
- (18) **L.U. 108 & Res 453 -** App. **C 180096 ZMK** Brooklyn, Community District 2, Council District 35.
- (19) **L.U. 109 & Res 454 -** App. **N 180097 ZRK** Brooklyn, Community District 2, Council District 35.
- (20) **L.U. 110 & Res 425 -** App. **20185361 HAK** Brooklyn, Community District 2, Council District 35.
- (21) **L.U. 111 & Res 426 -** App. **C 180170 ZMM** Manhattan, Community District 2, Council District 3.
- (22) **L.U. 112 & Res 427 -** App. **N 180184 ZRM** Manhattan, Community District 5, Council District 4.
- (23) **L.U. 113 & Res 428 -** App. **C 150348 ZSM** Manhattan, Community District 2, Council District 1.
- (24) **L.U. 114 & Res 429 -** App. **20185408 TCM** Manhattan, Community District 5, Council District 4.
- (25) **L.U. 115 & Res 430 -** App. **20185230 HKM**, Manhattan, Community District 5, Council District 2.
- (26) **L.U. 116 & Res 431 -** App. **20185229 HKM**, Manhattan, Community District 5, Council District 4.

- (27) **L.U. 117 & Res 432 -** App. **20185275 HKM**, Manhattan, Community District 11, Council District 8.
- (28) **L.U. 118 & Res 433 -** App. **20185274 HKM**, Manhattan, Community District 11, Council District 8.
- (29) **L.U. 119 & Res 434 -** App **20185273 HKM**, Manhattan, Community District 11, Council District 8.
- (30) **L.U. 120 & Res 435 -** App. **20185231 HKK**, Brooklyn, Community District 7, Council District 38.
- (31) **L.U. 121 & Res 436 -** App. **20185276 HKK**, Brooklyn, Community District 1, Council District 34.
- (32) **L.U. 126 & Res 437 -** App. **20185417 HAM** Manhattan, Community District 3, Council District 2.
- (33) **L.U. 127 & Res 438 -** App. **20185418 HAM** Manhattan, Community District 3, Council District 2.
- (34) **L.U. 128 & Res 439 -** App **20185436 HAM** Manhattan, Community District 3, Council District 2.
- (35) **L.U. 129 & Res 440 -** App. **20185419 HAM** Manhattan, Community District 3, Council District 2.
- (36) **L.U. 130 & Res 441 -** App. **20185420 HAM** Manhattan, Community District 3, Council District 2.
- (37) **L.U. 131 & Res 442 -** App. **20185423 HAM** Manhattan, Community District 3, Council District 2.
- (38) **L.U. 132 & Res 443 -** App. **20185415 HAK** Brooklyn, Community District 1, Council District 34.

- (39) **L.U. 133 & Res 444 -** App. **20185416 HAK** Brooklyn, Community District 1, Council District 34.
- (40) **L.U. 134 & Res 445 -** App. 20185435 HAK Brooklyn, Community District 1, Council District 1.
- (41) **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, Ampy-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, King, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, Matteo, Cumbo, and the Speaker (Council Member Johnson) – **47**.

**The General Order vote recorded for this Stated Meeting was 47-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **L.U. No. 84 & Res. No. 446; L.U. No. 89 & Res. No. 447; L.U. No. 90 & Res. No. 448; L.U. No. 91 & Res. No. 449; L.U. No. 92 & Res. No. 450; L.U. No. 93 & Res. No. 451; and L.U. No. 94 & Res. No. 452:**

**Affirmative** – Adams, Ampy-Samuel, Ayala, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, King, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, Matteo, Cumbo, and the Speaker (Council Member Johnson) – **46**.

**Negative** – Barron – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:  
Int. Nos. 203-B, 601-A, 607-A, 655-A, 656-A, 722-A, 850-A, 851, and 988.*

**RESOLUTIONS***Presented for voice-vote*

**The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:**

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

Report for voice-vote item Preconsidered Res. No. 423

**Report of the Committee on Parks and Recreation in favor of approving a Resolution ceremonially designating Flatbush Brooklyn, within the boundaries of East 16th Street, Parkside Avenue, Brooklyn Avenue, Avenue H and Church Avenue, as “Little Haiti”.**

The Committee on Parks and Recreation, to which the annexed preconsidered resolution was referred on June 28, 2018, respectfully

**REPORTS:****INTRODUCTION**

On June 25, 2018, the Committee on Parks and Recreation, chaired by Council Member Barry Grodenchik, will hold a hearing to vote on Preconsidered Res. No. 423. More information on Preconsidered Res. No. 423 can be accessed online at <https://goo.gl/Ay32MR>.

**BACKGROUND****Preconsidered Res. No. 423**

Preconsidered Res. No. 423 calls for Flatbush Brooklyn, within the boundaries of East 16<sup>th</sup> Street, Parkside Avenue, Brooklyn Avenue, Avenue H and Church Avenue to be ceremonially designated as “Little Haiti.” The first wave of Haitian immigration to the United States (U.S.) began in the late 1950's with a significant group of educated Haitians, such as doctors, lawyers, engineers, fleeing the oppression of the François Duvalier regime and assimilating into the social fabric of New York City, particularly Brooklyn, as well other areas of the country, such as Miami.

The Haitian population in the U.S. continues to grow, and as of 2015, there were 676,000 Haitian immigrants, an increase from 587,000 in 2010 and accounting for slightly under 2 percent of the U.S. foreign-born population.

New Yorkers from the Haitian community represent a significant part of the City's ever growing cultural landscape. In fact, Brooklyn has the largest percentage of foreign-born Haitian residence in the state of New York, with more than 40% of the foreign-born population residing in Flatbush, Brooklyn. According to 2015 data by the Migration Policy Institute, Brooklyn had the second highest congregation of Haitians in the U.S. with an estimated 156,000 Haitian Americans residing in New York City. Flatbush, Brooklyn has come to be recognized as the heart of a neighborhood that embodies Haitian culture and is regarded by many Haitian Americans as a place where they can live, conduct commerce, worship, recreate together as a community and share their cultural values.

*Accordingly, this Committee recommends its adoption.*

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

BARRY S. GRODENCHIK, *Chairperson*; JOSEPH C. BORELLI, JUSTIN L. BRANNAN, ANDREW COHEN, COSTA G. CONSTANTINIDES, MARK GJONAJ, ANDY L. KING, PETER A. KOO, FRANCISCO P. MOYA, ERIC A. ULRICH, JAMES G. VAN BRAMER; Committee on Parks and Recreation, June 25, 2018. *Other Council Members Attending: Council Members Richards and Williams.*

Pursuant to Rule 8.50 of the Council, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) called for a voice-vote. Hearing no objections, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.



## INTRODUCTION AND READING OF BILLS

Preconsidered Int. No. 988

By The Speaker (Council Member Johnson) and Council Members Ayala, Borelli, Chin, Cohen, Constantinides, Cumbo, Deutsch, Espinal, Gibson, Gjonaj, Grodenchik, Holden, King, Koslowitz, Levin, Maisel, Matteo, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Ampry-Samuel, Torres, Ulrich, Van Bramer and Williams.

**A Local Law in relation to the naming of 95 thoroughfares and public places, Firefighter William E. Woodlon Place, Borough of Manhattan, 111<sup>th</sup> Street Old Timers Way, Borough of Manhattan, Joseph Calabria Way, Borough of Staten Island, Mill Street Synagogue/Gershom Mendes Seixas Way, Borough of Manhattan, Sgt. John McCormick Street, Borough of the Bronx, Mary Vallati Place, Borough of the Bronx, AKTINA FM Way, Borough of Queens, Frank and Doris Bell Way, Borough of Brooklyn, Sarah and Michoel Behrman Way, Borough of Brooklyn, Special Agent Edwin R. Woodruffe Way, Borough of Brooklyn, Sofia Vinokurov & Mark Rakhman Place, Borough of Brooklyn, Rabbi Dr. Eli B. Greenwald Way, Borough of Brooklyn, Lester's Way, Borough of Brooklyn, Police Officer Leon Fox Way, Borough of Brooklyn, Specialist Rasheed Sahib Way, Borough of Brooklyn, Bishop John L. Smith Way, Borough of Brooklyn, Joanne Webb-Dixon Way, Borough of the Bronx, ILL. RTE. REV. IDUS A. NUNN SR. PLACE, Borough of the Bronx, Sandra Tremble Way, Borough of the Bronx, Detective Joseph G. Lemm Way, Borough of the Bronx, William J. Madonna Way, Borough of the Bronx, Joe Blandino Way, Borough of the Bronx, Blanche Comras Rifkin Way, Borough of the Bronx, Ahmadiyya Way, Borough of Queens, Armenia Way, Borough of Queens, Bayside Hills 9/11 Memorial Way, Borough of Queens, Forest Park Memorial Drive, Borough of Queens, FDNY Paramedic Lt. Mario Bastidas Way, Borough of Queens, Muhammad Ali Way, Borough of Manhattan, Mary Audrey Gallagher Way, Borough of Queens, Lucy and Lenny Cecere Way, Borough of Manhattan, Andy "Pops" King Jr. Way, Borough of the Bronx, Sandra Gresham Way, Borough of the Bronx, Walter Becker Way, Borough of Queens, Ida B. Wells Place, Borough of Brooklyn, American Hero Sergeant Roshain E. Brooks Way, Borough of Brooklyn, Joseph L. Cugini Way, Borough of Staten Island, SPC Marcus Brown Way, Borough of Staten Island, Edward Colucci Way, Borough of Staten Island, Ret. NYPD Capt. Carmine Cantalino Way, Borough of Staten Island, Edgar Meekins Way, Borough of Staten Island, John V. LaFemina Way, Borough of Staten Island, Mario R. Ariemma Way, Borough of Staten Island, George Kaye Katsoris Candy Man Way, Borough of Staten Island, Firefighter Thomas Patrick Phelan Marine Pilot, Borough of Brooklyn, Sue Amendola Way, Borough of Brooklyn, Zanu G. Simpson Way, Borough of Queens, Mother Coreania H. Carter Way, Borough of Queens, Rev. Julius C. Carter Way, Borough of Queens, Nicholas Pennetti Way, Borough of Queens, Patrick Beckles Way, Borough of Queens, Lynda McDougald Way, Borough of Queens, Randy "Bubba" Nelson McGhee Place, Borough of Manhattan, New York Rens Court, Borough of Manhattan, Fannie Pennington Way, Borough of Manhattan, Ruby Dee Place, Borough of Manhattan, Ossie Davis Way, Borough of Manhattan, Michael Lancaster Way, Borough of Manhattan, Valerie M. Orridge, R.N. Way, Borough of Manhattan, Apostle William Brown Way, Borough of Manhattan, Jimmy Breslin Way, Borough of Manhattan, Jack Rudin Way, Borough of Manhattan, Avellar G. Hansley Place, Borough of Brooklyn, Rev. Freddie Brunswick Way, Borough of Queens, Joseph Papp Way, Borough of Manhattan, Isaiah "Obie" Bing Way, Borough of Manhattan, Luis Días Way, Borough of Manhattan, Bishop Arnulfo Romero Way, Borough of Manhattan, Normandía Maldonado Way, Borough of Manhattan, Pamela North Way, Borough of Manhattan, Carmen Giorgina Acosta-Cruz Way, Borough of Manhattan, Rafael Corporán de los Santos Way, Borough of Manhattan, John Brian Murtaugh Way, Borough of Manhattan, Samuel A. Browne, Sr. Way, Borough of Staten Island, Monsignor James J. Dorney Way, Borough of Manhattan, Beulah Sanders Way, Borough of Manhattan, The Chantels Hit Record "Maybe", Borough of the Bronx, Officer Thomas P. Ruotolo Corner, Borough of the Bronx, Archbishop Anthony R. Monk Sr. Way, Borough of Brooklyn, Detective Miosotis Familia Way, Borough of the**

**Bronx, Lynn Wonsang Way, Borough of the Bronx, Emmanuel Mensah Way, Borough of the Bronx, US Navy Seaplane Division One Way, Borough of Queens, Shri Prakash Gossai Marg Way, Borough of Queens, Maria Thomson Way, Borough of Queens, Rev. Lawrence E. Lynch Memorial Triangle, Borough of Queens, James J. Frawley Way, Borough of Queens, Murray Fox Way, Borough of Queens, Alexander M. Bing Place, Borough of Queens, Tibet Way, Borough of Queens, Toussaint L'Overture Boulevard, Borough of Brooklyn, Firefighter William J. Gormley Way, Borough of Brooklyn, Vito Marcantonio Lucky Corner, Borough of Manhattan, Samuel Simpson Way Borough of the Bronx, Samuel Simpson Way, Borough of the Bronx and the repeal of sections 10, 25, 27, 35 and 52 of local law number 237 for the year 2017, section 22 of local law number 110 for the year 2017, section 12 of local law number 45 for the year 2017 and section 7 of local law number 68 for the year 2001.**

*Be it enacted by the Council as follows:*

Section 1. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Firefighter William E. Woodlon Place	None	At the southwest corner of East 118 <sup>th</sup> Street and Park Avenue

§2. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
111 <sup>th</sup> Street Old Timers Way	None	At the intersection of 111 <sup>th</sup> Street and Fifth Avenue

§3. The following street name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Joseph Calabria Way	Barlow Avenue	Between Richmond Avenue and Wainwright Avenue

§4. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Mill Street Synagogue/Seixas Way	None	At the southeast corner of South William Street and Broad Street

§5. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Sgt. John McCormick Street	None	At the intersection of Baldwin Street and Bradley Street

§6. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Mary Vallati Place	None	At the intersection of Mosholu Parkway South and Perry Avenue

§7. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
AKTINA FM Way	None	At the intersection of 27 <sup>th</sup> Street and 23 <sup>rd</sup> Avenue

§8. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Frank and Doris Bell Way	None	At the southwest corner of Classon Avenue and Sterling Place

§9. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Sarah and Michael Behrman Way	Carroll Street	Between Brooklyn Avenue and New York Avenue

§10. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Special Agent Edwin R. Woodruffe Way	Jefferson Avenue	Between Claver Place and Franklin Avenue

§11. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Sofia Vinokurov & Mark Rakhman Place	None	At the northeast corner of Brighton Beach Avenue and Brighton 2 <sup>nd</sup> Street

§12. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Rabbi Dr. Eli B. Greenwald Way	None	At the intersection of Ocean Avenue and Shore Boulevard

§13. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Lester's Way	None	At the southeast corner of Avenue U and Coney Island Avenue

§14. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Police Officer Leon Fox Way	None	At the northeast corner of Surf Avenue and West 12 <sup>th</sup> Street

§15. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Specialist Rasheed Sahib Way	None	At the intersection of Woodbine Street and Irving Avenue

§16. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Bishop John L. Smith Way	None	At the intersection of Pitkin Avenue and Hendrix Street

§17. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Joanne Webb-Dixon Way	Trinity Avenue	Between East 161 <sup>st</sup> Street and East 163 <sup>rd</sup> Street

§18. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
ILL. RTE. REV. IDUS A. NUNN SR. PLACE	Franklin Avenue	Underneath the Franklin Avenue street sign at the corner of East 169th Street and Franklin Avenue

§19. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Sandra Tremble Way	Franklin Avenue	Underneath the East 169th Street sign at the corner of Franklin Avenue and East 169th Street across the street from 611 East 169th Street

§20. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Detective Joseph G. Lemm Way	None	At the intersection of Bayshore Avenue and Ampere Avenue

§21. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
William J. Madonna Way	Bogart Avenue	Between Morris Park and Rhinelander Avenue

§22. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Joe Blandino Way	Bogart Avenue	Between Morris Park Avenue and Van Nest Avenue

§23. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Blanche Comras Rifkin Way	None	At the intersection of Pelham Parkway South and Bogart Avenue

§24. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Ahmadiyya Way	85 <sup>th</sup> Road	After the Grand Central Parkway Entrance to 188-48 85 <sup>th</sup> Road

§25. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Armenia Way	None	At the southwest corner of 210 <sup>th</sup> Street and Horace Harding Expressway adjacent to the Armenian Church of Holy Martyrs

§26. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Bayside Hills 9/11 Memorial Way	None	At the northeast corner of Horace Harding Expressway and Bell Boulevard

§27. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Forest Park Memorial Drive	Forest Park Drive	Just below Oak Ridge with the street sign pointing down the sloped Memorial Drive

§28. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
FDNY Paramedic Lt. Mario Bastidas Way	73 <sup>rd</sup> Place	Between 57 <sup>th</sup> Avenue and the Queens Midtown Expressway

§29. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Muhammad Ali Way	33 <sup>rd</sup> Street	Between Seventh Avenue and Eighth Avenue

§30. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Mary Audrey Gallagher Way	91 <sup>st</sup> Street	Between Northern Boulevard and 34 <sup>th</sup> Avenue with the sign located on the southeast corner of Northern Boulevard and 91 <sup>st</sup> Street

§31. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Lucy and Lenny Cecere Way	None	At the southwest corner of MacDougal Street and Houston Street

§32. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Andy “Pops” King Jr. Way	None	At the southeast corner of East 215 <sup>th</sup> Street and Barnes Avenue

§33. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Sandra Gresham Way	None	At the northwest corner of East 233 <sup>rd</sup> Street and Murdock Avenue

§34. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Walter Becker Way	None	At the intersection of 112 <sup>th</sup> Street and 72 <sup>nd</sup> Drive



§35. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Ida B. Wells Place	Gold Street	Between Willoughby Avenue and Myrtle Avenue

§36. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
American Hero Sergeant Roshain E. Brooks Way	None	At the southeast corner of East 85 <sup>th</sup> Street and Avenue L

