

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Thursday, October 17, 2019, 2:25 p.m.

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

Council Members

Corey D. Johnson, *Speaker*

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

Absent: Council Member Ulrich;

Medical Leave: Council Member Maisel.

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

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

There were 49 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 the Very Reverend Antonio Checo, as the Rector of Saint Mark's Episcopal Church, located at 33-50 82nd Street, Jackson Heights, New York 11372.

In the name of the Father, the Son, and the Holy Spirit.

Last year the media paid lots of attention
to the migrants coming [from] the Middle East,
the [Lebanese], Syrians, into Europe, through Greece and Italy.
They created an amnesty and for some reason
a ship full of migrants came one day later
and they were told that they were late,
therefore they would not qualify for the amnesty.
Some of them said "Have mercy on us;
we have no food, no jobs, we are hungry, we're dying."
In last Sunday's Gospel,
[as] Jesus, [was] on the way to Jerusalem for [his] Crucifixion,
ten lepers approached him, also asking for mercy.
Jesus sent them to the authorities
and they got healed on the way [to] the authorities
who were supposed to [be the] priests.
In this case, you are the authorities.
The same way today, the people from Bushwick,
from East New York, South Bronx, the LGBT community, the prisoners,
they are also, (actually I have to mention
the family of the policemen who were killed
and the homeless who were killed,
and the family of all of those people
who have been killed in our country),
they are asking for mercy.
You are here today to make decisions
and from what I see I think it's going to be exciting.
So therefore I want to ask God to send his Spirit on all of you
to give you the wisdom, the stamina, the desire to keep in your hearts,
those people that are appointed to you,
our city, the state, our country, the leaders of our country,
so that you are able to discern and to make the right decision for us.
But especially I want to ask God to send his Holy Spirit on all of you,
to give you peace and to fill your heart and mine
with compassion for those out there who are in need of your decision,
to be the best for all of them.
And that I ask in Jesus's name.
Amen.

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

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

U.S. Congress Member Elijah Cummings, known as a giant in the fight for civil rights and justice, died on October 17, 2019 at the age of 68.

NYPD Officer Brian Mulkeen, 33, died in the line of duty on September 29, 2019.

NYPD Sergeant Lin Hong Lee, 33, died in his Queens home after taking his own life on October 15, 2019. Sergeant Lee's death marks the tenth suicide by a member of the NYPD this past year.

On behalf of the Council, the Speaker (Council Member Johnson) offered his condolences to the families of the deceased and to the men and women of the Police Department.

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

* * *

ADOPTION OF MINUTES

Council Member Menchaca moved that the Minutes of the Stated Meeting of September 12, 2019 be adopted as printed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-191

Amended declaration of capital financing need, pursuant to Section 2799-ff of the New York City Transitional Finance Authority Act.

(For text, please refer to the Search Legislation option on the New York City Council website at www.council.nyc.gov and refer to the relevant attachment on the [M-191 of 2019](#) file)

Received, Ordered, Printed & Filed.

LAND USE CALL-UPS

M-192

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

Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on related Application Nos. C 190435 ZSM and C 190436 ZSM (La Hermosa) shall be subject to Council review. These items are related to Application Nos. C 190434 ZMM and N 190433 ZRM.

Coupled on Call-up vote.

Land Use Call-up Vote

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

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **48**.

Negative – Diaz – **1**.

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

REPORTS OF THE STANDING COMMITTEES**Report of the Committee on Consumer Affairs and Business Licensing**

Report for Int. No. 1657-A

Report of the Committee on Consumer Affairs and Business Licensing 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 prohibiting street vending on certain streets in Dyker Heights in Brooklyn beginning on Thanksgiving until New Year's Day.

