THE COUNCIL

Minutes of the Proceedings for the
STATED MEETING
of
Monday, December 11, 2017, 1:57 p.m.

The Public Advocate (Ms. James)
Acting President Pro Tempore and Presiding Officer

Council Members

Melissa Mark-Viverito, *Speaker*

Adrienne E. Adams	David G. Greenfield	Antonio Reynoso
Inez D. Barron	Barry S. Grodenchik	Donovan J. Richards
Joseph C. Borelli	Corey D. Johnson	Ydanis A. Rodriguez
Fernando Cabrera	Ben Kallos	Deborah L. Rose
Margaret S. Chin	Andy L. King	Helen K. Rosenthal
Andrew Cohen	Peter A. Koo	Rafael Salamanca, Jr
Costa G. Constantinides	Karen Koslowitz	Ritchie J. Torres
Robert E. Cornegy, Jr	Rory I. Lancman	Mark Treyger
Elizabeth S. Crowley	Bradford S. Lander	Eric A. Ulrich
Laurie A. Cumbo	Stephen T. Levin	James Vacca
Chaim M. Deutsch	Mark Levine	James G. Van Bramer
Daniel Dromm	Alan N. Maisel	Jumaane D. Williams
Rafael L. Espinal, Jr	Steven Matteo	
Mathieu Eugene	Carlos Menchaca	
Daniel R. Garodnick	I. Daneek Miller	
Vincent J. Gentile	Annabel Palma	
Vanessa L. Gibson	Bill Perkins	

Absent: Council Members Ferreras-Copeland, Mealy, Mendez, and Vallone.

The Public Advocate (Ms. James) 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 Public Advocate (Ms. James).

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 Rev. Dr. Jacques Andre DeGraff, Associate Pastor, Canaan Baptist Church, 132 W. 116th St. N.Y. 10026.

To some you are the Creator; to others you are my higher power,
but I come in the tradition [sic] of the God of Abraham, Isaac and Jacob on this afternoon
and we bow our heads and incline our ears and hearts
to you just to say thank you, thank you for this opportunity
to serve in the great chamber of the greatest city in the world.
We are reminded of the song that was sung by a young singer
who said, "He's got the whole world in his hands."
And on this day, as we face danger in Times Square,
we are reminded of the dangers of being a democratic body
in a mean and sin-sick world.
We as, Father God, that you would consider
the men and women who serve here,
remember who they are and where they came from
and remind them of what they came to do.
Father God, we too want to salute and to recognize
those whose careers in this room are winding down;
we appreciate their sacrifice and their service and their contributions.
And while you're passing out blessings, Father God,
we pause for one more request and that is,
in the tradition of this body,
it has been more about deliberation and consideration;
it has also been about setting example; not just for New York;
not just for the nation, but for the world
that watches what we say and do in this room,
and in that tradition we have always been barrier-breakers and precedent-setters
and so we looked to Astoria at a time for leadership
and saw an Italo-American from Astoria,
and then looked at Chelsea for leadership
and we saw an Irish-American gay person for leadership;
we looked at East Harlem and found a Latina,
a voice and a vibrant leadership
and so now those who once sat in the back of the bus
are looking for a coalition of courage
that might join together to provide new leadership in 2018.
But Father God, whatever you do and however you do it,
we ask that you would bless this place
with the sunshine of harmony and the melody of justice,
empower each person under the sound of my voice
to remember whose they are why they're here.
We know that as they do these things
I am convinced and convicted that the best is yet to come.
God bless you and may God bless America.

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

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

Maurice "Mickey" Carroll, New York political reporter and pollster, died on December 6, 2017 at the age of 86. The Speaker (Council Member Mark-Viverito) noted that he was not only a renowned figure in local politics and journalism but he was also a mentor to many at City Hall.

James F. Hanley, long-time commissioner of the city's Office of Labor Relations, died on December 6, 2017 at the age of 69. The Speaker (Council Member Mark-Viverito) called him a fearless leader and an extraordinary public servant who proudly represented the hardworking laborers of New York City.

Also during the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) mentioned the explosion at the Port Authority Bus Terminal that took place earlier in the day. She thanked the first responders at the scene for saving lives through their quick action. The Speaker (Council Member Mark-Viverito) expressed her gratitude for their commitment and professionalism.

ADOPTION OF THE MINUTES

On behalf of Council Member Cabrera, the Public Advocate (Ms. James) moved that the Minutes of the Stated Meeting of October 31, 2017 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

Preconsidered M-562

Communication from the Mayor - Submitting the name of Anne Holford-Smith to the Council for its advice and consent in anticipation of her appointment to the Landmarks Preservation Commission, pursuant to Sections 31 and 3020 of the New York City Charter.

December 5, 2017

The Honorable Melissa Mark-Viverito
Council Speaker
City Hall
New York, NY 10007

Dear Speaker Mark-Viverito:

Pursuant to Sections 31 and 3020 of the New York City Charter, I am pleased to present the name of Anne Holford-Smith to the City Council for advice and consent in anticipation of her appointment to the Landmarks Preservation Commission. When appointed, Ms. Holford-Smith will serve for the remainder of a three-year term expiring on June 28, 2019.

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

Sincerely,

Bill de Blasio
Mayor

BDB:tf

cc: Anne Holford-Smith
Alicia Glen, Deputy Mayor for Housing and Economic Development
Meenakshi Srinivasan, Chair, Landmarks Preservation Commission
Jon Paul Lupo, Director, Mayor's Office of City Legislative Affairs

Referred to the Committee on Rules, Privileges and Elections.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

Preconsidered M-563

Alameda Sky Chapman, Candidate for recommendation by the Council to the Youth Board, pursuant to § 734 of the New York City Charter.

(Please refer to the Report of the Committee on Rules, Privileges and Elections for M-563 & Res. No. 1772 printed in these Minutes)

Referred to the Committee on Rules, Privileges and Elections.

M-564

Communication from the New York County Democratic Committee recommending the name of Sylvia Di Pietro to the Council regarding her appointment to the office of Commissioner of Elections of the Board of Elections pursuant to § 3-204 of the New York State Election Law.

ELECTION COMMISSIONER CERTIFICATION

To the Clerk of the New York City Council:

I certify that:

At a meeting of the Executive Committee of the New York County Democratic Committee, held on the 29th day of November, 2017, at 1 Bryant Park, New York, NY 10036, under the provision of the Election

Law and Rules and Regulations of the County Committee, a quorum being present, Sylvia Di Pietro, residing at 55 West 14th Street, New York, NY 10011, was unanimously recommended by said committee as suitable and qualified person for appointment to the office of Commissioner of Elections to fill an existing vacancy in said office for the remainder of the current term expiring December 31, 2020, and that said designee is a registered voter of the County of New York and duly enrolled member of the Democratic Party.

Dated at New York, New York

November 29, 2017

Benjamin Yee

Secretary, New York County Democratic Committee

Referred to the Committee on Rules, Privileges and Elections.

M-565

Communication from the Board of Elections - Submitting the Certifications of the Members of the City Council.

(For text of the certification, please see the attachment to the M-565 (2017) file on www.council.nyc.gov

Received, Ordered, Printed & Filed.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Civil Rights

Report for Int. No. 1186-A

Report of the Committee on Civil Rights 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 amending the definitions of sexual orientation and gender in the New York city human rights law.

The Committee on Civil Rights, to which the annexed amended proposed local law was referred on May 25, 2016 (Minutes, page 1472), respectfully

REPORTS:

I. Introduction

Today, the Committee on Civil Rights, chaired by Council Member Darlene Mealy, will hold a hearing on Proposed Introduction No. 1186-A ("Int. 1186-A,") a Local Law to amend the administrative code of the city of New York, in relation to amending the definitions of sexual orientation and gender in the New York City human rights law. Int. 1186 was originally heard at a hearing of this committee on June 19, 2017, at which the Committee received testimony from representatives of the New York City Commission on Human Rights, and various advocates, stakeholders, and members of the public.

I. Background

Since the definitions of sexual orientation and gender in the City's human rights law were drafted, society's understanding of sexual orientation, gender, and gender identity has evolved. According to the American Psychological Association, "research over several decades has demonstrated that sexual orientation ranges along a continuum, from exclusive attraction to the other sex to exclusive attraction to the same sex."[1] Moreover, new research has challenged the common assumption that every individual possesses some type or category of sexual attraction. Asexuality is an emerging identity category, and one prominent study has suggested that up to one percent of the population reports feeling no sexual attraction to others.[2]

Int. 1186-A would update the language in the Human Rights Law, to better capture the current understanding of sexual orientation, gender identity, and gender expression.

Analysis of Legislation

Section one of Int. 1186-A amends subdivision 20 of section 8-102 of the Administrative Code, which defines certain terms used in the Human Rights Law, by amending the definitions for the terms "sexual orientation" and "gender."

Int. 1186-A would take effect 120 days after it becomes law.

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[1] *Sexual Orientation & Homosexuality*, American Psychological Association, http://www.apa.org/topics/lgbt/orientation.aspx.
[2] Elizabeth F. Emens, Compulsory Sexuality, 66 Stan. L. Rev. 303, 312 (2014).

II. Conclusion

The Committee looks forward to discussing the aforementioned proposed legislation, which relates to issues of vital importance to the rights of New Yorkers.

(The following is the text of the Fiscal Impact Statement for Int. No. 1186-A:)

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

PROPOSED INTRO. NO.: 1186-A

COMMITTEE: Civil Rights

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to amending the definitions of sexual orientation and gender in the New York City Human Rights Law.

Sponsor: By Council Members Dromm, Chin, Mendez, Johnson, Vacca, Menchaca, Torres and Rodriguez.

SUMMARY OF LEGISLATION: Proposed Int. No. 1186-A would amend the definition of sexual orientation in New York City's Human Rights Law (Human Rights Law) to include an individual's actual or perceived romantic, physical or sexual attraction to other persons, or lack thereof, on the basis of gender. The definition would additionally establish that a continuum of sexual orientation exists and includes, but is not limited to, asexuality and pansexuality (in addition to heterosexuality, bisexuality and homosexuality). In addition, the definition of gender in the Human Rights Law would be expanded to include a person's actual or perceived gender identity and gender expression, including a person's actual or perceived gender-related, self-image, appearance, behavior or expression, or other gender-related characteristics, regardless of that person's assigned sex at birth.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues (+)	$0	$0	$0
Expenditures (-)	$0	$0	$0
Net	$0	$0	$0

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues resulting from the enactment of this legislation because the amendment clarifies an existing definition in the Human Rights Law.

IMPACT ON EXPENDITURES: It is estimated that this proposed legislation would have no impact on expenditures and that existing resources could be used to implement the requirements of the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
Commission on Human Rights

ESTIMATE PREPARED BY: Sheila D. Johnson, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Eric Bernstein, Counsel
Eisha Wright, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced as Intro No. 1186 by the Council on May 25, 2016 and was referred to the Committee on Civil Rights (Committee). The Committee considered the legislation at a hearing on June 19, 2017, and the legislation was laid over. The legislation was subsequently amended and the amended version of the legislation, Proposed Intro. No. 1186-A, will be voted on by the Committee on December 7, 2017. Upon successful vote by the Committee, Proposed Intro. 1186-A will be submitted to the full Council for a vote on December 11, 2017.

DATE PREPARED: December 5, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1186-A:)

Int. No. 1186-A

By Council Members Dromm, Chin, Mendez, Johnson, Vacca, Menchaca, Torres, Rodriguez, Salamanca and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to amending the definitions of sexual orientation and gender in the New York city human rights law

Be it enacted by the Council as follows:

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Section 1. Subdivision 20 of section 8-102 of the administrative code of the city of New York, as added by local law number 39 for the year 1991, is amended to read as follows:

20. The term "sexual orientation" means *an individual's actual or perceived romantic, physical or sexual attraction to other persons, or lack thereof, on the basis of gender. A continuum of sexual orientation exists and includes, but is not limited to,* heterosexuality, homosexuality, [or] bisexuality, *asexuality, and pansexuality.*

§ 2. Subdivision 23 of section 8-102 of the administrative code of the city of New York, as added by local law number 3 for the year 2002, is amended to read as follows:

23. The term "gender" shall include actual or perceived sex [and shall also include a person's gender identity, self-image, appearance, behavior or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the legal], *gender identity, and gender expression including a person's actual or perceived gender-related*

self-image, appearance, behavior, expression, or other gender-related characteristic, regardless of the sex assigned to that person at birth.

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

DANIEL DROMM, *Acting Chairperson*; MATHIEU EUGENE, RAFAEL SALAMANCA, Jr.: Committee on Civil Rights, December 7, 2017.

On motion of the Speaker (Council Member Mark-Viverito), 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 Contracts

Report for Int. No. 752-C

Report of the Committee on Contracts in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to information regarding the workforce for certain construction projects.

The Committee on Contracts, to which the annexed proposed amended local law was referred on April 16, 2015 (Minutes, page 1292), respectfully

REPORTS:

I. INTRODUCTION

On December 7, 2017 the Committee on Contracts, chaired by Council Member Helen Rosenthal, will vote on Proposed Introduction Number 752-C (Proposed Int. No. 752-C), a local law amend the administrative code of the city of New York, in relation to information regarding the workforce for certain construction projects. Proposed Int. 752-C was previously heard by the Committee on September 13, 2017. At that hearing the Committee received testimony from the Mayor's Office of Contract Services (MOCS), the Department of Small Business Services, advocates, and interested members of the public.

II. BACKGROUND

New York City is home to thousands of small businesses, including a significant number owned by minorities and women. According to the U.S. Small Business Administration, there has been a 31.9% increase in minority business ownership in New York State in recent years,[1] with much of this increase driven by businesses in New York City. Despite the large presence of M/WBEs in the City, these businesses have traditionally struggled with participation in the City contracting process.

The City's M/WBE program was originally established following a 1989 voter referendum approving the establishment of a program to assist M/WBEs.[2] Pursuant to this referendum, in 1991, the Council enacted Local Law 61, which in part created the Division of Economic and Financial Opportunity within SBS, and authorized the Division to create an M/WBE program.[3] The City rules for the program provided that it would expire on June 30, 1998, unless the SBS Commissioner extended the program based on a finding that a continuation was necessary to address the impact of discrimination on opportunities for certified M/WBEs.[4]

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[1] U.S. Small Business Administration, *Small Business Profile: New York* (2016), *available at* https://www.sba.gov/sites/default/files/advocacy/New_York.pdf

[2] Pursuant to *City of Richmond v. J.A. Croson Company, 488 U.S. 469 (1989)*, a United States Supreme Court case, a municipality may only create a race-based program if it demonstrates historical and societal discrimination against minority businesses.

[3] L.L. 61/1991.

[4] Mason Tillman Associates, Ltd., *City of New York Disparity Study* 11-3 (Jan. 2005), *available at*

After six years, the program expired in June 1998 as the City failed to conduct the required disparity study to determine the program's continued necessity.[5]

Despite the appropriation of funds by the Council for a new disparity study in 2000, 2001, and 2002, no study was conducted.[6] Finally, in 2003, Medgar Evers College-CUNY was contracted to conduct a new study, which it commissioned from Mason Tillman Associates.[7] Specifically, the study would examine the City's procurement from 1997 to 2002 and determine whether a disparity existed between the availability of qualified M/WBEs and the utilization of M/WBEs in procurement during this time period.[8] Released in January 2005, the study revealed significant demographic disparities among the business owners with whom the City contracts for purposes of receiving various goods and services. The study revealed that the City contracts with M/WBEs at drastically lower rates than businesses not owned by women or minorities.[9] Further, the study examined the number of MWBEs that operate in the city compared to their rates of procurement of government contracts and found substantial underutilization.[10] The study revealed that M/WBEs were underutilized in the awarding of both prime contracts and subcontracts.[11]

Accordingly, that same year, the Council passed Local Law 129 of 2005, which re-established the City's M/WBE program.[12] The M/WBE program was designed to "address the impact of discrimination on the city's procurement process, and to promote the public interest in avoiding fraud and favoritism in the procurement process, increasing competition for city business, and lowering contract costs."[13] Local Law 129 set aspirational goals for City agencies to increase their contracting with MWBEs. These goals set target percentages for certain types of contracts[14], but initially, the law only applied to contracts valued at $1 million or less. Significantly, Local Law 129 created an M/WBE certification program, which provides greater access to information about contracting opportunities through classes, networking events, targeted solicitations, and includes an online directory for certified businesses within the City that promote M/WBE businesses to purchasers.[15]

After the program's creation, certified M/WBE firms won more than three billion dollars in City contracts by 2012.[16] Notwithstanding the successes of the M/WBE program under Local Law 129, amendments were made to strengthen the program. In 2013, the Council enacted, and Mayor Bloomberg signed into law, Local Law 1.[17] Local Law 1 made a number of significant changes to the city's M/WBE program, including: (i) removing the requirement that M/WBE goals only apply to contracts valued at one million dollars or less; (ii) the creation of "M/WBE stat," an accountability program that requires agency M/WBE officers to convene quarterly to discuss progress with reaching M/WBE goals; (iii) requiring M/WBE reports from MOCS on a quarterly basis instead of semi-annually (as was required under Local Law 129 of 2005); and (iv) overall, improving and increasing education and outreach regarding the MWBE program and city contracting.[18]

The City has continued to make strides in increasing contracting opportunities and workforce development goals for minority and women owned businesses. Additionally, the Administration has established several programs to aid MWBEs. In September of 2016, the Mayor announced the creation of a new Mayor's Office

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http://masontillman.com/sites/masontillman.com/files/attachments/1312%20City%20of%20New%20York%20Final%20REPORT%201-24-05.pdf

[5] *Id.* at 11-4

[6] *Id.*

[7] *Id.*

[8] *Id.* at 12-2

[9] *Id.*

[10] *Id.* at 10-4

[11] *Id.*

[12] L.L 129/2005

[13] *Id.*

[14] *Id.* The participation goals for this program were established as a result of the disparity study conducted by the City that examined the availability of M/WBEs as compared to their utilization in public contracting.

[15] New York City Department of Small Business Services, "Minority and Women-owned Business Enterprise (M/WBE) Certification Program," https://www1.nyc.gov/nycbusiness/description/minority-and-womenowned-business-enterprise-certification-program-mwbe (last visited December 1, 2016)

[16] Office of the Mayor of the City of New York, *Mayor Bloomberg Signs Legislation to Help Strengthen Minority and Women-Owned Business Enterprise Program* (Jan. 7, 2013), *available at* http://www1.nyc.gov/office-of-the-mayor/news/011-13/mayor-bloomberg-signs-legislation-help-strengthen-minority-women-owned-business-enterprise

[17] L.L. 1/ 2013

[18] *Id.*

of M/WBEs, and announced a goal of awarding at least 30 percent of all City contracts to M/WBEs by 2021.[19] In June of 2017, the Administration announced the launch of a $10 million Bond Collateral Assistance Fund for M/WBEs and small businesses. This program allows eligible business to apply for collateral assistance of as much as $500,000, or 50 percent of the contract amount, to meet cash collateral bond requirements. [20] Additionally, in 2017, the Department of Small Business Services reported that 112 participants had graduated from its "Strategic Steps for Growth" program, which began in 2010. This program accepts eligible entrepreneurs for an eight-month business education program taught by faculty from New York University's Stern School of Business. In order to qualify, participants must be women or minorities who have operated their companies for at least three years with a minimum of $500,000 per year, and participants pay $1,000 of the program's $10,000 tuition, with the remainder subsidized by Citi Community Development and NYU.[21]

The legislation below seeks to further improve the City's efforts related to minority- and women-owned business enterprise (M/WBE) goals in workforce development.

III. PROPOSED INT. NO. 752-C

Under the New York City Charter, certain contractors are required to submit employment reports containing information such as "employment practices, policies, procedures, statistics and collective bargaining agreements."[22] The basis for this requirement is an Executive Order directing the agency predecessor to SBS's Division of Labor Services (DLS) to verify that contractors are in compliance with their nondiscrimination obligations under federal, state, and local law and executive orders.[23] The monetary threshold for applicable contracts is established through rules promulgated by SBS.[24] For construction contracts, this threshold is any contract above $1,000,000 for prime contractors and $750,000 for subcontractors.[25] Upon receipt of the report by SBS, DLS will conduct a review of the contractor's current employment policies, practices, and procedures.

This bill would require covered developers to submit to an agency designated by the Mayor workforce disclosure records on the number of hours worked, job title, full or part-time designation and gross wages of individuals working on covered projects. Covered developers would also need to provide workforce disclosure records for the gender and race or ethnic group of employees when such information is voluntarily provided for the purpose of reporting to the city.

By no later than October 31, 2021 the mayoral agency designated to administer this program would be required to make such information available online only when it could be sufficiently anonymized, and, beginning no later than October 31, 2022, publish such information in a report every five years.

This local law would go into effect 180 days after it becomes law.

(The following is the text of the Fiscal Impact Statement for Int. No. 752-C:)

[19] Mayor de Blasio Announces Bold New Vision for the City's M/WBE Program. (2016, September 28). Retrieved September 08, 2017, from http://www1.nyc.gov/office-of-the-mayor/news/775-16/mayor-de-blasio-bold-new-vision-the-city-s-m-wbe-program/#/0

[20] De Blasio Administration Launches New $10 Million Bond Collateral Assistance Fund. (2017, June 21). Retrieved September 08, 2017, from http://www1.nyc.gov/office-of-the-mayor/news/422-17/de-blasio-administration-launches-new-10-million-bond-collateral-assistance-fund-m-wbes-and

[21] Semenova, A. (2017, June 30). Seven years in, city reveals results of MWBE program. Retrieved September 08, 2017, from http://www.crainsnewyork.com/article/20170630/REAL_ESTATE/170629858

[22] N.Y.C. Charter § 1305(e)(2)

[23] Executive Order 50 (April 25, 1980), *available as modified at* app'x to title 66, chapter 10 of the rules of city of New York. The executive order followed the Court of Appeals' invalidation of the prior executive order that mandated affirmative action. *See Fullilove v. Beame*, 48 N.Y.2d 376, 379 (1979).

[24] N.Y.C. Charter § 1305(e)(1)

[25] 66 N.Y.C.R.R.§10-03

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

PROPOSED INTRO. NO: 752-C
COMMITTEE: Contracts

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to information regarding employees of city contractors	**SPONSOR(S):** The Public Advocate (Ms. James) and Council Members Rosenthal, Chin, Mendez, Miller, Menchaca and Kallos

SUMMARY OF LEGISLATION: This bill would require (beginning on July 1, 2021) covered contractors employed to work on city-funded construction projects to disclose certain information regarding the demographics of employees working on these projects, in addition to other administrative information, to an administering agency or agencies to be designated by the mayor, on at least an annual basis. Each constructor contractor that receives city financial assistance of $1,000,000 or more on a given project must provide the agency administering such assistance with annual workforce disclosure records regarding each employee that would include the number of hours worked, job title, full-time or part-time designation, and gross wages. Such records would also include the gender and race of each employee on projects involving ten or more employees, when employees voluntarily provide such information. The records would also be required to include the total number of individuals employed for a given job title, as well as the average number of hours worked and average compensation for such employees.

The administering agencies would be required to report on this data publicly online (where it can be anonymized) by no later than October 31, 2021. Furthermore, by no later than October 31, 2022, and every five years thereafter, the administrating agency must submit to the mayor and the Council, and post publicly on its website, a report providing details concerning the workforce of covered projects.

Finally, the bill would require the mayor to, in writing, designate one or more offices or agencies to administer and enforce the provisions of the bill and may change such designation. Upon change of the designation, the mayor must publish a notice on the city's website and on the website of each office or agency, and must send the notice electronically to council speaker.

EFFECTIVE DATE: This local law takes effect 180 days after is becomes law, except that before such effective date (i) the mayor may designate an administering agency, as defined herein, in accordance with section 22-1104 of the administrative code of the city of New York, as set forth in this local law, and (ii) the head of such agency may take such measures as are necessary for implementation of this local law, including the promulgation of rules.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: 2023

FISCAL IMPACT STATEMENT:

	Effective FY	Fiscal 2019	Fiscal 2020
Revenues	$0	$0	$0
Expenditures	$0	$0	$0
Net	$0	$0	$0

IMPACT ON REVENUES: It is estimated that there would be no impact on revenue.

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures as it is anticipated that the designated administering agency(ies) will use existing resources to implement the provisions of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS:

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Andrew Wilber, Financial Analyst, Finance Division

ESTIMATE REVIEWED BY: John Russell, Unit Head, Finance Division
Eric Bernstein, Counsel, Finance Division

LEGISLATIVE HISTORY: Introduction No. 752 was introduced by the Council on April 16, 2015 and was referred to the Committee on Contracts (Committee). The bill was subsequently amended twice, and on September 13, 2017, the Committee, along with the Committees on Economic Development and Small Business Services, held a hearing on the amended bill, Proposed Intro. No. 752-Band the bill was laid over. The bill was subsequently amended again, and the Committee will vote on the latest proposed amended version, Proposed Intro. No. 752-C, on December 7, 2017. Upon successful vote by the Committee, the bill will be submitted to the full Council for a vote on December 11, 2017.

DATE PREPARED: December 4, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 752-C:)

Int. No. 752-C

By The Public Advocate (Ms. James) and Council Members Rosenthal, Chin, Mendez, Miller, Menchaca and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to information regarding the workforce for certain construction projects

Be it enacted by the Council as follows:

Section 1. Title 22 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

CHAPTER 11

City-Assisted Construction Workforce Disclosure

§ 22-1101 Definitions. For purposes of this chapter, the following terms shall have the following meanings:

Administering agency. The term "administering agency" means the mayor or any and all agencies or offices designated by the mayor to administer or enforce the provision of this chapter.

City economic development entity. The term "city economic development entity" means an entity that provides or administers financial assistance on behalf of the city pursuant to paragraph (b) of subdivision 1 of section 1301 of the New York city charter, provided that the term "city economic development entity" shall not include the Brooklyn navy yard development corporation, or any successor entity that becomes the lessee and/or operator of block 2023, lots 1, 50 and 150 in Kings county, commonly known as the Brooklyn navy yard.

City financial assistance. The term "city financial assistance" means financial assistance that is provided or administered by the city or by a city economic development entity acting on the city's behalf.

Covered contractor. The term "covered contractor" means, with respect to a covered developer for a covered project, a person who has entered into a contract or other agreement with such developer for $1,000,000 or more to perform construction work in connection with such project, except that the term "covered contractor" does not include the city or a city economic development entity.

Covered developer. The term "covered developer" means a person who receives city financial assistance in connection with a covered project.

Covered project. The term "covered project" means: (i) a construction project that is funded in whole or in part with city financial assistance, other than a tax abatement or exemption, expected to have a present value of $1,000,000 or more where the agreement for providing any part of such assistance is executed, renewed or substantially amended on or after the effective date of the local law that added this chapter; and (ii) a construction project that is funded in whole or in part with city financial assistance in the form of tax abatements or exemptions, where the project has a total estimated cost certified by the applicant of $5,000,000 or more, where the application for such benefits is made on or after the effective date of the local law that added this chapter. The term "covered project" does not include a construction project by a not for profit developer that is intended to provide a site exclusively for the provision of human services including social services such as day care, foster care, home care, homeless assistance, housing and shelter assistance, supportive housing, preventive services, youth services, and senior centers; health or medical services including those provided by health maintenance organizations; legal services; employment assistance services, vocational and educational programs; and recreation programs.

Construction work. The term "construction work" means construction, alteration or demolition work, except that the term excludes (i) architectural, engineering, legal, accounting or other professional services; (ii) clerical or other similar office support services; and (iii) the managing, directing or supervising of construction, rehabilitation, alteration or demolition work.

Financial assistance. The term "financial assistance" means money or any other thing of value, including, but not limited to, cash payments; grants or other subsidies; loans; bond financing; tax abatements or exemptions; tax increment financing; environmental remediation costs; real property conveyance for less than market value; and write-downs in the market value of buildings, lands or leases or the cost of capital improvements related to real property that, under ordinary circumstances, the city would not pay for. The term "financial assistance" includes both discretionary and as-of-right assistance.

§ 22-1102 Disclosure requirements. a. Beginning on July 1, 2021, each covered developer for a covered project shall provide workforce disclosure records consisting of the following information for such project to the administering agency on at least an annual basis with respect to covered projects that receive city financial assistance on or after such date:

1. For each individual employed or otherwise engaged to perform construction work by the covered developer or any covered contractor during the prior year:

(a) the number of hours worked;

(b) job title;

(c) full-time or part-time designation; and

(d) gross wages.

2. For each individual employed or otherwise engaged to perform construction work by the covered developer or covered contractor who has voluntarily disclosed the following information to such covered developer and covered contractor for the purpose of reporting under this section:

(a) gender; and

(b) race or ethnic group.

3. For each job title, where such information is made available to such covered developer:

(a) the total number of individuals employed or otherwise engaged to perform project work by the covered developer or any covered contractor during the prior year, disaggregated by gender, race or ethnic group, full-time or part-time designation;

(b) the average number of hours worked by such individuals; and

(c) the average compensation of such individuals.

b. The information required by subdivision a of this section shall be submitted electronically to the administering agency in a form and manner to be determined by the administering agency.

§ 22-1103 Reporting on covered projects. a. By no later than October 31, 2021, the administering agency shall make data received pursuant to section 22-1102 of this chapter publicly available online where such data can be anonymized.

b. By no later than October 31, 2022 and every five years thereafter, the administering agency shall submit to the mayor and the council, and post publicly on the city's website a report providing details concerning the workforce of covered projects.

§ 22-1104 Designation of administering agency. The mayor shall, in writing, designate one or more offices or agencies to administer and enforce the provisions of this chapter and may, from time to time at the mayor's discretion, change such designation. Within 10 days after such designation or change thereof, a copy of such designation or change thereof shall be published on the city's website and on the website of each such office or agency, and shall be electronically submitted to the speaker of the council.

§2. This local law takes effect 180 days after it becomes law, except that before such effective date (i) the mayor may designate an administering agency, as defined herein, in accordance with section 22-1104 of the administrative code of the city of New York, as set forth in this local law, and (ii) the head of such administering agency may take such measures as are necessary for implementation of this local law, including the promulgation of rules.

HELEN K. ROSENTHAL, *Chairperson*; COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, ADRIENNE E. ADAMS; Committee on Contracts, December 7, 2017.

On motion of the Speaker (Council Member Mark-Viverito), 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 Education

Report for Int. No. 1486-A

Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information on school applications, offers of admission, enrollment and school seats available

The Committee on Education, to which the annexed proposed local law was referred on February 28, 2017 (Minutes, page 643), respectfully

REPORTS:

Introduction

On December 7, 2017, the Committee on Education, chaired by Council Member Daniel Dromm, voted on Introduction No. 1486-A, sponsored by Council Member Ben Kallos. The bill would require the Department of Education (DOE) to report information on applications, offers of admission, enrollment, and anticipated seats available in DOE schools. A hearing was previously held on this bill on February 28, 2017. At that hearing, the Committee heard from representatives from the DOE, the School Construction Authority (SCA), elected officials, union leaders, advocates, educators, and parents. On December 7, 2017, the Committee passed Introduction No. 1486-A by a vote of fifteen in the affirmative, zero in the negative, with zero abstentions.

Background

Overcrowding Crisis

Overcrowded schools, where student enrollment exceeds school capacity (the total number of students that a school can accommodate), are a perennial and critical problem in New York City.[1] According to the Preliminary Mayor's Management Report (PMMR) for Fiscal Year (FY) 2017, 59% of elementary schools, 22% of middle schools, and 36% of high schools exceed capacity.[2] (For a map of utilization rate by district, see Figure 1 in Appendix.) Perhaps even more startling, 54% of elementary and middle school students and 47% of high school students citywide attend schools that exceed capacity.[3] Further, the average school utilization rate across the city is 106% for elementary schools, 79% for middle schools, and 92% for high schools.[4]

The school overcrowding crisis is likely to worsen over the coming years without adequate intervention. According to Department of City Planning (DCP) estimates, New York City's school-age population, which

[1] For historical information on overcrowding, see Committee Report for the October 3, 2008 hearing available at http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=448758&GUID=BA301A5D-B6B4-4C23-B7A4-A94E7710B136&Options=Advanced&Search=.
[2] Preliminary Mayor's Management Report (PMMR) for Fiscal 2017, February 2017, p. 193.
[3] *Id.*
[4] DOE, "Enrollment, Capacity & Utilization Report: Target Calculation, 2015-2016 School Year," November 2016, p.229, accessed at http://www.nycsca.org/Community/Capital-Plan-Reports-Data#Enrollment-Capacity-Utilization-69. The utilization rate is determined by dividing enrollment by adjusted capacity.

stood at 1.26 million in 2010, is expected to grow to approximately 1.34 million by 2040, an increase of 6.5%.[5] In addition, Mayor de Blasio has proposed a 10-year plan to build or preserve 200,000 affordable housing units across all five boroughs of New York City.[6] Achieving the Mayor's *Housing New York* goals requires some changes to zoning regulations, including Zoning for Quality and Affordability, (ZQA)[7] and Mandatory Inclusionary Housing (MIH)[8], which are being used in rezoning a number of communities across the City. Rezonings are required to undergo an environmental review process, which analyzes the impact of the new development on school capacity. However, the environmental review process may not capture the full extent of the impacts, especially for housing projects. For example, the CEQR Technical Manual identifies two criteria that determine if a rezoning will have a "significant adverse impact" on school capacity: (1) the utilization rate increases by 5% or more, or (2) the utilization rate crosses the threshold from below 100% to above 100%.[9] Thus, a rezoning can increase the utilization rate from 110% to 114.9% and still be deemed to have no impact on school capacity. This is especially problematic when multiple rezonings lead to a larger cumulative increase in school capacity. These rezonings are likely to have an impact on school overcrowding in certain neighborhoods. For example, the East New York rezoning proposal projects a net increase of 3,569 students in Community School District 19, including approximately 1,882 elementary school students, 778 intermediate school students, and 909 high school students.[10] However, the Five Year Capital Plan for FY 2015-2019 only identifies a need for 1,000 Public School (PS)/Intermediate School (IS) seats for District 19, which certainly will result in existing schools becoming more crowded.[11]

Causes of Overcrowding

As noted above, enrollment growth is a leading cause of school overcrowding, but it is not the only one. Enrollment fluctuates from year to year due primarily to changes in birth rates, increases and decreases in immigration, as well as migration of City residents to other areas.

The following table shows yearly fluctuations in enrollment from 2006 to 2016, but an overall increase in enrollment for the 10-year period:

Historical Enrollment		
Year	**Enrollment**	**% Change**
2006-2007	1,042,078	
2007-2008	1,035,406	-0.6%
2008-2009	1,029,459	-0.6%
2009-2010	1,038,741	0.9%
2010-2011	1,043,886	0.5%
2011-2012	1,041,437	-0.2%

[5] Department of City Planning (DCP), "New York City Population Projections by Age/Sex & Borough, 2010–2040," December 2013, p. 3, accessed at http://www1.nyc.gov/assets/planning/download/pdf/data-maps/nyc-population/projections_briefing_booklet_2010_2040.pdf.
[6] City of New York website, *Housing New York Plan*, accessed on 2/21/17 at http://www1.nyc.gov/nyc-resources/service/3980/housing-new-york-plan.
[7] DCP, "Zoning for Quality and Affordability," updated June 22, 2016, accessed at https://www1.nyc.gov/site/planning/plans/zqa/zoning-for-quality-and-affordability.page.

[8] DCP, "Zoning for Quality and Affordability," updated March 22, 2016, accessed at https://www1.nyc.gov/site/planning/plans/mih/mandatory-inclusionary-housing.page
[9] CEQR Technical Manual, 2014 Edition (revised 4/27/2016). Chapter 6: Community Facilities and Services. http://www.nyc.gov/html/oec/html/ceqr/technical_manual_2014.shtml.
[10] DCP, "East New York Rezoning Proposal Chapter 4: Community Facilities and Services," accessed on 2/21/17 at https://www1.nyc.gov/assets/planning/download/pdf/applicants/env-review/east-new-york/04_feis.pdf.
[11] SCA, "FY2015-2019 Five Year Proposed Capital Plan Amendment," November 2016, at 21, available at http://www.nycsca.org/Community/Capital-Plan-Reports-Data#Capital-Plan-67.

2012-2013	1,036,053	-0.5%
2013-2014	1,032,574	-0.3%
2014-2015	1,038,066	0.5%
2015-2016	1,076,010	3.7%

Includes all grades, all schools

Source: NYC IBO 2016

Student enrollment can also be directly impacted by changes in policy, such as the expansion of pre-kindergarten (pre-K) programs and charter schools.[12] Under Mayor de Blasio's Pre-K for All initiative, pre-K enrollment has grown from approximately 20,000 children in 2013-2014 to 70,400 in the 2016-2017 school year – an increase of more than 50,000 students in just 3 years.[13] Similarly, enrollment in charter schools in New York City has increased tremendously in the past 10 years, from under 20,000 in 2007[14] to more than 119,000 in 2017.[15] Although not all pre-K or charter school seats are located in DOE facilities, the rapid expansion of both have added significantly to the need for new school capacity. Added pressure on school capacity was generated with a 2014 change in State law that requires New York City to provide new and expanding charter schools with free space in public schools or else pay rental costs for private space.[16]

Other policy decisions can have an impact on school overcrowding not by increasing or decreasing overall student enrollment, but rather by shifting students from one school to another. For example, an unintended consequence of former Mayor Michael Bloomberg's policy of closing or phasing out large, low-performing high schools instituted was that many students were displaced to surrounding schools, thereby significantly increasing enrollment in those schools, in some cases by more than 20%.[17]

The policy of co-locating several schools within a single school building also impacts capacity. Each co-located school needs its own administrative offices, spaces to provide services for students with disabilities, and other specialized spaces, so instructional space is often lost as regular classrooms are converted for administrative and other uses.[18]

The SCA has also committed to removing all trailers, called Transportable Classroom Units (TCUs), from schoolyards. In the past, TCUs were widely used to provide additional classroom space at overcrowded schools. While some TCUs have been removed in recent years, 260 still remain, serving thousands of students and increasing the need for new seats.

Other factors beyond the control of officials, such as the increasing number of special education students, also have an impact on capacity. The number of students with disabilities affects space usage because special education classes are significantly smaller than general education classes (particularly self-contained classes,

[12] For further information on enrollment changes, see Committee Report for the October 3, 2008 hearing available at http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=448758&GUID=BA301A5D-B6B4-4C23-B7A4-A94E7710B136&Options=Advanced&Search=.

[13] DOE press release, "Independent Research Shows High Satisfaction with Pre-K For All Expansion," 9/27/16, accessed at http://schools.nyc.gov/Offices/mediarelations/NewsandSpeeches/2016-2017/Independent+Research+Shows+High+Satisfaction+with+Pre+K+For+All+Expansion.htm.

[14] New York City Charter School Center, "New York City Charter Schools are Growing," accessed on 2/21/17 at http://www.nyccharterschools.org/sites/default/files/resources/factsheet-Growth-Demand.pdf.

[15] Data provided by DOE to Council per term and condition.

[16] State Education Law (SEL) § 2853(3)(e).

[17] Clara Hemphill, and Kim Nauer, *The New Marketplace: How Small School Reforms and School Choice Have Reshaped New York City's High Schools*, Center for New York City Affairs, Milano New School, June 2009, accessed at http://www.centernyc.org/reports/. https://static1.squarespace.com/static/53ee4f0be4b015b9c3690d84/t/5715033955598669d776bad5/1460994874837/237437699-The-New-Marketplace.pdf.

[18] For further information, see Committee Report for the March 3, 2015 hearing available at http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=448758&GUID=BA301A5D-B6B4-4C23-B7A4-A94E7710B136&Options=Advanced&Search=.

which contain between 6 and 15 students), and are often housed in rooms designed for more students.[19] Many students with disabilities also receive mandated services, such as physical or occupational therapy or counseling, which require dedicated space. According to the latest PMMR data, in the 2-year period from FY 2014 to FY 2016 the number of public school-age special education students grew from 192,110 to 206,839, an increase of 14,729 students or approximately 7.7%.[20]

Impact of Overcrowding

School overcrowding shortchanges students in multiple ways. In overcrowded schools, specialized spaces such as science labs, libraries, music, and art rooms are often converted into regular classrooms, negatively impacting instruction for students in these subjects.[21] In 2011, the Council passed legislation requiring the DOE to report on capacity and utilization data in an attempt to enhance transparency around this issue.[22] Yet, some schools with severe overcrowding continue to have to use hallways, closets, stairwells, gymnasiums and other spaces not intended for instruction as makeshift classrooms.[23]

In overcrowded schools, multiple lunch periods are needed to accommodate all students, with lunch periods sometimes starting before 10 a.m. and continuing into the mid-afternoon.[24] A 2014 review conducted by WNYC and the *Daily News* found that as many as 40% of the City public schools started lunch periods by 10:45 in the morning.[25] Students who eat lunch so early in the morning are likely to be hungry by afternoon and less engaged and able to focus on schoolwork.[26]

Research shows that overcrowded environments are not conducive to learning and have a negative impact on both students and teachers. Crowding causes stress and is found to have an effect on interpersonal behaviors, mental health and motivation.[27] Crowded schools are also noisier, with greater exposure to noise affecting children's reading abilities, cognitive development and attention.[28] Teachers in noisy schools are more fatigued and less patient than teachers in quieter schools, and they lose instruction time due to noise distractions.[29]

Overcrowded schools also tend to have larger class sizes, which can have a negative effect on student learning. A considerable body of research has shown that larger classes are detrimental to student engagement, achievement levels, and graduation rates.[30]

Some research has linked lower student achievement with overcrowding. One study found that students in overcrowded New York City schools scored 2 to 9 percentage points lower on math and reading exams than those in underutilized schools.[31] A more recent study tracking thousands of students in the Los Angeles Unified School District found significant achievement gains, equivalent to about 65 days of additional

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[19] DOE, *Family Guide to Special Education Services for School-Age Children*, at 27, accessed on 2/21/17 at http://schools.nyc.gov/NR/rdonlyres/DBD4EB3A-6D3B-496D-8CB2-C742F9B9AB5C/0/Parent_Guide_for_Students_with_Disabilites_Updated_Web.pdf.

[20] Preliminary Mayor's Management Report (PMMR) for Fiscal 2017, February 2017, p. 192.

[21] Campaign for Fiscal Equity, *Maxed Out: New York City School Overcrowding Crisis*, May 2009, accessed at http://www.goodflow.net/static.php?page=maxedout_new_york_city_school&category=reports_research.

[22] Local Law 60 of 2011.

[23] See e.g., Clare Trapasso, "Western Queens parents group: we've got two overcrowded schools that need additions built," *New York Daily News*, December 28, 2011, accessed at http://www.nydailynews.com/new-york/western-queens-parents-group-overcrowded-schools-additions-built-article-1.997877.

[24] Coulter Jones, "Is It Still Lunch at 10:45 a.m.? City Schools Serve Meals at Odd Hours," *Schoolbook*, February 10, 2014. http://www.wnyc.org/story/it-still-lunch-10-m-some-nyc-schools-serve-meals-odd-hours/.

[25] *Id.*

[26] *Id.*

[27] Kimberly Kopko, *The Effects of the Physical Environment on Children's Development,* Cornell University College of Human Ecology, Department of Human Development Outreach & Extension, 2007, accessed at http://www.human.cornell.edu/hd/outreach-extension/upload/evans.pdf.

[28] *Id.*

[29] *Id.*

[30] For a brief summary of the research, see Class Size Matters, "The Benefits of Class Size Reduction," June 2013, available at www.classsizematters.org/wp-content/uploads/2013/06/CSR-national-fact-sheet1.pdf. See also research links at http://www.classsizematters.org/research-and-links/.

[31] Francisco L. Rivera-Batiz and Lillian Marti, *A School System at Risk: A Study of the Consequences of Overcrowding in New York City Public Schools*, Institute for Urban and Minority Education, Teachers College, Columbia University, January 1995, accessed at http://files.eric.ed.gov/fulltext/ED379381.pdf.

instruction per year, for elementary students "who escaped severe overcrowding by moving to a new elementary school."[32]

Efforts to Address Overcrowding

A 2016 DOE report, *Space Overutilization in New York City Public Schools: Report on the 2014-2015 School Year*, describes the methods used to address school overcrowding: "The DOE uses various strategies to alleviate overcrowding and to address increases in enrollment. These strategies include new construction, rezoning the catchment areas of zoned schools, helping principals program their instructional space more efficiently, repurposing and creating capacity through room conversion projects, and siting new or expanded schools and programs in underutilized facilities."[33]

The primary strategy for alleviating school overcrowding is the creation of new capacity by constructing new school buildings or annexes, leasing space, or allocating capital funding for room conversions or other capacity projects in the Five Year Capital Plan. Below is a summary of capacity projects in the current Five Year Capital Plan, followed by a description of non-capital strategies to deal with school overcrowding.

FY 2015-2019 Five Year Capital Plan

In the February 2017 Proposed Amendment for FY 2015-2019 Five Year Capital Plan (the "Proposed Amendment"), $5.91 billion, more than one-third of the total $15.45 billion Capital Plan, is dedicated to capacity projects.[34] Capacity projects include all projects to create, expand or replace school buildings. The Proposed Amendment would increase funding for capacity by almost 4%, largely as a result of an additional $130 million increase to expand pre-K capacity and $80 million for facility replacement.[35] Other categories under capacity include new capacity and class size reduction.

New Capacity Program - $4.48 billion

The DOE has identified a need for 82,811 new seats citywide, not including pre-K seats. (For a map of identified seats needed by district, see Figure 2 in Appendix; for a chart of enrollment and identified seats needed by district, see Figure 3 in Appendix). The Proposed Amendment includes funding for 44,324 new K-12 seats, 2,601 of which are funded for design only (the cost of constructing these seats is not currently included in the plan). Of the funded seats, 24,036 are in scope or design. However, 39 out of 84 projects, representing 20,314 seats, have not been sited.[36] (For a map of funded seats needed that have not been sited, see Figure 4 in Appendix)

Of the 84 new capacity projects in the Proposed Amendment, 79 are elementary or middle school buildings with 41,177 seats, and 5 are grade 6-12 or high school buildings with 3,147 seats.[37]

Pre-Kindergarten Initiative - $800 million

This funding supports the creation of pre-K seats and, as previously mentioned, is up by $130 million, or 19% in the Proposed Amendment. Pre-K capacity is created by building stand-alone pre-K buildings, adding pre-K classrooms in new buildings that are being constructed for elementary school use, or by leasing space

[32] William Welsh, et.al., *New Schools, Overcrowding Relief, and Achievement Gains in Los Angeles – Strong Returns from a $19.5 Billion Investment, Policy Analysis for California Education*, August 2012, at 2, accessed at http://www.edpolicyinca.org/sites/default/files/pace_pb_08.pdf.
[33] DOE, *Space Overutilization in New York City Public Schools: Report on the 2014-2015 School Year*, June 1, 2016, at 1, accessed at http://schools.nyc.gov/NR/rdonlyres/40C1E850-6E4B-4511-9D5D-4CE499E6773D/198862/OverutilizationReportFINAL6_1_15.pdf.
[34] School Construction Authority, "FY2015-2019 Five Year Proposed Capital Plan Amendment," February 2017, at 21, available at http://www.nycsca.org/Community/Capital-Plan-Reports-Data#Capital-Plan-67.
[35] *Id.*
[36] *Id.*.
[37] *Id.*

for pre-K centers. The SCA expects to create over 8,300 seats. Of the projects currently identified, six projects representing 558 seats have not been sited.[38]

Class Size Reduction Program - $490 million

Because of the adoption of the Smart Schools Bond Act, additional funding was made available to reduce class sizes system-wide; the Proposed Amendment allocates $490 million to create an additional 4,900 seats.[39] Some of the criteria to be considered when choosing school buildings include: 1) High rate of overutilization per the latest Enrollment, Capacity, and Utilization Report; 2) Unfunded seat need in the sub-district where school building is located; 3) Use of Transportable Classroom Units; and 4) Geographic isolation.[40] The SCA identified three Class Size Reduction projects in the January 2016 amendment to the Capital Plan: P.S.19 in District 11, Bronx; East New York Family Academy in District 19, Brooklyn; and P.S. 131 in District 29, Queens.[41]

Facility Replacement Program - $142 million

The Proposed Amendment allocates $142 million to the Facility Replacement Program, which will provide development of new sites for schools that must vacate their current leased locations.[42] The seats will be provided through new construction or alternative leasing opportunities, similar to new capacity.[43]

Capital Task Force Projects

New seats are created not only through Capacity projects, but also through Capital Task Force (CTF) projects. CTF projects are small capital projects typically built by Division of School Facilities Skilled Trades or Job Order Contract contractors. They change capacity through room conversions.[44]
Transportable Classroom Unit (TCU) Removal - $405 million

SCA has committed to removing TCUs across the City and $405 million is allocated for the removal of all units. The Proposed Amendment would decrease the allocation for TCU removals by $45 million, or 10 percent, but leave the number of TCUs slated for removal unchanged. Several new capacity projects in the form of additions have been created in sites that currently contain TCUs. As a result of these additions, approximately 50 TCUs will be removed and the costs of those TCU removals will be included with the addition project, which allowed SCA to shift funding from the TCU removal category to the new capacity category.[45]

Non-Capital Strategies to Alleviate Overcrowding

The key non-capital strategies to alleviate school overcrowding include the following:

- **Rezoning** – Changing the zone lines of schools can help redistribute the student population among schools in a district. Shrinking a school's zone helps alleviate overcrowding by reducing the pool of

[38] *Id.*
[39] Council of the City of New York, *Hearing on the Fiscal 2015 Preliminary Capital Budget & the Fiscal 2014 Preliminary Mayor's Management Report: Department of Education – School Construction Authority* 11 (March 18, 2014), available at http://council.nyc.gov/budget/wp-content/uploads/sites/54/2014/07/fy2015-educations.pdf
[40] SCA, "FY2015-2019 Five Year Proposed Capital Plan Amendment," February 2017, at 26, available at http://www.nycsca.org/Community/Capital-Plan-Reports-Data#Capital-Plan-67.
[41] *Id.* at 21.
[42] *Id.*, at 8,
[43] *Id.*
[44] DOE, *Space Overutilization in New York City Public Schools: Report on the 2014-2015 School Year*, June 1, 2016, at 1, accessed at http://schools.nyc.gov/NR/rdonlyres/40C1E850-6E4B-4511-9D5D-4CE499E6773D/198862/OverutilizationReportFINAL6_1_15.pdf.
[45] SCA, "FY2015-2019 Five Year Proposed Capital Plan Amendment," November 2016, at 34-35, available at http://www.nycsca.org/Community/Capital-Plan-Reports-Data#Capital-Plan-67.

students for new admissions, while expanding the size of the zone for underutilized schools helps alleviate overcrowding at nearby schools.[46]

- **Programming** – More efficient programming and scheduling at the school level can mitigate the effects of overutilized buildings. For example, at the high school level, use of "split sessions" or staggered schedules for students maximizes the availability of classrooms by programming more periods per day.[47]

- **Re-purposing Seats** – Each year, the DOE puts forth a number of proposals to change the way space is utilized to better meet the specific needs of individual schools and districts. These proposals for "Significant Changes In School Utilization" require a public review process outlined in Chancellor's Regulation A-190 and approval by the Panel for Educational Policy (PEP). Such proposals include the following:

    - **Re-sitings** – The relocation of students from one building to another is often used to allow for construction to improve facilities, or as a result of losing a lease.
    - **Grade Reconfigurations** – The expansion or truncation of a school's grade levels can be used to address under or overutilization of buildings. For example, an underutilized K-5 school could be expanded to become a K-8 school; conversely, an overcrowded K-8 school may be truncated to a K-5 school.
    - **Siting New Schools in Under-utilized Buildings** – The DOE identifies buildings with a significant amount of excess space that could accommodate new district or charter schools, D75 or D79 programs, or Pre-K Centers. By opening new schools in under-utilized space, the DOE effectively adds capacity.
    - **Consolidating Co-located Schools** – By consolidating two co-located schools into one organization, spaces that would have been used for redundant administrative or specialized purposes may instead be used for additional classroom space, creating more overall capacity in a building to serve students.
    - **School Closures** – Schools may be closed based on persistently low enrollment, performance or demand. By opening a different school option in place of an extremely under-enrolled school, the DOE is able to use space more efficiently.[48]

- **Changes to Admissions Policy** – The DOE has centralized admissions processes for most pre-K, elementary, middle and high schools. Controlling the number of students who are offered admission can be used to address overutilization by limiting admission offers. [49]

School Construction Authority (SCA)

The SCA is a public benefit corporation created pursuant to state law.[50] The New York State Legislature created the SCA in 1988 to streamline the City's school construction process in response to delays and inefficiencies in the then Board of Education's (BOE) school construction process, with schools taking 8 to 10 years to complete.[51] Pursuant to changes in school governance law in 2002, management of the DOE's capital

[46] DOE, *Space Overutilization in New York City Public Schools: Report on the 2014-2015 School Year*, June 1, 2016, Appendix V: Descriptions of Strategies to Relieve Overutilization, accessed at http://schools.nyc.gov/NR/rdonlyres/40C1E850-6E4B-4511-9D5D-4CE499E6773D/198862/OverutilizationReportFINAL6_1_15.pdf.
[47] *Id.*
[48] *Id.*
[49] *Id.*
[50] New York State Public Authorities Law § 1727.
[51] For more information on SCA history, see Committee Report for the October 3, 2008 hearing available at http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=448758&GUID=BA301A5D-B6B4-4C23-B7A4-A94E7710B136&Options=Advanced&Search=. See also, e.g. Eugene Kontorovich, "Why New York Can't Build Schools," *City Journal*, Spring 1998, accessed at https://www.city-journal.org/html/why-new-york-can%E2%80%99t-build-schools-12074.html.

program was further consolidated under the SCA, and the Mayor became responsible for appointing the three SCA Trustees.[52] DOE staff previously involved in capital projects were relocated to the SCA, which became solely responsible for "planning, real estate, and budgeting, as well as the scoping, design and construction of new schools, additions and capital improvements to existing schools."[53]

In creating the SCA, the State Legislature exempted it from any general or special law, local law, city charter, administrative code, ordinance or resolution governing uniform land use procedures, or any other land use planning review and approval processes.[54] However, the Legislature determined that the SCA would be subject to the Environmental Conservation Law, the Parks, Recreation and Historic Preservation law, and zoning regulations.[55]

School Planning Process

The SCA describes its planning process as follows:

> The SCA's comprehensive capital planning process includes developing and analyzing quality data, creating and updating the Department of Education's Five-Year Capital Plans, and monitoring projects through completion. The SCA prioritizes capital projects to best meet the capacity and building improvements needs throughout the City. Additionally, the SCA assures that the Capital Plan aligns with New York State and City Department of Education mandates, academic initiatives, and budgetary resources.[56]

The SCA uses the following reports and documents in the planning process to calculate the need for new capacity and inform the allocations in the Five Year Capital Plan:

- Demographic Projection Reports
- Enrollment, Capacity & Utilization Report
- Projected New Housing Starts
- Projected Public School Ratio

Demographic Projection Reports

The SCA uses two independent demographers, Grier Partnership and Statistical Forecasting LLC, to project future enrollment.[57] The demographic projections take into account the birth, enrollment, and migration trends for 5 and 10 years into the future and combine it with projected housing growth to derive the total projected enrollment.[58] More specifically, Statistical Forecasting says their methodology includes obtaining historical enrollment data from the SCA for each of the 32 community school districts, but excluding data from District 75, which is the citywide special education district in New York City, from their enrollment projections.[59] They also obtain historical birth data from the City's Department of Health and Mental Hygiene and use that data to project future birth rates.[60] In projecting future enrollment, they also use a method to project grade progression differences. In other words, they look at the change in the number of students for each grade from one year to the next to compare the inward versus outward migration of students and whether

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[52] SCA website, "History," accessed on 2/17/17 at http://www.nycsca.org/Quick-Links-Home/About-the-SCA/History.
[53] *Id.*
[54] Public Authorities Law § 1730.
[55] *Id.*
[56] SCA website, "Capital Plan Management Reports & Data," accessed on 2/21/17 at http://www.nycsca.org/Community/Capital-Plan-Reports-Data.
[57] SCA website, "Demographic Projection," accessed on 2/21/17 at http://www.nycsca.org/Community/Capital-Plan-Reports-Data#Demographic-Projection-68.
[58] *Id.*
[59] Statistical Forecasting LLC, "Enrollment Projections for the New York City Public Schools: 2015-16 to 2024-25, Volume I" May 2015, at 51, accessed at http://www.nycsca.org/Community/Capital-Plan-Reports-Data#Demographic-Projection-68.
[60] *Id.*

it is stable, increasing or decreasing over time.[61] The latest projections by Statistical Forecasting indicate declining citywide enrollment each year from 2015-2016 to 2024-2025.[62] The Grier Partnership report also shows an overall decline in enrollment over the same period, but the report does not include a section on methodology.[63]

Enrollment, Capacity & Utilization Report

The Enrollment, Capacity, and Utilization Report (commonly known as the "Blue Book") is published annually by the DOE and identifies the capacity of each school building based on a set of uniformly applied assumptions.[64] The capacity is then compared to the building enrollment to calculate the utilization rate of each school and building. In essence, the Blue Book provides a snapshot of current school utilization and overcrowding. The information provided in the Blue Book is used to plan major capital projects that expand the capacity of school buildings and assist in making informed decisions about the placement of new schools or programs in underutilized buildings.[65] The calculation to determine a building's capacity is based on information provided by principals in the Principal Annual Space Survey, or PASS, which is conducted by the SCA and requires principals to verify the usage of rooms within each building.[66] A school's capacity, which is the total number of students that it can accommodate, is based on the functions of all rooms in the building.[67] Since the 2013-2014 school year, there have been a number of changes in the Blue Book based on recommendations of the Blue Book Working Group (BBWG), which is comprised of representatives of parents, educators, elected officials, advocates, and other community stakeholders.[68] The changes made resulted in a decrease of capacity for many elementary and middle schools, and an overall citywide capacity decrease by over 26,000 seats compared to the 2013-2014 Blue Book, so "a true comparison of overutilized schools cannot be made using the 2014-2015 to 2013-2014 Blue Book reports."[69] The 2014-2015 Blue Book will therefore serve as the new baseline for tracking overutilization moving forward.[70]

Projected New Housing Starts

The DOE collaborates with other City agencies to develop a comprehensive list of new housing starts and incorporates the expected increase in school-age population into its projections. Information on new housing starts is provided by DCP, Department of Buildings, and Department of Housing Preservation and Development and is incorporated in the "Projected New Housing Starts as Used in 2015-2024 Enrollment Projection" document.[71] New housing units include all projects that are either in process or scheduled to be constructed over the next 5 or 10 years.[72]

Projected Public School Ratio

The SCA must then estimate the expected increase in school-age population generated by the new housing development. To do this, SCA uses the "Projected Public School Ratio" which is incorporated in the City

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[61] *Id* at 53.
[62] *Id* at 4.
[63] The Grier Partnership, Enrollment Projections 2015 to 2024 New York City Public Schools: Volume I Projection Report," May 2015, accessed at http://www.nycsca.org/Community/Capital-Plan-Reports-Data#Demographic-Projection-68.
[64] DOE, "Enrollment – Capacity – Utilization Report 2015-2016 School Year," November 2016, Introduction, available at http://www.nycsca.org/Community/Capital-Plan-Reports-Data#Enrollment-Capacity-Utilization-69.
[65] *Id.*
[66] *Id.*
[67] *Id.*
[68] *Id.*
[69] DOE, *Space Overutilization in New York City Public Schools: Report on the 2014-2015 School Year*, June 1, 2016, at 1, accessed at http://schools.nyc.gov/NR/rdonlyres/40C1E850-6E4B-4511-9D5D-4CE499E6773D/198862/OverutilizationReportFINAL6_1_15.pdf.
[70] *Id.*
[71] SCA website, "Projected New Housing Starts as Used in 2015-2024 Enrollment Projection," accessed on 2/21/17 at http://www.nycsca.org/Community/Capital-Plan-Reports-Data#Housing-Projections-70.
[72] *Id.*

Environmental Quality Review manual to indicate the number of pupils generated from new housing per unit by borough and age.[73]

School Siting Process

According to the SCA, "[o]ne of the greatest challenges in building new schools in New York City is finding appropriate sites."[74] The difficulty in obtaining sites adds considerably to the timeline for school construction. Very little written information about the site selection process is available to the public, except the following excerpt from the NYC Green Schools Guide: "The SCA site selection process includes the consideration of available properties that are within the geographical and jurisdictional area of need, which meet the minimum size requirement for the targeted project."[75] SCA's website also includes the following information on minimum requirements for new school construction: "Sites should be a minimum of 20,000 square feet and have minimum dimensions of 100 linear feet. Other factors such as zoning and surrounding uses will also be considered."[76]

As previously noted, State law does not exempt the SCA from the State Environmental Quality Review Act (SEQRA) contained under the Environmental Conservation Law,[77] nor from the City Environmental Quality Review (CEQR) requirements, the process for implementing SEQRA within the City.[78] The purpose of SEQRA is to "provide government agencies with early assessment of environmental considerations in order to guide decision making on applications for zoning changes, permits, licenses, certificates of occupancy or other land use privileges."[79] Pursuant to SEQRA, government agencies must consider environmental factors as early as possible in the proposal for an action and must prepare an environmental impact statement (EIS) describing the short and long-term effects of the proposed action in the environmental setting.[80] An important purpose of the EIS is to provide information about the effect that the proposed action will have on the surrounding community. Therefore, the law requires that a summary of the substantive comments received by the agency regarding the action and the agency's response to those comments also be included in the statement.[81] The EIS must also be posted on a publicly available internet website.[82]

The New York State Public Authorities Law requires that there be significant community participation prior to "new construction or building additions of an educational facility, or the acquisition of real property."[83] As part of any proposal to acquire real property, the SCA must file a site report which must include the recommended site, any alternate sites considered and reasons as to why the alternate sites were not selected. The site report must then be filed with the city board (Panel for Educational Policy), city planning commission, community school district education council (commonly known as Community Education Council or CEC) and the community board of the district where the new school will be located. The SCA must also furnish a copy of the site report or a summary thereof to any other person who requests it.[84] The SCA must publish notice of the filing of the site report in a newspaper of general circulation and within 30 days after publication, a public hearing shall be held by each affected CEC and each affected community board. If more than one CEC and/or community board is affected, the hearing may be held jointly. Within 45 days after publication each affected CEC or community board, or any other person or organization, may

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[73] SCA website, "Projected Public School Ratio," accessed on 2/21/17 at http://www.nycsca.org/Community/Capital-Plan-Reports-Data#Housing-Projections-70.
[74] SCA and DOE, "NYC Green Schools Guide 2016," at 29, accessed at http://www.nycsca.org/Design/NYC-Green-Schools-Guide.
[75] *Id.*
[76] SCA website, "Real Estate, FAQs" accessed on 2/24/17 at http://www.nycsca.org/Community/Real-Estate.
[77] Environmental Conservation Law Article 8.
[78] Mayor's Office of Environmental Coordination, "CEQR Basics: What is CEQR?" accessed on 2/23/17 at http://www.nyc.gov/html/oec/html/ceqr/basics.shtml.
[79] Environmental Conservation Law §8-0101.