§37. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Joseph L. Cugini Way	None	At the intersection of Parkinson Avenue and Reid Avenue

§38. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
SPC Marcus Brown Way	None	At the intersection of Dinsmore Street and Victory Boulevard

§39. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Edward Colucci Way	None	At the intersection of Newberry Avenue and Bank Place

§40. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Ret. NYPD Capt. Carmine Cantalino Way	None	At the intersection of Guyon Avenue and South Railroad Avenue

§41. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Edgar Meekins Way	None	At the intersection of Woodlawn Avenue and Fayette Avenue

§42. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
John V. LaFemina Way	None	At the intersection of Malone Avenue and Hylan Boulevard

§43. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Mario R. Ariemma Way	None	At the intersection of Buel Avenue and Hylan Boulevard

§44. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
George Kaye Katsoris Candy Man Way	None	At the corner of South Avenue and Travis Avenue

§45. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Firefighter Thomas Phelan Marine Pilot	None	At the northeast corner of 40 <sup>th</sup> Street and 4 <sup>th</sup> Avenue

§46. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Sue Amendola Way	Van Brunt Street	Between King Street and Sullivan Street

§47. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Zanu G. Simpson Way	None	At the southeast corner of 191 <sup>st</sup> Street and Hollis Avenue

§48. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Mother Coreania H. Carter Way	None	At the northeast corner of 167 <sup>th</sup> Street and Linden Boulevard

§49. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Rev. Julius C. Carter Way	None	At the northeast corner of 167 <sup>th</sup> Street and Linden Boulevard

§50. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Nicholas Pennetti Way	None	At the intersection of 102 <sup>nd</sup> Street and Nicholls Avenue

§51. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Patrick Beckles Way	31 <sup>st</sup> Drive	Between Astoria Boulevard and Ditmars Boulevard

§52. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Lynda McDougald Way	25 <sup>th</sup> Avenue	Between Ericsson Street and Curtis Street

§53. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Randy "Bubba" Nelson McGhee Place	None	At the southwest corner of West 123 <sup>rd</sup> Street and Frederick Douglass Boulevard

§54. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
New York Rens Court	None	At the northeast corner of West 137 <sup>th</sup> Street and Adam Clayton Jr. Boulevard

§55. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Fannie Pennington Way	None	At the northeast corner of West 123 <sup>rd</sup> Street and Manhattan Avenue

§56. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Ruby Dee Place	None	At the intersection of West 123 <sup>rd</sup> Street and St. Nicholas Avenue with the sign facing east in front of 258 St. Nicholas Avenue

§57. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Ossie Davis Way	None	At the intersection of West 123 <sup>rd</sup> Street and St. Nicholas Avenue with the sign facing north in front of 258 St. Nicholas Avenue

§58. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Michael Lancaster Way	None	At the northeast corner of 121 <sup>st</sup> Street and St. Nicholas Avenue

§59. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Valerie M. Orridge, R.N. Way	None	At the northeast corner of 139 <sup>th</sup> Street and Malcolm X Boulevard

§60. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Apostle William Brown Way	None	At the northeast corner of 116 <sup>th</sup> Street and Lenox Avenue

§61. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Jimmy Breslin Way	42 <sup>nd</sup> Street	Between Second Avenue and Third Avenue

§62. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Jack Rudin Way	East 51 <sup>st</sup> Street	Between Lexington Avenue and Park Avenue

§63. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Avellar G. Hansley Place	Linden Street	Between Broadway and Bushwick Avenue

§64. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Rev. Freddie Brunswick Way	None	At the intersection of 140 <sup>th</sup> Avenue and 180 <sup>th</sup> Street

§65. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Joseph Papp Way	None	At the intersection of Astor Place and Lafayette

§66. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Isaiah "Obie" Bing Way	None	At the intersection of 169 <sup>th</sup> Street and St. Nicholas Avenue

§67. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Luís Días Way	165 <sup>th</sup> Street	Between Audubon Avenue and Amsterdam Avenue

§68. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Bishop Arnulfo Romero Way	None	At the intersection of 179 <sup>th</sup> Street and Fort Washington Avenue

§69. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Normandía Maldonado Way	Amsterdam Avenue	Between 166 <sup>th</sup> Street and 167 <sup>th</sup> Street

§70. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Pamela North Way	None	At the north side corner of West 162 <sup>nd</sup> Street and Edgecombe Avenue

§71. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Carmen Georgina Acosta-Cruz Way	None	At the northeast corner of Broadway and West 180 <sup>th</sup> Street

§72. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Rafael Corporán de los Santos Way	None	At the southeast corner of 176 <sup>th</sup> Street and Broadway

§73. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
John Brian Murtaugh Way	None	At the intersection of Indian Road and 218 <sup>th</sup> Street

§74. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Samuel A. Browne, Sr. Way	None	At the southeast corner of Fairview Avenue and Knox Place

§75. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Monsignor James J. Dorney Way	None	At the northeast corner of Carroll Place and St. Peter's Place

§76. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Beulah Sanders Way	None	At the northeast corner of Columbus Avenue and West 92 <sup>nd</sup> Street

§77. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
The Chantels Hit Record "Maybe"	Prospect Avenue	Between 165 <sup>th</sup> Street and 166 <sup>th</sup> Street

§78. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Officer Thomas P. Ruotolo Corner	None	At the intersection of Southern Boulevard and Intervale Avenue

§79. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Archbishop Anthony R. Monk Sr. Way	None	At the intersection of Fulton Street and Buffalo Avenue

§80. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Detective Miosotis Familia Way	None	At the intersection of Ryer Avenue and East 181 <sup>st</sup> Street

§81. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Lynn Wonsang Way	Vyse Avenue	Between East 180 <sup>th</sup> Street and East 181 <sup>st</sup> Street



§82. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Emmanuel Mensah Way	Prospect Avenue	Between East 185 <sup>th</sup> Street and East 187 <sup>th</sup> Street

§83. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
US Navy Seaplane Division One Way	None	At the northeast corner of Beach Channel Drive and Beach 169 <sup>th</sup> Street

§84. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Shri Prakash Gossai Marg Way	86 <sup>th</sup> Street	Between 101 <sup>st</sup> Avenue and 102 <sup>nd</sup> Avenue

§85. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Maria Thomson Way	None	At the intersection of Jamaica Avenue and Forest Parkway

§86. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Rev. Lawrence E. Lynch Memorial Triangle	None	At the triangle at Atlantic Avenue and Rockaway Boulevard

§87. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
James J. Frawley Way	52 <sup>nd</sup> Street	Between Roosevelt Avenue and Skillman Avenue

§88. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Murray Fox Way	None	At the intersection of 44 <sup>th</sup> Street and Greenpoint Avenue

§89. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Alexander M. Bing Place	None	At the intersection of 49 <sup>th</sup> Street and 39 <sup>th</sup> Avenue

§90. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Tibet Way	None	At the intersection of 59 <sup>th</sup> Street and 32 <sup>nd</sup> Avenue

§91. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Toussaint L'Overture Boulevard	Nostrand Avenue	Between Glenwood Road and Flatbush Avenue

§92. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Firefighter William J. Gormley Way	Flatlands Avenue	Between Flatbush Avenue and Avenue M

§93. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Vito Marcantonio Lucky Corner	None	At the northeast corner of 116 <sup>th</sup> Street and Lexington Avenue

§94. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Reverend Dr. Samuel G. Simpson Way	None	At the southeast corner of Strang Avenue and Murdock Avenue

§95. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Reverend Dr. Samuel G. Simpson Way	None	At the northeast corner of 187 <sup>th</sup> Street and Tiebout Avenue

§96. Sections 10, 25, 27, 35 and 52 of local law number 237 for the year 2017 are hereby REPEALED.

§97. Section 22 of local law number 110 for the year 2017 is hereby REPEALED.

§98. Section 12 of local law number 45 for the year 2017 is hereby REPEALED.

§99. Section 7 of local law number 68 for the year 2001 is hereby REPEALED.

§100. This local law shall take effect immediately.

Adopted by the Council (preconsidered and approved by the Committee on Parks and Recreation).

Preconsidered Int. No. 989

By The Speaker (Council Member Johnson) and Council Members Rodriguez and Levin.

**A Local Law in relation to designating community information centers in the boroughs of Manhattan and Brooklyn during the course of the 2019 Canarsie Tunnel reconstruction**

*Be it enacted by the Council as follows:*

Section 1. Definitions. a. For purposes of this section, the term “community information center” means a site where members of the public can obtain information on the status and progress of the 2019 Canarsie Tunnel reconstruction as well as referrals to resources to assist members of the public with concerns they may have as a result of the 2019 Canarsie Tunnel reconstruction.

b. By November 1, 2018, the department of transportation shall designate at least one community information center in each of the boroughs of Manhattan and Brooklyn for the purpose of providing information on the 2019 Canarsie Tunnel reconstruction and resources for affected residents, commuters and businesses. Such community information centers shall be open at least during business hours and located in the geographic areas most affected by the 2019 Canarsie Tunnel reconstruction within the respective boroughs.

§ 2. This local law takes effect immediately and is deemed repealed 30 days after the completion of the 2019 Canarsie Tunnel reconstruction.

Referred to the Committee on Transportation (preconsidered and approved by the Committee on Transportation).

Preconsidered Int. No. 990

By The Speaker (Council Member Johnson) and Council Members Rodriguez, Levin, Yeger and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing an ombudsperson within the department of transportation**

*Be it enacted by the Council as follows:*

Section 1. Section 19-101.2 of the administrative code of the city of New York, as amended by local law number 64 for the year 2011, is amended by adding a new subdivision k to read as follows:

*k. The commissioner shall designate an ombudsperson whose duties shall include but not be limited to:*

- 1. monitoring the progress and status of major transportation projects and any other projects as may be designated by the commissioner or the council;*
- 2. establishing a system to receive comments and complaints from the public with respect to major transportation projects and other designated projects; and*
- 3. investigating such comments and complaints and taking appropriate action within a reasonable amount of time.*

§ 2. The ombudsperson designated by the Commissioner of Transportation pursuant to subdivision k of section 19-101.2 of the administrative code of the city of New York, shall, in accordance with the requirements set out in the said subdivision, monitor the progress and status of the 2019 Canarsie Tunnel Reconstruction project.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of the department of transportation shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

§ 4. Section 2 of this local law expires and is deemed repealed on April 30, 2022.

Referred to the Committee on Transportation (preconsidered but laid over by the Committee on Transportation).

Res. No. 413

**Resolution calling upon the State Legislature to pass and the Governor to sign legislation allowing the city of New York to offer a dollar for dollar income tax credit for union dues.**

By Council Members Brannan and Miller.

**Whereas**, Labor unions have a long and storied history in New York City, providing workers a path to dignity, fair wages and benefits, as well as a path to the middle-class; and

**Whereas**, In recent years there have been cases brought to the United States Supreme Court seeking to overturn the *Abood v. Detroit Board of Education* decision of 1977; and

**Whereas**, The Court held that agency shop clauses should apply to public sector union employees; and

**Whereas**, These clauses require employees represented by a union, as a condition of their employment, to pay service charges equal to union dues, whether they choose to join the union or not,

**Whereas**, In 2015, *Fredricks v. California Board of Education*, a case challenging the *Abood* decision, was heard and resulted in a 4-4 decision; and

**Whereas**, It is likely that the decision resulted in a tie due to the unexpected passing of Supreme Court Justice Antonin Scalia, prior to the case being heard; and

**Whereas**, In 2017, President Trump appointed Justice Neill Gorsuch to the Supreme Court, which is now operating at its constitutionally mandated nine justices; and

**Whereas**, It has been widely speculated that the Court will decide to reverse the *Abood* decision, potentially imperiling public sector unions that currently make up the greater portion of the organized labor workforce; and

**Whereas**, A threat to the public sector unionized workforce is a threat to the middle-class and the economic stability they provide; and

**Whereas**, The New York State government has already passed a law to allow union employees to deduct their union dues from their state taxes; and

**Whereas**, Not all union employees itemize their tax deductions and therefore, may be unable to avail themselves of this benefit; and

**Whereas**, The recently passed federal tax plan, championed by President Trump, greatly reduces the number of taxpayers who would itemize simply by, for example, increasing the standard deduction; and

**Whereas**, A tax credit may be taken regardless of whether a union employee itemizes or takes the standard deduction; and

**Whereas**, A dollar for dollar tax credit, against New York City income tax, for union dues, would allow all union employees to take advantage of this tax benefit and incentivize union membership, and promote the economic benefits, for both city and state, that accompany a strong middle-class; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the State Legislature to pass and the Governor to sign legislation allowing the city of New York to offer a dollar for dollar income tax credit for union dues.

Referred to the Committee on Civil Service and Labor.

Int. No. 991

By Council Members Cabrera, Yeger and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the office of administrative trials and hearings to dismiss a taxi and limousine commission-related violation pertaining to vehicle lights upon proof of correction**

*Be it enacted by the Council as follows:*

Section 1. Title 19 of the administrative code of the city of New York is amended by adding a new chapter 9 to read as follows:

*CHAPTER 9  
SPECIAL HEARING PROCEDURES APPLICABLE TO VIOLATIONS OF TAXI AND LIMOUSINE  
COMMISSION LAWS OR REGULATIONS*

*§ 19-901 Definitions. For purposes of this chapter, the following terms have the following meanings:*

*Business day. The term “business day” means any calendar day except Saturday and Sunday and the following legal holidays: New Year’s day, the birthday of Martin Luther King, Jr., Washington’s birthday, Memorial day, Independence day, Labor day, Columbus day, Election day, Veterans day, Thanksgiving day and Christmas day.*

*Commission. The term “commission” means the New York city taxi and limousine commission.*

*Driver. The term “driver” means a person licensed by the commission to drive a vehicle in the city.*

*OATH. The term “OATH” means the office of administrative trials and hearings.*

*State. The term “state” means the state of New York.*

*Summons. The term “summons” means the document, including a notice of violation, that specifies the charges forming the basis of an adjudicatory proceeding before the tribunal.*

*Tribunal. The term “tribunal” means the OATH hearings division, which includes the administrative tribunal referenced in section 19-506.1.*

*Vehicle. The term “vehicle” means any vehicle referenced in subdivision b of section 80-22 of title 35 of the rules of the city of New York or any successor provision that requires a driver to inspect and determine that the driver’s vehicle lights are in good working order.*

*§ 19-902 Dismissal of vehicle lights violation upon proof of correction. a. Notwithstanding any rule promulgated by OATH or the commission, the tribunal shall dismiss a violation enforced by the commission against a driver for failing to personally inspect and reasonably determine the good working order of the driver’s vehicle lights when such driver (i) corrects such violation not later than one-half hour after sunset on the first full business day after the date of the violation as specified on the summons and (ii) provides a copy of the summons and any of the following forms of proof of such correction to the tribunal on or before the return date of the summons:*

*1. A statement of correction from an officially designated state inspection station, duly executed by the person who made such correction and bearing the facility number of the state inspection station;*

*2. A statement of correction from an automobile repair shop on its letterhead, duly executed by the person who made such correction;*

*3. A statement of correction from a person administering a fleet maintenance program and having more than 25 vehicles, as the term “vehicle” is defined in section 159 of the vehicle and traffic law, registered in such program, duly executed by the person who made such correction and countersigned by the fleet maintenance supervisor;*

*4. A signed statement of any police officer that the necessary correction has been made;*

*5. Evidence acceptable to the tribunal from any person that such person made the correction together with proof of purchase of any equipment needed to make such correction; or*

*6. In the discretion of the tribunal, submission of the vehicle to the tribunal for inspection not later than one-half hour after sunset on the first full business day after the date of the violation as specified on the summons.*

*b. Any person making a statement required by this section shall submit such statement to the tribunal, affirm such statement as true under penalty of perjury and include in such statement:*

- 1. The name, occupation and position of such person;*
- 2. The time and date that the required correction was made; and*
- 3. An affirmation that the defective vehicle light cited in the summons is in proper working order.*

*c. This section does not affect any cause of action or the rights or liabilities of any person with respect to damages or injuries caused or suffered as a result of the operation of a vehicle.*

§ 2. This local law takes effect 180 days after it becomes law, except that the office of administrative trials and hearings and the New York city taxi and limousine 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 For-Hire Vehicles.

Res. No. 414

**Resolution calling upon the United States Congress to pass, and the President to sign, legislation allowing two-way tolling on the Verrazano-Narrows Bridge**

By Council Members Chin and Brannan.

**Whereas,** The Verrazano-Narrows Bridge is a vital link between Staten Island and Brooklyn, used by nearly 200,000 vehicles per day; and

**Whereas,** In 1986, federal legislation forced the Metropolitan Transportation Authority (MTA) to collect Verrazano tolls only from Staten Island-bound vehicles; and

**Whereas,** Therefore, while the rest of the city's MTA-operated bridges and tunnels have one-way tolls collected in both directions, at the Verrazano the full round-trip toll is collected from westbound travelers; and

**Whereas,** At the time it was enacted, the rationale for this change was to decrease congestion and pollution caused by traffic backing up in Staten Island as eastbound vehicles lined up at the toll plaza to pay the toll; and

**Whereas,** Those concerns are now largely moot because cashless open-road tolling was introduced at the Verrazano in July 2017, so drivers no longer slow down to pay tolls at tollbooths; and

**Whereas,** Under the current system, drivers, especially those travelling between New Jersey and points in Brooklyn, Queens, and Long Island, can significantly minimize the amount of tolls they pay by entering the city via Staten Island and crossing the Verrazano and then leaving via the free East River bridges, crossing Manhattan, and using the Hudson River crossings, which are only tolled in the eastbound direction; and

**Whereas,** This incentive to use inefficient routes costs the MTA much-needed toll revenue that could be used to support the region's mass transit system and has been blamed for exacerbating congestion problems in areas such as Canal Street in Lower Manhattan; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign, legislation allowing two-way tolling on the Verrazano-Narrows Bridge.