The Committee on Consumer Affairs and Business Licensing, to which the annexed proposed amended local law was referred on August 14, 2019 (Minutes, page 2724), respectfully

REPORTS:**I. INTRODUCTION**

On October 16, 2019, the Committee on Consumer Affairs and Business Licensing, chaired by Council Member Rafael Espinal, will hold a vote on Proposed Introductory Bill Number 1657-A (Int. No. 1657-A), in relation to prohibiting street vending on certain streets in Dyker Heights in Brooklyn beginning on Thanksgiving until New Year's Day. The Committee previously heard testimony on the bill from the Mayor's Office of Citywide Event Coordination and Management, the New York Police Department, and neighborhood representatives.

II. BACKGROUND

Street vendors in New York City have contributed markedly to the vibrancy of the City's streets and to the City's food and retail landscape. They often offer cheaper food and merchandise alternatives to that sold in traditional stores, or sell fresh fruit and vegetables in underserved areas that lack various options for healthy food. Street vending in this City has existed for centuries and has consistently been an avenue for newly arrived immigrants and those with minimal work opportunities to turn their skills and resources into making a living.¹ However, the proliferation of street vendors also prompts concerns as street vending can contribute to sidewalk congestion, blocking of driveways and an increase in rubbish.

Vending in Dyker Heights

During the holiday season, the Brooklyn neighborhood of Dyker Heights puts on an extravagant display of Christmas lights. The event, which originated in the mid-1980s by Lucy Spata, traditionally begins on Thanksgiving night and ends in early January.² Most houses in the neighborhood participate, decorating their homes and yards with tens of thousands of lights, giant nutcrackers, snowmen, Santa Clauses and other decorations.³ The Dyker Heights Christmas Lights have now become a notable attraction for New Yorkers and

¹ See for example Rembert Browne et al "New York City street vendors", Columbia University Graduate School of Architecture, Planning and Preservation, Spring 2011, available at: http://www.spacesofmigration.org/migration/wordpress/wp-content/uploads/2017/05/StreetVendorReport_Final.pdf, pp. 10-11.

² Rob Abruzzese "Christmas displays put Dyker Heights on tourist map", *Brooklyn Daily Eagle*, December 9, 2013, available at: <https://brooklyneagle.com/articles/2013/12/09/christmas-displays-put-dyker-heights-on-tourist-map/>.

³ Rob Abruzzese "Christmas displays put Dyker Heights on tourist map", *Brooklyn Daily Eagle*, December 9, 2013, available at: <https://brooklyneagle.com/articles/2013/12/09/christmas-displays-put-dyker-heights-on-tourist-map/>.

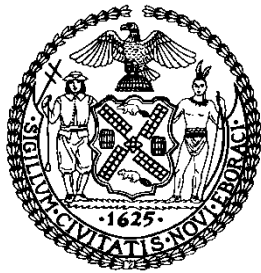
tourists alike, attracting about 150,000 visitors each holiday season.⁴

In addition to an increase of visitors, the success of the Dyker Lights has also attracted street vendors hoping to capitalize on the influx of people in the neighborhood. However, this has caused a number of problems for local residents. For example, some Dyker Heights residents site additional garbage left by street vendors, and fumes or parking obstructions caused by their food trucks.⁵ Last year the NYPD's 68th Precinct conducted a crackdown and issued a number of summonses after residents complained about unlicensed vendors.⁶

III. BILL ANALYSIS

Section one of this bill prohibits food vending beginning on Thanksgiving until New Year's Day in the area bound by 10th avenue in the east, by 86th street in the south, by 13th avenue in the west and on the north by 81st street in the borough of Brooklyn between the hours of midnight to 6:00 a.m. and between the hours of 2:00 p.m. to midnight. Section two of the bill places these same restrictions on general vending (vending of non-food items). This bill would take effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 1657-A:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1657-A

COMMITTEE: Consumer Affairs and Business
Licensing

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to prohibiting street vending on certain streets in Dyker Heights in Brooklyn beginning on Thanksgiving until New Year's Day.

SPONSOR(S): Council Member Brannan.

