

THE COUNCIL

Minutes of the Proceedings for the
CHARTER MEETING
of
Wednesday, January 6, 2021, 12:13 p.m.
held remotely via video-conference

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

Council Members

Corey D. Johnson, *Speaker*

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

At the time of this virtual Stated Meeting, there were four vacant seats in the Council pending the swearing-in of the certified winners of the following non-partisan special elections for the following respective districts: February 2, 2021 in the 24th District (Queens); February 23, 2021 in the 31st District (Queens); March 23, 2021 in the 11th and 15th Districts (The Bronx).

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

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

There were 47 Council Members marked present at this Stated Meeting held remotely.

INVOCATION

The Invocation was delivered by Rabbi Sharon Kleinbaum, Senior Rabbi and spiritual leader at Congregation Beit Simchat Torah located at 130 West 30th Street, New York, NY 10001.

Thank you so much for having me here,
Majority Leader, and to the Speaker
and to all the members of the City Council.
Thank you for the work you do every day on behalf of all of us New Yorkers.

Psalm 30 famously says
[*speaking in Hebrew*]:
You have turned my morning into dancing.
You have loosened my sackcloth
and supported with me with joy
in order that my soul may sing to you.
Who could have thought last year at this time
that a year later we would have gone through the year we did
here in New York City, in our country, and in our world.
There have been so many tears.
There have been so many losses.
But it's our belief that joy comes in the morning
that keeps us going and we pray today as
we open this new year of 2021 in the New York City Council.
We pray that all of you who represent the good and diverse
and beautiful people of New York will be blessed.
We pray that each of you and your families will be blessed.
We pray that your staffs and their families will be blessed.
We pray that you will be blessed with resilience, with patience,
with humor, with comfort, and with strength.
We pray that you will be able to at moments of great despair
reach out to one another and to those in your life,
and to whatever power of God you believe in to give you strength.
Because we the people of New York need you.
We need you to not give up or to give in,
or to never forget that each of us
as we have been put on this earth by our maker,
whatever form we believe that to be, that we, each of us,
has the responsibility to be the reason
that other human beings believe in the goodness of humanity.
Each of us, we pray to be a force for the good,
and you who represent so many look to you to be our leaders,
to represent our understanding
that government by and for the people is a good thing,
that good government, done with great transparency
and with health and with intention and with love

can improve the lives of every one of your citizens.
 Please, God, be with these, our representatives,
 as they struggle with their own lives and difficulties
 in this moment of COVID,
 economic insecurity, plagues of racism,
 and of disease of the mind and the body and the soul.
 Please, God, surround them with your *sukkah*,
 with your canopy of peace, and remind them that they are never alone.
 You have loosened my sackcloth and supported me with joy.
 Joy comes in the morning in order that my soul might sing to you.
 Let us all enrich, nourish, refresh our souls so that in our work
 on behalf of the New York City communities
 we sing as a beautiful chorus of many different voices to you.
 And let us say Amen.

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

During the Communication from the Speaker segment of this meeting, the Speaker (Council Member Johnson) acknowledged that the number of coronavirus deaths and probable deaths in New York City had reached 25,309 as of January 5, 2021. On behalf of the Council, the Speaker (Council Member Johnson) expressed his gratitude to the first responders and front line workers who had put their lives on the line for New Yorkers throughout 2020. He offered his thoughts and prayers to the loved ones of those responders and workers who had passed away.

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:

FDNY EMS member Evelyn Ford, 58, passed away as a result of the coronavirus on December 22, 2020. Ms. Ford was a twenty-seven year veteran of the department. The Speaker (Council Member Johnson) noted that her death came tragically the day before EMS workers were eligible for the vaccine.

Community leader Barbara Jackson, who devoted her life to serving the people of Queens, passed away on December 31, 2020 at the age of 78. Ms. Jackson had served as a Democratic Party District Leader for the 35th Assembly District, Part B since 1992. She represented the communities of East Elmhurst and Corona including areas within Council Member Moya's district. The Speaker (Council Member Johnson) noted that Ms. Jackson's influence was felt throughout the borough.

Mario Henderson, husband of long-time Speaker's Office staffer Phyllis Henderson, passed away on December 21, 2020 at the age of 66. The Speaker (Council Member Johnson) described him as a wonderful man who was active in his church and who loved his Friday night dates with his wife. He spoke of how Mr. Henderson would be missed by his many family members and friends. On behalf of the Council, the Speaker (Council Member Johnson) offered his heartfelt condolences to his wife Phyllis and their two sons.

At this point, a Moment of Silence was observed in memory of the individuals named above and in memory of those who had lost their lives to COVID-19.

* * *

ADOPTION OF MINUTES

Council Member Louis moved that the Minutes of the Stated Meeting of December 10, 2020 be adopted as printed by **Council Member Louis**.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-271

Communication from the Board of Elections - Submitting the Certification of Election of Kevin C. Riley, as the new Council Member of the 12th Councilmanic District, Bronx.

(For text of the New York City Board of Elections Certification for the non-partisan Special Election held on December 22, 2020 in the 12th Council District in The Bronx, please refer to the attachment section of [the M-271 of 2021 file](https://council.nyc.gov/) in the legislation section of the New York City Council website at <https://council.nyc.gov/>)

Received, Ordered, Printed and Filed.

PETITIONS & COMMUNICATIONS

M 272

Communication from Council Member Ritchie Torres - Submitting his resignation from the office of New York City Council Member of the 15th Council District effective December 31, 2020.

December 29th, 2020

Michael McSweeney, City Clerk
141 Worth Street
New York NY, 10013

Dear Mr. McSweeney:

I am writing to formally tender my resignation from my role as Council Member of the 15th Council District, effective December 31st, 2020. It has been a tremendous honor to serve two terms in the Council representing the Bronx, my home borough and my catalyst to enter public service.

I was first elected to the City Council in 2014, when I became the Bronx's first openly gay elected official as well as its youngest Member. Since then, I have taken great pride in representing the people of the Bronx and fighting to protect the most vulnerable New Yorkers. I am especially proud of the achievements of the Public Housing Committee and the Committee on Oversight and Investigations I had the privilege to chair.

It has been a pleasure to serve alongside my esteemed colleagues in the Council for the past six years. As Congressman-elect of New York's 15th Congressional District, I look forward to our continued work together in service and advocacy to the people of our great city.

Sincerely,

Ritchie Torres
New York City Council Member
District 15 – The Bronx

cc: Speaker Corey Johnson

Received, Ordered, Printed and Filed.

M-273

Communication from Council Member Andrew Cohen - Submitting his resignation from the office of New York City Council Member of the 11th Council District effective December 31, 2020.