[80] Environmental Conservation Law § 8-0109 (2)(h).

[81] Environmental Conservation Law § 8-0109 (2).
[82] Environmental Conservation Law § 8-0109 (4).
[83] Public Authorities Law § 1731.
[84] *Id.*

submit written comments on the site plan to the SCA. The SCA, after due consideration of the comments, may affirm, modify or withdraw the plan.[85]

City Council Role in Site Selection

After publication of the site plan and following a public hearing, the SCA must submit the site plan to the mayor and the Council for review prior to beginning construction of educational facilities.[86] The Council has 20 days from receipt of the plan to take action to disapprove the plan. If no such action is taken, the plan is deemed to be approved.[87] If the mayor disapproves the action, the Council will have 20 days from notice of the disapproval to override the disapproval of the mayor with a two-thirds vote.[88] However, the City may not require the SCA to "conduct any further hearings or seek any further approvals as a condition for receiving City approval."[89] If the Council or mayor disapproves the site plan the SCA may, after consultation with the DOE, revise the plan and resubmit it, or eliminate it from the Five Year Capital Plan.[90] The procedure outlined above applies only to newly-constructed educational facilities, not leased facilities.

Issues and Concerns

Current levels of school overcrowding are of tremendous concern to parents, students, teachers, elected officials, and advocates. The fact that approximately half of the City's 1.1 million public school students are in overcrowded schools, with 54% of elementary and middle school students and 47% of high school students attending schools that exceed capacity,[91] is considered unacceptable to most stakeholders. Many fear that school overcrowding could become even worse without preventive action, due to projected population growth and rezoning to facilitate creation of more affordable housing. Even more immediately, the City is in the midst of a residential housing boom, with new housing development in every borough and most communities. In fact, residential construction is on pace to have its third consecutive record-breaking year, with a projected $13.4 billion in spending for 2016.[92] After adjusting for inflation, this is 47% higher than the City's previous residential boom, in 2007.[93]

In addition, advocates point out that, while overcrowding occurs throughout the City, it disproportionately impacts immigrant communities.[94] Further, advocates maintain that the current Five Year Capital Plan is less likely to provide funding for seats in overcrowded immigrant communities than non-immigrant communities.[95]

School Planning Concerns

Although the FY 2015-2019 Five Year Capital Plan currently identifies a need of approximately 83,000 seats (an increase of over 33,000 seats from the need initially forecast by the FY 2015-2019 Capital Plan),[96] many critics maintain that this is not sufficient to address both current and future overcrowding. A July 2014 audit by the City Comptroller's office, based on 2011-2012 Blue Book data, estimated a need for 85,000

[85] *Id.*
[86] Public Authorities Law § 1732.
[87] *Id.*
[88] *Id.*
[89] *Id.*
[90] *Id.*
[91] Preliminary Mayor's Management Report (PMMR) for Fiscal 2017, February 2017, p. 193.
[92] Amy Zimmer, "Construction Spending in NYC to Hit New Record, Report Says," *DNAinfo*, October 25, 2016, accessed at https://www.dnainfo.com/new-york/20161025/midtown-east/construction-spending-nyc.
[93] *Id.*
[94] Make the Road New York, *Where's My Seat? How School Overcrowding Disproportionately Impacts Immigrant Communities in New York City*, November 2015, accessed at http://www.maketheroad.org/pix_reports/MRNY_WheresMySeat_FINAL.pdf.
[95] *Id.* at 8.
[96] SCA, "FY2015-2019 Five Year Proposed Capital Plan Amendment," November 2016, at 17, available at http://www.nycsca.org/Community/Capital-Plan-Reports-Data#Capital-Plan-67.

additional seats just to address existing overcrowding, not including future growth.[97] Since that time, overcrowding has only gotten worse.

Of the almost 83,000 seat needs identified, the Five Year Capital Plan only provides funding for the construction of approximately 42,000 seats, just over half of the total need. While inadequate funding is certainly a big part of the City's inability to mitigate school overcrowding, advocates have long pointed to the school planning and siting processes as weak links in the effort to add school capacity and maintain that flaws exist at each step in the process. Many questions persist about the accuracy of the independent demographic projections used by SCA. For example, the citywide enrollment projections by Statistical Forecasting LLC *decrease* each year from 2015-2016 to 2024-2025,[98] despite DCP estimates that the student population will increase significantly over that period. Further, although demographic projections were historically done on an annual basis, the last demographic projection reports by both Statistical Forecasting and Grier Partnership were completed in May 2015.

The accuracy of the Enrollment, Capacity & Utilization Report, or Blue Book, is also an area of great concern. If overcrowding is a measure of the extent to which a school's student population exceeds its capacity, then the way that "capacity" is measured is critical. For years, elected officials, educators, parents and others charged that the DOE's method for determining the official capacity of a school indicated in the Blue Book was faulty, resulting in inaccurate utilization rates for schools, thereby masking the true level of school overcrowding. This charge was largely confirmed by the findings of the court in the Campaign for Fiscal Equity (CFE) lawsuit.[99] The DOE subsequently made some changes to their formula, but criticisms of the Blue Book persisted. In response to these concerns, in February 2014 Chancellor Fariña formed a Blue Book Working Group (BBWG), including parents, educators, advocacy organizations, members of community education councils, and other stakeholders tasked with improving the Blue Book.[100] While many of the recommendations of the BBWG have been incorporated, some of the most significant proposals have not yet been acted upon. For example, the BBWG noted that the existing Blue Book target class size for grades 4 – 12 is 28, which is actually higher than the current average class size for those grades But, the BBWG's recommendation to change to the target class sizes used for capacity calculations has not yet been adopted.

Concerns remain regarding new housing projections, which purport to project new housing starts for 5 and 10 years into the future. According to the "Projected New Housing Starts as Used in 2015-2024 Enrollment Projection," the total number of new housing units citywide estimated for the 5-year period from 2015-2019 is 148,071; while the 10-year projection for the period from 2015-2024 is just 151,383.[101] Therefore, the number of estimated housing units for the second 5-year period is just 3,312 housing units. This questionable projection illustrates the difficulty in making long-term housing estimates, which are crucial to accurate planning for space needs.

There are also concerns about the "Projected Public School Ratio" which is used to estimate the number of school-age students generated per unit of new housing.[102] One concern is that the ratios are borough-wide rather than neighborhood-based projections, which could capture differences in birth rates, numbers of school-age children, and other relevant differences among neighborhoods that are not captured using a borough ratio.[103] Furthermore, the ratios do not vary by the size of the unit or number of bedrooms. It is also argued that the ratios are not based on the most current data, and therefore do not reflect current population trends.[104]

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[97] City of New York Office of the Comptroller, Scott M. Stringer, *Audit Report on Department of Education Efforts to Alleviate Overcrowding in School Buildings*, 7E13-123A, at 9, July 8, 2014, accessed at http://comptroller.nyc.gov/wp-content/uploads/documents/7E13_123A.pdf.

[98] Statistical Forecasting LLC, "Enrollment Projections for the New York City Public Schools: 2015-16 to 2024-25, Volume I" May 2015, accessed at http://www.nycsca.org/Community/Capital-Plan-Reports-Data#Demographic-Projection-68.

[99] See *Campaign for Fiscal Equity, et al., v. The State of New York*, 719NYS 2d 475, Index #111070/93, Decision, Jan. 10, 2001.

[100] DOE press release, "City Announces Changes to The 2013-2014 Blue Book," 6/27/2014, accessed at http://schools.nyc.gov/Offices/mediarelations/NewsandSpeeches/2013-2014/City+Announces+Changes+to+The+2013-2014+Blue+Book.htm.

[101] SCA website, "Projected New Housing Starts as Used in 2015-2024 Enrollment Projection," accessed on 2/21/17 at http://www.nycsca.org/Community/Capital-Plan-Reports-Data#Housing-Projections-70.

[102] SCA website, "Projected Public School Ratio," accessed on 2/21/17 at http://www.nycsca.org/Community/Capital-Plan-Reports-Data#Housing-Projections-70.

[103] Letter from Class Size Matters to City Council Speaker Melissa Mark-Viverito, December 1, 2016, on file with Education Committee staff.

[104] *Id.*

Another point of concern, as previously noted, is that zoning regulations require the EIS to include an impact on school seats only if the projected impact exceeds 5%.

School Siting Concerns

The most significant problem in siting schools is the difficulty in finding adequate sites in many neighborhoods throughout the City. Moreover, there is very little information publicly available about what is an appropriate site for a school. SCA's website states that "Sites should be a minimum of 20,000 square feet and have minimum dimensions of 100 linear feet. Other factors such as zoning and surrounding uses will also be considered."[105] While SCA welcomes recommendations for new school sites from members of the community, and has created a form for the public to submit such recommendations, many who do submit suggestions are frustrated when they do not receive any feedback or information regarding disposition of the proposed site.

The difficulty in finding school sites becomes clear in overcrowded communities such as Bay Ridge, Brooklyn (District 20), Elmhurst, Queens (District 24) and Sunset Park, Brooklyn (District 15) that must wait years for a school to be built, even when funds have been allocated in the capital plan for that purpose. District 20 in Brooklyn has an identified seat need of 10,322 seats, of which 4,869 are funded in the current capital plan; District 24 in Queens has an identified need of 9,403 seats, of which 4,885 are funded; and District 15 in Brooklyn has an identified need of 7,546 seats, of which 3,840 are funded.[106] These three districts have the highest need in the City, but also the greatest difficulty in finding sites for new schools.

Parents and advocates point to what they view as shortcomings in SCA's siting efforts as contributing to difficulties in finding suitable school locations. Specifically, they contend that SCA has too few staff working in their Real Estate division and only one real estate firm per borough looking for sites.[107] Further, they argue that SCA rarely uses eminent domain to acquire school sites.[108]

Finally, despite the fact that the SCA was created, in part, to expedite the school construction process, elected officials and stakeholders maintain that school construction generally, and the siting process in particular, takes too long. As noted, critics contend that SCA has insufficient staff, not only to locate school sites, but to prepare the requisite EISs and facilitate the hearing and approval process in a timely manner.

Int. No. 1486-A - Bill Analysis

Since its initial hearing, the bill has received several amendments including amending the dates on which reports are required to reflect when the relevant information will become available.

Section one of Int. No. 1486-A would provide the following definitions;

"School" would mean a school of the city school district of the city of New York that contains any combination of grades from and including pre-kindergarten through grade twelve, including early education centers with which the department contracts to provide pre-kindergarten; and "student" would mean any pupil under the age of twenty-one as of September first of the school year being reported, who does not have a high school diploma and who is enrolled in a school, excluding any child who is less than four years of age on or before December thirty-first of the school year being reported.

Section one would require the Department of Education (the DOE) to submit to the Speaker of the Council, and post conspicuously on the DOE's website, the following reports including the following information:

1. By May 15, 2018 and annually thereafter, the DOE would be required to report for each community school district (CSD), the total number of individuals who (1) applied for admission to grades pre-

[105] SCA website, "Real Estate, FAQs" accessed on 2/21/17 at http://www.nycsca.org/Community/Real-Estate.
[106] SCA, "FY2015-2019 Five Year Proposed Capital Plan Amendment," November 2016, at 21, available at http://www.nycsca.org/Community/Capital-Plan-Reports-Data#Capital-Plan-67.
[107] Letter from Class Size Matters to City Council Speaker Melissa Mark-Viverito, December 1, 2016, on file with Education Committee staff.
[108] *Id.* Note that eminent domain refers to the power of the government to take private property for public use, with payment of compensation.

kindergarten, kindergarten or six in a school located in such community school district for the following school year; and (2) received an offer of admission to grades pre-kindergarten, kindergarten or six in a school located in such CSD for the following school year; and for each school, the total number of individuals who (1) applied for admission to grades pre-kindergarten, kindergarten, six or nine in such school, as applicable, for the following school year; and (2) received an offer of admission to grades pre-kindergarten, kindergarten, six or nine in such school, as applicable, for the following school year.

2. By March 15, 2019, and annually thereafter, the DOE would be required to report for each CSD, the total number of students who enrolled in grades pre-kindergarten, kindergarten or six in a school located in such CSD in the current school year; and (b) for each school, the total number of students who enrolled in grades pre-kindergarten, kindergarten, six or nine in such school, as applicable, in the current school year.

Section one would require that the above data be disaggregated, as applicable, by CSD of residence of individuals; zip code of residence of individuals; primary home language of individuals; and grade level. Section one would also require the DOE to report, by May 15, 2018 and annually thereafter, for each school, the total number of seats anticipated to be available in the following school year.

The bill would state that none of the information in the report would violate any applicable provision of federal, state or local law relating to privacy of student information or that would interfere or otherwise conflict with law enforcement investigations and interests. The bill would also clarify that if a category contains between one and five students, or contains a number that would allow the amount of another category that is five or less to be deduced therefrom, the number should be replaced with a symbol in the report.

Section two of the bill would provide that the law would take effect immediately.

Update

On December 7, 2017, the Committee passed Introduction No. 1486-A by a vote of fifteen in the affirmative, zero in the negative, with zero abstentions.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1486-A:)

Int. No. 1486-A

By Council Members Kallos, Gentile, Dromm, Chin, Barron, Menchaca and Treyger.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information on school applications, offers of admission, enrollment and school seats available

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 16 to read as follows:

Chapter 16. Reporting on school applications, offers of admission, enrollment and available Seats

§ 21-978 Reporting on school applications, offers of admission, enrollment and available seats.

a. For the purposes of this section, the following terms have the following meanings:

School. The term "school" means a school of the city school district of the city of New York that contains any combination of grades from and including pre-kindergarten through grade twelve, including early education centers with which the department contracts to provide pre-kindergarten.

Student. The term "student" means any pupil under the age of twenty-one as of September first of the school year being reported, who does not have a high school diploma and who is enrolled in a school, excluding any child who is less than four years of age on or before December thirty-first of the school year being reported.

b. The department shall submit to the speaker of the council, and post conspicuously on the department's website, the following reports regarding application, offer, available seat and enrollment information:

1. Not later than May 15, 2018, and annually thereafter on or before May 15, a report including, but not limited to (a) for each community school district, the total number of individuals who (1) applied for admission to grades pre-kindergarten, kindergarten or six in a school located in such community school district for the following school year; and (2) received an offer of admission to grades pre-kindergarten, kindergarten or six in a school located in such community school district for the following school year; and (b) for each school, the total number of individuals who (1) applied for admission to grades pre-kindergarten, kindergarten, six or nine in such school, as applicable, for the following school year; and (2) received an offer of admission to grades pre-kindergarten, kindergarten, six or nine in such school, as applicable, for the following school year;

2. Not later than March 15, 2019, and annually thereafter on or before March 15, a report including, but not limited to (a) for each community school district, the total number of students who enrolled in grades pre-kindergarten, kindergarten or six in a school located in such community school district in the current school year; and (b) for each school, the total number of students who enrolled in grades pre-kindergarten, kindergarten, six or nine in such school, as applicable, in the current school year.

The data required to be reported pursuant to this subdivision b shall be disaggregated by (i) community school district of residence of individuals or students, as applicable; (ii) zip code of residence of individuals or students, as applicable; (iii) primary home language of individuals or students, as applicable and (iv) grade level.

c. Not later than May 15, 2018, and annually thereafter on or before May 15, the department shall submit to the speaker of the council and post conspicuously on the department's website a report that shall include, but not be limited to, for each school, the total number of seats anticipated to be available in the following school year.

d. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between 1 and 5 students, or contains an amount that would allow the amount of another category that is five or less to be deduced, the number shall be replaced with a symbol.

§ 2. This local law takes effect immediately.

DANIEL DROMM, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, MARGARET S. CHIN, STEPHEN T. LEVIN, DEBORAH L. ROSE, INEZ D. BARRON, CHAIM M. DEUTSCH, MARK LEVINE, ALAN N. MAISEL, ANTONIO REYNOSO, HELEN K. ROSENTHAL, MARK TREYGER; BEN KALLOS, RAFAEL SALAMANCA, Jr.; Committee on Education, December 7, 2017. *Other Council Members Attending: Council Members Torres and Mendez.*

Laid Over by the Council.

Report for Int. No. 1538-A

Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to post contact information for each school related to reporting incidents of bullying, harassment, intimidation and discrimination.

The Committee on Education, to which the annexed amended proposed local law was referred on April 5, 2017 (Minutes, page 985), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Education for Int. No. 1757-A printed below in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1538-A:

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

PROPOSED INTRO. NO.: 1538-A
COMMITTEE: Education

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to post contact information for each school related to reporting incidents of bullying, harassment, intimidation and discrimination	**SPONSORS:** Council Members Dromm, Richards, Menchaca and Rose

SUMMARY OF LEGISLATION: Proposed Intro. 1538-A would require the Department of Education (DOE) to post on its website information on how to report incidents of bullying, harassment, intimidation or discrimination. Posted information on DOE's website would include listing the school staff who may receive such reports; an email address designated by DOE where students, parents, and staff may make such reports; and information guiding students, parents, and teachers to visit their individual school website for additional information. DOE would also have to ensure each individual school website has information regarding how to report incidents of bullying, harassment, intimidation or discrimination; the name and contact information for the school's dignity act coordinator; and any email addresses designated by DOE to receive reports of such incidents.

EFFECTIVE DATE: This local law would take effect 60 days Proposed Intro. No. 1757-A would take effect.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	$0	$0	$0
Expenditures	$0	$0	$0
Net	$0	$0	$0

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

IMPACT ON EXPENDITURES: It is anticipated that this legislation would have no impact on expenditures as DOE can use existing resources to implement the provisions of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: None

SOURCE OF INFORMATION: New York City Finance Division; New York City Department of Education

ESTIMATE PREPARED BY: Elizabeth Hoffman, Principal Financial Analyst

ESTIMATE REVIEWED BY: Dohini Sompura, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on April 5, 2017 as Intro. No. 1538 and was referred to the Committee on Education (Committee). The legislation was considered by the Committee at a hearing on October 30, 2017, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 1538-A, will be voted on by the Committee on December 7, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1538-A will be submitted to the full Council for a vote on December 11, 2017.

DATE PREPARED: December 4, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1538-A:)

Int. No. 1538-A

By Council Members Dromm, Richards, Menchaca, Rose, Chin, Barron, Treyger and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to post contact information for each school related to reporting incidents of bullying, harassment, intimidation and discrimination

Be it enacted by the Council as follows:

Section 1. Chapter 18 of title 21-A of the administrative code of the city of New York, as added by a local law for the year 2017 amending the administrative code of the city of New York relating to requiring the department of education to report information on student-to-student bullying, harassment, intimidation and discrimination, as proposed in introduction number 1757-A, is amended by adding a new section 21-981 to read as follows:

§ 21-981 Posting of contact information for reports of bullying, harassment, intimidation, and discrimination. a. Definitions. For purposes of this section, the following terms have the following meanings:

Dignity act coordinator. The term "dignity act coordinator" means the person or persons identified pursuant to paragraph a of subdivision 1 of section 13 of the education law as the school employee charged with receiving reports of harassment, bullying and discrimination, and responsible for discharging the responsibilities of the dignity act coordinator pursuant to subdivision jj of section 100.2 of title 8 of the New York codes, rules and regulations.

School. The term "school" means a school of the city school district of the city of New York that contains any combination of grades from and including pre-kindergarten through grade 12.

b. Information on department website. The department shall post conspicuously on its website the following information:

1. information providing guidance to students, parents and staff members regarding how to report incidents of bullying, harassment, intimidation or discrimination, including information about the school-based staff to whom such reports may be made pursuant to any department policy or chancellor's regulation governing the same;

2. any email addresses designated by the department through which students, parents or staff may report incidents of bullying, harassment, intimidation or discrimination; and

3. information guiding students, parents and staff members to visit their individual school's website for additional information.

c. Information on individual school websites. The department shall post on each school's individual website the following information:

1. information providing guidance to students, parents and staff members regarding how to report incidents of bullying, harassment, intimidation or discrimination, including the school-based staff to whom such reports may be made pursuant to any department policy or chancellor's regulation governing the same;

2. the name, email address and phone number of such school's dignity act coordinator; and

3. any email addresses designated by the department through which students, parents or staff may report incidents of bullying, harassment, intimidation or discrimination.

d. Updates. The department shall update the names and contact information posted pursuant to this section at least twice per school year, as necessary.

§ 2. This local law takes effect 60 days after a local law amending the administrative code of the city of New York relating to requiring the department of education to report information on student-to-student bullying, harassment, intimidation and discrimination, as proposed in introduction number 1757-A, takes effect.

DANIEL DROMM, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, MARGARET S. CHIN, STEPHEN T. LEVIN, DEBORAH L. ROSE, INEZ D. BARRON, CHAIM M. DEUTSCH, MARK LEVINE, ALAN N. MAISEL, ANTONIO REYNOSO, HELEN K. ROSENTHAL, MARK TREYGER; BEN KALLOS, RAFAEL SALAMANCA, Jr.; Committee on Education, December 7, 2017. *Other Council Members Attending: Council Members Torres and Mendez.*

On motion of the Speaker (Council Member Mark-Viverito), 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. 1757-A

Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information on student-to-student bullying, harassment, intimidation and discrimination.

The Committee on Education, to which the annexed proposed local law was referred on October 30, 2017 (Minutes, page 4423), respectfully

REPORTS:

I. Introduction

On December 7, 2017, the Committee on Education, chaired by Council Member Daniel Dromm, voted on Introduction No. 1538-A and Introduction No. 1757-A. A hearing was previously held on this legislation on October 30, 2017. At that hearing, the Committee heard testimony from representatives from the Department of Education (DOE), union leaders, advocates, educators, parents, and students. On December 7, 2017, the Committee passed Introduction No. 1538-A and Introduction No. 1757-A by a vote of fifteen in the affirmative, zero in the negative, with zero abstentions.

II. Background

On September 27, 2017, a fifteen-year old student was killed and a sixteen-year-old student was critically injured when a classmate allegedly stabbed the students following an altercation in a history class at the Urban Assembly for Wildlife Conservation in the Bronx.[1] Although the incident is still under investigation, according to media reports, the confrontation may have been a result of a months of bullying that had gone unreported or unaddressed.[2] The incident has raised concerns about school climate, how schools deal with reports of bullying, and what actions the DOE takes when students indicate that they do not feel safe in the school environment.

The Committee has held two previous hearings regarding bullying this session, "The Treatment of LGBT Students, Family and Staff in the NYC Public School System," on February 25, 2014, and "Bullying, Harassment and Discrimination in NYC Schools – Protecting LGBT and Other Vulnerable Students" on October 19, 2016.[3] Those hearings highlighted how bullying disproportionately affects certain student populations including students with disabilities, Muslim students, students who are overweight, and lesbian, gay, bisexual, queer or questioning and transgender and gender non-conforming (LGBQ and TGNC) students.[4] The hearings also highlighted how students who experience bullying are more likely to struggle with academics and health issues such as depression and anxiety.[5]

Recognizing the harmful effects of bullying on student outcomes, today's hearing will focus on what schools are doing to address the issue – through prevention, by creating a safe and respectful learning environment; through information-sharing, by ensuring that students, parents, and school staff know how to report incidents and feel comfortable doing so; and through remedial actions once incidents have been reported.

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[1] Sarah Maslin Nir, *Bronx School Stabbing Leaves One Student Dead and Another Wounded*, N.Y. Times, Sept. 27, 2017, *available at* https://www.nytimes.com/2017/09/27/nyregion/high-school-stabbing-bronx.html?_r=0 (last visited Oct. 26, 2017).

[2] *See, e.g.*, Madison Darbyshire, *Bronx School Stabbing Shows How NYC'S War on Bullying Has Failed*, The Village Voice, Oct. 6, 2017, *available at* https://www.villagevoice.com/2017/10/06/bronx-school-stabbing-shows-how-nycs-war-on-bullying-has-failed/; Elizabeth A. Harris, *Where Students Were Stabbed, a School on a Downward Slide*, N.Y. Times, Sept. 28, 2017, *available at* https://www.nytimes.com/2017/09/29/nyregion/school-stabbing-bronx-wildlife-bullying.html; Emma Whitford and Danielle Barnes, *Bronx Parents Describe A Culture of Bullying After Fatal Classroom Stabbing*, Gothamist, Sept. 28, 2017, *available at* http://gothamist.com/2017/09/28/bronx_school_culture_of_bullying.php.

[3] *See* Committee Report of the New York City Council Committee on Education, "Oversight - Bullying, Harassment and Discrimination in NYC Schools – Protecting LGBT and Other Vulnerable Students," (Oct. 19, 2016), *available at* http://legistar.council.nyc.gov/MeetingDetail.aspx?ID=506805&GUID=FDBACCC8-2CED-44C4-A503-2D74F7C4E541&Options=info&Search=; Committee Report of the New York City Council Committee on Education, "The Treatment of LGBT Students, Family and Staff in the NYC Public School System," (Feb. 25, 2014), *available at* http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1662181&GUID=54A1D095-F04B-400D-B65E-F303BF107A2F&Options=Advanced&Search=.

[4] *Id.*

[5] *Id.*

III. Laws and Regulations Regarding Bullying, Harassment, and Discrimination

Efforts have been made at the federal, state, and local levels to address the issues of bullying, intimidation, harassment, and discrimination at schools.

A. Federal Laws

The Every Student Succeeds Act (ESSA) contains some provisions related to bullying and harassment. Title I of ESSA requires states to include data about school climate, bullying, and harassment on their annual state report card and requires that this data be made available to the public.[6] Additionally, ESSA requires local education agencies that access funds under ESSA to use a portion of funds they receive to support initiatives that promote student safety, such as bullying prevention programs and activities.[7]

Other federal laws, while not focused on bullying in schools, also protect vulnerable populations from discrimination and harassment. Title VI of the Civil Rights Act of 1964, prohibits discrimination based on race, color, or national origin in programs or activities that are federally funded.[8] Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in federally-funded education programs.[9] It is important to note that Title IX prohibits discrimination based on students' gender identity, including students' transgender status.[10] Students with disabilities are protected from discrimination by Section 504 of the Rehabilitation Act of 1973[11] and Title II of the Americans with Disabilities Act of 1990.[12]

B. State Laws and Regulations

In 2010, following action taken by the Council at the local level,[13] New York State passed its own Dignity for All Students Act (DASA), which prohibits discrimination, harassment, and bullying towards students based on their actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex in New York State public schools and during school-sponsored events.[14] Notably, under DASA, LGBQ and TGNC students and other vulnerable populations are explicitly protected from bullying, discrimination, and harassment. DASA defines sexual orientation as "actual or perceived heterosexuality, homosexuality or bisexuality."[15] Gender is defined as "actual or perceived sex and shall include a person's gender identity or expression.[16] DASA requires schools to develop guidelines covering the development of nondiscriminatory instructional and counseling methods and requires that each school have

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[6] 20 U.S.C.A. § 6311; *see also* National Association of School Psychologists, "The Every Student Succeeds Act: Details of the New Law," *available at* https://www.nasponline.org/research-and-policy/current-law-and-policy-priorities/policy-priorities/the-every-student-succeeds-act/details-of-essa (last visited Oct. 27, 2017).

[7] 20 U.S.C.A. § 7118; *see also* National Association of School Psychologists, "The Every Student Succeeds Act: Details of the New Law," *available at* https://www.nea.org/assets/docs/ESSA%20Fact%20Sheet%20-%20Student%20and%20School%20Safety%20121415.pdf (last visited Oct. 27, 2017).

[8] Title VI of the Civil Rights Act of 1964, U.S.C. § 2000d et seq.

[9] Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq.

[10] US Department of Justice, *U.S. Department of Justice and Education Release Joint Guidance to Help Schools Ensure the Civil Rights of Transgender Students*, May 13, 2016, *available at* https://www.justice.gov/opa/pr/us-departments-justice-and-education-release-joint-guidance-help-schools-ensure-civil-rights (last visited Oct. 27, 2017).

[11] Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.A. § 794.

[12] Americans with Disabilities Act of 1990, 42 U.S.C.A. § 12101.

[13] Notably, in 2004, the Council, overriding a veto by then-Mayor Michael Bloomberg, passed the NYC Dignity for All Students Act (NYC DASA), to combat bullying and harassment in schools by requiring public schools to collect data on bullying and harassment. *See* Committee Report of the New York City Council Committee on Education, "Local Law: The Dignity for All Students Act," Sept. 9, 2004, *available at* http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=441454&GUID=79D80EC4-6ACC-41EE-B100-53417BF96CD7&Options=ID|Text|&Search=188; *see also* New York Civil Liberties Union and the New York City Bar Association's Lesbian, Gay, Bisexual and Transgender Rights Committee, Dignity Now: *The Campaign to Stop Bullying and Bias-Harassment in New York City Schools*, *available at* http://www.nycbar.org/pdf/report/20071764_DASA_WhitePaperDignityNow.pdf (last visited Oct. 26, 2017). Following the enactment of the local law, the DOE did not comply with the law's requirements.

[14] N.Y. Educ. Law § 12.

[15] N.Y. Educ. Law § 11(5).

[16] *Id.*

a coordinator who is comprehensively trained to appropriately deal with human relations in the covered populations.[17] Further, under DASA, all parents, students, and school staff must receive a copy of the school's code of conduct and the process for reporting harassment, bullying, and discrimination annually, and school districts must keep current versions of their policies on their websites.[18]

As discussed in more detail below, State law also requires schools to track and report incidents of bullying behavior. DASA requires that all public schools in the state report incidents of bullying to a public database so that school leaders and education officials can use such data to develop ways to eradicate bullying in schools.[19] DASA includes comprehensive reporting regulations with regard to bullying, harassment, and discrimination. Schools must identify a "principal, superintendent or superintendent's designee as the school employee charged with receiving reports of harassment, bullying or discrimination."[20] Also, school staff who have knowledge of a student being harassed, bullied, or discriminated against are required to inform the principal, superintendent, or superintendent's designee within one school day, and file a written report within two school days after reporting the incident.[21] In addition, the Commissioner is charged with developing "a procedure under which material incidents of harassment, bullying and discrimination on school grounds or at a school function are reported to the department at least on an annual basis."[22] It is important to note that the procedure must require that reports identify the specific nature of incidents of harassment, bullying, and discrimination whenever possible.[23] Finally, DASA also protects individuals who report harassment, bullying, or discrimination in good faith from retaliatory action by the school district or employees.[24]

In addition to DASA, New York State's Safe Schools Against Violence Act (SAVE Act) requires schools to report incidents of violence and disruption on school property to the New York State Education Department (NYSED).[25]

C. Chancellor's Regulations

Chancellor's Regulation A-832 outlines provisions that protect students in NYC schools from bullying, harassment, and discrimination by establishing a "procedure for the filing, investigation, and resolution of complaints of student-to-student bias-based harassment, intimidation, and/or bullying."[26] A-832, which was created after the Council passed the NYC DASA, but pre-dates the State's DASA, but contains many of the same requirements as State law, such as having a designated staff member to receive reports and setting timelines for reporting alleged acts.[27] The regulation contains additional requirements beyond what is required by State law, including that complaints of harassment, bullying, discrimination or intimidation must be reported within 24 hours and investigated promptly.[28]

Chancellor's Regulation A-832 requires "that all staff members, including non-instructional staff," receive training on A-832's requirements by October 31st each year.[29] This training includes awareness and identification of harassment, bullying and discrimination, as well as preventing and responding to such incidents and "[p]romoting a safe and supportive school climate."[30] Regulation A-832 also requires the

[17] N.Y. Educ. Law § 13(3).
[18] N.Y. Educ. Law § 13(l), (k).
[19] N.Y. Educ. Law § 15; N.Y. Comp. Codes R. & Regs. tit. 8, § 100.2.
[20] N.Y. Educ. Law § 13(1)(a).
[21] N.Y. Educ. Law § 13(1)(c).
[22] N.Y. Educ. Law § 15.
[23] *Id.*

[24] N.Y. Educ. Law § 16.
[25] N.Y. Educ. Law § 2802; *see also* New York State Education Department (NYSED) website, "New York State Safe Schools Against Violence in Education (SAVE)" *available at* http://www.p12.nysed.gov/sss/ssae/schoolsafety/save/ (last visited Oct. 26, 2017).
[26] *Chancellor's Regulation A-832: Student-To-Student Bias-Based Harassment, Intimidation, and/or Bullying*, Department of Education (updated Aug. 21, 2013), http://schools.nyc.gov/NR/rdonlyres/68542AE0-CA99-4C8B-A31B-A1E96FEC7633/0/A832.pdf .

[27] *Id.*
[28] *Id.* § III.

[29] *Chancellor's Regulation A-832 §V.D.*, Department of Education (Aug. 21, 2013), *available at* http://schools.nyc.gov/NR/rdonlyres/68542AE0-CA99-4C8B-A31B-A1E96FEC7633/0/A832.pdf.
[30] *Id.*

designation of a "Respect for All" (RFA) liaison in each school, who receives additional training; however, the regulation does not specifically mention training on DASA reporting requirements.[31]

Chancellor's Regulation A-832 also requires that the "Respect for All" brochure be distributed to parents and students each year and that students and staff are provided with information and training on the relevant policy and procedures by October 31st of each year.[32] The regulation also requires each school to post a "Respect for All" poster with information about the RFA liaison in a prominent and obvious location.[33]

Chancellor's Regulation A-830 sets forth the DOE's Anti-Discrimination Policy and "establishes an internal review process for employees, applicants for employment, parents of students, students, and others who do business with the DOE, use DOE facilities or otherwise interact with the DOE who wish to file complaints of unlawful discrimination or harassment, or retaliation based on such complaints."[34] The provisions of this regulation require staff who have knowledge of an employee discriminating against or harassing a student to orally report the alleged incident to the designee within one school day and file an A-830 complaint report with the designee within two days of orally reporting the incident.[35] Further, supervisors are required to promptly report instances of both oral and written complaints of discrimination or discriminatory harassment by employees to the Office of Equal Opportunity.[36] Supervisors are also required to provide school employees with the DOE's Anti-Discrimination Policy and internal complaint procedures annually.[37]

D. Current Methods for Tracking and Reporting Incidents: OORS, DASA, and VADIR

In accordance with federal and state laws, and DOE regulations and policies, the DOE currently tracks and reports on bullying and other school-related incidents through three different systems. A sample reporting form, included in Chancellor's Regulation A-832, is appended to this report as **Appendix A**. The DOE has an Online Occurrence Reporting System (OORS), which is used to report school-related crimes and other incidents that occur on or near school property.[38] Bullying incidents must be reported in OORS, as well as many other types of incidents including allegations of corporal punishment,[39] verbal abuse,[40] and suspected child abuse,[41] among others. According to Chancellor's Regulation A-832, "[c]omplaints of discrimination, harassment, intimidation, and/or bullying must be entered into [OORS] within 24 hours and promptly investigated."[42] OORS was updated in School Year (SY) 2013-14 to enable schools to enter student behavior data required under the State's DASA law.[43] Data entered in OORS references the specific infraction number under the DOE's Discipline Code.[44]

The school-level data that the DOE collects in OORS is then used to compile required annual reports to the New York State Education Department (NYSED). NYSED now requires two data reports on School

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[31] *Id.* at § V.E.
[32] *Id.* at § V.B & C.
[33] *Id.*
[34] *Chancellor's Regulation A-830: Anti-Discrimination Policy and Procedures for Filing Internal Complaints of Discrimination*, Department of Education (updated Aug. 21, 2013), *available at* http://schools.nyc.gov/NR/rdonlyres/B5924420-C861-41DB-A586-DCF899060B29/0/A830.pdf .
[35] *Id.*
[36] *Id*.
[37] *Id*.

[38] DOE, *Pre-K for All Handbook 2016-17, for District Schools and Pre-K Centers*, at 77, *available at* http://schools.nyc.gov/NR/rdonlyres/7CAC6B9E-F2CD-4215-B988-98695236790F/0/District_School_and_PreK_Center_Handbook_Online_Version_Final.pdf (last visited Oct. 20, 2017).
[39] DOE, *Chancellor's Regulation A-420: Pupil Behavior and Discipline – Corporal Punishment*, Jun. 24, 2009, *available at* http://docs.nycenet.edu/docushare/dsweb/Get/Document-19/A-420__11-16-04.pdf.
[40] DOE, *Chancellor's Regulation A-421: Pupil Behavior and Discipline – Verbal Abuse*, Oct. 30, 2014, *available at* http://schools.nyc.gov/NR/rdonlyres/5A530213-F044-4F0A-ACE9-D27112BBFC47/0/A421.pdf.
[41] DOE, *Chancellor's Regulation A-750: Child Abuse and Maltreatment Prevention*, Sept. 28, 2017, *available at* http://schools.nyc.gov/NR/rdonlyres/F1AF82B7-2C99-42B0-A0F8-5580AD4F9C56/0/A75092817ApprovedbyPEP.pdf.
[42] DOE, *Chancellor's Regulation A-832: Student-To-Student Bias-Based Harassment, Intimidation, and/or Bullying*, §III.A, Aug. 21, 2013, *available at* http://schools.nyc.gov/NR/rdonlyres/68542AE0-CA99-4C8B-A31B-A1E96FEC7633/0/A832.pdf.
[43] DOE, *Implementing Respect For All - A Guide to Promoting a Safe and Inclusive School Environment for All Students and Complying with the Dignity Act*, 2015 Edition, at 14, *available at* http://schools.nyc.gov/NR/rdonlyres/456A5CFC-0289-436E-8954-C077D88E0EF8/0/RFAGuide2015editionFINAL.pdf (last visited Oct. 20, 2017).
[44] *Id.*

Safety and the Educational Climate (SSEC): Violent and Disruptive Incident Reporting (VADIR) and DASA.[45] VADIR is used to gather data on violent and disruptive incidents in schools and uses the information to comply with State and federal reporting requirements.[46] VADIR data is required to be submitted annually for each school on incidents involving physical injury or threat of physical injury, (e.g. homicide, sex offenses, robbery, assault, arson, kidnapping, reckless endangerment) and incidents involving weapons or that disrupt the educational process (e.g. burglary, criminal mischief, theft, bomb threat, false alarm, riot and intimidation, harassment, menacing, or bullying).[47] For each type of incident, schools must report the number of incidents overall; the number of incidents involving alcohol or drugs; the number of incidents on school transportation; the number of offenders (student, staff and other); and the number of victims (student, staff and other).[48] Schools are also required to report all consequences of these incidents, that is, how many enrolled student offenders were assigned or referred to: counseling or treatment programs; teacher removal; suspension from class or activities; out-of-school suspension; transfer to alternative education program; and/or law enforcement or juvenile justice.[49]

DASA reporting is only for "material incidents of discrimination and harassment."[50] Data is required to be submitted annually for each school on incidents by location (on school property or at school-sponsored functions off school grounds), by type of discrimination/harassment (involving intimidation or abuse but no verbal threat or physical contact; involving verbal threat but no physical contact; involving physical contact but no verbal threat; or involving both verbal threat and physical contact) and by offender type (student, employee or both student and employee offenders).[51] Data is also required for cyberbullying by type (involving intimidation or abuse but no threats or involving threats) and by offender (student, employee or both student and employee).[52] All of the reported incidents must be further categorized by their "nature" (i.e. based on race, ethnic group, national origin, color, religion, religious practice, disability, gender, sexual orientation, sex, weight, other), with the instruction that "[i]ncidents must be counted more than once if they involve more than one category."[53]

"Material incidents" are defined in State regulations as "a single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function," and includes "threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex."[54] DOE guidance states that this includes any incident that is determined by the DOE to be in violation of Chancellor's Regulation A-832.[55] According to the DOE, an incident is in violation if, following an investigation by the school, the school determines that the actions created a hostile environment (either through physical, oral, or written acts, including cyberbullying), that:

> (1) have or would have the effect of unreasonably and substantially interfering with a student's educational performance or ability to participate in or benefit from an educational program, school sponsored activity or any other aspect of a student's education; or

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[45] NYSED website, "School Safety and the Educational Climate (SSEC)," *available at* http://www.p12.nysed.gov/irs/school_safety/school_safety_data_collection.html (last visited Oct. 20, 2017).
[46] NYSED website, "Violent and Disruptive Incident Reporting (VADIR)," *available at* http://www.p12.nysed.gov/irs/school_safety/vadir_collection.html (last visited Oct. 20, 2017).
[47] NYSED website, "School Safety And the Educational Climate Data Summary Form Part 1 (VADIR) for 2016-17" *available at* http://www.p12.nysed.gov/irs/school_safety/vadir_collection.html (last visited Oct. 20, 2017).
[48] *Id.*
[49] *Id.*
[50] NYSED website, "Dignity for All Students Act (DASA)" *available at* http://www.p12.nysed.gov/irs/school_safety/dasa_collection.html (last visited Oct. 20, 2017).
[51] NYSED website, "School Safety and the Educational Climate Data Summary Form Part 2 (DASA) for 2016-17" *available at* http://www.p12.nysed.gov/irs/school_safety/dasa_collection.html (last visited Oct, 20, 2017).
[52] *Id.*
[53] *Id.*
[54] N.Y. Comp. Codes R. & Regs. tit. 8, § 100.2.
[55] DOE, *Implementing Respect For All - A Guide to Promoting a Safe and Inclusive School Environment for All Students and Complying with the Dignity Act*, 2015 Edition, at 9, *available at* http://schools.nyc.gov/NR/rdonlyres/456A5CFC-0289-436E-8954-C077D88E0EF8/0/RFAGuide2015editionFINAL.pdf (last visited Oct. 20, 2017).

(2) have or would have the effect of unreasonably and substantially interfering with a student's mental, emotional, or physical well being; or

(3) reasonably cause or would reasonably be expected to cause a student to fear for his/her physical safety; or

(4) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student.[56]

NYSED's VADIR and DASA data are published on NYSED's website.[57] Notably, the DOE's OORS data is not made publicly available; however, parents may request an OORS report for any incident related to their child.[58]

IV. Efforts to Improve School Climate

The DOE has several initiatives and programs aimed at improving school climate, and school climate has been a focus of the current administration.

A. Respect for All

In 2007, the DOE launched the Respect for All (RFA) program "to build the capacity of staff and students to actively promote a community of inclusion" in DOE schools.[59] This initiative provides professional development for K-12 teachers and staff, as well as services to students intended to promote respect for diversity and counteract harassment, discrimination, and bullying. RFA provides direct services to students that fosters tolerance and inclusion.[60] In 2010, in collaboration with the Council, the DOE launched its first Respect for All Week, which was "designed to focus each school's attention on sustaining safe, supportive, and inclusive environments, providing an opportunity to highlight and build upon their existing efforts to promote respect for diversity and prevent bias-based harassment and bullying."[61] The DOE also gives an annual RFA Award in order "to recognize schools for their work to foster positive interpersonal and intergroup relations."[62]

B. Office of Safety and Youth Development School Climate Trainings

Through the Office of Safety and Youth Development (OSYD), the DOE offers various school climate-related professional development and training opportunities to school staff. One training offered is the Life Space Crisis Intervention (LSCI) course, which provides participants with "strategies to turn crisis situations into learning opportunities for students with chronic patterns of self-defeating behaviors; [and] builds the capacity of school personnel to teach students better ways to respond to future stressful events, thereby reducing recidivism."[63] Additionally, OSYD offers a Collaborative Negotiation training that focuses on resolving interpersonal conflicts and teaching collaborative negotiation strategies to students to help them

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[56] *Id.*
[57] NYSED website, "School Safety and the Educational Climate – Data Reporting," *available at* http://www.p12.nysed.gov/irs/school_safety/school_safety_data_reporting.html (last visited Oct. 20, 2017).
[58] DOE, *Chancellor's Regulation A-832: Student-To-Student Bias-Based Harassment, Intimidation, and/or Bullying*, § III.A, Aug. 21, 2013, *available at* http://schools.nyc.gov/NR/rdonlyres/68542AE0-CA99-4C8B-A31B-A1E96FEC7633/0/A832.pdf.
[59] "Respect for All," Department of Education, *available at* http://schools.nyc.gov/RulesPolicies/RespectforAll/Commitment/default.htm (last visited Oct. 24, 2017).
[60] *Id.*
[61] "Council, DOE Launch First Annual 'Respect for All Week'", City Council, March 8, 2010, *available at* http://council.nyc.gov/html/pr/rfa_03_08_10.shtml (last visited Oct. 24, 2017).
[62] DOE Website, "Respect for All," *available at* http://schools.nyc.gov/RulesPolicies/RespectforAll/Commitment/default.htm (last visited Oct. 24, 2017).
[63] DOE Website, Office of Safety and Youth Development, available at http://schools.nyc.gov/Offices/OSYD/OSYD+PD.htm (last visited Oct. 25, 2017).

avoid using violence and confrontation to resolve issues.[64] Another training offered is a mediation training that provides participants with skills and strategies that can be used to conduct mediations in schools. LSCI, Collaborative Negotiation, and Mediation training are 30-hour graduate-level courses that are offered to school staff for professional development credit.[65]

OSYD also offers a 25-hour graduate-level course on restorative approaches to teachers, administrators, social workers, and counselors.[66] This course provides participants with knowledge of the restorative circle process[67] and teaches them how to facilitate restorative circles.[68] Additionally, participants learn how to adopt a social-emotional learning curriculum by using the restorative circle process.[69]

OSYD also provides a mandatory two-day training for all RFA Liaisons of middle and high schools.[70] This training is exclusively for designated members of the RFA team, and participants must "be assigned to the school on a full-time basis and must licensed and/or certified as a either a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor."[71]

Lastly, OSYD offers the Therapeutic Crisis Intervention in Schools (TCIS) training, which is a four-day course that ends in a practical and written exam that can result in a TCIS certification.[72] Training participants learn how to prevent and de-escalate potential behavioral crises with students, how to manage crises, and how to assist students with improving their coping strategies.[73] Notably, the DOE provides TCIS training at schools that have high rates of 911 calls for psychological and emotional conditions.[74]

C. Positive Learning Collaborative

In addition to RFA, in 2013, the DOE partnered with the United Federation of Teachers (UFT) to launch the Positive Learning Collaborative (PLC) initiative.[75] PLC's goal is to develop positive learning environments by providing teachers with strategies to address difficult student behavior.[76] After joining PLC, all school staff participate in the four-day TCIS training.[77] PLC has procedures that identify students who are undergoing behavioral and academic challenges, and after a student is identified, all staff members who interact with the student work together to address the student's challenges.[78] As of December 2016, 16 DOE schools were participating in PLC, and notably, PLC, which was at capacity, had 25 schools on its waiting list.[79]According to UFT, preliminary results from 2015 show that schools participating in PLC experienced a 53% improvement in school culture, and a 46% decline in student suspensions by school administration and superintendent.[80] Overall, PLC schools experienced a 40% decrease in reported behavior incidents.[81]

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[64] *Id.*
[65] *Id.*
[66] *Id.*

[67] A "restorative circle" is a practice through which participants, which may include students and school staff, gather together to talk through issues, build relationships and trust, and foster equal participation. *See id*., *see also* Amy Bintliff, *Talking Circles: For Restorative Justice and Beyond*, Tolerance.org, *available at* https://www.tolerance.org/magazine/talking-circles-for-restorative-justice-and-beyond (last visited Oct. 27, 2017).
[68]DOE Website, Office of Safety and Youth Development, available at http://schools.nyc.gov/Offices/OSYD/OSYD+PD.htm (last visited Oct. 25, 2017).
[69] *Id.*
[70] *Id.*
[71] *Id*.
[72] *Id.*
[73] *Id.*
[74] DOE Website, Office of Safety and Youth Development, available at http://schools.nyc.gov/Offices/OSYD/de-escalation.htm (last visited Oct. 25, 2017).

[75] Linda Ocasio, "Positive Learning Collaborative Working Wonders in the Bronx," *UFT*, Dec 1, 2016, available at http://www.uft.org/feature-stories/positive-learning-collaborative-working-wonders-bronx (last visited Oct. 25, 2017).
[76] *Id.*
[77] *Id.*
[78] *Id.*
[79] *Id.*
[80] UFT, "Positive Learning Collaborative," *available at* http://www.uft.org/teaching/positive-learning-collaborative (last visited Oct. 25, 2017).
[81] *Id.*

D. ThriveNYC and Safe Public Spaces

Additionally, as part of ThriveNYC, the DOE launched several mental health support services to support students' social-emotional development. The DOE's Pre-K Thrive initiative, for example, provides pre-K sites with targeted support in utilizing the DOE's Positive Behavior Guidance.[82] This guide consists of strategies that "empower students to develop a positive self-concept, and intentionally guide students to interact respectfully and constructively with peers and adults in their community, and their environment."[83] The guidance also notes the prohibition of suspension and expulsion in all pre-K schools and the Early Learn NYC program.[84] Additionally, 100 DOE high-needs schools with the most suspensions were selected to receive additional mental health services, and to partner with community-based organizations (CBOs) to provide mental health services to students and staff.[85]

In 2016, 12 high-need DOE schools began participating in the Safe Public Spaces Program (SPS).[86] SPS, which is a two-year pilot program, was funded by a $2 million National Institute of Justice grant and was won in partnership with the American Institutes for Research.[87] The Safe Public Spaces Program aims to improve school climate through data driven planning, professional development, and ongoing staff support.[88]

E. Restorative Justice

In spring 2016, with $2.4 million of funding from the Council, the DOE launched a Restorative Justice Pilot Program in 25 schools.[89] Restorative justice practices help prevent conflict, help students develop pro-social skills, and "provide wrongdoers with the opportunity to be accountable to those they have harmed and enable them to repair the harm to the extent possible."[90] This pilot program was developed to improve school discipline and policies by utilizing an approach that helps students learn from their mistakes.[91]

The pilot program has three levels of participation. Level 1 consists of 15 beginner schools that were selected through a citywide application process of 125 schools citywide with high suspension rates.[92] Each beginner school is paired with a CBO.[93] Level 2 consists of five experienced schools that have been implementing restorative practices for two or more years. Level 2 schools were selected from applicants who were interested in enhancing their restorative practices, and these schools are paired with CBOs who provide onsite support to staff.[94] Lastly, Level 3 schools are "mentor schools" that have demonstrated success in implementing restorative practices.[95] Selected by Council staff and advocates, Level 3 schools mentor and coach Level 1 and Level 2 schools.[96]

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[82] DOE, "Pre-K for All 2016-Instructional Tracks," *available at* http://schools.nyc.gov/NR/rdonlyres/1231619A-AB43-4CBA-A638-4DD6EFE71A76/0/3_8flyer_InstructionalTracksFINAL.pdf (last visited Oct. 25, 2017).
[83] DOE Website, "Student Behavior," *available at* http://schools.nyc.gov/NR/rdonlyres/CED370DE-FF9F-41ED-AF61-37454C4312B3/0/StudentBehavior.pdf (last visited Oct. 25, 2017).
[84] DOE Website, Pre-K Policies and Resources, *available at* http://schools.nyc.gov/Academics/EarlyChildhood/educators/UPK.htm (last visited Oct. 25, 2017).
[85] NYC Council Report on the Fiscal 2017 Preliminary Budget and the Fiscal 2016 Preliminary Mayor's Management Report, March 16, 2016, *available at* https://council.nyc.gov/budget/wp-content/uploads/sites/54/2016/05/040-Department-of-Education.pdf (last visited Oct. 25, 2017).
[86] Mayor's Leadership Team on School Climate and Discipline, "Maintaining the Momentum A Plan for Safety and Fairness In Schools," available at http://www1.nyc.gov/assets/sclt/downloads/pdf/SCLT_Report_7-21-16.pdf at pp. 18-19 (last visited Oct. 25, 2017).
[87] *Id.*
[88] NYU Steinhardt, "Evaluating the Safe Public Spaces Program," available at http://steinhardt.nyu.edu/research_alliance/research/projects/SPS (last visited Oct. 25, 2017).
[89] DOE, "School Allocation Memorandum No. 66, FY 2017," Aug. 22, 2016, available at http://schools.nyc.gov/offices/d_chanc_oper/budget/dbor/allocationmemo/fy16_17/fy17_pdf/sam66.pdf (last visited Oct. 25, 2017).
[90] *Id.*
[91] *Id.*
[92] *Id.*
[93] *Id.*
[94] *Id.*
[95] *Id.*
[96] *Id.*

Data provided by the DOE shows that there has been a significant decline in suspensions at the 25 schools participating in the restorative justice pilot program. In fact, a period analysis from July 1, 2015 to March 2, 2016, and July 1, 2016 to February 28, 2017, shows overall, the 25 schools experienced a 25.5% reduction in total suspensions.[97] Moreover, there was a 41.9% reduction in principal suspensions and an 8.5% reduction in superintendent suspensions in schools participating in restorative justice.[98] Furthermore, schools participating in the Restorative Justice Pilot Program accounted for 25% of the decline of total citywide suspensions in SY 2016-17 as of March 1, 2017.[99]

i. Restorative Justice Funding

The Council made a significant investment in restorative justice programs beginning in Fiscal 2016 with a $2.4 million initiative.[100] This initiative provided the groundwork for DOE to begin supporting restorative justice in schools, which largely began in Fiscal 2017 at $12.65 million.[101] The following table sets forth funding levels for DOE's restorative justice initiatives:

($ in millions)

Initiative	Fiscal Year 2017	Fiscal Year 2018	Fiscal Year 2019
Guidance Counselors for Suspension Hearings	.22	.22	.22
Educational Transition Support for Students at Rikers	3.80	3.80	3.80
De-escalation Training for School Safety Agents	.15	0	0
Therapeutic Crisis Intervention for 125 School-Based Staff	.55	.60	.09
SAGA Algebra Tutoring	1.10	1.10	1.10
Safe and Supportive Opportunity Program Enhancement (SSOPE)	5.39	5.52	3.88
Restorative Practices Training in District 18 and Warning Card Schools	.86	.87	.88
Restorative Practices Internal Capacity	.58	0	0
Total	**12.65**	**12.11**	**9.96**

F. School Climate and Discipline Leadership Team

In February 2015, Mayor Bill De Blasio launched the School Climate and Discipline Leadership Team (SCLT), which was a one-year task force that evaluated the progress of NYC school climate reforms.[102] The SCLT consisted of parents, principals, union representatives, representatives from the DOE, the Mayor's Office, the City Council, the NYPD, and CBOs who were responsible for reporting to the Chancellor, Mayor, the Mayor's Office of Criminal Justice, NYPD Commissioner, and public organizations who work with

[97] Data on file with Council Finance staff.
[98] *Id.*
[99] *Id.*
[100] Information provided by New York City Office of Management and Budget 2018, on file with Council Finance staff.
[101] *Id.*
[102] Mayor's Leadership Team on School Climate and Discipline, "Safety with Dignity," *available at* http://www1.nyc.gov/assets/sclt/downloads/pdf/safety-with-dignity-final-complete-report-723.pdf at p. 2 (last visited Oct. 25, 2017).

researchers.[103] From February 2015 to February 2016, the SCLT studied best practices in NYC schools and schools in other jurisdictions, and in July 2016, the SCLT proposed various recommendations to the Mayor, Chancellor, and other relevant individuals around ways to make schools safer while decreasing suspensions, arrests, and summons.[104]

Since then, the administration has incorporated various of the SCLT's recommendations.[105] For example, the administration adopted the SCLT's recommendation of ending suspensions of students in kindergarten through second grade.[106] The DOE now uses "more age-appropriate discipline techniques" for students in these grades.[107] Furthermore, as recommended by the SCLT,[108] the DOE increased data reporting and transparency on current school climate programs, such as restorative practices, to evaluate necessary amendments to such program and gather ideas on ways to expand them.[109]

In addition, in their 2016 report, the SCLT proposed numerous mental health recommendations that were implemented by the Administration to improve school climate.[110] As recommended by the SCLT, the Administration increased mental health services to support students in high-need schools.[111] In fact, more than $15 million will be allocated annually, through ThriveNYC, to offer 50 or more schools mental health services for three years.[112] Additionally, the DOE implemented "pilot mandatory reengagement restorative circles for students returning from superintendent suspensions within the 20 schools receiving Safe and Supportive Opportunity Expanded."[113]

G. DOE School Climate Dedicated Staff

Prior to the creation of the SCLT, the DOE had created several staffing positions specifically aimed at fostering positive school climates. In July 2015, the DOE created the Director of School Climate position within the OSYD.[114] The Director of School Climate is tasked with developing internal capacity and systems to increase positive discipline supports in DOE schools.[115] Additionally, the DOE developed seven Borough Field Support Centers to enhance training and coaching for school staff.[116] With at least one Field Support

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[103] DOE Website, "City Announces School Climate Reforms," *available at* http://schools.nyc.gov/Offices/mediarelations/NewsandSpeeches/2014-2015/City+Announces+School+Climate+Reforms.htm (last visited Oct. 25, 2017).

[104] Mayor's Leadership Team on School Climate and Discipline, "Maintaining the Momentum A Plan for Safety and Fairness In Schools," *available at* http://www1.nyc.gov/site/sclt/index.page (last visited Oct. 25, 2017).

[105] Office of the Mayor, "De Blasio Administration Announces New School Climate Initiatives to Make NYC Schools Safer, Fairer and More Transparent," July 21, 2016, *available at* http://www1.nyc.gov/office-of-the-mayor/news/628-16/de-blasio-administration-new-school-climate-initiatives-make-nyc-schools-safer-fairer (last visited Oct. 26, 2017).

[106] Office of the Mayor, "De Blasio Administration Announces New School Climate Initiatives to Make NYC Schools Safer, Fairer and More Transparent," July 21, 2016, *available at* http://www1.nyc.gov/office-of-the-mayor/news/628-16/de-blasio-administration-new-school-climate-initiatives-make-nyc-schools-safer-fairer (last visited Oct. 26, 2017).

[107] *Id.*

[108] *Id.*

[109] Office of the Mayor, "De Blasio Administration Announces New School Climate Initiatives to Make NYC Schools Safer, Fairer and More Transparent," July 21, 2016, available at http://www1.nyc.gov/office-of-the-mayor/news/628-16/de-blasio-administration-new-school-climate-initiatives-make-nyc-schools-safer-fairer (last visited Oct. 26, 2017).

[110] Mayor's Leadership Team on School Climate and Discipline, "Maintaining the Momentum a Plan for Safety and Fairness In Schools," available at http://www1.nyc.gov/assets/sclt/downloads/pdf/SCLT_Report_7-21-16.pdf at p. 17 (last visited Oct. 26, 2017).

[111] *Id.*

[112] Office of the Mayor, "De Blasio Administration Announces New School Climate Initiatives to Make NYC Schools Safer, Fairer and More Transparent," July 21, 2016, available at http://www1.nyc.gov/office-of-the-mayor/news/628-16/de-blasio-administration-new-school-climate-initiatives-make-nyc-schools-safer-fairer (last visited Oct. 26, 2017).

[113] Office of the Mayor, "De Blasio Administration Announces New School Climate Initiatives to Make NYC Schools Safer, Fairer and More Transparent," July 21, 2016, available at http://www1.nyc.gov/office-of-the-mayor/news/628-16/de-blasio-administration-new-school-climate-initiatives-make-nyc-schools-safer-fairer (last visited Oct. 26, 2017).

[114] Mayor's Leadership Team on School Climate and Discipline, "Maintaining the Momentum A Plan for Safety and Fairness In Schools," available at http://www1.nyc.gov/assets/sclt/downloads/pdf/SCLT_Report_7-21-16.pdf p. 18. (last visited Oct. 25, 2017).

[115] *Id.*

[116] *Id.*

Executive Director in every borough,[117] these individuals are responsible for school climate "initiatives, de-escalation/crisis management, school counseling support and attendance."[118]

V. Issues and Concerns

Despite the myriad laws, regulations, programs, and initiatives focused on addressing issues related to bullying, harassment, and discrimination, the issue — and its negative effect on students and the school environment — persists. The Committee is particularly interested in learning about how the requirements of federal, state, local laws, and DOE policies are implemented by the DOE, and how such implementation is evaluated.

A. Communication and Training About Policies and Protocols

According to advocates, communication regarding policies and protocols is not consistent across all schools. For example, although principals are required to designate at least one full-time RFA liaison at each school, advocates have noted that information about each school's RFA liaison is not readily available.[119] Thus, students and parents may not know who they should contact to report bullying behavior, or how to contact such individuals. Advocates also report concerns about the effectiveness of the turn-key model for trainings (whereby RFA liaisons receive training and then are responsible for training other school staff on bullying and harassment-related issues).[120] In particular, the content of such trainings is not made publicly available.