SUMMARY OF LEGISLATION: This bill would prohibit street vending on certain streets in Dyker Heights beginning on Thanksgiving until New Year's Day. The prohibited streets are bounded on the west by 10th Avenue, on the south by 86th Street, on the east by 13th Avenue and on the north by 81st Street in the borough of Brooklyn. The ban would be in effect between the hours of midnight to 6:00 a.m. and between the hours of 2:00 p.m. to midnight.

EFFECTIVE DATE: This local law would take effect immediately.

⁴ Dana Schulz "See this year's completely outrageous Dyker Heights Christmas lights", *6sqft*, December 11, 2018, available at: <https://www.6sqft.com/see-this-years-completely-outrageous-dyker-heights-christmas-lights/>.

⁵ *News 12 Brooklyn* "Proposed legislation could prevent vendor trucks in Dyker Heights during Christmas", August 19, 2019, available at: <http://brooklyn.news12.com/story/40933051/proposed-legislation-could-prevent-vendor-trucks-in-dyker-heights-during-christmas>.

⁶ Paula Katinas "Cops crack down on food vendors in Dyker Heights", *Brooklyn Daily Eagle*, December 18, 2018, available at: <https://brooklyneagle.com/articles/2018/12/18/cops-crack-down-on-food-vendors-in-dyker-heights/>.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

	Effective FY20	FY Succeeding Effective FY21	Full Fiscal Impact FY21
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation as existing resources would be used to enforce the requirements of the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
Mayor’s Office of City Legislative Affairs

ESTIMATE PREPARED BY: Andrew Wilber, Financial Analyst

ESTIMATE REVIEWED BY: John Russell, Unit Head
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Int. No. 1657 on August 14, 2019 and referred to the Committee on Consumer Affairs and Business Licensing (Committee). The Committee heard the legislation on October 3, 2019 and the legislation was laid over. The legislation was subsequently amended and the amended version, Int. No. 1657-A, will be voted on by the Committee on October 16, 2019. Upon a successful Committee vote, Intro No. 1657-A will be submitted to the full Council for a vote on October 17, 2019.

DATE PREPARED: October 10, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1657-A:)

Int. No. 1657-A

By Council Member Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting street vending on certain streets in Dyker Heights in Brooklyn beginning on Thanksgiving until New Year’s Day

Be it enacted by the Council as follows:

Section 1. Section 17-315 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

3. No food vendor shall vend beginning on Thanksgiving until New Year's Day of the following year in the area including and bounded on the west by the westerly side of 10th avenue, on the south by the southerly side of 86th street, on the east by the easterly side of 13th avenue and on the north by the northerly side of 81st street, between the hours of midnight to 6:00 a.m. and between the hours of 2:00 p.m. to midnight, in the borough of Brooklyn.

§ 2. Subdivision g of section 20-465 of the administrative code of the city of New York is amended by adding a new paragraph 5 to read as follows:

(5) No general vendor shall vend beginning on Thanksgiving until New Year's Day of the following year in the area including and bounded on the west by the westerly side of 10th avenue, on the south by the southerly side of 86th street, on the east by the easterly side of 13th avenue and on the north by the northerly side of 81st street, between the hours of midnight to 6:00 a.m. and between the hours of 2:00 p.m. to midnight, in the borough of Brooklyn.

§ 3. This local law takes effect immediately.

RAFAEL L. ESPINAL, Jr., Chairperson; MARGARET S. CHIN, PETER A. KOO, KAREN KOSLOWITZ, JUSTIN L. BRANNAN; KEITH POWERS; Committee on Consumer Affairs and Business Licensing, October 16, 2019.