December 28, 2020

Michael Mc Sweeney, The City Clerk, Clerk of the Council
Executive Office
141 Worth Street,
New York, NY 10013

Hon. Corey Johnson, Speaker of the New York City Council
City Hall
New York, NY 10007

Hon. Bill De Blasio, Mayor of the City of New York
City Hall
New York, NY 10007

Gentlemen:

Please allow this letter to serve as my official resignation as a member of the New York City Council from the 11th Council District effective at the end of the day on December 31, 2020 due to my election to the office of Justice of the Supreme Court of the State of New York for the 12th Judicial District.

Sincerely,

Andrew Cohen

Cc: Jason Otano, Esq., General Counsel, NYC Council

Received, Ordered, Printed and Filed.

LAND USE CALL-UPS

M-274

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

Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on related Application No. C 200123 ZSM (Cort Theatre) be subject to Council review. This item is related to Application No. N 200124 ZRM.

Coupled on Call-Up Vote.

M-275

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

Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on related Application No. C 200303 ZSQ (42-11 9th Street Special Permit) be subject to Council review. This item is related to Application No. N 200304 ZRQ.

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, Borelli, Brannan, Cabrera, Chin, Constantinides, Cornegy, Deutsch, D. Diaz, R. Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member 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 Rules, Privileges and Elections

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

Report for Res. No. 1528

Report of the Committee on Rules, Privileges and Elections in favor of approving a Resolution amending Rule 7.00 of the Rules of the Council in relation to changes in membership and chairmanships of the Standing Committees and Subcommittees of the Council.

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered resolution was referred on January 6, 2021, respectfully

REPORTS:

PRECONSIDERED RES. NO. 1528: By Council Member Karen Koslowitz

SUBJECT: Preconsidered resolution amending Rule 7.00 of the Rules of the Council in relation to changes in membership and chairmanships of the Standing Committees and Subcommittees of the Council

ANALYSIS: Before the Committee, for its consideration, are proposed changes to the membership and chairmanships of certain Standing Committees and Subcommittees, through changes to the Rules of the Council. Pursuant to Chapter 2 § 46 of the New York City Charter, the Council sets the rules of its proceedings at the first Stated meeting of each calendar year. These rules may be amended by a resolution introduced and passed by the Council's Committee on Rules, Privileges and Elections ("Rules Committee") pursuant to Rules 7.00(a) and 7.70(a), followed by a majority vote of all Council Members pursuant to Rules 7.00(a) and 10.20.

See attached for the changes to membership.

(For the related Standing Committees of the Council listing as of January 6, 2021, please refer to the attachments section of the [Res. No. 1528 of 2021 legislative file](https://council.nyc.gov) found on the New York City Council website at <https://council.nyc.gov>)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1528:)

Preconsidered Res. No. 1528

Resolution amending Rule 7.00 of the Rules of the Council in relation to changes in membership and chairmanships of the Standing Committees and Subcommittees of the Council.

By Council Member Koslowitz:

RESOLVED, pursuant to Rule 7.00(a) of the Rules of the Council, the Council does hereby consent to the following changes in Membership to certain Standing Committees and the Land Use Subcommittees.

STANDING COMMITTEES

CONSUMER AFFAIRS AND BUSINESS LICENSING

Ayala, Chair

Menchaca

Kallos

CONTRACTS

Gjonaj

[Powers]

CRIMINAL JUSTICE

Riley

Van Bramer

ECONOMIC DEVELOPMENT

[Menchaca]

EDUCATION

Riley

ENVIRONMENTAL PROTECTION

[Yeger]

FINANCE

[Gjonaj]

GENERAL WELFARE

[Holden]

GOVERNMENTAL OPERATIONS

Levin

LAND USE

Riley

MENTAL HEALTH, DISABILITIES & ADDICTION

Louis, Chair

Riley

[Ayala, Chair]

[Van Bramer]

OVERSIGHT & INVESTIGATIONS

Gibson, Chair

PARKS & RECREATION

Riley

PUBLIC HOUSINGRiley**PUBLIC SAFETY**HoldenRiley

[Vallone]

RULES, PRIVILEGES & ELECTIONSPowersVallone**SANITATION & SOLID WASTE MANAGEMENT**Riley**WOMEN AND GENDER EQUITY**D. Diaz, Chair

[Rosenthal, Chair]

YOUTH SERVICESRiley**SUBCOMMITTEE CHANGES****LANDMARKS, PUBLIC SITINGS AND DISPOSITIONS**Riley, Chair

[Levin]

CAPITAL BUDGETGibson [Chair]Rosenthal, ChairAdams

[Gjonaj]

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, DEBORAH L. ROSE, MARK TREYGER, ADRIENNE E. ADAMS, THE MINORITY LEADER (STEVEN MATTEO), THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, January 6, 2021 (Remote Hearing).

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

GENERAL ORDER CALENDAR

Report for L.U. No. 705 & Res. No. 1530

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 200086 ZMK (1501-1555 60th Street Rezoning) submitted by 1529-33 60th Street, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d, changing from an M1-1 District to an R7A District and establishing within the proposed R7A District a C2-4 District, Borough of Brooklyn, Community District 12, Council District 44.

The Committee on Land Use, to which the annexed Land Use item was referred on December 10, 2020 (Minutes, page 2616) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on December 17, 2020 (Minutes, page 2737), respectfully

REPORTS:

SUBJECT

BROOKLYN CB-12 - TWO APPLICATIONS RELATED TO 1501-1555 60TH STREET REZONING

C 200086 ZMK (Pre. L.U. No. 705)

City Planning Commission decision approving an application submitted by 1529-33 60th Street, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d:

1. changing from an M1-1 District to an R7A District property bounded by 15th Avenue, a line midway between 59th Street and 60th Street, a line 460 feet southeasterly of 15th Avenue, 60th Street, and the northerly boundary line of the Long Island Railroad right-of-way (Bay Ridge Division);
2. establishing within the proposed R7A District a C2-4 District bounded by 15th Avenue, a line midway between 59th Street and 60th Street, a line 460 feet southeasterly of 15th Avenue, 60th Street, and the northerly boundary line of the Long Island Railroad right-of-way (Bay Ridge Division);

as shown on a diagram (for illustrative purposes only) dated January 6, 2020, and subject to the conditions of CEQR Declaration E-556.

N 200087 ZRK (Pre. L.U. No. 706)

City Planning Commission decision approving an application submitted by 1529-33 60th 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 Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To approve the amendment to rezone the project area from an M1-1 zoning district to an R7A/C2-4 district and amend zoning text to designate a Mandatory Inclusionary Housing (MIH) area utilizing Option 2, to

facilitate the construction of three mixed-use buildings containing a total of approximately 102 residential dwelling units and 32,219 square feet of ground floor commercial space on 60th Street (Block 5509, Lots 58, 64, 65, 68, 70 and Block 5516, Lots 14, 17, 20, and 21) in the Borough Park neighborhood of Brooklyn Community District 12.