B. Underreporting of Data By Students and Staff

As an initial concern, many students, particularly those in vulnerable populations, may not report incidents when they occur. LGBQ and TGNC students, in particular, may not report incidents of bullying and harassment because they do not believe adults will effectively address the issue. According to the Gay, Lesbian, and Straight Education Network (GLSEN) 2015 national school climate survey, many LGBTQ students did not report incidents "because they doubted that effective intervention would occur or the situation could become worse if reported."[121] In fact, 57.6% of LGBTQ students who were assaulted or harassed did not inform school staff, and 63.5% of LGBTQ students who filed reports indicated that the school did nothing to address their victimization.[122]

Moreover, even when students do report incidents, those incidents may not be reported by staff. As discussed in the Committee's October 2016 committee report, NYC schools have historically underreported incidents of harassment, bullying, and discrimination.[123] A 2016 report released by State Attorney General Eric

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[117] DOE Website, "Strong Schools, Strong Communities," *available at* http://schools.nyc.gov/AboutUs/schools/StrongSchools/Directors+of+Borough+Field+Support+Centers (last visited Oct. 26, 2017)

[118] Mayor's Leadership Team on School Climate and Discipline, "Maintaining the Momentum A Plan for Safety and Fairness In Schools," *available at* http://www1.nyc.gov/assets/sclt/downloads/pdf/SCLT_Report_7-21-16.pdf p. 18. (last visited Oct. 25, 2017).

[119] *See* Hearing Testimony of Advocates for Children, before the Committee on Education, "Oversight - Bullying, Harassment and Discrimination in NYC Schools – Protecting LGBT and Other Vulnerable Students," (Oct. 19, 2016), *available at* http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2843008&GUID=63487AE5-3F0C-4194-98FB-46CF341D7DA8&Options=&Search=.

[120] *See* Hearing Transcript, Testimony before the Committee on Education, "Oversight - Bullying, Harassment and Discrimination in NYC Schools – Protecting LGBT and Other Vulnerable Students," (Oct. 19, 2016) available at http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2843008&GUID=63487AE5-3F0C-4194-98FB-46CF341D7DA8&Options=&Search.

[121] Kosciw, J. G., Greytak, et al, The 2015 National School Climate Survey: *The experiences of lesbian, gay, bisexual and transgender youth in our nation's schools*, GLSEN, 2015, at xvi, *available at* https://www.glsen.org/sites/default/files/2015%20National%20GLSEN%202015%20National%20School%20Climate%20Survey%20%28NSCS%29%20-%20Full%20Report_0.pdf (last visited Oct. 27, 2017).

[122] *Id.*

[123] *See* Committee Report of the New York City Council Committee on Education, "Oversight - Bullying, Harassment and Discrimination in NYC Schools – Protecting LGBT and Other Vulnerable Students," (Oct. 19, 2016), *available at*

Schneiderman highlighted this issue.[124] Along with the underreporting of incidents in NYC schools, the report stated that schools also demonstrated confusion on how to report incidents.[125] The most frequent incident classification reported was "other" (441 incidents), followed by gender (431 incidents) and sexual orientation (284 incidents).[126] The report highlighted that this issue is exacerbated by a lack of information provided to staff on how to classify and report incidents,[127] as well schools' failing to inform students, staff, and parents about school guidelines, policies, and procedures for reporting incidents.[128] The report noted that this was of particular concern for parents of English Language Learners, especially those parents who did not speak or read English.[129]

According to the most recent DASA data available, 765 DOE schools reported zero material incidents of bullying, harassment, or discrimination in SY 2015-16.[130] 772 DOE schools reported between one and ten material incidents.[131] The underreporting by schools and lack of awareness by school staff raises the question of how much training is provided to staff regarding DASA reporting and bullying awareness and prevention, and whether such training is effective. The underreporting of bullying, harassment, and discrimination is preventing the City and State from using such data to combat this prominent issue in public schools, while leaving certain vulnerable populations of students to deal with the consequences of such negative treatment.

C. Use of Data and Proactive Measures to Address Issues

Finally, the Committee is interested in learning more about how the DOE utilizes the wealth of data that it collects. Each year, the DOE administers the NYC School Survey to students in grades 6-12, teachers, and public school parents.[132] The DOE's 2017 School Survey included more than one million respondents.[133] According to the DOE, this survey is administered to help "school leaders understand what key members of the school community say about the learning environment at each school."[134]

The chart appended to this report as **Appendix B** was developed using data from the DOE's 2017 Student School Survey results.[135] The chart only includes schools in which more than 35% of student respondents indicated that they disagreed or strongly disagreed with survey question 7c, which reads, "I feel safe in the hallways, bathrooms, locker rooms, and cafeteria of this school."[136] Notably, an additional 53 schools had 30-35% of students respond that they strongly disagreed or disagreed with the same survey question; however these schools are not included in the chart."[137] The chart also includes information on other school climate-related questions for these 20 schools. Additionally, the chart includes the number of guidance counselors and social workers, and the student-to-guidance counselor & social worker ratio in each respective school for the 2015-16 school year, which is the most current data available.

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http://legistar.council.nyc.gov/MeetingDetail.aspx?ID=506805&GUID=FDBACCC8-2CED-44C4-A503-2D74F7C4E541&Options=info&Search=.

[124] New York State Office of the Attorney General, Dignity for All Students Act: *Results of Statewide School District Survey and Guidance on Implementation* (Aug. 31, 2016), *available at* https://ag.ny.gov/sites/default/files/dasa_-_dear_colleague_letter_oag-sed_guidance_document.pdf (last visited Oct. 26, 2017).

[125] *Id.*

[126] *Id.*

[127] *Id.* at 7.

[128] *Id.* at 9.

[129] *Id.*

[130] *See* NYSED Website, Data Reporting, DASA Incident Reports 2015-16, *available at* http://www.p12.nysed.gov/irs/school_safety/school_safety_data_reporting.html.

[131] *Id.*

[132] DOE Website, NYC School Survey, *available at* http://schools.nyc.gov/Accountability/tools/survey/default.htm (last visited Oct. 25, 2017).

[133] *Id.*

[134] *Id.*

[135] *See* DOE Website, 2017 NYC School Survey Results, *available at* http://schools.nyc.gov/Accountability/tools/survey/default.htm (last visited Oct. 25, 2017).

[136] *Id.*

[137] *Id.*

Overall, the survey results show that students in these 20 schools do not feel safe inside of their schools. In fact, in eight of the 20 schools, more than 40% of students reported that they did not feel safe in the hallways, bathrooms, locker rooms, and cafeteria of their school. Furthermore, 81% of student respondents at P.S. 81 and 51% of student respondents at Frederick Douglass Academy V. Middle School reported that they did not feel safe in these locations. Also, many students reported that they did not feel safe inside of classrooms, including 80% of student respondent at P.S. 181, and 36% of student respondents at Bronx Design and Construction Academy.

In addition to not feeling safe, students at these 20 schools reported high rates of bullying, harassment, and intimidation. In fact, at I.S. 232, 78% of student respondents indicated that students at their schools harass, bully, or intimidate other students some or most of the time. Furthermore, 36% of respondents at that school indicated that such behavior happened most of the time.[138] All but one of the 20 schools had more than 50% of respondents indicate that bullying, harassment, or intimidation happens some or most of the time in their schools.

Despite the high prevalence of students not feeling safe inside of their schools, each of these 20 schools had a high student-to-guidance counselor and social worker ratio during the 2015-16 school year. Bronx Design and Construction Academy, which had the lowest ratio of the 20 schools, had student-to-guidance counselor and social worker ratio of 83. I.S. 119, which had the highest ratio of the 20 schools, had a 1,190:1 student-to-guidance counselor and social worker ratio.

Notably, students at many DOE schools with low student-to-guidance counselor and social worker ratios reported higher rates of feeling safe. For example, during SY 2015-16, Harvey Milk High School, which had a student-to-guidance counselor and social worker ratio of 31,[139] had 100% of students respond that they feel safe in the hallways, bathrooms, locker rooms, and cafeteria.[140] Additionally, none of the students at that school indicated that they feel unsafe in their classrooms, and only 16% of these students reported that students bullied, intimidated, or harassed other students some or most of the time.[141]

In addition to the DOE's 2017 Student School Survey data, which demonstrates that many students feel unsafe in their schools, parent feedback data shows that many parents do not feel that their child is safe in DOE schools.[142] In fact, at more than 30 DOE schools, including pre-k, more than 20% of parents taking the survey indicated that their child was not safe at their school. [143]

Additionally, the DOE's 2017 Teacher Survey data demonstrates that a significant number of DOE schools are struggling to foster a positive school climate.[144] For example, at more than 100 DOE schools, 50% or more teachers indicated that they strongly disagreed or disagreed with question 6e, which reads "at this school, order and discipline are maintained."[145] Furthermore, at more than 400 DOE schools, more than 50% of teachers indicated that students at their school harass, bully, or intimidate other students some or most of the time.[146]

VI. Analysis of Legislation

Int. No. 1757-A - A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information on student-to-student bullying, harassment, intimidation and discrimination

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[138] *See id.*
[139] *See* DOE Website, 2017 Guidance Counselor and Social Worker Reporting, *available at* http://schools.nyc.gov/community/city/publicaffairs/Guidance+Counselor+Reporting.htm (last visited Oct. 26, 2017), submitted pursuant to Local Law 56/2014.
[140] *See* DOE Website, 2017 NYC School Survey Results, *available at* http://schools.nyc.gov/Accountability/tools/survey/default.htm (last visited Oct. 25, 2017).
[141] *Id.*
[142] *Id.*
[143] *Id.*
[144] *Id.*
[145] *Id.*
[146] *Id.*

Since its initial hearing, the bill has received several amendments such as clarifying that the reporting requirements apply to both students who were targeted by bullying behavior and those who were engaged in the bullying behavior, amending the dates on which certain information is due based on when such information will become available.

Section one of Int. 1757-A would add a new chapter 18 to title 21-A of the Administrative Code. Section one would provide the following definitions: "complaint" would mean an oral or written complaint submitted to the department that contains allegations of violations of chancellor's regulation A-832 involving student-to-student bullying, harassment, intimidation or discrimination; "material incident" would an incident alleged in a complaint that the DOE has investigated pursuant to, and has determined to be in violation of, chancellor's regulation A-832; "notice" would mean notice provided by the department to a parent whose child was alleged in a complaint to have been targeted by or engaged in bullying, harassment, intimidation, or discrimination in violation of chancellor's regulation A-832, and that advises such parent of the outcome of the investigation; "school" would mean a school of the of the city school district of the city of New York that contains any combination of grades from and including pre-kindergarten through grade 12; "student" would mean any pupil under the age of twenty-one as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled in a school; and "unique complaint" would mean a non-duplicate complaint.

The bill would require the DOE to submit a report for the preceding school semester to the Council and post such report on its website, beginning on May 31, 2018 and every six months thereafter before November 30 and May 31, respectively. The report would be required to include, for each community school district and each individual high school: (i) the total number of unique complaints; and (ii). the total number of material incidents, and the number of such material incidents that were related to each of the following categories: race, ethnicity or national origin or both, religion, gender, weight, gender identity, gender expression or sexual orientation, or any combination thereof and disability.

The legislation would also require the DOE to report, beginning on November 30, 2018 and annually thereafter, a description of any resources and support provided by the DOE to schools related to preventing, reporting and addressing incidents of student-to-student bullying, harassment, intimidation or discrimination; a description of any trends reflected in the data, including any trends related to the types of incidents determined by the department to be material incidents of student-to-student bullying, harassment, intimidation or discrimination in violation of chancellor's regulation A-832; a description of any recommendations to address any such trends, including, but not limited to, additional training for relevant staff members; and, for each school, whether such school has completed the training required pursuant to chancellor's regulation A-832 for (i) students; (ii) staff, including non-instructional staff and (iii) the school's respect for all liaison.

Further, the bill would require the DOE to include in the reports beginning May 31, 2020 the following information: the total number of notices provided, disaggregated by whether notice was provided to parents of students (i) who were targeted by, or were alleged to have been targeted by, bullying, harassment, intimidation or discrimination or (ii) engaged in, or were alleged to have been engaged in, bullying, harassment, intimidation or discrimination; and the average and median number of days between the receipt of a complaint and the provision of notice related to such complaint, disaggregated by whether the notices were provided to parents of students (i) who were targeted by, or were alleged to have been targeted by, bullying, harassment, intimidation or discrimination or (ii) engaged in, or were alleged to have been engaged in, bullying, harassment, intimidation or discrimination.

Beginning with the report due on November 30, 2020, all of the November reports would be required to include: the total number of students who have been determined by the department to have been involved in two or more material incidents within a school year, disaggregated by whether students (i) were targeted by bullying, harassment, intimidation or discrimination or (ii) were engaged in bullying, harassment, intimidation or discrimination; and the total number of students identified in paragraph 1 of subdivision e for whom follow-up action was recommended, including a description of the follow-up action recommended, disaggregated by whether students (i) were targeted by bullying, harassment, intimidation or discrimination or (ii) were engaged in bullying, harassment, intimidation or discrimination.

The legislation would also provide that none of the information reported would violate any applicable provision of federal, state or local law relating to the privacy of student information.

Section two of the legislation would provide that the law would take effect immediately.

Int. No. 1538-A - A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to post contact information for each school related to reporting incidents of bullying, harassment, intimidation and discrimination

Since its initial hearing, the bill has received several amendments including clarifying the range of school staff to whom reports may be made, including the Dignity Act Coordinator that each school is required to have under state law.

Section one of Int. No. 1538-A would add a new section to chapter 18 of title 21-A of the Administrative Code. Section one of the bill would provide the following definitions: "dignity act coordinator" would mean the person or persons identified pursuant to paragraph a of subdivision 1 of section 13 of the education law as the school employee charged with receiving reports of harassment, bullying and discrimination, and responsible for discharging the responsibilities of the dignity act coordinator pursuant to subdivision jj of section 100.2 of title 8 of the New York codes, rules and regulations; and "school" would mean a school of the city school district of the city of New York that contains any combination of grades from and including pre-kindergarten through grade 12.

The legislation would require the DOE to list on its website information regarding how students, parents, and staff may report incidents of bullying, harassment, intimidation or discrimination, including information about the school-based staff to whom such reports may be made, and email addresses the DOE has designated to receive reports, and information explaining that additional information is available on individual schools' websites.

Further, the bill would also require the DOE to post on each school's individual website, in addition to the information required above, contact information for the school's designated Dignity Act Coordinator. Section one would require the DOE to update relevant information at least twice per year, as necessary.

Section two of the bill would provide that the bill takes effect 60 days after a local law amending the administrative code of the city of New York relating to requiring the department of education to report information on student-to-student bullying, harassment, intimidation and discrimination, as proposed in introduction number 1757-A, takes effect.

VII. Update

On December 7, 2017, the Committee passed Introduction No. 1538-A and Introduction No. 1757-A by a vote of fifteen in the affirmative, zero in the negative, with zero abstentions

The following is the text of the Fiscal Impact Statement for Int. No. 1757-A:

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

PROPOSED INTRO. NO.: 1757-A
COMMITTEE: Education

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information on student-to-student bullying, harassment, intimidation and discrimination.	**SPONSORS:** Council Members Treyger, Dromm, Levine and Rose

SUMMARY OF LEGISLATION: Proposed Intro. 1757-A would require the Department of Education (DOE) to report every six months on the number of incidents of student-to-student bullying, harassment, intimidation or discrimination in violation of DOE's regulations, as well as the number of complaints received, disaggregated by community school district and individual high school. The bill would also require the DOE to annually report on resources provided to schools related to preventing, reporting, and addressing incidents, as well as trends seen in reported data, recommendations DOE makes to address trends, and if the school has completed the required training. Beginning with the report due on May 31, 2020, the bi-annual reports would be required to include information on the total number of notices provided to parents and the average and median number of days between the receipt of a complaint and the provision of a notice. Additionally, the bill would require the reports to include information on the number of students DOE determines to be involved in two or more incidents within a school year, and of those students, the number of students for whom follow-up action was recommended, and a description of the follow-up action recommended. The information required by the reports beginning in May 2020 would be required to be disaggregated by whether students were targeted by bullying, harassment, intimidation or discrimination, or were engaged in bullying, harassment, intimidation or discrimination.

EFFECTIVE DATE: This local law would take effect immediately

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	$0	$0	$0
Expenditures	$0	$0	$0
Net	$0	$0	$0

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

IMPACT ON EXPENDITURES: It is anticipated that this legislation would have no impact on expenditures as DOE can use existing resources to implement the provisions of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: None

SOURCE OF INFORMATION: New York City Finance Division; New York City Department of Education

ESTIMATE PREPARED BY: Elizabeth Hoffman, Principal Financial Analyst

ESTIMATE REVIEWED BY: Dohini Sompura, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was considered as a Preconsidered Introduction by the Committee on Education (Committee) on October 30, 2017 and the bill was laid over. The legislation was introduced to the full Council on October 31, 2017 and referred to the Committee on Education. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 1757-A, will be voted on by the Committee on December 7, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1757-A will be submitted to the full Council for a vote on December 11, 2017.

DATE PREPARED: December 4, 2017.

(For text of Int. No. 1538-A and its Fiscal Impact Statement, please see the Report of the Committee on Education for Int. No. 1538-A printed above in these Minutes; for text of Int. No. 1757-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos 1757-A and 1538-A.

(The following is the text of Int. No. 1757-A:)

Int. No. 1757-A

By Council Members Treyger, Dromm, Levine, Rose, Chin, Barron, Menchaca and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information on student-to-student bullying, harassment, intimidation and discrimination

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 18 to read as follows:

Chapter 18. Bullying, Harassment, Intimidation and Discrimination

§ 21-980 Reporting on student-to-student bullying, harassment, intimidation and discrimination

a. For the purposes of this section, the following terms have the following meanings:

Complaint. The term "complaint" means an oral or written complaint submitted to the department that contains allegations of violations of chancellor's regulation A-832 involving student-to-student bullying, harassment, intimidation or discrimination.

Material incident. The term "material incident" means an incident alleged in a complaint that the department has investigated pursuant to, and has determined to be in violation of, chancellor's regulation A-832.

Notice. The term "notice" means notice provided by the department to a parent whose child was alleged in a complaint to have been targeted by or engaged in bullying, harassment, intimidation, or discrimination in violation of chancellor's regulation A-832, and that advises such parent of the outcome of the investigation.

School. The term "school" means a school of the of the city school district of the city of New York that contains any combination of grades from and including pre-kindergarten through grade 12.

Student. The term "student" means any pupil under the age of twenty-one as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled in a school.

Unique complaint. The term "unique complaint" means a non-duplicate complaint.

b. Not later than May 31, 2018, and every six months thereafter on or before November 30 and May 31, respectively, the department shall submit to the council and post conspicuously on the department's website a report for the preceding school semester, which shall include for each community school district and for each individual high school:

1. the total number of unique complaints;

2. the total number of material incidents, and the number of such material incidents that were related to each of the following categories: (i) race, (ii) ethnicity or national origin or both, (iii) religion, (iv) gender, (v) weight, (vi) gender identity, gender expression or sexual orientation, or any combination thereof and (vii) disability.

c. Not later than November 30, 2018, and annually thereafter on or before November 30, the department shall include in its report submitted in November pursuant to subdivision b:

1. a description of any resources and support provided by the department to schools related to preventing, reporting and addressing incidents of student-to-student bullying, harassment, intimidation or discrimination;

2. a description of any trends reflected in the data reported pursuant to subdivision b, including any trends related to the types of incidents determined by the department to be material incidents of student-to-student bullying, harassment, intimidation or discrimination in violation of chancellor's regulation A-832;

3. a description of any recommendations to address any such trends, including, but not limited to, additional training for relevant staff members; and

4. for each school, whether such school has completed the training required pursuant to chancellor's regulation A-832 for (i) students; (ii) staff, including non-instructional staff and (iii) the school's respect for all liaison.

d. Beginning with the report due on May 31, 2020, the reports required by May 31 and November 30 pursuant to subdivisions b and c, as applicable, shall additionally include for each community school district and for each individual high school:

1. the total number of notices provided, disaggregated by whether notice was provided to parents of students (i) who were targeted by, or were alleged to have been targeted by, bullying, harassment, intimidation or discrimination or (ii) engaged in, or were alleged to have been engaged in, bullying, harassment, intimidation or discrimination; and

2. the average and median number of days between the receipt of a complaint and the provision of notice related to such complaint, disaggregated by whether the notices were provided to parents of students (i) who were targeted by, or were alleged to have been targeted by, bullying, harassment, intimidation or discrimination or (ii) engaged in, or were alleged to have been engaged in, bullying, harassment, intimidation or discrimination.

e. Beginning with the report due on November 30, 2020, the report required by November 30 pursuant to subdivision c shall additionally include for each community school district and each individual high school:

1. the total number of students who have been determined by the department to have been involved in two or more material incidents within a school year, disaggregated by whether students (i) were targeted by bullying, harassment, intimidation or discrimination or (ii) were engaged in bullying, harassment, intimidation or discrimination; and

2. the total number of students identified in paragraph 1 of subdivision e for whom follow-up action was recommended, including a description of the follow-up action recommended, disaggregated by whether students (i) were targeted by bullying, harassment, intimidation or discrimination or (ii) were engaged in bullying, harassment, intimidation or discrimination.

f. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between 1 and 5 students, or contains an amount that would allow the amount of another category that is five or less to be deduced, the number shall be replaced with a symbol.

§ 2. This local law takes effect immediately.

DANIEL DROMM, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, MARGARET S. CHIN, STEPHEN T. LEVIN, DEBORAH L. ROSE, INEZ D. BARRON, CHAIM M. DEUTSCH, MARK LEVINE, ALAN N. MAISEL, ANTONIO REYNOSO, HELEN K. ROSENTHAL, MARK TREYGER; BEN KALLOS, RAFAEL SALAMANCA, Jr.; Committee on Education, December 7, 2017. *Other Council Members Attending: Council Members Torres and Mendez.*

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

Report of the Committee on Environmental Protection

Report for Int. No. 1651-A

Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to monitoring electricity and fossil fuel usage in certain facilities.

The Committee on Environmental Protection, to which the annexed proposed local law was referred on June 21, 2017 (Minutes, page 2207), respectfully

REPORTS:

I. INTRODUCTION

On December 7, 2017, the Committee on Environmental Protection, chaired by Council Member Costa Constantinides, will hold a hearing for the purposes of conducting a vote on Proposed Int. No. 1651-A, which requires an annual report on electricity and fossil fuel use, along with assessments and improvements to building envelopes, in certain City-owned buildings. The bill also requires the installation of energy use equipment and necessary software in certain City-owned buildings. The Committee previously held a hearing on this bill on June 27, 2017, and received testimony from the Mayor's Office of Sustainability, advocacy organizations and interested members of the public. More information about these bills is available with the materials for the hearings, which can be accessed online at http://legistar.council.nyc.gov/.

II. PROPOSED INT. NO. 1651-A

Proposed Int. No. 1651-A would require the Department of Citywide Administrative Services (DCAS) to provide an annual report on electricity and fossil fuel use in certain City-owned buildings, including identifying whether such buildings have been fitted with equipment for monitoring energy usage in near real-time. The report will also require assessments and improvements to building envelopes. This bill would also require DCAS, in conjunction with other appropriate city agencies, to coordinate the installation of energy usage equipment and any necessary software in all city buildings that DCAS identifies as appropriate to receive such installation.

(The following is the text of the Fiscal Impact Statement for Int. No. 1651-A:)

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

PROPOSED INTRO. NO. 1651-A

COMMITTEE: Environmental Protection

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to monitoring electricity and fossil fuel usage in	**SPONSORS:** Council Members Constantinides, Rosenthal, Kallos and Cohen

certain facilities.

SUMMARY OF LEGISLATION: Proposed Int. No. 1651-A would require the Department of Citywide Administrative Services (DCAS) to provide an annual report on electricity and fossil fuel use in certain City-owned buildings, including identifying whether such buildings have been fitted with equipment for monitoring energy usage in near real-time. This bill would also require DCAS, in conjunction with other appropriate City agencies, to coordinate the installation of energy usage equipment and any necessary software in all City buildings that DCAS identifies as appropriate to receive such installation.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY22
Revenues (+)	$0	$0	$0
Expenditures (-)	$0	$876,633	$1,056,141
Net	$0	($876,633)	($1,056,141)

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

IMPACT ON EXPENDITURES: It is anticipated that this legislation would have an impact of $876,633 on expenditures in Fiscal 2019, with costs rising to $1,056,141 by Fiscal 2022 and continuing into the outyears. The majority of the costs reflect the purchase and installation of telemetry equipment across thousands of City buildings, a process that will take place over several fiscal years. The development and monitoring of the database reflecting real-time City building energy usage can be accomplished, as well as the annual report mandated by this legislation, can be implemented using existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

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

ESTIMATE PREPARED BY: Zachary Harris, Financial Analyst
Jonathan Seltzer, Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1651 on June 21, 2017 and referred to the Committee on Environmental Protection (Committee). A hearing was held by the Committee on June 27, 2017 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1651-A, will be considered by the Committee on December 7, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1651-A will be submitted to the full Council for a vote on December 11, 2017.

DATE PREPARED: December 6, 2017.

Accordingly, this Committee recommends its adoption, as amended.

Int. No. 1651-A

By Council Members Constantinides, Rosenthal, Kallos, Cohen and Menchaca

A Local Law to amend the administrative code of the city of New York, in relation to monitoring electricity and fossil fuel usage in certain facilities

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-207.2 to read as follows:

§ 4-207.2 Monitoring electricity and fossil fuel usage in certain facilities. a. For the purposes of this section:

Covered facility. The term "covered facility" means a facility for which the city is responsible for the payment of electricity utility bills and where at least one electricity account exists for which demand was at least 300 kilowatts (kW) during the previous fiscal year.

Department. The term "department" means the department of citywide administrative services.

Electricity usage telemetry equipment. The term "electricity usage telemetry equipment" means equipment that allows electricity usage to be measured and reported in near real-time.

b. No later than December 31, 2018, and every year for a period of three years from that date, the department shall submit to the speaker of the council and to the mayor, and make publicly available on its website, a report on electricity and fossil fuel usage in, and assessments of or improvements made to the envelopes of, certain covered facilities. Such report shall include, but need not be limited to, the following information:

1. For each covered facility:

(a) Street address;

(b) A statement as to whether electricity usage telemetry equipment has been installed at such facility;

(c) If such electricity usage telemetry equipment has not been installed at such facility, whether such installation is appropriate and practicable and, if appropriate and practicable, the year such equipment is expected to be installed;

(d) The electricity usage of such facility during the previous fiscal year or the portion of such period of time that such facility was a covered facility;

(e) The change in such facility's electricity usage over the last five fiscal years or the portion of such period of time that such facility was a covered facility; and

(f) The total change in electricity usage over the same period for all covered facilities.

2. For each covered facility that is a city-owned building:

(a) The amount of fossil fuel used by such facility during the previous fiscal year or the portion of such period of time that such facility was a covered facility and a city-owned building;

(b) The change in such facility's fossil fuel usage over the last five fiscal years or the portion of such period of time that such facility was a covered facility and a city-owned building;

(c) The total change in fossil fuel usage over the same period for all covered facilities that are city-owned buildings;

(d) A statement as to whether the city has assessed the envelope of such facility during the previous fiscal year; and

(e) A description of any improvements made to the envelope of such facility that were commenced, continued or completed during the previous fiscal year.

c. The department, in conjunction with any other appropriate city agency, shall coordinate the installation of electricity usage telemetry equipment in any covered facility where the department has determined that installation of such equipment is appropriate and practicable.

d. Following installation of electricity usage telemetry equipment by the department at a covered facility, the department shall train agency personnel responsible for such facility in using such equipment to monitor electricity usage.

§ 2. This local law takes effect immediately.

COSTA G. CONSTANTINIDES, *Chairperson*; DONOVAN J. RICHARDS, RORY I. LANCMAN; Committee on Environmental Protection, December 7, 2017.

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

Report of the Committee on Finance

Report for Int. No. 1737

Report of the Committee on Finance in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to the establishment of the Morris Park business improvement district.

The Committee on Finance, to which the annexed proposed local law was referred on October 17, 2017 (Minutes, page 3570), respectfully

REPORTS:

INTRODUCTION

On December 11, 2017, the Committee on Finance, chaired by Council Member Julissa Ferreras-Copeland, will hold a second hearing on Introduction (Int.) Number (No.) 1737, *A Local Law to amend the administrative code of the city of New York, in relation to the establishment of the Morris Park business improvement district*, sponsored by Council Member Ferreras-Copeland and Council Member James Vacca. The Committee first considered this legislation at a hearing on October 31, 2017, at which time the Committee heard testimony from the Department of Small Business Services (SBS), as well as representatives from the Morris Park Business Improvement District (BID) Steering Committee, in support of the establishment of the BID.

BACKGROUND

Under Local Law 82 of 1990, the City Council assumed responsibility for adopting the legislation that would establish individual business improvement districts (BIDs). BIDs, which are specifically established areas, use the City's property tax collection mechanism to approve a special tax assessment with which to fund additional services that would enhance the area and improve local business. The additional services are normally in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks, etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising). The District Management Association of a BID carries out the activities described in the BID's district plan.

Under the process established by law, the Council previously approved Resolution (Res.) No. 1679 on October 17, 2017, which set the date for a public hearing on Int. No. 1737 as October 31, 2017. Prior to the Council's adoption of Res. No. 1679, the City Planning Commission ("CPC") reviewed the proposed BID and held a public hearing on July 12, 2017. The CPC approved a resolution on August 9, 2017 (Calendar No. 27), which certified the CPC's unqualified approval of the establishment of the BID.

Res. No. 1679 directed that all notice provisions contained in the Administrative Code be complied with. Therefore, the Department of Small Business Services was directed to publish the Resolution or its summary in the City Record or a newspaper of general circulation not less than 10 nor more than 30 days before the public hearing. The Morris Park BID Steering Committee was directed to mail the Resolution or its summary to each owner of real property within the proposed extended district at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills for property within the

BID, and to occupants of each building within the proposed extended district, also not less than 10 nor more than 30 days before the public hearing. Finally, the Morris Park BID Steering Committee was also directed to publish in a newspaper of general circulation a notice stating the time and place of the hearing and stating the increase in the amount to be expended annually in the District not less than 10 days prior to the hearing.

As noted, the Committee held a public hearing on October 31, 2017. The public hearing to consider both the plan itself and the enacting legislation, pursuant to the provisions of the law, was then closed without a vote. The Committee was then required wait at least 30 days before it could again consider and possibly vote to approve this legislation. The 30-day period immediately after this public hearing serves as an objection period. During this time period, any property owner was permitted to formally object to the plan by filing such objection in the Office of the City Clerk, on forms provided by the City Clerk. In the event that either at least 51 percent of the total number of property owners or owners with at least 51 percent of the assessed valuation of all the benefited real property within the district object to the plan, then the City Council is prohibited, by law, from approving such plan.

According to SBS, out of the 188 owners of record in the BID, one valid objection and one invalid objection were filed. Therefore, the Council is not prohibited from approving the plan.

As the Committee now considers this legislation after the conclusion of the objection period, without the requisite number of objections filed to prohibit the establishment of the BID, it must next answer the following four questions:

1) Were all notices of hearing for all hearings required to be held published and mailed as so required?;
2) Does all the real property within the district's boundaries benefit from the establishment of the district, except as otherwise provided by the law?;
3) Is all real property benefited by the district included within the district?; and
4) Is the establishment of the district in the best interests of the public?

If the Committee finds in the affirmative on these four questions then the legislation can be adopted.

MORRIS PARK BID

The proposed Morris Park BID (also referred to as the "District") would be located along Morris Park Avenue in the Morris Park neighborhood of the Bronx. The BID consists of 188 properties alongside both sides of Morris Park Avenue, bounded by Unionport Road to the west and Williamsbridge Road to the east.[1] This area is a low-density, pedestrian friendly commercial corridor, which provides neighborhood-scale retail, services and entertainment.[2] The District includes restaurants, boutiques, and other specialized retail; health, legal, real estate and financial institutions; and beauty, hair and nail salons.[3] There are also several houses of worship, government offices and a public library.[4] Of the area's 188 properties, 152 are partially or wholly commercial properties.[5]

The District projects a first year budget of $390,000.[6] The assessed contribution is based on a linear lot front footage.[7] The BID's sponsor has indicated projected assessments as follows in the first year of operation[8]:

- Commercial and mixed-use lots would be assessed at an approximate rate of $42.50 per front foot per year, plus an additional $300 fee if the parcel occupies a corner;

[1] City of New York, City Planning Commission, *IN THE MATTER OF an application submitted by the Department of Small Business Services on behalf of the Morris Park BID Steering Committee pursuant to Section 25-405(a) of Chapter 4 of Title 25 of the Administrative Code of the City of New York, as amended, concerning the establishment of the Morris Park Business Improvement District, Borough of the Bronx, Community District 11* 1 (Aug. 9, 2017).
[2] Id.
[3] Id.
[4] Id.
[5] Id.
[6] Id. at 2.
[7] Id.
[8] Id.

- Residential lots would be assessed a flat fee of $1.00 per lot;
- Vacant parcels zoned for commercial or mixed-use would be assessed fee of $300 per lot (if the lot is on a corner, an additional fee of $300 would be assessed);
- Government- and not-for-profit-owned property devoted solely to public or not-for-profit use would be exempt from an assessment.

According to the BID's Steering Committee, the estimated highest assessment amount would be about $14,882.67; the estimated minimum about $499.98; and the average estimated assessment would be about $2,565.63.[9]

The BID proposes to provide the following services in its first year of operation[10]:

SERVICES	PERCENTAGE OF BUDGET
Maintenance and Sanitation Services (including graffiti removal, street and sidewalk cleaning and emptying of pedestrian trash receptacles)	38%
Marketing and Special Events Services (including joint advertising, web site design and promotion, special events, festivals, holiday lighting and seasonal decorations, and publications)	28%
Administration and Advocacy (salaried staff, including an Executive Director, a community liaison, clerical and bookkeeping support, and other special staff or consultants)	24%
Beautification (including landscaping, seasonal plant purchasing, installation and maintenance, and maintenance of tree pits, planters and hanging baskets)	7%
Public Safety (including unarmed patrol of the BID area, closed circuit surveillance, creation or support of a Neighborhood Watch group, or safety education programs)	3%

ANALYSIS OF INTRO. NO. 1737

Section one of Intro. No. 1737 amends the Administrative Code of the City of New York (the "Code") to add a new section 25-491 titled "Morris Park business improvement district.

Subdivision a of Section 25-491 provides that the City Council having made the required determinations pursuant to Section 25-407 of the Code, the Morris Park BID is established in the borough of the Bronx in accordance with the district plan filed with the City Clerk.

Subdivision b of Section 25-491 establishes that immediately upon adoption of this local law by the Council, the Council shall file the district plan upon which the Morris Park BID is based with the City Clerk.

Subdivision c of Section 25-491 establishes that the district plan shall not be amended except in accordance with Chapter 4 of Title 25 of the Code.

Section two of Intro No. 1737 provides that this local law shall take effect upon compliance with Section 25-408 of the Code.

(The following is the text of the Fiscal Impact Statement for Int. No. 1737:)

[9] Id.
[10] Id. at 2-3.

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

INTRO. NO.: 1737

COMMITTEE: Finance

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the establishment of the Morris Park business improvement district

SPONSORS: Council Members Ferreras-Copeland and Vacca (by request of the Mayor)

SUMMARY OF LEGISLATION: This legislation would establish the Morris Park business improvement district ("BID") in the borough of Bronx..

EFFECTIVE DATE: This local law would take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York, which requires that the New York State Comptroller conduct a review to determine that the relevant tax and debt limitations will not be exceeded by the establishment of the District.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY18
Revenues (+)	**$0**	**$0**	**$0**
Expenditures (-)	**$0**	**$0**	**$0**
Net	**$0**	**$0**	**$0**

IMPACT ON REVENUES AND EXPENDITURES: This local law would result in no fiscal impact upon the City's revenues or expenditures. Under the administrative code of the city of New York, proceeds authorized to be assessed by the District are collected by the City on behalf of the District. None of these proceeds are those of the City and they may not be used for any purpose other than those set forth in the BID's District Plan. The Morris Park BID will be funded through a self-assessment by property owners within the district. The anticipated revenues from this self-assessment in Fiscal 2018 will be $390,000. This amount will cover the BID's expenses, as proposed by its first year budget. Subsequent budgets will be determined on a yearly basis with a maximum cost of improvements to operate the BID of $3,900,000.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Department of Small Business Services

ESTIMATE PREPARED BY: Aliya Ali, Senior Finance Analyst, Finance Division

ESTIMATE REVIEWED BY: Crilhien Francisco, Unit Head, Finance Division
Nathan Toth, Deputy Director, Finance Division
Eric Bernstein, Counsel, Finance Division

LEGISLATIVE HISTORY: This legislation was introduced by the Council on October 17, 2017 as Intro. No. 1737, and was referred to the Committee on Finance (Committee). On October 31, 2017, the Committee held a hearing to consider the bill and the bill was laid over to allow for the statutory 30-day objection period. On December 11, 2017, the Committee will vote on Intro. No. 1737, and upon a successful vote by the Committee, the legislation will be submitted to the full Council for a vote on December 11, 2017.

DATE PREPARED: December 4, 2017.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 1737:)

Int. No. 1737

By Council Members Ferreras-Copeland and Vacca (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of the Morris Park business improvement district

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-491 to read as follows:

§ 25-491 Morris Park business improvement district. a. The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required by law and was otherwise sufficient; that, except as otherwise provided in section 25-403 of chapter four of this title, all the real property within the boundaries of the district will benefit from the establishment of the district; that all the real property benefited is included within the limits of the district; and that the establishment of the district is in the public interest; and the council having determined further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, there is hereby established in the borough of the Bronx, the Morris Park business improvement district. Such district is established in accordance with the district plan required to be filed with the city clerk pursuant to subdivision b of this section.

b. Immediately upon adoption of this local law by the council, the council shall file with the city clerk the district plan upon which the Morris Park business improvement district is based.

c. The district plan shall not be amended except in accordance with chapter four of this title.

§ 2. This local law shall take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York.

JAMES G. VAN BRAMER, *Acting Chairperson*; VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., MARK LEVINE, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, December 11, 2017. *Other Council Members Attending: Council Member Garodnick.*

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

Report for Int. No. 1783

Report of the Committee on Finance in favor of approving and adopting, a Local Law to amend the administrative code for the city of New York, in relation to amending a definition related to a credit against the commercial rent tax.

The Committee on Finance, to which the annexed preconsidered proposed local law was referred on December 11, 2017, respectfully

REPORTS:

I. Introduction

Today, the Committee on Finance will conduct a hearing on a Preconsidered Introduction (Intro.) No. 1783, *a Local Law to amend the administrative code for the city of New York, in relation to amending a definition related to a credit against the commercial rent tax*. This bill would amend a section of the Administrative Code added by Proposed Intro. 799-B, which was enacted by the Council on November 30, 2017.

II. Analysis of Preconsidered Intro. No. 1783

Section 1 of Preconsidered Intro. No. 1783 would amend §11-704.4 of the Administrative Code, as added by a local law for the year 2017 amending the Administrative Code relating to the commercial rent tax, as proposed in introduction number 799-B, by amending two definitions therein.

The term "base rent" would be redefined as "small business tax credit base rent."

The term "total income" would include a clarification that for tenants who are limited liability companies, or other business entities not separate from their owners for purposes of federal income taxation, total income would be defined as the total income of the person that reports the activities of the tenant as its sole owner for federal income tax purposes.

Section 2 of Preconsidered Intro. No. 1783 establishes that the local law takes effect on the same date as a local law for the year 2017 amending the Administrative Code relating to the commercial rent tax, as proposed in introduction number 799-B, takes effect.

(The following is the text of the Fiscal Impact Statement for Int. No. 1783:)

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

PRECONSIDERED INTRO. NO: 1783

COMMITTEE: Finance

TITLE: To amend the administrative code for the city of New York, in relation to amending a definition related to a credit against the commercial rent tax

SPONSOR(S): Council Member Garodnick

SUMMARY OF LEGISLATION: This Preconsidered Intro. would make a technical adjustment to the Small Business Tax Credit against the commercial rent tax (CRT), as set forth in Proposed Intro. 799-B, which was passed by the City Council on November 30, 2017. This legislation would amend the definitions of "base rent" to use the term "small business tax credit base rent" to distinguish that base rent for purposes of the Credit is calculated differently than in other instances of the calculation of "base rent" for the CRT. The definition of "total income" would be amended to clarify that for tenants who are limited liability companies or other business entities that are not separate from their owners for federal income tax purposes, total income would be defined as total income of the person that reports the activities of the tenant as its sole owner for federal income tax purposes.

EFFECTIVE DATE: This local law would take effect on the same date as a local law for the year 2017 amending the administrative code of the city of New York relating to the commercial rent tax, as proposed in introduction number 799-B, takes effect.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	$0	$0	$0
Expenditures	$0	$0	$0
Net	$0	$0	$0

IMPACT ON REVENUES: It is estimated that this bill would not have an impact on revenues as this legislation would make technical adjustments to clarify the intent of the Small Business Tax Credit. The full estimate of the Small Business Tax Credit is set forth in the fiscal impact statement for Proposed Intro. No. 799-B.

IMPACT ON EXPENDITURES: It is estimated that this bill would not have an impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Davis Winslow, Economist

ESTIMATE REVIEWED BY: Emre Edev, Assistant Director, NYC Council Finance Division
Ray Majewski, Deputy Director / Chief Economist, NYC Council Finance Division
Rebecca Chasan, Counsel, NYC Council Finance Division

LEGISLATIVE HISTORY: This legislation will be considered by the Committee on Finance (Committee) as a Preconsidered Introduction on December 11, 2017. Upon a successful vote by the Committee, the bill would be introduced and submitted to the full Council for a vote on December 11, 2017.

DATE PREPARED: December 5, 2017.

Accordingly, this Committee recommends its adoption.

Int. No. 1783

By Council Members Garodnick and Kallos.

A Local Law to amend the administrative code for the city of New York, in relation to amending a definition related to a credit against the commercial rent tax

Be it enacted by the Council as follows:

Section 1. Section 11-704.4 of the administrative code of the city of New York, as added by a local law for the year 2017 amending the administrative code of the city of New York relating to the commercial rent tax, as proposed in introduction number 799-B, is amended to read as follows:

11-704.4. Small business tax credit. a. Definitions. As used in this section, the following terms have the following meanings:

[Base rent. The term "small business tax credit base rent" shall mean the base rent calculated without regard to any reduction in base rent allowed by paragraph two of subdivision h of section 11-704.]

Income factor. The term "income factor" shall mean:

1. for a tenant with total income of not more than five million dollars, one;

2. for a tenant with total income of more than five million dollars but not more than ten million dollars, a fraction the numerator of which is ten million dollars minus the amount of total income and the denominator of which is five million dollars; and

3. for a tenant with total income of more than ten million dollars, zero.

Rent factor. The term "rent factor" shall mean:

1. for a tenant whose *small business tax credit* base rent is less than five hundred thousand dollars, one; and

2. for a tenant whose *small business tax credit* base rent is at least five hundred thousand dollars but not more than five hundred and fifty thousand dollars, a fraction the numerator of which is five hundred and fifty thousand dollars minus the amount of *small business tax credit* base rent and the denominator of which is fifty thousand dollars.

Small business tax credit base rent. The term "small business tax credit base rent" shall mean the base rent calculated without regard to any reduction in base rent allowed by paragraph two of subdivision h of section 11-704.

Total income. The term "total income" shall mean the amount reported by a person, as defined by section 7701 of the internal revenue code, to the internal revenue service for the purpose of the federal income tax in the tax year immediately preceding the period for which the tenant is applying for the credit set forth in subdivision b that is equal to the gross receipts or sales of the person minus any returns and allowances, minus the cost of goods *sold* plus the amount of any dividends, interest, gross rents, gross royalties, capital gain net income, net gain or loss from the sale of business property, net farm profit or loss, ordinary income or loss from other partnerships, estates or trusts or other income or loss*[.]; except that, if the tenant is a limited liability company or other business entity that is not separate from its owner for federal income tax purposes under section 301.7701-2(c)(2) of title 26 of the code of federal regulations, total income as defined in this section shall mean the total income of the person that reports the activities of the tenant as its sole owner for federal income tax purposes.*

b. Beginning on July 1, 2018 and for each tax year beginning thereafter, a credit shall be allowed against the tax imposed by this chapter as follows: a tenant whose *small business tax credit* base rent is at least two hundred and fifty thousand dollars but not more than five hundred and fifty thousand dollars shall be allowed a credit in the amount determined by multiplying the tax imposed on the tenant pursuant to section 11-702 minus any allowable credits or exemptions set forth outside this section by the income factor and by the rent factor. If

the tenant's *small business tax credit* base rent is over five hundred and fifty thousand dollars, no credit shall be allowed under this section.

c. The department of finance may promulgate any rules necessary to implement the provisions of this section, including, but not limited to, rules that prevent abuse of this section by related parties.

§ 2. This local law takes effect on the same date as a local law for the year 2017 amending the administrative code of the city of New York relating to the commercial rent tax, as proposed in introduction number 799-B, takes effect.

JAMES G. VAN BRAMER, *Acting Chairperson*; VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., MARK LEVINE, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, December 11, 2017. *Other Council Members Attending: Council Member Garodnick.*

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

Report for L.U. No. 826

Report of the Committee on Finance in favor of a Resolution approving Saint Marks, Block 1223, Lot 53; Brooklyn, Community District No. 8, Council District No. 36.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 11, 2017 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(The following is the text of a Memo to the Finance Committee from the Finance Division of the New York City Council:)

December 11, 2017

TO: Hon. Julissa Ferreras-Copeland
Chair, Finance Committee
Members of the Finance Committee

FROM: Eric Bernstein, Counsel, Finance Division
Rebecca Chasan, Counsel, Finance Division

RE: Finance Committee Agenda of December 11, 2017 - Resolution approving tax exemption for two Land Use items (Council Districts 2 and 36)

Item 1: Cooper Square Senior Housing

Cooper Square Senior Housing (the "Project") is a United States Department of Housing and Urban Development ("HUD") Section 202 housing project for low-income seniors, located on East 5th Street in

Manhattan. The Project contains 150 one-bedroom units, and 1 two-bedroom superintendent's unit. There is no commercial or community facility space in the building.

The Project initially received a partial Article XI tax exemption in 1983. It is now planning to prepay its original HUD mortgage with bridge financing from Enterprise Community Loan Fund and refinance the bridge loan with a Section 223(f) HUD-insured mortgage. Since the current Article XI exemption in place will terminate upon the prepayment of the original HUD mortgage, the Project is seeking an interim Article XI for the duration of the bridge financing. The Project will be subject to a five-year Regulatory Agreement with HPD restricting all of the dwelling units upon vacancy to households at or below 50% Average Median Income (AMI).

Summary:

- Borough – Manhattan
- Block 460, Lot 1
- Council District – 2
- Council Member – Mendez
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 151 (including one superintendent's unit)
- Type of Exemption-Article XI Tax Exemption, Partial, 5-year term
- Population – low-income senior households
- Sponsor – Cooper Square Housing Development Fund Co., Inc.
- Purpose – Preservation
- Cost to the City –
    - NPV of Exemption Benefits: $1.4M ($9,423/unit)
- Housing Code Violations-
    - Class A: 9
    - Class B: 6
    - Class C: 4
- Anticipated AMI targets- Upon vacancy, units will be income restricted at or below 50% AMI.

Item 2: Saint Marks Apartments

Saint Marks Apartments is a 52 unit, project-based Section 8 development located at 959 St. Marks Avenue in Brooklyn, New York. The development consists of a 6-story brick elevator building with a basement, and contains 10 one-bedroom units, 29 two-bedroom units and 13 three-bedroom units. There is no commercial or community facility space in the building. The residential building is approximately 45,000 square feet. The estimated average square footages from current ownership are 480 square feet for the one-bedroom units, 700 square feet for the two-bedroom units and 970 square feet for the three-bedroom units.

The original project-based Section 8 contract was issued for the development when the building was newly constructed in 1973. The building's prior owner had an exemption for the property; however, the exemption was only for the particular owner and did not continue with the property upon transfer of ownership.

Saint Marks Apartments was purchased by Saint Marks Investors LLC in October 2017, as a beneficial owner, with Saint Marks Apartments HDFC as the fee owner via a nominee agreement. The principals of Saint Marks Investors LLC are also principals of the Arker Companies, who have developed more than 30 affordable housing projects in partnership with the Department of Housing Preservation and Development (HPD). These developments include large-scale preservation projects, primarily HUD multi-family, Section 8 developments financed in partnership with HPD's HUD Multi-Family Division.

Summary:

- Borough – Brooklyn
- Block 1223, Lot 53
- Council District – 36
- Council Member – Cornegy
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 52 (including one superintendent's unit)
- Type of Exemption-Article XI Tax Exemption, Partial, 30-year term
- Population – Section 8 households
- Sponsor – Saint Marks Investors LLC, Saint Marks Apartments HDFC
- Purpose – Preservation
- Cost to the City –NPV of Exemption Benefits: $1.4M
- Housing Code Violations-
    - Class A: 0
    - Class B: 4
    - Class C: 0
- Anticipated AMI targets- Up to 80% AMI

Accordingly, this Committee recommends its adoption.

In connection herewith, Council Member Ferreras-Copeland offered the following resolution:

Res. No. 1763

Resolution approving an exemption from real property taxes for property located at (Block 1223, Lot 53) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 826).

By Council Member Ferreras-Copeland.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated December 1, 2017 that the Council take the following action regarding a housing project located at (Block 1223, Lot 53) Brooklyn ("Exemption Area"):

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

WHEREAS, the project description that HPD provided to the Council states that the purchaser of the Project (the "Sponsor") is a duly organized housing development fund company under Article XI of the Private Housing Finance Law;

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

RESOLVED:

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:

a. "Company" shall mean Saint Marks Investors LLC.

b. "Effective Date" shall mean the date that HPD and the Owner enter into the Regulatory Agreement.

c. "Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.

d. "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1223, Lot 53 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 thirty (30) 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 Saint Marks Apartments Housing Development Fund Company, Inc. or a housing development fund company that acquires the 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. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of (i) $94,750 plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state or federal law, rule or regulation, or seventeen percent (17%) of the contract rents, including, but not limited to, Section 8, rent supplements, and rental assistance), in the applicable year.

4. Notwithstanding any provision hereof to the contrary:

a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.

c. Nothing herein shall entitle the HDFC, the Owner or any past owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

5. 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, 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.

JAMES G. VAN BRAMER, *Acting Chairperson*; VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., MARK LEVINE, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, December 11, 2017. *Other Council Members Attending: Council Member Garodnick.*

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

Report for L.U. No. 827

Report of the Committee on Finance in favor of a Resolution approving Cooper Square Senior Housing, Block 460, Lot 1; Manhattan, Community District No. 3, Council District No. 2.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 11, 2017 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Finance Memo, please see the Report of the Committee on Finance for LU No. 826 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

In connection herewith, Council Member Ferreras-Copeland offered the following resolution:

Res. No. 1764

Resolution approving an exemption from real property taxes for property located at (Block 460, Lot 1) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 827).

By Council Member Ferreras-Copeland.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated November 28, 2017 that the Council take the following action regarding a housing project located at (Block 460, Lot 1) Manhattan ("Exemption Area"):

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

WHEREAS, the project description that HPD provided to the Council states that the purchaser of the Project (the "Sponsor") is a duly organized housing development fund company under Article XI of the Private Housing Finance Law;

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

RESOLVED:

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:

   a. "Effective Date" shall mean the date of repayment or refinancing of the HUD Mortgage.

   b. "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 460, Lot 1 on the Tax Map of the City of New York.

   c. "Expiration Date" shall mean the earlier to occur of (i) a date which is five (5) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

   d. "HDFC" shall mean Cooper Square Housing Development Fund Co., Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.

   e. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.

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

g. "HUD Mortgage" shall mean the original loan made by HUD to the HDFC in connection with the Section 202 Supportive Housing for the Elderly Program, which loan was secured by a mortgage on the Exemption Area.

h. "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.

i. "Owner" shall mean the HDFC.

j. "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on March 3, 1983 (Cal. No. 13).

k. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.

l. "Use Agreement" shall mean a use agreement by and between the Owner and HUD which commences on or before the Effective Date, runs with the land, binds all subsequent owners and creditors of the Exemption Area, and requires that the Exemption Area continue to operate on terms at least as advantageous to existing and future tenants as the terms required by the original Section 202 loan agreement or any Section 8 rental assistance payments contract or any other rental housing assistance contract and all applicable federal regulations.

2. The Prior Exemption shall terminate upon the Effective Date.

3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the (i) $284,565, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the housing project for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.

5. Notwithstanding any provision hereof to the contrary:

a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or

multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date**.**

c. Nothing herein shall entitle the HDFC, the Owner, or any past owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.

6. In consideration of the New Exemption, the Owner of the Exemption Area shall, for itself, its successors and assigns, (i) execute and record a Use Agreement encumbering the Exemption Area, (ii) execute and record a Regulatory Agreement, and (iii) waive, for so long as the New Exemption shall remain in effect, 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.

JAMES G. VAN BRAMER, *Acting Chairperson*; VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., MARK LEVINE, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, December 11, 2017. *Other Council Members Attending: Council Member Garodnick.*

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

Report of the Committee on General Welfare

Report for Int. No. 1062-A

Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring a study on the feasibility of providing language classes to certain children in foster care.

The Committee on General Welfare, to which the annexed proposed amended local law was referred on February 5, 2016 (Minutes, page 311), respectfully

REPORTS:

I. Introduction

On December 7, 2017, the Committee on General Welfare, chaired by Council Member Stephen Levin, will hold a hearing on Proposed Int. 1062-A, in relation to requiring a study on the feasibility of providing language classes to certain children in foster care. This will be the second hearing on the bill; the first hearing was on December 14, 2016. At that hearing, representatives from the Administration for Children's Services

(ACS), advocates, and other concerned members of the community testified. Amendments were made to the bill after the hearing.

II. Bill Analysis - Proposed Int. No. 1062-A

After the first hearing on the bill, Proposed Int. 1062-A was amended to require ACS to study the feasibility of providing language classes. Proposed. Int. 1062-A would require that by January 1, 2019, ACS would complete a study regarding its ability to provide access to language classes for any child between the ages of 3 years and 12 years who was removed from the custody of parents or guardians that are limited English proficient individuals and who has been in the custody of ACS for at least 6 months. The bill would require the study to include: (1) the number of children in the foster care system meeting the criteria; (2) the languages spoken by the children; (3) the languages spoken by the individuals from whom the children were removed; (4) strategies to assess the language needs of such children; and (5) barriers to addressing the needs. Proposed Int. 1062-A would also require ACS initiate a process to identify and track whether parents or guardians of children removed pursuant to article 10 of the family court act are limited English proficient individuals. Proposed Int. 1062-A would take effect 180 days after it becomes law and is deemed repealed after the posting and submission of the report due July 1, 2019, required by subdivision b of section 21-918 of the administrative code of the city of New York, as added by section one of this local law.

(The following is the text of the Fiscal Impact Statement for Int. No. 1062-A:)

THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 1062-A
COMMITTEE: General Welfare

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring a study on the feasibility of providing language classes to certain children in foster care	**SPONSORS:** Council Members Chin, Menchaca, Johnson, Koo, Vacca, Rosenthal, Levin, Kallos and Ulrich

SUMMARY OF LEGISLATION: Proposed Intro. No. 1062-A would require the Administration for Children's Services (ACS) to complete a study by January 1, 2019, regarding its ability to provide access to language classes for foster children between the ages of 3 years and 12 years who were removed from the custody of parents or guardians that are limited English proficient individuals and who have been in the custody of ACS for at least 6 months. ACS would also be required to identify limited English-proficient parents or guardians of foster children. ACS would be required to report findings from its language study to the Council Speaker and post a copy of the report on the ACS website by July 1, 2019.

EFFECTIVE DATE: 180 days after enactment into law. After posting and submission of the report due July 1, 2019, the law would be deemed repealed.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	$0	$0	$0
Expenditures	$0	$50,000	$50,000
Net	$0	$50,000	$50,000

IMPACT ON REVENUES: There would be no impact on revenues resulting from this legislation.

IMPACT ON EXPENDITURES: ACS would require additional resources to develop a tool to identify the home language used by foster children and their parents or guardians. Based on information from ACS, we expect the agency to engage a consultant at an approximate one-time cost of $50,000. ACS can use existing resources to implement findings from the study.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Administration for Children's Services

ESTIMATE PREPARED BY: Daniel Kroop, Financial Analyst

ESTIMATE REVIEWED BY: Dohini Sompura, Unit Head
Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on February 5, 2016, as Intro. No. 1062 and was referred to the Committee on General Welfare (Committee). The Committee considered the legislation at a hearing on December 14, 2016, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1062-A, will be voted on by the Committee at a hearing on December 7, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1062-A will be submitted to the full Council for a vote on December 11, 2017.

DATE PREPARED: December 5, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1062-A:)

Int. No. 1062-A

Council Members Chin, Menchaca, Johnson, Koo, Vacca, Rosenthal, Levin, Kallos, Treyger and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to requiring a study on the feasibility of providing language classes to certain children in foster care

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended to add a new section 21-918 to read as follows:

§ 21-918 Language study. a. For the purposes of this section, the following terms shall have the following meanings:

Limited English proficient individual. The term "limited English proficient individual" means an individual who identifies as being, or is evidently, unable to communicate meaningfully in English.

Primary language. The term "primary language" means the language in which a limited English proficient individual chooses to communicate with others.

b. By January 1, 2019, ACS shall complete a study regarding its ability to provide access to language classes for any child between the ages of 3 years and 12 years who, pursuant to article 10 of the family court act, was removed from the custody of parents or guardians who are limited English proficient individuals and who has been in the custody of ACS for at least 6 months. Such study shall include, but need not be limited to:

1. The number of such children in the foster care system;

2. The languages spoken by such children;

3. The languages spoken by the individuals from whom such children were removed;

4. Strategies to assess the language needs of such children; and

5. Barriers to addressing such language needs.

c. The department shall report its findings from its language study to the speaker of the council and post a copy of the report on the ACS website by July 1, 2019.

d. As part of the study required pursuant to subdivision c of this section, ACS shall initiate a process to identify and track whether parents or guardians of children removed pursuant to article 10 of the family court act are limited English proficient individuals. If such process is not in place at the time the report required pursuant to subdivision c of this section is complete, such report will include an explanation of the barriers to initiating such process.

§ 2. This local law takes effect 180 days after it becomes law and is deemed repealed after the posting and submission of the report due July 1, 2019, required by subdivision b of section 21-918 of the administrative code of the city of New York, as added by section one of this local law.

STEPHEN T. LEVIN, *Chairperson*; ANNABEL PALMA, FERNANDO CABRERA, VANESSA L. GIBSON, RITCHIE J. TORRES; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ADRIENNE E. ADAMS; Committee on General Welfare, December 7, 2017. *Other Council Members Attending: Council Member Chin.*

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

Report of the Committee on Housing and Buildings

Report for Int. No. 1241-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 diaper changing accommodations.

The Committee on Housing and Buildings, to which the annexed proposed local law was referred on August 16, 2016 (Minutes, page 2755), respectfully

REPORTS:

Introduction

On December 7, 2017, the Committee on Housing and Buildings, chaired by Council Member Jumaane D. Williams will hold a hearing for the purposes of conducting votes on Proposed Int. No. 1241-A, Proposed Int. No. 1678-B and Proposed Int. No. 1764-A.

The Committee originally heard Int. No. 1241 on October 25, 2017 and received testimony from representatives of the Department of Buildings (DOB) and other interested members of the public. More information about this bill and materials for that hearing can be accessed online at http://on.nyc.gov/2nudEjX.

The Committee originally heard Int. No. 1678 on October 31, 2016 and received testimony representatives of the Department of Housing Preservation and Development (HPD), the New York City Commission on Human Rights (CCHR) the Mayor's Office of Immigrant Affairs (MOIA), housing advocates, immigration rights advocates, legal service providers, members of the real estate industry, and other interested members of the public. More information about this bill and materials for that hearing can be accessed online at http://on.nyc.gov/2nxyzm2.

The Committee originally heard Int. No. 1764 on November 8, 2017 and received testimony from representatives HPD, members of the real estate industry, and other interested members of the public. More information about these bills and materials for that hearing can be accessed online at http://on.nyc.gov/2BLDbbA.

Proposed Legislation

Below is a brief summary of each of the pieces of legislation being voted on by the Committee at this hearing. These summaries are intended for informational purposes only and do not substitute for legal counsel. For more detailed information, you should review the full text of each bill, which is attached below.

Proposed Int. No. 1241-A

This bill would require diaper changing stations in assembly and mercantile occupancies for both male and female occupants. This bill takes effect 180 days after it becomes law.

Proposed Int. No. 1678-B

This bill would expand the definition of harassment to include threats based on a person's actual or perceived status in a protected class, including threats to report immigrant tenants to ICE. The bill also adds to the definition of harassment requests for identifying documentation that would disclose a person's immigration status, when the person has already provided the owner with a current form of personal identification. This bill takes effect 120 days after it becomes law.

Proposed Int. No. 1764-A

This bill would increase the assessed value limitation for eligibility of J-51 improvements to $32,000 per dwelling unit, and would increase each year by the cost-of-living adjustment percentage. This bill takes effect immediately and is retroactive to September 29, 2016.

(The following is the text of the Fiscal Impact Statement for Int. No. 1241-A:)

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

PROPOSED INTRO. NO: 1241-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to diaper changing accommodations	**SPONSORS:** Council Members Espinal, Garodnick, Eugene, Cohen, Richards, Palma, Koo, Koslowitz, Crowley, Constantinides, Dromm, Menchaca and Salamanca

SUMMARY OF LEGISLATION: Proposed Intro. No. 1241-A would require that in buildings classified as assembly or mercantile (retail) occupancies, both male and female occupants must have access to at least one diaper changing station on each floor containing a public restroom.