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

Report of the Committee on Criminal Justice

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

Report for Int. No. 1742-A

Report of the Committee on Criminal Justice in favor of approving and adopting, as amended, a Local Law to require the board of correction to report on the impact on incarcerated individuals of closing jails on Rikers Island, and to amend the administrative code of the city of New York, in relation to requiring the mayor's office of criminal justice to report on progress in closing jails on Rikers Island

The Committee on Criminal Justice, to which the annexed proposed preconsidered as amended local law was referred on October 17, 2019, respectfully

REPORTS:

I. Introduction

On October 16, 2019, the Committee on Criminal Justice, chaired by Council Member Keith Powers, will vote on three bills related to the closure of jails on Rikers Island. The committee last heard these bills on October 2, 2019, at a joint hearing of the Committee on Criminal Justice and the Committee on General Welfare, chaired by Council Member Stephen T. Levin. The three bills are the following: (1) Preconsidered Proposed Introduction 1742 -A, a local law to require the board of correction to report on the impact on incarcerated individuals of closing jails on Rikers Island, and to amend the administrative code of the city of New York, in relation to requiring the mayor's office of criminal justice to report on progress in closing jails on Rikers Island, (2) Preconsidered Proposed Introduction 1759-A, a local law in relation to the establishment of a commission to make recommendations on reinvestment in communities impacted by Rikers, and (3) Preconsidered Proposed

Introduction 1762-A, a Local Law to amend the administrative code of the city of New York, in relation to amending the bill of rights for incarcerated individuals and establishing guiding principles for the design of newly constructed jails.

II. Background

On October 17, 2019, the New York City Council is scheduled to vote on a land use action pursuant to the Universal Land Use Review Procedure (ULURP) that will permit the construction of four new borough-based jail facilities to replace those currently located on Rikers Island, and those facilities currently located in Queens, Manhattan, and Brooklyn. The three bills addressed in this committee report are designed to accompany that ULURP in order to ensure adequate oversight over the construction of new facilities, improve conditions of confinement in new borough-based jails, and reinvest cost-savings from the closure of older jails into directly impacted communities.

Borough Based Jail Plan

The Administration's plan to close jails on Rikers Island and open new borough-based facilities is projected to be complete in 2026. The plan involves reducing the New York City jail population to 3,300 people, demolishing all current facilities, and building new facilities in Manhattan, Queens, Brooklyn, and the Bronx.⁷ It is unclear which buildings will be constructed first, whether or not people in custody in existing facilities will be relocated to jails on Rikers Island, and how staffing plans will be impacted throughout the implementation of the plan.⁸

Jail Conditions

The jails on Rikers Island have been called some of the worst in the country.⁹ In a recent BOC report on jail conditions and operations during a city-declared heat emergency, the Board recorded temperatures in jail facilities as high as 95.8 degrees.¹⁰ Similarly, in a report conducted by The Independent Commission on New York City Criminal Justice and Incarceration Reform, chaired by former New York state chief judge Jonathan Lippman (the "Lippman Commission"), jails on Rikers Island were found to be filled with "leaks, water damages. . . [and] foul smells emanating from the parts of the island that are composed of landfill."¹¹ This report also stated that the isolated nature of Rikers Island creates numerous issues, both fiscal and moral. It is accessible by only a narrow bridge, and transportation to courthouses from the Island costs about \$31 million per year.¹² Moreover, the isolated nature of the island, combined with construction that uses long, linear, corridors, lends itself to a culture of violence and neglect.¹³ Furthermore, the physical design of the jails fails to foster ample programming or mental health treatment. For example, in Anna M. Kross Center, there are a dearth of confidential treatment spaces near housing units for the effective delivery of mental healthcare, and clinical sessions are often held in utility closets or dayroom floors.¹⁴

⁷ Testimony of various Administration officials before the New York Council Subcommittee on Landmarks, Public Siting and Maritime Uses, September 5, 2019.