PUBLIC HEARING

DATE: December 7, 2020

Witnesses in Favor: One

Witnesses Against: None

DATE: December 16, 2020

Witnesses in Favor: None

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: December 16, 2020

The Subcommittee recommends that the Land Use Committee approve with modifications the decisions of the City Planning Commission on Pre. L.U. Nos. 705 and 706.

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: December 16, 2020

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Deutsch, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz, Moya, Rivera, Borelli.

Against:

Barron

Abstain:

None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated January 4, 2020, with the Council on January 5, 2020, 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. 1530

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 200086 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 705).

By Council Members Salamanca and Moya.

WHEREAS, 1529-33 60th Street, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d, changing from an M1-1 District to an R7A District and establishing within the proposed R7A District a C2-4 District, which in conjunction with the related action would facilitate the construction of three mixed-use buildings containing a total of approximately 102 residential dwelling units and 32,219 square feet of ground floor commercial space on 60th Street in the Borough Park neighborhood of Brooklyn Community District 12 (ULURP No. C 200086 ZMK) (the "Application");

WHEREAS the City Planning Commission filed with the Council on December 9, 2020, its decision dated November 18, 2020 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 200087 ZRK (Pre. L.U. No. 706), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on December 7, 2020 and on December 16, 2020;

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 6th, 2020 (CEQR No. 18DCP038K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise, and (E-556) (the "Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-556) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 200086 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

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

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

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

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

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

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 22d:

1. changing from an M1-1 District to an R7A District property bounded by a line 100 feet southeasterly of 15th Avenue, 60th Street, a line 200 feet southeasterly of 15th Avenue, a line midway between 59th Street and 60th Street, a line 460 feet southeasterly of 15th Avenue, 60th Street, and the northerly boundary line of the Long Island Railroad right-of-way (Bay Ridge Division);
2. establishing within the proposed R7A District a C2-4 District bounded by a line 100 feet southeasterly of 15th Avenue, 60th Street, a line 200 feet southeasterly of 15th Avenue, a line midway between 59th Street and 60th Street, a line 460 feet southeasterly of 15th Avenue, 60th Street, and the northerly boundary line of the Long Island Railroad right-of-way (Bay Ridge Division);

as shown on a diagram (for illustrative purposes only) dated January 6, 2020, and subject to the conditions of CEQR Declaration E-556, Borough of Brooklyn, Community District 12.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, JOSEPH C. BORELLI; Committee on Land Use, December 16, 2020 (Remote Hearing).

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

Report for L.U. No. 706 & Res. No. 1531

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 200087 ZRK (1501-1555 60th Street Rezoning) submitted by 1529-33 60th 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 APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 12, Council District 44.

The Committee on Land Use, to which the annexed Land Use item was referred on December 10, 2020 (Minutes, page 2616) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on December 17, 2020 (Minutes, page 2739), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 705 & Res. No. 1530 printed above in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1531

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 200087 ZRK, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 706).

By Council Members Salamanca and Moya.

WHEREAS, 1529-33 60th Street, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area utilizing Option 2, which in conjunction with the related action would facilitate the construction of three mixed-use buildings containing a total of approximately 102 residential dwelling units and 32,219 square feet of ground floor commercial space on 60th Street (Block 5509, Lots 58, 64, 65, 68, 70 and Block 5516, Lots 14, 17, 20, and 21) in the Borough Park neighborhood of Brooklyn Community District 12 (Application No. N 200087 ZRK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on December 9, 2020 its decision dated November 18, 2020 (the “Decision”), on the application;

WHEREAS, the Application is related to application C 200086 ZMK (Pre. L.U. No. 705), a zoning map amendment to change an M1-1 zoning district to an R7A/C2-4 district;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on December 7, 2020 and December 16, 2020;

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 6th, 2020 (CEQR No. 18DCP038K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise, and (E-556) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-556) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 200087 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

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

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

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

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

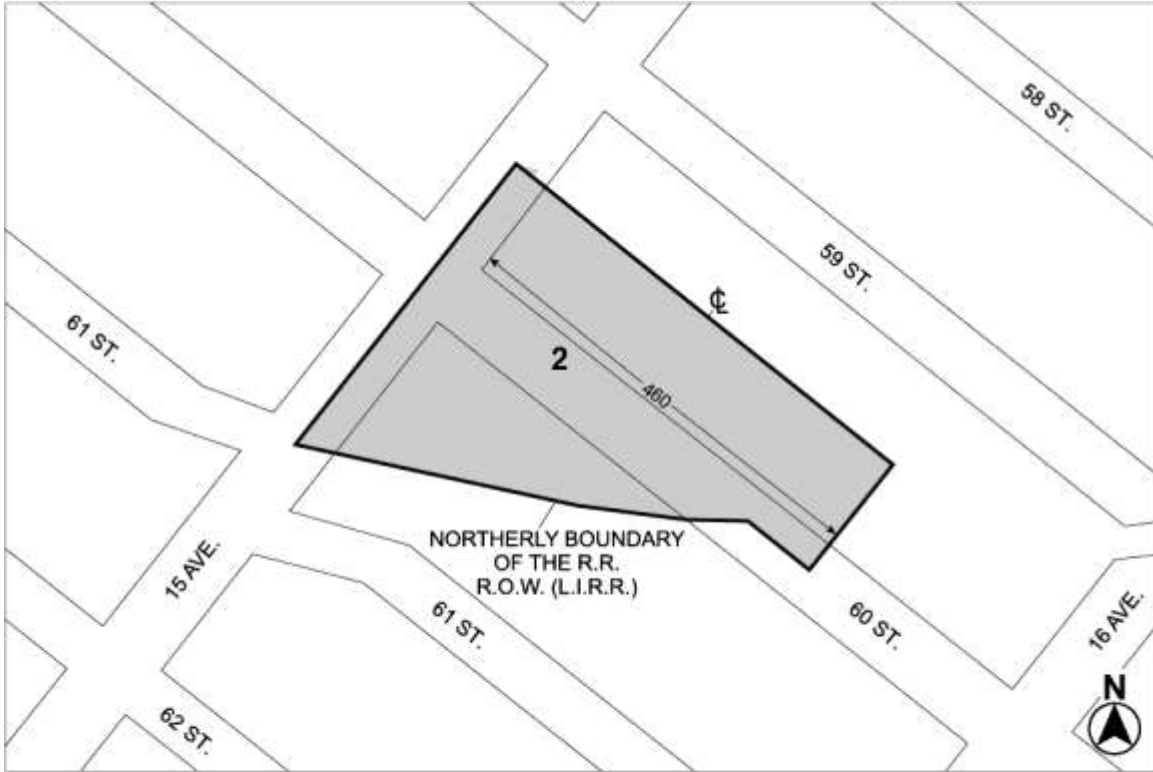
* * *

Brooklyn Community District 12

* * *

Map 2 - [date of adoption]

~~[CPC APPROVED MAP]~~



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

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

Portion of Community District 12, Brooklyn

* * *

[CITY COUNCIL APPROVED MAP]

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

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, JOSEPH C. BORELLI; Committee on Land Use, December 16, 2020 (Remote Hearing).