EFFECTIVE DATE: This legislation would take effect 180 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, before such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY19	FY Succeeding Effective FY20	Full Fiscal Impact FY19
Revenues	$0	$0	$0
Expenditures	$0	$0	$0
Net	$0	$0	$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by the Department of Buildings to implement the provisions of this local law and non-City entities would bear the one-time costs associated with installing diaper changing stations in accordance with the legislation.

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

ESTIMATE REVIEWED BY: Chima Obichere, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on August 16, 2016 as Intro. 1241 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on October 25, 2017 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 1241-A, will be considered by the Committee on December 7, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on December 11, 2017.

DATE PREPARED: December 6, 2017.

(For text of Int. Nos. 1678-B and 1764-A and their Fiscal Impact Statements, please see the Report of the Committee on Housing and Buildings for Int. Nos. 1678-B and 1764-A, respectively, printed in these Minutes; for text of Int. No. 1241, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 1241-A, 1678-B, and 1764-A.

(The following is the text of Int. No. 1241-A:)

Int. No. 1241-A

By Council Members Espinal, Garodnick, Eugene, Cohen, Richards, Palma, Koo, Koslowitz, Crowley, Constantinides, Dromm, Menchaca, Salamanca, Treyger and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to diaper changing accommodations

Be it enacted by the Council as follows:

Section 1. Section BC 1109 of the New York city building code is amended by adding a new section 1109.2.4 to read as follows:

1109.2.4 Diaper changing accommodations. *In assembly group A occupancies and mercantile group M occupancies on each floor level containing a public toilet room, both male and female occupants shall have access to at least one safe, sanitary and convenient diaper changing station, deck, table or similar amenity, which shall comply with Section 603.5 (Diaper Changing Tables) of ICC A117.1.*

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of buildings may promulgate rules or take other actions for the implementation of this local law prior to such effective date.

RITCHIE J. TORRES, *Acting Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, December 7, 2017.

On motion of the Speaker (Council Member Mark-Viverito), 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. 1678-B

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 amending the definition of harassment to include discriminatory threats and requests for proof of citizenship status.

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on August 9, 2017 (Minutes, page 2733), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 1241-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1678-B:

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

PROPOSED INTRO. NO: 1678-B

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to amending the definition of harassment to include discriminatory threats and requests for proof of citizenship status

SPONSORS: Council Members Koo, Chin, Rodriguez, Gentile, Menchaca and Levine

SUMMARY OF LEGISLATION: Proposed Intro. No. 1678-B would amend the definition of harassment in the context of the landlord-tenant relationship to include threats to any person lawfully entitled to occupancy based on such person's actual or perceived status in a protected class, refusal to accept any type of government-issued personal identification of any person lawfully entitled to occupancy, and requests for identifying documentation that would disclose a person's citizenship status when the person has already provided the property owner with a valid government-issued form of identification.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	$0	$0	$0
Expenditures	$0	$0	$0
Net	$0	$0	$0

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues resulting from the enactment of this legislation. This estimate assumes residential property owners would fully comply with the provisions 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 the New York City Commission on Human Rights 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
Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on August 9, 2017, as Intro. No. 1678 and was referred to the Committee on Housing and Buildings (Committee). The legislation was amended after introduction and a joint hearing was held by the Committee with the Committee on Immigration on the amended version, Proposed Intro. No. 1678-A, on October 19, 2017, and the bill was laid over. The legislation was subsequently amended a second time, and this version, Proposed Intro. No.1678-B, will be considered by the Committee on December 7, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on December 11, 2017.

DATE PREPARED: December 4, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1678-B:)

Int. No. 1678-B

By Council Members Koo, Chin, Rodriguez, Gentile, Menchaca, Levine, Treyger and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to amending the definition of harassment to include discriminatory threats and requests for proof of citizenship status

Be it enacted by the Council as follows:

Section 1. Paragraph 48 of subdivision a of section 27-2004 of the administrative code of the city of New York is amended to add new subparagraphs f-5 and f-6 to read as follows:

f-5. threatening any person lawfully entitled to occupancy of such dwelling unit based on such person's actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, uniformed service, sexual orientation, alienage or citizenship status, status as a victim of domestic violence, status as a victim of sex offenses or stalking, lawful source of income or because children are, may be or would be residing in such dwelling unit, as such terms are defined in sections 8-102 and 8-107.1 of the code;

f-6. requesting identifying documentation for any person lawfully entitled to occupancy of such dwelling unit that would disclose the citizenship status of such person, when such person has provided the owner with a current form of government-issued personal identification, as such term is defined in section 21-908, unless such documentation is otherwise required by law or is requested for a specific and limited purpose not inconsistent with this paragraph.

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

RITCHIE J. TORRES, *Acting Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, December 7, 2017.

On motion of the Speaker (Council Member Mark-Viverito), 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. 1764-A

Report of the Committee on Housing and Buildings in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to J-51 benefit eligibility.

The Committee on Housing and Buildings, to which the annexed proposed local law was referred on November 16, 2017 (Minutes, page 4068), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 1241-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1764-A:

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

PROPOSED INTRO. NO: 1764-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to J-51 benefit eligibility	**SPONSORS:** Council Members Grodenchik, Koo, Vacca, Mendez, Kallos, Vallone, Koslowitz and Rose

SUMMARY OF LEGISLATION: Under existing law, buildings owned as cooperatives and condominiums are eligible for J-51 tax benefits only if they have an average assessed value of $30,000 or less per dwelling unit. On September 29, 2016, the Governor signed legislation authorizing New York City to increase the assessed value limitation for J-51 tax abatements. Pursuant to this legislation, Proposed Intro. No. 1764-A would increase the assessed value limitation for J-51 tax abatements to $32,000 per dwelling unit for the final assessment roll to be completed in 2017, and would further increase such limit each year by the cost-of-living adjustment percentage, up to a maximum of $35,000 per dwelling unit.

EFFECTIVE DATE: This local law would take effect immediately and would be retroactive to and deemed to have been in full force and effect as of September 29, 2016.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2028

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY28
Revenues	(-) $205,440	(-) $410,880	(-) $2,054,400
Expenditures	$0	$0	$0
Net	(-) $205,440	(-) $410,880	(-) $2,054,400

IMPACT ON REVENUES: It is estimated that there would be some impact on revenues resulting from the enactment of this legislation. The financial plan currently estimates that the foregone revenue as a result of this program in Fiscal 2017 will total $286.9 million covering 509,914 units. This reflects $205.2 million for 22,197 exemptions and $81.7 million for 80,234 abatements. Council Finance estimates that 4,280 additional units would qualify for an exemption and abatement if the ceiling was raised to $32,000 (up from $30,000), and the average assessed values would increase by $480. At full participation rate, it is estimated that the foregone revenue resulting from properties qualifying after the passage of this legislation will total $2,054,400, and increase in accordance with the cost-of-living adjustment percentage pursuant to the legislation. However, this estimate assumes that the full participation of newly eligible properties would occur after a ten-year period. As such, it is estimated that the foregone revenue resulting from properties qualifying after the passage of this legislation will be $205,440 in Fiscal 2018 and $410,880 in Fiscal 2019.

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 the Department of Housing Preservation and Development and the Department of Finance 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
New York City Department of Finance, Annual Report on Tax Expenditures, Fiscal 2017

ESTIMATE PREPARED BY: Sarah Gastelum, Principal Financial Analyst
Davis Winslow, Economist
William Kyeremateng, Economist

ESTIMATED REVIEWED BY: Emre Edev, Assistant Director
Chima Obichere, Unit Head
Eric Bernstein, Counsel

LEGISLATIVE HISTORY: The Committee on Housing and Buildings (Committee) heard this bill as a pre-considered introduction on November 8, 2017, and the bill was laid over. The legislation was introduced to the full Council on November 16, 2017 as Intro. No. 1764 and was referred to the Committee. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 1764-A, will be considered by the Committee on December 7, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on December 11, 2017.

DATE PREPARED: December 6, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1764-A:)

Int. No. 1764-A

By Council Members Grodenchik, Koo, Vacca, Mendez, Kallos, Vallone, Koslowitz, Rose and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to J-51 benefit eligibility

Be it enacted by the Council as follows:

Section 1. Subdivision i-1 of section 11-243 of the administrative code of the city of New York, as added by local law number 48 for the year 2013, is amended to read as follows:

i-1. (a) For purposes of this subdivision, "substantial governmental assistance" shall mean:

(i) grants, loans or subsidies from any federal, state or local agency or instrumentality in furtherance of a program for the development of affordable housing approved by the department of housing preservation and development, including, without limitation, financing or insurance provided by the state of New York mortgage agency or the New York city residential mortgage insurance corporation; or

(ii) a written agreement between a housing development fund corporation and the department of housing preservation and development limiting the incomes of persons entitled to purchase shares or rent housing accommodations therein.

(b) With respect to conversions, alterations or improvements completed on or after December thirty-first, two thousand eleven:

(i) except as otherwise provided in this section with respect to multiple dwellings, buildings and structures owned and operated either by limited-profit housing companies established pursuant to article two of the private housing finance law or redevelopment companies established pursuant to article five of the private housing finance law, or with respect to a group of multiple dwellings that was developed as a planned community and that is owned as two separate condominiums containing a total of ten thousand or more dwelling units, any multiple dwelling, building or structure that is owned as a cooperative or a condominium that has an average assessed value [of thirty thousand dollars or more] per dwelling unit *that exceeds the assessed valuation limitation as provided in paragraph (e) of this subdivision* shall only be eligible for such benefits if the alterations or improvements for which such multiple dwelling, building or structure has applied for the benefits pursuant to this section were carried out with substantial governmental assistance, and

(ii) no benefits pursuant to this section shall be granted for the conversion of any non-residential building or structure into a class A multiple dwelling unless such conversion was carried out with substantial governmental assistance[;].

(c) If the conversions, alterations or improvements for which such multiple dwelling, building or structure has applied for benefits pursuant to this section are not completed on the date upon which such department of housing preservation and development inspects the items of work claimed in such application, the department of housing preservation and development shall require the applicant to pay two times the actual cost for any additional inspections needed to verify the completion of such conversion, alteration or improvement.

(d) The revocation of benefits granted to any multiple dwelling, building or structure pursuant to this section shall not exempt any dwelling unit therein from continued compliance with the requirements of this section or of any local law or ordinance providing for benefits pursuant to this section.

(e) Assessed value limitation. (i) For final assessment rolls to be completed prior to two thousand seventeen, the assessed value limitation shall be thirty thousand dollars.

(ii) For the final assessment roll to be completed in two thousand seventeen, the assessed value limitation shall be thirty-two thousand dollars increased by the cost-of-living adjustment percentage of two thousand seventeen. For the purposes of this computation, the cost-of-living adjustment percentage of two thousand seventeen shall be equal to the "applicable increase percentage" used by the United States commissioner of social security to determine the monthly social security benefits payable in two thousand seventeen to individuals, as provided by subsection (i) of section four hundred fifteen of title forty-two of the United States code.

(iii) For final assessment rolls to be completed in each ensuing year, the applicable assessed value limitation, cost-of-living adjustment percentage and applicable increase percentage shall all be advanced by one year, and the assessed valuation limitation shall be the previously applicable assessed value limitation increased by the new cost-of-living adjustment percentage. If there should be a year for which there is no applicable increase percentage due to a general benefit increase as defined by subdivision three of subsection (i) of section four hundred fifteen of title forty-two of the United States code, the applicable increase percentage for purposes of this computation shall be deemed to be the percentage which would have yielded that general benefit increase.

(iv) Notwithstanding anything to the contrary contained herein, the assessed value limitation shall not at any time exceed thirty-five thousand dollars.

§ 2. This local law takes effect immediately and is retroactive to and deemed to have been in full force and effect as of September 29, 2016.

RITCHIE J. TORRES, *Acting Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, December 7, 2017.

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

Report of the Committee on Land Use

Report for Int. No. 1533-A

Report of the Committee on Land Use in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to publication and reporting requirements for urban renewal plans.

The Committee on Land Use, to which the annexed proposed amended local law was referred on April 5, 2017 (Minutes, page 980), respectfully

REPORTS:

I. INTRODUCTION

On June 15, 2017, the Committee on Land Use held a hearing on Introduction Number 1533, a Local Law in relation to notice and reporting requirements for summary action involving urban renewal plans. Representatives of the Department of Housing Preservation and Development (HPD), the Department of City Planning (DCP), the City Planning Commission (CPC), the Urban Justice Center, 596 Acres, CAAV Organizing Asian Communities, and Good Old Lower East Side, testified. The bill was subsequently amended as Proposed Introduction Number 1533-A, a Local Law to amend the New York city charter, in relation to publication and reporting requirements for urban renewal plans. On December 7, 2017, the Committee voted to approve the amended legislation.

II. BACKGROUND

During the Great Depression, owners of large urban real estate holdings worried that unsanitary blighted neighborhoods would take over cities and that wealthier people would move to the suburbs, taking the city tax bases with them.[1] During this period members of the middle and upper-income classes campaigned for urban redevelopment to clear "slums" and replace aging building stock with new infrastructure, schools, sewers and downtown development. [2] Urban renewal efforts were blocked by the economic reality that many so-called "slum" areas were, in spite of their unsanitary or unsafe conditions, centers of profit for the property owners. Consequently, "slum" landowners were reluctant to sell their properties at low prices or at all, discouraging the efforts of redevelopers.[3] However, after World War II, Congress passed the Housing Act of 1949, providing

[1] Alexander von Hoffman, *A Study in Contradictions: The Origins and Legacy of the Housing Act of 1949*, 11 HOUSING POLICY DEBATE 299, 303 (2000).
[2] *Id.*
[3] *Id.* at 304.

subsidies for clearance of blighted areas through the use of eminent domain and the development of low and middle-income housing and community facilities.[4]

To take advantage of state and federal subsidies for urban development, the City Planning Commission under Robert Moses began to designate vast swaths of the city as urban renewal areas.[5] An urban renewal area (URA) is an area of the City that has been designated by the City Planning Commission (CPC) and the Council as appropriate for urban renewal because it is blighted, deteriorated, or has a blighting influence on the surrounding area.[6] As defined by New York State General Municipal Law (GML), urban renewal is a program established by a municipality for the redevelopment of a URA through clearance, relocation, replanning, reconstruction, rehabilitation, and concentrated code enforcement.[7] To effect the provisions of urban renewal projects, cities are authorized to demolish, clear, and acquire property by condemnation and other means, and to dispose of property so cleared and acquired to an eligible sponsor consistent with an urban renewal plan.[8]

An urban renewal plan (URP) is a plan for an urban renewal project in a designated URA.[9] At minimum, an URP must include a statement of proposed land uses within the URA, proposed land acquisition, demolition and clearance, proposed acquisitions of air rights and easements, proposed methods and techniques for urban renewal, proposed public, private or community facilities or utilities, a statement of new codes and laws necessary to effectuate the plan, and a schedule for effectuating the plan.[10] In New York City, such plans are prepared by the Department of Housing Preservation and Development (HPD) and must be approved subject to ULURP by CPC and the Council.[11]

An URP does not change the zoning of a URA, but it may authorize HPD to impose land use requirements more restrictive than those contained in the Zoning Resolution (ZR) on properties acquired pursuant to an URP. For such requirements to be effective, HPD must include them in the instrument of conveyance between the City and the sponsor who agrees to redevelop the property in accordance with the URP.[12] HPD must also record such requirements in the deed or lease for the property such that they run with the land for the duration of the URP.[13] Typically, when a URP expires, the restrictions imposed by contract and recorded in the deed expire. The owner of the property is then free to develop the property as of right consistent with the ZR. This may result in new development with a substantially higher floor area ratio (FAR) than properties in the URA developed pursuant to the more restrictive requirements of the URP.[14]

To prevent FAR and use restrictions from lapsing at the end of an urban renewal plan, stakeholders have two tools: stakeholders can appeal to the CPC to extend the duration of the URP or they can appeal to the CPC to rezone the URA so that future development is consistent with structures developed in accordance with the URP. Extending the duration of the URP will not automatically extend land use restrictions on properties that have already been disposed to sponsors. Because URP land use restrictions are imposed by contract, a future amendment of the URP will only apply if the parties agreed at the time of sale. Otherwise, modification of the duration of restrictions in the instrument of conveyance is subject to the owner's consent. Amending the ZR to codify restrictions in the URP does not require owner consent, but it does require ULURP, which can take a significant amount of time.[15] If stakeholders don't start the ULURP process early enough, the URP restrictions can lapse, opening a window for as-of-right development before the zoning text is amended.

Preventing out-of-scale development requires that the community and its elected officials have advance notice of when URP land use restrictions will lapse. In areas where URPs have already expired, it requires that interested parties are aware that that the characteristics of existing structures may have been determined by URP disposition contracts rather than what could otherwise be developed as-of-right pursuant to zoning.

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[4] The American Housing Act of 1949, Pub. L. No. 81-171, § 2, 63 Stat. 413 (1949)
[5] Reviewing Past Urban Plans – Discovering Present Impact – Supporting Future Actions, URBAN REVIEWER, *available at* http://www.urbanreviewer.org/#map=12/40.7400/-73.9902&page=about.html.
[6] GML § 502(9)
[7] GML § 502(3).
[8] GML §§ 503, 506 and 507.
[9] GML §§ 502(7), 505(1)
[10] GML § 502(7).
[11] GML § 505; Charter §§ 197-c(a)(8), 1802(3), and 1802(5)(e).
[12] GML § 507(3).
[13] GML § 507(3)
[14] *See, e.g.,* infra p. 4, III. Development Plans in Expired Urban Renewal Areas.
[15] Charter §§ 197-c and 200.

However, because URPs usually have a duration of 40 years, subject to amendment and extension, the distinctions between URP restrictions and local zoning may not be apparent until the time to act has passed.[16]

III. DEVELOPMENT PLANS IN EXPIRED URBAN RENEWAL AREAS

Since 1949 the City has designated over 150 URAs.[17] Sixty-four of those URAs are subject to active URPs.[18] The City continues to acquire properties pursuant to state Urban Renewal Law, albeit on a smaller scale than in the past.[19] The following examples illustrate impacts in URAs where URPs have expired and where developers are planning to construct buildings as-of-right pursuant to relaxed land use controls. Incongruities illustrated by the following examples are possible wherever land use restrictions under an URP are more stringent than the applicable zoning.

A. Two Bridges Urban Renewal Area

The Two Bridges Urban Renewal Area (TBURA) was designated on January 15, 1961.[20] This area covered 14 acres along the East River in Lower Manhattan bounded by Market Street to the west, South Street to the south, Montgomery Street to the east, and Cherry Street to the north.[21] The TBURA is located within a C6-4 zoning district, the equivalent of an R10 residential district, allowing for 10.0 FAR, exclusive of any applicable inclusionary housing bonus.[22]

The CPC and the Board of Estimate adopted the Two Bridges Urban Renewal Plan (TBURP) in 1967.[23] The TBURP imposed supplemental land use controls on various parcels within the TBURA.[24] These controls were more restrictive than the existing C6-4 zoning.[25] For example, parcel 4A had a maximum 5.0 FAR, parcel 4B had a maximum 10.0 FAR, parcel 5 had a maximum 4.4 FAR, and parcel 6A had a maximum 3.7 FAR.[26] When the TBURP expired in 2007, the maximum FAR for all lots on the parcels went up to 10.0 and became eligible for an additional 2.0 FAR inclusionary housing bonus.[27] Lots on each of these parcels have been acquired by developers who propose to build towers significantly taller than the surrounding buildings.[28]

Under the TBURP, Parcel 4A/4B (hereinafter Site 4) was built out with 1 story retail structure, a 10 story residential building, and a 21 story residential building.[29] Cherry Street Owner (an affiliate of JDS Development Group and Two Bridges Senior Apartments LLP) have acquired property in Site 4 at 247 Cherry Street to build a new mixed use, primarily residential building that would incorporate the existing 1 and 10 story structures and reach a height of 79 stories and approximately 1,008 feet.[30] It would provide up to 660 new residential units.[31] The new development on Site 4 would add 615,217 gsf to the site.[32]

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[16] *See, e.g.* HPD, TWO BRIDGES URBAN RENEWAL PROJECT 2ND AMENDED URBAN RENEWAL PLAN, Sec. C(2)(c) at 6 (Mar. 1980).
[17] Urban Reviewer: About, *available at* http://www.urbanreviewer.org/#map=12/40.7400/-73.9902&page=about.html (last accessed June 12, 2017).
[18] Urban Reviewer: Plans, *available at* http://www.urbanreviewer.org/#map=12/40.7400/-73.9902&filters=~(active~false)&sidebar=plans (last accessed June 12, 2017).
[19] *Hearing on Int. No. 1533 Before the New York City Council Comm. on Land Use* (June 15, 2017) (testimony of Edith Hsu-Chen on behalf of DCP).
[20] DCP, Two Bridges Large Scale Residential Development Draft Scope of Work for Preparation of a Draft Environment Impact Statement 3, CEQR No. 17DCP148M (2017).
[21] *Id.*
[22] *Id.*
[23] HPD, TWO BRIDGES URBAN RENEWAL PROJECT 2ND AMENDED URBAN RENEWAL PLAN 1 (Mar. 1980).
[24] HPD, TWO BRIDGES URBAN RENEWAL PROJECT 2ND AMENDED URBAN RENEWAL PLAN, Table 1 at 6, (Mar. 1980).
[25] *See*, N.Y.C. CPC, Zoning Map 12d (1961-2017) *available at* http://www1.nyc.gov/assets/planning/download/pdf/zoning/zoning-maps/historical-zoning-maps/maps12d.pdf
[26] HPD, TWO BRIDGES URBAN RENEWAL PROJECT 2ND AMENDED URBAN RENEWAL PLAN, Table 1 at 6 (Mar. 1980).
[27] N.Y.C. CPC, ZONING HANDBOOK, C6 DISTRICTS (2011) *available at* http://www1.nyc.gov/site/planning/zoning/districts-tools/c6.page
[28] *See*, DCP, Two Bridges Large Scale Residential Development Draft Scope of Work for Preparation of a Draft Environment Impact Statement, CEQR No. 17DCP148M (2017).
[29] Environmental Review Assessment Division, DCP, Public Notice of A Scoping Meeting Draft Environmental Impact Statement (CEQR No. 17DCP148M), Mar. 27, 2017.
[30] *Id.; see also*, DCP, Two Bridges Large Scale Residential Development Draft Scope of Work for Preparation of a Draft Environment Impact Statement 3-6, CEQR No. 17DCP148M (2017).
[31] *Id.*
[32] *Id.*

Site 5 (parcel 5 of the TBURP) has two 26 story residential towers at 265 and 275 Cherry Street that were constructed in 1979 pursuant to the TBURP.[33] Two Bridges Associates (a joint venture of CIM Group and L+M Development Partners) acquired property on the parcel at 260 South Street and now plan to build a 1,244,960 gsf mixed-use development that would include two towers on a shared base that would reach a height of 69 stories maximum height of 798 feet including mechanicals screen.[34]

Site 6 (parcel 6A), is currently occupied by a 19-story residential building located at 257 Clinton Street/275 South Street.[35] Within this site, Starrett Development has acquired 271-283 South Street (block 246 lots 1 and 5 and lots 1000-1057) on which it plans to construct a 62 story building that would be approximately 724 feet tall and provide up to 655,463 of new residential use.[36]

The plans for these developments only became public in 2016 after the developers filed a pre-application statement PAS with DCP stating their intent to apply for a minor modification of the Large Scale Residential Development (LSRD) covering the area. The PAS became public only after Assembly Member Alice Cancel filed a Freedom of Information Law request with DCP amid complaints from residents about overdevelopment in her district.[37] On June 22, 2016, local, state, and federal elected officials representing the Two Bridges area wrote DCP asking that the proposed modifications be treated as major modifications of the LSRD special permit subject to ULURP.[38] On August 11, 2016, DCP responded that it had determined that developer plans could be built as of right under the ZR and that the developers requests were indeed only minor modifications of the LSRD, limiting the input of local residents, community advocates, elected officials, and all other stakeholders to the environmental impact scoping hearing scheduled on March 27, 2017.[39] The projects are now in the environmental review process.

B. LINCOLN SQUARE URBAN RENEWAL AREA

The Lincoln Square Urban Renewal Area (LSURA) was designated in 1957 to clear land for the development of Lincoln Center for the Performing Arts, the Fordham University Lincoln Center Campus, and residential and commercial developments.[40] The centerpiece of Robert Moses's urban renewal efforts, The LSURA occupied 14 blocks on the Upper West Side, including one area bounded by West 60th Street to the south, Columbus Avenue to the west, Broadway to the northwest, West 66th street to the north and Amsterdam Avenue to the east, and a second area bounded by West 66th Street to the south, Amsterdam Avenue to the East, West 70th Street to the north, and Freedom Place to the west.[41] The Board of Estimate adopted the Lincoln Square Urban Renewal Plan (LSURP) on November 26, 1957.[42] The LSURP imposed various land use restrictions for the 40 year duration of the plan, which expired in 1997.[43]

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[33] *Id.* at 4.
[34] *Id.*; see also, Environmental Review Assessment Division, DCP, Public Notice of A Scoping Meeting Draft Environmental Impact Statement (CEQR No. 17DCP148M), Mar. 27, 2017.
[35] DCP, Two Bridges Large Scale Residential Development Draft Scope of Work for Preparation of a Draft Environment Impact Statement 5, CEQR No. 17DCP148M, (2017).
[36] Environmental Review Assessment Division, DCP, Public Notice of A Scoping Meeting Draft Environmental Impact Statement (CEQR No. 17DCP148M), Mar. 27, 2017.
[37] Ed Litvak, *Pre-Applications Show 2100 Apartments, 1.7 Million sf Coming to Two Bridges Area*, THE LO-DOWN NY (Jul. 25, 2016) *available at* http://www.thelodownny.com/leslog/2016/07/pre-applications-show-2100-apartments-1-7-million-sf-coming-to-two-bridges-area.html#.
[38] Letter from Council Members Margaret Chin and Rosie Mendez, Manhattan Borough President Gail Brewer, State Senator Daniel Squadron, State Assemblywoman Alice Cancel, and Congresswoman Nydia Velazquez, to Carl Weisbrod, Director of City Planning (June 22, 2016) (on file with New York City Council Land Use Division).
[39] Letter from Carl Weisbrod, Director of City Planning, to Council Members Margaret Chin and Rosie Mendez, Manhattan Borough President Gail Brewer, State Senator Daniel Squadron, State Assemblywoman Alice Cancel, and Congresswoman Nydia Velazquez (Aug. 11, 2016) (on file with the New York City Council Land Use Division).
[40] *See* LINCOLN SQUARE URBAN RENEWAL PROJECT FOURTH AMENDED URBAN RENEWAL PLAN 4, HPD OFFICE OF DEVELOPMENT (Sept. 1985).
[41] *Id.* Ex. A Map 1.
[42] *Id.* at 2.
[43] *Id.* at 16.

Parcel 1, bounded by West 66th Street, West 70th Street, Amsterdam Avenue, and West End Avenue, was located in an R8 zoning area subject to no height limitations under the ZR.[44] The LSURP restricted the use of Parcel 1 to multi-family residential development and imposed a maximum height of 29 stories or 300 feet, whichever was less.[45]

Parcel 6, a 12,000 square foot parcel located at 200 Amsterdam Avenue near the northwest corner of Parcel 1, was located in the same unlimited height R8 zoning area, with a C2-5 commercial overlay.[46] The LSURP restricted the use of Parcel 6 to an institutional use and limited the height to 4 stories or 60 feet, whichever was less.[47] From 1971 until 2013, the Lincoln Square Synagogue occupied the site.[48]

In 2007, Lincoln Square Synagogue, seeking a larger site to build a new synagogue, entered into a land swap with American Continental Properties (ACP), under which Lincoln Square Synagogue acquired 180 Amsterdam Avenue (Block 1158, Lot 18) in exchange for the property at 200 Amsterdam Avenue.[49] After the exchange, ACP began acquiring development rights from as far away as West End Avenue.[50] ACP increased the size of the 200 Amsterdam site 10-fold to 100,000 sq. ft. by merging it with the newly acquired rights in a new zoning lot.[51] With the merged lot, developers SJP Properties, in partnership with Mitsui Fudosan America, secured as-of-right building permits to build a 55-story, 668 ft. condominium tower, the tallest on the Upper West Side.[52] On May 15, the Committee for Environmentally Sound Development filed a zoning challenge with the Department of Buildings requesting that the permits be rescinded.[53]

IV. ANALYSIS OF INTRODUCTION NO. 1533-A

Introduction No. 1533 would have empowered stakeholders and their elected representatives to take action to implement appropriate land use controls before the expiration of a URP. It would have done so by requiring HPD to provide advance notice of the expiration of each URP to the affected borough president, council member, and community board and by mandating the establishment of a publicly accessible online database that includes information about URPs including their duration, any extensions, and the status of acquisitions and dispositions of property pursuant to the URP.

Introduction. No. 1533-A would amend Introduction. No. 1533 by requiring that the notice of expiration of a URA be provided not less than one year in advance of such expiration and that such notice include any restrictions on use, density or design contained in such expiring URP, and the status and city planning application number of any application to change any applicable large-scale special permit or to amend such URP. The amended bill would require such notice to include a notice that upon expiration of such URP,

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[44] *See* LINCOLN SQUARE URBAN RENEWAL PROJECT THIRD AMENDED URBAN RENEWAL PLAN, LAND DISPOSITION MAP, HPD (Sept. 15, 1965) (defining Parcels 1 and 6); *compare* CPC, ZONING MAP 8C, , (Dec. 15, 1961 - June 26, 2014) (indicating R8 zoning) *available at* http://www1.nyc.gov/assets/planning/download/pdf/zoning/zoning-maps/historical-zoning-maps/maps08c.pdf; *see also* N.Y.C. CPC, ZONING HANDBOOK, R8 DISTRICTS (2011) *available at* http://www1.nyc.gov/site/planning/zoning/districts-tools/r8.page

[45] *See* LINCOLN SQUARE URBAN RENEWAL PROJECT FOURTH AMENDED URBAN RENEWAL PLAN 12, HPD OFFICE OF DEVELOPMENT (Sept. 1985).

[46] *See* LINCOLN SQUARE URBAN RENEWAL PROJECT THIRD AMENDED URBAN RENEWAL PLAN, LAND DISPOSITION MAP, HPD (Sept. 15, 1965) (defining Parcels 1 and 6); *compare* CPC, ZONING MAP 8C (Apr. 25, 1963 - June 26, 2014) (indicating R8 zoning) *available at* http://www1.nyc.gov/assets/planning/download/pdf/zoning/zoning-maps/historical-zoning-maps/maps08c.pdf,

[47] *See* LINCOLN SQUARE URBAN RENEWAL PROJECT FIFTH AMENDED URBAN RENEWAL PLAN MAP 2 AND 13, HPD OFFICE OF DEVELOPMENT (March 1988) (limiting the height of a religious institution).

[48] David W. Dunlap, *At Last, a New Lincoln Square Synagogue*, N.Y. TIMES, Jan. 28, 2013, at A18, *available at* https://cityroom.blogs.nytimes.com/2013/01/27/at-last-a-new-lincoln-square-synagogue/?_r=0

[49] *Id.*

[50] Joe Anute, *Rare tower set to rise on Upper West Side*, CRAIN'S NEW YORK BUSINESS, Apr. 10, 2017 (discussing development planned on the 200 Amsterdam site by SJP Properties, in partnership with Mitsui Fudosan America), *available at* http://www.crainsnewyork.com/article/20170411/REAL_ESTATE/170419967/rare-tower-set-to-rise-on-upper-west-side; *see also*, Hiten Samtani, *SJP, Mitsui Fudosan to build Upper West Side's tallest condo*, THE REAL DEAL, Oct. 16, 2015 (discussing SJP and Mitsui Fudosan acquisition of the property from American Continental Properties), *available at* https://therealdeal.com/2015/10/16/sjp-mitsui-fudosan-make-big-uws-play/

[51] Anute, *supra* note 44.

[52] *Id.*

[53] George Jane, AICP on behalf of the Committee for Environmentally Sound Development, Zoning Challenge and Appeal Form in connection with 200 Amsterdam Avenue (May 15, 2017), available at http://www.landmarkwest.org/wp-content/uploads/2017/05/200_amsterdam_zoning_challenge.pdf

existing zoning regulations may allow as-of-right development subject to less restrictive use and density regulations than existed under the URP.

Introduction No. 1533-A would further amend Introduction No. 1533 by expanding the requirements for the information about URAs to be posted on the City's website. Introduction No. 1533-A would require that information about each URA be linked to the closest view of the City's Zoning and Land use map that includes the entire area of such URA.

Introduction No. 1533-A would also add a requirement that HPD issue a report about existing and expired urban renewal plans to the speaker of the Council, the borough presidents, the affected council members, and community boards. The bill would require that the report include maps of the project boundaries of all URAs currently and formerly designated in the City, the boroughs and council districts that include real property within such project boundaries, whether such URPs are active or expired, the land use restrictions imposed pursuant to such URPs, and a notice that upon expiration of such urban renewal plans, existing zoning regulations may allow as-of-right development subject to less restrictive use, density, and design requirements.

Introduction No. 1533-A would also provide that by March 1, 2018, every lot on the City's online zoning and land use map be linked to the website about URAs established pursuant to this bill.[54]

INTRODUCTION NO. 1533-A

Bill section one would add a new section 1806 to the New York City Charter as described herein.

Subdivision 1 of new section 1806 would provide that for the purposes of such section, the following terms would have the following meanings.

The term "project boundary" would mean the perimeter of an urban renewal area.

The term "urban renewal area" would have the same meaning ascribed to such term in section 502 of the New York State General Municipal Law.

The term "urban renewal plan" would have the same meaning ascribed to such term in section 502 of the New York State General Municipal Law.

The term "urban renewal site" would mean a tract of land that is designated for one or more particular land uses and identified as a single parcel pursuant to an urban renewal plan.

Subdivision 2 of new section 1806 would provide that not less than one year before the expiration date of any urban renewal plan in effect on or after March 1, 2018, the Department of Housing Preservation and Development (HPD), in coordination with the Department of City Planning (DCP), would be required to provide written notice of the expiration date of such urban renewal plan to each borough president, council member, and community board whose district includes any real property within the project boundary of the affected urban renewal area, provided that in the case of any urban renewal plan with an expiration date that is less than one year after the effective date of the local law that adds such section, such notice would be provided as soon as practicable. The bill would require that such written notice include:

1. Any restrictions on use, density or design contained in such expiring urban renewal plan;
2. The status of any pending application to change any applicable large-scale special permit, the status of any pending application to amend such urban renewal plan, including any pending application to extend the duration of such urban renewal plan with respect to any unsold parcels of real property, and the department of city planning application number of such pending application; and
3. A notice that upon expiration of such urban renewal plan existing zoning regulations may allow as-of-right development subject to less restrictive use, density, and design requirements,

Subdivision 3 of new Section 1806 would require HPD, in coordination with DCP, to establish a publicly accessible website on nyc.gov to provide information about currently and formerly designated urban renewal areas in the city of New York. Such website would be required to include:

1. Information regarding the urban renewal law, an explanatory guide to researching urban renewal restrictions on designated urban renewal sites, and links to resources for conducting such research,

[54] See, Department of City Planning, Zoning and Land Use Map, available at https://zola.planninglabs.nyc/about#10.2/40.7071/-74

including but not limited to the city's online zoning and land use maps, the automated city register information system, and the land use and CEQR application tracking system;

2. An illustrative map of the City that indicates by graphical representation or icon the approximate locations of all currently and formerly designated urban renewal areas in the city of New York. HPD would be required to link each such graphical representation or icon to the information about each urban renewal area posted on such website;
3. The following information or links to such information about each such urban renewal area, to the extent that such information is available in HPD or city records:

    a. The name of such urban renewal area;
    b. The history of approvals of the applicable urban renewal plan and all amendments thereto;
    c. A downloadable copy of such urban renewal plan and all amendments thereto;
    d. The project boundary of such urban renewal area;
    e. The designated urban renewal sites within the project boundary of such urban renewal area and the permitted uses of such designated urban renewal sites pursuant to such urban renewal plan;
    f. Whether such urban renewal plan is currently in effect or has expired and, if currently in effect, the expiration date of such urban renewal plan;
    g. With respect to any urban renewal plan currently in effect, the status of any pending application to amend such urban renewal plan, including any pending application to extend the duration of such urban renewal plan with respect to any unsold parcels of real property, and the department of city planning application number of such pending application; and
    h. A link to the city's online zoning and land use map (at zola.planninglabs.nyc) or successor website that directs to the highest practicable zoom level that contains all blocks and lots within such urban renewal area.

Subdivision 4 of new Section 1806 would provide that information required to be posted to the website established pursuant to subdivision 3 shall be posted on the following schedule. The informational map of the City posted on such website would be required to display the approximate locations of all current and former urban renewal areas no later than six months after the effective date of the local law that adds this section. The bill would require that such map include links to the information about each such urban renewal area in accordance with the scheduled posting of each such urban renewal plan as described in paragraphs (b), (c) and (d) of this subdivision.

Paragraph (b) of new Subdivision 4 would provide that such information about urban renewal areas subject to an urban renewal plan currently in effect shall be posted to such website no later than six months after the effective date of the local law that would add this section;

Paragraph (c) of new Subdivision 4 would provide that such information about urban renewal areas for which the final version of an urban renewal plan expired less than 10 years before the effective date of the local law that would add this section shall be posted to such website no later than one year after the effective date of the local law would add this section; and

Paragraph (d) of new Subdivsion 4 would provide that such information about urban renewal areas for which the final version of an urban renewal plan expired 10 or more years before the effective date of the local law that would add this section shall be posted no later than eighteen months after the effective date of the local law that would add this section.

Paragraph (e) of new Subdivision 4 would provide that notwithstanding paragraphs (b), (c) and (d) of such subdivision, the downloadable copy of all amendments to applicable urban renewal areas referred to in subdivision 3 of new section 1806, shall be posted on the website established pursuant to such subdivision 3 as soon as practicable, but no later than 5 years after the effective date of the local law that would add such section.

Subdivision 5 of new Section 1806 would provide that no later than two years after the effective date of the local law that would add such section, HPD shall report the following information to the mayor, the speaker of the Council, the borough presidents, the affected council members, and the community boards, to the extent that such information is available in department or city records:

1. Maps displaying the project boundaries of all currently and formerly designated urban renewal areas in the city of New York, to the extent practicable;
2. An illustrative map or maps of the city displaying the approximate locations of all such urban renewal areas;
3. A list, organized by borough, of all such urban renewal areas;
4. The council districts that may include real property within the project boundary of any such urban renewal area;
5. For each such urban renewal area, the expiration date of the final version of the applicable urban renewal plan;
6. The land use restrictions imposed pursuant to such urban renewal plans; and
7. A notice that upon expiration of such urban renewal plans existing zoning regulations may allow as-of-right development subject to less restrictive use, density, and design requirements. Such notice shall be accompanied by information about researching urban renewal restrictions on currently and previously designated urban renewal sites.

Subdivision 5 of new Section 1806 would provide that no later than March 1, 2018, every lot on the city's online zoning and land use map at zola.planninglabs.nyc or successor website shall have an attribute that links to the website established pursuant to subdivision 3 of such section.

Bill section 2 would provide that this local law takes effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 1533-A:)

THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO. 1533-A

COMMITTEE: LAND USE

TITLE: A Local Law to amend the New York city charter, in relation to publication and reporting requirements for urban renewal plans	**SPONSORS:** By Council Members Chin, Reynoso, Rosenthal, Barron, Rose, Greenfield, Salamanca, Menchaca and Mealy

SUMMARY OF LEGISLATION: Proposed Intro. No. 1533-A would require that the Department of Housing Preservation and Development (HPD), in coordination with the Department of City Planning (DCP), notify relevant community boards, borough presidents, and council members when an urban renewal plan is going to expire. Additionally, HPD would be required to report to the mayor, the council, the affected council members and community boards information about all urban renewal areas currently or formally designated in the City. Furthermore, HPD (in coordination with DCP) would be required to establish a publicly accessible website to provide information about currently and formerly designated urban renewal areas in the City. Finally, the bill would also require HPD to post online information about the status of urban renewal plans, including any approved or pending extensions of expiration dates.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues (+)	$0	$0	$0
Expenditures (-)	$0	$0	$0
Net	$0	$0	$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because HPD and DCP would use existing resources to implement the requirements of this bill.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCES OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Jonathan K. Seltzer, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Eric Bernstein, Counsel, Finance Division
Crilhien Francisco, Unit Head, Finance Division
Nathan Toth, Director, Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1533 on April 5, 2017 and was referred to the Committee on Land Use (Committee). The Committee considered the legislation at a hearing on June 15, 2017, and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1533-A will be considered by the Committee on December 7, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1533-A will be submitted to the full Council for a vote on December 11, 2017.

DATE PREPARED: December 4, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1533-A:)

Int. No. 1533-A

By Council Members Chin, Reynoso, Rosenthal, Barron, Rose, Greenfield, Salamanca, Menchaca, Mealy and Kallos.

A Local Law to amend the New York city charter, in relation to publication and reporting requirements for urban renewal plans

Be it enacted by the Council as follows:

Section 1. Chapter 61 of the New York city charter is amended by adding a new section 1806 to read as follows:

§ 1806 Urban renewal data. 1. Definitions. For the purposes of this section, the following terms have the following meanings:

Project boundary. The term "project boundary" means the perimeter of an urban renewal area.

Urban renewal area. The term "urban renewal area" has the same meaning ascribed to such term in section 502 of the general municipal law.

Urban renewal plan. The term "urban renewal plan" has the same meaning ascribed to such term in section 502 of the general municipal law.

Urban renewal site. The term "urban renewal site" means a tract of land that is designated for acquisition for one or more particular land uses and identified as a redevelopment parcel pursuant to an urban renewal plan.

2. Not less than one year before the expiration date of any urban renewal plan in effect on or after March 1, 2018, the department, in coordination with the department of city planning, shall provide written notice of the expiration date of such urban renewal plan to the speaker of the council, each borough president, council member, and community board whose district includes any real property within the project boundary of the affected urban renewal area, provided that in the case of any urban renewal plan with an expiration date that is less than one year after March 1, 2018, such notice shall be provided as soon as practicable. Such written notice shall include any restrictions on use, density or design contained in such expiring urban renewal plan, the status of any pending application to change any applicable large-scale special permit, the status of any pending application to amend such urban renewal plan, including any pending application to extend the duration of such urban renewal plan with respect to any unsold parcels of real property, the department of city planning application number of such pending application, and a notice that upon expiration of such urban renewal plan existing zoning regulations may allow as-of-right development subject to less restrictive use, density, and design requirements,

3. The department, in coordination with the department of city planning, shall establish a publicly accessible website on nyc.gov to provide information about currently and formerly designated urban renewal areas in the city of New York. Such website shall include information regarding the urban renewal law, an explanatory guide to researching urban renewal restrictions on designated urban renewal sites, and links to resources for conducting such research, including but not limited to the city's online zoning and land use maps, the automated city register information system, and the land use and ceqr application tracking system. The department shall post on such website an illustrative map of the city that indicates by graphical representation or icon the approximate locations of all currently and formerly designated urban renewal areas in the city of New York. The department shall link each such graphical representation or icon to the information about each such urban renewal area posted on such website pursuant to this subdivision. The department shall post on such website the following information or links to such information about each such urban renewal area, to the extent that such information is available in department or city records:

(a) The name of such urban renewal area;

(b) The history of approvals of the applicable urban renewal plan and all amendments thereto;

(c) A downloadable copy of the applicable urban renewal area and all amendments thereto;

(d) The project boundary of such urban renewal area;

(e) The designated urban renewal sites within the project boundary of such urban renewal area and the permitted uses of such designated urban renewal sites pursuant to such urban renewal plan;

(f) Whether such urban renewal plan is currently in effect or has expired and, if currently in effect, the expiration date of such urban renewal plan;

(g) With respect to any urban renewal plan currently in effect, the status of any pending application to amend such urban renewal plan, including any pending application to extend the duration of such urban renewal plan with respect to any unsold parcels of real property, and the department of city planning application number of such pending application; and

(h) A link to zola.planninglabs.nyc or successor website that directs to the highest practicable zoom level that contains all blocks and lots within such urban renewal area.

4. Information required to be posted on the website established pursuant to subdivision 3 of this section shall be posted on the following schedule:

(a) The informational map of the city posted on such website pursuant to subdivision 3 of this section shall display the approximate locations of all current and former urban renewal areas no later than six months after the effective date of the local law that added this section and shall include links to the information about each such urban renewal area posted on such website pursuant to such subdivision in accordance with the scheduled posting of each such urban renewal plan as described in paragraphs (b), (c) and (d) of this section.

(b) Such information about urban renewal areas subject to an urban renewal plan currently in effect shall be posted to such website no later than six months after the effective date of the local law that added this section;

(c) Such information about urban renewal areas for which the final version of an urban renewal plan expired less than 10 years before the effective date of the local law that added this section shall be posted to such website no later than one year after the effective date of the local law that added this section; and

(d) Such information about urban renewal areas for which the final version of an urban renewal plan expired 10 or more years before the effective date of the local law that added this section shall be posted no later than eighteen months after the effective date of the local law that added this section.

(e) Notwithstanding paragraphs (b), (c) and (d) of this subdivision, the downloadable copy of all amendments to applicable urban renewal areas referred to in paragraph (c) of subdivision 3 of this section, as required to be posted on the website established pursuant to subdivision 3 of this section, shall be posted as soon as practicable, but no later than 5 years after the effective date of the local law that added this section.

5. No later than two years after the effective date of the local law that added this section, the department shall report the following information to the mayor, the speaker of the council, the borough presidents, the affected council members, and the community boards, to the extent that such information is available in department or city records:

(a) Maps displaying the project boundaries of all currently and formerly designated urban renewal areas in the city of New York, to the extent practicable;

(b) An illustrative map or maps of the city displaying the approximate locations of all such urban renewal areas;

(c) A list, organized by borough, of all such urban renewal areas;

(d) The council districts that may include real property within the project boundary of any such urban renewal area;

(e) For each such urban renewal area, the expiration date of the final version of the applicable urban renewal plan;

(f) The land use restrictions imposed pursuant to such urban renewal plans; and

(g) A notice that upon expiration of such urban renewal plans existing zoning regulations may allow as-of-right development subject to less restrictive use, density, and design requirements. Such notice shall be accompanied by information about researching urban renewal restrictions on currently and previously designated urban renewal sites.

6. No later than March 1, 2018, every lot on the city's online zoning and land use map at zola.planninglabs.nyc or successor website shall have an attribute that links to the website established pursuant to subdivision 3 of this section.

§ 2. This local law takes effect immediately.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, December 7, 2017. *Other Council Members Attending: Council Members Perkins and Chin.*

On motion of the Speaker (Council Member Mark-Viverito), 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. 1661-A

Report of the Committee on Land Use in favor of approving and adopting, as amended, a Local Law in relation to requiring the department of city planning, department of small business services, and the department of parks and recreation to develop urban agriculture website.

The Committee on Land Use, to which the annexed proposed amended local law was referred on July 20, 2017 (Minutes, page 2439), respectfully

REPORTS:

I. INTRODUCTION

On October 26, 2017, the Committee held a hearing on Introduction No. 1661, A Local Law in relation to developing a comprehensive urban agriculture plan. Representatives of the Department of City Planning (DCP) and various advocacy groups provided testimony. The bill was subsequently amended as Proposed Introduction No. 1661-A, A Local Law in relation to requiring the Department of City Planning, Department of Small Business Services, and the Department of Parks and Recreation to develop an urban agriculture website. On December 7, 2017, the Committee on Land Use approved the proposed legislation and reported it out of committee.

II. ANALYSIS OF INTRODUCTION NO. 1661-A

Introduction No. 1661-A would be an unconsolidated law.

Bill section 1 would require the City to establish an urban agriculture website on nyc.gov or any successor website maintained by or on behalf of the city of New York.

Subdivision a of bill section 1 would provide that the Department of City Planning and the Department of Small Business Services, in cooperation with other relevant agencies and stakeholders, including but not limited to food policy educators and representatives from urban farming businesses, shall prepare content for such urban agriculture website. Such content shall include, but not be limited to, the following:

1. zoning regulations for agricultural uses, including but not limited to, farms, greenhouses, nurseries and truck gardens;
2. assistance available from the department of city planning in obtaining information about specific properties;
3. a link to ZoLa (Zoning and Land Use Application) or its successor resource; and
4. other existing business resources relevant to urban agricultural businesses available from city agencies.

Subdivision b of bill section 1 would provide that the Department of Parks and Recreation, in cooperation with other relevant agencies and stakeholders as needed, including but not limited to, food policy educators and representatives from community gardens, shall prepare content for such urban agriculture website. Such content shall include, but not be limited to, the following:

1. a list of existing urban agricultural spaces, and those city-owned spaces, which are available and potentially suitable for community urban agricultural use, including community gardens and urban farms. When compiling or revising such list, the department of parks and recreation shall consult with other relevant agencies, including the department of housing preservation and development and the department of citywide administrative services;
2. information on how such spaces can be established and supported; and
3. information on how produce grown on-site at community urban agriculture sites can be distributed within communities.

Subdivision c of bill section 1 would provide that for purposes of the uses specified in subdivision a of such section, "commercial urban agriculture" shall be as determined by the Department of City Planning and the Department of Small Business Services. Subdivision c would further provide that for purposes of the uses specified in subdivision b of such section, "community urban agriculture" shall be as determined by the department of parks and recreation.

Subdivision c of bill section 1 would provide that the website specified in subdivisions a and b of such section shall be active no later than July 1, 2018. Subdivision c would further provide that relevant agencies responsible for the construction and maintenance of the website shall issue a review of the website's efficacy to the City Council no later than January 1, 2019.

Bill section 2 would provide that this local takes effect immediately.

The following is the text of the Fiscal Impact Statement for Int. No. 1661-A:

THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO. 1661-A

COMMITTEE: LAND USE

Title: A Local Law in relation to requiring the department of city planning, department of small business services, and the department of parks and recreation to develop urban agriculture website	**SPONSORS:** By Council Members Espinal, Torres, Greenfield, Salamanca, Grodenchik, Richards, Reynoso, Maisel, Gentile, Cornegy, Menchaca, Cumbo, Deutsch, Treyger, Johnson, Williams, Garodnick, Levin, Levine, Chin, Vacca, Lander, Eugene, Koslowitz, Cohen, Constantinides and Cabrera (by request of the Brooklyn Borough President)

SUMMARY OF LEGISLATION: Proposed Intro. No. 1661-A would require the City, by no later than July 1, 2018, to develop an urban agriculture website to promote the expansion of urban agriculture in the City. In addition, the Department of City Planning (DCP), the Department of Small Business Services (SBS), and the Department of Parks and Recreation (DPR) would be required to prepare content for the website. Finally, agencies responsible for the construction and maintenance of the website would be required to issue a review of the website's efficacy to the City Council by no later than January 1, 2019.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues (+)	$0	$0	$0
Expenditures (-)	$0	$0	$0
Net	$0	$0	$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because DCP, SBS, DPR and any other relevant agencies assigned to the construction and maintenance of this website would use existing resources to implement the requirements of this bill.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCES OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Jonathan K. Seltzer, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Eric Bernstein, Counsel, Finance Division
Crilhien Francisco, Unit Head, Finance Division
Nathan Toth, Director, Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1661 on June 20, 2017 and was referred to the Committee on Land Use (Committee). The Committee considered the legislation at a hearing on October 26, 2017, and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1661-A will be considered by the Committee on December 7, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1661-A will be submitted to the full Council for a vote on December 11, 2017.

DATE PREPARED: December 4, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1661-A:)

Int. No. 1661-A

By Council Members Espinal, Torres, Greenfield, Salamanca, Grodenchik, Richards, Reynoso, Maisel, Gentile, Cornegy, Menchaca, Cumbo, Deutsch, Treyger, Johnson, Williams, Garodnick, Levin, Levine, Chin, Vacca, Lander, Eugene, Koslowitz, Cohen, Constantinides, Cabrera, Rose and Kallos (by request of the Brooklyn Borough President).

A Local Law in relation to requiring the department of city planning, department of small business services, and the department of parks and recreation to develop urban agriculture website

Be it enacted by the Council as follows:

Section 1. Urban agriculture website. An urban agriculture website shall be developed on nyc.gov or any successor website maintained by or on behalf of the city of New York and shall include such information as is set forth in subdivisions a and b of this section. a. Commercial urban agriculture uses. The department of city planning and the department of small business services, in cooperation with other relevant agencies and stakeholders, including but not limited to food policy educators and representatives from urban farming businesses, shall prepare content for such urban agriculture website. Such content shall include, but not be limited to, the following:

(i) zoning regulations for agricultural uses, including but not limited to, farms, greenhouses, nurseries and truck gardens;
(ii) assistance available from the department of city planning in obtaining information about specific properties;
(iii) a link to ZoLa (Zoning and Land Use Application) or its successor resource; and

(iv) other existing business resources relevant to urban agricultural businesses available from city agencies.

b. Community urban agriculture uses. The department of parks and recreation, in cooperation with other relevant agencies and stakeholders as needed, including but not limited to, food policy educators and representatives from community gardens, shall prepare content for such urban agriculture website. Such content shall include, but not be limited to, the following:

(i) a list of existing urban agricultural spaces, and those city-owned spaces, which are available and potentially suitable for community urban agricultural use, including community gardens and urban farms. When compiling or revising such list, the department of parks and recreation shall consult with other relevant agencies, including the department of housing preservation and development and the department of citywide administrative services;
(ii) information on how such spaces can be established and supported; and
(iii) information on how produce grown on-site at community urban agriculture sites can be distributed within communities.

c. For purposes of the uses specified in subdivision a of this section, "commercial urban agriculture" shall be as determined by the department of city planning and the department of small business services. For purposes of the uses specified in subdivision b of this section, "community urban agriculture" shall be as determined by the department of parks and recreation.

d. The website specified in subdivisions a and b of this section shall be active no later than July 1, 2018. Relevant agencies responsible for the construction and maintenance of the website shall issue a review of the website's efficacy to the city council due no later than January 1, 2019.

§2. This local law takes effect immediately.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, December 7, 2017. *Other Council Members Attending: Council Members Perkins and Chin.*

On motion of the Speaker (Council Member Mark-Viverito), 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 Mark-Viverito) announced that the following items had been **preconsidered** by the Committee on Land Use and had been favorably reported for adoption.

Report for Res. No. 1761

Report of the Committee on Land Use in favor of approving a Resolution to support New York City's application for funding for a capital project under the Restore New York Communities Initiative pursuant to the New York State Urban Development Act, for Station Plaza, in the borough of Queens.

The Committee on Land Use, to which the annexed preconsidered resolution was referred on December 11, 2017, respectfully

REPORTS:

I. Introduction

On December 7, 2017, the Committee on Land Use, chaired by Council Member David Greenfield, held a hearing on Preconsidered Res. No. 1761, a Resolution supporting New York City's application for funding for capital projects under the Restore New York Communities Initiative pursuant to the New York State Urban Development Corporation Act, for Station Plaza, in the borough of Queens. The item was approved by the committee.

II. Background

The Restore New York Communities Initiative (Restore New York), pursuant to the New York State Urban Development Act, encourages economic development and neighborhood growth by providing municipalities with financial assistance for revitalization of commercial and residential properties. The Empire State Development Corporation (ESDC) is the entity responsible for implementing this grant program. Cities, towns and villages across the State will be able to compete for funding to aid in the demolition, deconstruction, rehabilitation and/or reconstruction of vacant, abandoned, condemned and surplus properties.

Restore New York places a strong emphasis on projects in economically distressed communities. Applications for Round 5 financing under the Restore New York program are due December 15, 2017. In Round 5 the City of New York is eligible to submit one project proposal with a funding request of up to $5 million.

III. Station Plaza

The City of New York is submitting one project for funding through Restore New York located in Jamaica in Queens Community Board 12. The Site is comprised of four parcels offering a total of 40,638 square feet area. Additionally, the Site falls within several federal, state, and local zones, including the Jamaica Brownfield Opportunity Area and the South Jamaica Enterprise Zone. It is adjacent to the Jamaica Gateway Urban Renewal Area.

Located at the intersection of Archer Avenue and Sutphin Boulevard in Jamaica, Queens, Station Plaza is one of a series of three key infrastructure improvements, outlined in the 2007 Jamaica Gateway Urban Renewal Plan, meant to improve safety, alleviate traffic congestion, induce commercial investment, and integrate the area's bustling transit hub with the surrounding mixed-use district.

The Station Plaza infrastructure project will include two new public plazas, widened sidewalks, new medians, new subway entrances and circulation improvements. Jamaica is a critical transportation hub for Queens, Long Island, and all of New York City. However, the lack of amenities and the unsightly conditions in the area prevent Jamaica from reaching its full potential. These conditions create the perception of an unsafe and unfriendly area for users, which significantly discourages private investment and potential tenants from locating there and inhibits the growth of this critical regional transit asset.

This project will reduce congestion at a critical intersection, improve pedestrian safety at a facility used by thousands of commuters daily, and significantly reduce vehicle miles traveled on a regional basis by linking transportation and land use to limit patterns of sprawl.

Currently, City and State funding have helped advance critical projects in Jamaica, Queens with the intention of increasing quality jobs, supporting small businesses, promoting commercial growth and economic development, and improving livability. One example of the City’s commitment towards the revitalization and growth of Jamaica, Queens is the 21strategic actions outlined in the Jamaica NOW Action Plan. The Plan represents approximately $153 million in public funding to address the challenges that have faced the Jamaica area in recent years by providing workforce training and small business support, initiating new mixed-use development anchored by affordable housing, and improving the livability of the neighborhood through investments in safety measures, green spaces and more.

IV. Conclusion

With the construction of Station Plaza, Jamaica will welcome a new chapter of investment for residents and visitors of this wonderful community.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1761:)

Preconsidered Res. No. 1761

Resolution to support New York City's application for funding for a capital project under the Restore New York Communities Initiative pursuant to the New York State Urban Development Act, for Station Plaza, in the borough of Queens.

By Council Members Miller and Lancman.

Whereas, The 2017-18 New York State Budget provided new funding for the Restore New York Communities Initiative ("Restore NY"), which is implemented by the New York State Empire State Development Corporation ("ESDC") and intended to provide funding for capital projects under the New York State Urban Development Corporation Act; and

Whereas, Under Round 5 of Restore NY funding, New York City is permitted to submit applications for the funding of one capital project, receiving up to $5 million; and

Whereas, New York City has submitted a notice of intent to apply to ESDC for funding Station Plaza, in the borough of Queens; and

Whereas, Station Plaza will be located on Block 9994, Lot 38; Block 9986, Lot 70 and 73; and Block 9988, Lot 37, located in Jamaica, in the borough of Queens ("the Site"); and

Whereas, Up to $5 million is being sought by New York City in connection with the Site for demolition of four underutilized properties with a combined 40,638 square feet gross building area on parcels mapped as Public Places, adjacent to the 2007 Jamaica Gateway Urban Renewal Plan, and associated costs for hazardous material abatement and reconstruction; and

Whereas, The Jamaica Rezoning Plan, approved in September 2007, addressed zoning updates to approximately 368 blocks, aimed at promoting economic growth and development in Jamaica's Downtown area; and

Whereas, The Site falls within several federal, state, and local zones, including the Jamaica Brownfield Opportunity Area and South Jamaica Enterprise Zone, that make it eligible for a variety of financial incentives; and

Whereas, Infrastructure improvements to the Site will improve safety, alleviate traffic congestion, induce commercial investment, and integrate the area's bustling transit hub with the surrounding mixed-use district; and

Whereas, The Site will include two new plazas, widened sidewalks, new medians, new subway entrances and circulation improvements; and

Whereas, The Council finds that the proposed Station Plaza infrastructure project is consistent with the Jamaica Gateway Urban Renewal Plan, Jamaica Rezoning Plan, and Jamaica NOW Action Plan; and

Whereas, The Council finds that the proposed financing is appropriate for Station Plaza; and

Whereas, The Council finds that using these funds for Station Plaza facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and

Whereas, The Council also finds that Station Plaza will develop and enhance infrastructure in a manner that will attract, create, and sustain employment and economic development opportunities; now, therefore, be it

Resolved, That the Council of the City of New York supports New York City's application for funding for capital projects under the Restore New York Communities Initiative pursuant to the New York State Urban Development Corporation Act, for Station Plaza, in the borough of Queens.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, December 7, 2017. *Other Council Members Attending: Council Members Perkins and Chin.*

On motion of the Speaker (Council Member Mark-Viverito), 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. 785

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170413 ZMX submitted by the New York City Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6a, to expand the existing Special Harlem River Waterfront District (HRW) to encompass two waterfront blocks to the south bounded by Park Avenue, East 135th Street (Exterior Street), Third Avenue Bridge and the Harlem River, and the block bounded by Third Avenue Bridge, Bruckner Boulevard, and Lincoln Avenue. Borough of the Bronx, Community Board 1, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2017 (Minutes, page 3584) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX CB - 1 **C 170413 ZMX**

City Planning Commission decision approving an application submitted by NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6a:

1. eliminating a Special Mixed Use District (MX-1) from property bounded by Park Avenue and its southwesterly centerline prolongation, East 135th Street (southwesterly portion), the southwesterly centerline prolongation of Rider Avenue, Major Deegan Expressway, Third Avenue, Bruckner Boulevard, Lincoln Avenue and its southwesterly centerline prolongation, and the U.S. Pierhead and Bulkhead line; and

2. establishing a Special Harlem River Waterfront District (HRW) bounded by Park Avenue and its southwesterly centerline prolongation, East 135th Street (southwesterly portion), the southwesterly centerline prolongation of Rider Avenue, Major Deegan Expressway, Third Avenue, Bruckner Boulevard, Lincoln Avenue and its southwesterly centerline prolongation, and the U.S. Pierhead and Bulkhead line;

INTENT

To approve the amendment to the Zoning Map, Section No. 6a, which in conjunction with the related action would facilitate the expansion of the Special Harlem River Waterfront District to the blocks bounded by Park Avenue, East 135th Street (Exterior Street), Third Avenue Bridge and the Harlem River, and the block bounded by Third Avenue Bridge, Bruckner Boulevard, and Lincoln Avenue.