⁸ See *Id.*

⁹ James Ridgeway and Jean Casella, "America's 10 Worst Prisons: Rikers Island," May 2013, *available at* <https://www.motherjones.com/politics/2013/05/america-10-worst-prisons-rikers-island-new-york-city/>

¹⁰ Lippman Commission, "A More Just New York City," May 2017, *available at* <https://static1.squarespace.com/static/5b6de4731aef1de914f43628/t/5b96c6f81ae6cf5e9c5f186d/1536607993842/Lippman%2BCommission%2BReport%2BFINAL%2BSingles.pdf>

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ Testimony of Brook Menschel, Brooklyn Defender Services, before the New York Council Committee on Hospitals, Committee on Mental Health, Disabilities, and Addiction and Committee on Criminal Justice Oversight Hearing on Correctional Health, November 15, 2018.

Addressing the Roots of Incarceration

The vast majority of people who are incarcerated at Rikers Island and current borough-based facilities are Black and Latinx, and most of those incarcerated are detained without having been convicted of a crime.¹⁵ Numerous advocates have argued that systemic racism drives both poverty and mass incarceration, putting low-income people of color especially at risk for justice system involvement.¹⁶ According to an analysis by the Federation of Protestant Welfare Agencies (FPWA), as poverty rates increase, jail incarceration rates increase in New York City community districts.¹⁷ In fact, the five community districts with the highest poverty rates were also among the ten community districts with the highest jail incarceration rates.¹⁸ In addition to race and poverty, the link between incarceration and homelessness is well established. Jails and/or prisons increasingly constitute a feeder into the city's homeless shelter system, particularly for single adults.¹⁹ From 2014 to 2017, the number and percent of formerly incarcerated individuals released directly from New York State correctional facilities to City homeless shelters rose dramatically.²⁰ In 2017, more than 54 percent of individuals released from prison to New York City were released directly to the city's shelter system, an increase from 23 percent in 2014.²¹ Also in 2017, more than 4,100 individuals were released to city shelters from upstate prisons, a 92 percent increase from 2014.²² Accordingly, one in five entrants to the shelter system comes directly from a New York State prison, up from one in 10 four years ago.²³

While the criminal justice system feeds into the homeless system, the reverse is also true as homeless behavior is often criminalized. Behaviors common among those experiencing homelessness, such as sleeping in a car or loitering, are all prohibited in New York State.²⁴ The New York Civil Liberties Union filed a complaint in 2016 asking the New York City Commission on Human Rights to investigate the New York City Police Department's practice of forcing people experiencing homelessness in Harlem to "move along" from place to place, sometimes threatening them with arrest.²⁵ In January 2016, Governor Andrew M. Cuomo signed an executive order requiring local governments across the state to take people experiencing homelessness off the streets to shelters in freezing temperatures, "including involuntary placement."²⁶ The overlap of race, poverty, and homelessness with incarceration demonstrates the complexity of preventing justice involvement and that the health and human services sector is best positioned to address many related needs.²⁷

¹⁵ Lippman Commission, "A More Just New York City," May 2017, available at <https://static1.squarespace.com/static/5b6de4731aef1de914f43628/t/5b96c6f81ae6cf5e9c5f186d/1536607993842/Lippman%2BCommission%2BReport%2BFINAL%2BSingles.pdf>; See also Mayor's Office of Criminal Justice, "Jail: Who is in on bail?," May 2019 available at https://criminaljustice.cityofnewyork.us/wp-content/uploads/2019/05/Bail_2019_May_draft-23.pdf

¹⁶ E.g., FPWA, "Ending the Poverty to Prison Pipeline," April 2019 available at <http://www.fpwa.org/wp-content/uploads/2019/04/FPWAs-Ending-the-Poverty-to-Prison-Pipeline-Report-2019-FINAL.pdf>

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Cheney, Brendan, "Single Adults in Homeless Shelters Are on The Rise," POLITICO (Sept. 20, 2018) available at <https://www.politico.com/states/new-york/city-hall/story/2018/09/19/single-adults-in-homeless-shelters-are-on-the-rise-619726>

²⁰ Coalition for the Homeless, State of the Homeless 2018, available at <http://www.coalitionforthehomeless.org/state-of-the-homeless-2018/>.