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

**ROLL CALL ON GENERAL ORDERS FOR THE DAY
(Items Coupled on General Order Calendar)**

- | | |
|--------------------------------------|---|
| (1) Res 1528 - | Rules of the Council in relation to Changes in Membership and Chairmanships of the Standing Committees and Subcommittees of the Council. |
| (2) L.U. 705 & Res 1530 - | App. C 200086 ZMK (1501-1555 60th Street Rezoning) Borough of Brooklyn, Community District 12, Council District 44. |
| (3) L.U. 706 & Res 1531 - | App. N 200087 ZRK (1501-1555 60th Street Rezoning) Borough of Brooklyn, Community District 12, Council District 44. |

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

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Constantinides, Cornegy, Deutsch, D. Diaz, R. Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member 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. 705 & Res. No. 1530 and L.U. No. 706 & Res. No. 1531:**

Affirmative – Adams, Ampry-Samuel, Ayala, Borelli, Brannan, Cabrera, Chin, Constantinides, Cornegy, Deutsch, D. Diaz, R. Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Miller, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **45**.

Negative – Barron and Menchaca – **2**.

INTRODUCTION AND READING OF BILLS

Int. No. 2196

By Council Members Constantinides and Louis.

A Local Law in relation to a study of the health impacts from gas stoves

Be it enacted by the Council as follows:

Section 1. *An agency or office designated by the mayor shall conduct a study to determine whether there are health impacts associated with the residential and the commercial uses of gas stoves. Such agency shall submit to the mayor and the speaker of the council the results of such study within one year of the effective date of the enactment of this legislation along with a recommendation of whether it would be appropriate to create a phase-out policy of gas stoves.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Preconsidered Res. No. 1528

Resolution amending Rule 7.00 of the Rules of the Council in relation to changes in membership and chairmanships of the Standing Committees and Subcommittees of the Council.

By Council Member Koslowitz:

RESOLVED, pursuant to Rule 7.00(a) of the Rules of the Council, the Council does hereby consent to the following changes in Membership to certain Standing Committees and the Land Use Subcommittees.

STANDING COMMITTEES

CONSUMER AFFAIRS AND BUSINESS LICENSING

Ayala, Chair

Menchaca

Kallos

CONTRACTS

Gjonaj

[Powers]

CRIMINAL JUSTICE

Riley

Van Bramer

ECONOMIC DEVELOPMENT

[Menchaca]

EDUCATION

Riley

ENVIRONMENTAL PROTECTION

[Yeger]

FINANCE

[Gjonaj]

GENERAL WELFARE

[Holden]

GOVERNMENTAL OPERATIONS

Levin

LAND USE

Riley

MENTAL HEALTH, DISABILITIES & ADDICTION

Louis, Chair

Riley

[Ayala, Chair]

[Van Bramer]

OVERSIGHT & INVESTIGATIONS

Gibson, Chair

PARKS & RECREATION

Riley

PUBLIC HOUSING

Riley

PUBLIC SAFETY

Holden

Riley

[Vallone]

RULES, PRIVILEGES & ELECTIONS

Powers

Vallone

SANITATION & SOLID WASTE MANAGEMENT

Riley

WOMEN AND GENDER EQUITY

D. Diaz, Chair

[Rosenthal, Chair]

YOUTH SERVICES

Riley

SUBCOMMITTEE CHANGES**LANDMARKS, PUBLIC SITINGS AND DISPOSITIONS**Riley, Chair

[Levin]

CAPITAL BUDGETGibson [Chair]Rosenthal, ChairAdams

[Gjonaj]

Adopted by the Council (preconsidered and approved by the Committee on Rules, Privileges, and Elections).

Int. No. 2197

By Council Members Lander and Kallos.

A Local Law to amend the New York city charter, in relation to the disposition of real property of the city

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 384 of the New York city charter is amended by adding a new paragraph 6 to read as follows:

6. Notwithstanding the provisions of paragraph one of this subdivision, the mayor shall not, when disposing of real property of the city for the purpose of providing affordable housing, award such property to a for-profit developer unless no not-for-profit developers applied for and met any applicable qualifications for such property, provided that this paragraph shall not apply to real property sold pursuant to a state law providing the mayor or the commissioner of housing preservation and development with control over such sale.

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

Referred to the Committee on Housing and Buildings.

Res. No. 1529

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation to protect New York State's safety net providers and Special Needs Plans by eliminating the Medicaid pharmacy carve-out.

By Council Members Levine, Louis, Chin, Lander, Rivera and Levin.

Whereas, Congress created the Medicaid rebate program in 1990; and

Whereas, Under the program, a manufacturer must pay rebates to state Medicaid programs for "covered outpatient drugs," which lowers the cost of drugs for Medicaid programs; and

Whereas, In 1992, Congress extended the same kind of relief to safety net providers by enacting Section 340B of the Public Health Service Act (the 340B program); and

Whereas, The 340B program requires pharmaceutical manufacturers to provide front-end discounts on covered outpatient drugs purchased by specified providers, called “covered entities,” that serve the nation's most vulnerable populations; and

Whereas, According to congressional reports, the purpose of the 340B program is to enable covered entities “to stretch scarce federal resources as far as possible, reaching more eligible patients and providing more comprehensive services”; and

Whereas, The 340B program protects safety net providers, including HIV/AIDS clinics that receive support under the federal Ryan White CARE Act, and community health centers and safety net hospitals that have been on the frontlines of fighting COVID-19; and

Whereas, COVID-19 has disproportionately impacted Black, Latinx, and other communities of color, as well as those who have lower incomes; and

Whereas, Ethnic and racial minorities and those who are lower income are also served by safety net providers; and

Whereas, According to New York State Department of Health (NYSDOH), there are 209 covered entities under the 340B program, totaling 2,191 sites across the state; and

Whereas, These providers rely on the savings from the 340B program to provide numerous services addressing social determinants of health and health inequities, including transportation assistance, sexually transmitted infection (STI) screenings, nurse triage and education services, care coordination and patient navigation for those who are chronically ill, free oncology services, and insurance assistance and enrollment services; and

Whereas, Providers also use these funds to operate food pantries and run mental health and wellness programs, including nutrition and diabetes education and harm reduction programs; and

Whereas, According to the Medicaid and CHIP Payment and Access Commission (MACPAC), states may offer Medicaid benefits on either a fee-for-service (FFS) basis, or through managed care plans, or both; and

Whereas, For those with managed care, which includes nearly everyone with Medicaid in New York State, the state pays a fee to a managed care plan for each person enrolled in such plan; and