Referred to the Committee on Transportation.

Int. No. 992

By Council Member Constantinides.

**A Local Law to amend the New York city charter, in relation to monitoring power plants performance**

*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-f to read as follows:

*20-f. Monitor power plant performance. 1. The office of long-term planning and sustainability shall track all department of environmental conservation reports on Title V power plants including, but not limited to, draft and final permit issuance, permit comment periods, permit renewals, permit compliance and whether any permit is not in attainment for any criteria pollutant.*

*2. When any power plant is not in compliance with its permits when renewal for that permit is being considered, the office of long term planning and sustainability shall submit comments on the proposed renewal including proposed technical improvements, suggested mitigation measures or recommendations respecting continued operation.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 993

By Council Member Constantinides.

**A Local Law to amend the administrative code of the city of New York, in relation to purchase of zero emission heavy duty trucks**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 7 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new subdivision i to section 24-163.4 to read as follows:

*i. Zero emission heavy-duty trucks. As used in this section:*

*The term “heavy-duty trucks” means trucks in vehicle class 5 or above weighing at least 19,000 pounds.*

*The term “zero emission vehicle” includes electric vehicles including battery, fuel cell and catenary operated vehicles that do not generate any emissions.*

*1. By no later than December 31, 2019, the commissioner shall direct that all heavy-duty trucks purchased or leased by the city be zero emission vehicles such that by January 1, 2025 at least 15 percent of all the new heavy-duty vehicles purchased or leased by the city shall be zero emission heavy duty vehicles.*

*2. By no later than December 31, 2025, the commissioner shall direct that all heavy-duty trucks purchased or leased by the city be zero emission vehicles such that by January 1, 2030 at least 30 percent of all new heavy-duty vehicles purchased or leased by the city shall be zero emission heavy-duty vehicles.*

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

Referred to the Committee on Environmental Protection.

Int. No. 994

By Council Members Constantinides and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the preparation of five-year capital plans for parks on a community board level**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-156 to read as follows:



*§ 18-156 Five-year parks capital plans. a. In accordance with subdivision b of this section, the department shall prepare a proposed five-year parks capital plan for each community board. Each such plan shall list every property within the jurisdiction of the commissioner within the boundaries of the community board and detail any planned capital projects, as defined in section 5-101, at each property, including a description of the planned capital project, an estimate of the cost of the planned capital project, and the year in which the capital project's design and construction is proposed to be initiated and estimated to be completed.*

*b. No later than January 16, 2019, and every fifth January 16 thereafter, the department shall submit the proposed five-year parks capital plans to the applicable community board which shall conduct a public hearing and shall prepare and submit recommendations to the department on or before March 25, 2019, and every fifth March 25 thereafter. The department shall consider the recommendations received from each community board, and, no later than April 26, 2019, and every fifth April 26 thereafter, shall submit final five-year parks capital plans to the mayor, the speaker of the council, and the community boards, and post such plans on the department's website.*

*c. No later than April 26 of any year in which a proposed five-year parks capital plan is not required to be submitted to the community boards pursuant to subdivision b of this section, the department shall submit any amendments to the final five-year parks capital plans to the mayor, the speaker of the council, and the applicable community board, and post such amendments on the department's website.*

§3. This local law takes effect immediately.

Referred to the Committee on Parks and Recreation.

Res. No. 415

### **Resolution in support of the launch and mission of The Climate Museum.**

By Council Member Constantinides.

**Whereas**, The trend of warming in Earth's climate system over the last several decades is unprecedented - the atmosphere and ocean have warmed, sea levels have risen, and snow and ice levels have decreased; and

**Whereas**, The increasing concentration of greenhouse gases in Earth's atmosphere is a main cause of climate change; and

**Whereas**, The principal human activity contributing to climate change is the emission of greenhouse gases through the burning of fossil fuels for power; and

**Whereas**, Climate change is impacting New York City's public health, critical infrastructure, communities, vulnerable populations, natural systems, buildings and economy, and these impacts will worsen in the future; and

**Whereas**, According to the United States Environmental Protection Agency, the future rate and magnitude of climate change will depend on the rate at which greenhouse gas concentrations in Earth's atmosphere continue to increase; and

**Whereas**, In order to mitigate the impacts of climate change, local, national and global societies must change their economic and social behaviors, and in order to change behaviors societies must be informed about the connection between human activities and climate change, possible consequences and potential solutions; and

**Whereas**, New York City has set a policy to reduce its own contribution to climate change; and

**Whereas**, In 2014, the Council passed, and Mayor Bill de Blasio signed, Local Law 66, requiring the City to reduce its greenhouse gas emissions 80%, relative to 2005 levels, by 2050; and

**Whereas**, When it opens, The Climate Museum (The Museum) will be the first of its kind in the United States; and

**Whereas**, The Museum will be a significant cultural and educational institution, located in the City, dedicated to climate issues and solutions; and

**Whereas**, The Museum's mission is "[t]o employ the sciences, art, and design to inspire dialogue and innovation that address the challenges of climate change, moving solutions to the center of our shared public life and catalyzing broad community engagement"; and

**Whereas**, In 2015, the New York State Board of Regents approved a charter for The Museum, in 2016 The Museum received 501(c)(3) non-profit status and in 2017 The Museum's first exhibitions and programs were launched; and

**Whereas**, Until a permanent location is found, the Museum's exhibitions and programs will serve as a multidisciplinary hub, directed by scientists, artists and social justice advocates; have a solutions focus, drawing attention not just to the challenges posed by climate change but also to opportunities and pathways forward; and encourage visitors to take action and participate in their own communities' response to climate change; now, therefore, be it

**Resolved**, That the Council of the City of New York supports the launch and mission of The Climate Museum.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Preconsidered Int. No. 995

By Council Member Cornegy.

**A Local Law to amend the administrative code of the city of New York, in relation to creating an exception to a violation for the illegal conversion of a dwelling unit from permanent residence**

*Be it enacted by the Council as follows:*

Section 1. Section 28-210.3 of the administrative code of the city of New York, as added by local law number 45 for the year 2012, is amended to add a new exception to read as follows:

**§ 28-210.3 Illegal conversions of dwelling units from permanent residences.** Except as otherwise provided in subdivision 16 of section 67 of the multiple dwelling law and section 120 of the multiple dwelling law, dwelling units within (i) a class A multiple dwelling as defined in section 27-2004 of the administrative code, (ii) occupancy group J-2 as described in section 27-265 of the administrative code or (iii) occupancy group R-2 as described in section 310.1.2 of the New York city building code shall be used only for permanent residence purposes as required pursuant to subparagraph a of paragraph eight of subdivision a of section 27-2004 of the administrative code. It shall be unlawful for any person or entity who owns or occupies a multiple dwelling or dwelling unit classified for permanent residence purposes to use or occupy, offer or permit the use or occupancy or to convert for use or occupancy such multiple dwelling or dwelling unit for other than permanent residence purposes. For the purposes of this section a conversion in use of a dwelling unit may occur irrespective of whether any physical changes have been made to such dwelling unit. The provisions of this section shall not be construed to prohibit lawful accessory uses permitted pursuant to the zoning resolution or the lawful conversion of dwellings in accordance with applicable law.

*Exception: A one- or two-family dwelling in which the owner or owner's relative is a permanent occupant of such dwelling. For the purposes of this exception, the term "relative" means the spouse, domestic partner, child, stepchild, brother, sister, parent, grandparent or stepparent, or any person claimed as a dependent for federal tax purposes.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Adopted by the Council (preconsidered but laid over by the Committee on Housing and Buildings).

## Int. No. 996

By Council Members Cornegy, Gjonaj, Grodenchik, Holden and Borelli.

**A Local Law to amend the New York city charter, in relation to business integrity commission oversight and regulation of the trade waste and recycling services industry**

*Be it enacted by the Council as follows:*

Be it enacted by the Council:

Section 1. Chapter 63 of the New York city charter is amended by adding a new section 2103 to read as follows:

*§ 2103. Additional regulation of the trade waste industry.*

*a. Safety. The commission shall establish regulations creating standardized safety certifications for industry employees, requiring that each company annually conduct regular safety trainings for its employees and ensuring that all new employees are properly trained. The commission shall establish the curriculum of such safety training, including the topics to be covered by such training and the number of hours required to receive a certificate for such training, provided that such topics shall be related to safeguarding the public from potential dangers posed by the trade waste industry. Such training curriculum shall include, but is not limited to, a defensive driving course using vehicles or a driving simulating technology to be approved by the commission. To receive a license pursuant to section 2103(b), each employer shall provide safety training to each employee. Upon completion of such training, the commission shall issue a safety training certificate to such employee. The commission shall promulgate rules permitting such employee to transfer such certificate any company within the city who maintains such license.*

*b. Air quality. The commission may by rule establish allowable levels of emissions of harmful or objectionable substances, noise, and other impacts for collection vehicles. The commissioner may by rule require verification that trade waste vehicles comply with section 24-163.11 of the administrative code.*

*c. License. The commission shall by rule establish a category of licenses for companies engaged solely in the collection of commercial and industrial waste, including designated recyclables and organics, but not including construction and demolition debris, greases, textiles, electronic waste, hazardous materials and regulated medical waste.*

*d. Improved competitiveness. The commission may by rule regulate the trade waste industry to encourage more efficient collection routes while maintaining customer choice and supporting competition. Such rules may address: (i) the use of sub-contracting between companies, (ii) the allowable term of contracts, and assess the efficacy of the rate fixing, (iii) approval by the commission upon satisfaction of any sale of one company to another company, the acquisition of such selling company's current customer accounts provided that, within 90 days after the acquisition, the customer may choose to opt-out of the contract without any penalty and the commission shall establish rules of notification of the choice to opt-out to customers who have been acquired in sale.*

*e. Route efficiency initiatives. The commission shall develop rules and procedures that encourage, oversee and monitor the annual exchange of customers between service companies with customer approval for the sole purpose of encouraging efficient provision of services, and support other means of promoting collection efficiency.*

*f. Insurance. The commission shall by rule require that companies possessing a trade waste services license maintain liability insurance policy for at minimum \$2 million for any personal injury to any third parties.*

*g. Maintain customer choice. Notwithstanding this section, neither the commission nor the city shall adopt any rules that interfere with a business' choice of waste services provider.*

*h. Industry employee support. The commission shall require companies to report on an annual basis, wage and benefit information to the commission.*

*i. Technology. The commission shall develop rules regarding emerging technologies that improve services and operations.*

*j. Data. The commission shall develop methods for collection, analysis and publication of essential data regarding composition of and operations of the trade waste sector, including environmental metrics.*

*k. Report. On an annual basis, the commission shall deliver to the mayor, to the council and to the task force established pursuant to subdivision k, and post on its website, a report containing information on the workforce of trade waste companies licensed pursuant to this section. Such annual reports shall include employee demographic information based upon data aggregated from employment reports.*

*l. Task force. The commission shall establish a task force to conduct a comprehensive review of existing law and rules, assess current industry practices and offer recommendations, advise on goals for the industry and establish a timeline to meet goals. The task force shall be comprised of four appointees by the mayor, three appointees by the speaker of the council, and one appointee by each borough president, none of whom may be employees of the city; the mayor shall appoint the chairperson. Members shall have experience in one or more aspects of waste, recycling and organics management, including representatives from the industry, facility management, and environmental advocates. All such members shall serve without compensation.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 997

By Council Members Cumbo, Ampry-Samuel, Yeger, Rivera and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the provision of advance notice of certain construction-related disruptions**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-159.2 to read as follows:

*§ 19-159.2 Advance notification of certain interruptions required. a. If a construction project overseen by the department of design and construction or any other city agency requires an interruption of vehicular traffic or parking, pedestrian traffic or access, or sewer, telephone or electrical service, not less than seventy-two hours prior to such interruption the agency overseeing the construction project shall provide written notification to each of the following:*

*1. The council member in the district where such interruption will occur. Notification under this paragraph may be made by e-mail or facsimile.*

*2. The community board in the district where such interruption will occur. Notification under this paragraph may be made by e-mail or facsimile.*

*3. The 311 customer service center. Notification under this paragraph may be made by e-mail or facsimile.*

*4. Residents who live within three blocks of an interruption of vehicular traffic or parking or pedestrian traffic or access. Notification under this paragraph may be made by placing notices on nearby public property or by any other lawful means reasonably calculated to notify nearby residents of the interruption.*

*5. Residents who live in buildings that will be directly affected by an interruption of sewer, telephone or electrical service. Notification under this paragraph shall be made by personal delivery to all residents who will be affected, except that if the department is unable to make contact with any such resident in order to make personal delivery, notification may be made by placing a notice for such resident at the main entrance to the building.*

*b. Such notification shall include all of the following information, as applicable:*

*1. The project identification number.*

*2. The nature of the interruption.*

*3. The scheduled start date and anticipated end date of the interruption.*

*4. The contact information of the community construction liaison for the project.*

*c. This section does not apply to any interruption described in subdivision a that must be implemented immediately to preserve public health or safety.*

§ 2. This local law takes effect 90 days after its enactment.

Referred to the Committee on Transportation.

Int. No. 998

By Council Members Dromm, Holden, Espinal, Chin, Adams, Rosenthal, Ampry-Samuel, Barron and Menchaca

**A Local Law to amend the administrative code of the city of New York, in relation to requiring reporting on incarcerated parents with children and children of incarcerated parents**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-154 to read as follows:

§ 9-154 *Incarcerated parent report a. For the purposes of this section, the following terms have the following meanings:*

*Borough jail facility. The term "borough jail facility" means any department facility in which incarcerated individuals are housed by the department and is located outside Rikers Island.*

*Child. The term "child" means any person who is 21 years and younger.*

*City jail. The term "city jail" means any department facility in which incarcerated individuals are housed by the department.*

*Non-contact visit. The term "non-contact visit" means any visit in which the incarcerated person and their visitor are separated by a transparent partition and communicate via intercom or other electronic means.*

*Parent. The term "parent" means a biological parent; adoptive parent; legal guardian; the spouse or domestic partner of a biological parent, adoptive parent or legal guardian; or any individual acting as a parent in the absence of a biological parent, adoptive parent or legal guardian.*

*Video visit. The term "video visit" means any visit conducted via a live video conferencing system using an electronic device including, but not limited to, a desktop computer, laptop, or tablet, used for video visitation purposes with an incarcerated individual.*

*Visitor. The term "visitor" means any person who enters a city jail with the stated intention of visiting an incarcerated individual at any borough jail facility, city jail, or city jail on Rikers Island, or any person who is screened by the department for visitation purposes and any person who registers to visit an incarcerated individual on the department's visitor tracking system.*

*b. The commissioner shall submit to the speaker of the council and post on the department's website on a quarterly basis, beginning on or before January 1, 2019, a report containing information pertaining to the visitation of the incarcerated individual population in city jails for the prior quarter. Such quarterly report shall include, but not be limited to, the following information:*

*1. The total number of incarcerated parents, disaggregated by ethnicity, age, and gender, including non-binary gender individuals, in any city jail, in total and disaggregated by the facilities located on Rikers Island and by each borough jail facility;*

*2. The total number of children who visited an incarcerated parent in any city jail, disaggregated by the age of the child, the facilities located on Rikers Island, and by each borough jail facility;*

*3. The length of time children spent waiting for a visit to begin with an incarcerated parent in any city jail, any facility located on Rikers Island, or any borough jail facility;*

*4. The total number of children who had a non-contact visits with an incarcerated parent in any city jail, any facility located on Rikers Island, or any borough jail facility, disaggregated by the type of restriction on the incarcerated parent and by the type of restriction on the visiting child;*

*5. The total number of children unable to complete a visit with an incarcerated parent in any city jail, disaggregated by the facilities located on Rikers Island and by each borough jail facility;*

6. The total number of children who completed a video visit with an incarcerated parent in any city jail, in total disaggregated by the facilities located on Rikers Island and further disaggregated by each borough jail facility;

7. The total number of children who were unable to complete a video visit with an incarcerated parent in any city jail and the reason such visit was not completed, in total disaggregated by the facilities located on Rikers Island and by each borough jail facility;

c. Such report shall be permanently accessible from the department's website and shall be provided in a machine readable format. Each report shall include a comparison of the current reporting period to the prior three reporting periods, where such information is available.

§2. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-919 to read as follows:

§ 21-919 Children of incarcerated parents program a. For the purposes of this section, the following terms have the following meanings:

*Borough jail facility.* The term "borough jail facility" means any department of correction facility in which incarcerated individuals are housed by the department of correction and is located outside Rikers Island.

*CHIPP.* The term "CHIPP" means the children of incarcerated parents program as administered by ACS.

*City jail.* The term "city jail" means any department of correction facility in which incarcerated individuals are housed by the department of correction.

*Correctional facility.* The term "correctional facility" means any facility in which incarcerated individuals are housed that is located outside the five boroughs of New York city.

*Non-contact visit.* The term "non-contact visit" means any visit in which the incarcerated person and their visitor are separated by a transparent partition and communicate via intercom or other electronic means.

*Parent.* The term "parent" means a biological parent; adoptive parent; legal guardian; the spouse or domestic partner of a biological parent, adoptive parent or legal guardian; or any individual acting as a parent in the absence of a biological parent, adoptive parent or legal guardian.