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ National Law Center on Homelessness & Poverty, "Housing Not Handcuffs," Oct. 2018, available at <https://nlchp.org/wp-content/uploads/2018/10/Housing-Not-Handcuffs.pdf>

²⁵ ACLU National, "NYPD Should Not Take the Lead in Fixing New York's Homeless Crisis," Medium, Oct. 26, 2018, available at <https://medium.com/aclu/nypd-should-not-take-the-lead-in-fixing-new-yorks-homeless-crisis-3527b20c2d03>

²⁶ Annie Correal, "Cuomo Orders That Homeless Be Taken to Shelter in Freezing Weather," Jan. 3, 2016, available at <https://www.nytimes.com/2016/01/04/nyregion/cuomo-orders-homeless-people-to-be-taken-to-shelters-in-freezing-weather.html>

²⁷ FPWA, "Ending the Poverty to Prison Pipeline," April 2019 available at <http://www.fpwa.org/wp-content/uploads/2019/04/FPWAs-Ending-the-Poverty-to-Prison-Pipeline-Report-2019-FINAL.pdf>

III. BILL ANALYSIS

A. PROPOSED PRECONSIDERED INTRODUCTION 1742–A (RELATED TO REPORTING)

Section one amends the administrative code by adding a new section 9-307 to require the Mayor’s Office of Criminal Justice (MOCJ) to issue a progress report on closing jails on Rikers Island and related efforts to reduce the jail population in the city and open jail facilities outside Rikers Island. The bill would require MOCJ to report on trends in the jail population, including average population disaggregated by facility; the timeline for closure; the budget and procurement of contracts related to closure; the design and construction of jail facilities, including relocating incarcerated individuals; changes to information technology infrastructure; and staffing plans for all correctional facilities. Section two requires an additional report from the Board of Correction (BOC) on the impact of the construction of city jails on the quality of life for incarcerated individuals, the impact of any significant changes to the design or construction of any new facilities on incarcerated individuals, and the impact of the construction of new city jails on work conditions for Department of Correction (DOC) and correctional health services staff and volunteers. Section 3 requires the BOC to issue a report on conditions facilities prior to the DOC housing incarcerated individuals on conditions at such facilities.

Amendments to Preconsidered Introduction (Related to Reporting)

This bill has been amended to require biannual, as opposed to quarterly reporting, and to require published blueprints to be provided to the Board of Correction.

B. PROPOSED PRECONSIDERED INTRODUCTION –A (RELATED TO COMMUNITY REINVESTMENT)

Section one establishes a commission on community reinvestment and the closure of Rikers Island, tasked with advising the City Council and the Mayor with respect to the ways in which the city should invest in neighborhoods and communities that have been disparately affected by mass incarceration to address the drivers of mass incarceration, and issuing a report on its recommendations. Membership on the commission includes:

- The commissioner of the Department of Social Services or their designee, who shall serve as chair
- The comptroller or their designee;
- The commissioner of the department of probation or their designee;
- A representative from the Mayor’s Office of Criminal Justice;
- Seven members appointed by the Mayor who have been formerly incarcerated or directly impacted by incarceration;
- Two members appointed by the Mayor who represent community-based organizations serving areas disparately affected by mass incarceration;
- One member appointed by the Speaker of the Council specializing in justice reinvestment;
- Four members appointed by the Speaker of the Council who have been directly impacted by incarceration
- The director of the Department of Health and Mental Hygiene or their designee; and
- The director of Housing Preservation and Development
- A representative from the office of the Public Advocate

Section two makes it so that the law takes effect immediately.

Amendments to Preconsidered Introduction (Related to Community Reinvestment)

This preconsidered introduction was amended to add additional members to the commission, and to ensure that half of all commission members have been directly impacted by incarceration. The legislation also has been amended to require the mayor to respond to recommendations within 60 days of publication of the report.