Whereas, Managed care plans include Special Needs Plans (SNPs), such as HIV SNPs, which are managed care plans that cover the same services as other Medicaid managed care plans, as well as additional special services for people living with HIV/AIDS; and

Whereas, In April, Governor Cuomo and the New York State Legislature passed a budget that included a plan to transition, or “carve out”, the Medicaid managed care pharmacy benefit to FFS; and

Whereas, According to the NYSDOH, this proposal will carve out the pharmacy benefit for 4.3 million managed care Medicaid members, moving the benefit back to FFS, by April 1, 2021, which will give the State “complete visibility into the underlying cost of prescription drugs and greater control to manage overall prescription drug spending”; and

Whereas, The Medicaid pharmacy carve out would harm 340B providers, including community health centers, HIV providers, sexual health clinics, many rural hospitals, and other safety net providers, because they would no longer be able to purchase prescription drugs at a significantly reduced price; and

Whereas, If New York State shifts Medicaid drug coverage as outlined in the budget, safety net providers will lose hundreds of millions of dollars they now use for patient care, and the State and the federal government will instead receive more rebates; and

Whereas, According to the Community Healthcare Association of New York State (CHCANYS), extensive harm will occur to community health centers as a result of the pharmacy carve out, including health center closures, lay-offs of hundreds of staff, and loss of over \$100 million in client services; and

Whereas, The End AIDS NY Coalition surveyed 15 of its member organizations that operate HIV clinics, and these 15 organizations alone reported that they will lose \$56.1 million in annual revenue if the planned pharmacy carve-out is implemented; and

Whereas, According to a letter that hospital leaders sent to Governor Cuomo and NYSDOH Commissioner Zucker, about 100 hospitals serving low-income and indigent populations across the state will lose more than \$87 million next year as a result of this change, on top of the \$20 billion to \$25 billion in losses and new expenses incurred due to COVID-19; and

Whereas, A. 10960/S. 8948, sponsored by Assembly Member Richard Gottfried and Senator Gustavo Rivera, would delay the carve out for eligible 340B providers and HIV SNPs to April 1, 2024; and

Whereas, Delaying implementation of the carve out would give providers and policymakers more time to consider ways to avoid or minimize the negative impact of such a change; and

Whereas, Although a delay would be beneficial, advocates, including safety net providers and HIV SNPs, are calling for the carve out to be eliminated altogether; and

Whereas, Given the disproportionate impact of COVID-19 on the most vulnerable communities and the providers that serve them, eliminating the carve out would greatly benefit the New Yorkers who need it most; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, legislation to protect New York State’s safety net providers and Special Needs Plans by eliminating the Medicaid pharmacy carve-out

Referred to the Committee on Health.

Int. No. 2198

By Council Members Matteo, Rosenthal and Rose.

A Local Law to amend the New York city building code, in relation to additional freeboard for structures in the floodplain

Be it enacted by the Council as follows:

Section 1. The New York city amendments to section 2.3 of ASCE 24-05 as set forth in section G501.1 of chapter G5 of appendix G of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

Section 2.3. Table 2-1 of Section 2.3 (Elevation Requirements) is amended to read as follows:

**TABLE 2-1
MINIMUM ELEVATION OF THE TOP OF LOWEST FLOOR
RELATIVE TO DESIGN FLOOD ELEVATION (DFE)—A-ZONES^a**

Structural Occupancy Category^b	Minimum Elevation of Lowest Floor
I	DFE = BFE
II (1-and 2- family dwellings)	DFE = BFE + [2] 3 ft
II ^{c, d} (all others)	DFE = BFE + [1] 2 ft
III ^{c, d}	DFE = BFE + [1] 3 ft
IV ^c	DFE = BFE + [2] 4 ft

^a. Minimum elevations shown in Table 2-1 do not apply to V Zones (see Table 4-1). Minimum elevations shown in Table 2-1 apply to A-Zones unless specific elevation requirements are given in Section 3 of this Standard.

^b. See Table 1-1, or Table 1604.5 of the *New York City Building Code*, for structural occupancy category descriptions.

^c. For nonresidential buildings and nonresidential portions of mixed-use buildings, the lowest floor shall be allowed below the minimum elevation if the structure meets the floodproofing requirements of Section 6.

^d. Buildings that include I-2 occupancies that are hospitals shall use the greater of (i) the DFE for the applicable structural occupancy category as indicated in this table or (ii) the 500-year flood elevation.

§ 2. The New York city amendments to section 4.4 of ASCE 24-05 as set forth in section G501.1 of chapter G5 of appendix G of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

Section 4.4. Table 4-1 of Section 4.4 (Elevation Requirements) is amended to read as follows:

**TABLE 4-1
MINIMUM ELEVATION OF BOTTOM OF LOWEST SUPPORTING
HORIZONTAL STRUCTURAL MEMBER OF LOWEST FLOOR
RELATIVE TO DESIGN FLOOD ELEVATION (DFE)—V-ZONES AND COASTAL A-ZONES**

STRUCTURAL OCCUPANCY CATEGORY ^a	MEMBER ORIENTATION RELATIVE TO THE DIRECTION OF WAVE APPROACH	
	Parallel ^b	Perpendicular ^b
I	DFE=BFE	DFE=BFE
II (1-and 2- family dwellings)	DFE=BFE + [2] 3 ft	DFE=BFE + [2] 3 ft
II ^c (all others)	DFE=BFE + 1 ft	DFE=BFE + [1] 2 ft
III ^c	DFE=BFE + [1] 3 ft	DFE=BFE + [2] 4 ft
IV ^c	DFE=BFE + [1] 3 ft	DFE=BFE + [2] 4 ft

^a. See Table 1-1, or Table 1604.5 of the *New York City Building Code*, for structural occupancy category descriptions.

^b. Orientation of lowest horizontal structural member relative to the general direction of wave approach; parallel shall mean less than or equal to 20 degrees from the direction of approach; perpendicular shall mean greater than 20 degrees from the direction of approach.

^c. Buildings that include I-2 occupancies that are hospitals shall use the greater of (i) the DFE for the applicable structural occupancy category as indicated in this table or (ii) the 500-year flood elevation.