*Video visit.* The term "video visit" means any visit conducted via a live video conferencing system using an electronic device including, but not limited to, a desktop computer, laptop, or tablet, used for video visitation purposes with an incarcerated individual.

b. The commissioner shall submit to the speaker of the council and post on ACS's website on a quarterly basis, beginning on or before January 1, 2019, a report containing information pertaining to CHIPP for the prior quarter. Such quarterly report shall include, but not be limited, to the following information:

1. The total number of children participating in CHIPP, disaggregated by ethnicity, age, and gender, including non-binary gender individuals;

2. The total number of children, disaggregated by ethnicity, age, and gender, including non-binary gender individuals, who participate in each in-person visit;

3. The total number of children who were not able to have an in-person visit with an incarcerated parent, disaggregated by ethnicity, age, and gender, including non-binary gender individuals, and the reason the children were unable to visit an incarcerated parent;

4. The total number of children who had a non-contact visit with an incarcerated parent, disaggregated by the type of restriction on the incarcerated parent and by the type of restriction on the visiting child;

5. The total number of children, disaggregated by ethnicity, age, and gender, including non-binary gender individuals, who participated in a video visit and the name of each borough jail facility, city jail, correctional facility, or detention facility that allows children to visit incarcerated parents via video visits;

6. The total number of children who were unable to have a video visit disaggregated by ethnicity, age, and gender, including non-binary gender individuals, and the reason such visit was not completed; and

7. The name of each borough jail facility, city jail, correctional facility, or detention facility that children are taken to have in-person visits with incarcerated parents.

c. Such report shall be permanently accessible from the department's website and shall be provided in a machine readable format. Each report shall include a comparison of the current reporting period to the prior three reporting periods, where such information is available.

§3. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

## Int. No. 999

By Council Members Espinal, Ampy-Samuel, Holden and Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to the provision of mental health services for children visiting incarcerated individuals**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-154 to read as follows:

*§ 9-154 Mental health services for child visitors. The commissioner of correction shall establish a mental health services program at city jails for visitors under the age of 18. Such program shall provide referrals to mental health services and, whenever practicable, onsite mental health services. Participation in such program shall be on a voluntary basis.*

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

Referred to the Committee on Criminal Justice.

## Int. No. 1000

By Council Members Gjonaj and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to microbusinesses**

*Be it enacted by the Council as follows:*

Section 1. Section 22-1001 of the administrative code of the city of New York, as added by local law number 208 for the year 2017, is amended to read as follows:

§ 22-1001 Definitions. As used in this chapter, the following terms have the following meanings:

Commissioner. The term “commissioner” means the commissioner of small business services.

Department. The term “department” means the department of small business services.

*Microbusiness. The term “microbusiness” means a business that is independently owned and operated, not dominant in its field, with nine or fewer full-time employees or full-time equivalent employees.*

§ 2. Chapter 10 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-1003 to read as follows:

*§ 22-1003 a. Microbusiness report. Beginning on January 1, 2019, and annually thereafter, the department shall submit to the council and post on its website, a list of the number of the microbusinesses registered and doing business in the city.*

*b. Such list shall be disaggregated by:*

*1. The borough, community district, council district and zip code of the address where such microbusiness is registered; and*

*2. Industry, pursuant to the most recent industry classifications standards of the north American industry classification system*

§ 3. This local law takes effect immediately.

Referred to the Committee on Small Business.

Int. No. 1001

By Council Members Gjonaj, Moya, Diaz, Torres, Yeger, Holden and Vallone.

**A Local Law to amend the administrative code of the city of New York, in relation to ferry service to Throggs Neck and Citi Field**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-308 to read as follows:

*§ 19-308 Ferry Service to the Bronx and Queens. The commissioner shall ensure that regular ferry service is provided connecting Throggs Neck in the borough of the Bronx and Citi Field in the borough of Queens to, at minimum, Midtown and the Financial District in the borough of Manhattan. Such service shall be open to the public. The schedule of such service shall be determined by the commissioner. The commissioner may establish fees for such service. The schedule and fees, if any, for such service shall be made available on the city's website.*

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

Referred to the Committee on Transportation.

Res. No. 416

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation permitting the City of New York to establish a “rainy day” fund.**

By Council Members Gjonaj, Yeger and Holden.

**Whereas**, Following the City's fiscal crisis in 1975, the State enacted the New York State Financial Emergency Act for The City of New York (“FEA”) to address some of the City's financial management shortcomings which led to or exacerbated the crisis; and

**Whereas**, One of the requirements of the FEA was that the City must balance its operating budget each fiscal year according to generally accepted accounting principles (“GAAP”) which mandate that revenues in a given year must equal or exceed expenditures in the General Fund in that year; and

**Whereas**, In 2005, this requirement was incorporated into section 258 of the New York City Charter which states that “[f]or each fiscal year, the city’s budget covering all expenditures other than capital items shall be prepared and balanced so that the results thereof would not show a deficit when reported in accordance with [GAAP]”; and

**Whereas**, While GAAP budgeting has been successful in eliminating the large operating deficits that precipitated the financial crisis of the 1970’s, it prevents the City from being able to carry funds forward from one year to the next; and

**Whereas**, The City should be able to carry forward funds from one year to the next to respond to the cyclical nature of its revenues and to save in good times for spending during bad times; and

**Whereas**, According to an April 2006 report issued by Dall Forsythe of Baruch College entitled “*Cyclical Budget Management in New York City*,” the City experiences cyclical deficits and surpluses because it relies on a variety of economically sensitive sources of revenue that fluctuate quickly in response to the state of the City’s economy; and

**Whereas**, About half of the City’s tax revenue is economically sensitive sometimes with extreme results; and

**Whereas**, For example, the \$1.2 billion dollar Banking Corporation Tax has risen in some years by as much as 85 percent and fallen in others by 45 percent; and



**Whereas,** In order to smooth out these inevitable ups and downs in the City’s budget from year-to-year, the City has developed certain budget management mechanisms, including the “surplus roll” to prepay certain expenses coming due in the following year so as to move surplus funds from one fiscal year to the next without violating the GAAP requirements; and

**Whereas,** However use of the “surplus roll” is not transparent because it makes it difficult for the public to understand the City’s true budget condition in any given year by obscuring which revenues were actually generated in that fiscal year and which were merely rolled over from prior years; and

**Whereas,** The City has also created several other budget tools to accumulate resources for the outyears which similarly lack transparency or are inappropriate tools for this purpose; and

**Whereas,** For example, at the end of Fiscal 2006, the City created the Retiree Health Benefits Trust Fund (“RHBT”) to fund the health and welfare benefits of future and current City retirees and their dependents which at the end of Fiscal 2014 represented an approximately \$95 billion dollar unfunded liability; and

**Whereas,** The intention of the RHBT was that the City would use it to pay the costs of the retiree benefits incurred each year and then replenish the fund by at least the same amount so that over time funds could be accumulated towards the unfunded liability; and

**Whereas,** In practice, the RHBT has been used as short-term budget relief tool because for a period of several years after the Great Recession the City deposited less in the RHBT than it paid out in retiree health benefits; and

**Whereas,** According to an August 2015 report by the New York City Comptroller entitled “*Measuring New York City’s Budgetary Cushion: How Much is Needed to Weather the Next Fiscal Storm?*,” in Fiscal 2010 through Fiscal 2013, the City used \$2.1 billion dollars in RHBT assets for budget relief; and

**Whereas,** In Fiscal 2016, the City created another way to use current revenues for future budgetary relief in the form of the Capital Stabilization Reserve (“CSR”) whose primary purpose is to fund initial non-capital eligible design and planning for capital projects in an effort to speed up the capital process; and

**Whereas,** Funds within the CSR can also be used to defease bonds to produce outyear savings and any funds that are not used by the end of each fiscal year can be rolled over to the next fiscal year to prepay expenses; and

**Whereas,** Rather than forcing the City to adopt these types of artificial budget cushions, in order to address the issues of transparency and accountability, the City should be authorized to establish a “rainy day” fund, formally referred to as a revenue stabilization account; and

**Whereas,** A “rainy day” fund would allow the City to openly set aside a certain amount of revenues during periods of strong growth in a separate account and carry those funds over to future fiscal years to finance expenditures during times of recessions; and

**Whereas,** Allowing the City to create a true “rainy day” fund would make the budget process more transparent and permit an accurate measure of the City’s surpluses and budget condition in each year; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation permitting the City of New York to establish a “rainy day” fund.

Referred to the Committee on Finance.

Int. No. 1002

By Council Members Holden and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the 311 customer service center to indicate that an agency is unable to respond to a service request or complaint**

*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 23-304 to read as follows:

*§ 23-304 Response to service requests and complaints. If an agency that receives a request for service or complaint through the 311 customer service center is unable to take action on such request for service or complaint, the 311 customer service center shall indicate in the description of the action taken on such request for service or complaint in the 311 computer system that the responding agency is currently unable to respond to the request for service or complaint.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 1003

By Council Members Holden, Gjonaj, Ulrich and Yeger.

**A Local Law in relation to establishing a task force on vehicles registered out-of-state**

*Be it enacted by the Council as follows:*

Section 1. Task force on vehicles registered out-of-state. a. The department of transportation shall establish an interagency task force to conduct a study on ways to address the issue of New York city residents who own motor vehicles registered out-of-state that are required to be registered in New York.

b. The task force shall consist of 5 members, as follows:

1. the commissioner of the department of transportation, or their designee, who shall serve as chair;
2. the commissioner of the police department, or their designee;
3. the commissioner of the department of finance, or their designee;
4. one member appointed by the mayor with relevant expertise in the area of vehicle and traffic violation enforcement; and
5. one member appointed by the speaker of the council.

c. The task force shall invite representatives from the New York state department of motor vehicles, the New York state department of transportation, and representatives of any other relevant state agency or state elected official, as identified by the task force, to participate in the development of the task force report pursuant to subdivision g of this section.

d. Members of the task force shall serve for a term of 1 year, to commence after the appointment of the final member of the task force. All members shall be appointed to the task force within 60 days of the enactment of this local law.

e. All members of the task force shall serve without compensation and shall meet, at a minimum, on a quarterly basis.

f. No member of the task force shall be removed except for cause and upon notice and hearing by the appropriate appointing official. In the event of a vacancy, a successor shall be appointed in the same manner as the original appointment to serve the balance of the unexpired term.

g. The task force shall issue and submit a report of its findings and recommendations to the mayor and the speaker of the city council no later than 12 months after the effective date of the local law that added this section. Such report shall include, but need not be limited to, the following information:

1. the number of motor vehicles owned by residents of New York city, disaggregated by the number that are registered in New York state and the number that are registered in any state other than New York;
2. the number of motor vehicles that have been issued citations for violation of the requirement that they be registered in New York state; and
3. recommendations on ways to increase compliance with the requirement that city residents register their motor vehicles in New York state.

h. The task force shall terminate upon the issuance of its final report.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

## Res. No. 417

**Resolution calling upon the New York City Department of Education to create more district Gifted and Talented programs and classes, and create a pathway for admission to Gifted and Talented intermediate school programs.**

By Council Members Holden and Ulrich.

**Whereas**, There are two types of Gifted and Talented (G&T) programs in New York City, district and citywide, according to the Department of Education's website; and

**Whereas**, The district G&T program gives admissions priority to applicants who live in their district and offers a few G&T classes per grade, and the citywide G&T program gives no admissions priority based on district of residence and all students in these schools attend the G&T program; and

**Whereas**, The current G&T program has benefitted many gifted students; and

**Whereas**, To enroll in any G&T program, students in pre-K through second grade must fill out a request for testing form two months before the testing period begins and take an admissions examination that uses objective measures of scholastic skills; and

**Whereas**, The use of an admissions examination that uses objective measures of scholastic skills has benefitted many gifted students; and

**Whereas**, In most schools, after second grade there is no admissions examination or official pathway for entry into a G&T program except when a student leaves the program, which is extremely rare; and

**Whereas**, The policy of the Department of Education is that students must score at or above the 90<sup>th</sup> percentile to be eligible for district G&T programs and at or above the 97<sup>th</sup> percentile to be eligible for citywide G&T programs; and

**Whereas**, Due to competitiveness and lack of availability of G&T programs, however, students often must actually score at or above 99<sup>th</sup> percentile to gain admission to the citywide G&T programs; and

**Whereas**, Some, but not all, intermediate sixth through eighth grade schools provide G&T classes to top performing students; and

**Whereas**, If all school districts had at least one district G&T program for both elementary kindergarten through fifth grade and intermediate sixth through eighth grade, many more students would have the opportunity to benefit from such a program; and

**Whereas**, If all elementary kindergarten through fifth grade schools with four or more classes per grade had at least one class in each grade for top performing students who gain entry through academic merit rather than through an admissions examination, many more students would have the opportunity to benefit from such classes; and

**Whereas**, If all intermediate sixth through eighth grade schools with four or more classes per grade had at least one class in each grade for top performing students who gain entry through academic merit rather than through an admissions examination, many more students would have the opportunity to benefit from such classes; and

**Whereas**, All intermediate G&T programs could also utilize an admissions examination that uses a competitive and objective measure of scholastic achievement to create a pathway for admissions for students interested in entering a G&T program for intermediate schools; and

**Whereas,** All students in a G&T program from kindergarten through fifth grade could receive automatic admission to a G&T program from sixth through eighth grade; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York City Department of Education to create more district Gifted and Talented programs and classes, and create a pathway for admission to Gifted and Talented intermediate school programs.

Referred to the Committee on Education.

Res. No. 418

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation increasing penalties on drivers who improperly register vehicles in another state.**

By Council Members Holden, Gjonaj, Ulrich and Yeger.

**Whereas,** Drivers are required to register their vehicles with the New York State Department of Motor Vehicles within 30 days of moving into the state; and

**Whereas,** Many residents of New York choose to illegally register their vehicle in other states, often in an attempt to take advantage of lower insurance rates; and

**Whereas,** A 2011 State Senate report found that nearly 25 percent of all vehicle crashes in New York involving cars with Pennsylvania license plates occurred in Brooklyn, which suggests that many of those vehicles belonged to New Yorkers, not visitors; and

**Whereas,** A 2017 *Crain's* report, citing the same State Senate study, reported that New York residents who drive cars registered out of state cost the city \$73 million in unpaid parking tickets, deprive the state of \$1 million annually in fees for license plates, titles, and vehicle registrations, as well as up to \$93 million in sales tax revenue, and cost insurers \$19 million each year in underpriced premiums; and

**Whereas,** New York residents who improperly avoid taxes, fees, and insurance costs by registering their vehicles in other states unfairly shift that burden to fellow New Yorkers who follow the rules; and

**Whereas,** Various bills that would enhance enforcement of improper out-of-state registration and increase associated penalties have been introduced in the State Legislature in recent years, including legislation that would make listing a false address on a car insurance or vehicle registration form a felony and legislation that would grant the Superintendent of Financial Services the authority to investigate such fraudulent acts; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation increasing penalties on drivers who improperly register vehicles in another state.

Referred to the Committee on Transportation.

Int. No. 1004

By Council Members Lander, Cabrera, Espinal, Barron and Yeger (by request of the Mayor).

**A Local Law to establish a demonstration program to facilitate the creation and alteration of habitable apartments in basements and cellars of certain one- and two-family dwellings**

*Be it enacted by the Council as follows:*

Section 1. Definitions. a. Except as indicated in subdivision b of this section, the terms used in this local law have the meanings ascribed to such terms in title 28 of the administrative code of the city of New York.

b. For purposes of this local law, the following terms have the following meanings:

PROGRAM AREA. The term "program area" means Brooklyn community district 5.

1968 BUILDING CODE. The term “1968 building code” has the same definition as such term is defined in section 28-101.5 of the administrative code.

ADMINISTRATIVE CODE. The term “administrative code” means the administrative code of the city of New York.

APARTMENT. The term “apartment” means a dwelling unit providing permanent provisions for both sanitation and kitchen facilities, occupied or arranged to be occupied, by not more than 1 family maintaining a common household.

BASEMENT. The term “basement” means a story partly below the grade plane and having less than one-half its clear height (measured from finished floor to finished ceiling) below the grade plane.

CELLAR. The term “cellar” means that portion of a building that is partly or wholly underground, and having one-half or more of its clear height (measured from finished floor to finished ceiling) below the grade plane. Notwithstanding any local law to the contrary, as used herein, a cellar shall be counted as a story in measuring the height of a building.

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.

PRE-EXISTING VIOLATION. The term “pre-existing violation” means a violation issued by the department of buildings for which a notice of violation, administrative summons, criminal court summons or other process was issued prior to the date of issuance of the initial permit for work pursuant to this local law.

QUALIFIED ENVIRONMENTAL PROFESSIONAL. The term “qualified environmental professional” has the same meaning as in section 24-03 of title 15 of the rules of the city of New York.

§ 2. Scope and applicability. a. There shall be a time-limited demonstration program to facilitate the creation and alteration of habitable apartments in basements and cellars in certain dwellings within the program area in accordance with this local law.

b. Except as otherwise indicated herein, this local law applies to existing buildings within the program area that are located outside of the area of special flood hazard and shaded X-zones as delineated on maps adopted by section G102.2 of appendix G of the New York city building code, are located outside the area of any special enhanced commercial district as described in section 132-11 of the zoning resolution of the city of New York, and are:

(1) existing one-family dwellings to be converted to two-family dwellings where any new apartment is entirely on a floor partially below the grade plane; or

(2) existing two-family dwellings with an apartment entirely on a floor partially below the grade plane to be altered to create at least 1 additional sleeping room in such apartment.