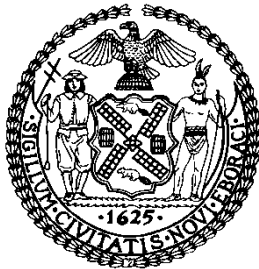
C. PROPOSED PRECONSIDERED INTRODUCTION –A (RELATED TO JAIL DESIGN)

Section one amends the Administrative Code to add a new section 9-157 to require new correctional facilities to be designed in a manner that deprioritizes an institutional appearance and the use of bars. It creates general requirements for all newly built correctional facilities, such as infrastructure that provides internet capability, designated spaces for re-entry services and programming, access to clinical space for each housing unit, and heating and air conditioning. It requires individual living quarters in new facilities must be no less than 75 square feet, whereas state regulations currently only require cells to be 60 square feet.²⁸ It also requires living quarters to contain a functioning toilet, sink with potable water, and bed, have at least one window with access to natural light, and contain no more than one bed. It requires dormitories to be equipped with a sufficient number of functioning toilets, sinks with potable water, showers, and have at least one unit with access to natural light. It requires housing units to have a recreational area with access to fresh air and natural light and a kitchenette. The bill also requires the DOC to digitize communications. Section two amends section 9-139 of the administrative code to require the DOC to allow incarcerated individuals to decorate a designated area of their living quarters and to address people in custody by their names, to use their preferred pronouns, and expresses zero tolerance for dehumanizing terms such as “body.”

Amendments to Preconsidered Introduction (Related to Jail Design)

This legislation has been amended since introduction to change the title from “minimum standards” to “guiding principles,” so as not to confuse the law with Board of Correction minimum standards, which will continue to apply to all correctional facilities. The law also has been amended to ensure that each person in custody shall have access to a light that can turn on and off. The bill has been amended change the word “cell” to “living quarters,” and to allow people in custody to decorate a designated area of their living quarters.

(The following is the text of the Fiscal Impact Statement for Preconsidered Int. No. 1742-A:)



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PRECONSIDERED PROPOSED INT. NO: 1742 -A

COMMITTEE: Criminal Justice

TITLE: A Local Law to require the board of correction to report on the impact on incarcerated individuals of closing jails on Rikers Island, and to amend the administrative code of the city of New York, in relation to requiring the mayor’s office of criminal justice to report on progress in closing jails on Rikers Island.

SPONSORS: Council Members Ayala and Levin.

²⁸ N.Y. Comp. Codes R. & Regs. tit. 9, § 7040.4

SUMMARY OF LEGISLATION: Preconsidered Proposed Intro. No. 1742-A would require the Mayor's Office of Criminal Justice (MOCJ) and the Board of Correction (BOC) to publish semiannual progress reports on closing jails on Rikers Island and opening jail facilities outside Rikers Island.

EFFECTIVE DATE: This local law would take effect immediately and would be repealed after July 1, 2028.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

	Effective FY20	FY Succeeding Effective FY21	Full Fiscal Impact FY21
Revenues	\$0	\$0	\$0
Expenditures	\$59,636	\$238,544	\$238,544
Net	\$59,636	\$238,544	\$238,544

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 BOC would require two additional staff members to carry out the requirements of this legislation. One position would be a Community Coordinator, for an annual cost of \$92,084 per year (fringe included). The other position would be a City Research Scientist II, for an annual cost of \$124,774 (fringe included). Additionally, BOC would need \$21,686 to cover additional Other Than Personal Services (OTPS) Costs. It is anticipated that there would be no impact on expenditures by MOCJ because MOCJ would use existing resources to implement the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Board of Correction
New York City Mayor's Office of Criminal Justice
New York City Council Finance Division

ESTIMATE PREPARED BY: Peter Butler, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was first considered by the Committee on Criminal Justice, at a hearing held jointly with the Committee on General Welfare, as a Preconsidered Introduction on October 2, 2019 and the bill was laid over. The legislation was subsequently amended and the amended legislation version, Preconsidered Proposed Int. No. -A, will be considered by the Committee on Criminal Justice at a hearing on October 16, 2019. Preconsidered Proposed Int. No. -A will be introduced to the full Council on October 17, 2019, and upon a successful Committee vote, it will be submitted to the Council for a vote on October 17, 2019.