§ 3. The New York city amendments to section 5.1 of ASCE 24-05 as set forth in section G501.1 of chapter G5 of appendix G of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

Section 5.1. Table 5-1 of Section 5.1 (Materials, General) is amended to read as follows:

**TABLE 5-1
MINIMUM ELEVATION, RELATIVE TO DESIGN FLOOD
ELEVATION (DFE), BELOW WHICH DAMAGE-RESISTANT
MATERIALS SHALL BE USED**

STRUCTURAL OCCUPANCY CATEGORY ^a	A-ZONE	Coastal High Hazard Areas and Coastal A-Zones	
		Orientation Parallel ^b	Orientation Perpendicular ^b
I	DFE=BFE	DFE=BFE	DFE=BFE
II (1-and 2- family dwellings)	DFE=BFE + [2] 3 ft	DFE=BFE + [2] 3 ft	DFE=BFE + [2] 3 ft
II ^c (all others)	DFE=BFE + [1] 2 ft	DFE=BFE + [1] 2 ft	DFE=BFE + [2] 3 ft
III ^c	DFE=BFE + [1] 3 ft	DFE=BFE + [2] 4 ft	DFE=BFE + [3] 5 ft
IV ^c	DFE=BFE + [2] 4 ft	DFE=BFE + [2] 4 ft	DFE=BFE + [3] 5 ft

^a. See Table 1-1, or Table 1604.5 of the *New York City Building Code*, for structural occupancy category descriptions.

^b. Wet or dry floodproofing shall extend to the same level.

c. Dry floodproofing of residential buildings and residential portions of mixed use buildings shall not be permitted.

d. Buildings that include I-2 occupancies that are hospitals shall use the greater of (i) the DFE for the applicable structural occupancy category as indicated in this table or (ii) the 500-year flood elevation.

§ 4. The New York city amendments to section 7.1 of ASCE 24-05 as set forth in section G501.1 of chapter G5 of appendix G of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

Section 7.1. Table 7-1 of Section 7.1 (General) is amended to read as follows (see Table 7-1 below):

**TABLE 7-1
MINIMUM ELEVATION OF UTILITIES AND ATTENDANT EQUIPMENT RELATIVE TO
DESIGN FLOOD ELEVATION (DFE)**

STRUCTURAL OCCUPANCY CATEGORY ^a	LOCATE UTILITIES AND ATTENDANT EQUIPMENT ABOVE ^b		
	A-Zones	Coastal High Hazard Area and Coastal A-Zones	
		Orientation Parallel ^c	Orientation Perpendicular ^c
I	DFE=BFE	DFE=BFE	DFE=BFE
II (1-and 2- family dwellings)	DFE=BFE + [2]3 ft	DFE=BFE + [2] 3 ft	DFE=BFE + [2] 3 ft
II ^c (all others)	DFE=BFE + [1]2 ft	DFE=BFE + [1] 2 ft	DFE=BFE + [2] 3 ft
III ^c	DFE=BFE + [1]3 ft	DFE=BFE + [2] 4 ft	DFE=BFE + [3] 5 ft
IV ^c	DFE=BFE + [2]4 ft	DFE=BFE + [2] 4 ft	DFE=BFE + [3] 5 ft

^a. See Table 1-1, or Table 1604.5 of the *New York City Building Code*, for structural occupancy category descriptions.

^b. Locate utilities and attendant equipment above elevations shown unless otherwise provided in the text.

^c. Orientation of lowest horizontal structural member relative to the general direction of wave approach; parallel shall mean less than or equal to +20 degrees from the direction of approach; perpendicular shall mean greater than +20 degrees from the direction of approach.

^d. Buildings that include I-2 occupancies that are hospitals shall use the greater of (i) the DFE for the applicable structural occupancy category as indicated in this table or (ii) the 500-year flood elevation.

§ 5. This local law takes effect 120 days after it becomes law, except that this local law shall not apply to construction work related to applications for construction document approval filed prior to such effective date, and the commissioner of buildings may take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Resiliency and Waterfronts.

Int. No. 2199

By Council Members Rivera and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to requiring covered entities to maintain a record of requests from persons requesting a reasonable accommodation

Be it enacted by the Council as follows:

Section 1. Subdivision 28 of section 8-107 of the administrative code of the city of New York is amended by adding a new paragraph (g) to read as follows:

(g) Retention of request records. A covered entity shall maintain a written record of the initial written request for a reasonable accommodation and any update to the initial written request made pursuant to subdivisions 3, 15, 22 and 27 of this section. The record shall include, at a minimum, the date of the initial request and the date of any subsequent update to the request, and the information required pursuant to paragraph (d) of this subdivision. Covered entities shall maintain these records for a minimum period of three years from the date of the initial request. Covered entities shall allow the commission access to such records upon reasonable notice and at a time mutually agreed upon by the covered entity and the commission in accordance with applicable law. Nothing in this section shall be deemed to require the disclosure of information that is confidential or privileged or the disclosure of which would violate any other applicable provision of law.

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Civil and Human Rights.

Int. No. 2200

By Council Members Rivera and Louis.

A Local Law in relation to requiring the police department to report on vehicles towed due to registration-related violations

Be it enacted by the Council as follows:

Section 1. Report on towed motor vehicles. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Department. The term “department” means the New York city police department.

Registration-related violation. The term “registration-related violation” means a violation of section 4-08(j)(1), 4-08(j)(3), 4-08(j)(4), 4-08(j)(5) or 4-08(j)(8) of title 34 of the rules of the city of New York.

b. No later than August 1, 2021, the department shall develop and publish on the department’s website guidance for determining whether a motor vehicle with an alleged registration-related violation shall be towed. Such guidance shall be specific as to whether the motor vehicle is a car, motorcycle or other motor vehicle.

c. Nothing contained in subdivision b or in the administration or application hereof shall be construed as creating a right to be subject to civil or criminal enforcement or prosecution in connection with any alleged specified unlawful act or a private right of action on the part of any persons or entity against the city of New York, the department, or any official or employee thereof.

d. No later than August 1, 2021, and within 30 days of the beginning of each quarter thereafter, the department shall post on its website and deliver to the speaker of the council and mayor a report on vehicles that have been towed in the previous quarter due to a registration-related violation. The information contained in this report shall be disaggregated by the alleged registration-related violation, the precinct in which the vehicle was towed and whether the vehicle is a car, motorcycle or other motor vehicle.

§2. This local law takes effect immediately and expires and is deemed repealed three years after it becomes law.

Referred to the Committee on Public Safety.

Int. No. 2201

By Council Members Rivera and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to allowing motorcyclists to challenge parking violations electronically with photographic evidence

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 19-214 of the administrative code of the city of New York, as amended by local law number 15 for the year 2012, is amended to read as follows:

b. Notwithstanding any rule or regulation to the contrary, but subject to the provisions of the vehicle and traffic law, where a notice of violation was issued to an owner or operator of a *motor* vehicle for the failure to display a muni-meter receipt, it shall be an affirmative defense to such violation that such owner or operator purchased parking time for the time such notice of violation was issued or up to five minutes thereafter from a muni-meter dispensing timed receipts valid for use at the location such notice of violation was issued. Evidence of the affirmative defense shall be the presentation, in person or by mail, of a valid muni-meter receipt for the time such notice of violation was issued or for up to five minutes thereafter or other suitable evidence as determined by the hearing officer that such parking time was purchased. *When in such instance the motor vehicle is a motorcycle, evidence may be a digital photograph, submitted through the department's website, of a valid muni-meter receipt for the time such notice of violation was issued or for up to five minutes thereafter.*

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Transportation.