§ 3. Financial and technical assistance and outreach. a. The department of housing preservation and development shall assist homeowners who participate in the demonstration program by providing city financial assistance to homeowners who meet the criteria for participation in such program to be established by such department

b. The department of housing preservation and development shall also provide technical assistance to homeowners who participate in the demonstration program. Such assistance may be provided by the department or a housing development fund corporation identified by the department as capable of providing such assistance.

c. The department of housing preservation and development shall also conduct public education and outreach regarding the demonstration project to eligible homeowners in the program area. Such public education and outreach may be provided directly by the department or by a qualified housing development fund corporation selected by the department.

§ 4. Apartments in basements. Notwithstanding any inconsistent provisions of section 27-751 of the 1968 building code, paragraphs 1 and 3 of subdivision c of section 27-2087 of the administrative code, section 1208.2 of the New York city building code or of applicable laws in existence prior to December 6, 1968 (i) a habitable apartment with a minimum clear ceiling height in all habitable rooms of 7 feet and 6 inches with projections as allowed by exception 1 of section 1208.2 of the New York city building code but in no event with such projections lower than 7 feet, or (ii) a habitable apartment in a fully detached two-family dwelling with all exterior walls at least 3 feet from any lot line and with a minimum clear ceiling height in all habitable rooms of 7 feet including projections, may be created or altered subject to the conditions set forth in this local law,

including compliance with the construction standards in the specific provisions of law cited in this section even if not otherwise required by such law or any other law:

1. General. Such apartment must comply with provisions of law applicable to an apartment in such dwelling not located in the cellar or basement except that where there is a conflict with a provision of this section the provision of this section shall apply.

2. Sprinklers. Such apartment must have an automatic sprinkler system that meets the construction requirements of section 903 of the New York city building code and section thirteen of this local law.

3. Emergency escape and rescue openings. All sleeping rooms in such apartment must have emergency escape and rescue openings meeting the construction requirements of section 1029 of the New York city building code and section 1025 of the New York city fire code.

4. Smoke and carbon monoxide alarms. Such apartment must contain smoke and carbon monoxide alarms meeting the requirements of chapter 9 of the New York city building code.

5. Fire separation. Such apartment must have all of the following fire separations:

(a) Boilers and furnaces. All boilers and furnaces in such apartment must be enclosed and separated from the rest of the building by noncombustible construction having at least a one-hour fire-resistance rating meeting the requirements of section 703 of the New York city building code.

(b) Egress stairs. All stairways providing required means of egress in such apartment must be separated from the rest of the apartment and the existing above grade apartment by noncombustible construction having at least a one-hour fire-resistance rating meeting the requirements of section 1022 of the New York city building code.

(c) Existing above grade apartment. Such apartment must be separated from the existing above grade apartment by noncombustible construction having at least a one-hour fire-resistance rating meeting the requirements of section 420 of the New York city building code.

6. Means of egress. Such apartment must be provided with a means of egress directly to the outdoors complying with the construction standards of chapter 10 of the New York city building code, including access to a public way. The exterior door shall be provided with landings on both the interior and exterior sides in accordance with Section 1008.1.6 of the New York city building code.

7. Windows.

(a) Each habitable room in such apartment must have at least 1 window with 6 square feet of openable area to provide natural ventilation as required pursuant to section 1203.4.1.2.1 of the New York city building code and additional windows, including glazed area in doors providing light directly into such room, cumulatively with the minimum net glazed area to provide natural light as required pursuant to section 1205.2.1 of the New York city building code.

(b) Portions of windows below grade plane may be included in calculations of such minimum net glazed area required to provide natural light if:

(1) The window head is located between 0 and 6 inches below the lowest permitted projection below ceiling height;

(2) Such portions are surrounded by a window well or similar open area that:

(A) is at least 6 inches deeper than the bottom of the window;

(B) is at least 3 times as wide, in the direction perpendicular to the window, as the depth below grade plane of such window portions;

(C) is at least twice as wide, in the direction parallel to the window, including 6 inches wider on each side, as the depth below grade plane of such window portions; and

(D) is provided with a drain to prevent any ponding of storm water, in accordance with chapter 11 of the New York city plumbing code.

(3) No cantilever, permanent shading structure, or other obstruction is less than 3 feet above the window head or protrudes more than 1 foot in the direction perpendicular to the window; and

(4) No other encroachment or obstruction is within the window well, except as otherwise required pursuant to the New York city building code. Supplemental steps that provide access to the required yard, court, open space or street may also be permitted. Where provided, such steps shall be dimensioned in accordance with section 1009.4 of the New York city building code and shall include a landing at the bottom of such window well in accordance with section 1009.5 of the New York city building code.

§ 5. Apartments in cellars. Notwithstanding any inconsistent provisions of section 502.1 of the New York city building code, sections 27-232 and 27-2004 of the administrative code, subdivision a of section 27-2087 of

the administrative code or of applicable laws in existence prior to December 6, 1968, a habitable apartment may be created in a cellar if such apartment complies with section four of this local law and has a second, remote means of egress directly to the outdoors complying with the construction standards of chapter 10 of the New York city building code, including access to the public way, even if compliance with such standards is not otherwise required by such chapter or any other law. Such means of egress shall be provided with landings on both the interior and exterior sides of the door in accordance with Section 1008.1.6 of the New York city building code. Such cellar must have at least 2 feet of height above grade plane. Such cellar shall be counted as a story for the purposes of the New York city housing maintenance code, the 1968 building code, and the New York city construction codes or applicable laws in existence prior to December 6, 1968 and the space in such apartment shall be counted as floor area in accordance with section 12-10 of the zoning resolution of the city of New York. Occupancy in such a cellar shall be considered occupancy in a basement for the purposes of subdivision c of section 27-2087 of the administrative code.

§ 6. Deferral of penalties by the department of buildings. a. Notwithstanding the provisions of sections 28-213.1.1, 28-213.1.2, 28-213.3, and 28-219.1 of the administrative code, civil penalties for the department of buildings violations that would otherwise be required to be paid before the issuance of a permit may be deferred in connection with the following:

1. the issuance of a permit to create or alter an apartment in a basement or cellar pursuant to this local law; or
2. the issuance of a permit after the effective date of this local law to a building in the program area to create either a new apartment entirely on a floor partially below the grade plane or at least 1 additional sleeping room in an existing apartment entirely on a floor partially below the grade plane.

b. Notwithstanding the provisions of subdivision a of this section, such amounts shall continue to be due and owing to the department of buildings and payment thereafter may be enforced in accordance with the New York city construction codes.

§ 7. Certificates of occupancy pursuant to this local law. a. At the option of the owner and notwithstanding any inconsistent provision of article 118 of chapter 1 of the administrative code or of any other law, where an apartment in a basement is created or altered pursuant to section four of this local law or an apartment in a cellar is created pursuant to sections four and five of this local law (i) a partial certificate of occupancy may be issued limited to the new or altered apartment in the basement of a building or the new apartment in the cellar of a building if such building was erected prior to January 1, 1938 and does not have and is not otherwise required to have a certificate of occupancy, or (ii) for a building with an existing certificate of occupancy, an amended certificate of occupancy may be issued limited to the new or altered apartment in the basement of such building or the new apartment in the cellar of such building, subject to the following conditions:

1. Upon inspection, the apartment being created or altered conforms substantially to the approved construction documents, complies with the New York city construction codes and other applicable laws, except as specifically provided in this local law, and is safe for occupancy;
2. Upon inspection, the required means of egress from all floors of the building comply with the New York city construction codes and other applicable laws;
3. An amended or partial certificate of occupancy or a temporary certificate of occupancy may be issued where there are open pre-existing violations in the building. All such open violations, including those specified in the exceptions, shall remain administratively open and the department of buildings may thereafter continue to enforce against such violations until, in accordance with applicable provisions of the New York city construction codes, outstanding penalties are paid and, if applicable, certificates of correction are approved by the department of buildings.

Exceptions:

1. Where a pre-existing violation in parts of the building outside of the new or altered apartment is classified as “immediately hazardous,” the condition that gave rise to the issuance of such immediately hazardous violation must be removed or remedied in accordance with the New York city construction codes and to the satisfaction of the commissioner of buildings and evidence of such removal or remediation in the form of plans, drawings, photos, affidavits or a combination thereof, with the signature and seal of a registered design professional or, if applicable, a licensee of the department of buildings in the applicable trade must be submitted to the department prior to the issuance of such amended or partial certificate of occupancy or a temporary certificate of occupancy.

2. Any condition that gave rise to a pre-existing violation in the new or altered apartment must be removed or remedied by work performed under permits issued pursuant to this local law.

4. Notwithstanding any inconsistent provision of the New York city construction codes, including sections 28-118.14 and 28-219.1, a certificate of occupancy or a temporary certificate of occupancy may be issued for a basement or cellar apartment created or altered pursuant to this local law where there are outstanding fines and civil penalties for pre-existing violations provided that such fines and civil penalties shall remain due and owing, and the department may thereafter enforce and collect such amounts in accordance with the New York city construction codes.

b. The department of buildings may refuse to issue a certificate of occupancy or a temporary certificate of occupancy pursuant to this section if there are outstanding department of buildings violations, penalties or open permits not signed off related to work performed under permits issued pursuant to this local law until such penalties have been paid, such violations have been corrected, including filing certificates of correction, if applicable, and permits have been closed, as required by the New York city construction codes.

c. 1. Every certificate of occupancy or temporary certificate of occupancy issued for a basement or cellar apartment created or altered pursuant to this local law must contain a reference to this local law.

2. A partial or amended certificate of occupancy or a temporary certificate of occupancy issued pursuant to subdivision a of this section must contain a note that such certificate of occupancy does not certify compliance with applicable laws with respect to parts of the building outside of the apartment created or altered pursuant to this local law.

§ 8. Waiver of application, permit and inspection fees by department of buildings. The commissioner of buildings shall waive all fees, which would otherwise be required to be paid to the department of buildings by title 28 of the administrative code, the electrical code or the rules of the department of buildings, in connection with applications, permits and inspections for work in the program area related to the creation or alteration of habitable apartments in basements and cellars where such apartments are officially subsidized under a program administered by the department of housing preservation and development.

§ 9. Waiver of fees by other agencies. The department of environmental protection shall waive all fees which would otherwise be required to be paid arising out of the creation or alteration of habitable apartments in basements and cellars where such apartments are officially subsidized under a program administered by the department of housing preservation and development. Any other agency may promulgate rules to waive fees that would otherwise be required to be paid arising out of the creation or alteration of such apartments where such apartments are officially subsidized under a program administered by the department of housing preservation and development, and where such agency determines that such waiver would facilitate such program.

§ 10. Time limit for filing of construction documents. Completed construction documents pursuant to this local law shall be filed with the department of buildings within 18 months from the effective date of this local law subject to the provisions of articles 104 and 105 of chapter 1 of title 28 of the administrative code of the city of New York pertaining to time limitation of applications and expiration or permits.

§ 11. Radon levels. No certificate of occupancy or temporary certificate of occupancy may be issued for an apartment in a basement or cellar created or altered pursuant to sections four or five of this local law unless a qualified environmental professional submits a certification to the department of buildings that the level of radon in such apartment after the completion of construction is tested in accordance with, and meets the standards set forth in, rules promulgated by the department of health and mental hygiene, which shall require the level of radon in such an apartment be below 2 picocuries per liter of air.

§ 12. Vapor barriers and soil excavation. a. No certificate of occupancy or temporary certificate of occupancy shall be issued for apartment in a basement or cellar created or altered pursuant to sections four or five of this local law unless a qualified environmental professional submits a certification to the department of buildings that a vapor barrier was applied prior to the installation of flooring in accordance with rules promulgated by the department of environmental protection.

b. No certificate of occupancy or temporary certificate of occupancy shall be issued for an apartment in a basement or cellar created or altered pursuant to sections four or five of this local law where such creation or alteration includes excavation within or to expand an existing building footprint for the purpose of increasing the ceiling height of such apartment, unless the department of environmental protection furnishes a notice to the department of buildings stating that the department of environmental protection has determined that appropriate measures to protect public health and the environment for the allowable use have been undertaken in accordance



with rules promulgated by such department, and that such department does not object to the issuance of such certificate of occupancy or temporary certificate of occupancy.

§ 13. Compliance with fire code sprinkler requirements for altered buildings on substandard width streets. Any habitable apartment in a basement or cellar created or altered pursuant to sections four and five of this local law shall be deemed to be an alteration subject to the exception set forth in subdivision 5.1 of section 501.4.3.1 of the New York city fire code.

§ 14. Construction. a. Except as specifically provided in this local law, nothing in this local law is intended to grant authorization for any work to be done in any manner in violation of the provisions of the New York city construction codes, or any other law or rule.

b. Nothing in this local law is intended to effect, alter or amend any provision of the zoning resolution of the city of New York.

§ 15. Rules. The department of buildings, the fire department, the department of environmental protection, the department of housing preservation and development and the department of health and mental hygiene may adopt any rules necessary to carry out the provisions of this local law.

§ 16. Report. No later than 48 months after the date this local law takes effect, an agency appointed by the mayor shall submit to the mayor and the speaker of the city council a report summarizing the impact of the demonstration program established by section two of this local law.

§ 17. This local law takes effect immediately, provided that the provisions of paragraph 2 of subdivision a of section six of this local law and sections eight and nine of this local law shall not apply to any building in the program area for which a complete application for construction document approval is filed more than 18 months after the date this local law takes effect.

Referred to the Committee on Housing and Buildings.

Int. No. 1005

By Council Members Maisel, Yeger and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring information on notices of violation issued by the department of sanitation**

*Be it enacted by the Council as follows:*

Section 1. Title 23 of the administrative code of the city of New York is amended by adding a new chapter 9 to read as follows:

**CHAPTER 9  
DASHBOARDS**

*§ 23-901 Definitions. As used in this chapter:*

*Dashboard. The term “dashboard” means a data visualization tool publicly available on the internet that includes a customizable interface and uses current data from one or more sources.*

*Department. The term “department” means the department of information technology and telecommunications or any successor agency.*

*§ 23-902 Notices of violation. Within one year after the effective date of the local law that added this section, the department of sanitation shall, in conjunction with the department, create a dashboard consisting, at a minimum, of data on all notices of violation issued by the department of sanitation on or after January 1, 2019. Such data shall include, but need not be limited to, the number of notices of violation issued each month, searchable by type of violation and by address, block, community district and borough in which such violation was issued.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

## Int. No. 1006

By Council Members Maisel, Yeger and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that notices of violation issued by the department of sanitation be accompanied by a photograph of the alleged violation**

*Be it enacted by the Council as follows:*

Section 1. Section 16-133 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

*f. All notices of violation issued by agents of the department to any person charged with a violation of any of the provisions of this title or any rules promulgated pursuant thereto shall contain a photograph evidencing the alleged violation, where feasible. A copy of each notice of violation served shall be filed and retained by the department, and shall be deemed a record kept in the ordinary course of business, and shall be prima facie evidence of the facts contained therein.*

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

Referred to the Committee on Sanitation and Solid Waste Management.

## Int. No. 1007

By Council Members Maisel and Holden.

**A Local Law in relation to establishing a daylighting pilot program**

*Be it enacted by the Council as follows:*

Section 1. Daylighting pilot program. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Daylighting. The term “daylighting” means the removal of parking spaces adjacent to the curb within a minimum of 15 feet of an intersection of city streets.

Department. The term “department” means the department of transportation.

b. The department shall establish a pilot program to implement daylighting at a minimum of 25 intersections of city streets across the five boroughs of the city.

c. No later than 90 days after the effective date of the local law that added this section, the department shall begin implementation of the daylighting pilot program established pursuant to subdivision b of this section. The department shall complete implementation of such daylighting pilot program no later than one year after the effective date of the local law that added this section. The daylighting pilot program established pursuant to subdivision b of this section shall be in effect for a period of one year commencing on the date that the department completes implementation of such daylighting pilot program.

d. No later than six months following the conclusion of the daylighting pilot program, the department shall submit to the mayor and the speaker of the council, and post on the department’s website, a report regarding the daylighting pilot program established pursuant to subdivision b of this section. Such report shall include at a minimum the following information:

1. The locations of all intersections affected by this section;
2. Traffic crash data specific to all intersections affected by this section;
3. A comparison of traffic crash data at the intersections affected by this section and traffic crash data at similar intersections that do not have daylighting; and

4. The locations of any intersections in the city at which the department recommends permanent implementation of daylighting.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 1008

By Council Members Matteo, Cabrera, Yeger and Holden.

**A Local Law to amend the New York city charter, in relation to evaluating the fiscal impact of rules**

*Be it enacted by the Council as follows:*

Section 1. Section 1043 of chapter 45 of the New York city charter is amended by adding a new subdivision j to read as follows:

*j. Fiscal impact statements. 1. No proposed rule shall be included in the City Record for initial publication unless it is accompanied by a fiscal impact statement; except that such a fiscal impact statement shall not be required for a proposed rule if the anticipated fiscal impact of such proposed rule is provided in the fiscal impact statement prepared pursuant to section 33 of the charter relating to the local law pursuant to which the applicable agency is proposing such rule.*

*2. Each fiscal impact statement prepared pursuant to this section shall indicate the fiscal year in which the proposed rule would first become effective and the first fiscal year in which the full fiscal impact of the proposed rule is expected to occur; and shall contain an estimate of the fiscal impact of the proposed rule on the revenues and expenditures of the city during the fiscal year in which the proposed rule is to first become effective, during the succeeding fiscal year, and during the first fiscal year in which the full fiscal impact of the proposed rule is expected to occur.*

*3. Each fiscal impact statement prepared pursuant to this section shall identify the sources of the information used in its preparation.*

*4. If the estimate or estimates contained in any fiscal impact statement prepared pursuant to this section are inaccurate, such inaccuracies shall not affect, impair, or invalidate the rule.*

*5. This subdivision shall not be construed to create a private right of action to enforce its provisions. Inadvertent failure to comply with this subdivision shall not result in the invalidation of any rule if a fiscal impact statement is prepared within 30 days of the agency that proposed such rule becoming aware of such agency's failure to comply with this subdivision.*

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

Referred to the Committee on Governmental Operations.