PUBLIC HEARING

DATE: October 24, 2017

Witnesses in Favor: Two **Witnesses Against:** Three

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2017

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

In Favor:
Richards, Gentile, Garodnick, Williams, Reynoso, Torres, Grodenchik.

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: November 21, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:
Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against: **Abstain:**
None None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications to a related application, LU 786, were filed with the City Planning Commission on November 22, 2017. The City Planning Commission filed a letter dated November 29, 2017, with the Council on December 6, 2017, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter, subject to correction of one sentence, as recommended by the Commission. The Council referred related application LU 786 back to the Committee for consideration of the Commission's recommendation, and also referred back this application, LU 785, in order to keep the related matters together.

COMMITTEE ACTION II

DATE: December 7, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:
Greenfield, Gentile, Palma, Garodnick, Mendez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:	**Abstain:**
None	None

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res. No. 1765

Resolution approving the decision of the City Planning Commission on ULURP No. C 170413 ZMX, a Zoning Map amendment (L.U. No. 785).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on October 6, 2017 its decision dated October 4, 2017 (the "Decision"), on the application submitted by the New York City Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 6a, which in conjunction with the related action would extend the Special Harlem River Waterfront District to the blocks bounded by Park Avenue, East 135th Street (Exterior Street), Third Avenue Bridge and the Harlem River, and the block bounded by Third Avenue Bridge, Bruckner Boulevard, and Lincoln Avenue (ULURP No. C 170413 ZMX), Community District 1, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to application N 170414 ZRX (L.U. No. 786), amendment to the text of the Zoning Resolution to modify the existing Special Harlem River Waterfront District;

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 October 24, 2017;

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 revised negative declaration issued October 2, 2017 (CEQR No. 17DCP188X), (the "Revised Negative Declaration");

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Revised 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 170413 ZMX, 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. 6a:

1. eliminating a Special Mixed Use District (MX-1) from property bounded by Park Avenue and its southwesterly centerline prolongation, East 135th Street (southwesterly portion), the southwesterly centerline prolongation of Rider Avenue, Major Deegan Expressway, Third Avenue, Bruckner Boulevard, Lincoln Avenue and its southwesterly centerline prolongation, and the U.S. Pierhead and Bulkhead line; and

2. establishing a Special Harlem River Waterfront District (HRW) bounded by Park Avenue and its southwesterly centerline prolongation, East 135th Street (southwesterly portion), the southwesterly centerline prolongation of Rider Avenue, Major Deegan Expressway, Third Avenue, Bruckner Boulevard, Lincoln Avenue and its southwesterly centerline prolongation, and the U.S. Pierhead and Bulkhead line;

as shown on a diagram (for illustrative purposes only) dated June 5, 2017, Community District 1, Borough of the Bronx.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, December 7, 2017. *Other Council Members Attending: Council Members Perkins and Chin.*

Approved with Modifications and Coupled on the General Order Calendar.

Report for L.U. No. 786

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 170414 ZRX submitted by the New York City Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article VIII, Chapter 7, and related Sections, to modify the text of the Special Harlem River Waterfront District, Borough of the Bronx, Community District 1, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2016 (Minutes, page 3584) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX CB - 1 **N 170414 ZRX**

City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article VIII, Chapter 7, and related Sections, to modify the text of the Special Harlem River Waterfront District.

INTENT

To approve the amendment to the Zoning Resolution, which in conjunction with the related action would facilitate the expansion of the Special Harlem River Waterfront District to the blocks bounded by Park Avenue, East 135th Street (Exterior Street), Third Avenue Bridge and the Harlem River, and the block bounded by Third Avenue Bridge, Bruckner Boulevard, and Lincoln Avenue.

PUBLIC HEARING

DATE: October 24, 2017

Witnesses in Favor: Two **Witnesses Against:** Three

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2017

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

In Favor:
Richards, Gentile, Garodnick, Williams, Reynoso, Torres, Grodenchik.

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: November 21, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:
Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against: **Abstain:**
None None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on November 22, 2017. The City Planning Commission filed a letter dated November 29, 2017, with the Council on December 6, 2017, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter, subject to correction of one sentence, as recommended by the Commission. The Council referred the application back to the Committee for consideration of the Commission's recommendation.

COMMITTEE ACTION II

DATE: December 7, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:
Greenfield, Gentile, Palma, Garodnick, Mendez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:	**Abstain:**
None	None

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res. No. 1766

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 170414 ZRX, for an amendment of the Zoning Resolution of the City of New York, relating to Article VIII, Chapter 7, and related Sections, to modify the text of the Special Harlem River Waterfront District, Community District 1, Borough of the Bronx (L.U. No. 786).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on October 6, 2017 its decision dated October 4, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of City Planning, for an amendment of the text of the Zoning Resolution of the City of New York, relating to Article VIII, Chapter 7, and related Sections, to modify the text of the Special Harlem River Waterfront District which in conjunction with the related action would facilitate the expansion of the existing Special Harlem River Waterfront District to encompass two waterfront blocks to the south, (Application No. N 170414 ZRX), Community District 1, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to application C 170413 ZMX (L.U. No. 785), a zoning map amendment to extend the Special Harlem River Waterfront District to the blocks bounded by Park Avenue, East 135th Street (Exterior Street), Third Avenue Bridge and the Harlem River, and the block bounded by Third Avenue Bridge, Bruckner Boulevard, and Lincoln Avenue;

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 October 24, 2017;

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 revised negative declaration issued October 2, 2017 (CEQR No. 17DCP188X), (the "Revised Negative Declaration");

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Revised 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 170414 ZRX, 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 in ~~double strikeout~~ is old, deleted by the City Council;

Matter in double underline is new, added by the City Council.

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

ARTICLE I
GENERAL PROVISIONS

Chapter 4
Sidewalk Cafe Regulations

* * *

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

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

* * *

The Bronx	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
City Island District	No	Yes
Harlem River Waterfront	No	Yes

* * *

ARTICLE II
RESIDENCE DISTRICT REGULATIONS

Chapter 3
Bulk Regulations for Residential Buildings in Residence Districts

* * *

23-00
APPLICABILITY AND GENERAL PURPOSES

23-01
Applicability of This Chapter

* * *

23-011
Quality Housing Program

* * *

R6 R7 R8 R9 R10

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

(1) Article VII, Chapter 8 (Special Regulations Applying to Large Scale Residential Developments);

(2) Special Purpose Districts

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

* * *

#Special Grand Concourse Preservation District#;

#Special Harlem River Waterfront District#;

#Special Limited Commercial District#;

* * *

ARTICLE VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

Chapter 2
Special Regulations Applying in the Waterfront Area

* * *

62-90
WATERFRONT ACCESS PLANS

* * *

62-92
Borough of The Bronx

The following Waterfront Access Plans are hereby established within the Borough of The Bronx. All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

BX-1: Harlem River, in the #Special Harlem River Waterfront District#, as set forth in Section 87-~~60~~70 (HARLEM RIVER WATERFRONT ACCESS PLAN).

* * *

[NOTE: Section titles and provisions in the following Chapter may reflect the proposed text amendment, Lower Concourse North Rezoning (ULURP No. N 170312 ZRX, certified on 3/20/2017).]

ARTICLE VIII
SPECIAL PURPOSE DISTRICTS

Chapter 7
Special Harlem River Waterfront District

87-00
GENERAL PURPOSES

The "Special Harlem River Waterfront District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

* * *

(f) to provide flexibility of architectural design within limits established to assure adequate access of light and air to streets and public access areas, and thus encourage more attractive and economic building forms; ~~and~~

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

(h) to encourage investment in mixed residential and industrial neighborhoods by permitting expansion and new development of a wide variety of uses in a manner that will safeguard the health and safety of people using the area; and

(i) to promote the most desirable use of land and building development in accordance with the District Plan for the Harlem River waterfront and thus conserve the value of land and buildings and thereby protect City tax revenues.

87-01
Definitions

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 62-11 or 64-11, or within this Section.

[NOTE: The definition of "ground floor level," moved from 87-10 (SPECIAL USE REGULATIONS) and amended]

Ground floor level

~~As used in this Section,~~ The "ground floor level" shall mean the finished floor level of ~~a~~ the first #story# that is within five feet of an adjacent public sidewalk or any other #publicly accessible open area#, or the finished floor level of the #lowest occupiable floor# pursuant to the provisions of Section 64-21 (Ground Floor Use), whichever is lower.

~~Parcel 1 building~~ Major Deegan Expressway street line

The "~~Parcel 1 building~~ Major Deegan Expressway street line" shall be:

(a) in the event that the portion of the Major Deegan Expressway traversing Parcels 1, 2, 3 or 4, as shown on Map 1 in the Appendix of this Chapter, has been widened after ~~June 30, 2009~~ [date of adoption], a line 22 feet west of and parallel to the as-built western edge of such Expressway structure for Parcel 1, and a line 14 feet west of and parallel to the as-built western edge of such Expressway for Parcels 2, 3, or 4; or

(b) in the event that the portion of the Major Deegan Expressway traversing Parcels 1, 2 , 3 or 4, as shown on Map 1 in the Appendix to this Chapter, has not been widened after ~~June 30, 2009~~ [date of adoption], a line connecting on:

(1) Parcel 1:

(i) a point located on the ~~southern #street line# of East 149th Street~~ northern boundary of Parcel 1 that is ~~47~~ 120 feet west of its intersection with the ~~western edge of such Expressway structure~~ eastern parcel boundary; and

~~(2)~~(ii) a point on the southern boundary of Parcel 1 that is ~~107~~ 110 feet west of its intersection with the ~~western edge of such Expressway structure~~ eastern parcel boundary.

(2) Parcel 2:

(i) a point located on the northern boundary of Parcel 2 that is 74 feet west of its intersection with the eastern parcel boundary; and

(ii) a point located on the southern boundary of Parcel 2 that is 74 feet west of its intersection with the eastern parcel boundary.

(3) Parcel 3:

(i) a point located on the northern boundary of Parcel 3 that is 74 feet west of its intersection with the eastern parcel boundary; and

(ii) a point located on the southern boundary of Parcel 3 that is 30 feet west of its intersection with the eastern parcel boundary.

(4) Parcel 4:

(i) a point located on the northern #lot line# of Parcel 4 that is 30 feet west of its eastern #lot line#; and

(ii) a point located on the eastern #lot line# of Parcel 4 that intersects with a line parallel to and 60 feet from the northern #lot line#.

[NOTE: The following terms are already defined in Section 62-11 (Definitions)]

~~Shore public walkway~~

~~A "shore public walkway" is a linear public access area running alongside the shore or water edges of a #platform#, as defined in Section 62-11, on a #waterfront zoning lot#.~~

~~Supplemental public access area~~

~~A "supplemental public access area" is a public access area provided on a #waterfront zoning lot#, in addition to other required public access areas, in order to fulfill the required #waterfront public access area# requirements.~~

~~A #supplemental public access area# shall not include a #shore public walkway# or an #upland connection#.~~

~~Upland connection~~

~~An "upland connection" is a pedestrian way which provides a public access route from a #shore public walkway# to a public sidewalk within an open and accessible #street#, public mapped parkland or other accessible public place.~~

~~Visual corridor~~

~~A "visual corridor" is a public #street# or tract of land within a #block# that provides a direct and unobstructed view to the water from a vantage point within a public #street#, public mapped parkland or other public place.~~

~~Waterfront block or waterfront zoning lot~~

~~A "waterfront block" or "waterfront zoning lot" is a #block# or #zoning lot# in the #waterfront area# having a boundary at grade coincident with or seaward of the #shoreline#. For the purposes of this Chapter:~~

~~(a) a #block# within the #waterfront area# shall include the land within a #street# that is not improved or open to the public, and such #street# shall not form the boundary of a #block#;~~

~~(b) a #block# within the #waterfront area# that abuts public mapped parkland along the waterfront shall be deemed to be part of a #waterfront block#; and~~

~~(c) a #zoning lot# shall include the land within any #street# that is not improved or open to the public and which is in the same ownership as that of any contiguous land.~~

~~Any #zoning lot#, the boundaries of which were established prior to November 1, 1993, and which is not closer than 1,200 feet from the #shoreline# at any point and which does not abut public mapped parkland along the waterfront, shall be deemed outside of the #waterfront block#.~~

~~Waterfront public access area~~

~~A "waterfront public access area" is the portion of a #zoning lot# improved for public access. It may include any of the following: a #shore public walkway#, #upland connection#, #supplemental public access area# or, as defined in Section 62-11, a public access area on a #pier# or #floating structure#.~~

87-02
General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Harlem River Waterfront District#, the regulations of the #Special Harlem River Waterfront District# shall apply. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control, except as specifically modified in this Chapter. ~~However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.~~

[NOTE: The Article VI, Chapter 4 applicability provision, moved to Section 87-043]

87-03
District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Harlem River Waterfront District# Plan as set forth in the Appendix to this Chapter. The plan area has been divided into two Subdistricts comprised of parcels that consist~~ing~~ of tax blocks and lots ~~as established on June 30, 2009,~~ as follows:

Core Subdistrict - tax blocks and lots existing on June 30, 2009

Parcel 1: Block 2349, Lot 112

Parcel 2: Block 2349, Lot 100 (that portion not mapped as parkland~~*~~ in accordance with Alteration Map No. 13124, dated January 29, 2009, in the Office of the Bronx Borough President)

Parcel 3: Block 2349, Lots 46, 47, 146

Parcel 4: Block 2349, Lot 38

Parcel 5: Block 2349, Lots 15, 20

Parcel 6: Block 2349, Lots 3, 4

Parcel 7: Block 2323, Lot 43

Parcel 8: Block 2323, Lot 28

Parcel 9: Block 2323, Lots 5, 13, 18

[NOTE: The following North Subdistrict provisions are currently under review as part of Lower Concourse North Rezoning, N 1700312 ZRX, certified 3/20/2017]

[North Subdistrict - tax blocks and lots existing on [date of adoption]

Parcel 10: Block 2539, Lot 1, portion of Lots 2, 3

Block 2356, Lots 2, 72 and tentative Lot 102 (existing on [date of adoption])]

South Subdistrict - tax blocks and lots existing on [date of adoption]

Parcel 11: Block 2319, Lot 55

Parcel 12: Block 2319, Lot 60

Parcel 13: Block 2319, Lots 37 and 155

Parcel 14: Block 2319, Lot 98

Parcel 15: Block 2319, Lot 99

Parcel 16: Block 2319, Lots 100 and 108

Parcel 17: Block 2319, Lot 109

Parcel 18: Block 2319, Lot 112

Parcel 19: Block 2319, Lot 2

Parcel 20: Block 2316, Lots 1 and 35

Parcel 21: Block 2319, Lot 200

The District Plan includes the following maps:

Map 1. (Special Harlem River Waterfront District, Subdistricts and Parcels)

Map 2. (Designated Non-residential Use Locations)

Map 3. (Waterfront Access Plan: Public Access Elements)

Map 4. (Waterfront Access Plan: Designated Visual Corridors)

~~* in accordance with Alteration Map No. 13124, dated January 29, 2009, in the Office of the Bronx Borough President~~

87-04
Applicability of ~~Article VI, Chapter 2~~ District Regulations

[NOTE: Existing provisions, moved to 87-042 and modified]

87-041
Applicability of the Quality Housing Program

In the #Special Harlem River Waterfront District#, #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

87-042
Applicability of Article VI, Chapter 2

[NOTE: Existing provisions, moved from Section 87-04 and modified.]

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply in all #waterfront areas#, except as modified by this Chapter.

[NOTE: Existing provisions, moved from Section 87-65 and modified.]

For the purpose of applying the provisions of Article VI, Chapter 2, Parcels 1, 2, 3 and 4 within the Core Subdistrict, and any parcels having a boundary within 40 feet of a #shoreline# within the South Subdistrict, as shown on Map 1 (Special Harlem River Waterfront District, Subdistricts and Parcels) in the Appendix to this Chapter, shall be considered #waterfront zoning lots#, notwithstanding the mapping of any #streets# on such parcels after June 30, 2009 for the Core Subdistrict, and after [date of adoption] for the South Subdistrict.

87-043
Applicability of Article VI, Chapter 4

[NOTE: Existing provisions, moved from Section 87-02 and modified]

~~i~~In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control, except as expressly modified by this Chapter.

84-044
Applicability of Article XII, Chapter 3

Within the South Subdistrict, for M1 Districts mapped with a #Residence District#, the provisions of Article XII, Chapter 3 (Special Mixed Use District) for #waterfront blocks# shall apply, except as modified in this Chapter. In the event of a conflict between the provisions of Article XII, Chapter 3 and this Chapter, the provisions of this Chapter shall control.

87-045

Applicability of Inclusionary Housing Program

[NOTE: Existing Inclusionary Housing applicability provision, moved from Section 87-20 and modified.]

For the purposes of applying the Inclusionary Housing Program set forth in Section 23-90 (INCLUSIONARY HOUSING), the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, shall be an #Inclusionary Housing designated area#.

87-05
Modification of Use and Bulk Regulations for Parcels Containing Newly Mapped Streets

In the event that #streets# are mapped on Parcels 1, 2, 3 and 4 in the Core Subdistrict after June 30, 2009, and on any Parcel in the South Subdistrict after [date of adoption], as shown on Map 1 in the Appendix to this

Chapter, ~~after June 30, 2009,~~ the area within such #streets# may continue to be considered part of the #zoning lot# for the purposes of applying ~~all #use# and #bulk#~~ #floor area# regulations of this Zoning Resolution.

87-10
SPECIAL USE REGULATIONS

The #use# regulations of the underlying districts or of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) are modified ~~in Sections 87-11 through 87-24~~ by the provisions of this Section, inclusive.

~~As used in this Section, "ground floor level" shall mean the finished floor level of a #story# that is within five feet of an adjacent public sidewalk or any other #publicly accessible open area#.~~

[NOTE: the definition of "ground floor level" moved to 87-01 and amended.]

87-11
~~**Vehicle Storage Establishments**~~
Use Regulations Within the Core Subdistrict

[NOTE: Existing Section 87-11 provisions, moved to Section 87-111]

The special #use# provisions of this Section, inclusive, shall apply to #zoning lots# within the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter.

87-111
Vehicle storage establishments

[NOTE: Existing provisions, moved from Section 87-11 and cross-references are updated]

Commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps as listed in Use Group 16C shall be a permitted #use# on Parcel 5, as shown on Map 1 in the Appendix to this Chapter, provided that:

(a) such #use# is the primary #use# on ~~the p~~Parcel 5;

(b) no more than 10,000 square feet of #floor area# shall be provided on Parcel 5; and

(c) a #shore public walkway# is provided as set forth in paragraph (a) of Section 87-~~61~~71 (Special Public Access Provisions ~~by Parcel~~).

The streetscape provisions of Section 87-~~13~~41, inclusive, ~~the maximum width of establishment provisions of Section 87-23~~ and the special height and setback regulations of Section 87-~~30~~32, inclusive, shall not apply to such #use#. In lieu thereof, the applicable height and setback provisions of Article VI, Chapter 2 shall apply.

87-112
Location of ~~C~~ccommercial ~~S~~sspace

[NOTE: Existing provisions, moved from Section 87-12]

The provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #residential uses# on the same #story# as a #commercial use#, provided no access exists between such #uses# at any level containing #residences# and provided any #commercial uses# are not located directly over any #residential use#. However, such #commercial uses# may be located over a #residential use# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial uses# exists within the #building#.

87-12
~~Location of Commercial Space~~
Use Regulations in the North Subdistrict

[NOTE: Existing provisions, moved to Section 87-112]

[NOTE: This section is intended to contain special use provisions proposed by Lower Concourse North Rezoning]

~~**87-13**~~
~~**Streetscape Regulations**~~

[NOTE: Existing provisions, moved to Section 87-40]

~~**87-14**~~
~~**Location of Underground Uses**~~

~~Notwithstanding the provisions of Section 62-332 (Rear yards and waterfront yards), underground #uses#, such as parking garages, shall not be allowed in #waterfront yards#.~~

87-20
SPECIAL FLOOR AREA REGULATIONS

The applicable #floor area# regulations of the underlying districts, of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), or of Article XII, Chapter 3 (Special Mixed Use District), are modified by the provisions of this Section, inclusive.

[NOTE: The following struck out provisions, moved to Section 87-045]

~~The #Special Harlem River Waterfront District# shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special District.~~

87-21
~~Special Residential Floor Area Regulations~~
Floor Area Regulations in the Core Subdistrict

[NOTE: Existing provisions, moved to Section 87-211]

The provisions of this Section, inclusive, shall apply to #developments# and #enlargements# within the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter.

87-211
Special Floor Area Regulations

[NOTE: Existing floor area ratio (FAR) provisions for mixed buildings, moved from Section 87-21 and amended]

The ~~base~~ maximum #floor area ratio# for ~~any~~ #zoning lots# containing only #~~residences~~ residential uses#, or #residential uses# and #community facility# or #commercial uses# shall be 3.0. Such ~~base~~ maximum #floor area ratio# may be increased to ~~a maximum of~~ 4.0 through the provision of #affordable housing# pursuant to ~~the provisions for #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING)~~ paragraph (b) of Section 23-154 (Inclusionary Housing). The maximum #floor area ratio# for #affordable independent residences for seniors# shall be 4.0. ~~, except that the height and setback regulations of Sections 23-951 (Height and setback for compensated developments in Inclusionary Housing designated areas) and 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.~~

[NOTE: the above height and setback applicability provisions, moved to Section 87-30]

87-212
Special floor area requirement for certain commercial uses

[NOTE: Existing special floor area provisions, moved from Section 87-22]

(a) For each square foot of #commercial floor area# in a #building# occupied by the #uses# listed in paragraph (a)(1) of this Section, an equal or greater amount of #residential#, #community facility# or #commercial floor area# shall be provided from #uses# listed in paragraph (a)(2) of this Section.

* * *

87-213
Location of building entrances

[NOTE: Existing provisions, moved from 87-24]

On Parcels ~~1,~~ 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, ~~the~~ a main front entrance for ~~of~~ at least one #building# on each Parcel, as the term "main front entrance" is used in the New York City Fire Code, Section 502.1 (FRONTAGE SPACE), or its successor, shall be located facing the #shore public walkway#. Such main front entrance of a #building# shall be:

~~(a) on Parcel 1, located no less than 120 feet from 149th Street;~~

~~(b)~~ (a) on Parcel 2, located no less than 95 feet from a mapped parkland; and

~~(c)~~ (b) on Parcels 3 and 4, located no less than 45 feet from an #upland connection#.

~~**87-22**~~
~~**Special Retail Floor Area Requirement**~~

[NOTE: Existing provisions moved to Section 87-212]

~~**87-23**~~
~~**Maximum Width of Establishments**~~

[NOTE: Existing requirements for commercial and community facility would be eliminated and replaced with provisions of Section 87-40]

~~On Parcels 5 and 6, as shown on Map 1 in the Appendix to this Chapter, the width of any ground floor level #commercial# or #community facility# establishments facing a #shore public walkway# or #upland connection#, shall be limited to 60 feet for each #street wall# facing such #shore public walkway# or #upland connection#.~~

~~**87-24**~~
~~**Location of Building Entrances**~~

[NOTE: Existing 87-24 provisions moved to 87-213]

87-30
SPECIAL HEIGHT, ~~AND~~ SETBACK AND OTHER BULK REGULATIONS

~~The underlying height and setback regulations shall not apply. In lieu thereof, the special height and setback regulations of this Section, inclusive, shall apply. For the purposes of applying such regulations:~~

~~In the #Special Harlem River Waterfront District#, the provisions of Section 87-32 (Special Height and Setback Regulations in the Core Subdistrict), inclusive, shall apply to the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter.~~

In the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the underlying height and setback regulations shall apply, except as modified by the provisions of this Section, inclusive. The height and setback regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks), inclusive, shall not apply.

In the South Subdistrict, as shown on Map 1, the height and setback and other bulk regulations of Article XII, Chapter 3 (Special Mixed Use District) applicable to M1 Districts mapped with an R8 District in #waterfront blocks# shall apply, except as modified in this Section, inclusive.

The height of all #buildings or other structures# shall be measured from the #base plane#.

[NOTE: Lower Concourse North text amendment also contains applicability language]

[The following paragraph (a) provisions moved to Section 87-32, and (b) re-located above.]

~~(a) a #shore public walkway#, mapped parkland, an #upland connection# or fire apparatus access road, as required by the New York City Fire Code, shall be considered a #street# and its boundary shall be considered a #street line#. However, the following shall not be considered #streets# for the purposes of applying the #street wall# location provisions of paragraph (a) of Section 87-32:~~

~~(1) Exterior Street; and~~

~~(2) that portion of any other #street#, mapped parkland, #upland connection# or fire apparatus access road that is located east of the #Parcel 1 building line#; and~~

~~(b) the height of all #buildings or other structures# shall be measured from the #base plane#.~~

87-31
Permitted Obstructions

In the Core Subdistrict, ~~T~~the provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

87-32
~~Street Wall Location and Building Base~~
Special Height and Setback Regulations in the Core Subdistrict

In the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, for #developments# and #enlargements#, the provisions of this Section, inclusive, shall apply.

[Following #street line# provisions moved from Section 87-30 and modified]

For the purposes of applying the special height and setback regulations of this Section, inclusive, and the underlying height and setback, distance between #legally required windows# and #lot lines#, and #court# regulations, as applicable, a #shore public walkway#, mapped parkland, #supplemental public access area#, #upland connection#, or fire apparatus access road ~~provided pursuant to~~ in accordance with the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), shall be considered a #street# and its boundary shall be considered a #street line#~~, except that~~. In addition, the #street line# of Exterior Street shall be modified as follows:

(a) for Parcels 1, 2, 3 and 4, the westerly #street line# along Exterior Street shall be the #Major Deegan Expressway street line# or the #street line# of Exterior Street, whichever is closest to the #shore line#; and

(b) for Parcel 1, the #street line# of East 149th Street shall be the southernmost boundary of any easement area existing on [date of adoption], any fire apparatus access road or any private road.

For Parcels 2, 3 and 4, ~~W~~where a fire apparatus access road in accordance with the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads) is immediately adjacent to and contiguous with ~~adjoins~~ the #shore public walkway#, the fire apparatus access road shall be considered as part of the #shore public walkway#, and the #street line# shall be considered the boundary of the fire apparatus access road furthest from the #shoreline#. In addition, for Parcels 1 and 2, where a fire apparatus access road in accordance with the provisions of Section 87-61 is provided immediately adjacent to and contiguous with the northern or southern boundaries, as applicable, of ~~adjoins~~ the mapped parkland, the #street line# shall be considered the boundary of the fire apparatus access road furthest from the mapped parkland.

[NOTE: Lower Concourse North text amendment proposed temporary language to apply existing rules to Core Subdistrict]

[NOTE: Existing 87-32 provisions moved to 87-321 and 87-322 and modified]

~~(a) #Street wall# location~~

~~The #street wall# of a #building# shall be located within five feet of the #street line# and extend along the entire frontage of the #zoning lot#, except that:~~

~~(1) ground floor level recesses up to three feet deep shall be permitted for access to #building# entrances;~~

(2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#;

(3) for #buildings# that are required to locate at least one main front entrance facing a #shore public walkway#, pursuant to Section 87-24 (Location of Building Entrances), no portion of the #street wall# containing such entrance shall be closer to the #shore public walkway# than the main front entrance; and

(4) no portion of a #building# facing a #shore public walkway#, except on Parcel 1, as shown on Map 1 in the Appendix to this Chapter, shall exceed a width of 300 feet.

However, on Parcel 1, in order to accommodate a sewer easement located within an area bounded by the eastern boundary of the #shore public walkway#, East 149th Street, a line 120 feet south of and parallel to East 149th Street and a line 120 feet east of and parallel to the #shore public walkway#, no #street wall# shall be required along that portion of East 149th Street and any fire apparatus access road within such easement area. Such area not developed as a fire apparatus access road and open to the sky shall be at least 35 percent planted and shall not be used for parking or loading. Furthermore, in the event such area contains a driveway, it shall be screened from the #shore public walkway# and East 149th Street, except for curb cuts and pedestrian paths, with densely planted evergreen shrubs maintained at a height of three feet.

(b) Minimum and maximum base heights

The #street wall# shall rise without setback to a minimum base height of six #stories# or 60 feet, or the height of the #building#, whichever is less, and a maximum base height of eight #stories# or 85 feet, whichever is less, before a setback is required.

However, on Parcels 5 and 6, as shown on Map 1 in the Appendix to this Chapter, for #street walls# facing a #shore public walkway#, the minimum base height shall be 20 feet and the maximum base height shall be four #stories# or 40 feet, whichever is less, before a setback is required. Any portion of a #building or other structure# that does not exceed such maximum base heights shall hereinafter be referred to as a "building base."

All portions of #buildings or other structures# that exceed the maximum base heights set forth in this paragraph, (b), shall be set back from the #street wall# at least ten feet along a #shore public walkway#, mapped parkland and Exterior Street, and at least 15 feet along an #upland connection#.

For #buildings# that exceed a height of eight #stories# or 85 feet, except on Parcels 5, 6, 7 and 9, as shown on Map 1 in the Appendix to this Chapter, not more than 40 percent of the #aggregate width of street walls# facing a #shore public walkway# shall rise without setback to at least a height of six

~~#stories# or 60 feet, whichever is less, and at least 40 percent of the #aggregate width of street walls# facing a #shore public walkway# shall rise without setback to at least a height of eight #stories# or 85 feet, whichever is less.~~

~~Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(1) of this Section.~~

~~(c) Transition heights~~

~~All #street walls#, except on Parcels 5 and 6, may rise to a maximum transition height of 115 feet, provided that, except on Parcel 7, not more than 60 percent of the #aggregate width of street walls# facing a #shore public walkway# exceeds a height of 85 feet. On Parcels 5 and 6, a #street wall# may rise to a maximum transition height of 85 feet, without limitation.~~

~~All portions of #buildings# that exceed the transition heights set forth in this paragraph, (c), shall comply with the tower provisions of Section 87-33.~~

87-321
Street wall location

[Existing provisions, moved from 87-32 (a), and modified]

In the Core Subdistrict, the following #street wall# location rules shall apply.

(a) Parcels 1, 2, 3 and 4

On Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, for frontages along the #shore public walkway#, #supplemental public access areas#, #upland connections#, mapped parkland or #visual corridors#, as shown on Map 2, at least 70 percent of the #aggregate width of street walls# of a #building# shall be located within eight feet of the #street line#. For frontages beyond 50 feet of the #shore public walkway#, such #street wall# shall rise to at least the minimum base height specified in Section 87-322 (Base heights and transition heights), or the height of the #building#, whichever is less. Along all frontages, up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along any #street#, or deeper than 15 feet along #shore public walkway#, are located within an #outer court#.

Along other frontages, no #street wall# location provisions shall apply.

(b) Parcels 5, 6, 7, 8 and 9

On Parcels 5, 6, 7, 8 and 9, as shown on Map 1, for frontages along #visual corridors#, or #upland connections#, as shown on Map 2, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall rise to at least the minimum base height specified in Section 87-322, or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along any #street#, or deeper than 15 feet along #shore public walkway#, are located within an #outer court#.

Along other frontages, no #street wall# location provisions shall apply.

87-322
Base heights and transition heights

[Existing provisions, moved from paragraph (a) of Section 87-32, and modified]

In the Core Subdistrict, the following base heights, required setbacks and maximum transition heights shall apply. Towers are permitted above the maximum heights set forth in this Section only in accordance with Section 87-323 (Tower provisions).

(a) Base heights

(1) Within 50 feet of the #shore public walkway#

For #street walls# fronting on, or within 50 feet of, the #shore public walkway#, the maximum base height shall be 85 feet, except that:

(i) on Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, for #street walls# fronting on a #shore public walkway#, at least 30 percent of the #aggregate width of street walls# fronting on the #shore public walkway#, or a contiguous #street wall# width of 60 feet, whichever is greater, shall not exceed a maximum height of 45 feet. In addition to being applied along the #shore public

walkway#, such lowered #street wall# may be applied along intersecting #streets# within 100 feet of the #shore public walkway#; and

(ii) on Parcels 5 and 6, as shown on Map 1 in the Appendix to this Chapter, such maximum base height shall be 45 feet.

(2) Beyond 50 feet of the #shore public walkway# and beyond 50 feet of the #Major Deegan Expressway street line#

Along all other frontages beyond 50 feet of the #shore public walkway# and beyond 50 feet of the Major Deegan Expressway, the #street wall# shall rise without setback to a minimum base height of 60 feet, or the height of the #building#, whichever is less, and may rise to a maximum base height of 105 feet.

(3) Along, and within 50 feet of, the #Major Deegan Expressway street line#

Along, and within 50 feet of, the #Major Deegan Expressway street line#, the #street wall# shall rise without setback to a minimum base height of 15 feet, or the height of the #building#, whichever is less, and may rise to a maximum base height of 105 feet.

(b) Required setbacks

Above such maximum base height, #street walls# shall be set back a minimum of 30 feet from the #street line# along the #shore public walkway# on Parcel 1, 15 feet from such #street line# along the #shore public walkway# on any other parcels, and a minimum of 10 feet from the #street line# along all other #streets#. Along all #streets#, such set back shall have a minimum depth of seven feet from any portion of the #street wall# below such maximum base height. However, the depth of such setback may include the depth of recesses or #outer courts# provided that the aggregate width of such portion of a #street wall# with a reduced setback shall not exceed 30 percent of the #street wall#.

In addition, on Parcels 1, 2, 3 and 4, in locations where the maximum base height is limited to 45 feet, #street walls# above such maximum base height shall be set back a minimum of 30 feet from the #street line#, and a minimum of seven feet from any portion of the #street wall# below such height.

Dormers provided in accordance with paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts) shall be permitted obstructions in all setback areas, except along the #shore public walkway#. Such dormers shall not exceed the maximum transition height set forth in paragraph (c) of this Section.

(c) Maximum transition heights

For #street walls# fronting on, or within 50 feet of, the #shore public walkway#, #street walls# above a required setback may rise to a maximum transition height of 125 feet and, along all other frontages, #street walls# above a required setback may rise to a maximum transition height of 155 feet. Such transition heights may only be exceeded where towers are provided in accordance with the provisions of Section 87-323 (Tower provisions).

87-323
Tower provisions

[Existing provisions, moved from Section 87-33, and modified]

~~A #building or other structure# may~~ All #stories# that partially or wholly exceed the applicable maximum heights set forth in Section 87-322 (Base heights and transition heights) shall be considered a "tower" and may exceed such transition height only in accordance with the tower provisions of this Section.

(a) Maximum number of towers

For #zoning lots# with less than ~~100,000~~ 130,000 square feet of #lot area#, only one tower shall be permitted. For #zoning lots# with 130,000 square feet of #lot area# or more, not more than two towers shall be permitted. The minimum separation between any two towers on the same #zoning lot# shall be 60 feet.

(b) Setbacks

All towers shall comply with the applicable setback provisions set forth in paragraph (b) of Section 87-322~~, except that on Parcel 1, towers shall be set back from the #shore public walkway# a minimum of 30 feet~~.

The dormer provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts) shall not apply to the tower portion of a #building#. In lieu thereof, up to 50 percent of the width of the #street wall# of a tower shall be permitted to encroach into a required setback area, except in setback areas along the #shore public walkway#.

(c) Maximum tower size

Each #story# of a tower shall not exceed a gross area of 10,000 square feet, except that any encroachment into a setback area provided in accordance with paragraph (b) of this Section need not be included in such gross area.

(d) Maximum tower width

On Parcels 1, 3, 4 and 7, as shown on Map 1 in the Appendix to this Chapter, the maximum width of any #story# of a tower facing the #shoreline# shall not exceed 130 feet, and on Parcel 2 the maximum width of any #story# of a tower facing mapped parkland shall not exceed 100 feet.

(e) Maximum height of towers

For #zoning lots# with 100,000 square feet or less of #lot area#, the maximum height of a tower shall be 300 feet, and for #zoning lots# with more than 100,000 square feet of #lot area# the maximum height of a tower shall be 400 feet.

However, for #zoning lots# with two towers, such maximum tower height of 400 feet shall apply to only one tower and a maximum tower height of 260 feet shall apply to the second tower. There shall be a height differential of at least 40 feet between any two #towers# on a #zoning lot#.

(f) Tower top articulation

The uppermost three #stories# of a tower, or as many #stories# as are located entirely above a height of 300 feet, whichever is less, shall have a #lot coverage# not exceeding 90 percent of the #lot coverage# of the #story# immediately below such #stories#.

87-324
Authorization to Modify the Special Street Line Provision for Parcels 2, 3 or 4

The City Planning Commission may authorize, for Parcels 2, 3 or 4, as shown on Map 1 in the Appendix to this Chapter, the modification of the definition of #Major Deegan Expressway street line# as set forth in paragraph (b) of Section 87-01 and associated special #street line# provision of paragraph (a) of Section 87-32 (Special Height and Setback Regulations in the Core Subdistrict), on condition that there shall be no less than 14 feet between the #street wall# of the #development# or #enlargement# and the as-built western edge of the Major Deegan Expressway. In conjunction with the modification of such #street line# provision, the special open area provisions of paragraph (a) of Section 87-416 may also be modified. In order to grant such authorization, the Commission shall find that:

(a) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development# or #enlargement# that satisfies the purpose of this Chapter;

(b) such modification is the least modification required to achieve the purpose for which it is granted;

(c) the benefits to the surrounding area from the modification outweigh any disadvantages that may be incurred thereby in the area; and

(d) such modification will enhance the quality of the design of the #development# or #enlargement#.

Prior to granting such authorization, the City Planning Commission shall request the Department of Transportation of the State of New York to indicate within 30 days whether said agency has any plan to widen or expand the Major Deegan Expressway or its ramps.

The City Planning Commission may prescribe appropriate conditions and safeguards to promote the benefits to the surrounding area or to minimize adverse effects on the character of the surrounding area.

87-33
~~**Towers**~~
[Special Height and Setback and Other Bulk Regulations in the North Subdistrict]

[NOTE: Lower Concourse North text amendment is adding height and setback provisions for the North Subdistrict]

[Existing text moved to 87-323 and modified]

~~All #stories# of a #building# located partially or wholly above the applicable transition height set forth in paragraph (c) of Section 87-32 shall be considered a "tower" and shall comply with the provisions of this Section. For #zoning lots# with less than 130,000 square feet of #lot area#, only one tower shall be permitted. For #zoning lots# with 130,000 square feet of #lot area# or more, not more than two towers shall be permitted.~~

~~(a) Maximum tower height~~

~~For #zoning lots# with 100,000 square feet of #lot area# or less, the maximum height of a #building# shall be 300 feet. The maximum height of #buildings# on #zoning lots# with more than 100,000 square feet of #lot area# shall be 400 feet. For #zoning lots# with two towers, however, such maximum #building# height of 400 feet shall apply to not more than one tower and a maximum #building# height of 260 feet shall apply to the second tower. There shall be a height differential of at least 40 feet between towers.~~

~~(b) Location rules for #zoning lots# adjacent to mapped parkland~~

~~Where a tower is provided on a #zoning lot# adjacent to mapped parkland, such tower or portion thereof shall be located within 85 feet of such mapped parkland, and if two towers are provided on such #zoning lot#, the second tower or portion thereof shall be located either within 120 feet of East 149th Street or within 45 feet of an #upland connection#. Where two towers are provided on a #zoning lot# adjacent to mapped parkland, the shorter of the towers shall be located nearer the mapped parkland.~~

~~(c) Maximum tower size~~

~~The outermost walls of each #story# located entirely above the applicable transition height shall be inscribed within a rectangle. The maximum length of any side of such rectangle shall be 135 feet. Each #story# of a tower located entirely above the applicable transition height shall not exceed a gross area of 8,800 square feet.~~

~~(d) Tower top articulation~~

~~All #buildings# that exceed a height of 200 feet shall provide articulation in accordance with at least one of following provisions:~~

~~(1) Setbacks on each tower face~~

~~(i) For #buildings# less than 260 feet in height, the highest three #stories#, or as many #stories# as are located entirely above a height of 200 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#;~~

~~(ii) For #buildings# 260 feet or more in height, the highest four #stories#, or as many #stories# as are located entirely above a height of 260 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#.~~

~~Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, (d)(1), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.~~

~~(2) Three setbacks facing Harlem River~~

~~The upper #stories# of a tower shall provide setbacks with a minimum depth of 15 feet measured from the west-facing wall of the #story# immediately below. Such setbacks shall be provided at the level of three different #stories#, or as many #stories# as are located entirely above a height of 230 feet, whichever is less. The lowest level at which such setbacks may be provided is 230 feet, and the highest #story# shall be located entirely within the eastern half of the tower.~~

87-34
Special Height and Setback Provision in South Subdistrict

For #zoning lots# that coincide with, or are completely within, the boundaries of Parcel 19 in the South Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the provisions of paragraph (a)(2) of Section 62-341 shall be modified to require an #initial setback distance# with a depth of 15 feet from the boundary of a #shore public walkway#.

87-40
~~SPECIAL REQUIREMENTS FOR CERTAIN ROADS AND SIDEWALKS~~
SPECIAL REGULATIONS FOR GROUND FLOOR LEVEL

[NOTE: All existing Sections 87-40, 87-41 and 87-42 provisions, moved to Section 87-50]

[NOTE: Existing provisions, moved from Section 87-13 and modified]

The provisions set forth in this Section, inclusive, shall apply to #ground floor levels# of #developments# or #ground floor level enlargements# within the #Special Harlem River Waterfront District#, as applicable.

87-41

~~Fire Apparatus Access Roads~~
Streetscape Requirements in the Core and South Subdistricts

[NOTE: Existing 87-41 provisions, moved to 87-62]

In the Core and South Subdistricts, as shown on Map 1 in the Appendix to this Chapter, for #developments# or #ground floor level enlargements#, the provisions of this Section, inclusive, shall apply.

For the purposes of applying the special streetscape regulations of this Section, inclusive , a #shore public walkway#, mapped parkland, #supplemental public access area#, #upland connection# or a fire apparatus access road provided pursuant to the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), shall be considered a #street# and its boundary shall be considered a #street line#.

87-411
Ground floor uses

[NOTE: Existing provisions, moved from Section 87-13 and modified]

~~All #ground floor level uses# facing a #shore public walkway#, mapped parkland or an #upland connection# shall comply with the minimum depth requirements of 37-32 (Ground Floor Depth Requirements for Certain Uses). For the purposes of applying such provisions, #shore public walkways#, mapped parkland or an #upland connection# shall be considered designated retail #streets#. Lobbies and entrances shall comply with the provisions for Type 1 lobbies set forth in Section 37-33 (Maximum Width of Certain Uses). The level of the finished ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjacent public sidewalk or other publicly accessible area.~~

~~For #buildings# on Parcels 1 through 6, as shown on Map 1 in the Appendix to this Chapter, that face a #shore public walkway#, mapped parkland or #upland connection#, not less than 20 percent of the ground floor level #floor area# of such portions of #buildings# shall consist of #uses# from Use Groups 6A, 6C, 6F, 8A, 8B and 10A, as set forth in Article III, Chapter 2.~~

Within the Core and South Subdistricts, as shown on Map 1 in the Appendix to this Chapter, the following shall apply:

(a) Minimum amount of required #ground floor level floor area#

At least 50 percent of the width of the #ground floor level street wall# of a #building# shall be occupied by #floor area#, and on Parcels 1 and 2, as shown on Map 1, the entire width of the #ground floor level street wall# facing a #shore public walkway# or a mapped parkland, shall be occupied by #floor area#. Such #floor area# shall be allocated to any permitted #use#, except #group parking facilities#.

(b) Required non-#residential uses# in certain locations

The #ground floor level street wall# within 50 feet of ~~the point on a #street#, or~~ the intersection of two #streets#, designated on Map 2, shall be occupied exclusively by non-#residential floor area#. In addition, on Parcels 3 and 4, at least 50 feet of additional #ground floor level street wall# facing the #shore public walkway# shall be occupied exclusively by non-#residential floor area#, at the locations designated on Map 2. Offices (Use Group 6B) and clubs (Use Group 6E) as listed in Section 32-15, automotive service establishments (Use Groups 8C, 7D and 12D) as listed in Sections 32-16, 32-17 and 32-21, and #Group parking facilities# including entrances and exits thereto, shall not be permitted within such locations.

Non-#residential floor area# required pursuant to this paragraph may satisfy #ground floor level floor area# required pursuant to paragraph (a) of this Section.

All #ground floor level floor area# required pursuant to this Section shall extend to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses). For the purposes of applying such provisions, all #streets# shall be considered designated retail streets.

87-412
Transparency requirements in the Core and South Subdistricts

[NOTE: Existing provisions, moved from 87-13 (b)]

~~Any#building# wall containing #ground floor level commercial# or #community facility uses# that faces a #shore public walkway#, mapped parkland or #upland connection#, shall be glazed in accordance with the transparency requirements set forth in Section 37-34 (Minimum Transparency Requirements). For the purposes of applying such provisions, #shore public walkways#, mapped parkland or an #upland connection# shall be considered designated retail streets.~~

In the Core and South Subdistricts, for non-#residential uses# located at the #ground floor level#, any portion of a #ground floor level street wall# that is subject to the #floor area# requirements of paragraph (b) of Section 87-411 (Ground floor uses) shall be glazed in accordance with the transparency requirements for designated retail streets set forth in Section 37-34 (Minimum Transparency Requirements), except that:

(a) in the South Subdistrict, where the #ground floor level street wall# is occupied by #uses# in Use Groups 16, 17 or 18, up to 50 percent of the length of such #ground floor level street wall# may be exempt from such transparency requirements, provided that any #street wall# width exceeding 50 feet with no transparent elements on the #ground floor level# shall provide planting or screening in accordance with the provisions of paragraphs (a) or (e) of Section 87-415 (Special streetscape provisions for certain blank walls) for at least 75 percent of such blank wall; and

(b) in #flood zones#, for #buildings# utilizing the provisions of paragraph (a) of Section 64-21 (Ground Floor Use), where no transparent materials or #building# entrances or exits are provided on the #ground floor level street wall# below a height of four feet above the level of the adjoining sidewalk for a continuous width of at least 25 feet, visual mitigation elements shall be provided in accordance with Section 87-415 for such blank wall.

For the purposes of applying the provisions of Section 37-34, locations subject to the provisions of paragraph (b) of Section 87-411 shall be considered designated retail streets.

87-413
Parking wrap and screening requirements in the Core and South Subdistricts

The following provisions shall apply to any #group parking facility# in the Core and South Subdistricts:

[NOTE: Existing provisions, moved from paragraphs (c) through (e) of 87-50]

~~(c) Location requirements for parking facilities~~

~~No parking facility, open or enclosed, shall front upon or be visible from:~~

~~(1) a #shore public walkway#, except as provided for in paragraph (e) of this Section for Parcel 5;~~

~~(2) any #upland connection# or mapped parkland, or portion thereof, that is located west of the #Parcel 1 building line#.~~

~~(d)~~(a) Design requirements for enclosed ~~off-street~~ #group parking facilities#

All enclosed ~~off-street~~ #group parking facilities# shall be located either entirely below the level of ~~any~~ #street# an adjacent sidewalk or ~~open area accessible to the public upon which such facility fronts~~ any other adjacent pedestrian area required to be accessible to the public or, when located above grade, shall comply with the following: ~~in compliance with the following provisions:~~

~~(1) The provisions of this paragraph, (d)(1), shall apply to facilities facing a #shore public walkway#, an #upland connection#, mapped parkland, or the northern #street line# of 138th Street.~~

~~At every level above grade, off-street parking facilities shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). For the purposes of applying such provisions, #shore public walkways#, an #upland connection# or mapped parkland and East 138th Street shall be considered designated retail streets. All such parking facilities shall be exempt from the definition of #floor area#.~~

~~On Parcel 6, as shown on Map 1 in the Appendix to this Chapter, the ground floor of a #building# within 60 feet of the intersection of Exterior Street and East 138th Street shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 so that no portion of a parking facility is visible from such portion of Exterior Street or East 138th Street.~~

~~(2) The provisions of this paragraph, (d)(2), shall apply to facilities not facing a #shore public walkway#, or that portion of an #upland connection# or mapped parkland located west of the #Parcel 1 building line#, or the northern #street line# of East 138th Street.~~

~~Such facilities shall be screened in accordance with the provisions set forth in paragraphs (b)(1) through (b)(3) of Section 37-35.~~

(1) #Group parking facilities# on the #ground floor level# within 30 feet of #street walls# subject to the provisions of Section 87-411 (Ground floor uses) shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements. For the purpose of applying such provisions, #street walls# subject to the provisions of Section 87-411 shall be considered designated retail streets.

(2) #Group parking facilities# along all other frontages shall either be wrapped by #floor area#, or screened in accordance with the provisions of paragraph (e) of Section 87-415. In addition,

any continuous stretch of screening that exceeds 25 feet in width shall provide planting in accordance with the provisions of paragraph (a) of Section 87-415 (Special streetscape provisions for certain blank walls) along 50 percent of such screened frontage.

~~(e)~~(c) Open parking areas

Open parking areas shall be permitted only in the following locations:

(1) on Parcel 1, as shown on Map 1 in the Appendix to this Chapter, a parking lot shall be permitted east of the #Major Deegan Expressway street line#;

(2) on Parcel 5, as shown on Map 1, a parking lot shall be permitted anywhere within the Parcel only if a commercial or public utility vehicle storage #use#, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the parcel;

(3) on Parcel 6, a parking lot shall be permitted within 130 feet of the southern boundary of the parcel with East 138th Street; and

(4) on all parcels, open, unscreened, in tandem (one behind the other), #accessory# off-street parking spaces shall be permitted on private roads, including fire apparatus access roads provided pursuant to the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), provided that all parking spaces comply with the Department of Transportation standards for on-street parking.

For such open parking lots, the provisions of Section 28-43 (Location of Accessory Parking) shall not apply. In addition, on Parcel 1, for parking lots located east of the #Major Deegan Expressway street line#, or on Parcel 5, for parking lots used solely as a commercial or public utility vehicle storage #use# as listed in Use Group 16C, the provisions of Sections 37-90 (PARKING LOTS) and 62-655 (Planting and trees) shall be modified to permit fencing, excluding chain link fencing, in lieu of all planting requirements, provided that the surface area of such fencing is not more than 50 percent opaque and provided that the height does not exceed six feet. The provisions of Sections 37-90 and 62-555 shall not apply to any parking lots provided within private roads, including fire apparatus access roads provided pursuant to the provisions of Section 87-61.

[ORIGINAL PROVISIONS]

~~The requirements of Section 37-90 (PARKING LOTS) and screening requirements for open parking lots of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), are modified as set forth in this paragraph, (e).~~

~~For the purposes of applying the requirements of Section 37-90, a fire apparatus access road shall be considered a #street#.~~

~~On Parcel 1, for parking lots or portions thereof located east of the #Parcel 1 building line#, no landscaping shall be required. Such parking lots shall be screened from #streets# and any other publicly accessible areas by ornamental fencing, excluding chain link fencing, with a surface area at least 50 percent open and not more than four feet in height. However, along that portion of Exterior Street located between East 149th Street and a sewer easement, a seven foot wide strip, densely planted with evergreen shrubs maintained at a height of three feet shall be provided.~~

~~On Parcel 5, as shown on Map 1 in the Appendix to this Chapter, if a commercial or public utility vehicle storage #use#, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the parcel, the screening requirements applicable to open parking lots set forth in Article VI, Chapter 2, shall not apply. In lieu thereof, such open parking lot shall be screened from the adjacent #shore public walkway# and #upland connection# with a wall or fence, other than a chain link fence, not more than 50 percent opaque, and at least five feet in height, but not more than six feet in height.~~

87-414

Special provisions applicable within the flood zone

In the Core and South Subdistricts, the provisions of Section 64-336 (Alternative height measurement in Commercial and Manufacturing Districts) shall be modified so that where the #flood-resistant construction elevation# is between four feet and 12 feet above #curb level#, #building# height may be measured from a reference plane 12 feet above #curb level#, and any minimum base height requirements may be measured from #curb level#. The requirements of Section 64-642 (Transparency requirements for buildings utilizing alternative height measurement) shall apply to #buildings# utilizing these alternative height measurement provisions.

87-415
Special streetscape provisions for certain blank walls

The provisions of this Section shall apply to a #ground floor level building# frontage, or any portion thereof, facing a #street#, #shore public walkway#, #upland connection#, or fire apparatus access road provided pursuant to the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads),

where no transparent materials or entrances or exits are provided on the #ground floor level# below a height of four feet above the level of the adjoining sidewalk, or grade, as applicable, for a continuous width of at least 25 feet. For the purpose of this Section, such a #building# wall, or portion thereof, shall be referred to as a "blank wall" and visual mitigation elements shall be provided in accordance with this Section.

At least 50 percent of the linear footage of any blank wall on a #ground floor level building# frontage shall be treated by one or more of the visual mitigation elements specified in this Section. Where a #building# wall fronts upon a #street#, such visual mitigation elements shall be provided on the #zoning lot#, except that the depth of an area containing such elements within the #zoning lot# need not be greater than three feet, when measured perpendicular to the #street line#. Where a blank wall exceeds a #street wall# width of 50 feet, at least 25 percent of such #street wall# width shall be planted in accordance with the provisions of paragraph (a) of this Section, and where a blank wall exceeds a height of 10 feet, as measured from the level of the adjoining grade, for a width of more than 25 feet, at least 50 percent of such #street wall# width shall provide wall treatments in accordance with the provisions of paragraph (e) of this Section.

The maximum width of a portion of the #ground floor level# blank wall without visual mitigation elements shall not exceed 10 feet. However, such blank wall limitation shall not include portions of #street walls# occupied by entrances or exits to #accessory# off-street parking facilities and #public parking garages#, where permitted, entryways to required loading berths, where permitted, or doors accessing emergency egress stairwells and passageways.

Visual mitigation elements:

(a) Planting

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

(b) Benches

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

(c) Bicycle racks

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

(d) Tables and chairs

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

(e) Wall treatment

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

87-416
Special open area provisions

(a) For Parcels 1, 2, 3 and 4, the open area between the #street wall# of a #building# fronting the #Major Deegan Expressway street line# and the western edge of such Expressway, shall be subject to the provisions of Section 28-23 (Planting Areas), whether the ground floor is occupied by #residential uses# or non- #residential uses#. Such provisions shall be modified by the provisions of this Section.

(1) Primary circulation path

A circulation path, with a width of at least 13 feet or the width of such open area, whichever is less, and the western edge of such path shall be provided within five feet of a #street wall# facing the #Major Deegan Expressway street line#. Such circulation path shall extend along the entire frontage of the #zoning lot#, and shall be constructed in accordance with Department of Transportation standards for sidewalks.

(2) Planting

At least 20 percent, but not more than 50 percent of the required open area shall be planted with any combination of perennials, annuals, decorative grasses, shrubs or trees in planting beds, raised planting beds or planter boxes. Such planting bed shall extend to a depth of at least three feet, inclusive of any structure containing the planted material, and any individual planted area shall have a width of at least five feet. For planting located east of the circulation

path required pursuant to paragraph (a) of this Section, the maximum linear length of any individual planting bed shall not exceed 50 feet.

(3) Other amenities

The remainder of the open area may contain any combination of:

(i) Streetscape amenities, including, but not limited to, benches, or tables and chairs;

(ii) entertainment amenities, including, but not limited to, water features, playgrounds, dog runs, game tables, courts, or skateboard parks; and

(iii) streetscape enhancing amenities, including, but not limited to, trees in tree pits, and lighting, or sculptural artwork.

All streetscape and entertainment amenities provided in accordance with paragraphs (c)(1) and (c)(2) of this Section shall be connected to the primary circulation path required by paragraph (a) of this Section through secondary circulation paths, paved with permeable materials, each with a minimum width of six feet. Any planting associated with an amenity, including, but not limited to playgrounds and dog runs, as applicable, may exceed the amount set forth in paragraph (b) of this Section.

Any open area not otherwise allocated to amenities or secondary circulation paths shall also be paved with permeable materials. The minimum clear space between any planted areas required by paragraph (b) of this Section, any amenity provided under this paragraph, or any combination thereof, shall be six feet.

(4) Fencing

In no event shall chain link fencing or barbed or razor wire be permitted in any open area provided pursuant to this Section. No fences may exceed a height of four feet.

[NOTE: Existing provisions, moved from Section 87-42 and modified]

(b) In the event that Parcel 1, as shown on Map 1 in the Appendix to this Chapter, is #developed# with #mixed buildings#, sidewalks shall be provided on Parcel 1, as follows:

(1) Sidewalks with a width of at least 15 feet shall be provided along the entire Exterior Street and East 149th Street frontage of a #zoning lot#.

(2) In locations where the width of the sidewalk within the #street# is less than 15 feet, a sidewalk widening shall be provided on the #zoning lot# such that the combined width of the

sidewalk within the #street# and the sidewalk widening equals at least 15 feet. However, existing #buildings# remaining on the #zoning lot# need not be removed in order to comply with this requirement.

All sidewalks and sidewalk widenings shall be constructed or improved to Department of Transportation standards and shall connect at grade to the adjoining public sidewalks.

[NOTE: Original provisions]

~~In the event that Parcel 1, as shown on Map 1 in the Appendix to this Chapter, is #developed# with #mixed use buildings#, as defined in Section 123-11, sidewalks shall be provided on Parcel 1, as follows:~~

~~(a) Sidewalks with a depth of at least 15 feet, measured perpendicular to the curb of a #street#, shall be provided along the entire Exterior Street and East 149th Street frontage of a #zoning lot#. In locations where the width of the sidewalk within the #street# is less than 15 feet, a sidewalk widening shall be provided on the #zoning lot# so that the combined width of the sidewalk within the #street# and the sidewalk widening equals 15 feet. However, existing #buildings# to remain on the #zoning lot# need not be removed in order to comply with this requirement.~~

~~(b) A 22 foot wide walkway shall extend east of and along the #Parcel 1 building line#, linking East 149th Street and mapped parkland, or a fire apparatus access road if such road is provided adjacent to mapped parkland. In the event that a parking lot is provided east of such walkway, the easternmost seven feet of such walkway shall be densely planted with evergreen shrubs maintained at a maximum height of three feet above the adjoining walkway. Such walkway and planting strip may be interrupted to allow vehicular or pedestrian access.~~

~~(c) Any driveway located east of the #Parcel 1 building line# that extends along a sewer easement and intersects Exterior Street shall have curbs and sidewalks with a minimum width of 13 feet along each curb, which may be interrupted to allow for vehicular access to a parking lot.~~

~~All sidewalks and sidewalk widenings shall be constructed or improved to Department of Transportation standards, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.~~

~~**87-42**~~

~~**Sidewalks**~~

[NOTE: Existing provisions, moved to paragraph (b) of Section 87-416]

87-50
SPECIAL PARKING REGULATIONS

[NOTE: Existing provisions, moved to Section 87-51]

The applicable parking and loading regulations of underlying districts or of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply, except as modified by the provisions of this Section, inclusive.

87-51

~~**Curb Cut Restrictions**~~

Special Parking Regulations in the Core Subdistrict

[NOTE: Existing provisions, moved from 87-50; existing 87-51 provisions moved to 87-52]

The following provisions shall apply to all parking facilities in the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter:

~~(a) Use of parking facilities~~

~~All #accessory# off-street parking spaces may be made available for public use; any such space, however, shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request therefore is made to the landlord.~~

~~(b)~~(a) Off-site parking

The off-site parking location provisions of Sections 36-42 and 36-43 shall not apply. In lieu thereof, all permitted or required #accessory# off-street parking spaces may be provided on ~~a~~ any #zoning lot# ~~other than the same #zoning lot# to which such spaces are #accessory#, provided the lot to be used for parking is~~ within the ~~#Special Harlem River Waterfront District#~~ Core Subdistrict.