Int. No. 2202

By Council Members Treyger and Louis.

A Local Law to amend the New York city charter, in relation to requiring the department of cultural affairs to provide greater transparency on department spending.

Be it enacted by the Council as follows:

Section 1. Chapter 67 the New York city charter is amended by adding a new section 2508 to read as follows:

§ 2508. *Funding information.* a. *For purposes of this section, the following terms shall have the following meanings:*

(1) *“Program funding” means funding administered through the department’s Cultural Development Fund, or any successor program.*

(2) *“Cultural institution funding” means funding to a member of the Cultural Institutions Group.*

(3) *“Capital funding” means funding to support design and construction projects and major equipment purchases.*

(4) *“Capacity-building funding” means funding to help small, community-based organizations serving low-to-moderate income populations through the Community Arts Development program, or any successor program.*

b. *Not later than July 1, 2019 and on or before July 1 annually thereafter, the department shall submit to the speaker of the council and post on the department’s website a report on the department’s spending to support organizations and institutions and information on the department’s spending on direct agency expenses. Such report shall include, but not be limited to the following, disaggregated by zip code, borough, community board, and council district:*

(1) *the name of the organization or institution receiving funding;*

(2) *the amount the department allocated to the organization or institution in the previous fiscal year;*

(3) *the type of funding provided by the department to the organization or institution, including but not limited to program funding, cultural institution funding, capital funding, or capacity building funding.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 2203

By Council Members Van Bramer, Menchaca and Kallos.

A Local Law in relation to the establishment of a drag laureate program

Be it enacted by the Council as follows:

Section 1. Definitions. For purposes of this local law, the following terms have the following meanings:
City. The term “city” means the city of New York.

LGBTQ plus. The term “LGBTQ plus” means lesbian, gay, bisexual, transgender, and questioning, and other non-heterosexual sexual orientations or non-cisgender gender identities.

§ 2. The commissioner of cultural affairs, in collaboration with the director of the office of nightlife, shall establish a drag laureate program. Pursuant to such program, the commissioner of cultural affairs, in collaboration with the director of the office of nightlife, shall appoint, no later than January 30 of each year, an individual to serve as a drag laureate. Such drag laureate shall:

- a. Serve as an ambassador to local businesses and LGBTQ plus spaces; and
- b. Promote arts and culture in the city.

§ 3. Subject to appropriation, the commissioner of cultural affairs shall provide the drag laureate with a fee and in-kind resources to facilitate the performance of the duties of the drag laureate.

§ 4. This local law takes effect immediately.

Referred to the Committee on Aging.

L.U. No. 711

By Council Member Salamanca:

Application No. 20215013 HAM (110 Lenox Avenue) submitted by the Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Article XI of the Private Housing Finance Law requesting waiver of the designation requirements and the requirements of section 197-c and 197-d of the Charter, approval of an Urban Development Action Area Project, and approval of a real property tax exemption, for properties located at 110 Lenox Avenue (Block 1599, Lot 70), 128 West 116th Street (Block 1825, Lot 49), 1971 7th Avenue (Block 1903, Lot 38), Borough of Manhattan, Community District 10, Council District 9.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions.

L.U. No. 712

By Council Member Salamanca:

Application No. C 200123 ZSM (Cort Theatre) submitted by Cort Theatre LLC and Clarity 47 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-745 of the Zoning Resolution to allow a floor area bonus for the substantial rehabilitation or restoration of a listed theater, as set forth in Section 81-742 (Listed theatres), and to allow the bonus floor area to be utilized anywhere on the zoning lot, on property located at 138 West 48th Street a.k.a. 145 West 47th Street (Block 1000, Lots 7, 11, 49, 55, 56, 57, 58, and 59), in C6-5.5 and C6-7T Districts, within the Special Midtown District (Theater Subdistrict), Borough of Manhattan, Community District 5, Council District 4.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 713

By Council Member Salamanca:

Application No. N 200124 ZRM (Cort Theatre) submitted by Cort Theater LLC and Clarity 47 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 1 (Special Midtown District) for the purpose of amending the provisions of a special permit regulating theater rehabilitation bonuses, Borough of Manhattan, Community District 5, Council District 4.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 714

By Council Member Salamanca:

Application No. C 200303 ZSQ (42-11 9th Street Special Permit) submitted by RXR 42-11 9th Holdings LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-96 (Industrial Business Incentive Areas) of the Zoning Resolution to allow an increase in the maximum permitted floor area ratio in accordance with Section 74-963 (Permitted floor area increase) and, in conjunction therewith, to modify the quantity and size of the loading requirements of Section 44-50, in connection with a proposed twenty-story commercial building within an Industrial Business Incentive Area in an M1-4 District specified on the maps in Section 74-968 (Maps of Industrial Business Incentive Areas), on property located at 42-11 9th Street (Block 461, Lot 16), Borough of Queens, Community District 2, Council District 26.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 715

By Council Member Salamanca:

Application No. N 200304 ZRQ (42-11 9th Street Special Permit) submitted by RXR 42-11 9th Holdings LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, adding an Industrial Business Incentive Area to Article VII, Chapter 4 (Special Permits by the City Planning Commission) and updates to Section 74-76 (Modifications of Use, Bulk, Parking and Loading Regulations in Industrial Business Incentive Areas), in connection with a proposed twenty-story commercial building within such Industrial Business Incentive Area, on property located at 42-11 9th Street (Block 461, Lot 16), Borough of Queens, Community District 2, Council District 26.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

NEW YORK CITY COUNCIL

A N N O U N C E M E N T S

Thursday, January 7, 2021

Subcommittee on Zoning & Franchises
See Land Use Calendar

Francisco Moya, Chairperson

Remote Hearing (Virtual Room 1).....10:00 a.m.

Monday, January 11, 2021

Committee on Land Use

Rafael Salamanca, Jr., Chairperson

Proposed Int 1572-A - By the Public Advocate (Mr. Williams) and Council Members Salamanca, Reynoso, Chin, Levine, Levin, Lander, Menchaca, Van Bramer, Kallos, Rosenthal, Constantinides, Louis, Ampry-Samuel, Adams, Gibson, Miller and Barron - **A Local Law** to amend the New York city charter, in relation to requiring a racial disparity report for certain land use applications.

Remote Hearing (Virtual Room 1).....10:00 a.m.

Committee on Public Safety

Adrienne E. Adams, Chairperson

Oversight - The City’s Policing Reform Process.

Remote Hearing (Virtual Room 2).....10:00 a.m.

Tuesday, January 12, 2021

Committee on Health jointly with the
Committee on Hospitals

Mark Levine, Chairperson
Carlina Rivera, Chairperson

Oversight - COVID-19 Vaccine Distribution & Accessibility in NYC.

Remote Hearing (Virtual Room 3).....10:00 a.m.