Int. No. 1009

By Council Members Matteo, Grodenchik, Ulrich, Levine, Yeger and Holden

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

*Be it enacted by the Council as follows:*

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

3. "Public place" means the publicly accessible areas of the following places to which the public is invited or permitted: (i) public buildings maintained by the division of facilities management and construction of the department of citywide administrative services or any successor; (ii) *pool facilities under the jurisdiction of the department of parks and recreation*; (iii) parks under the jurisdiction of the department of parks and recreation identified pursuant to subdivision e of this section; [(iii)] (iv) ferry terminals owned and operated by the city of New York served by ferry boats with a passenger capacity of one thousand or more persons; [(iv)] (v) nursing homes, as defined in section 2801 of the New York state public health law; [(v)] (vi) senior centers, which include facilities operated by the city of New York or operated by an entity that has contracted with the city to provide services to senior citizens on a regular basis, such as meals and other on-site activities; [(vi)] (vii) golf courses, stadia and arenas; and [(vii)] (viii) health clubs that are commercial establishments offering instruction, training or assistance and/or facilities for the preservation, maintenance, encouragement or development of physical fitness or well-being that have a membership of at least two hundred and fifty people, and which shall include, but not be limited to, health spas, health studios, gymnasiums, weight control studios, martial arts and self-defense schools or any other commercial establishment offering a similar course of physical training.

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

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

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

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

§ 4. This local law takes effect 120 days after it becomes law, except that the commissioner of the department of parks and recreation shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Parks and Recreation.

Int. No. 1010

By Council Members Miller, Constantinides, Richards, Adams, Koslowitz, Holden, Vallone, Ampry-Samuel, Rose, Gjonaj, Salamanca, Lancman, Dromm, Koo, Barron, Diaz, Deutsch, Gibson, Maisel, Rivera, Cabrera, Van Bramer, Borelli and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing the penalties for certain commercial vehicles parked overnight on residential streets**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 2 of subdivision c of section 19-170 of the administrative code of the city of New York, as added by chapter 458 for the year 2010, is amended to read as follows:

2. A first violation of this section, when the commercial vehicle is a tractor-trailer combination, tractor, truck trailer or semi-trailer, shall be punishable by a monetary fine of [two hundred fifty dollars] \$400. Any such subsequent violation of this section by the same owner, as defined in paragraph a of subdivision one of section two hundred thirty-nine of the vehicle and traffic law, within a six month period shall be punishable by a monetary fine of [five hundred dollars] \$800.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 1011

By Council Members Miller, Richards, Adams, Koslowitz, Constantinides, Yeger, Holden, Vallone, Grodenchik, Rose, Gjonaj, Salamanca, Lancman, Dromm, Koo, Barron, Cohen, Deutsch, Gibson, Maisel, Rivera, Cabrera, Van Bramer, Borelli and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to reducing the maximum time commercial vehicles may park**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 19-170 of the administrative code of the city of New York, as added by local law 25 of 1988 and amended by chapter 458 of the laws of 2010, is amended to read as follows:

a. When parking is not otherwise restricted, no person shall park a commercial vehicle in excess of three hours, *except that if the commercial vehicle is a tractor-trailer combination, tractor, truck trailer or semi-trailer, no person shall park such vehicle in excess of 90 minutes.* For purposes of this section, the term commercial vehicle shall mean a motor vehicle designed, maintained, or used primarily for the transportation of property.

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

Referred to the Committee on Transportation.

Int. No. 1012

By Council Members Richards and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing the maximum fine for maintaining, operating or conducting a garage or parking lot without a license**

*Be it enacted by the Council as follows:*

Section 1. Section 20-332 of the administrative code of the city of New York, as added by local law number 153 for the year 2013, is amended to read as follows:

§ 20-332 Violation. [Any] *a. Maintaining, operating or conducting without a license. Any person who violates subdivision a of section 20-321 shall be subject to a civil penalty of not more than one thousand dollars for each violation.*

*b. Other violations. Except as otherwise provided in subdivision a of this section, any person who violates any of the provisions of this subchapter or any rule or regulation issued thereunder shall be subject to a civil penalty of not more than five hundred dollars for each violation; except that a person shall not be subject to such civil penalty for a first-time violation of subdivision b of section 20-324 of this subchapter and any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of*

subdivision b of section 20-324 of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 2. This local law takes effect immediately.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 1013

By Council Members Salamanca, Yeger, Holden and Borelli.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring letter grades for food service establishments operated in schools, and to repeal section 23-702 of the administrative code of the city of New York, as added by local law number 112 of 2017, in relation to the results of inspections of food service establishments operated in schools**

*Be it enacted by the Council as follows:*

Section 1. Chapter 15 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1506 as follows:

*§ 17-1506 Sanitary inspection grading for school food service establishments. a. Definitions. For purposes of this section, the term "school food service establishment" means a cafeteria or kitchen in a school that is subject to the provisions of article 81 of title 24 of the New York city health code.*

*b. The department shall establish and implement a system for grading and classifying inspection results for each school food service establishment using letters to identify and represent a school food service establishment's degree of compliance with laws and rules that require such school food service establishment to operate in a sanitary manner to protect public health. Where practicable, such system shall be implemented in a manner consistent with the implementation of the letter grading program established by the department for food service establishments pursuant to section 81.51 of the New York city health code.*

§ 2. Section 23-702 of chapter 7 of title 23 of the administrative code of the city of New York, as added by local law number 112 for the year 2017, is repealed.

§ 3. Section 23-702 of chapter 7 of title 23 of the administrative code of the city of New York, as added by chapter 313 for the year 2017, is amended to read as follows:

§ 23-702 [School cafeteria and kitchen inspection data.] *School food service establishment inspection results and letter grades. a. [Whenever any cafeteria or kitchen in a school of the city school district is inspected by the department of health and mental hygiene, the city school district shall post the following information on its website:*

1. the date of the inspection or reinspection;
2. the name and address of the school where the inspected cafeteria or kitchen is located;
3. the facts established observed violations, if any, during such inspection and the severity level of such violations;
4. citations to the laws, regulations or rules for any violations observed during such inspection; and
5. any corrective actions taken in response to such inspection.]

*Definitions. For purposes of this section, the following terms have the following meanings:*

*Letter grade. The term “letter grade” means the sanitary inspection grade issued by the department of health and mental hygiene pursuant to section 17-1506.*

*School food service establishment. The term “school food service establishment” has the same meaning as set forth in section 17-506.*

[b. Inspection results posted on the website for the city department of education pursuant to this section shall be searchable by the school name and address.]

*b. Whenever a school food service establishment in the city school district is inspected by the department of health and mental hygiene, the department of education shall post the following information on its website: (i) the date of the inspection or re-inspection; (ii) the name and address of the school where the school food service establishment is located; (iii) the letter grade issued to the school food service establishment; (iv) the facts establishing observed violations, if any, during such inspection and the severity level of such violations; (v) citations to the laws, regulations or rules for any violations observed during such inspection; and (vi) any corrective actions taken in response to such inspection.*

*c. At least once every school year, the principal of every school of the city school district [where students use a cafeteria or kitchen] in which there is a school food service establishment shall inform the parent or legal guardian of each student of such school of the letter grade of the school food service establishment and that the additional information required by this section is available on the website of the [city] department of education. The principal shall further promptly inform the parent or legal guardian of each student of such school whenever a letter grade issued for such school food service establishment is a C or below. The principal shall [inform such parent or legal guardian that such information is available] provide the information required to be communicated to such parent or legal guardian by this section in a manner consistent with how other information is communicated to such parent or legal guardian, including, but not limited to, email, mail, parent newsletter, or notice to students to show their parent or legal guardian.*

*d. The department of health and mental hygiene shall, for each school food service establishment for which inspection results and letter grades are not posted pursuant to subdivision b, post the following information on its website: (i) the date of the inspection or re-inspection; (ii) the name and address of the school where the school food service establishment is located; (iii) the letter grade issued to the school food service establishment; (iv) the facts establishing observed violations, if any, during such inspection and the severity level of such violations; (v) citations to the laws, regulations or rules for any violations observed during such inspection; and (vi) any corrective actions taken in response to such inspection.*

*e. Inspection results and letter grades posted on the websites for the department of education and the department of health and mental hygiene pursuant to this section shall be searchable by the school name and address.*

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

Referred to the Committee on Health.

Int. No. 1014

By Council Members Treyger, Torres, and Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring a single reporting bill on department of education spending allocations, including fair student funding, for schools citywide**

*Be it enacted by the Council as follows:*

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 21 to read as follows:

## CHAPTER 21

## REPORTING ON SPENDING ALLOCATIONS

§ 21-989. *Reporting on spending allocations. a. Definitions. For the purposes of this section, the following terms have the following meaning:*

*Fair student funding formula. The term "fair student funding formula" means the formula that determines each school's funding allocation under fair student funding.*

*School. The term "school" means any public school in the city of New York under the jurisdiction of the department of education that contains any combination of grades from and including kindergarten through grade twelve.*

*b. The department of education, or the office of management and budget, shall submit to the speaker of the council and post conspicuously on the department's website and open data portal a single report that shall include:*

*1. All school-level budget allocations for each school; and*

*2. The calculated fair student funding formula for each school, and the percentage of such calculated fair student funding formula result that each school is actually allocated.*

*c. The information contained in the report required by this section shall be in a searchable, sortable, and machine-readable format.*

*d. The report shall be submitted and posted three times annually, reporting on the school year as follows:*

*1. April 30, to report on the upcoming school year;*

*2. September 31, to report on the prior school year and the current school year; and*

*3. January 31, to report on the current school year.*

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Education.

Int. No. 1015

By Council Members Ulrich and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of buildings to notify police precincts of complaints regarding illegal curb cuts**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-103.18.2 to read as follows:

*§ 28-103.18.2 Notification of complaints regarding curb cuts and driveways. Within two days of receiving a complaint regarding a curb cut for which the commissioner has not issued a permit pursuant to article 105 of this chapter, the commissioner shall forward such complaint to the appropriate police precinct.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.



## Int. No. 1016

By Council Members Van Bramer and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to annual reporting on the daily number of clients in each individual homeless shelter, commercial hotel, cluster sites or other temporary shelter placement**

*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 21-323 to read as follows:

*§ 21-323 a. Definitions. For the purposes of this section, the following terms have the following meanings: Cluster sites. The term “cluster sites” means an individual unit, which is being utilized as shelter for a family with children, within a private building.*

*Commercial hotel. The term “commercial hotel” means a building that historically operated as a hotel prior to its use as shelter and is currently used by the department as shelter or a building that continues to operate as a commercial hotel and also provides a number of units to the department to shelter residents.*

*Shelter. The term “shelter” means temporary emergency housing provided to homeless single adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department.*

*b. Commencing no later than March 31, 2019 and on or before the last day of March, June, September, and December annually thereafter, the department shall post on the department website and submit to the council a machine-readable report with information that shall include, but need not be limited to the following information:*

- 1. The daily number of clients in each shelter, disaggregated by council district;*
- 2. The daily number of clients in each commercial hotel, disaggregated by council district;*
- 3. The daily number of clients in each cluster site, disaggregated by council district;*
- 4. The daily number of clients in each temporary facility being used to house homeless individuals, disaggregated by council district;*
- 5. Each client’s length of stay, in three month intervals, within a homeless shelter, commercial hotel, cluster site or temporary facility being used to house homeless individuals.*

*§ 2. This local law shall take effect immediately.*

*Referred to the Committee on General Welfare.*

## Int. No. 1017

By Council Members Williams and Ampry-Samuel.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a commission to develop a citywide shelter siting plan for implementation by the department of homeless services and social services**

*Be it enacted by the Council as follows:*

Section 1. Paragraph c of subdivision 1 of section 21-308 of title 21 of the administrative code of the city of New York, as amended by local law 19 for the year 1999, is amended to read as follows:

c. Projected number of facilities to be constructed or rehabilitated to accommodate homeless individuals and families *consistent with the shelter siting plan established pursuant to section 21-323.*

§ 2. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-323 to read as follows:

*§ 21-323 Commission on shelter siting. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*HRA domestic violence shelter. The term “HRA domestic violence shelter” means any residential care facility providing emergency shelter and services to victims of domestic violence and their minor children and operated by the department of social services/human resources administration or a provider under contract or similar agreement with the department of social services/ human resources administration.*

*Shelter. The term “shelter” means an HRA domestic violence shelter or temporary emergency housing provided to homeless adults, adult families and families with children by the department or by a provider under contract or similar agreement with the department.*

*b. Commission duties. There shall be a commission on shelter siting to study the locations of shelters across the city; analyze the relationship between shelter locations and homeless persons’ access to their communities of origin, public transit and essential services; determine the need for shelters in specific locations, finances required to provide them and any essential, alternative or emergency services required for such shelters; solicit input from community boards and the public regarding the placement and distribution of shelters across the city; and site such shelters.*

*c. Shelter siting plan. 1. No later than December 1, 2019, the commission on shelter siting shall develop and submit to the mayor, speaker of the city council, commissioner and commissioner of social services a Five-Year plan prescribing the siting of shelters across the city, including regarding the placement, location or relocation of shelters. The commissioner and commissioner of social services shall implement such plan.*

*2. The commission shall review and update the shelter siting plan developed pursuant to subdivision b of this section each year and shall submit the updated version thereof to the mayor, speaker of the city council, commissioner and commissioner of social services not later than December first of each year.*

*3. In the fifth year covered by each Five-Year shelter siting plan, the commission shall submit a Five-Year shelter siting plan for the next succeeding five-year period not later than six months before the last day of such fifth year to the mayor, speaker of the city council, the commissioner and commissioner of social services.*

*d. Commission membership. The commission shall consist of 15 members to be appointed for two-year terms as follows: one member from each borough appointed by the speaker of the city council as recommended by each borough’s council delegation, one member appointed by each borough president, and five members appointed by the mayor. The mayor shall designate one member to serve as chair of the commission and may also designate a member to serve as co-chair. Members shall serve at the pleasure of the appointing authority. In the event of the death or resignation of any member, a successor shall be appointed by the official who appointed such member. The commissioner and the commissioner of social services shall provide appropriate personnel to assist the commission in the performance of its functions.*

*e. Commission activities. The commission shall:*

*1. Hold at least one meeting every four months, including at least one annual meeting open to the public;*

*2. Keep a record of its activities;*

*3. Determine its own rules of procedure; and*

*4. Perform such advisory duties and functions as may be necessary to achieve its purposes as described in subdivision a of this section.*

*f. No later than December 1, 2019 and annually by December 1 thereafter, the commission shall submit to the mayor, the speaker of the council, the commissioner and the commissioner of social services a report concerning its activities during the previous 12 months and goals for the following year.*

§ 3. This local law takes effect immediately after it is submitted for the approval of the qualified electors of the city at the next general election held after its enactment and approved by a majority of such electors voting thereon.

Referred to the Committee on General Welfare.

## Int. No. 1018

By Council Members Williams and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to elimination of permit and or filing fees for green building projects undertaken on one to four family homes**

*Be it enacted by the Council as follows:*

Section 1. Section 28-101.5 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended by adding, in appropriate alphabetical order, a new definition of “GREEN BUILDING PROJECT” to read as follows:

*GREEN BUILDING PROJECT. A building project or renovation undertaken on one to four family homes that, when implemented, will produce an increase in energy efficiency or water efficiency. This may include installation of renewable energy sources such as biomass, solar energy, geothermal ground source heat pumps or wind energy systems, and/or the use of natural building materials and passive designs but shall not include the use of coal, natural gas, oil or propane.*

§ 2. Section 28-112. 1 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended by adding a new exception 3 to read as follows:

*3. No fee shall be required in connection with an application for a building permit for a green building project.*

§ 3. This local law takes effect ninety days after it becomes law and shall be applicable to any construction documents pending before the department of buildings on such effective date and the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

## Int. No. 1019

By Council Members Williams, Treyger and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to public notification regarding release of oil**

*Be it enacted by the Council as follows:*

Section 1. Section 24-609 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

*c. 1. The commissioner shall report on the department’s website regarding any release of oil of any kind or in any form, including petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, of which the commissioner has been notified by any means. The report shall be updated monthly online and delivered to the council annually.*

*2. Such report shall include:*

*(a) The chemical name or common name of the oil;*

*(b) The location of release of the oil;*

*(c) The quantity of the oil that was released;*

- (d) *The date on which the oil was released;*
- (e) *The name of the party that was responsible for the release of the oil; and*
- (f) *Any actions taken with regard to environmental remediation.*

3. *The commissioner shall notify the council, individual council members whose districts are affected and affected community boards as soon as practicable regarding any release specified in paragraph 1 of this subdivision.*

§ 2. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-116 to read as follows:

§ 30-116. *Reporting of the release of oil. a. The commissioner shall report on the office's website regarding any release of any oil of any kind or in any form, including petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, of which the commissioner has been notified by any means. The report shall be updated monthly online and delivered to the council annually. Such report shall include:*

1. *The chemical name or common name of the oil;*
2. *The location of release of the oil;*
3. *The quantity of the oil that was released;*
4. *The date on which the oil was released;*
5. *The name of the party that was responsible for the release of the oil; and*
6. *Any actions taken with regard to environmental remediation.*

*b. The commissioner shall notify the council, individual council members whose districts are affected and affected community boards as soon as practicable regarding any release specified in subdivision a of this section.*

§ 3. This law takes effect 120 days after it becomes law.