[NOTE: Existing text in paragraphs (c) through (e) of 87-51 moved to Section 87-412]

~~(f)~~(b) Roof parking

Any roof, or portion thereof, ~~of a facility containing~~ that covers off-street parking spaces~~, not otherwise covered by a #building#, that~~ and is larger than 400 square feet in surface area, shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

~~(c)(c) Open parking lots~~

~~Open parking lots shall be permitted only in the following locations:~~

~~(1) on Parcel 1, as shown on Map 1 in the Appendix to this Chapter, a parking lot shall be permitted east of the #Major Deegan Expressway street line#;~~

~~(2) on Parcel 5, as shown on Map 1, a parking lot shall be permitted anywhere within the parcel only if a commercial or public utility vehicle storage #use#, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the parcel;~~

~~(3) on Parcel 6, along the southern boundary of the Parcel with East 138th Street, provided that such parking lot is south of any #building# on the Parcel and east of the #shore public walkway#; and~~

~~(4) on all Parcels, open, unscreened, tandem (one behind the other), #accessory# off-street parking spaces shall be permitted on fire apparatus access roads provided pursuant to the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), provided that all parking spaces comply with Department of Transportation standards for on-street parking.~~

~~For such open parking lots, the provisions of Section 28-43 (Location of Accessory Parking) shall not apply and, on Parcels 1 and 5, the provisions of Sections 37-90 (PARKING LOTS) and 62-655 (Planting and trees) shall be modified to permit fencing, excluding chain link fencing, in lieu of all planting requirements, provided that the surface area of such fencing is not more than 50 percent opaque and provided that the height does not exceed six feet. The provisions of Sections 37-90 and 62-655 shall not apply to fire apparatus access roads provided pursuant to the provisions of Section 87-61.~~

[ORIGINAL PROVISIONS]

~~The requirements of Section 37-90 (PARKING LOTS) and screening requirements for open parking lots of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), are modified as set forth in this paragraph, (e).~~

~~For the purposes of applying the requirements of Section 37-90, a fire apparatus access road shall be considered a #street#.~~

~~On Parcel 1, for parking lots or portions thereof located east of the #Parcel 1 building line#, no landscaping shall be required. Such parking lots shall be screened from #streets# and any other publicly accessible areas by ornamental fencing, excluding chain link fencing, with a surface area at least 50 percent open and not more than four feet in height. However, along that portion of Exterior Street located between East 149th Street and a sewer easement, a seven foot wide strip, densely planted with evergreen shrubs maintained at a height of three feet shall be provided.~~

~~On Parcel 5, as shown on Map 1 in the Appendix to this Chapter, if a commercial or public utility vehicle storage #use#, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the parcel, the screening requirements applicable to open parking lots set forth in Article VI, Chapter 2, shall not apply. In lieu thereof, such open parking lot shall be screened from the adjacent #shore public walkway# and #upland connection# with a wall or fence, other than a chain link fence, not more than 50 percent opaque, and at least five feet in height, but not more than six feet in height.~~

87-52

Curb Cut Restrictions

[EXISTING PROVISIONS MOVED FROM 87-51]

On Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, no curb cuts shall be provided facing a #shore public walkway#, and further, on Parcels 1 and 2, no curb cuts shall be provided facing a mapped parkland.

87-60

~~**HARLEM RIVER WATERFRONT ACCESS PLAN**~~

FIRE APPARATUS ACCESS ROADS

The provisions of this Section, inclusive, shall apply in the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter. The #lot area# allocated to fire apparatus access road pursuant to the provisions of this Section 87-60 may count towards any required #supplemental access area# required pursuant to the provisions of Section 62-57 (Required Supplemental Public Access Areas) and, where applied, such area may be discounted from the planting requirement set forth in paragraph (c) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas).

87-61

~~**Special Public Access Provisions**~~

Special Provisions for Certain Fire Apparatus Access Roads

[NOTE: Existing 87-61 provisions moved to 87-71]

[NOTE: Existing provisions, moved from Section 87-41 and modified]

Within the Core and South Subdistricts, for Parcels 1, 2, 3, 4 and 11, where a fire apparatus access road is provided as required by New York City Fire Code Section 503.2 (Fire apparatus access roads), or its successor, the Chairperson of the City Planning Commission shall certify, in conjunction with a certification application filed pursuant to paragraph (c) of Section 62-811, the following:

(a) the road shall be constructed to minimum Department of Transportation standards for public #streets#, including two sidewalks, curbs and curb drops, lighting, signage, materials, and crosswalk, and shall meet the requirements set forth in the New York City Fire Code. For Parcels 2, 3 and 4, where a fire apparatus access road is immediately adjacent to and contiguous with the #shore public walkway#, any pedestrian path within such #shore public walkway# shall substitute for one such sidewalk, provided that at least 30 percent of such path is provided adjacent to and contiguous with the fire apparatus access road;

(b) for Parcels 2, 3, or 4, the contiguity provisions of paragraph (a) of Section 87-62 shall apply, except that where no connection for vehicular travel lanes terminating at the opposite side of a shared #lot line# exist at the time of construction, the provisions of paragraph (b) of such Section may be utilized as an interim alternative;

(c) a restrictive declaration shall be executed in accordance with the provisions of Section 87-63; and

(d) street trees shall be planted pursuant to the requirements of Section 26-41 along such fire apparatus access road as if it were a #street#.

However, the requirements of this Section shall not apply to: fire apparatus access roads on Parcels 1 and 3 that are provided pursuant to the provisions of paragraph (b)(3) of Section 87-71 (Special Public Access Provisions); and to a fire apparatus access road on Parcel 11 located in the required #upland connection# within the prolongation of East 134th Street.

[ORIGINAL PROVISIONS]

~~Where a fire apparatus access road is provided as required by the New York City Fire Code, such road shall comply with the following requirements:~~

~~(a) the width of a paved road bed shall be 34 feet, constructed to minimum Department of Transportation standards for public #streets#, including curbs and curb drops;~~

~~(b) curbs shall be provided along each side of the entire length of such road;~~

~~(c) a minimum 13 foot paved sidewalk shall be provided adjacent to and along the entire length of the required curb;~~

~~(d) for the purposes of making the #street# tree requirements of Section 26-41 applicable to fire apparatus access roads, a fire apparatus access road shall be considered a #street#; and~~

~~(e) all such roads shall be constructed with lighting, signage, materials and crosswalks to minimum Department of Transportation standards for public #streets#.~~

87-62

~~**Certification to Waive Supplemental Public Access Area Requirement**~~

Contiguity of Fire Apparatus Access Road with Adjacent Zoning Lots on Parcels 2, 3 and 4

[NOTE: Existing provisions, moved to paragraph (b) of this Section]

On Parcels 2, 3 and 4, in addition to the certification provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads**)**, a fire apparatus access road shall be provided in accordance with the provisions of this Section.

(a) Bi-Directional Road

[NOTE: Existing provisions, moved from Section 87-66 (Connection with Adjacent Zoning Lots) and modified]

On each of Parcels 2, 3 and 4, and only among such parcels, a connection for bi-directional vehicular travel lanes to an adjacent #zoning lot line# shall be provided. When complete, such fire apparatus access road shall provide bi-directional contiguous vehicular access from the intersection of Exterior Street and the northern boundary of Parcel 2 , immediately adjacent to and contiguous with the entire southern boundary of the mapped parkland immediately adjacent to Parcel 2, ~~along~~ immediately adjacent to and contiguous with the #shore public walkway# of Parcels 2, 3 and 4, ~~and~~to within the southerly #upland connection# of Parcel 4.

Any connection of fire apparatus access roads across a shared #zoning lot line# must meet the grade of, and maintain the street width of, the existing adjacent fire apparatus access road. Such fire apparatus access road shall extend ~~along~~ immediately adjacent to and contiguous with the entire #shore public walkway# of the #zoning lot#, from #lot line# to #lot line#. A connection need not be

opened unless and until such declaration of restrictions, in accordance with Section 87-63, has been recorded against the adjacent #zoning lot#.

(b) Interim fire apparatus access road turnaround

[NOTE: Existing provisions of Section 87-63, modified]

When bi-directional vehicular travel lanes are constructed that terminate at a #lot line# and do not continue on the adjacent #zoning lot# at the time of their construction, an interim dead-end fire apparatus access road turnaround may be constructed as an alternative to the provisions of paragraph (a) of this Section, in accordance with the following provisions.

An applicant utilizing the provisions of this paragraph shall construct a fire apparatus access road that extends along the entire southern boundary of mapped parkland immediately adjacent to Parcel 2, entire #upland connection# and entire #shore public walkway# of the #zoning lot#, as applicable, from #lot line# to #lot line#, and shall provide an "approved turnaround area," constructed as part of a "dead-end fire apparatus access road," as those terms are defined in the New York City Fire Code, Section 503.2.9 (Dead-end turnarounds), or its successor.

Such turnaround area shall be constructed to dimensions no greater than required under the New York City Fire Code, Section 503.2.9, or its successor, and shall be located at the end of the fire apparatus access road, abutting the adjacent #lot line#. Such turnaround area may extend into the designated #shore public walkway#, but at no point may such turnaround area extend into the associated circulation path. Where an interim dead-end fire apparatus access road turnaround area extends into a #shore public walkways#, the area of such turnaround may be discounted from the planting requirement set forth in paragraph (c) of Section 62-62. Sidewalks shall not be required adjacent to the turnaround area. The portion of the turnaround area that lies within a #shore public walkway# shall remain clear of obstacles, shall be composed of permeable materials to the extent permissible by the Fire Commissioner and shall meet all applicable requirements set forth in the New York City Fire Code Section 503.2 (Fire apparatus access roads), or its successor. In addition, the roadbed material of a fire apparatus access road leading to a turnaround may be extended into the turnaround provided the area of the turnaround paved with such material is not wider than the roadbed leading to the turnaround. The remaining portions of the turnaround shall be paved with distinct materials to facilitate pedestrian usage.

At the time of certification pursuant to Section 87-61, the site plan shall demonstrate a suitable design for the dead-end fire apparatus access road that demonstrates both the approved turnaround area and the repurposed turnaround area outside of the roadbed upon the issuance of a notice of substantial compliance for the adjacent #zoning lot#. In addition, a conceptual site plan shall demonstrate that the proposed site plan and grading plan for required contiguous access pursuant to the provisions of paragraph (a) of this Section is compatible with future #development# on the adjoining #zoning lot#.

Such site plans shall be included as an exhibit to the declaration of restrictions recorded pursuant to Section 87-63.

Repurposing a turnaround area and providing contiguous access in accordance with an approved conceptual site plan shall not necessitate a certification pursuant to Section 62-811, provided that there are no further modifications to an approved #waterfront public access area#.

[BELOW: Original provisions of Section 87-66 (Connection with Adjacent Zoning Lots)]

~~The following provisions apply to #developments#, #enlargements#, alterations or changes of #use#, pursuing certification, pursuant to either Section 87-62 (Certification to Waive Supplemental Public Access Area Requirement) or 87-63 (Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways).~~

~~On each of Parcels 2, 3 and 4, and only among Parcels 2, 3 and 4, a #development#, #enlargement#, alteration or change of #use#, shall provide a connection for bi-directional vehicular travel at an adjacent #zoning lot line# if such adjacent #zoning lot# has previously constructed a connection that terminates at the shared #lot line#. Any connection of fire apparatus access roads across a shared #zoning lot line# must meet the grade of, and maintain the street width of, the existing adjacent private street. In addition to such physical shared #lot line# connection, a #private road# declaration shall be provided pursuant to the provisions of Section 87-64. A connection need not be opened unless and until such declaration of restrictions, in accordance with Section 87-64, has been recorded against the adjacent #zoning lot#.~~

~~When no connection for vehicular travel terminating at the opposite side of a shared #lot line# exists, a dead-end fire apparatus access road turnaround may be constructed, pursuant to Section 87-63, which may extend into the designated #shore public walkway#. Such certification is also contingent upon providing a declaration of restrictions, in accordance with Section 87-64.~~

[BELOW: Original provisions of Section 87-63 (Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways)]

~~On Parcels 2, 3 and 4, a dead-end fire apparatus access road turnaround, as defined in the New York City Fire Code, Section 503.2.5 (Dead-ends) may, by certification, extend into the designated #shore public walkway#, provided that:~~

~~(a) a declaration of restrictions has been provided, pursuant to Section 87-64;~~

~~(b) a fire apparatus access road abutting the shared #zoning lot line# between the #development#, #enlargement#, alteration or change of #use# seeking certification under this Section and Parcels 2, 3 or 4 does not exist; and~~

~~(c) the fire apparatus access road serves as a segment of a bi-directional loop road along the #shore public walkway#, providing a connection to Exterior Street at the northeast corner of Parcel 2 and a connection to Exterior Street at the southeast corner of Parcel 4.~~

~~Such turnaround shall have a diameter of 70 feet and be located at the end of the fire apparatus access road, abutting the adjacent #lot line#. At no point may the turnaround extend into the #shore public walkway# for a distance greater than 23 feet. Sidewalks shall not be required adjacent to the turnaround. The portion of the turnaround that lies within a #shore public walkway# shall remain clear of obstacles, shall be composed of permeable materials, and shall meet all applicable requirements set forth in the New York City Fire Code Section 503.1.1 (Fire apparatus access roads), or its successor. In addition, the roadbed material of a fire apparatus access road leading to a vehicular turnaround may be extended into the turnaround provided the area of the turnaround paved with such material is not wider than the roadbed leading to the turnaround. The remaining portions of the turnaround shall be paved with distinct materials to facilitate pedestrian usage. In addition, the level of the area within the turnaround shall be raised to be flush with the level of adjoining sidewalks.~~

87-63

~~Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways~~

Declaration of Restrictions

[NOTE: Existing provisions, moved from Section 87-64 and modified]

For any fire apparatus access road proposed for certification pursuant to Section~~s 87-62 or 87-63~~ 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), a declaration of restrictions shall be provided to guarantee the construction, improvement, operation, maintenance and repair of such road, and any sidewalk adjacent to such road, to guarantee that such road, and any sidewalk adjacent to such road, remains open, unobstructed and accessible to all members of the public, except as necessary to avoid public dedication, and to ensure compliance with all applicable provisions. Such declaration of restrictions shall be prepared in a form acceptable to the Department of City Planning, shall be filed and duly recorded in the Borough Office of the Register of the City of New York and indexed against the property. Filing and recording of the declaration of restrictions shall be a precondition for the Chairperson's certification under Section~~s 87-62 and 87-63~~ 87-61, where applicable.

For certifications proposed pursuant to Section 87-61 on Parcels 2, 3 or 4, where #developments# or #enlargements# on such parcels utilize the allowance for interim fire access turnaround, in accordance with paragraph (b) of Section 87-62 (Contiguity of Fire Apparatus Access Road with Adjacent Zoning Lots on Parcels 2, 3 and 4), any declaration of restrictions shall include that, at the time of the issuance of the notice of substantial compliance for the adjacent #development#, or #enlargement# pursuant to this Section, thereby permitting vehicular connection between #zoning lots#, the #zoning lot# containing a previously constructed fire apparatus access road turnaround area shall be responsible for the following actions on the portion of the connection on such #zoning lot#:

(a) repurposing the fire apparatus access road turnaround area pursuant to the requirements set forth in paragraph (b) of Section 87-62;

(b) extending all required sidewalks that had remained short of the #lot line# to the shared #lot line# to connect to the required adjacent sidewalks and enable unobstructed pedestrian movement across parcels;

(c) complying with all applicable waterfront rules, ~~#street# regulations~~ the Department of Transportation standards for public #streets# and the New York City Fire Code; and

(d) providing a connection with the adjacent #zoning lot# pursuant to Section 87-62.

[Note: Original provisions of Section 87-64 (Declaration of Restrictions)]

~~For any fire apparatus access road proposed for certification pursuant to Sections 87-62 or 87-63, a declaration of restrictions shall be provided to guarantee the construction, improvement, operation, maintenance and repair of such road, to guarantee that such road remains open, unobstructed and accessible to all members of the public, except as necessary to avoid public dedication, and to ensure compliance with all applicable provisions. Such declaration of restrictions shall be prepared in a form acceptable to the Department of City Planning, shall be filed and duly recorded in the Borough Office of the Register of the City of New York and indexed against the property. Filing and recording of the declaration of restrictions shall be a precondition for the Chairperson's certification under Sections 87-62 and 87-63, where applicable.~~

~~For certifications proposed pursuant to Section 87-63, at the time a declaration of restrictions has been provided by the adjacent #development#, #enlargement#, alteration or change of #use#, pursuant to this Section, permitting vehicular connection between #zoning lots#, the #zoning lot# containing a previously constructed fire apparatus access turnaround shall be responsible for the following actions on the portion of the connection on such #zoning lot#:~~

~~(a) deconstructing the fire apparatus access road turnaround;~~

~~(b) re-landscaping the area that had extended into the #shore public walkway#, so as to create the conditions of the immediately surrounding #shore public walkway#, which may include any combination of tree planting, laying sod, removing pavers, or any other required landscaping action;~~

~~(c) extending all required sidewalks that had remained short of the #lot line# to the shared #lot line# to connect to the required adjacent sidewalks and enable pedestrian movement across parcels; and~~

~~(d) complying with all applicable waterfront rules, #street# regulations and the New York City Fire Code.~~

~~**87-64**~~

~~**Declaration of Restrictions**~~

[Note: existing provisions, moved to Section 87-63]

87-70
HARLEM RIVER WATERFRONT ACCESS PLAN

[NOTE: Existing waterfront access plan provisions, moved from Section 87-60]

Map ~~2~~3 (Waterfront Access Plan: Public Access Elements) in the Appendix to this Chapter shows the boundaries of the area comprising the Harlem River Waterfront Access Plan and the location ~~of~~ where certain features are mandated or permitted by the Plan.

The underlying regulations for #waterfront public access areas# shall apply, except as modified in this Section, inclusive. For the purposes of applying the provisions of Section 61-822, the City Planning Commission may authorize modifications to the requirements for #waterfront public access areas# set forth in Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), and as those provisions are modified by the provisions of this Section, inclusive.

87-71

Special Public Access Provisions

[NOTE: Existing provisions, moved from 87-61]

The provisions of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) shall apply to #developments#, ~~#enlargements#, alterations or changes of #use#,~~ as ~~follows~~ modified in this Section~~:~~. For the purpose of applying the provisions of this Section, "development" shall be as defined in Section 62-11, that require #waterfront public access areas#. To "develop" shall mean to create such #development#. In addition, the #lot area# allocated to fire apparatus access road pursuant to the provisions of Section 87-60, inclusive, may count towards any required #supplemental access area# required pursuant to the provisions of Section 62-57 (Required Supplemental Public Access Areas).

(a) #Shore public walkways#

(1) The #shore public walkway# shall be provided in the location designated on Map 3 (Waterfront Access Plan: Public Access Elements) and constructed at an elevation ~~of two feet above~~ not lower than the highest level of the train track bed of the Oak Point Rail Link, except that~~:~~

~~(i) on Parcels 6 and 7, no such elevation requirement shall apply;~~

~~(ii)~~ on Parcel 5, if commercial or public utility vehicle storage, as listed in Use Group 16C, is #developed# ~~or #enlarged#~~ as the primary #use# on the #zoning lots#, ~~such~~ the elevation requirement shall not apply. However, for any other #use#, ~~such~~ the elevation requirement shall only apply along the westernmost section of the #shore public walkway# to a depth of 40 feet.

~~(iii) on all #zoning lots#, a #shore public walkway# shall be required to meet the grade of an existing adjacent #street#, which may include deviating from such elevation requirement where necessary.~~

(2) An approved turnaround area in a dead-end fire apparatus access road ~~turnaround area~~, as defined in the New York City Fire Code, Section 503.2.9~~5~~ (Dead-end turnarounds), or its

successor, may, by certification extend into a designated #shore public walkway# pursuant to paragraph (b) of Section ~~87-63~~ 87-62 (~~Certification to Allow Fire Apparatus Access Road Turnaround Area in Shore Public Walkways~~ Contiguity of Fire Apparatus Access Road with Adjacent Zoning Lots on Parcels 2, 3 and 4).

(3) In the event that a portion of a #waterfront zoning lot# is within 40 feet of the #shoreline# yet does not abut the #shoreline# because of an intervening #zoning lot#, a #shore public walkway# shall be provided on such upland portion. The width of the #shore public walkway# on such portion shall be 40 feet measured from the #shoreline# of the intervening #zoning lot# and shall include the width of the intervening #zoning lot#. The portion of such #shore public walkway# located upland of the intervening #zoning lot# shall be improved with a circulation path at least ten feet wide, and any required planted screening buffer shall have a width of at least four feet.

(4) On Parcel 5, if a commercial or public utility vehicle storage #use# is #developed# ~~or #enlarged#~~ as the primary #use# on the parcel, the #shore public walkway# requirements set forth in Section 62-62 shall apply, except that:

(i) the required width of the #shore public walkway# may be reduced to a minimum of 20 feet along the northern edge of the inlet and may be reduced to a minimum of 30 feet along the eastern edge of the inlet;

(ii) the circulation path required in paragraph (a)(1) of Section 62-62 shall be modified to a minimum width of 10 feet along the northern and eastern edge of the inlet;

(iii) the screening provisions of paragraph (c)(2) of Section 62-62 shall not apply. In lieu thereof, a planted screening buffer with a width of four feet shall be provided. Such planted buffer shall consist of densely planted shrubs or multi-stemmed screening plants, with at least 50 percent being evergreen species. Shrubs shall have a height of at least four feet at the time of planting; and

(iv) ~~in the event that the #upland connection# on Parcel 6 has not been provided,~~ a ten foot wide pedestrian walkway between the #shore public walkway# and Exterior Street shall be provided on Parcel 5 adjacent to such #upland connection# location.

(b) #Upland connections#

#Upland connections# shall be located on Parcels 1, 3, 4, 5 ~~and~~ 6 and 11, as designated on Map ~~2~~3 in the Appendix to this Chapter.

The applicable provisions of Sections 62-50, inclusive, are modified, as follows:

(1) On Parcel 1, for an #upland connection# required along the northern boundary of a mapped park, the additional open area requirement of paragraph (a)(2) of Section 62-561 (Types of upland connections) shall not apply;

(2) ~~Parcel 3 may provide the #upland connection# at either of the two optional locations indicated on Map 2.~~ Parcel 3 shall provide an #upland connection# at the designated location shown on Map 3. In addition, such #upland connection# shall be provided as specified below:

(i) ~~On Parcel 3, an #upland connection# is required at the designated location as shown on Map 3.~~ The additional area requirements of paragraph (a)(2) of Section 62-561 shall not apply.

(ii) In the event that Parcel 3 is developed with Parcels 2 or 4, an #upland connection# shall be provided within the flexible location zone shown on Map 3. The additional area requirements of paragraph (a)(2) of Section 62-561 shall apply.

(3) On Parcels 1 and 3, if a Type 1 #upland connection# is provided, and a fire apparatus access road is required pursuant to the New York City Fire Code Section 503.2 (Fire apparatus access roads), or its successor, the design requirements of Section 62-64 shall be modified as follows:

(i) the required circulation path may be used to allow such fire apparatus access road, and its minimum width shall be in accordance with all applicable requirements of the Fire Code;

(ii) such circulation path shall be paved with distinct materials, not including asphalt, to facilitate pedestrian usage; and

(ii) the minimum planting area requirements shall be reduced to 15 percent;

(4) The required width for an #upland connection# on Parcel 6 is reduced to 12 feet. Such #upland connection# shall be subject only to the applicable pedestrian path provisions.

(c) #Supplemental public access areas#

#Supplemental public access areas#, pursuant to this Plan, shall be provided on Parcels 1,~~and~~ 2 and 11, as indicated on Map ~~2~~ 3 in the Appendix to this Chapter, except that:~~. However, the requirement may be waived by certification by the Chairperson of the City Planning Commission as set forth in Section 87-62 (Certification to Waive Supplemental Public Access Area Requirement).~~

(1) such requirement may be waived for Parcels 1 and 2 by the Chairperson of the City Planning Commission, in conjunction with a certification pursuant to paragraph (c) of Section 62-811 (Waterfront public access and visual corridors), where the site plan includes a vehicular connection through the #zoning lot#, provided that:

(i) such vehicular connection complies with the requirements of Section 87- 62 (Fire Apparatus Access Roads) and, for Parcel 2, the requirements of Section 87-62 (Contiguity of Fire Apparatus Access Road With Adjacent Zoning Lots on Parcels 2, 3 and 4); and

(ii) such vehicular connection, either:

(a) on Parcel 1, provides access between East 149th Street and Exterior Street, serving all #buildings# along the #shore public walkway# and mapped parkland; or

(b) on Parcel 2, provides a bi-directional connection ~~between Exterior Street at its~~ from the intersection ~~with~~ of Exterior Street and the northern boundary of Parcel 2~~, East 144th Street~~ immediately adjacent to and contiguous with the entire southern boundary of the mapped parkland, immediately adjacent to and contiguous with the #shore public walkway# ~~and~~ to the southernmost #lot line# of Parcel 2.

(2) for Parcel 11, at the location designated as “Supplemental Public Access Area (Shore Public Walkway Location)” on Map 3, a #supplemental public access area# shall be provided at a minimum width of 40 feet as indicated on Map 3, and the design and dimensional

requirements for #shore public walkway# as set forth in Sections 62-50, inclusive, and 62-60, inclusive, shall apply.

(d) #Visual Corridors#

#Visual corridors# shall be located within Parcels ~~1 and~~ 4, 9, 11, 12 and 13, and mapped parkland, as indicated on Map ~~2~~4 (Waterfront Access Plan: Visual Corridors) in the Appendix to this Chapter. For all required #visual corridors#, the provisions of Section 62-512 (Dimension of visual corridors) shall be modified to allow the lowest level of a #visual corridor#, at its seaward points, to be measure to a height two feet above #base flood elevation# or a height equal to the Oak Point Rail Link train track bed elevation, whichever is higher.

The Oak Point Rail Link shall be a permitted obstruction for #visual corridors#.

87-72

Applicability of Waterfront Regulations

[NOTE: Existing provisions, moved from Section 87-65]

In the event that #streets# are mapped within a #zoning lot# on Parcels 1, 2, 3 ~~and~~ or 4 after June 30, 2009, or on Parcel 11 after [date of adoption], the area within such #streets# may continue to be considered part of the #zoning lot# for the purposes of applying all waterfront regulations of the Zoning Resolution.

87-73
Special Vesting Provisions for the South Subdistrict

In the South Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT), inclusive, shall apply, except as ~~follows:~~ modified by the provisions of this Section. For the purpose of this Section, #development# shall be as defined in Section 62-11.

~~(a) [For #zoning lots# on #waterfront blocks# located completely beyond 100 feet of the #shoreline# Parcel 12, where an application has been filed with the Department of City Planning for certification pursuant to the provisions of Section 62-811 (Waterfront public access and visual corridors) prior to [date of adoption], and, subsequently, where the Chairperson of the City Planning Commission~~

~~certifies that no #waterfront public access area# or #visual corridor# is required on the #zoning lot#, the #development# of a #building# on such #zoning lot# shall be permitted in accordance with the #bulk# and #waterfront public access area# regulations that were effective immediately prior to [date of adoption], provided that all work on the foundations for such #development# has been completed prior to [date of adoption + 4 years];.~~

(b) ~~f~~For ~~#zoning lots# on #waterfront blocks# located within 100 feet of the #shoreline#~~ Parcel 20, a building permit may be issued in accordance with the #bulk# and #waterfront public access area# regulations that were effective immediately prior to [date of adoption],where, as part of an application filed with the Department of City Planning for certification pursuant to the provisions of Section 62-811 prior to [date of adoption], a declaration of restrictions has been recorded with the Office of the Register of the City of New York (County of the Bronx), setting forth the obligations of the owner to construct, and maintain a #waterfront public access area# pursuant to the provisions of Section 62-811~~,~~ Such building permit shall allow the #development# of a #building# ~~on such #zoning lot# shall be permitted~~ only in accordance with such certified #waterfront public access area# plan~~ and in accordance with the #bulk# regulations that were effective immediately prior to [date of adoption]; and~~.

(c) ~~f~~For ~~#zoning lots# on #waterfront blocks# located within 100 feet of the #shoreline#~~ Parcel 19, a building permit may be issued in accordance with the bulk and waterfront public access area regulations that were effective immediately prior to [date of adoption] where the Chairperson has certified that no #waterfront public access area# is required on the #zoning lot# pursuant to the provisions of Section 62-811 prior to [date of adoption], ~~the #development# of a #building# on such #zoning lot# shall be permitted in accordance with the #bulk# and #waterfront public access area# regulations that were effective immediately prior to [date of adoption],~~ provided that no new #buildings or other structures#, except those permitted as obstructions pursuant to Section 62-611, are located within 40 feet of the #shoreline#, and further provided that all work on the foundations for such #development# has been completed prior to [date of adoption + 4 years].

In addition, for such #development~~s~~#, no temporary certificate of occupancy shall be granted by the Department of Buildings unless and until the Chairperson of the City Planning Commission certifies that the #zoning lot# provides open space between the #building# and the #shoreline# that is in compliance with the size and design provisions for #shore public walkways# set forth in Section 62-53 and the ~~applicable~~ provisions of Section 62-60, inclusive. However, such provisions may be modified as follows:

(1) in addition to the permitted obstructions listed in Section 62-611, a dead-end fire apparatus access road turnaround shall be a permitted obstruction within a #shore public walkway#, and an emergency egress path from #buildings# shall be a permitted obstruction within a screening buffer;

(2) for portions of the #shore public walkway# where a fire apparatus access road turnaround is provided, the minimum width of a circulation path required pursuant to paragraph (a)(1) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) may be reduced to a width of 10 feet, and the required width of a screening buffer required pursuant to paragraph (c)(2) of Section 62-62, may be reduced to six feet; and

(3) where a fire apparatus access road is provided within the #shore public walkway#, the percentage of the #shore public walkway# required to be planted pursuant to paragraph (c) of Section 62-62 may be reduced to 35 percent.

As part of an application for certification pursuant to this paragraph, ~~A~~ a site plan shall be submitted ~~with such application for certification~~, along with any other materials necessary to demonstrate~~ing~~ compliance with ~~such~~ the provisions of this paragraph.

All open space certified pursuant to the provisions of this paragraph shall comply with the maintenance and operation requirements of Sections 62-71 and 62-72.

~~As part of such certification,~~ In addition, a written declaration of restrictions~~, in a form acceptable to the Chairperson, setting forth the obligations of the owner to construct, maintain and provide public access to improvements designated on site plans submitted pursuant to this Section,~~ shall be recorded against such property in the Office of the Register of the City of New York (County of the Bronx) pursuant to the provisions of Section 62-74 (Requirements for Recordation), setting forth obligations of the owner to construct, maintain and provide public access to improvements certified by the Chairperson of pursuant to this paragraph. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

~~Where foundations are required to be completed prior to [date of adoption + 4 years], in~~ In the event that ~~such~~ foundations required to be completed prior to [date of adoption + 4 years] have been commenced but not completed before such date, the building permit shall automatically lapse and the right to continue construction under the provisions of this Section shall terminate. No application to renew the building permit may be made to the Board of Standards and Appeals.

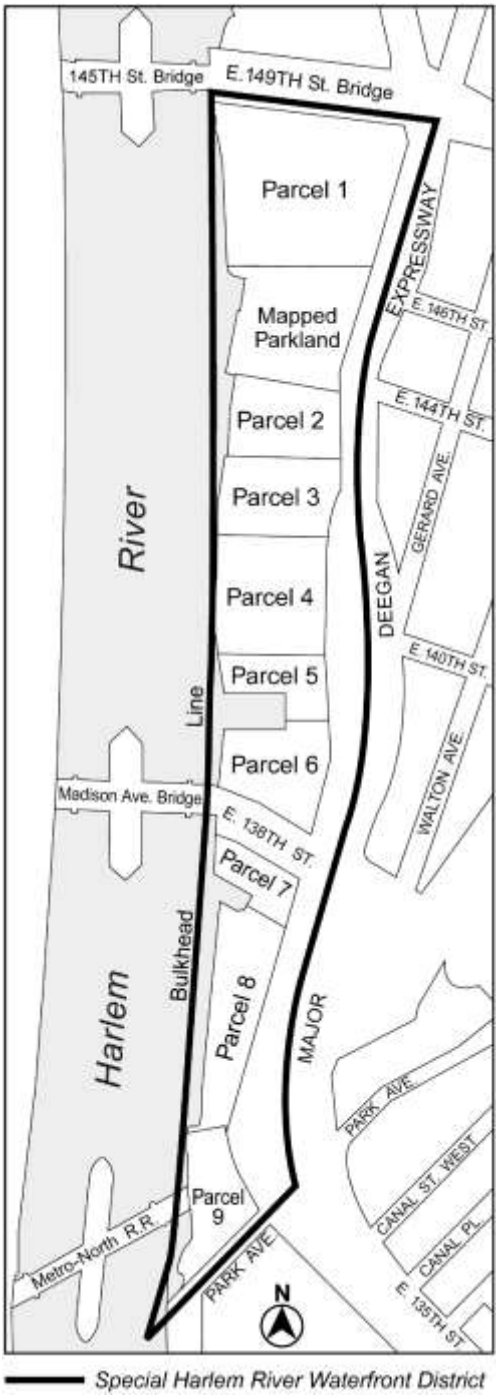
~~In addition, where~~ Where foundations ~~are required to be~~ have been completed prior to [date of adoption + 4 years], the provisions of 11-332 (Extention of period to complete construction) may be utilized and such date shall be the effective date for applying the provisions of such Section~~ 11-332 (Extension of period to complete construction)~~.

~~For the purposes of this Section, #development# shall be as defined in Section 62-11.~~

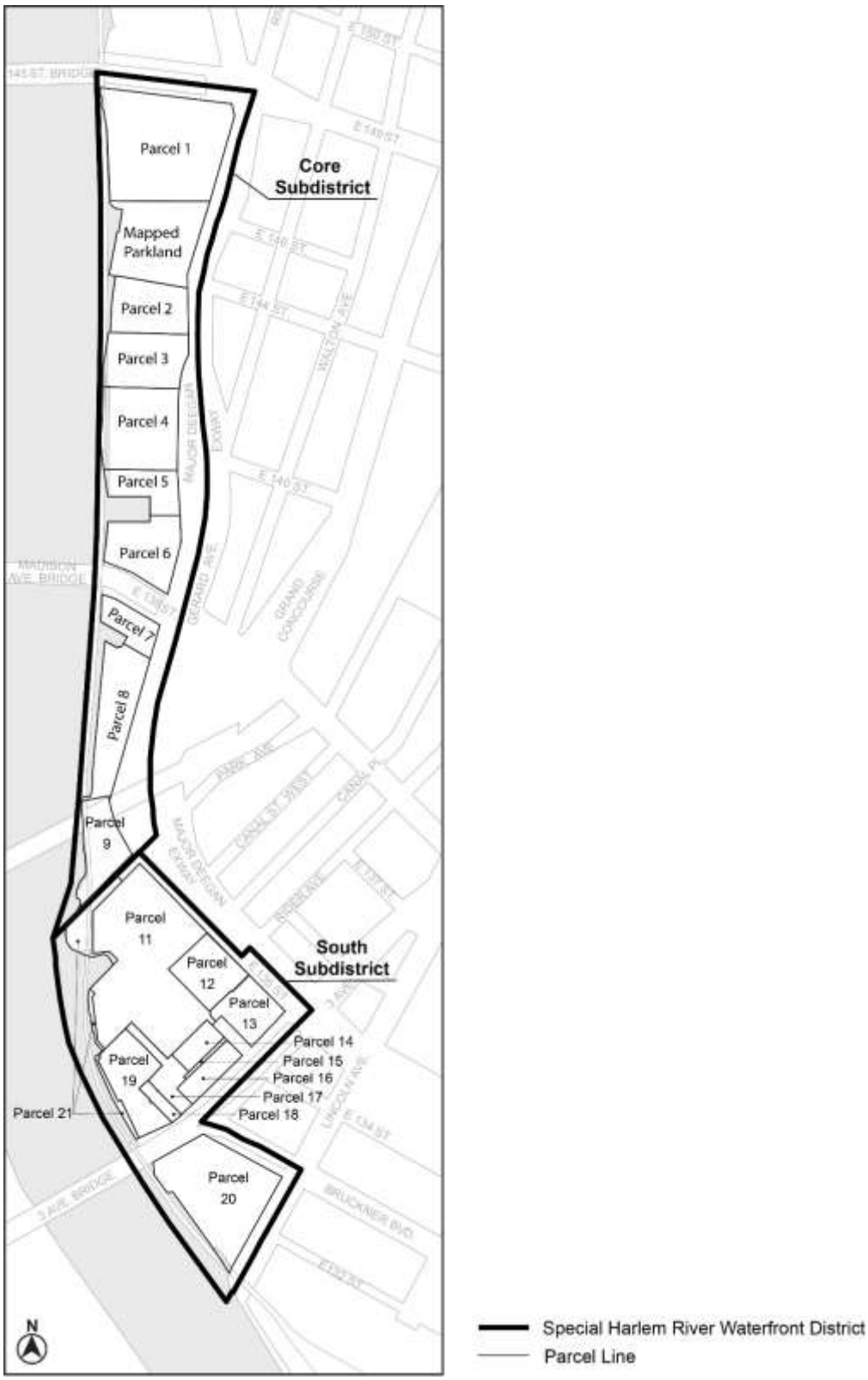
Appendix
Special Harlem River Waterfront District Plan

Map 1. Special Harlem River Waterfront District, Subdistricts and Parcels

[EXISTING MAP]

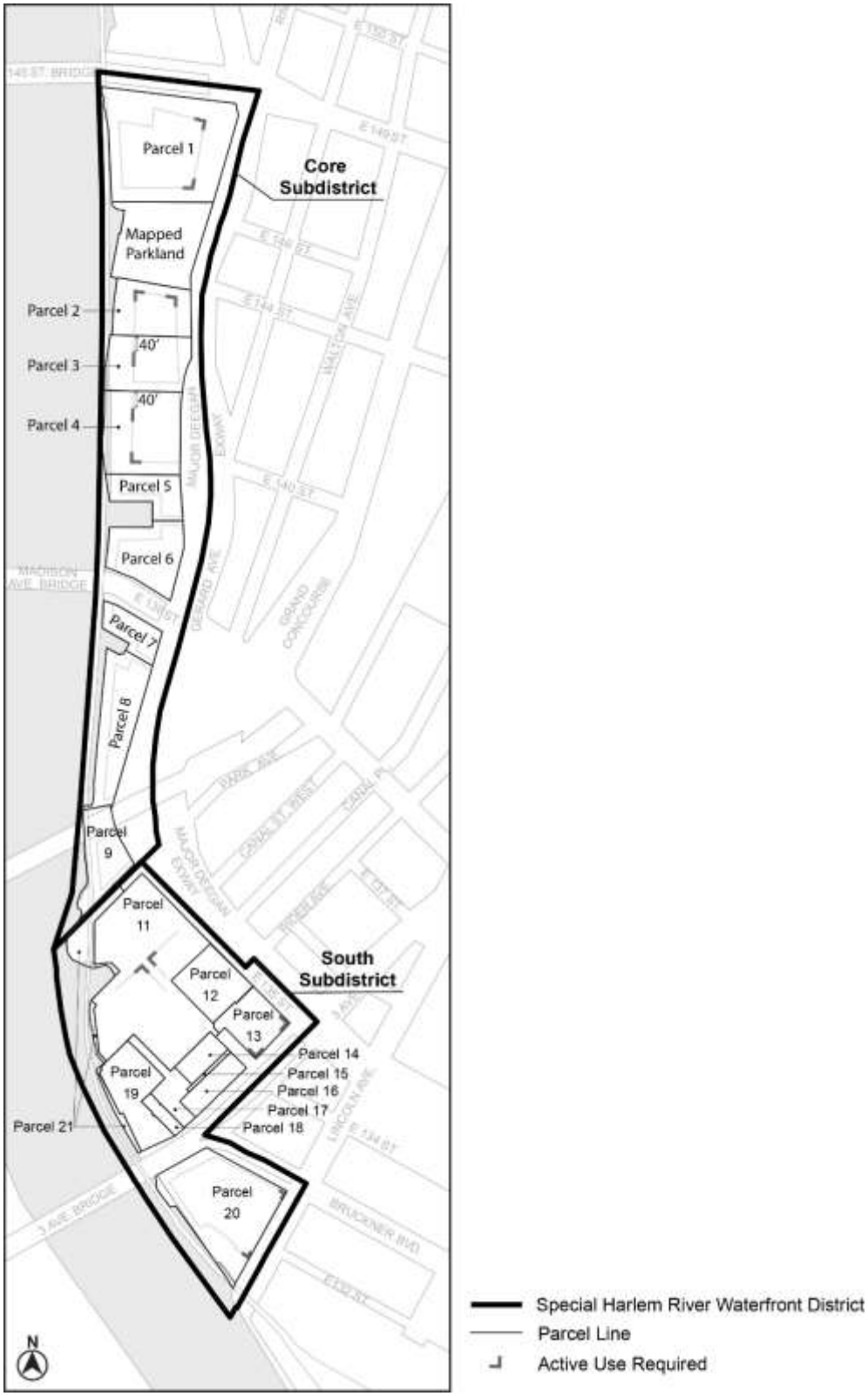

145TH St. Bridge
E. 149TH St. Bridge
Parcel 1
Mapped Parkland
Parcel 2
Parcel 3
Parcel 4
Parcel 5
Parcel 6
Madison Ave. Bridge
E. 138TH ST.
Parcel 7
Parcel 8
Parcel 9
Metro-North R.R.
PARK AVE.
MAJOR
DEEGAN EXPRESSWAY
E. 146TH ST.
E. 144TH ST.
GERARD AVE.
E. 140TH ST.
WALTON AVE.
CANAL ST. WEST
CANAL PL.
E. 135TH ST.
Harlem River
Bulkhead Line
N
Special Harlem River Waterfront District

[PROPOSED MAP]



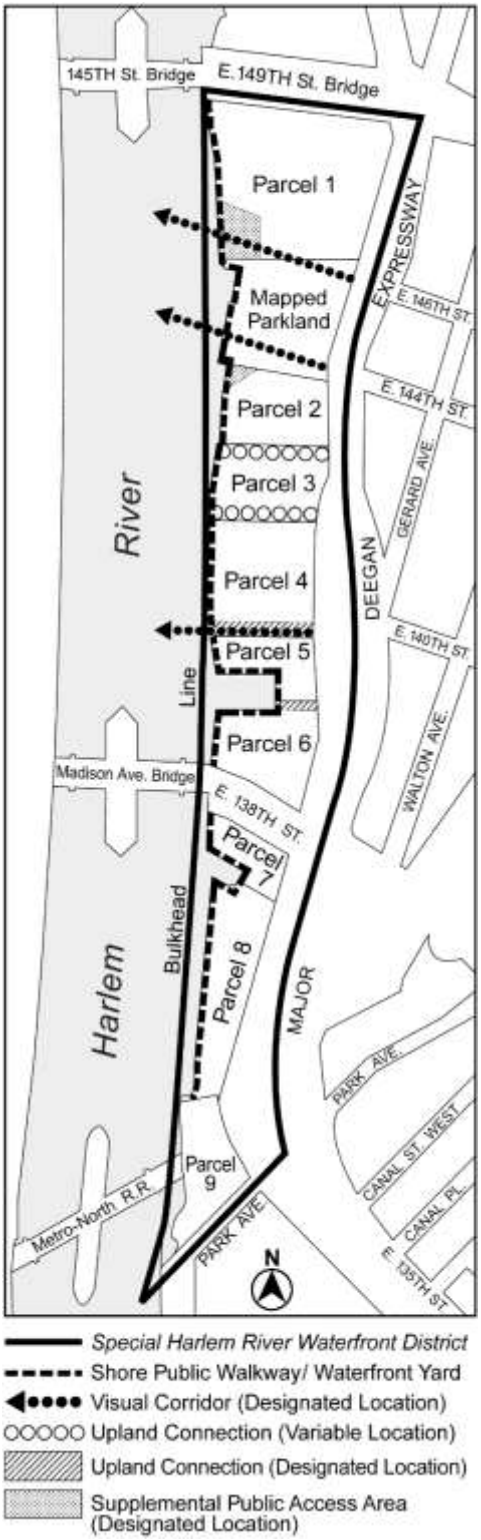
Map 2. Designated Non-residential Use Locations

[PROPOSED MAP]

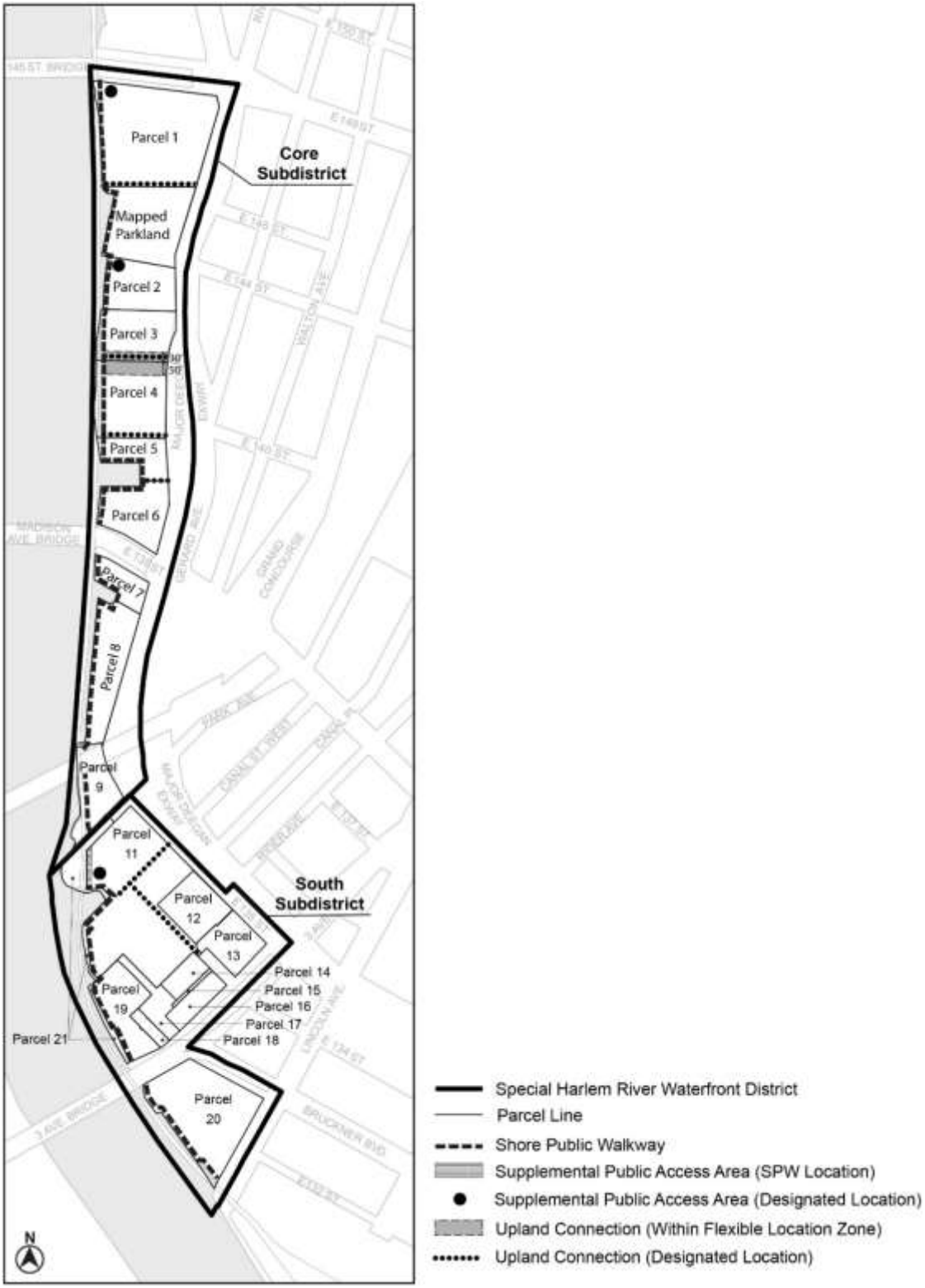


Map 3. Waterfront Access Plan: Public Access Elements

[EXISTING MAP]

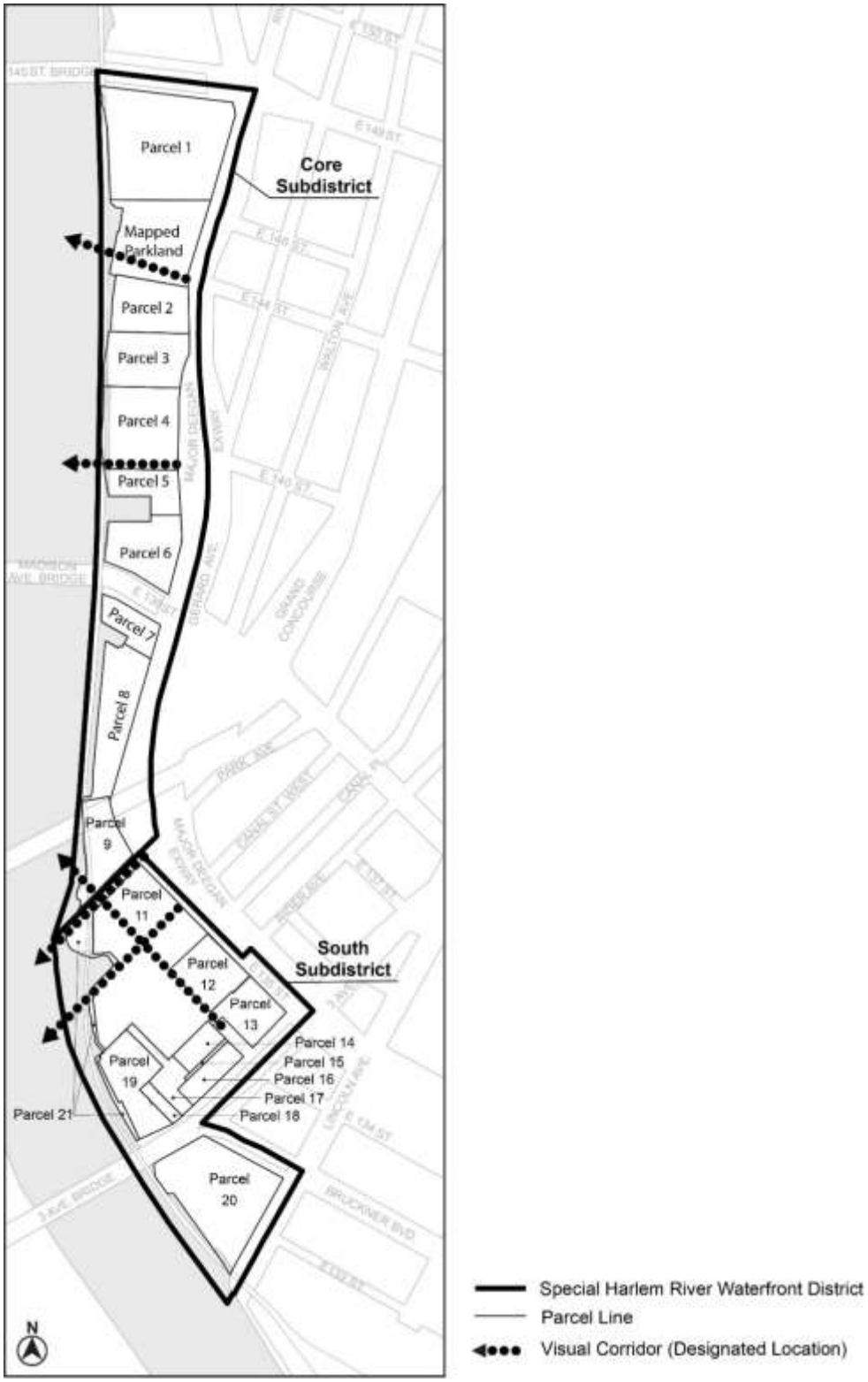


[PROPOSED MAP]



Map 4. Waterfront Access Plan: Visual Corridors

[PROPOSED MAP]



* * *

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, December 7, 2017. *Other Council Members Attending: Council Members Perkins and Chin.*

Approved with Modifications and Coupled on the General Order Calendar.

Report for LU No. 800

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170392 ZMX submitted by submitted by the Park Lane Residence Co. pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 7a, changing an R6 district to an R8/C2-4 district on property located on White Plains Road between Turnbull Avenue and Lafayette Avenue, Borough of the Bronx, Community Board 9, Council District 18.

The Committee on Land Use, to which the annexed Land Use item was referred on October 31, 2017 (Minutes, page 3912), respectfully

REPORTS:

SUBJECT

BRONX CB - 9 **C 170392 ZMX**

City Planning Commission decision approving an application submitted by the Park Lane Residence Co. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 7a.

INTENT

To approve an amendment to the Zoning Map, which in conjunction with the related action would facilitate the development of two new mixed-use buildings at 1965 Lafayette Avenue, containing approximately 425 affordable dwelling units, in the Soundview neighborhood of the Bronx.

PUBLIC HEARING

DATE: November 14, 2017

Witnesses in Favor: Five **Witnesses Against:** One

SUBCOMMITTEE RECOMMENDATION

DATE: December 4, 2017

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

In Favor:
Richards, Gentile, Garodnick, Reynoso, Grodenchik.

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: December 7, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:
Greenfield, Gentile, Palma, Garodnick, Mendez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against: **Abstain:**
None None

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, December 7, 2017. *Other Council Members Attending: Council Members Perkins and Chin.*

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. 801

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 170393 ZRX submitted by submitted by the Park Lane Residence Co. 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 establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community Board 9, Council District 18.

The Committee on Land Use, to which the annexed Land Use item was referred on October 31, 2017 (Minutes, page 3912), respectfully

REPORTS:

SUBJECT

BRONX CB - 9 **N 170393 ZRX**

City Planning Commission decision approving an application submitted by Park Lane Residence Co., 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 the text of the Zoning Resolution, which in conjunction with the related action would facilitate the development of two new mixed-use buildings at 1965 Lafayette Avenue, containing approximately 425 affordable dwelling units, in the Soundview neighborhood of the Bronx.

PUBLIC HEARING

DATE: November 14, 2017

Witnesses in Favor: Five **Witnesses Against:** One

SUBCOMMITTEE RECOMMENDATION

DATE: December 4, 2017

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

In Favor:
Richards, Gentile, Garodnick, Reynoso, Grodenchik.

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: December 7, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:
Greenfield, Gentile, Palma, Garodnick, Mendez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against: **Abstain:**
None None

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE,

JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, December 7, 2017. *Other Council Members Attending: Council Members Perkins and Chin.*

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. 802

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170445 ZMX submitted by submitted by 1776 Eastchester Realty LLC, Hutch 34 Industrial Street, LLC and Hutch 35 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 4a and 4b, changing an M1-1 district to R5, C4-2 and C4-2A districts on property located at 1776 Eastchester Road, Borough of the Bronx, Community Board 11, Council District 13.

The Committee on Land Use, to which the annexed Land Use item was referred on October 31, 2017 (Minutes, page 3912), respectfully

REPORTS:

SUBJECT

BRONX CB - 11 **C 170445 ZMX**

City Planning Commission decision approving an application submitted by 1776 Eastchester Realty LLC, Hutch 34 Industrial Street, LLC and Hutch 35 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 4a and 4b.

INTENT

To approve the amendment to the Zoning Map, changing an M1-1 zoning district to R5, C4-2 and C4-2A districts, which in conjunction with the related actions, would facilitate the development of approximately 182 units of non-profit hospital staff housing on top of an existing parking garage and designate a Mandatory Inclusionary Housing (MIH) area.

PUBLIC HEARING

DATE: November 14, 2017

Witnesses in Favor: Four **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

DATE: December 4, 2017

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

In Favor:
Richards, Gentile, Garodnick, Reynoso, Grodenchik.

Against:	**Abstain:**
None	None

COMMITTEE ACTION

DATE: December 7, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:
Greenfield, Gentile, Palma, Garodnick, Mendez, Lander, Levin, Rose, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:	**Abstain:**
None	Williams

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, December 7, 2017. *Other Council Members Attending: Council Members Perkins and Chin.*

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 LU No. 803

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 170446 ZRX submitted by submitted by 1776 Eastchester Realty LLC, Hutch 34 Industrial Street, LLC and Hutch 35 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 establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community Board 11, Council District 13.

The Committee on Land Use, to which the annexed Land Use item was referred on October 31, 2017 (Minutes, page 3913), respectfully

REPORTS:

SUBJECT

BRONX CB - 11 **N 170446 ZRX**

City Planning Commission decision approving an application submitted by 1776 Eastchester Realty LLC, Hutch 34 Industrial Street, LLC and Hutch 35 LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to modify the text of the special permit for non-profit hospital staff dwellings in Article VII, Chapter 4, and to modify Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To approve the amendment to the text of the Zoning Resolution, which in conjunction with the related actions, would facilitate the development of approximately 182 units of non-profit hospital staff housing on top of an existing parking garage and designate a Mandatory Inclusionary Housing (MIH) area.

PUBLIC HEARING

DATE: November 14, 2017

Witnesses in Favor: Four **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

DATE: December 4, 2017

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

In Favor:
Richards, Gentile, Garodnick, Reynoso, Grodenchik

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: December 7, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:
Greenfield, Gentile, Palma, Garodnick, Mendez, Lander, Levin, Rose, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against: **Abstain:**
None Williams

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE,

DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, December 7, 2017. *Other Council Members Attending: Council Members Perkins and Chin.*

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 LU No. 804

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170447 ZSX submitted by submitted by 1776 Eastchester Realty LLC, Hutch 34 Industrial Street, LLC and Hutch 35 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-70(a)(2) of the Zoning Resolution to allow for a non-profit hospital staff dwelling to be located on property at 1776 Eastchester Road, Borough of the Bronx, Community Board 11, Council District 13. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

The Committee on Land Use, to which the annexed Land Use item was referred on October 31, 2017 (Minutes, page 3913), respectfully

REPORTS:

SUBJECT

BRONX CB - 11 **C 170447 ZSX**

City Planning Commission decision approving an application submitted by 1776 Eastchester Realty LLC, Hutch 34 Industrial Street, LLC and Hutch 35 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-70(a)(2) of the Zoning Resolution to allow non-profit hospital staff dwellings to be located not more than 1,500 feet from a non-profit or voluntary hospital and related facilities to facilitate the construction of a 12-story non-profit hospital staff dwelling building, on property located at 1776 Eastchester Road (Block 4226, Lots 1101 and 1102), in a C4-2 District.

INTENT

To approve the grant for the Special Permit pursuant to Section 74-70(a)(2) of the ZR, which in conjunction with the related actions, would facilitate the development of approximately 182 units of non-profit hospital staff housing on top of an existing parking garage and designate a Mandatory Inclusionary Housing (MIH) area.

PUBLIC HEARING

DATE: November 14, 2017

Witnesses in Favor: Four **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

DATE: December 4, 2017

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

In Favor:
Richards, Gentile, Garodnick, Reynoso, Grodenchik.

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: December 7, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:
Greenfield, Gentile, Palma, Garodnick, Mendez, Lander, Levin, Rose, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against: **Abstain:**
None Williams

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, December 7, 2017. *Other Council Members Attending: Council Members Perkins and Chin.*

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. 805

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 170442 ZMM submitted by submitted by NBT Victory Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6a, changing a C4-4A district to a C4-7 district on property located 5th Avenue between Dr. Martin Luther King Boulevard and East 126th Street, Borough of the Manhattan, Community Board 11, Council District 9.

The Committee on Land Use, to which the annexed Land Use item was referred on October 31, 2017 (Minutes, page 3913), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 11 **C 170442 ZMM**

City Planning Commission decision approving an application submitted by NBT Victory Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a, changing from a C4-4A District to a C4-7 District property bounded by Fifth Avenue, East 126th Street, a line 85 feet easterly of Fifth Avenue, and East 125th Street/Dr. Martin Luther King Jr. Boulevard and subject to the conditions of CEQR Declaration E-435.

INTENT

To approve the amendment to the Zoning Map, which in conjunction with the related actions would facilitate development of a new, 20-story mixed-use building comprising new performance space for the National Black Theater, mixed-income housing and retail space in the East Harlem section of Manhattan.

PUBLIC HEARING

DATE: November 14, 2017

Witnesses in Favor: Ten **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

DATE: December 4, 2017

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

In Favor:
Richards, Gentile, Garodnick, Reynoso, Grodenchik.

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: December 7, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:
Greenfield, Gentile, Palma, Garodnick, Mendez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against: **Abstain:**
None None

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, December 7, 2017. *Other Council Members Attending: Council Members Perkins and Chin.*

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. 806

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 170443 ZRM submitted by submitted by NBT Victory Development LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 7 (Special 125th Street District) to establish regulations for the proposed C4-7 district and for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Manhattan, Community Board 11, Council District 9.

The Committee on Land Use, to which the annexed Land Use item was referred on October 31, 2017 (Minutes, page 3913), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 11 **N 170443 ZRM**

City Planning Commission decision approving an application submitted by NBT Victory Development LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 7 (Special 125th Street District) to establish regulations for a proposed C4-7 District, and to modify Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To approve the amendment to the text of the Zoning Resolution, which in conjunction with the related actions would facilitate development of a new, 20-story mixed-use building comprising new performance space for the National Black Theater, mixed-income housing and retail space in the East Harlem section of Manhattan.

PUBLIC HEARING

DATE: November 14, 2017

Witnesses in Favor: Ten **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

DATE: December 4, 2017

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

In Favor:
Richards, Gentile, Garodnick, Reynoso, Grodenchik.

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: December 7, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:
Greenfield, Gentile, Palma, Garodnick, Mendez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against: **Abstain:**
None None

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, December 7, 2017. *Other Council Members Attending: Council Members Perkins and Chin.*

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. 807

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170444 ZSM submitted by submitted by NBT Victory Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive 72 required off-street parking spaces for a proposed development on property located 5th Avenue between Dr. Martin Luther King Boulevard and East 126th Street, Borough of the Manhattan, Community Board 11, Council District 9. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

The Committee on Land Use, to which the annexed Land Use item was referred on October 31, 2017 (Minutes, page 3914), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 11 **C 170444 ZSM**

City Planning Commission decision approving an application submitted by NBT Victory Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive 72 required accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, on property located at 2031-2033 Fifth Avenue (Block 1750, Lot 1), in a C4-7 District.

INTENT

To approve the grant for the Special Permit, which in conjunction with the related actions would facilitate development of a new, 20-story mixed-use building comprising new performance space for the National Black Theater, mixed-income housing and retail space in the East Harlem section of Manhattan.

PUBLIC HEARING

DATE: November 14, 2017

Witnesses in Favor: Ten **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

DATE: December 4, 2017

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

In Favor:
Richards, Gentile, Garodnick, Reynoso, Grodenchik.

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: December 7, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:
Greenfield, Gentile, Palma, Garodnick, Mendez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:	**Abstain:**
None	None

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, December 7, 2017. *Other Council Members Attending: Council Members Perkins and Chin.*

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. 817

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 170425 (A) ZRY submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to create a definition, a use and, in designated areas, a special permit for self-service storage facilities and to establish APPENDIX J (Designated Areas in Manufacturing Districts).