[Committee on Transportation](#)

Ydanis Rodriguez, Chairperson

Oversight - Illegal Parking and Bike Lanes.

Int 2159 - By Council Members Levin, the Speaker (Council Member Johnson), Rosenthal, Constantinides and Rivera - **A Local Law** to amend the administrative code of the city of New York, in relation to hazardous obstruction by vehicles and civilian complaints to the department of transportation for hazardous obstruction violations.

Remote Hearing (Virtual Room 1).....10:00 a.m.

Wednesday, January 13, 2021

[Committee on Youth Services](#)

Deborah Rose, Chairperson

Oversight - Summer Youth Employment Program.

Remote Hearing (Virtual Room 1).....10:00 a.m.

[Committee on Public Housing](#).....Alicka Ampry-Samuel, Chairperson

Oversight – NYCHA Development: NYCHA 2.0 and PACT/RAD.

Remote Hearing (Virtual Room 2).....1:00 p.m.

Thursday, January 14, 2021

[Committee on Health](#)

Mark Levine, Chairperson

Oversight - Oral Health and Access to Dental Care in New York City.

Remote Hearing (Virtual Room 2).....10:00 a.m.

[Committee on Higher Education](#)

Inez Barron, Chairperson

Oversight - Housing Insecurity Among Students at the City University of New York.

Remote Hearing (Virtual Room 3).....10:00 a.m.

Tuesday, January 19, 2021

[Committee on Cultural Affairs, Libraries & International Intergroup Relations](#)

James Van Bramer, Chairperson

Oversight - The Impact of COVID-19 on NYC Artists and the Perspective of Working Artists During the Pandemic.

Int 2194 – By Council Member Van Bramer – **A Local Law** in relation to requiring the department of cultural affairs to study the real estate issues impacting cultural spaces.

Int 2195 – By Council Member Van Bramer – **A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to certification of artists and the issuance of identity cards for certified artists.

Remote Hearing (Virtual Room 1).....10:00 a.m.

[Committee on Technology](#)

Robert Holden, Chairperson

Oversight – Smart City

Remote Hearing (Virtual Room 2).....1:00 p.m.

Wednesday, January 20, 2021

[Committee on Governmental Operations](#) Fernando Cabrera, Chairperson
Oversight - The Future of City Government Office Space.
Remote Hearing (Virtual Room 2).....10:00 a.m.

[Committee on Education](#) Mark Treyger, Chairperson
Oversight - Impact of COVID-19 on Student Learning and Academic Achievement.
Remote Hearing (Virtual Room 3).....11:00 a.m.

[Subcommittee on Landmarks, Public Sitings and Dispositions](#) Kevin C. Riley, Chairperson
See Land Use Calendar
Remote Hearing (Virtual Room 1).....2:00 p.m.

Friday, January 22, 2021

[Committee on Aging](#) jointly with the Margaret Chin, Chairperson
[Committee on Technology](#) Robert Holden, Chairperson
Oversight - Increasing Senior Access to Technology.
Remote Hearing (Virtual Room 2).....10:00 a.m.

[Committee on Small Business](#) Mark Gjonaj, Chairperson
Oversight - The Mayor’s Recovery Agenda.
Remote Hearing (Virtual Room 1).....10:00 a.m.

Monday, January 25, 2021

[Committee on Resiliency and Waterfronts](#).....Justin Brannan, Chairperson
Int 2092 – By Council Members Constantinides and Kallos – **A Local Law** to amend the administrative code of the city of New York, in relation to climate resiliency design guidelines and resiliency scoring.
Int 2198 - By Council Member Matteo – **A Local Law** to amend the New York city building code, in relation to additional freeboard for structures in the floodplain.
Res 1389 – By Council Members Brannan, Chin and Constantinides – **Resolution** calling upon the United States Congress to restore funding to the United States Army Corps of Engineers’ New York-New Jersey Harbor and Tributaries Focus Area Feasibility Study, and the States of New York and New Jersey to advance their shares of the next phase of funding to revive the study until it is fully restored by the Congress.
Remote Hearing (Virtual Room 1).....10:00 a.m.

[Committee on General Welfare](#) Stephen Levin, Chairperson
Oversight - DSS Preparation for Expiration of the Eviction Moratoriums.
Remote Hearing (Virtual Room 4).....12:00 p.m.

Tuesday, January 26, 2021

[Subcommittee on Zoning & Franchises](#) Francisco Moya, Chairperson
See Land Use Calendar
Remote Hearing (Virtual Room 1).....10:00 a.m.

[Committee on Fire and Emergency Management](#)

Joseph Borelli, Chairperson

Oversight - New York City Emergency Planning.

Remote Hearing (Virtual Room 3).....1:00 p.m.

Wednesday, January 27, 2021

[Committee on Contracts](#)

Ben Kallos, Chairperson

Oversight - Review of Agency Compliance with Local Law 63 of 2011 Requiring Cost-Benefit Analyses of Displacement of City Workers in Solicitations for Certain Contracts.

Remote Hearing (Virtual Room 4).....10:00 a.m.

[Committee on Land Use](#)

Rafael Salamanca, Jr., Chairperson

All items reported out of the Subcommittees

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Remote Hearing (Virtual Room 1).....11:00 a.m.

[Committee on Parks and Recreation](#)

Peter Koo, Chairperson

Oversight - The State of Community Gardens and Urban Agriculture.

Int 1059 - By Council Members Ayala and Rosenthal - **A Local Law** in relation to a report on community garden food processing and agriculture.

Remote Hearing (Virtual Room 2).....1:00 p.m.

During the Communication from the Speaker segment, the Speaker (Council Member Johnson) extended a special welcome to his newest colleague Council Member Kevin Riley. He spoke of how the newly sworn Council Member had been born and raised in The Bronx, had worked for a decade under Assembly Speaker Carl Heastie, and had become an active community leader. The Speaker (Council Member Johnson) also added that Council Member Riley was the father of two daughters, Brooke and Kate. He noted that he looked forward to working with him over the next few months.

During the Communication from the Speaker segment, the Speaker (Council Member Johnson) wished everyone a Happy New Year as well as a Happy Three Kings Day to those who were celebrating the holiday.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these virtual proceedings.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Note: A Stated Meeting was subsequently scheduled to be held on Thursday, January 28, 2021.

Editor's Note: Council Member Torres and Cohen had resigned their offices as of December 31, 2020 (please see, respectively, M-272 and M-273 printed in the Petitions and Communications section of these Minutes). Their names were removed, therefore, from any pending legislation in the Council where they were listed as sponsors.

Editor's Local Law Note: Int. Nos. 1396-A and 1415-A, both adopted by the Council at the December 17, 2020 Stated Meeting, were signed into law by the Mayor on January 5, 2021 as, respectively, Local Law Nos. 1 and 2 of 2021.