Referred to the Committee on Environmental Protection.

Res. No. 419

### **Resolution recognizing February 16<sup>th</sup> annually as Lithuania Independence Day in the City of New York.**

By Council Members Holden, Van Bramer, Gjonaj, Ulrich, Vallone and Rivera

**Whereas**, Lithuania, the southernmost of Europe's Baltic states, is situated west of Belarus, between Latvia and Russia, bordering the Baltic Sea<sup>2</sup>; and

**Whereas**, Lithuanian lands were first united around 1236 until 1569, when Lithuania and Poland formally united into a single dual state, the Polish-Lithuanian Commonwealth; and

**Whereas**, The Polish-Lithuanian Commonwealth existed until 1795 when its remnants were partitioned by surrounding countries, the bulk of which was assumed by Russia<sup>3</sup>; and

**Whereas**, Lithuania remained a part of the Russian Empire when the Great Seimas of Vilnius, a major assembly held in December 1905 in Vilnius, Lithuania, convened following violent clashes between demonstrators and government troops to demand political autonomy within the Russian Empire<sup>4</sup>; and

<sup>2</sup> <https://www.cia.gov/library/publications/the-world-factbook/geos/lh.html>

<sup>3</sup> <https://www.cia.gov/library/publications/the-world-factbook/geos/lh.html>

<sup>4</sup> <https://www.britannica.com/place/Lithuania/History>

**Whereas,** In April 1915, German troops launched a military offensive against Russian troops in western Lithuania, and captured Vilnius in September 1915; and

**Whereas,** Lithuania remained under German military occupation during World War I<sup>5</sup> until February 16, 1918, when the Council of Lithuania signed the Act of Independence of Lithuania, which restored it as an independent state<sup>6</sup>; and

**Whereas,** Despite recognizing Lithuania's independence under the Treaty of Moscow in 1920, the Union of Soviet Socialist Republics ("Soviet Union" or "USSR") invaded Lithuania and compelled the country to be incorporated into the USSR in 1940<sup>7</sup>; and

**Whereas,** In 1941, the USSR carried out mass arrests and deported thousands of Lithuanians, who were deemed to be harboring anti-Soviet attitudes, to Siberian labor camps and other forced settlements in remote parts of the Soviet Union<sup>8</sup>; and

**Whereas,** Early on during World War II (WWII), on June 22, 1941, Nazi Germany invaded the Soviet Union and occupied Lithuania, which was then incorporated into a German civilian administration covering the Baltic states and western Belorussia<sup>9</sup>; and

**Whereas,** Shortly before and immediately after the arrival of German forces, Lithuanians carried out violent riots against both Lithuanian and refugee Jews, who had comprised about 10 percent of Lithuania's population<sup>10</sup>; and

**Whereas,** By the end of WWII, an estimated 90 to 96 percent of Lithuanian Jews had been murdered – one of the highest victim rates in Europe<sup>11</sup>; and

**Whereas,** In the summer of 1944, the Soviet Union reoccupied Lithuania and continued to deport and imprison hundreds of thousands of Lithuanians<sup>12</sup>; and

**Whereas,** Between 1944 and 1990, Lithuania remained under Soviet occupation rule until March 11, 1990, when Lithuania became the first Soviet republic to proclaim its independence from the USSR as the Republic of Lithuania; and

**Whereas,** In response to Lithuania asserting its independence, the USSR imposed oil embargoes and an economic blockade against the state, and eventually killing protesting civilians amid tense negotiations<sup>13</sup>; and

**Whereas,** The United States (U.S.) first established diplomatic relations with Lithuania on July 28, 1922, when a U.S. representative to Lithuania was stationed at a legation in Riga, Latvia until May 31, 1930 when the legation in present-day Kaunas, Lithuania was established<sup>14</sup>; and

**Whereas,** Though the Soviet invasion and annexation of Lithuania in 1940 forced the closure of the American legation, the U.S. never recognized the forcible incorporation of Lithuania into the Soviet Union and Lithuanian representation in the United States continued uninterrupted<sup>15</sup>; and

**Whereas,** On September 2, 1991, the U.S. recognized the restoration of Lithuania's independence<sup>16</sup>; and

**Whereas,** Since Lithuania regained its independence, and its accession to the North Atlantic Treaty Organization and the European Union in 2004, it has become a strong and effective partner committed to U.S. objectives in the area of democracy promotion<sup>17</sup>; and

**Whereas,** New York City (NYC) has been home to many Lithuanians and Lithuanian-Americans, including filmmaker, poet and artist Jonas Mekas and modern artist Jurgis Mačiūnas; and

<sup>5</sup> [http://news.bbc.co.uk/2/hi/europe/country\\_profiles/2133386.stm](http://news.bbc.co.uk/2/hi/europe/country_profiles/2133386.stm)

<sup>6</sup> [http://www3.lrs.lt/pls/inter/w5\\_show?p\\_r=5691&p\\_k=2](http://www3.lrs.lt/pls/inter/w5_show?p_r=5691&p_k=2)

<sup>7</sup> [http://news.bbc.co.uk/2/hi/europe/country\\_profiles/2133386.stm](http://news.bbc.co.uk/2/hi/europe/country_profiles/2133386.stm)

<sup>8</sup>

<sup>9</sup>

<sup>10</sup> <https://www.ushmm.org/wlc/en/article.php?ModuleId=10005444>

<sup>11</sup> <http://www.cnn.com/2010/WORLD/europe/06/03/lithuania.nazi.prosecutions/index.html>

<sup>12</sup> [https://en.wikipedia.org/wiki/History\\_of\\_Lithuania#Return\\_of\\_Soviet\\_authority](https://en.wikipedia.org/wiki/History_of_Lithuania#Return_of_Soviet_authority)

<sup>13</sup> [http://news.bbc.co.uk/2/hi/europe/country\\_profiles/2133386.stm](http://news.bbc.co.uk/2/hi/europe/country_profiles/2133386.stm)

<sup>14</sup> <https://history.state.gov/countries/lithuania>

<sup>15</sup> <https://history.state.gov/countries/lithuania>

<sup>16</sup> <https://history.state.gov/countries/lithuania>

<sup>17</sup> <https://www.state.gov/r/pa/ei/bgn/5379.htm>

**Whereas**, NYC is also home to Lithuania Square, a triangular patch of land in Brooklyn dedicated to the memory of two Lithuanian-Americans, Steponas “Stephen” Darius and Stasys “Stanley” Girenas, who attempted to fly nonstop from New York to Lithuania in 1933<sup>18</sup>; and

**Whereas**, The 2016 American Community Survey, of the U.S. Census Bureau, estimates that 1,705 Lithuanian-born residents reside in NYC<sup>19</sup>; now, therefore, be it

**Resolved**, That the Council of the City of New York recognizes February 16<sup>th</sup> annually as Lithuania Independence Day in the City of New York.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 420

**Resolution declaring November 11 as Polish Independence Day in the city of New York.**

By Council Members Holden, Van Bramer, Gjonaj, Ulrich, Vallone and Rivera.

**Whereas**, In 966, Duke Mieszko I, who ruled several Western Slavic tribes, consolidated his power and symbolically created the state of Poland; and

**Whereas**, In 1025, Boleslaw I, the son of Duke Mieszko I, established the Kingdom of Poland by expanding the region’s territory and expanding the influence of Christianity; and

**Whereas**, The BBC states that up until 1772, Poland went through different regime changes, including being ruled by: the kings from the royal line of Mieszko from 966 to the end of the 14<sup>th</sup> century, the elected kings of the newly created Polish-Lithuania Commonwealth in the late 1500s, the Polish Golden Age’s newly formed democratic monarchy in the 16<sup>th</sup> century, and outside influences from Russia, Prussia, Sweden, and the Ukraine in the mid-17<sup>th</sup> century; and

**Whereas**, The Encyclopedia Britannica indicates that the election of Stanislaw II August Poniatowski in 1764 resulted in political and social reform, which followed in civil war and 3 major partitions of Poland by Russia, Prussia, and Austria; and

**Whereas**, In 1795, due to the civil war and partitions, an Independent Poland ceased to exist; and

**Whereas**, After Poland lost its independence, there was a complete lack of public political activity, however, after years had passed, Polish nationalism and the fight for Polish Independence began to grow rapidly; and

**Whereas**, The Adam Mickiewicz Institute notes that from 1795 to 1918, there were many uprisings and armed protests for Polish Independence, such as the Kosciuszko Insurrection in 1794, the November Insurrection in 1830 and the Uprising of January in 1863; and

**Whereas**, According to the BBC, from 1864 to 1914, the Polish national movement, in the then-partitioned Poland, shifted focus from armed protest to strengthening what was left of Poland through education, culture, and political parties, which fostered social reform and pushed for stronger advocacy for Polish Independence at the courts of the enemies of former Poland; and

**Whereas**, On November 11, 1918, due to World War I’s end and the subsequent changes to Europe’s political map, Poland regained independence and was restored as a country; and

**Whereas**, Since regaining independence in 1918, Poland has been involved in numerous important events, including: being invaded by Nazi Germany in 1939 which began World War II; being forced to adopt communism by the Soviet Union as the People’s Republic of Poland in 1945; the Solidarity movement in the 1980s that resulted in the deterioration of communism and the establishment of the Third Polish Republic; and becoming a recognized role model for countries that experienced political transformation after the revolutions of 1989; and

**Whereas**, Poland’s Ministry of Foreign Affairs indicates that Poland has celebrated Independence Day since 1920, with November 11 receiving the status of a state holiday in 1937; and

<sup>18</sup> <https://www.nycgovparks.org/parks/lithuania-square/history>

<sup>19</sup> [https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_16\\_1YR\\_B05006&prodType=table](https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_16_1YR_B05006&prodType=table)

**Whereas**, According to data from the American Community Survey, there are approximately 200,342 people of Polish ancestry within New York City; and

**Whereas**, New York City is often called America's most Polish town, with many Polish restaurants, markets, and cultural institutes existing within the city; and

**Whereas**, Along with the culture, New York City has also recognized and celebrated Polish history, including its' commemoration of exemplary Polish leaders, such as Casimir Pulaski with the 80<sup>th</sup> annual Pulaski Day Parade on Fifth Avenue, and Tadeusz Kosciuszko with the naming of the Kosciuszko Bridge which connects Greenpoint, Brooklyn, often called Little Poland, to Maspeth, Queens; and

**Whereas**, Declaring November 11 as Polish Independence Day in New York City will strengthen Polish-American pride, while commemorating the anniversary of the restoration of Poland's independence in 1918 and Poland's rich history; now, therefore, be it

**Resolved**, That the Council of the City of New York declare November 11 as Polish Independence Day in the city of New York.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 421

**Resolution declaring October 11 as Casimir Pulaski Day in the city of New York.**

By Council Members Holden, Van Bramer, Gjonaj, Ulrich, Vallone and Rivera.

**Whereas**, Casimir Pulaski was born in Warsaw, Poland, on March 6, 1745; and

**Whereas**, At the age of fifteen, Casimir Pulaski joined his father, Count Josef Pulaski, and other members of the Polish nobility, to oppose the Russian and Prussian interference in Polish affairs; and

**Whereas**, The Polish American Center states that Casimir Pulaski, after fighting throughout Europe in defense of Polish liberty, was forced to flee to Paris, where he met Benjamin Franklin and became a strong supporter of the American colonists within the American Revolution; and

**Whereas**, In 1777, Casimir Pulaski arrived in Philadelphia, meeting George Washington, and volunteering his services to help the American colonists fight England; and

**Whereas**, The National Park Service asserts that on September 15, 1777, the American congress promoted Pulaski to the rank of Brigadier General in command of the Four Horse Brigades, due to his vast military experience and successes; and

**Whereas**, According to the Polish American Center, Casimir Pulaski became known as the "Father of the American Cavalry," demanding much of his men and training them in tested cavalry tactics, many of which he used in his fight for freedom in Poland; and

**Whereas**, In May 1778, Pulaski began to form an independent cavalry unit later known as the Pulaski Legion, of which he personally financed in order to assure his forces had the finest equipment and received the best training; and

**Whereas**, Casimir Pulaski and his Legion were instrumental in protecting America's independence, including being involved in action along the New Jersey coast in October 1778, defending Charleston, South Carolina in May 1779, and fighting in the Siege of Savannah in Georgia in October 1779; and

**Whereas**, On October 11, 1779, Casimir Pulaski died, due to being mortally wounded during the Siege of Savannah; and

**Whereas**, Casimir Pulaski is a Polish-American hero who came from Poland to assist the American colonists during their fight with the British in the American Revolution, and is an integral part of American and Polish history; and

**Whereas**, A national day in observance of Casimir Pulaski was established in 1929 when the United States Congress passed a resolution (Public Resolution 16 of 1929) designating October 11 as General Pulaski Memorial Day, with a proclamation for the observance being issued every year since 1929, except in 1930; and

**Whereas**, New York City has an annual Pulaski Day Parade on Fifth Avenue which is held on the first Sunday of October and closely coincides with the nationally held General Pulaski Memorial Day, while other cities, such as Chicago, Illinois, Grand Rapids, Michigan and Buffalo, New York have celebrated Casimir Pulaski with parades, and/or days of commemoration;

**Whereas**, The declaration of October 11 as Casimir Pulaski Day in New York City will strengthen Polish-American pride, as well as celebrate and commemorate a man who is an integral part of American and Polish history; now, therefore, be it

**Resolved**, That the City of New York declare October 11 as Casimir Pulaski Day.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 422

**Resolution declaring October 15 as Tadeusz Kosciuszko Day in the city of New York.**

By Council Members Holden, Van Bramer, Gjonaj, Ulrich, Vallone, Yeger and Rivera.

**Whereas**, Tadeusz Kosciuszko, was born on February 4, 1746 in the village of Mereczowszczyzna, part of the formerly known Commonwealth of Poland-Lithuania; and

**Whereas**, At an early age, Tadeusz Kosciuszko decided upon a career in the military, enrolling in the newly formed Szkola Rycersk (Academy of Chivalry), a school created by King Stanislaw II to train a well-educated cadre of officers and state officials; and

**Whereas**, The Institute of World Politics states that Tadeusz Kosciuszko graduated from Szkola Rycersk in 1765 with the rank of Captain, and went on to study military engineering; and

**Whereas**, In 1774, according to a biography by New York City's Department of Transportation (DOT), Tadeusz Kosciuszko returned to a drastically changed Poland, of which major parts had been annexed and its army had been forced to reduce to 10,000 soldiers; and

**Whereas**, The Adam Mickiewicz Institute indicates that Tadeusz Kosciuszko emigrated to America in June 1776, after being recruited by Benjamin Franklin to fight for American Independence from England; and

**Whereas**, According to The Institute of World Politics, Tadeusz Kosciuszko became the Chief Engineer of the entire Continental Army by the end of 1776;

**Whereas**, Tadeusz Kosciuszko played an integral role in the American war effort, showcasing his talent in constructing defensive fortifications, most notably seen in his fortifying of Philadelphia, Saratoga, Fort Ticonderoga, and West Point; and

**Whereas**, The Encyclopedia Britannica indicates that at the end of the American Revolution, the United State Congress promoted Tadeusz Kosciuszko to Brigadier General in the United State Army, and awarded him with United States citizenship; and

**Whereas**, DOT asserts that in March 1794, Tadeusz Kosciuszko returned to Poland to lead a failed revolt against the combined troops of Russia, Prussia and Austria, leading to the division of Poland, and Kosciuszko's imprisonment and future exile from Poland; and

**Whereas**, In Tadeusz Kosciuszko's last twenty years of life, he set up a will that would dedicate his American estate's worth to freeing and educating African-American slaves and remained active in political discourse regarding Polish Independence; and

**Whereas**, Tadeusz Kosciuszko died on October 15, 1817, being placed in a crypt in Wawel Cathedral, a pantheon of Polish kings and national heroes; and

**Whereas**, Tadeusz Kosciuszko was a Polish-American hero who was an integral part of Polish and American history, being vital in the establishment of American Independence from England, while arduously working for independence for his native country Poland; and

**Whereas**, Tadeusz Kosciuszko is commemorated by having monuments, stamps, streets, and parks named after him, with the most notable being the Kosciuszko Mound at Krakow, the Thaddeus Kosciuszko National Memorial in Philadelphia, and the Kosciuszko Bridge in New York City; and



**Whereas**, Declaring October 15 as Tadeusz Kosciuszko Day in the city of New York will strengthen Polish-American pride, and commemorate a Polish-American hero; now, therefore, be it,

**Resolved**, That the City of New York declares October 15 as Tadeusz Kosciuszko Day.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Preconsidered Res. No. 423

**Resolution ceremonially designating Flatbush Brooklyn, within the boundaries of East 16th Street, Parkside Avenue, Brooklyn Avenue, Avenue H and Church Avenue, as “Little Haiti”.**

By Council Members Williams, Cumbo and Treyger.