The Committee on Land Use, to which the annexed Land Use item was referred on November 16, 2017 (Minutes, page 4075), respectfully

REPORTS:

SUBJECT

CITYWIDE **N 170425(A) ZRY**

City Planning Commission decision approving an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to create a definition, a use and, in designated areas, a special permit for self-service storage facilities and to establish APPENDIX J (Designated Areas in Manufacturing Districts).

INTENT

To approve the amendment of the Zoning Resolution in order to permit new self-storage development as-of-right within designated areas in M districts, only if the proposed building is mixed-use and contains industrial space.

PUBLIC HEARING

DATE: November 20, 2017

Witnesses in Favor: Fifteen **Witnesses Against:** Eight

SUBCOMMITTEE RECOMMENDATION

DATE: December 7, 2017

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

In Favor:
Richards, Gentile, Garodnick, Williams, Reynoso, Grodenchik

Against: **Abstain:**
Torres None

COMMITTEE ACTION

DATE: December 7, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:
Greenfield, Gentile, Palma, Garodnick, Mendez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger, Grodenchik, Salamanca.

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, December 7, 2017. *Other Council Members Attending: Council Members Perkins and Chin.*

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.

At this point, the Speaker (Council Member Mark-Viverito) 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. 828

Report of the Committee on Land Use in favor of approving Application No. 20185128 HAX submitted by the Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 3672, part of Lot 1 (tentative Lot 20), Borough of the Bronx, Community District 9, Council District 18.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on December 11, 2017 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX CB - 9 **20185128 HAX**

Application submitted by the New York City Department of Housing Preservation and Development for approval of a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 3672, p/o Lot 1 (Tentatively Lot 20), Community District 9, Council District 18.

INTENT

To approve a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law that is conterminous with the forty-year term of the new regulatory agreement and terminate the prior exemption.

PUBLIC HEARING

DATE: December 4, 2017

Witnesses in Favor: One **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

DATE: December 4, 2017

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:
Richards, Gentile, Garodnick, Reynoso, Grodenchik.

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: December 7, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:
Greenfield, Gentile, Palma, Garodnick, Mendez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:	**Abstain:**
None	None

In connection herewith, Council Member Greenfield and Salamanca offered the following resolution:

Res. No. 1768

Resolution approving a new tax exemption pursuant to Article XI of the Private Housing Finance Law and termination of the prior exemption for property located at Block 3672, p/o Lot 1 (tentative Lot 20), Borough of the Bronx, (Preconsidered L.U. No. 828; Non-ULURP No. 20185128 HAX).

By Council Members Greenfield and Salamanca.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on December 1, 2017 its request dated December 1, 2017 that the Council approve a new exemption from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law and termination of the prior exemption (the "Tax Exemption Request") for property located at Block 3672, p/o Lot 1 (Tentative Lot 20), Community District No. 9, Borough of the Bronx, Council District No. 18 (the "Exemption Area");

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption Request on December 4, 2017;

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 an exemption of the Exemption Area from real property taxes as follows:

a) For the purposes hereof, the following terms shall have the following meanings:

1. "Company" shall mean PL MM LLC.

2. "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.

3. "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3762, p/o Lot 1 (tentative lot 20) on the Tax Map of

the City of New York.

4. "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.

5. "HDFC" shall mean HP Park Lane Family Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.

6. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.

7. "New Owner" shall mean, collectively, the HDFC and the Company.

8. "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.

9. "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on March 21, 1968 (Cal. No.6-A), as extended by the Council on June 7, 2004 (Resolution No. 388-A).

b) The Prior Exemption shall terminate upon the Effective Date.

c) 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.

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 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.

3. Nothing herein shall entitle the HDFC, the New Owner, or any past owner 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. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.

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 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.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, December 7, 2017. *Other Council Members Attending: Council Members Perkins and Chin.*

Laid Over by the Council.

At this point, the Speaker (Council Member Mark-Viverito) 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. 829

Report of the Committee on Land Use in favor of approving Application No. 20185129 HAX submitted by the Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 3672, Lot 1, Borough of the Bronx, Community District 9, Council District 18.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on December 11, 2017 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX CB - 9 **20185129 HAX**

Application submitted by the New York City Department of Housing Preservation and Development for approval of a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 3672, Lot 1, Community District 9, Council District 18.

INTENT

To approve a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law that is conterminous with the forty-year term of the new regulatory agreement and terminate the prior exemption.

PUBLIC HEARING

DATE: December 4, 2017

Witnesses in Favor: One **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

DATE: December 4, 2017

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:
Richards, Gentile, Garodnick, Reynoso, Grodenchik.

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: December 7, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:
Greenfield, Gentile, Palma, Garodnick, Mendez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against: **Abstain:**
None None

In connection herewith, Council Member Greenfield and Salamanca offered the following resolution:

Res No. 1769

Resolution approving a new tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law and terminating the prior tax exemption for property located at Block 3672, Lot 1, Borough of the Bronx, (Preconsidered L.U. No. 829; Non-ULURP No. 20185129 HAX).

By Council Members Greenfield and Salamanca.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on December 1, 2017 its request dated December 1, 2017 that the Council approve a new exemption from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law and terminating the prior exemption (the "Tax Exemption Request") for property located at Block 3672, Lot 1, Community District No. 9, Borough of the Bronx, Council District No. 18 (the "Exemption Area");

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption Request on December 4, 2017;

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 an 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 PL Preservation LLC.

    b) "Current Owner" shall mean, collectively, Pacla Apartments, Inc. and Park Lane Residence Co.

    c) "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.

    d) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3672, Lot 1 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 HP Park Lane Preservation Housing Development Fund Company, Inc. or a housing development fund company that acquires the 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) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.

    i) "New Owner" shall mean, collectively, the HDFC and the Company.

    j) "Prior Exemption "shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on March 21, 1968 (Cal. No.6-A), as extended by the Council on June 7, 2004 (Resolution No. 388-A).

    k) "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.

    l) "Gross Rent" shall mean the gross potential rents from all residential units (both occupied and

vacant) of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance).

m) "Gross Rent Tax" shall mean an amount equal to three quarters of one percent (.75%) of Gross Rent in the tax year in which such real property tax payment is made.

2. The Prior Exemption shall terminate upon the Effective Date.

3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule or regulation.

5. Notwithstanding any provision hereof to the contrary:

a) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the 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.

b) The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.

c) Nothing herein shall entitle the HDFC, the New Owner or any past owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

d) All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.

6. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state or federal law, rule or regulation.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, December 7, 2017. *Other Council Members Attending: Council Members Perkins and Chin.*

Laid Over by the Council.

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

Report for LU No. 830

Report of the Committee on Land Use in favor of approving Application No. 20175226 SCK submitted by the New York City School Construction Authority pursuant to Section 1732 of the School Construction Authority Act concerning the proposed site selection for a Primary School for property located at Block 693, Lots 39 and 48, Borough of Brooklyn, School District No. 15, Community District 7, Council District 38.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on December 11, 2017 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 7 **20175226 SCK**

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 404-Seat Primary School facility to be located at 836 5th Avenue (Tax Block 693, Lots 39 and 48), in Community School District No. 15.

INTENT

To approve the site plan for a new, approximately 404-Seat Primary School facility that will be located in the Sunset Park section of Brooklyn, serving students in pre-kindergarten through fifth grade in Community School District 15.

PUBLIC HEARING

DATE: December 4, 2017

Witnesses in Favor: Two **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

DATE: December 4, 2017

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

In Favor:
Mendez, Levin, Rose, Barron, Kallos.

Against:	**Abstain:**
None	None

COMMITTEE ACTION

DATE: December 7, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:
Greenfield, Gentile, Palma, Garodnick, Mendez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:	**Abstain:**
None	None

In connection herewith, Council Members Greenfield and Koo offered the following resolution:

Res. No. 1770

Resolution approving the site plan for a new, approximately 404-Seat Primary School Facility, to be located at 836 5th Avenue (Block 693, Lots 39 and 48), Borough of Brooklyn (Non-ULURP No. 20175226 SCK; Preconsidered L.U. No. 830).

By Council Members Greenfield and Koo.

WHEREAS, the New York City School Construction Authority submitted to the Council on December 1, 2017, a site plan dated November 29, 2017 pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 404-Seat Primary School Facility, known as K671, to be located at 836 5th Avenue (Tax Block 693, Lots 39 and 48), Community District No. 7, Borough of Brooklyn, Community School District No. 15 (the "Site Plan");

WHEREAS, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

WHEREAS, upon due notice, the Council held a public hearing on the Site Plan on December 4, 2017;

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued November 3, 2017 (SEQR Project No. 18-004) (the "Negative Declaration"); and

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

RESOLVED:

Having considered the Negative Declaration, and the land use implications and other policy issues relating to the Site Plan, with respect to the Application,

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, December 7, 2017. *Other Council Members Attending: Council Members Perkins and Chin.*

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

Report of the Committee on Oversight and Investigations

Report for Int. No. 1618-A

Report of the Committee on Oversight and Investigations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to requiring that the department of investigation conduct public outreach campaigns and issue yearly reports on complaints received

The Committee on Oversight and Investigations, to which the annexed proposed amended local law was referred on May 24, 2017 (Minutes, page 1618), respectfully

REPORTS:

.**INTRODUCTION**

On December 7, 2017, the Committee on Oversight & Investigations, chaired by Council Member Vincent J. Gentile, will vote on two proposed local laws. These bills involve issues related to the Department of Investigation (DOI), as summarized below. The Committee previously held a hearing on these bills on June 19, 2017 and received testimony from the Department of Investigation, advocacy organizations, and other members of the public.

I. BACKGROUND

a. PROP. INT. 1618-A

DOI has periodically utilized anti-corruption advertising campaigns to raise public awareness of different forms of government corruption and inform the public of how to submit complaints to DOI. The most recent campaign, released in 2016, featured print and radio advertisements containing the slogan "Bribery &

Corruption Are a Trap. Don't Get Caught Up. Report It."[1] The 2016 advertising campaign cost $312,000 and was funded through asset forfeiture money obtained from defendants subject to DOI investigations.[2] Previous DOI advertising includes the 2013 campaign "See Something Crooked in NYC?" which was featured on posters throughout the New York City transit system, and the 1990s campaign, "Get the Worms Out of the Big Apple."[3]

As introduced, Int. No. 1618 would have required that DOI conduct annual public outreach campaigns – via print, radio and public forums—to educate New Yorkers on how to identify different types of government corruption and publicize the mechanisms for submitting complaints to DOI. Additionally, DOI would be required to publish information annually pertaining to resolved complaints received the previous year, disaggregated by: month the complaint was submitted, agency and category of employee misconduct involved, and the mechanism through which the complaint was submitted to DOI.

The bill has been amended since its introduction. Specifically, Proposed Int. 1618-A would require DOI to conduct annual public outreach efforts, including, whenever practicable, the use of print, radio and public forums. Additionally, the reporting requirement has been amended to include yearly reporting on the number of complaints received, the mechanism through which the complaint was submitted, and a summary of relevant outreach efforts undertaken by the agency in the previous year.

b. PROP. INT. 1633-A

The City Charter empowers the Commissioner of Investigation with jurisdiction to investigate "any person or entity doing business with the city, or any person or entity who is paid or receives money from or through the city or any agency of the city."[4] This authority includes making a determination of vendor responsibility for city contracting purposes.[5] In evaluating the responsibility of a prospective vendor, DOI conducts a Vendor Name Check (VNC) that is used to ascertain whether the contracting entity or any affiliated individuals have been previously subject to a DOI investigation. Under existing city rules, agency contracting officers are required to request a VNC from proposed vendors "expeditiously" and DOI is required to provide the agencies with an explanation if its review "is not completed within thirty calendar days of the request."[6] If DOI is unable to complete the vendor investigation within the 30-day period, the contracting agency is permitted to make a responsibility determination based on available information and execute a contract with the relevant vendor. At a Council Preliminary Budget Hearing in March 2017, DOI Commissioner Mark Peters testified that DOI completes approximately 94% of Vendor Name Checks within 30-days.[7]

As introduced, Int. 1633 would have required that whenever practicable, DOI must complete a Vendor Name Check of a prospective vendor for a City contract, 30-days prior to the commencement of the contract between the City agency and the vendor.

The bill has been amended since its introduction. Specifically, Proposed Int. 1633A includes provisions whereby the Department of Investigation maintains discretion regarding the release of information that is subject to confidentiality agreements or the release of which may hinder the integrity of ongoing investigations. Additionally, the proposed local law now includes language explicitly declaring that no private right of action is created by the statutory provisions.

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[1] Department of Investigations, Press Release July 6, 2016; available at: http://www1.nyc.gov/assets/doi/downloads/pdf/2016/Jul16/21ReportIt07062016.pdf.
[2] New York Daily News, *NYC Department of Investigation Starts New Anti-Corruption Ad Campaign*, July 6, 2016; available at http://www.nydailynews.com/news/politics/nyc-department-investigation-release-anti-corruption-ads-article-1.2701801.
[3] Id.
[4] N.Y. City Charter § 803(e).
[5] *See* N.Y.C. Exec. Ord. No. 16, *Commissioner of Investigation, Inspectors General and Standards of Public Service*, Jul. 26, 1978, *available at* http://www.nyc.gov/html/records/pdf/executive_orders/1978EO016.pdf .
[6] N.Y. City Rules, Tit. 9, § 2-08 (f)(1).
[7] City Council Committee on Oversight and Investigations, 2017 Preliminary Budget Hearing, March 3 2017; transcript available at: http://legistar.council.nyc.gov/View.ashx?M=F&ID=5087434&GUID=5B0A2623-7F39-4998-B715-38E81B273A5B.

II. ANALYSIS AND AMENDMENTS TO PROP. INT. 1618-A

Section 1 of the bill establishes a requirement that the Department of Investigation conduct annual public outreach efforts, including whenever practicable, the use of print, radio, and public forums. Additionally, the Department shall submit yearly reports on complaints received, including information on mechanism by which complaints were submitted and a summary of relevant public outreach efforts. The amended version of the bill removes reporting requirements related to data on complaints received disaggregated by agency involved and type of alleged employee misconduct.

Section 2 of the bill states that the local law takes effect 120 days after enactment.

III. ANALYSIS AND AMENDMENTS TO PROP. INT. 1633-A

Section 1 of the bill establishes that, whenever practicable, the Department of Investigation must complete required vendor background checks within 30 days. Additionally, the amended version of the bill contains provisions enabling the Department with exercise discretion as to protecting the integrity of ongoing investigations and the confidentiality of certain protected information. Finally, the amended version of the bill includes language explicitly declaring that no private right of action may be construed from the provisions included in the bill.

Section 2 of the bill states that the local law takes effect 120 days following enactment.

(The following is the text of the Fiscal Impact Statement for Int. No. 1618-A:)

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

PROPOSED INTRO. NO.: 1618-A

COMMITTEE: Oversight and Investigations

TITLE: A Local Law to amend the New York city charter, in relation to requiring that the department of investigation conduct public outreach campaigns and issue yearly annual reports on complaints received.

Sponsor: By Council Members Gentile, Dromm, Lancman, Rosenthal and Torres

SUMMARY OF LEGISLATION: Proposed Int. No. 1618-A would require the Department of Investigation ("the Department") to conduct annual outreach campaigns to educate the public on forms of government corruption, fraud, and waste, as well as provide information regarding how the public can submit complaints to the Department. The legislation provides that such outreach campaigns are not limited to, but whenever practicable shall include the use of print, radio, and public forums. In addition, the Department would be required to post a report on its website by March 1st of each year regarding public complaints received in the previous year. These reports would include the total number of complaints disaggregated by the mechanism through which the complaint was submitted, and a summary of relevant outreach activities.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues (+)	$0	$0	$0
Expenditures (-)	$50,000	$600,000	$600,000
Net	$0	$0	$0

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

IMPACT ON EXPENDITURES The Department would require resources to implement the requirements of this legislation. According to the Department, it would need one additional staff member, an outreach coordinator, as well as approximately $600,000 each year for a media campaign. The Department has sufficient personnel resources but will require a budget increase to comply with Intro. 1618-A.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Department of Investigation

ESTIMATE PREPARED BY: Sheila D. Johnson, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Eric Bernstein, Counsel
Eisha Wright, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced as Intro. No. 1618 by the Council on May 24, 2017 and was referred to the Committee on Oversight and Investigations (Committee). The Committee considered the legislation at a hearing on June 19, 2017, and the legislation was laid over. The legislation was subsequently amended and the amended version of the legislation, Proposed Intro. No. 1618-A, will be voted on by the Committee on December 7, 2017. Upon successful vote by the Committee, Proposed Intro. 1618-A will be submitted to the full Council for a vote on December 11, 2017.

DATE PREPARED: December 6, 2017.

(For text of Int. Nos. 1633-A and its Fiscal Impact Statement, please see the Report of the Committee on Oversight and Investigations for Int. No. 1633-A printed in these Minutes; for text of Int. No. 1618-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 1618-A and 1633-A.

(The following is the text of Int. No. 1618-A:)

Int. No. 1618-A

By Council Members Gentile, Dromm, Lancman, Rosenthal, Torres, Perkins, Menchaca, Treyger and Kallos.

A Local Law to amend the New York city charter, in relation to requiring that the department of investigation conduct public outreach campaigns and issue yearly reports on complaints received

Be it enacted by the Council as follows:

Section 1. Chapter 34 of the New York city charter is amended by adding a new section 808 to read as follows:

§ 808. Public outreach and reporting. (a) The department shall conduct annual outreach campaigns to educate the public on forms of government corruption, fraud, and waste, and provide information regarding how the public can submit complaints to the department. Such outreach campaigns are not limited to but whenever practicable shall include the use of print, radio, and public forums.

(b) The department shall post a report on its website by March 1st of each year regarding public complaints received by the department for the preceding year. Such reports shall include the total number of complaints disaggregated by the mechanism through which the complaint was submitted and a summary of relevant outreach activities.

Section 2. This local law takes effect in 120 days.

VINCENT J. GENTILE, *Chairperson*; DANIEL DROMM, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, HELEN K. ROSENTHAL, BILL PERKINS; Committee on Oversight and Investigations, December 7, 2017.

On motion of the Speaker (Council Member Mark-Viverito), 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. 1633-A

Report of the Committee on Oversight and Investigations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to completion by the department of investigation of city vendor name checks.

The Committee on Oversight and Investigations, to which the annexed proposed amended local law was referred on June 6, 2017 (Minutes, page 1872), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Oversight and Investigations for Int. No. 1618-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1633-A:

THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO.: 1633-A

COMMITTEE: Oversight and Investigations

TITLE: A Local Law to amend the New York city charter, in relation to completion by the department of investigation of city vendor name checks.

Sponsor: By Council Members Gentile, Rosenthal and Crowley

SUMMARY OF LEGISLATION: Proposed Int. No. 1633-A would require that, whenever practicable, the Department of Investigation ("the Department") conduct vendor name checks for city vendors at least 30 days prior to the commencement of a contract between the City agency and the vendor.

EFFECTIVE DATE: This local law would take effect 120 days after enactment, except that the Department, the Procurement Policy Board, and the Mayor's Office of Contract Services may take all actions necessary for its implementation, including the promulgation of rules, before such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues (+)	**$0**	**$0**	**$0**
Expenditures (-)	**$0**	**$0**	**$0**
Net	**$0**	**$0**	**$0**

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues resulting from the enactment of this legislation because, although civil penalties are authorized pursuant to the legislation, full compliance with the law is anticipated.

IMPACT ON EXPENDITURES: It is estimated that Intro 1633-A would have no impact on expenditures and that existing resources could be used to implement the requirements of the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Department of Investigation

ESTIMATE PREPARED BY: Sheila D. Johnson, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Eric Bernstein, Counsel
Eisha Wright, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced as Intro. No. 1633 by the Council on June 6, 2017 and was referred to the Committee on Oversight and Investigations (Committee). The Committee considered the legislation at a hearing on June 19, 2017 and the legislation was laid over. The legislation was subsequently amended and the amended version of the legislation, Proposed Intro. No. 1633-A, will be voted on by the Committee on December 7, 2017. Upon successful vote by the Committee, Proposed Intro. 1633-A will be submitted to the full Council for a vote on December 11, 2017.

DATE PREPARED: December 6, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1633-A:)

Int. No. 1633-A

By Council Members Gentile, Rosenthal, Crowley, Perkins, Menchaca and Kallos.

A Local Law to amend the New York city charter, in relation to completion by the department of investigation of city vendor name checks

Be it enacted by the Council as follows:

Section 1. Section 335 of the New York city charter is amended to read as follows:

§ 335 Centralized evaluation of contractor integrity, performance, and capability.

a. The mayor may evaluate the integrity, performance, and capability of entities that contract with the city, are seeking to contract with the city, or may seek to contract with the city. The mayor may designate one or more agencies to participate in such efforts. The evaluations of the mayor and any agency designated by the mayor may include conclusions regarding whether the entity should be considered a responsible contractor. The mayor and any agency designated by the mayor may make such evaluations and conclusions available to agencies and the public through a centralized data base.

b. Where evaluation pursuant to subdivision a of this section or other applicable rules and procedures includes a determination by the department of investigation of whether an entity that contracts with the city, seeks to contract with the city, or may seek to contract with the city, or any individual affiliated with such entity, is currently or has ever been, within a relevant timeframe the subject of an investigation by such department, such department shall, to the extent practicable, submit such determination to the relevant agency at least 30 days prior to the anticipated commencement of the contract. However, such department may exercise its discretion with respect to the release of information that may affect the integrity of an ongoing investigation or may be subject to confidentiality requirements imposed by law or agreements with other law enforcement agencies. Such department shall provide an explanation to an agency if its review is not completed within thirty calendar days of the request. This subdivision shall not be construed to create a private right of action in relation to its provisions.

§2. This local law takes effect 120 days after it becomes law, except that the department of investigation, the procurement policy board and the mayor's office of contract services may take all actions necessary for its implementation, including the promulgation of rules, before such effective date.

VINCENT J. GENTILE, *Chairperson*; DANIEL DROMM, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, HELEN K. ROSENTHAL, BILL PERKINS; Committee on Oversight and Investigations, December 7, 2017.

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

Report of the Committee on Parks and Recreation

Report for Int. No. 270

Report of the Committee on Parks and Recreation in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to carbon accounting.

The Committee on Parks and Recreation, to which the annexed proposed local law was referred on April 10, 2014 (Minutes, page 1136), respectfully

REPORTS:

INTRODUCTION

On December 7, 2017, the Committee on Parks and Recreation, chaired by Council Member Mark Levine, will hold a hearing to consider Int. No. 270. The Committee first held a hearing on Int. No. 270 on April 6, 2017. More information on Int. No. 270 can be accessed online at https://goo.gl/UQ2bWl.

BACKGROUND

Int. No. 270

Int. No. 270 permanently changes the name of the Cross Bronx Service Road North between Bronx River Parkway and Hugh Grant Circle and between Westchester Avenue and Zerega Avenue to East 177th Street and the Cross Bronx Service Road South between Bronx River Parkway and White Plains Road and between Hugh Grant Circle and Chatterton Avenue and Havemeyer Avenue to East 177th Street in the borough of the Bronx, and amends the New York City Map accordingly.

(The following is the text of the Fiscal Impact Statement for Int. No. 270:)

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

INTRO. NO: 270

COMMITTEE: Parks and Recreation

TITLE: A Local Law in relation to renaming two thoroughfares and public places in the Borough of the Bronx, East 177th Street, and to amend the official map of the city of New York accordingly.	**SPONSOR (S):** By Council Members Palma and Cohen.

SUMMARY OF LEGISLATION: The proposed law would add, through the posting of additional signs, the following new street names:

New Name	Present Name	Limits
East 177th Street	Cross Bronx Service Road North	Between Bronx River Parkway and Hugh Grant Circle and between Westchester Avenue and Zerega Avenue
East 177th Street	Cross Bronx Service Road South	Between Bronx River Parkway and White Plains Road and between Hugh Grant Circle and Chatterton Avenue and Havemeyer Avenue

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY18
Revenues	**$0**	**$0**	**$0**
Expenditures	**$1,975**	**$0**	**$1,975**
Net	**$1,975**	**$0**	**$1,975**

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

IMPACT ON EXPENDITURES: It is estimated that the implementation of this legislation would require the installation of approximately 26 new street signs. Each sign would cost $37.50 for a total of $975, and the installation of the signs would cost an additional $1,000. As such, the total cost of enacting this legislation would be approximately $1,975.

Fiscal Impact Schedule

New Name	Number of Signs	Cost	Installation (street signs only)	Total Cost
East 177th Street	14	37.5	500	1,025
East 177th Street	12	37.5	500	950
TOTAL	**26**	**$975.00**	**$1,000.00**	**$1,975.00**

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
Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on April 10, 2014 as Intro. No. 270 and was referred to the Committee on Parks and Recreation (Parks). The Committee held a hearing on Intro. No. 270 on April 6, 2017, and the legislation was laid over. The Committee will consider the legislation for a second time on December 5, 2017. Upon a successful vote by the Committee, the bill would be submitted to the full Council for a vote on December 11, 2017.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 270:)

Int. No. 270

By Council Members Richards and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to carbon accounting

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-127 to read as follows:

§ 3-127 Carbon accounting. a. Definitions. As used in this chapter:

Carbon dioxide equivalent (CO_2e). The terms "carbon dioxide equivalent" and "CO_2e" mean the quantity of carbon dioxide gas expressed in metric tons that would have the same GWP when measured over a timescale of 100 years as a given quantity of a greenhouse gas.

Carbon emissions. The term "carbon emissions" means greenhouse gas emissions from any source, as expressed in CO_2e.

Carbon offsets. The term "carbon offset" means a project or process owned or operated by the city that captures and sequesters or chemically decomposes a greenhouse gas from the atmosphere, as expressed in CO_2e.

Carbon mitigation. The term "carbon mitigation" means a project or process owned or operated by an entity other than the city the expenses of which are paid in whole or in part from the city treasury that captures and sequesters or chemically decomposes a greenhouse gas prior to its release into the atmosphere, or results in a reduction of greenhouse gas emissions from any source by the replacement or retrofit of mechanical or electrical equipment or by conversion to an alternative source of energy. Carbon mitigation shall be measured as the reduction of the pre-mitigation release of greenhouse gas into the atmosphere, as expressed in CO_2e, for the entire useful life of any mechanical or electrical equipment used to achieve such mitigation, as appropriate, prorated by the percentage of funds used to finance such mitigation that were paid from the city treasury.

Global warming potential (GWP). The terms "global warming potential" and "GWP" mean the total infrared radiation energy that a greenhouse gas absorbs over a period of time compared to carbon dioxide. The GWP value for any particular greenhouse gas shall be equal to the value for such gas as listed in column "GWP 100-year" of table 8.A.1, Radiative efficiencies (REs), lifetimes/adjustment times, AGWP and GWP values for 20 and 100 years, and AGTP and GTP values for 20, 50 and 100 years, of Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change as published on September 30, 2013.

Greenhouse gas. The term "greenhouse gas" means a gas that absorbs infrared radiation in the atmosphere, and specifically any gas listed in table 8.A.1, Radiative efficiencies (REs), lifetimes/adjustment times, AGWP and GWP values for 20 and 100 years, and AGTP and GTP values for 20, 50 and 100 years, of *Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change* as published on September 30, 2013.

Net carbon impact. The term "net carbon impact" means an amount equal to the carbon emissions less the carbon offsets and carbon mitigation that would be generated by a unit of appropriation, by an agency, or by the entire city government, respectively.

b. Preliminary budget accounting. Not later than the day the mayor submits the preliminary budget to the council pursuant to section 236 of the charter, the mayor shall submit to the council an accounting of the carbon emissions, carbon offsets, carbon mitigation and net carbon impact that would be generated by each unit of appropriation in the preliminary budget, by each agency, and by the entire city government. The second and subsequent annual reports submitted pursuant to this subdivision shall also include, where appropriate, the changes from the adopted budget for previous year to the carbon emissions, carbon offsets, carbon mitigation and net carbon impact that would be generated by each unit of appropriation in the preliminary budget, by each agency, and by the entire city government with an explanation of the cause of such changes.

c. Executive budget accounting. Not later the day the mayor submits the executive budget to the council pursuant to section 249 of the charter, the mayor shall submit to the council an accounting of the carbon emissions, carbon offsets, carbon mitigation and net carbon impact that would be generated by each unit of appropriation in the executive budget, by each agency, and by the entire city government. The second and subsequent annual reports submitted pursuant to this subdivision shall also include, where appropriate, the changes from the adopted budget for previous year to the carbon emissions, carbon offsets, carbon mitigation and net carbon impact that would be generated by each unit of appropriation in the executive budget, by each agency, and by the entire city government, with an explanation of the cause of such changes.

d. Methodology. The director of the office of long-term planning and sustainability shall establish the methodology by which carbon emissions, carbon offsets and carbon mitigation shall be calculated. A description of the methodology shall be included with each report submitted pursuant to subdivisions b or c of this section.

§ 2. This local law takes effect immediately.

MARK LEVINE, *Chairperson*; FERNANDO CABRERA, JAMES G. VAN BRAMER, ALAN N. MAISEL, MARK TREYGER; Committee on Parks and Recreation, December 7, 2017.

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

Report of the Committee on Public Safety

Report for Int. No. 1611-A

Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to submit reports on clearance rates of index crimes.

The Committee on Public Safety, to which the annexed proposed amended local law was referred on May 10, 2017 (Minutes, page 1342), respectfully

REPORTS:

I. INTRODUCTION

On December 7, 2017 the Committee on Public Safety, chaired by Council Member Vanessa Gibson, will vote on Proposed Introductory Number 1611-A (Prop. Int. 1611-A), in relation to requiring the police department to submit records on clearance rates of index crimes and Proposed Introductory Number 1664-A (Prop. Int. 1664-A) in relation to requiring the police department to report on the number of arrests and summons returnable to the Transit Adjudication Bureau for subway fare evasion. The Committee previously held a hearing on these two bills on October 16, 2017 where members of the New York City Police Department (NYPD or the department) and the public provided testimony.

BACKGROUND

a. PROP. INT. 1611-A

In recent years, several reports indicated the growing need for allocating more detectives and investigators in boroughs that experience more crime. In 2016, the *New York Times* reported that out of the City's 77 police precincts, the 40th precinct in the South Bronx had the highest murder rate, but the fewest detectives per violent crime, reflecting disparities in staffing that effect neighborhoods outside of Manhattan.[1] In an analysis of the NYPDs deployment data, the *New York Times* found that precinct detective squads and homicide squads were desperately understaffed in parts of the Bronx, Brooklyn, and Queens, effecting their ability to investigate and clear cases.[2] New York City Council Speaker, Melissa Mark-Viverito, Public Advocate, Letitia James and other elected officials called on the department to address inequalities in how it deploys investigative resources in poor, predominantly black and Hispanic neighborhoods.[3]

Prop. Int. No. 1611-A would require the police department to report quarterly on the clearance rate of major crimes, disaggregated by borough. The bill would require clearance rates for the seven index crimes, which include homicide, rape, robbery, aggravated assault, and burglary. This report would document and identify any disparities that exist across the city.

b. PROP. INT. 1664-A

The NYPD can enforce fare evasion or "jumping the turnstile" in two ways. The NYPD may issue a civil summons, pursuant to the Transit Adjudication Bureau (TAB) rules,[4] where an individual would be fined $100 or, pursuant to the New York State Penal Law, where an individual can be arrested for "theft of services", a class A misdemeanor punishable by up to a year in prison.[5] According to the State Division of Criminal Justice Services, as of June 2017 the NYPD stopped more than 30,000 New Yorkers for jumping the turnstile.[6] Of those who were stopped, nearly three-quarters were issued a summons for violating the transit rules against fare evasion.[7] During the same period, 8,625 people were arrested for "theft of services" pursuant to the penal law; 89% of which were black or Latino.[8] While many have raised concerns about the collateral consequences an arrest for fare evasion may lead to, including the possibility of deportation, the NYPD maintains that those arrested "ha[ve] underlying circumstances such as an active warrant or being designated as a 'transit

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[1] Mueller, Benjamin, Baker, Al "Rift Between officers and Residents as Killings Persist in South Bronx: Trust Ebbs in a precinct with many murders but too few detectives" 31, December 2016 *available at* https://www.nytimes.com/2016/12/31/nyregion/bronx-murder-40th-precinct-police-residents.html?_r=0

[2] Mueller, Benjamin, Baker, Al "New York Police Urged to Fix Inequalities in Deployment of Investigators" 4, January 2017 *available at* https://www.nytimes.com/2017/01/04/nyregion/new-york-police-urged-to-fix-inequities-in-deployment-of-investigators.html

[3] *Id.*

[4] *See* Transit Adjudication Bureau "Rules of Conduct and Fines" *available at* http://web.mta.info/nyct/rules/TransitAdjudicationBureau/Rules%20of%20Conduct%20and%20Fines.pdf

[5] *See* New York Penal Law § 165.15

[6] "New York Bill Hold NYPD Accountable on Fare Evasion Targets" Times Ledger 20, July 2017 *available at* https://www.timesledger.com/stories/2017/29/lancman_2017_07_21_q.html

[7] *Id.*

[8] *Id.*

recidivist'- a designation for chronic offenders".[9] According to NYPD policy, an individual is arrested for theft of services, or a criminal offense, rather than issued a civil summons returnable to TAB, if the person is classified as a "transit recidivist." In August of 2016 the department revised their policy and a "transit recidivist" is now (1) anyone who has a prior arrest for a sex crime in the transit system; (2) any prior felony or misdemeanor arrest in the transit system in the last two years; (3) three or more violation arrests in the transit system in the last five years; (4) 3 or more TAB summonses within the last 2 years; or (5) on parole or probation.[10] MTA board member David Jones has made several requests to the NYPD for data on fare evasion.[11] Chief of NYPDs Transit Bureau, Vincent Coogan, has indicated that compiling a breakdown of arrests for theft of services at each station would be very time consuming.[12]

Prop. Int.1664-A, would require the police department to report on the number of arrests and summons issued for subway fare evasion. The report would include this data disaggregated by subway station where the arrest was made, the transit bureau of arresting officers, and the age range, race, and sex of the arrestee. In addition it would require the department to publish the criteria they use to determine whether an individual receives a criminal or civil charge.

II. ANALYSIS AND AMENDMENT TO PROP. INT. 1611-A

Section 1 of the bill defines the term "clearance rate" as the number of specific crimes where at least one person has been arrested, not including voided arrest, divided by the total number of such crimes. In addition, it would require the department to publish a report for the clearance rate for the seven major index crimes, including homicide, rape, robbery, felony assault, burglary, grand larceny and auto theft. The prior version of the bill required this information be disaggregated by police unit, whereas the current version of the bill requires disaggregation by borough. In addition, the prior version defined clearance rate as those crimes where at least one person was arrested and turned over for prosecution, whereas the current version excludes voided arrests.

Section 2 of the bill states that the local law takes effect immediately.

III. ANALYSIS AND AMENDMENTS TO PROP. INT. 1664-A

Section 1 of the bill requires the NYPD to publish a quarterly report online containing data on the arrests and summonses for subway fare evasion. The report would include the total number of arrests under penal law section 165.15 that occurred in a subway station, disaggregated by the transit bureau district, the subway station, demographics of the arrestee, and whether the arrests was issued a desk appearance ticket or the officer conduced a live arrest. The department would also be required to provide the same information for summons returnable to the TAB. In addition, the bill would require the NYPD to publish their criteria with respect to determining whether an individual is issued a summons returnable to TAB or a criminal summons. The prior version of the bill disaggregated the arrests and civil summons by officer's police precinct, whereas the current version requires the officer's transit district. The current version no longer requires the NYPD to publish the reason the individual was issued a criminal summons, but instead requires the department to publish the criteria they use to issue an individual a criminal verses a civil summons. Finally, the current version requires the NYPD to disaggregate the age of the offender by age group including those that are under 18 years of age.

Section 2 of the bill states that the local law takes effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 1611-A:)

[9]Parascandola, Rocco "NYPD Arrests Mostly People of Color for Fare Beating, Stats Show" 12, Feb 2016 *available at* http://www.nydailynews.com/new-york/nypd-arrests-people-color-fare-beating-stats-article-1.2528320

[10] Discussions with Council staff and the NYPD

[11]Hogan, Gwynne "NYPD Won't Release Arrest Info on Turnstile Jumping, MTA Board Member Says" 22, May 2017 *available at* https://www.dnainfo.com/new-york/20170522/financial-district/mta-subway-fair-fares-swipe-it-forward-police-nypd

[12] *Id.*

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

PROPOSED INTRO. NO. 1611-A

COMMITTEE: PUBLIC SAFETY

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the Police Department to submit reports on clearance rates of index crimes

SPONSORS: By Council Members Torres, Lancman, Gibson, Constantinides and Rosenthal

SUMMARY OF LEGISLATION: Proposed Int. No. 1611-A would require the Police Department to report quarterly on its website the clearance rate for the seven index crimes by borough. The seven index crimes are homicide, rape, robbery, felony assault, burglary, grand larceny, and grand larceny involving the theft of a motor vehicle. The clearance rate means the number of specific crimes where at least one person has been arrested divided by the total number of crimes reported.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues (+)	$0	$0	$0
Expenditures (-)	$0	$0	$0
Net	$0	$0	$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures as a result of this legislation as the Police Department would use existing resources to comply with the provisions of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCES OF INFORMATION: New York City Police Department
New York City Council Finance Division

ESTIMATE PREPARED BY: Steve Riester, Senior Financial Analyst

ESTIMATE REVIEWED BY: Rebecca Chasan, Counsel, Finance Division
Eisha Wright, Unit Head, Finance Division
Regina Poreda Ryan Deputy Director, Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1611 on May 10, 2017 and was referred to the Committee on Public Safety (Committee). The Committee considered the legislation at a hearing on October 16, 2017, and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1611-A, will be considered by the Committee on December 7, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1611-A will be submitted to the full Council for a vote on December 11, 2017.

DATE PREPARED: December 6, 2017.

(For text of Int. No. 1664-A and their Fiscal Impact Statement, please see the Report of the Committee on Public Safety for Int. No. 1664-A printed in these Minutes; for text of Int. No. 1611-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 1611-A and 1664-A.

(The following is the text of Int. No. 1611-A:)

Int. No. 1611-A

By Council Members Torres, Lancman, Gibson, Constantinides, Rosenthal and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to submit reports on clearance rates of index crimes

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-171 to read as follows:

§14-171. Index crime clearance report. a. The term "clearance rate" means the number of specific crimes where at least one person has been arrested, not including voided arrests, divided by the total number of such crimes reported.

b. No later than 30 days after the quarter ending December 31, 2017 and 30 days after every quarter thereafter, the department shall publish on the department's website a report for the prior quarter, which shall include a report for each borough, of the clearance rate for the following crimes:

1. Homicide as defined in article 125 of the penal law;

2. Rape as defined in article 130 of the penal law;

3. Robbery as defined in article 160 of the penal law;

4. Felony assault as defined in article 120 of the penal law;

5. Burglary as defined in article 140 of the penal law;

6. Grand larceny as defined in article 155 of the penal law; and

7. Grand larceny involving the theft of a motor vehicle as defined in article 155 of the penal law.

§2. This local law takes effect immediately.

VANESSA L. GIBSON, Chair; VINCENT J. GENTILE, JUMAANE D. WILLIAMS, ROBERT E. CORNEGY, Jr., CHAIM M. DEUTSCH, RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES, STEVEN MATTEO; Committee on Public Safety, December 7, 2017.

On motion of the Speaker (Council Member Mark-Viverito), 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. 1664-A

Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to report on the number of arrests and summonses returnable to the Transit Adjudication Bureau for subway fare evasion.

The Committee on Public Safety, to which the annexed proposed amended local law was referred on May 10, 2017 (Minutes, page 2446), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Public Safety for Int. No. 1611-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1664-A:

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

PROPOSED INTRO. NO. 1664-A

COMMITTEE: PUBLIC SAFETY

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to report on the number of arrests and summonses returnable to the Transit Adjudication Bureau for subway fare evasion	**SPONSORS:** By Council Members Lancman, Rodriguez, Rosenthal, Gentile and Gibson

SUMMARY OF LEGISLATION: Proposed Int. No. 1664-A would require the Police Department to publish a quarterly report on its website about the number of theft of services arrests and fare evasion offenses returnable to the Transit Adjudication Bureau. Such report would be disaggregated by age of the offender or arrestee, subway station in which the offense took place, the transit bureau of the offense and, in the case of a criminal enforcement, whether the individual was issued a desk appearance ticket or whether the arrestee was processed through central booking. In addition, the Department would be required to publish their policy on issuing a summons returnable to the Transit Adjudication Bureau.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues (+)	$0	$0	$0
Expenditures (-)	$0	$0	$0
Net	$0	$0	$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures as a result of this legislation as the Police Department would use existing resources to comply with the provisions of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCES OF INFORMATION: New York City Police Department
New York City Council Finance Division

ESTIMATE PREPARED BY: Steve Riester, Senior Financial Analyst

ESTIMATE REVIEWED BY: Rebecca Chasan, Counsel, Finance Division
Eisha Wright, Unit Head, Finance Division
Regina Poreda Ryan Deputy Director, Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1664 on April 20, 2017 and was referred to the Committee on Public Safety (Committee). The Committee considered the legislation at a hearing on October 16, 2017, and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1664-A, will be considered by the Committee on December 7, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1664-A will be submitted to the full Council for a vote on December 11, 2017.

DATE PREPARED: December 6, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1664-A:)

Int. No. 1664-A

By Council Members Lancman, Rodriguez, Rosenthal, Gentile, Gibson, Rose and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to report on the number of arrests and summonses returnable to the Transit Adjudication Bureau for subway fare evasion

Be it enacted by the Council as follows:

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-172 to read as follows:

§ 14-172. Online reporting of arrests and summonses for subway fare evasion. a. No later than 30 days after the quarter ending December 31, 2017 and 30 days after every quarter thereafter, the department shall publish on the department's website a report for the prior quarter, which shall include:

1. The total number of arrests under subdivision 3 of section 165.15 of the penal law that occurred in a New York city transit authority station in total and disaggregated by the (a) transit bureau district; (b) New York city transit authority station; (c) race, sex and age group of the arrestee, including but not limited to disaggregation of arrestees under the age of 18; and (d) whether the arrestee was issued a desk appearance ticket or was the subject of a live arrest.

2. The total number of summonses returnable to the transit adjudication bureau issued for subway fare evasion as defined in section 1050.4 of title 21 of the New York codes, rules and regulations in total and disaggregated by (a) transit bureau district; (b) the New York city transit authority station; and (c) race, sex and age group of the violator, including but not limited to disaggregation of violators under the age of 18.

b. The department shall publish on its website the department's policy with respect to determining whether an individual is issued a summons returnable to the transit adjudication bureau or a criminal summons.

c. Data pursuant to paragraphs 1 and 2 of subdivision a of this section shall be stored permanently, and shall be accessible from the department's website in a format that permits automated processing.

§2. This local law takes effect immediately.

VANESSA L. GIBSON, Chair; VINCENT J. GENTILE, JUMAANE D. WILLIAMS, ROBERT E. CORNEGY, Jr., CHAIM M. DEUTSCH, RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES, STEVEN MATTEO; Committee on Public Safety, December 7, 2017.

On motion of the Speaker (Council Member Mark-Viverito), 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 Rules, Privileges and Elections

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

Preconsidered M-562

Report of the Committee on Rules, Privileges and Elections approving the appointment by the Mayor of Anne Holford-Smith as a member of the New York City Landmarks Preservation Commission.

The Committee on Rules, Privileges and Elections, to which the annexed Mayor's Message was referred on December 11, 2017 and which same Mayor's Message was coupled with the resolution shown below, respectfully

REPORTS:

<u>Topic I</u>: New York City Landmarks Preservation Commission – (Candidate nominated by the Mayor for appointment, upon the advice and consent of the Council)

Anne Holford-Smith [Preconsidered M-562]

In a letter dated November 29, 2017, Mayor Bill de Blasio formally submitted Anne Holford-Smith's name to the Council of the City of New York, for its advice and consent, regarding their nomination for appointment to the Landmarks Preservation Commission.

Pursuant to the *New York City Charter* ("*Charter*") §3020, the New York City Landmarks Preservation Commission ("LPC") is responsible for establishing and regulating landmarks, portions of landmarks, landmark sites, interior landmarks, scenic landmarks, and historic districts. The LPC also regulates alterations to designated buildings.

The LPC consists of eleven (11) members. The membership of this commission must include at least three architects, one historian qualified in the field, one city planner or landscape architect, and one realtor; and shall include at least one resident from each of the five boroughs. The mayor appoints the members of the LPC with the advice and consent of the Council. When appointing a member to this commission who must be an architect, historian, city planner, or landscape architect, the mayor may consult with the Fine Arts Federation of New York or any other similar organization. These members are appointed for staggered three-year terms. Each member continues to serve as a commissioner until his or her successor is appointed and qualified. The mayor also designates one member to serve as the LPC Chair, and designates another member to serve as LPC Vice Chair. These particular LPC members shall serve until a successor is designated. The LPC members, with the exception of the Chair, serve without compensation, but are reimbursed for necessary expenses incurred in the course of performing their duties. The current Chair's salary is $192,198.

The LPC must appoint a full-time executive director and may also employ technical experts and other employees necessary to perform day-to-day operations within the appropriations therefor.

As enumerated in the *Charter*, the LPC is required to provide opportunities for comment in advance of any hearing, regarding a proposed landmark designation, landmark site, interior landmark, scenic landmark, or historic district.[1] Notices of proposed designations must be sent to the New York City Planning Commission ("CPC"), all affected Community Boards, and the Office of the Borough President, for the borough where the property or district is located.

The LPC also has a duty to provide certain notices to the Council. The LPC is required to file a copy of any designation with the Council and the CPC, within ten days of making the designation. Furthermore, within 60 days after such filing, CPC must hold a public hearing on any such designation of a historic district and submit a report to the Council, with respect to the relation of any such designation to the *Zoning Resolution*, projected public improvements, and any plans for the development, growth, improvement or renewal of the area involved, whether it relates to the designation of a historic district or a landmark. The CPC must include in this report, its recommendation, if any, for the Council's action with respect to the historic district designation.

The Council may modify or disapprove of any LPC designation by a majority vote, within 120 days from date that a copy of such designation is filed with the Council, provided that either the CPC has submitted the required report on the designation or at least sixty days has elapsed since the filing of the designation with the Council. The Council's vote shall be filed with the mayor, by the Council. The mayor has five days following the filing of the Council's vote, to disapprove of the Council's action. If the mayor fails to disapprove of the Council's action during this time, the Council's action becomes final. If the mayor disapproves of the Council's action, the mayor must file his/her disapproval with the Council. Thereafter, the Council may choose to override the mayor's disapproval within ten days of the filing of the mayor's disapproval, with a two-thirds vote from the Council.

In addition to the designation of landmarks, pursuant to *Administrative Code* § 25-303(i), the LPC also has the ability to make recommendations to CPC at any time, regarding amendments to the provisions in the *Zoning Resolution*, which are applicable to improvements in the historic districts. Moreover, pursuant to *Administrative Code* § 25-307, the LPC also has the responsibility of determining whether a proposed alteration or demolition affecting a landmark, is consistent with the *Landmarks Preservation and Historic Districts* chapter of the *Administrative Code*. In instances where LPC determines that the proposed change

[1] Landmarks are not always buildings. A landmark may be a bridge, a park, a water tower, a pier, a cemetery, a building lobby, a sidewalk clock, a fence, or even a tree. A property or object is eligible for landmark status when at least part of it is thirty years old or older.

complies with the *Code*, it may grant a *Certificate of Appropriateness.* Otherwise, the LPC may deny the applicant's request.

A Hardship Appeals Panel also exists that consists of five members appointed by the mayor, with the Council's advice and consent. This panel operates independently of the LPC, and reviews appeals of LPC determinations, denying applications for *Certificates of Appropriateness,* brought to this panel on the grounds or basis of hardship, concerning demolitions, alterations, or reconstructive improvements. However, this panel only has the power to review applications involving tax-exempt properties.

If the candidate receive the advice and consent of the Council and is subsequently appointed to the LPC, Ms. Holford-Smith, a Manhattan resident, will be eligible to complete the remainder of a three-year term, expiring on June 28, 2019. A Copy of Ms. Holford-Smith's résumé is annexed to this briefing paper.

<u>Topic II:</u> New York City Youth Board – (Council recommendation subject to appointment by the Mayor)

- **Alameda Sky Chapman [Preconsidered M-563]**

Section 734 of the *New York City Charter ("Charter")* states that there shall be a youth board, which shall serve as a forum for representatives of disciplines concerned with the welfare of youth [*Charter* §734(a)]. The Board must be representative of the community, and is required to include persons representing the areas of social service, health care, education, business, industry and labor [*Charter* §734(b)].

The Board serves as an advisory body to the Commissioner of the Department of Youth and Community Development ("DYCD") with respect to the development of programs and policies relating to youth in the City of New York pursuant to Chapter 30 of the *Charter*, Chapter 4, Title 21 of the *Administrative Code*, Article 19-G of the *New York State Executive Law*, and regulations promulgated by the Director of the Division of Youth pursuant to such Article codified at Title 9 of the *Official Compilation of Codes, Rules and Regulations of the State of New York ("NYCRR")* Part 164, Subpart 165-1 [New York City Youth Board By-laws, Article II]. According to Article II of the Board's By-Laws, the powers, duties and responsibilities of the Board are to:

(i) After consultation with the Commissioner of the Department of Youth and Community Development, recommend policies and/or plans, which promote youth development and prevent delinquency.

(ii) Advocate for youth with the executive, administrative and legislative bodies and the community at large regarding the development of services and strategies which address locally identified youth problems and needs.

(iii) Establish closer cooperation among employees, labor, school, churches, recreation and/or youth commission, service clubs, youth and family service providers and other public and private agencies to encourage youth programs on the basis of local community planning.

(iv) Review and analyze grants given in the Department of Youth and Community Development from federal, state and City governments and from private individuals, corporations and associations, and assist the Commissioner in developing criteria for their allocation.

(v) In cooperation with the Commissioner of the Department of Youth and Community Development, review, analyze and recommend the acceptance or rejection of, proposals for the creation or expansion of recreational services and youth service projects or other youth programs as defined

by laws of the State of New York, and make appropriate recommendations to the Mayor.

(vi) Receive, review and analyze statistical records and data, including those that reflect the incidence and trends of delinquency and youthful crimes and offenses in the City.

(vii) Appoint such advisory groups and committees as may be necessary to carry out the powers and duties of the Board.

(viii) Assist in the development of a comprehensive planning process, except as provided in section 165.2 (a)(4)(I)(a) and (b) of Part 164 of Title 9 of the NYCRR.

The Board consists of up to 28 members appointed by the Mayor, 14 of whom are appointed upon recommendation of the City Council [*Charter* §734(c)]. The Mayor designates one of the members of the Board to serve as its Chair [*Charter* §734(d)]. The members of the Board are required to meet at least quarterly [*Charter* §734(f)], and serve without compensation [*Charter* §734(e)]. The *Charter* does not define member terms of office.

If recommended by the Council and subsequently appointed by the Mayor, Ms. Chapman, a resident of Brooklyn, will fill a vacant position and be eligible to serve for an undefined term. A Copy of Ms. Chapman's résumé is annexed to this briefing paper.

PROJECT STAFF
Charles W. Davis III, Director of Investigations
Andre Johnson Brown, Legislative Investigator
Alycia Vassell, Legislative Investigator
Elizabeth Guzman, Counsel

(After interviewing the candidates and reviewing the submitted material, the Committee decided to approve the appointment of the nominees. For nominee Alameda Sky Chapman [M-563], please see, respectively, the Report of the Committee on Rules, Privileges and Elections for M-563 printed in these Minutes; for nominee Anne Holford-Smith M-562], please see immediately below:)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 3020 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Anne Holford-Smith as a member of the New York City Landmarks Preservation Commission to serve the remainder of a three-year term that expires on June 28, 2019.

This matter will be referred to the Committee on December 11, 2017.

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

Res No. 1771

RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF ANNE HOLFORD SMITH AS A MEMBER OF THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION.

By Council Member Lander.

RESOLVED, that pursuant to §§ 31 and 3020 of the New York City Charter, the Council does hereby approve the appointment by the Mayor of Anne Holford-Smith as a member of the New York City Landmarks Preservation Commission to serve the remainder of a three-year term that expires on June 28, 2019.

BRADFORD S. LANDER, *Chairperson*; DANIEL R. GARODNICK, MARGARET S. CHIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, STEVEN MATTEO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, December 11, 2017.

On motion of the Speaker (Council Member Mark-Viverito), 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 Mark-Viverito) announced that the following item had been **preconsidered** by the Committee on Rules, Privileges and Elections and had been favorably reported for adoption.

Preconsidered M-563

Report of the Committee on Rules, Privileges and Elections approving the recommendation of Alameda Sky Chapman as a member of the New York City Youth Board.

The Committee on Rules, Privileges and Elections, to which the annexed Mayor's Message was referred on December 11, 2017 and which same Mayor's Message was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-562, printed in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 734 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the recommendation by the Council of Alameda Sky Chapman as a member of the New York City Youth Board to serve for an undefined term.

This matter will be referred to the Committee on December 11, 2017.

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

Res. No. 1772

RESOLUTION APPROVING THE RECOMMENDATION BY THE COUNCIL OF ALAMEDA SKY CHAPMAN AS A MEMBER OF THE NEW YORK CITY YOUTH BOARD.

By Council Member Lander

RESOLVED, that pursuant to § 734 of the *New York City Charter*, the Council does hereby approve the recommendation of Alameda Sky Chapman as a member of the New York City Youth Board to serve for an undefined term.

BRADFORD S. LANDER, *Chairperson*; DANIEL R. GARODNICK, MARGARET S. CHIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, STEVEN MATTEO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, December 11, 2017.

On motion of the Speaker (Council Member Mark-Viverito), 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 Small Business

Report for Int. No. 1382-B

Report of the Committee on Small Business in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the enforcement of requirements on reporting of information on the workforce of certain construction projects

The Committee on Small Business, to which the annexed proposed amended local law was referred on December 6, 2016 (Minutes, page 4064), respectfully

REPORTS:

I. INTRODUCTION

On December 7, 2017, the Committee on Small Business, chaired by Council Member Robert Cornegy, will consider Proposed Introduction Number 1382-B (Proposed Int. No. 1382-B), a Local Law to amend the administrative code of the city of New York, in relation to the enforcement of requirements on reporting of information on the workforce of certain construction projects.

Proposed Int. No. 1382-B was previously heard by the Committee on September 13, 2017, in a joint hearing with the Committee on Contracts, chaired by Council Member Helen Rosenthal, and the Committee on Economic Development, chaired by Council Member Daniel Garodnick. At that hearing, the Committees heard testimony from the Mayor's Office of Contracting Services (MOCS), the New York City Department of Small Business Services (SBS), the New York City Economic Development Corporation (EDC), and interested members of the public.

II. BACKGROUND

New York City is home to thousands of small businesses, including a significant number owned by minorities and women. According to the U.S. Small Business Administration, there has been a 31.9% increase

in minority business ownership in New York State in recent years,[1] with much of this increase driven by businesses in New York City. Despite the large presence of M/WBEs in the City, these businesses have traditionally struggled with participation in the City contracting process.

The City's M/WBE program was originally established following a 1989 voter referendum approving the establishment of a program to assist M/WBEs.[2] Pursuant to this referendum, in 1991, the Council enacted Local Law 61, which in part created the Division of Economic and Financial Opportunity within SBS, and authorized the Division to create an M/WBE program.[3] The City rules for the program provided that it would expire on June 30, 1998, unless the SBS Commissioner extended the program based on a finding that a continuation was necessary to address the impact of discrimination on opportunities for certified M/WBEs.[4] After six years, the program expired in June 1998 as the City failed to conduct the required disparity study to determine the program's continued necessity.[5]

Despite the appropriation of funds by the Council for a new disparity study in 2000, 2001, and 2002, no study was conducted.[6] Finally, in 2003, Medgar Evers College-CUNY was contracted to conduct a new study, which it commissioned from Mason Tillman Associates.[7] Specifically, the study would examine the City's procurement from 1997 to 2002 and determine whether a disparity existed between the availability of qualified M/WBEs and the utilization of M/WBEs in procurement during this time period.[8] Released in January 2005, the study revealed significant demographic disparities among the business owners with whom the City contracts for purposes of receiving various goods and services. The study revealed that the City contracts with M/WBEs at drastically lower rates than businesses not owned by women or minorities.[9] Further, the study examined the number of MWBEs that operate in the city compared to their rates of procurement of government contracts and found substantial underutilization.[10] The study revealed that M/WBEs were underutilized in the awarding of both prime contracts and subcontracts.[11]

Accordingly, that same year, the Council passed Local Law 129 of 2005, which re-established the City's M/WBE program.[12] The M/WBE program was designed to "address the impact of discrimination on the city's procurement process, and to promote the public interest in avoiding fraud and favoritism in the procurement process, increasing competition for city business, and lowering contract costs."[13] Local Law 129 set aspirational goals for City agencies to increase their contracting with MWBEs. These goals set target percentages for certain types of contracts[14], but initially, the law only applied to contracts valued at $1 million or less. Significantly, Local Law 129 created an M/WBE certification program, which provides greater access to information about contracting opportunities through classes, networking events, targeted solicitations, and includes an online directory for certified businesses within the City that promote M/WBE businesses to purchasers.[15]

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[1] U.S. Small Business Administration, *Small Business Profile: New York* (2016), *available at* https://www.sba.gov/sites/default/files/advocacy/New_York.pdf

[2] Pursuant to *City of Richmond v. J.A. Croson Company, 488 U.S. 469 (1989)*, a United States Supreme Court case, a municipality may only create a race-based program if it demonstrates historical and societal discrimination against minority businesses.

[3] L.L. 61/1991.

[4] Mason Tillman Associates, Ltd., *City of New York Disparity Study* 11-3 (Jan. 2005), *available at* http://masontillman.com/sites/masontillman.com/files/attachments/1312%20City%20of%20New%20York%20Final%20REPORT%201-24-05.pdf

[5] *Id.* at 11-4

[6] *Id.*

[7] *Id.*

[8] *Id.* at 12-2

[9] *Id.*

[10] *Id.* at 10-4

[11] *Id.*

[12] L.L 129/2005

[13] *Id.*

[14] *Id.* The participation goals for this program were established as a result of the disparity study conducted by the City that examined the availability of M/WBEs as compared to their utilization in public contracting.

[15] New York City Department of Small Business Services, "Minority and Women-owned Business Enterprise (M/WBE) Certification Program," https://www1.nyc.gov/nycbusiness/description/minority-and-womenowned-business-enterprise-certification-program-mwbe (last visited December 1, 2016)

After the program's creation, certified M/WBE firms won more than three billion dollars in City contracts by 2012.[16] Notwithstanding the successes of the M/WBE program under Local Law 129, amendments were made to strengthen the program. In 2013, the Council enacted, and Mayor Bloomberg signed into law, Local Law 1.[17] Local Law 1 made a number of significant changes to the city's M/WBE program, including: (i) removing the requirement that M/WBE goals only apply to contracts valued at one million dollars or less; (ii) the creation of "M/WBE stat," an accountability program that requires agency M/WBE officers to convene quarterly to discuss progress with reaching M/WBE goals; (iii) requiring M/WBE reports from MOCS on a quarterly basis instead of semi-annually (as was required under Local Law 129 of 2005); and (iv) overall, improving and increasing education and outreach regarding the MWBE program and city contracting.[18]

The City has continued to make strides in increasing contracting opportunities and workforce development goals for minority and women owned businesses. Additionally, the Administration has established several programs to aid MWBEs. In September of 2016, the Mayor announced the creation of a new Mayor's Office of M/WBEs, and announced a goal of awarding at least 30 percent of all City contracts to M/WBEs by 2021.[19] In June of 2017, the Administration announced the launch of a $10 million Bond Collateral Assistance Fund for M/WBEs and small businesses. This program allows eligible business to apply for collateral assistance of as much as $500,000, or 50 percent of the contract amount, to meet cash collateral bond requirements. [20] Additionally, in 2017, the Department of Small Business Services reported that 112 participants had graduated from its "Strategic Steps for Growth" program, which began in 2010. This program accepts eligible entrepreneurs for an eight-month business education program taught by faculty from New York University's Stern School of Business. In order to qualify, participants must be women or minorities who have operated their companies for at least three years with a minimum of $500,000 per year, and participants pay $1,000 of the program's $10,000 tuition, with the remainder subsidized by Citi Community Development and NYU.[21]

The legislation below seeks to further improve the City's efforts related to minority- and women-owned business enterprise (M/WBE) goals in workforce development.

III. PROPOSED INT. NO. 1382-B

This bill, in conjunction with Proposed Int. No. 752-C, would require certain covered developers to provide workforce disclosure records to an agency designated by the Mayor.

Bill section would require covered developers to include in their workforce disclosure records: the hourly rate of payment for each of their employees; the zip code of each employees' primary address; the address, block, and lot number of their covered projects; and whether such contractor is certified as an M/WBE.

Section 2 of the bill would require the administering agency to anonymize the required data and make it publicly available by no later than September 30, 2021. This section would also require the administering agency to produce a publically available report based on such data every five years, beginning no later than October 31, 2022. The second required report, and every subsequent report after, must include observable trends based on the aggregated data.