**Whereas**, New York City is one of the most diverse cities in the world and has benefitted in countless ways from the contributions of its many ethnic communities; and

**Whereas**, The first wave of Haitian immigration to the United States (U.S.) began in the late 1950's with a significant group of educated Haitians, such as doctors, lawyers, engineers, fleeing the oppression of the François Duvalier regime and assimilating into the social fabric of New York City, particularly Brooklyn, as well other areas of the country, such as Miami; and

**Whereas**, The Haitian population in the U.S. continues to grow, and as of 2015, there were 676,000 Haitian immigrants, an increase from 587,000 in 2010 and accounting for slightly under 2 percent of the U.S. foreign-born population; and

**Whereas**, New Yorkers from the Haitian community represent a significant part of the City's ever growing cultural landscape. In fact, Brooklyn has the largest percentage of foreign-born Haitian residence in the state of New York, with more than 40% of the foreign-born population residing in Flatbush, Brooklyn. According to 2015 data by the Migration Policy Institute, Brooklyn had the second highest congregation of Haitians in the U.S. with an estimated 156,000 Haitian Americans residing in New York City; and

**Whereas**, Flatbush, Brooklyn has come to be recognized as the heart of a neighborhood that embodies Haitian culture and is regarded by many Haitian Americans as a place where they can live, conduct commerce, worship, recreate together as a community and share their cultural values; and

**Whereas**, New York and the entire nation have benefitted from the many contributions of prominent Haitians such as Pierre Toussaint, a former slave from Haiti who was transported to New York City in 1787 and later gained his freedom in 1807, who is acknowledged and respected as one of the leading black New Yorkers of his time. He became a prominent hairdresser and used his assets to establish an orphanage for refugees and offer employment services for other poor residents. He also contributed to construction of the original St. Patrick's Cathedral in Lower Manhattan and was later acknowledged as venerable by Pope John Paul II, a step towards sainthood; and

**Whereas**, The Haitian community is facing renewed threats from the current Presidential Administration including the threat of increased deportation and the cancellation of Temporary Protected Status for 60,000 Haitians of which 15,000 reside in New York City; and

**Whereas**, The designation of “Little Haiti” in Flatbush, Brooklyn will serve as an inspiration to all Americans, will signify that those who trace their ancestry from Haiti deserve recognition and celebration for their historical and continuing contributions to New York City and Nation, and will encourage all who reside in or who visit the City to come to the area and experience the rich culture of Haitian Americans firsthand; now, therefore, be it

**Resolved**, That the Council of the City of New York ceremonially designates Flatbush Brooklyn, within the boundaries of East 16th Street, Parkside Avenue, Brooklyn Avenue, Avenue H and Church Avenue, as “Little Haiti.”

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Parks and Recreation).

## Preconsidered L.U. No. 126

By Council Member Salamanca:

**Application No. 20185417 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to the Private Housing Finance Law for the approval of a new real property tax exemption, the termination of a prior tax exemption, and the voluntary dissolution of the current owner of property located at Block 392, Lots 17 and 27, and Block 393, Lots 14 and 56, Borough of Manhattan, Community District 3, Council District 2.**

Adopted by the Council (preconsidered and adopted by the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions).

## Preconsidered L.U. No. 127

By Council Member Salamanca:

**Application No. 20185418 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Section 122(1) of the Private Housing Finance Law for the approval of the conveyance of real property located at Block 392, Lot 40, Borough of Manhattan, Community District 3, Council District 2.**

Adopted by the Council (preconsidered and adopted by the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions).

## Preconsidered L.U. No. 128

By Council Member Salamanca:

**Application No. 20185436 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Section 115 of the Private Housing Finance Law for the modification of a plan and project for property located Block 392, Lots 17, 19, 20, 21, 27, 28, 29, 30, and 40, and Block 393, Lots 12, 14, 15, 56, 57, and 58, Borough of Manhattan, Community District 3, Council District 2.**

Adopted by the Council (preconsidered and adopted by the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions).

## Preconsidered L.U. No. 129

By Council Member Salamanca:

**Application No. 20185419 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to the Private Housing Finance Law for the approval of a new real property tax exemption, the termination of a prior tax exemption, and the voluntary dissolution of the current owner of property located at Block 392, Lots 22 and 48, Block 395, Lots 1 and 3, Borough of Manhattan, Community District 3, Council District 2.**

Adopted by the Council (preconsidered and adopted by the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions).

## Preconsidered L.U. No. 130

By Council Member Salamanca:

**Application No. 20185420 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Section 122(1) of the Private Housing Finance Law for the approval of the conveyance of real property located at Block 393, Lot 59, Borough of Manhattan, Community District 3, Council District 2.**

Adopted by the Council (preconsidered and adopted by the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions).

## Preconsidered L.U. No. 131

By Council Member Salamanca:

**Application No. 20185423 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Section 115 of the Private Housing Finance Law for the modification of a plan and project for property located at Block 392, Lots 22, 48, 50, 51, and 52, Block 393 Lots 59 and 60, and Block 395, Lots 1, 3, and 5, Borough of Manhattan, Community District 3, Council District 2.**

Adopted by the Council (preconsidered and adopted by the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions).

## Preconsidered L.U. No. 132

By Council Member Salamanca:

**Application No. 20185415 HAK submitted by the New York City Department of Housing Preservation and Development pursuant to the Private Housing Finance Law for the approval of a new real property tax exemption, the termination of a prior tax exemption, and the voluntary dissolution of the current owner of property located at Block 3022, p/o Lot 16 (Tentative Lot 116) and Lot 25, Block 3031, p/o Lot 18 (Tentative Lot 118), Borough of Brooklyn, Community District 1, Council District 34.**

Adopted by the Council (preconsidered and adopted by the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions).

## Preconsidered L.U. No. 133

By Council Member Salamanca:

**Application No. 20185416 HAK submitted by the New York City Department of Housing Preservation and Development pursuant to Section 122(1) of the Private Housing Finance Law for the approval of a conveyance of real property located at Block 3022, p/o Lot 16 (Tentative Lot 116) and Lot 25, Block 3031, p/o Lot 18 (Tentative Lot 118), Borough of Brooklyn, Community District 1, Council District 34.**

Adopted by the Council (preconsidered and adopted by the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions).

## Preconsidered L.U. No. 134

By Council Member Salamanca:

**Application No. 20185435 HAK submitted by the New York City Department of Housing Preservation and Development pursuant to Section 115 of the Private Housing Finance Law for the modification of a plan and project for property located at Block 3022 Lots 16 and 25 (formerly Block 3022 Lots 11, 12, 13, 14, 15, 16, 44, 45, 46, 47 and 48), and Block 3031, Lot 18 (formerly Block 3031, Lot 16), Borough of Brooklyn, Community District 1, Council District 1.**

Adopted by the Council (preconsidered and adopted by the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions).

## L.U. No. 135

By Council Member Salamanca:

**Application No. C 180204(A) ZMM submitted by the NYC Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the zoning map, section nos. 1b, 1d, 3a and 3c, Borough of Manhattan, Community District 12, Council District 10.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

## L.U. No. 136

By Council Member Salamanca:

**Application No. N 180205 (A) ZRM submitted by the NYC Economic Development Corporation, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, establishing the Special Inwood District (Article XIV, Chapter 2), and modifying related Sections, including Appendix F for the purpose of establishing an Mandatory Inclusionary Housing Area, Borough of Manhattan, Community District 12, Council District 10.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

## L.U. No. 137

By Council Member Salamanca:

**Application No. N 180206 PPM submitted by the NYC Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the disposition of three city-owned properties (Block 2185, Lot 36, Block 2197, Lot 47; and Block 2197, Lot 75) pursuant to zoning, Borough of Manhattan, Community District 12, Council District 10. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20(b) of the Council and Section 197-d(b)(3) of the New York City Charter.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 138

By Council Member Salamanca:

**Application No. N 180207 PQM submitted by the NYC Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, to acquire approximately 18,000 square feet of space for use as a library; to acquire property along the Harlem River to enlarge a city-owned property and establish street and waterfront frontage, and by DCAS and the New York City Department of Parks, for the acquisition of property along the Harlem River for use as public open space and waterfront access, Borough of Manhattan, Community District 12, Council District 10. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20(b) of the Council and Section 197-d(b)(3) of the New York City Charter.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 139

By Council Member Salamanca:

**Application No. N 180208 HAM submitted by the NYC Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law for an urban development action area designation and project approval, and the disposition of city-owned property for properties located at 4780 Broadway (Block 2233, Lot 12 and 630 Academy Street (Block 2233, p/o Lot 20), Borough of Manhattan, Community District 12, Council District 10.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 140

By Council Member Salamanca:

**Application No. C 180073 ZMM submitted by the NYC Economic Development Corporation, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map, Borough of Manhattan, Community District 12, Council District 10. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20(b) of the Council and Section 197-d(b)(3) of the New York City Charter.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 141

By Council Member Salamanca:

**Application No. 20185395 TCK pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Queen Bear LLC d/b/a/ Post Office, for a revocable consent to establish maintain and operate an unenclosed sidewalk café located at 188 Havemeyer Street, Borough of Brooklyn, Community District 1, Council District 34. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 142

By Council Member Salamanca:

**Application No. 20185534 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 235 East 4<sup>th</sup> Inc. d/b/a Nobody is Perfect, for a revocable consent to establish maintain and operate an unenclosed sidewalk café located at 235 E. 4<sup>th</sup> Street, Borough of Manhattan, Community District 3, Council District 2. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 143

By Council Member Salamanca:

**Application No. 20185405 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Vida Mexicana Inc. for a revocable consent to establish maintain and operate an unenclosed sidewalk café located at 223 Dyckman Street, Borough of Manhattan, Community District 12, Council District 10. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 144

By Council Member Salamanca:

**Application No. C 180201 ZMM submitted by Fourteenth at Irving, LLC and the NYC Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the zoning map, section no. 12c, Borough of Manhattan, Community District 3, Council District 2.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 145

By Council Member Salamanca:

**Application No. N 180202 ZRM submitted by Fourteenth at Irving, LLC and the NYC Economic Development Corporation, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 4 (Special Permits by the City Planning Commission) and modifying Appendix F for the purpose of establishing an Mandatory Inclusionary Housing Area, Borough of Manhattan, Community District 3, Council District 2.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 146

By Council Member Salamanca:

**Application No. N 180203 ZSM submitted by Fourteenth at Irving, LLC and the NYC Economic Development Corporation, pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to 74-721 of the Zoning Resolution to facilitate the development of a 21-story commercial building on property located at 124 East 14<sup>th</sup> Street (Block 559, Lots 16 & 55), Borough of Manhattan, Community District 3, Council District 2. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20(b) of the Council and Section 197-d(b)(3) of the New York City Charter.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 147

By Council Member Salamanca:

**Application No. C 170380 ZMM submitted by the 33<sup>rd</sup> Street Acquisition LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the zoning map, section no. 8d, Borough of Manhattan, Community District 6, Council District 2.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises

L.U. No. 148

By Council Member Salamanca:

**Application No. N 170381 ZRM submitted by 33<sup>rd</sup> Street Acquisition, 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 an Mandatory Inclusionary Housing Area, Borough of Manhattan, Community District 6, Council District 2.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 149

By Council Member Salamanca:

**Application No. N 180244 HAK submitted by the NYC Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law for an urban development action area designation and project approval, and the disposition of city-owned property for properties located at 1027 and 1029 Fulton Street (Block 1991, Lots 2 and 3), Borough of Brooklyn, Community District 2, Council District 35.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

## L.U. No. 150

By Council Member Salamanca:

**Application No. N 180245 ZSK submitted by Fulton Star LLC and the NYC Department of Housing Preservation and Development, pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to 74-533 of the Zoning Resolution to waive required accessory off street parking spaces for dwelling units in a proposed mixed use development within a transit zone on property located on the west side of Downing Street between Putnam Avenue and Fulton Street, Borough of Brooklyn, Community District 2, Council District 35. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20(b) of the Council and Section 197-d(b)(3) of the New York City Charter.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

## L.U. No. 151

By Council Member Salamanca:

**Application No. 20185492 HKM [DL 507, LP-2607] pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Central Harlem – West 130th St-132nd Streets Historic District, Borough of Manhattan, Community District 10, Council District 9.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

## L.U. No. 152

By Council Member Salamanca:

**Application No. 20185493 HIQ [DL 507, LP-2609] pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Firehouse, Engine Companies 264 & 328/Ladder Company 134 located at 16-15 Central Avenue (Block 15559, p/o Lot 25) as an historic landmark, Borough of Queens, Community District 14, Council District 31.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

## L.U. No. 153

By Council Member Salamanca:

**Application No. 20185494 HIQ [DL 507, LP-2610] pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, concerning the designation by the Landmarks Preservation Commission of the 53rd (now 101st) Precinct Police Station located at 16-12 Mott Avenue (Block 15557, Lot 4) as an historic landmark, Borough of Queens, Community District 14, Council District 31.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses



L.U. No. 154

By Council Member Salamanca:

**Application No. 20185414 HIK [DL 506, LP-2583] pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Coney Island (Riegelmann) Boardwalk, located between West 37<sup>th</sup> and Brighton 15<sup>th</sup> Streets on the oceanfront in Coney Island and Brighton Beach, as a scenic landmark, Borough of Brooklyn, Community District 13, Council District 47.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 155

By Council Member Salamanca:

**Application No. 140187 MMQ submitted by the 219-25 LLC pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code, for an amendment to the City Map involving the elimination, discontinuance and closing of a portion of North Conduit Avenue, the adjustment of grades and block dimensions necessitated thereby, and authorization for any acquisition or disposition of real property related thereto, Borough of Queens, Community District 13, Council District 31.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 156

By Council Member Salamanca:

**Application No. N 180249 HAM (Balton Commons) submitted by the NYC Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law for an urban development action area designation and project approval, and the disposition of city-owned property, for properties located at 263-267 West 126<sup>th</sup> Street (Block 1932, Lots 5, 7, and 107), Borough of Manhattan, Community District 10, Council District 9.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 157

By Council Member Salamanca:

**Application No. 20185529 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a real property tax exemption for property located at 286 West 151<sup>st</sup> Street, Block 2036, Lot 53, Borough of Manhattan, Community District 10, Council District 9.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 158

By Council Member Salamanca:

**Application No. 20185530 HAM (Hope Homes) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law to amend a prior resolution for the approval of a real property tax exemption for property located at Block 1750 Lot 57 and Block 1750 Lot 58, Borough of Manhattan, Community District 11, Council District 9.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 159

By Council Member Salamanca:

**Application No. 20185531 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a real property tax exemption for property located at 490 East 181<sup>st</sup> Street, Block 3047 Lot 15, Borough of Bronx, Community District 6, Council District 15.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 160

By Council Member Salamanca:

**Application No. 20185532 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a real property tax exemption for property located at 1103 Franklin Avenue, Block 2608, Lot 22, Borough of Bronx, Community District 3, Council District 16.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 161

By Council Member Salamanca:

**Application No. 20185533 HAQ (Run-Southeastern Queens Vacant Homes – Cluster II) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law to amend a prior resolution for the approval of an Urban Development Action Area Project and real property tax exemption for property located at 147-06 Sutter Avenue, Block 12106 Lot 24, Borough of Queens, Community District 12, Council District 28.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

<http://legistar.council.nyc.gov/Calendar.aspx>

## ANNOUNCEMENTS

### Tuesday, July 10 2018

[Subcommittee on Zoning & Franchises](#) Francisco Moya, Chairperson  
**See Land Use Calendar**  
 Council Chambers – City Hall.....9:30 a.m.

### Thursday, July 12, 2018

★ **Note Topic Addition**  
[Committee on Immigration](#) Carlos Menchaca, Chairperson  
[Committee on Health](#) Mark Levine, Chairperson  
[Committee on General Welfare](#) Stephen Levin, Chairperson  
 ★ **Oversight** - The Impacts of Trump Administration Family Separation Policy on New York City.  
**Preconsidered Res \_\_** - By Council Members Rivera, the Speaker (Council Member Johnson) and Ayala -  
**Resolution** calling on the U.S. Congress to pass, and the President to sign, the Keep Families Together Act (S. 3036), to immediately stop the Department of Homeland Security from taking children from their parents at the U.S. border, except with express directive from a child welfare expert, and for additional legislation that would end family detention as an unsafe and harmful alternative.  
 Council Chambers – City Hall.....2:00 p.m.

### Tuesday, July 17, 2018

[Subcommittee on Zoning & Franchises](#) Francisco Moya, Chairperson  
**See Land Use Calendar**  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....9:30 a.m.

[Subcommittee on Landmarks, Public Siting & Maritime Uses](#) Adrienne Adams, Chairperson  
**See Land Use Calendar**  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....12:00 p.m.

[Subcommittee on Planning, Dispositions & Concessions](#) Ben Kallos, Chairperson  
**See Land Use Calendar**  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....2:00 p.m.

### Wednesday, July 18 2018

★ **Note New Time**  
[Committee on Land Use](#) Rafael Salamanca, Jr., Chairperson  
**All items reported out of the Subcommittees**  
**AND SUCH OTHER BUSINESS AS MAY BE NECESSARY**  
 Committee Room – City Hall.....★9:30 a.m.

Committee on Finance

Daniel Dromm, Chairperson

**Preconsidered Res \_\_\_\_** – Council Member Dromm - **Resolution** approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget  
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall.....10:00 a.m.

Stated Council Meeting..... *Ceremonial Tributes – 1:00 p.m.*  
..... *Agenda – 1:30 p.m.*

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and the Acting President Pro Tempore (Council Member Cumbo) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, July 18, 2018.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor’s Local Law Note: Int. Nos. 14-A, 189-A, 210-B, 882, 895, all adopted at the May 23, 2018 Stated Meeting, were returned unsigned by the Mayor on June 27, 2018. These bills had become law on June 23, 2018 pursuant to the City Charter due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as, respectively, Local Laws Nos. 118, 119, 120, 121, and 122 of 2018.*

*Int. Nos. 401-A, 615-A, 618-A, 622-A, 667-A, 668-A, 669-A, and 717-A, all adopted by the Council at the June 7, 2018 Stated Meeting, were signed into law by the Mayor on June 26, 2018 as, respectively, Local Law Nos. 123, 124, 125, 126, 127, 128, 129, and 130 of 2018.*