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[16] Office of the Mayor of the City of New York, *Mayor Bloomberg Signs Legislation to Help Strengthen Minority and Women-Owned Business Enterprise Program* (Jan. 7, 2013), *available at* http://www1.nyc.gov/office-of-the-mayor/news/011-13/mayor-bloomberg-signs-legislation-help-strengthen-minority-women-owned-business-enterprise

[17] L.L. 1/ 2013

[18] *Id.*

[19] Mayor de Blasio Announces Bold New Vision for the City's M/WBE Program. (2016, September 28). Retrieved September 08, 2017, from http://www1.nyc.gov/office-of-the-mayor/news/775-16/mayor-de-blasio-bold-new-vision-the-city-s-m-wbe-program/#/0

[20] De Blasio Administration Launches New $10 Million Bond Collateral Assistance Fund. (2017, June 21). Retrieved September 08, 2017, from http://www1.nyc.gov/office-of-the-mayor/news/422-17/de-blasio-administration-launches-new-10-million-bond-collateral-assistance-fund-m-wbes-and

[21] Semenova, A. (2017, June 30). Seven years in, city reveals results of MWBE program. Retrieved September 08, 2017, from http://www.crainsnewyork.com/article/20170630/REAL_ESTATE/170629858

Bill section 3 would require the covered developers to keep records of their disclosures made pursuant to this legislation for a minimum of six years after the completion of the covered project. The covered developer must also make their records available to the administering agency upon request.

Section of the bill 4 would create a maximum civil penalty of $5,000 for violating this legislation. However, a covered developer could be provided an opportunity to cure a first violation.

Finally, bill section 5 would provide that this legislation takes effect on the same effective date as Proposed Int. No. 752-C for the year 2015.

(The following is the text of the Fiscal Impact Statement for Int. No. 1382-B:)

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

PROPOSED INTRO. NO: 1382-B
COMMITTEE: Small Business Services

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the enforcement of requirements on reporting of information on the workforce of certain construction projects	**SPONSOR(S):** Council Members Cornegy, Miller, Cumbo, Salamanca, Richards, Torres, Barron, Menchaca, Chin and Kallos

SUMMARY OF LEGISLATION: This bill would require covered contractors employed to work on city-funded construction projects to disclose certain information to an administering agency to be designated by the mayor on at least an annual basis. This information would include whether such contractor is certified as a minority-owned or women-owned business enterprise, as well as administrative information such as the zip code of each employee's primary address, each employee's start date of employment, and the address, block and lot number of specific projects receiving city financial assistance. The designated administering agencies would be required to report on demographic and administrative data contained in contactor workforce disclosure records (where such data can be anonymized). Additionally, the legislation would require that covered developers retain copies of the information required to be submitted for at least six years after the covered project's completion date, as well as make such copies available to the administering agency at the administering agency's request.

Finally, the legislation would establish that violation of this chapter shall be punishable by a civil penalty of not more than $5,000, provided that the administering agency shall offer a covered developer an opportunity to cure for a first time violation of this chapter. Such civil penalty may be recovered in a proceeding before an administrative tribunal within the jurisdiction of the Office of Administrative Trials and Hearings (OATH) or in a civil action in any court of appropriate jurisdiction.

EFFECTIVE DATE: This local law takes effect on the same date that Intro. No. 752-C, a Local Law amending the administrative code of the city of New York, in relation to information regarding the workforce for certain construction projects, takes effect.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues (+)	$0	$0	$0
Expenditures (-)	$0	$0	$0
Net	$0	$0	$0

IMPACT ON REVENUES: It is estimated that there would be no impact on revenue as a result of this legislation, as full compliance is expected.

IMPACT ON EXPENDITURES: It is expected that there would be no impact on expenditures as it is anticipated that the designated administering agency(ies) will use existing resources to implement the provisions of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS:

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Aliya Ali, Senior Financial Analyst, Finance Division

ESTIMATE REVIEWED BY: Eric Bernstein, Counsel, Finance Division
Crilhien Francisco, Unit Head, Finance Division
Nathan Toth, Director, Finance division

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1382 on December 6, 2016 and was referred to the Committee on Small Business Services (Committee). The Committee, along with the Committee on Civil Service and Labor, considered the legislation at a hearing on September 1, 2017, and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1382-A was considered by the Committee, along with the Committees on Contracts and Economic Development, on September 13, 2017, and the bill was again laid over. The legislation was subsequently amended a second time, and the latest amended version, Proposed Int. No. 1382-B, will be considered by the Committee at a hearing on December 7, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1382-B will be submitted to the full Council for a vote on December 11, 2017.

DATE PREPARED: December 4, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1382-B:)

Int. No. 1382-B

By Council Members Cornegy, Miller, Cumbo, Salamanca, Richards, Torres, Barron, Menchaca, Chin and Kallos

A Local Law to amend the administrative code of the city of New York, in relation to the enforcement of requirements on reporting of information on the workforce of certain construction projects

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 22-1102 of the administrative code of the city of New York, as added by a local law amending the administrative code of the city of New York, in relation to information regarding the workforce for certain construction projects, as proposed in introduction number 752-C for the year 2015, is amended to read as follows:

a. Beginning on July 1, 2021, each covered developer for a covered project shall provide workforce disclosure records consisting of the following information for such project to the administering agency on at least an annual basis with respect to covered projects that receive city financial assistance on or after such date:

1. For each individual employed or otherwise engaged to perform construction work by the covered developer or any covered contractor during the prior year:

(a) the number of hours worked;

(b) job title;

(c) full-time or part-time designation; [and]

(d) gross wages[.]*;*

(e) hourly rate of payment; and

(f) zip code of primary address.

2. For each individual employed or otherwise engaged to perform construction work by the covered developer or covered contractor who has voluntarily disclosed the following information to such covered developer and covered contractor for the purpose of reporting under this section:

(a) gender;

(b) race or ethnic group.

3. For each job title, where such information is made available to such covered developer:

(a) the total number of individuals employed or otherwise engaged to perform project work by the covered developer or any covered contractor during the prior year, disaggregated by gender, race or ethnic group, full-time or part-time designation;

(b) the average number of hours worked by such individuals; and

(c) the average compensation of such individuals.

4. The address, block and lot number of such covered project.

5. An indication as to whether such covered developer is certified as either a minority-owned business enterprise or a women-owned business enterprise, as such terms are defined in section 11-278.

§ 2. Section 22-1103 of the administrative code of the city of New York, as amended by a local law of the city of New York amending the administrative code of the city of New York, in relation to information regarding the workforce for certain construction projects, as proposed in introduction number 752-C for the year 2015, is amended to read as follows:

§ 22-1103 Reporting on covered projects. a. By no later than September 30, 2021, the administering agency shall make data *regarding the number of hours worked, job title, full-time or part-time designation, total compensation, zip code of primary address, gender and race or ethnic group* received pursuant to section 22-1102 of this chapter publicly available online where such data can be anonymized.

b. By no later than October 31, 2022 and every five years thereafter, the administering agency shall submit to the mayor and the council, and post publicly on the city's website, a report providing details concerning the workforce of covered projects. *Beginning with the second report required pursuant to this subdivision, the report shall include information concerning trends related to individuals employed on covered projects based upon data aggregated from workforce disclosure records as provided for by section 22-1102.*

§ 3. Chapter 11 of title 22 of the administrative code of the city of New York, as added by a local law of the city of New York amending the administrative code of the city of New York, in relation to information regarding the workforce for certain construction projects, as proposed in introduction number 752-C for the year 2015, is amended by adding a new section 22-1105 to read as follows:

§ 22-1105 Recordkeeping. Covered developers shall retain copies of the information required to be submitted pursuant to section 22-1102 of this chapter for at least six years after the covered project's completion date and make such copies available to the administering agency at the administering agency's request.

§ 4. Chapter 11 of title 22 of the administrative code of the city of New York, as added by a local law of the city of New York amending the administrative code of the city of New York, in relation to information

regarding the workforce for certain construction projects, as proposed in introduction number 752-C for the year 2015, is amended by adding a new section 22-1106 to read as follows:

§ 22-1106 Remedies and enforcement. Violation of this chapter shall be punishable by a civil penalty of not more than $5000, provided that the administering agency shall offer a covered developer an opportunity to cure for a first time violation of this chapter. Such civil penalty may be recovered in a proceeding before an administrative tribunal within the jurisdiction of the office of administrative trials and hearings or in a civil action in any court of appropriate jurisdiction.

§ 5. This local law shall take effect on the same date that a local law amending the administrative code of the city of New York, in relation to information regarding the workforce for certain construction projects, as proposed in introduction number 752-C for the year 2015, takes effect.

ROBERT E. CORNEGY, Jr., Chairperson; MATHIEU EUGENE, KAREN KOSLOWITZ, CARLOS MENCHACA, BILL PERKINS, ADRIENNE E. ADAMS, ERIC A. ULRICH; Committee on Small Business, December 7, 2017.

On motion of the Speaker (Council Member Mark-Viverito), 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 Technology

Report for Int. No. 1696-A

Report of the Committee on Technology in favor of approving and adopting, as amended, a Local Law in relation to automated decision systems used by agencies.

The Committee on Technology, to which the annexed proposed amended local law was referred on August 24, 2017 (Minutes, page 2979), respectfully

REPORTS:

I. Introduction

On December 7, 2017, the Committee on Technology, chaired by Council Member James Vacca, will hold a hearing to vote on Proposed Int. No. 1696-A. More information on Proposed Int. No. 1696-A can be accessed online at https://goo.gl/uqq3uC.

II. Background

Proposed Int. No. 1696-A Summary

Proposed Int. No. 1696-A would require the creation of a task force that provides recommendations on how information on agency automated decision systems may be shared with the public and how agencies may address instances where people are harmed by agency automated decision systems.

(The following is the text of the Fiscal Impact Statement for Int. No. 1696-A:)

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

PROPOSED INTRO. NO. 1696-A

COMMITTEE: Technology

TITLE: A Local Law in relation to automated decision systems used by agencies.	**SPONSORS:** Council Members Vacca, Rosenthal, Johnson, Salamanca, Gentile, Cornegy, Williams, and Kallos

SUMMARY OF LEGISLATION: This bill would require the creation of a task force that provides recommendations on how information on agency automated systems may be shared with the public and how agencies may address instances where people are harmed by agency automated decision systems. The task force would be required to electronically submit to the Mayor and the Speaker a report no later than 18 months after it is established. The bill further establishes that the task force would dissolve 60 days after submission of the report.

EFFECTIVE DATE: This local law takes effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues (+)	$0	$0	$0
Expenditures (-)	$0	$0	$0
Net	$0	$0	$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would not be an impact on expenditures resulting from the enactment of this legislation, as the City is expected to use existing resources to comply with the provisions of this law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCES OF INFORMATION: New York City Council Finance Division
Mayor's Office of Legislative Affairs
New York City Department of Information Technology and Telecommunications

ESTIMATE PREPARED BY: Sebastian Bacchi, Financial Analyst

ESTIMATE REVIEWED BY: Nathaniel Toth, Deputy Director
Regina Poreda Ryan, Deputy Director
John Russell, Unit Head
Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1696 on August 24, 2017 and was referred to the Committee on Technology (Committee). The Committee heard the legislation on October 16, 2017, and the legislation was laid over. The legislation was subsequently amended, and the amended legislation, Proposed Intro. No. 1696-A, will be considered by the Committee on December 7, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1696-A will be submitted to the full Council for a vote on December 7, 2017.

DATE PREPARED: December 6, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1696-A:)

Int. No. 1696-A

By Council Members Vacca, Rosenthal, Johnson, Salamanca, Gentile, Cornegy, Williams, Kallos and Menchaca.

A Local Law in relation to automated decision systems used by agencies

Be it enacted by the Council as follows:

Section 1. a. For purposes of this local law:

Agency. The term "agency" means an agency, as defined in section 1-112 of the administrative code of the city of New York, the head of which is appointed by the mayor.

Automated decision system. The term "automated decision system" means computerized implementations of algorithms, including those derived from machine learning or other data processing or artificial intelligence techniques, which are used to make or assist in making decisions.

Automated decision system, agency. The term "agency automated decision system" means an automated decision system used by an agency to make or assist in making decisions concerning rules, policies or actions implemented that impact the public.

Charitable corporation. The term "charitable corporation" shall have the meaning ascribed to such term by section 102 of the not-for-profit corporation law.

b. 1. No later than 120 days after the effective date of this local law, the mayor or a designee thereof shall convene an automated decision systems task force.

2. Such task force and the chair thereof shall be appointed by the mayor or a designee thereof and shall include, but need not be limited to, persons with expertise in the areas of fairness, accountability and transparency relating to automated decision systems and persons affiliated with charitable corporations that represent persons in the city affected by agency automated decision systems, provided that nothing herein shall prohibit the mayor, the designee thereof or the chair from limiting participation in or attendance at meetings of such task force that may involve consideration of information that, if disclosed, would violate local, state or federal law, interfere with a law enforcement investigation or operations, compromise public health or safety or result in the disclosure of proprietary information.

3. No later than 18 months after such task force is established, it shall electronically submit to the mayor and the speaker of the council a report that shall include, at a minimum, recommendations on:

(a) Criteria for identifying which agency automated decision systems should be subject to one or more of the procedures recommended by such task force pursuant to this paragraph;

(b) Development and implementation of a procedure through which a person affected by a decision concerning a rule, policy or action implemented by the city, where such decision was made by or with the assistance of an agency automated decision system, may request and receive an explanation of such decision and the basis therefor;

(c) Development and implementation of a procedure that may be used by the city to determine whether an agency automated decision system disproportionately impacts persons based upon age, race, creed, color,

religion, national origin, gender, disability, marital status, partnership status, caregiver status, sexual orientation, alienage or citizenship status;

(d) Development and implementation of a procedure for addressing instances in which a person is harmed by an agency automated decision system if any such system is found to disproportionately impact persons based upon a category described in subparagraph (c);

(e) Development and implementation of a process for making information publicly available that, for each agency automated decision system, will allow the public to meaningfully assess how such system functions and is used by the city, including making technical information about such system publicly available where appropriate; and

(f) The feasibility of the development and implementation of a procedure for archiving agency automated decision systems, data used to determine predictive relationships among data for such systems and input data for such systems, provided that this need not include agency automated decision systems that ceased being used by the city before the effective date of this local law.

4. Such task force shall dissolve 60 days after submission of the report required by paragraph 3.

5. The mayor shall, no later than 10 days after receipt of the report required by paragraph 3, make such report publicly available online through the city's website.

6. Nothing herein shall require compliance with the task force's recommendations or disclosure of any information where such disclosure would violate local, state, or federal law, interfere with a law enforcement investigation or operations, compromise public health or safety, or that would result in the disclosure of proprietary information.

§ 2. This local law takes effect immediately.

ROBERT E. CORNEGY, Jr., Chairperson; MATHIEU EUGENE, PETER A. KOO, KAREN KOSLOWITZ, CARLOS MENCHACA, PAUL A. VALLONE, BILL PERKINS, ADRIENNE E. ADAMS, ERIC A. ULRICH; Committee on Small Business, December 7, 2017.

On motion of the Speaker (Council Member Mark-Viverito), 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. 1465-A

Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to phasing out the use of residual fuel oil and fuel oil grade no. 4 in boilers in in-city power plants.

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on February 1, 2017 (Minutes, page 349), and which same proposed amended local law was laid over by the Council at the November 30, 2017 Stated Meeting (Minutes, page 4108), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Environmental Protection for Int. No. 1465-A printed in the Minutes of the Stated Meeting of November 30, 2017, page 4108)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1465-A:)

Int. No. 1465-A

By Council Members Torres, Constantinides, Salamanca, Richards, Mendez, Rosenthal, Chin, Johnson, Koslowitz, Espinal, Kallos, Rodriguez, Cornegy, Williams, Levine, Gentile, Cohen, Menchaca, Van Bramer, Deutsch, Vacca, Rose, Treyger, Vallone, Gibson, Barron, Crowley and Maisel.

A Local Law to amend the administrative code of the city of New York, in relation to phasing out the use of residual fuel oil and fuel oil grade no. 4 in boilers in in-city power plants

Be it enacted by the Council as follows:

Section 1. Section 24-168 of the administrative code of the city of New York, as amended by local law number 38 for the year 2015, is amended to read as follows:

§ 24-168 Use of proper fuel in fuel burning equipment. (a) No person shall cause or permit the use of a kind or grade of fuel in fuel burning equipment that is not designed to burn that kind or grade of fuel. Nothing in this subdivision shall be construed to prohibit the use of bioheating fuel equipment that is adapted for such use.

(b) No person shall cause or permit the burning of refuse material in fuel burning equipment unless the equipment is designed to burn refuse material.

(c) [No] *Except as provided in subdivision (f) of this section, no* person shall cause or permit a boiler to burn residual fuel *oil* on or after January 1, 2020.

(d) [No] *Except as provided in subdivision (f) of this section, no* person shall cause or permit a boiler to burn fuel oil grade no. 4 on or after January 1, 2030*, or for a boiler used to generate electricity and/or steam in an electric, steam, or combined electric and steam generation facility, on or after January 1, 2025.*

(e) No person shall cause or permit the use of a kind or grade of fuel in a diesel powered generator other than ultra low sulfur diesel.

(f) Notwithstanding any other provision of this section, at the election of the owner or operator of a boiler used to generate electricity and/or steam in an electric, steam, or combined electric and steam generation facility, residual fuel oil may be burned in such boiler until December 31, 2021, if such owner or operator notifies the department of such election on or before June 30, 2019, in a form and manner established by the department, and provided further that on and after January 1, 2022, no person shall cause or permit such boiler to burn residual fuel oil or fuel oil grade no. 4.

§ 2. This local law takes effect immediately.

COSTA G. CONSTANTINIDES, *Chairperson*; STEPHEN T. LEVIN, DONOVAN J. RICHARDS, RORY I. LANCMAN, ERIC A. ULRICH; Committee on Environmental Protection, November 29, 2017.

Laid Over by the Council.

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

Name	*Address*	*District #*
Stephanie Rodriguez	1633 Hobart Avenue Bronx, N.Y. 10461	13
Eric Jerome Banfield	1510 Castle Hill Avenue #438 Bronx, N.Y. 10462	18
Afusat Omotosho	120-23 167th Street Jamaica, N.Y. 11434	27
Irma Mikhaylov	99-53 65th Avenue Rego Park, N.Y. 11374	29
Kaela Economos	469 Eastern Parkway #L Brooklyn, N.Y. 11216	35
Vincent N. Colonna	29 Lortel Avenue Staten Island, N.Y. 10314	50

Approved Reapplicants

Name	*Address*	*District #*
Luis Soler	336 East 4th Street #4B New York, N.Y. 10009	2
Luis Castro	250 East 39th Street #10K New York, N.Y. 10016	4
Benjamin Wurtzel	1476 Lexington Avenue #4B New York, N.Y. 10128	4
Kathleen A. Benjamin	40-24 A West Mosholu Pkwy South #24A Bronx, N.Y. 10468	11
Norma Cruz-Meletich	2580 Stedman Place Bronx, N.Y. 10469	13

Natasha O. Daniels	2130 Crotona Avenue #4K Bronx, N.Y. 10457	15
Sandra Ocasio	1230 Spofford Avenue #GB Bronx, N.Y. 10474	17
Vera Ling Tu	35-32 157th Street Flushing, N.Y. 11354	19
Edgar Hurley	216-60 113th Drive Queens, N.Y. 11429	27
Wendy Irizarry-Lopez	73-40 52nd Drive Maspeth, N.Y. 11378	30
Zakiyyah Kelly	855 Gates Avenue #1D Brooklyn, N.Y. 11221	36
Mary Virginia Ward	959 Park Place #5B Brooklyn, N.Y. 11213	36
Carol K. Jacobs	959 Hegeman Avenue Brooklyn, N.Y. 11208	42
Donna Ceglecki	302 Bay 11th Street Brooklyn, N.Y. 11228	43
Eugene R. Bleimann	317 Taylor Street Staten Island, N.Y. 10310	49
Vincent J. Bonadonna	37 Potter Avenue Staten Island, N.Y. 10314	50
Donna M. Saccone	206 Mill Road Staten Island, N.Y.10306	50
Dawn Ponisi	212 Sinclair Avenue Staten Island, N.Y. 10312	51

On motion of the Speaker (Council Member Mark-Viverito), 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)	**M-562 & Res 1771 -**	**Anne Holford-Smith** to the Council for its advice and consent in anticipation of her appointment to the Landmarks Preservation Commission.
(2)	**M-563 & Res 1772 -**	**Alameda Sky Chapman**, Candidate for recommendation by the Council to the Youth Board.
(3)	**Int 270 -**	Official map of the city of New York.
(4)	**Int 752-C -**	Workforce for certain construction projects.
(5)	**Int 1062-A -**	Providing language classes to certain children in foster care.
(6)	**Int 1186-A -**	New York city human rights law.
(7)	**Int 1241-A -**	Diaper changing accommodations.
(8)	**Int 1382-B -**	Information on the workforce of certain construction projects.
(9)	**Int 1533-A -**	Publication and reporting.
(10)	**Int 1538-A -**	Reporting incidents of bullying, harassment, intimidation and discrimination.
(11)	**Int 1611-A -**	Police department to submit reports on clearance rates of index crimes.
(12)	**Int 1618-A -**	Yearly reports on complaints received.
(13)	**Int 1633-A -**	Investigation of city vendor name checks.
(14)	**Int 1651-A -**	Monitoring electricity and fossil fuel usage.
(15)	**Int 1661-A -**	Develop urban agriculture website.

(16) **Int 1664-A -** Subway fare evasion.

(17) **Int 1678-B -** Requests for proof of citizenship status.

(18) **Int 1696-A -** Automated decision systems used by agencies.

(19) **Int 1737 -** Establishment of the Morris Park business improvement district.

(20) **Int 1757-A -** Report information on student-to-student bullying, harassment, intimidation and discrimination.

(21) **Int 1764-A -** J-51 benefit eligibility.

(22) **Int 1783 -** A definition related to a credit against the commercial rent tax.

(23) **Res 1761 -** Capital project under the Restore New York Communities Initiative.

(24) **L.U. 785 & Res 1765 -** App. **C 170413 ZMX** Bronx, Community Board 1, Council District 8 **(Approved with Modifications)**.

(25) **L.U. 786 & Res 1766 -** App. **N 170414 ZRX** Bronx, Community District 1, Council District 8 **(Approved with Modifications)**.

(26) **L.U. 825 & Res 1767 -** App. **20185130 HAQ** Queens, Community Boards 12 and 13, Council District 27.

(27) **L.U. 826 & Res 1763 -** Saint Marks, Block 1223, Lot 53; Brooklyn, Community District No. 8, Council District No. 36.

(28) **L.U. 827 & Res 1764 -** Cooper Square Senior Housing, Block 460, Lot 1; Manhattan, Community District No. 3, Council District No. 2.

(29) **L.U. 830 & Res 1770 -** App. **20175226 SCK** Brooklyn, School District No. 15, Community District 7, Council District 38.

(30) Resolution approving various persons Commissioners of Deeds.

The Public Advocate (Ms. James) 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, Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Palma, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **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 **Int. No. 752-C**:

Affirmative – Adams, Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Palma, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **45**.

Negative – Borelli and Matteo **-2.**

The following was the vote recorded for **Int. No. 1186-A**:

Affirmative – Adams, Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Dromm, Espinal, Eugene, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Palma, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **45**.

Negative – Deutsch **– 1.**

Abstention – King **– 1.**

The following was the vote recorded for **Int. No. 1382-B**:

Affirmative – Adams, Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Palma, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **45**.

Negative – Borelli and Matteo **– 2.**

The following was the vote recorded for **Int. No. 1678-B**:

Affirmative – Adams, Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Palma, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **45**.

Negative – Borelli and Matteo **– 2.**

The following was the vote recorded for **Preconsidered Res. No. 1761**:

Affirmative – Adams, Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Palma, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **46**.

Abstention – Grodenchik**– 1.**

The following Introductions were sent to the Mayor for his consideration and approval: Int. Nos. 270, 752-C, 1062-A, 1186-A, 1241-A, 1382-B, 1533-A, 1538-A, 1611-A, 1618-A, 1633-A, 1651-A, 1661-A, 1664-A, 1678-B, 1696-A, 1737, 1757-A, 1764-A, and 1783.

INTRODUCTION AND READING OF BILLS

Int. No. 1779

By Council Members Borelli and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to the broadcasting of mandatory debates

Be it enacted by the Council as follows:

Section 1. Section 3-709.5 of the administrative code of the city of New York is amended to add a new subdivision 13, to read as follows:

13. In addition to any broadcast plan adopted pursuant to paragraph (vii) of subdivision 5 of this section, each debate held pursuant to this section shall be broadcast simultaneously on the city-owned or operated television channel serving the largest public audience.

§ 2. This local law takes effect on January 1, 2018.

Referred to the Committee on Governmental Operations.

Int. No. 1780

By Council Members Constantinides and Johnson.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on asthma medication administration forms

Be it enacted by the Council as follows:

Section 1. Section 21-965 of the administrative code of the city of New York, as added by local law 12 for the year 2016, is amended to read as follows:

§ 21-965 Student health services. a. Definitions. As used in this chapter, the following terms have the following meanings:

Asthma medication administration form. The term "asthma medication administration form" means a form approved by the department, completed by a medical provider and submitted by a student to a school, which outlines instructions to be followed in the event such student exhibits asthma symptoms or to prevent a student from exhibiting asthma symptoms prior to certain activities, including, but not limited to, before exercise.

Automated student health record database. The term "automated student health record database" means a database maintained by the department of health and mental hygiene to record information about students' medical care.

NYC FITNESSGRAM. The term "NYC FITNESSGRAM" means an annual fitness assessment used to determine students' overall physical fitness.

School based health center. The term "school based health center" means on-site health care services provided to students within the school building, which are operated by independent institutions including, but not limited to, hospitals and community based organizations.

Student. "Student" shall mean any pupil under the age of twenty-one as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled in a district school or pre-kindergarten program in a district school within the city school district.

Student health encounter. The term "student health encounter" means any student visit to a school medical room recorded in the automated student health record database.

b. Not later than April 30, 2017, and no later than April 30th annually thereafter, the department shall submit to the council a report regarding information on health services provided to students for the preceding school year. Such report shall include, but not be limited to:

1. The number of school buildings where full time nurses are employed by the office of school health and the number of school buildings where part time nurses are employed by such office; the ratio of students to nurses in such school buildings; and the average number of student health encounters per nurse in such school buildings;

2. The total number of student health encounters;

3. The total number of NYC FITNESSGRAMS performed, and the percentage of students assessed who had a body mass index: (i) below the 5th percentile; (ii) in the 5th to 84th percentile; (iii) in the 85th to 94th percentile; and (iv) equal to or above the 95th percentile.

4. The total number of medication orders reviewed by the office of school health and recorded in the automated student health record database;

5. The total number of students reported to the office of school health as having a diagnosis of allergies, asthma, diabetes type 1 or diabetes type 2; [and]

6. The total number of students who have submitted an asthma medication administration form to their school and the total number of incidents in which information from an asthma medication administration form has been utilized to prevent or alleviate a student's asthma symptoms during a school health encounter; and

[6.]*7.* The total number of school based health centers disaggregated by the type of provider including, but not limited to, hospital and federally qualified health centers; and the total number of students enrolled in the school or schools served by each school based health center.

[d.]*c.* All information required to be reported by this section shall be disaggregated by community school district.

[e.]*d.* No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state, or local law or the New York city health code relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interest of law enforcement. If the category contains between [0]*1* and 9 students, or allows another category to be narrowed to be between [0]*1* and 9 students, the number shall be replaced with a symbol.

§ 3. This local law takes effect immediately.

Referred to the Committee on Education.

Res. No. 1759

Resolution to observe every May 25th as Kalief Browder Day in the City of New York.

By Council Member Cornegy.

Whereas, Kalief Browder was born on May 25th, 1993 in the Bronx, New York; and

Whereas, Kalief was the youngest of seven siblings, five of whom were adopted by his mother, Venida Browder; and

Whereas, According to various reports, in 2010, at the age of sixteen, Kalief was arrested for the alleged robbery of a backpack that he insisted he had not stolen; and

Whereas, Kalief was incarcerated at Riker's Island, awaiting trial for more than one thousand days for a trial that never came, because the charges were ultimately dropped; and

Whereas, According to various reports, over the span of his incarceration, Kalief was offered several plea deals which he declined as he reiterated his innocence; and

Whereas, According to the *New York Times*, at one point during his incarceration, a judge offered Mr. Browder a chance to leave jail immediately in exchange for a plea of guilty to two misdemeanors, instead of a felony, which he declined; and

Whereas, According to various sources, of the three years Kalief Browder was incarcerated, he endured more than two years in solitary confinement where he attempted to end his life several times; and

Whereas, Kalief also encountered violence inflicted by both corrections officers and inmates; and

Whereas, According to the *New Yorker*, on May 29th, 2013, after appearing in front of eight judges, refusing 13 plea deals, and spending 3 years on Riker's Island, Kalief's case was dismissed as prosecutors reported their sole witness and accuser was no longer in the United States; and

Whereas, By the time Kalief was released from jail, he had missed his junior and senior year of high school, his graduation and prom, and was no longer a teenager; and

Whereas, After being released from Rikers, Kalief returned home, and passed the G.E.D on his first try and enrolled in college at the Bronx Community College; and

Whereas, Despite continuing to struggle with his mental health, Kalief was driven to tell his story so that no one else would endure the same ordeals; and

Whereas, During interviews with the *New Yorker*, *Huffington Post*, and other newspapers and television shows, Kalief detailed the horrific conditions at Rikers Island and his personal experiences of abuse by officers and other inmates; and

Whereas, Kalief's story and advocacy ignited discussions about criminal justice and led to the development of several reforms locally and nationally; and

Whereas, On June 6, 2015 Kalief Browder tragically died by suicide at his home in the Bronx; and

Whereas, May 25th will be a day of remembrance of Kalief Browder, his advocacy, and the legacy he leaves behind; therefore, be it

Resolved, That the Council of the City of New York will observe every May 25th as Kalief Browder Day in the City of New York.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 1781

By Council Member Dromm.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to post subdistrict maps online

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 16 to read as follows:

Chapter 16. Posting of Subdistrict Maps

§ 21-978 Posting of subdistrict maps. a. Definitions. For the purposes of this section, the term "subdistrict" means a geographic boundary used by the department and the New York city school construction authority to identify where new capital funding will be targeted for building new schools.

b. The department shall, in consultation with the New York city school construction authority, post conspicuously on its website maps that indicate the boundaries of all subdistricts in the city school district of the city of New York.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 1782

By Council Member Dromm.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of citywide administrative services to notify the department of education and the school construction authority when city-owned or leased property of an adequate size is determined to have no current use

Be it enacted by the Council as follows:

Section 1. Title 4 of the administrative code of the city of New York is amended by adding a new section 4-210 to read as follows:

§ 4-210 Notice to department of education and school construction authority regarding city-owned or leased property. a. Definitions. For the purposes of this section, the term "department" means the department of citywide administrative services.

b. Within 30 days of a determination by the department that city-owned or leased property with a footprint of at least 20,000 square feet has no current use, the department shall provide written notice to the department of education of the city of New York and the New York city school construction authority, which notice shall include the information required by subdivision a of section 4-208 of this title, to the extent such information is available

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Res. No. 1760

Resolution calling on United States Attorney General Jeff Sessions and the United States Department of Justice to consider the importance of independent programming on TV, such as Televisión Dominicana, as the AT&T/ Time Warner merger is reviewed.

By Council Members Espinal and Reynoso.

Whereas, AT&T is one of the largest internet and telephone providers in the United States; and

Whereas, In July 2015, AT&T acquired DIRECTV for approximately $50 billion and became one of the country's biggest television distributors with over 26 million subscribers; and

Whereas, As part of the agreement, AT&T offered discounted broadband to low-income households, provided schools and libraries with more efficient broadband access and also agreed to adhere to the Federal Communications Commission's stricter net neutrality obligations; and

Whereas, DIRECTV offered Televisión Dominicana, the eleventh highest watched Spanish language network that produced several shows in the New York and Boston areas and also served as an informational network for over 2.3 million Dominicans living in the United States, as well as 500,000 Dominicans living in Puerto Rico; and

Whereas, Televisión Dominicana offered nine hours per day of live news and talk shows directly from the Dominican Republic dealing with issues, such as immigrant families establishing new lives in the United States and also educating Dominican-Americans about Dominican culture, family and homeland; and

Whereas, In October 2016, it was announced that AT&T wanted to buy Time Warner in an $85 billion deal that would combine the largest telecom company with news and entertainment producers, such as HBO, TNT and CNN raising concern that one company would have too much authority over vital information sources; and

Whereas, Recently, DIRECTV removed Televisión Dominicana, its only channel that serves the Dominican community, while AT&T was seeking approval to acquire Time Warner; and

Whereas, Also, Televisión Dominicana was removed only a few days before Hurricane Irma struck the Dominican Republic leaving many Dominican subscribers without important news and updates regarding the hurricane as it developed; and

Whereas, In 2015, DIRECTTV also removed Yaveo, a Spanish-language service that provided programming from Latin America and Spain and in 2016, DIRECTV temporarily removed most of Univision Communications networks, the country's largest Spanish-language media company during disputes over programming fees; and

Whereas, Televisión Dominicana's removal has caused outrage amongst Hispanic leaders and the Hispanic community; and

Whereas, Furthermore, the proposed merger between AT&T and Time Warner have many elected officials and the public concerned that independent programming, such as Televisión Dominicana will not have any protections under a merger between the two largest media corporations in the country; and

Whereas, In November 2017, the United States Department of Justice filed a lawsuit to block the merger in order to protect consumers and maintain an array of media and telecommunication outlets now, therefore, be it

Resolved, That the Council of the City of New York calls on United States Attorney General Jeff Sessions and the United States Department of Justice to consider the importance of independent programming on TV, such as Televisión Dominicana, as the AT&T/ Time Warner merger is reviewed.

Referred to the Committee on Technology.

Preconsidered Int. No. 1783

By Council Members Garodnick and Kallos.

A Local Law to amend the administrative code for the city of New York, in relation to amending a definition related to a credit against the commercial rent tax

Be it enacted by the Council as follows:

Section 1. Section 11-704.4 of the administrative code of the city of New York, as added by a local law for the year 2017 amending the administrative code of the city of New York relating to the commercial rent tax, as proposed in introduction number 799-B, is amended to read as follows:

11-704.4. Small business tax credit. a. Definitions. As used in this section, the following terms have the following meanings:

[Base rent. The term "small business tax credit base rent" shall mean the base rent calculated without regard to any reduction in base rent allowed by paragraph two of subdivision h of section 11-704.]

Income factor. The term "income factor" shall mean:

1. for a tenant with total income of not more than five million dollars, one;

2. for a tenant with total income of more than five million dollars but not more than ten million dollars, a fraction the numerator of which is ten million dollars minus the amount of total income and the denominator of which is five million dollars; and

3. for a tenant with total income of more than ten million dollars, zero.

Rent factor. The term "rent factor" shall mean:

1. for a tenant whose *small business tax credit* base rent is less than five hundred thousand dollars, one; and

2. for a tenant whose *small business tax credit* base rent is at least five hundred thousand dollars but not more than five hundred and fifty thousand dollars, a fraction the numerator of which is five hundred and fifty

thousand dollars minus the amount of *small business tax credit* base rent and the denominator of which is fifty thousand dollars.

Small business tax credit base rent. The term "small business tax credit base rent" shall mean the base rent calculated without regard to any reduction in base rent allowed by paragraph two of subdivision h of section 11-704.

Total income. The term "total income" shall mean the amount reported by a person, as defined by section 7701 of the internal revenue code, to the internal revenue service for the purpose of the federal income tax in the tax year immediately preceding the period for which the tenant is applying for the credit set forth in subdivision b that is equal to the gross receipts or sales of the person minus any returns and allowances, minus the cost of goods sold plus the amount of any dividends, interest, gross rents, gross royalties, capital gain net income, net gain or loss from the sale of business property, net farm profit or loss, ordinary income or loss from other partnerships, estates or trusts or other income or loss[.]*; except that, if the tenant is a limited liability company or other business entity that is not separate from its owner for federal income tax purposes under section 301.7701-2(c)(2) of title 26 of the code of federal regulations, total income as defined in this section shall mean the total income of the person that reports the activities of the tenant as its sole owner for federal income tax purposes.*

b. Beginning on July 1, 2018 and for each tax year beginning thereafter, a credit shall be allowed against the tax imposed by this chapter as follows: a tenant whose *small business tax credit* base rent is at least two hundred and fifty thousand dollars but not more than five hundred and fifty thousand dollars shall be allowed a credit in the amount determined by multiplying the tax imposed on the tenant pursuant to section 11-702 minus any allowable credits or exemptions set forth outside this section by the income factor and by the rent factor. If the tenant's *small business tax credit* base rent is over five hundred and fifty thousand dollars, no credit shall be allowed under this section.

c. The department of finance may promulgate any rules necessary to implement the provisions of this section, including, but not limited to, rules that prevent abuse of this section by related parties.

§ 2. This local law takes effect on the same date as a local law for the year 2017 amending the administrative code of the city of New York relating to the commercial rent tax, as proposed in introduction number 799-B, takes effect.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Int. No. 1784

By Council Member Greenfield.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the city to remove snow from sidewalks when abutting landowners fail to do so and plow sidewalks after four inches of snow accumulate

Be it enacted by the Council as follows:

Section 1. Subdivisions a and d of section 16-123 of the administrative code of the city of New York, and subdivision h of section 16-123 of the administrative code of the city of New York, as amended by local law number 1 for the year 2003, are amended to read as follows:

a. Every owner, lessee, tenant, occupant, or other person, having charge of any building or lot of ground in the city, abutting upon any street where the sidewalk is paved, shall, within four hours after *four inches of* [the] snow *or less has fallen and snow* ceases to fall, or after the deposit of any dirt or other material upon such sidewalk, remove the snow or ice, dirt, or other material from the sidewalk and gutter, the time between [nine post meridian and seven ante meridian]*9:00 p.m. and 7:00 a.m.* not being included in the above period of four hours. Such removal shall be made before the removal of snow or ice from the roadway by the commissioner or subject to the regulations of such commissioner. In the boroughs of Queens and Staten Island, any owner,

lessee, tenant or occupant or other person who has charge of any ground abutting upon any paved street or public place, for a linear distance of five hundred feet or more, shall be considered to have complied with this section, if such person shall have begun to remove the snow or ice from the sidewalk and gutter before the expiration of such four hours and shall continue and complete such removal within a reasonable time. *Notwithstanding the foregoing, no owner, lessee, tenant, occupant, or other person, having charge of any building or lot of ground in the city, abutting upon any street where the sidewalk is paved, is required to remove snow from the sidewalk and gutter after four or more inches of snow has accumulated. The city shall perform such removal using sidewalk snow plows within four hours after four inches or more of snow has fallen and snow ceases to fall, the time between 9:00 p.m. and 7:00 a.m. not being included in this four-hour period.*

d. Whenever any owner, lessee, tenant, occupant, or other person having charge of any building or lot of ground, abutting upon any street or public place where the sidewalk is paved, [shall fail] *fails* to comply with the provisions of this section, the commissioner [may] *shall* cause such removal to be made *by the city no later than 12 hours after the issuance of a notice of violation, the time between 9:00 p.m. and 7:00 a.m. not being included in this 12-hour period.*

h. Any person *other than the city who violates*[violating] the provisions of subdivisions (a) or (b) of this section shall be liable and responsible for a civil penalty of not less than ten dollars nor more than one hundred fifty dollars for the first violation, except that for a second violation of subdivision (a) or (b) within any twelve-month period such person shall be liable for a civil penalty of not less than one hundred fifty dollars nor more than two hundred fifty dollars and for a third or subsequent violation of subdivision (a) or (b) within any twelve-month period such person shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than three hundred fifty dollars.

§ 2. Section 16-123 of the administrative code of the city of New York is amended by adding a new subdivision k to read as follows:

k. Within 12 hours of receiving notice that a sidewalk has not been cleared of snow in accordance with subdivision (a) of this section, the commissioner shall cause an inspection of the sidewalk and:

(i) Remove the snow no later than 12 hours after the issuance of a notice of violation, the time between 9:00 p.m. and 7:00 a.m. not being included in such 12-hour period; or

(ii) Make a determination that snow removal is unnecessary.

§ 3. 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 Sanitation and Solid Waste Management.

Int. No. 1785

By Council Member Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to post methodology and data for determining identified seat need

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 16 to read as follows:

Chapter 16. Posting of methodology and data for determining identified seat need

§ 21-978 Posting of methodology and data for determining identified seat need. a. For the purposes of this section, the term "identified seat need" means the number of seats required to meet the need of the current and

future enrollment in each community school district identified in the five-year educational facilities capital plan created by the department pursuant to section 2590-p of the education law.

b. No later than December 1, 2019, and no less than every five years thereafter on or before December 1, the department shall, in consultation with the New York city school construction authority, post conspicuously on its website the methodology and underlying data used by the department and the New York city school construction authority to calculate identified seat need in the current five-year education facilities capital plan created by the department pursuant to section 2590-p of the education law, including, but not limited to all relevant factors, formulas, algorithms and qualitative factors.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Preconsidered Res. No. 1761

Resolution to support New York City's application for funding for a capital project under the Restore New York Communities Initiative pursuant to the New York State Urban Development Act, for Station Plaza, in the borough of Queens.

By Council Members Miller and Lancman.

Whereas, The 2017-18 New York State Budget provided new funding for the Restore New York Communities Initiative ("Restore NY"), which is implemented by the New York State Empire State Development Corporation ("ESDC") and intended to provide funding for capital projects under the New York State Urban Development Corporation Act; and

Whereas, Under Round 5 of Restore NY funding, New York City is permitted to submit applications for the funding of one capital project, receiving up to $5 million; and

Whereas, New York City has submitted a notice of intent to apply to ESDC for funding Station Plaza, in the borough of Queens; and

Whereas, Station Plaza will be located on Block 9994, Lot 38; Block 9986, Lot 70 and 73; and Block 9988, Lot 37, located in Jamaica, in the borough of Queens ("the Site"); and

Whereas, Up to $5 million is being sought by New York City in connection with the Site for demolition of four underutilized properties with a combined 40,638 square feet gross building area on parcels mapped as Public Places, adjacent to the 2007 Jamaica Gateway Urban Renewal Plan, and associated costs for hazardous material abatement and reconstruction; and

Whereas, The Jamaica Rezoning Plan, approved in September 2007, addressed zoning updates to approximately 368 blocks, aimed at promoting economic growth and development in Jamaica's Downtown area; and

Whereas, The Site falls within several federal, state, and local zones, including the Jamaica Brownfield Opportunity Area and South Jamaica Enterprise Zone, that make it eligible for a variety of financial incentives; and

Whereas, Infrastructure improvements to the Site will improve safety, alleviate traffic congestion, induce commercial investment, and integrate the area's bustling transit hub with the surrounding mixed-use district; and

Whereas, The Site will include two new plazas, widened sidewalks, new medians, new subway entrances and circulation improvements; and

Whereas, The Council finds that the proposed Station Plaza infrastructure project is consistent with the Jamaica Gateway Urban Renewal Plan, Jamaica Rezoning Plan, and Jamaica NOW Action Plan; and

Whereas, The Council finds that the proposed financing is appropriate for Station Plaza; and

Whereas, The Council finds that using these funds for Station Plaza facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and

Whereas, The Council also finds that Station Plaza will develop and enhance infrastructure in a manner

that will attract, create, and sustain employment and economic development opportunities; now, therefore, be it

Resolved, That the Council of the City of New York supports New York City's application for funding for capital projects under the Restore New York Communities Initiative pursuant to the New York State Urban Development Corporation Act, for Station Plaza, in the borough of Queens.

Adopted by the Council (preconsidered and adopted by the Committee on Land Use).

Int. No. 1786

By Council Member Reynoso.

A Local Law to amend the New York city charter, in relation to tracking mitigation strategies in final environmental impact statements as part of the uniform land use review process.

Be it enacted by the Council as follows:

Section 1. Subdivisions c and d of section 206 of the New York city charter are amended to read as follows:

c. Such list shall include all commitments made by letter by the mayor or a representative designated by the mayor to the council or a council member, and any mitigation measures or other project components that would eliminate the potential for an adverse impact identified in a final environmental impact statement, conditional negative declaration, or environmental assessment statement that relate to an application described in subdivision b of this section on which the city or a not-for-profit corporation of which a majority of its members are appointed by the mayor is either the applicant or co-applicant.

d. Such list shall include any commitment made by letter by the mayor or a representative designated by the mayor to the council or a council member for which a funding amount of one million dollars or more is set forth in the letter establishing such commitment, and any mitigation measures or other project components that would eliminate the potential for an adverse impact identified in a final environmental impact statement, conditional negative declaration, or environmental assessment statement in relation to an application described in subdivision b of this section on which neither the city nor a not-for-profit corporation of which a majority of its members are appointed by the mayor is either the applicant or co-applicant.

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

Referred to the Committee on Land Use.

Int. No. 1787

By Council Members Reynoso and Chin (by request of the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to the provision of community notification by the department of city planning upon receipt of a completed pre-application statement.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-114 to read as follows:

§ 25-114 Denial of permit. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Affected borough president. The term "affected borough president" means the president of a borough in which land included in a pre-application statement submitted to the department is located.

Affected community board. The term "affected community board" means the community board for a community district in which land included in a pre-application statement submitted to the department is located.

Affected council member. The term "affected council member" means the council member for a council district in which land included in a pre-application statement submitted to the department is located.

Department. The term "department" means the department of city planning.

Pre-application statement. The term "pre-application statement" means a pre-application statement form, and any accompanying materials required by the form or by the department, that is submitted to the department pursuant to the department's rules governing the pre-application process that takes place prior to the filing of a land use application or application for environmental review.

b. Within five days of determining that a pre-application statement is complete, the department shall forward to each affected borough president, affected community board and affected council member, and make available on its website, a copy of such completed pre-application statement.

§ 2. This local law takes effect immediately.

Referred to the Committee on Land Use.

Res. No. 1762

Resolution calling on the New York State Legislature to introduce and pass, and the Governor to sign, legislation that would allow New York City to provide a credit against the business corporation and unincorporated business taxes to fleet companies for a portion of the qualifying expenses on safety technology systems

By Council Member Reynoso.

Whereas, According to the New York State Department of Motor Vehicles, there were over 70,000 vehicle collisions in New York City in 2016; and

Whereas, Those vehicle collisions resulted in 230 fatalities and over 68,000 personal injuries of varying severities; and

Whereas, In the same year, there were over 2,100 collisions in the City involving large trucks, resulting in 26 fatalities and 2,100 personal injuries; and

Whereas, Among the contributing causes of collisions reported to police, human factor constituted 69 percent of all vehicle collisions and 71 percent of large truck collisions in the City; and

Whereas, Examples of human factors include backing unsafely, eating or drinking, using headphones, passing too closely, texting, falling asleep, following too closely, fatigue, driver distraction, or alcohol and drug use; and

Whereas, In 2014, Mayor De Blasio implemented Vision Zero, a comprehensive action plan to improve road safety and end traffic fatalities and injuries in the City; and

Whereas, As part of Vision Zero, the City and some private fleet companies continue to provide safety trainings to their fleet operators; and

Whereas, Although these trainings have helped improve safe driving, there is a need for safety technology systems to aid vehicle operators and avoid collisions, especially those caused by human factors; and

Whereas, Safety technology systems include dashboard and backup cameras, electronic data recorders, collision avoidance systems, or a combination; and

Whereas, The cameras and recorders capture film of hard brake stops, swerves, collisions, and moving traffic violations; and

Whereas, Companies are able to review films and other recordings in order to curb and modify risky driving behaviors through trainings and other necessary intervention programs; and

Whereas, The collision avoidance systems use sensors to immediately alert vehicle operators of lane departures, speeding, and tailgating, as well as the presence of pedestrians, cyclists, and other vehicles in their

way, to help avoid possible collision; and

Whereas, The National Highway Traffic Safety Administration studies show that 74 percent of all accidents include driver inattention in the last three seconds preceding the accident, 60 percent of road accident fatalities are due to unintentional lane departures, and 40 percent of rear end collision have no brake applications whatsoever; and

Whereas, In April 2017, the Taxi and Limousines Commission (TLC) completed its Vehicle Safety Technology Pilot, a program that tested nine different technology systems on 385 TLC-licensed vehicles; and

Whereas, TLC's second report on the pilot, released in September 2016, showed a decline in the number of crashes per vehicle for all vehicles participating in the pilot; and

Whereas, Some private fleet operators have equipped their vehicles with some of these safety technology systems, however, other operators may find it too costly to install safety technology systems in all their vehicles; and

Whereas, Providing a tax credit to cover a portion of the cost will encourage such companies to purchase and install the needed safety technology systems; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation that will allow New York City to provide a credit against the business corporation and unincorporated business taxes to private fleet companies for a portion of qualifying expenses on safety technology systems.

Referred to the Committee on Finance.

Int. No. 1788

By Council Member Rodriguez.

A Local Law in relation to a study on hit-and-run incidents

Be it enacted by the Council as follows:

Section 1. Report. a. For the purposes of this section, the term "hit-and-run" means when any driver who, knowing or having cause to know that property damage, physical injury, or death has been caused to another person due to an incident involving the driver's motor vehicle, leaves the scene of such an incident without complying with all of the provisions of paragraph a of subdivision two of section six hundred of the vehicle and traffic law.

b. No later than November 30, 2018, the police department, in consultation with the department of transportation, shall submit to the council a report on hit-and-run incidents in the city. Such report shall consider best practices from other jurisdictions and include, but need not be limited to:

1. The causes and contributing factors of hit-and-run incidents, including what leads drivers to flee the scene of such incidents;

2. How hit-and-run incidents are investigated by the police department and the department of transportation; and

3. Measures the city can take to decrease the number of hit-and-run incidents.

§ 2. This local law takes effect immediately and is deemed repealed after the final submission of the report required by subdivision b of section one of this local law.

Referred to the Committee on Public Safety.

Int. No. 1789

By Council Member Rosenthal.

A Local Law in relation to requiring the department of buildings to report on buildings which have party-wall balconies

Be it enacted by the Council as follows:

Section 1. By no later than December 31, 2018, the department of buildings shall, in conjunction with the fire department, conduct an audit of no less than ten percent of the buildings located within the city of New York constructed prior to the effective date of the 1968 building code of the city of New York and prepare and file with the mayor and council, and post on its website, a report on the results of such audit which shall include, but not be limited to:

1. The total number of audited buildings;

2. The number of audited buildings which have party-wall balconies, disaggregated by council district and age of the building;

2. The number of audited buildings which have fire escapes, disaggregated by council district and by age of the building;

3. For each audited building with a party-wall balcony, whether such balcony has been inspected within the last five years;

4. For each audited building with a fire escape, whether such fire escape has been inspected within the last five years; and

5. For each audited building which does not have a party-wall balcony or a fire escape, whether a previously existing party-wall balcony or fire escape was replaced by another means of emergency egress.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 1790

By Council Member Treyger.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the reporting of information regarding parent-teacher association and parent association chapters in public schools.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21-A of the administrative code of the city of New York is amended as follows:

§ 21-950 Definitions. Whenever used in this title, the following terms shall have the following meanings:

a. "Chancellor" shall mean the chancellor of the New York city department of education.

b. "Department" shall mean the New York city department of education.

c. "Student" shall mean any pupil under the age of twenty-one enrolled in a district school or charter school within the city district.

d. "PTA" shall mean a parent-teacher association in a district school or charter school within the jurisdiction of the department.

e. "PA" shall mean a parent association in a district school or charter school within the jurisdiction of the department.

§ 2. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 19 to read as follows:

Chapter 19
PTA and PA Reporting

§ 21-982 PTA and PA reporting. a. Not later than October 1, 2018, and on or before October 1 annually thereafter, the department shall submit to the council and post on the department's website a report of information regarding PTAs and PAs for the prior school year, including, but not limited to: (i) a list of PTAs and PAs established pursuant to section 2590-h(15)(a) of the education law and any successor regulations, (ii) the number of parents registered as members in each PTA and PA of each such school, (iii) the number of school staff registered as members in each PTA and PA, including the job titles of such staff members, (iv) the frequency of meetings, as established in the bylaws of each PTA and PA, (v) the average attendance of each meeting, excluding committee meetings, (vi) the dates and results of each PTA and PA election held pursuant to section 2590-c(8)(a) of the education law, the annual income for PTA and PA fund raising activities, the total funds raised for each PTA and PA, and the annual expenditures for each PTA and PA. All information required to be reported by this section shall be aggregated citywide, as well as disaggregated by city council district, community school district and school and shall include demographic information regarding each school, including but not limited to race and ethnicity and English language learner status.

c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.

§ 3. This local law takes effect immediately.

Referred to the Committee on Education.

Preconsidered L.U. No. 826

By Council Member Ferreras-Copeland:

Saint Marks, Block 1223, Lot 53; Brooklyn, Community District No. 8, Council District No. 36.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 827

By Council Member Ferreras-Copeland:

Cooper Square Senior Housing, Block 460, Lot 1; Manhattan, Community District No. 3, Council District No. 2.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 828

By Council Member Greenfield:

Application No. 20185128 HAX submitted by the Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for approval of a new real

property tax exemption for property located at Block 3672, part of Lot 1 (tentative lot 20), Borough of the Bronx, Community District 9, Council District 18.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 829

By Council Member Greenfield:

Application No. 20185129 HAX submitted by the Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 3672, Lot 1, Borough of the Bronx, Community District 9, Council District 18.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 830

By Council Member Greenfield:

Application No. 20175226 SCK pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 404-seat primary school facility to be located at 836 5th Avenue (Block 693, Lots 39 and 48), Borough of Brooklyn, Community School District 15, Council District 38.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses).

L.U. No. 831

By Council Member Greenfield:

Application No. N 180133 HKM pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Salvation Army National and Territorial Headquarters located at 120-130 West 14th Street (Block 609, p/o Lot 2) as an historic landmark, Borough of Manhattan, Community District 2, Council District 3.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 832

By Council Member Greenfield:

Application No. 20185132 HAM submitted by the Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for approval of a new real

property tax exemption for property located at Block 376, Lot 31, Borough of Manhattan, Community District 3, Council District 2.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 833

By Council Member Greenfield:

Application No. 20185127 HAK submitted by the Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for the approval of a new urban development action area project and pursuant to Article XI of the private housing finance law for a new real property tax exemption for property located at 249 Mother Gaston Boulevard, Block 3675, Lot 8, Borough of Brooklyn, Community District 16, Council District 37.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

http://legistar.council.nyc.gov/Calendar.aspx

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

Tuesday, December 12, 2017

Committee on Education.....9:30 a.m.
Tour: **The Earth School (P.S. 364M)**
Location: **600 East 6th Street**
New York, N.Y. 10009

Details Attached ……..…….. Daniel Dromm, Chairperson

Committee on Housing and Buildings.....10:00 a.m.
Oversight - Homeownership in NYC: Challenges and HPD's Programs
Council Chambers – City Hall Jumaane D. Williams, Chairperson

Committee on Civil Service and Labor…..……..…….....…..…… 1:00 p.m.
Oversight - USIC Underground Safety Contractor Workers' Unfair Pay and Benefits"
Council Chambers – City Hall I. Daneek Miller, Chairperson

Committee on Recovery and Resiliency …..……...……....……..…….....1:00 p.m.
Oversight - NFIP Reauthorization and Flood Insurance Affordability.
Committee Room – 250 Broadway, 16th Floor Mark Treyger, Chairperson

Wednesday, December 13, 2017

★ ***Deferred***

~~Subcommittee on Zoning & Franchises~~ ..... ~~9:30 a.m.~~
~~**See Land Use Calendar**~~
~~Committee Room – 250 Broadway, 16th Floor Donovan Richards, Chairperson~~

Committee on Environmental Protection ……..……..……..……..10:00 a.m.
Oversight - The City's Wastewater Infrastructure – Current Condition and Future Plans.
Council Chambers – City Hall Costa Constantinides, Chairperson

Subcommittee on Landmarks, Public Siting & Maritime Uses ..... 11:00 a.m.
See Land Use Calendar
Committee Room – 250 Broadway, 16th Floor Peter Koo, Chairperson

Committee on General Welfare jointly with the
Committee on Higher Education ……..……..……..……..……..…..1:00 p.m.
Oversight - Higher Education Opportunities for Youth Aging Out of Foster Care
Committee Room – 250 Broadway, 14th Floor Steven T. Levin, Chairperson
Inez Barron, Chairperson

Committee on Governmental Operations. ..... 1:00 p.m.
Oversight - 2017 Election
Int 1779 - By Council Member Borelli - **A Local Law** to amend the administrative code of the city of New York, in relation to the broadcasting of mandatory debates.
Committee Room – City Hall Ben Kallos, Chairperson

Subcommittee on Planning, Dispositions & Concessions ..... 1:00 p.m.
See Land Use Calendar
Committee Room – 250 Broadway, 16th Floor Rafael Salamanca, Chairperson

Thursday, December 14, 2017

Committee on Transportation……..……..……..……..……..10:00 a.m.
Oversight – Mitigation Plans for the 2019 L Train Tunnel Closure .

Res 1443 - By Council Members Espinal, Levin, Gentile and Menchaca - **Resolution** calling upon the Governor and the Metropolitan Transportation Authority to commit to an expeditious transition to an electric bus fleet and to use electric buses as a robust part of its replacement service during the upcoming L train shutdown.
Council Chambers – City Hall Ydanis Rodriguez, Chairperson

Committee on Waterfronts……..……..……..……..…..…… 10:00 a.m
Oversight - Investing in the City's Maritime Industry Workforce
Res 478 - By Council Members Rosenthal, Chin, Koo, Rose and Garodnick - Resolution recognizing the contributions of the members of Shorewalkers, Inc. which promotes and preserves New York City's shores and wetlands, and recognizing the first Saturday in May each year as "The Great Saunter Day."
Committee Room – 250 Broadway, 16th Floor Deborah Rose, Chairperson

Committee on Aging jointly with the
Subcommittee on Senior Centers……..……..……..……..……..…… 1:00 p.m.
Oversight - Seniors' Access to Nutritional and Culturally Competent Congregate and Home Delivered Meals.
Committee Room – 250 Broadway, 14th Floor Margaret Chin, Chairperson
Paul A. Vallone, Chairperson

Committee on Economic Development……1:00 p.m.
Oversight - Economic Impact of Vacant Storefronts.
Council Chambers – City Hall Daniel R. Garodnick, Chairperson

Committee on Health jointly with the
Committee on Public Safety…….....1:00 p.m.
Oversight - Examining Forensic Science Practices in the NYPD Crime Lab and OCME
Int 1235 - By Council Members Williams, Rosenthal, Espinal, Barron, Richards, Mendez, Ferreras-Copeland, King, Cornegy, Menchaca, Greenfield, Kallos, Lander, Perkins, Lancman, Reynoso, Rodriguez, Johnson, Rose, Gentile, Chin and Van Bramer - **A Local Law** to amend the administrative code of the city of New York, in relation to respecting the right to record police activities.
Committee Room – City Hall Corey Johnson, Chairperson
Vanessa L. Gibson, Chairperson

Monday, December 18, 2017

Committee on Finance……10:00 a.m.
Oversight - IBO's Evaluation of the Commercial Revitalization Program.
Council Chambers – City Hall Julissa Ferreras-Copeland, Chairperson

Committee on Land Use .....11:00 a.m.
All items reported out of the Subcommittees
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Committee Room – City Hall David G. Greenfield, Chairperson

Committee on Cultural Affairs, Libraries & International Intergroup
Relations……12:45 p.m.
Proposed Res 792-A – By Council Members Dromm, Chin, Koo, Ferreras-Copeland, Johnson, Koslowitz, Kallos, Treyger, Richards, Salamanca, Gentile, King, Constantinides, Garodnick, Levin, Espinal, Grodenchik, Rosenthal, Mendez, Deutsch, Lander, Menchaca, Palma, Vacca, Levine, Rose, Reynoso, Torres, Rodriguez, Cornegy, Miller, Lancman, Perkins, Ulrich and Borelli - Resolution establishing January 30 annually as Fred T. Korematsu Day of Civil Liberties and the Constitution.
Council Chambers – City Hall Jimmy Van Bramer, Chairperson

Committee on Cultural Affairs, Libraries & International Intergroup Relations jointly with the
Subcommittee on Libraries……1:00 p.m.
Oversight - Library Construction Projects
Council Chambers – City Hall Jimmy Van Bramer, Chairperson
Andy King, Chairperson

Tuesday, December 19, 2017

Stated Council Meeting .....***Ceremonial Tributes – 1:00 p.m.***
Agenda – 1:30 p.m.

M E M O R A N D U M

November 22, 2017

TO: ALL COUNCIL MEMBERS

RE: TOUR BY THE COMMITTEE ON **EDUCATION**

Please be advised that all Council Members are invited to attend a tour to:

The Earth School (P.S. 364M)
600 East 6th Street
New York, N.Y. 10009

The Tour will be on **Tuesday, December 12, 2017 beginning at 9:30 a.m.** A van will be leaving City Hall at **9:00 a.m. sharp.**

Council Members interested in riding the van should call Smita Deshmukh at **212-482-5426.**

Daniel Dromm, Chairperson
Committee on Education

Melissa Mark-Viverito
Speaker of the Council

Shortly before the adjournment of the Meeting, the Speaker (Council Member Mark-Viverito) wished everyone a Happy Hanukkah.

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Tuesday, December 19, 2017.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int. Nos. 773-B, 778-A 1066-A, 1176-A, 1307-A, 1316-A, 1322-A, 1337-A 1379-A, 1436-A, 1443-A, 1558-A, 1565-A, 1568-A, 1569-A, 1630-A, 1638-A, 1639-A, 1644-A, 1685, 1698, 1724-A and 1744, all adopted by the Council at the October 31, 2017 Stated Meeting, were returned unsigned by the Mayor on December 5, 2017. These items had become law on December 1, 2017 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 Local Laws Nos. 215 to 237 of 2017, respectively.