DATE PREPARED: October 15, 2019.

(For text of Int. Nos 1759-A and 1762-A, please see the Reports of the Committee on Criminal Justice for Int. Nos. 1759-A and 1762-A printed in these Minutes; for text of Int. No. 1742-A)

Accordingly, this Committee recommends the adoption of Preconsidered Int. Nos. 1742-A, 1759-A, and 1762-A.

(The following is the text of Preconsidered Int. No. 1742-A:)

Preconsidered Int. No. 1742-A

By Council Members Ayala, Levin, Kallos, Rivera, Ampry-Samuel and Treyger.

A Local Law to require the board of correction to report on the impact on incarcerated individuals of closing jails on Rikers Island, and to amend the administrative code of the city of New York, in relation to requiring the mayor's office of criminal justice to report on progress in closing jails on Rikers Island

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-308 to read as follows:

§ 9-307 Report on the closure of jails on Rikers Island.

a. Beginning on the 30th day of January in the year 2020, the mayor's office of criminal justice shall submit shall submit a biannual report to the council and post to the office's website and the city's open data portal, a progress report on closing jails on Rikers Island and opening jail facilities outside Rikers Island. Such report shall be submitted within 60 days of January 1 and July 1 of each year and shall include information on the following issues:

- 1. Trends in the jail population and the drivers of population changes, including the following:*
 - (a) the average daily population in total and disaggregated by facility, by borough of arrest, and in the following categories: pretrial, sentenced, technical parole violation, pretrial with parole violations, and other;*
 - (b) the average and median length of stay of incarcerated individuals detained pretrial, in total and disaggregated by borough of arrest and whether there is a co-occurring parole violations; and*
 - (c) the number and percentage of pretrial detainees whose length of stay is longer than 30 days, 90 days, six months, and one year.*
 - 2. The total capacity and average daily population of each correctional facility solely operated by the department of correction, disaggregated by facility.*
 - 3. The timeline for closure of each correctional facility located on Rikers Island, any significant changes to such timeline, and any significant actions taken by the mayor in response to such changes.*
 - 4. The budget for closure, and any significant changes to such budget.*
 - 5. The procurement of contracts related to closure and construction of jail facilities, including any relevant timelines.*
 - 6. A general overview of the design and construction of new jail facilities and any related information regarding the timelines for the construction of new facilities.*
 - 7. Populations relocated as a result of new facility construction.*
 - 8. The progress of implementing an electronic management system for individuals in custody.*
 - 9. Staff plans, by facility, including but not limited to the following information for the reporting period: the number of uniform and civilian staff hired, the number of uniform and civilian staff terminated, and the number of uniform and civilian staff who left the department for reasons other than termination.*
- b. No information that is 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 information.*

§ 2. Board of correction progress report. The board of correction shall publish a report on the impact on incarcerated individuals of closing jails on Rikers Island and constructing new facilities to replace such jails, commencing on July 1, 2020 and every six months thereafter. Such report shall include but not be limited to information on the following issues:

- a. The impact of the construction of new city jails on the department of correction and correctional health services' ability to comply with board of correction minimum standards;*

b. The impact of any significant changes to the design or construction of any new jails on any incarcerated individuals and compliance with board of correction minimum standards.

§ 3. Board of correction facility report. The board of correction shall publish a report on compliance with the board's minimum standards at each facility intended for the incarceration of individuals under the jurisdiction of the department of correction constructed after the effective date of this local law. Each such report shall be published no later than sixty days from the later of approval of occupancy from the department of buildings or the New York state commission of correction for the facility to which such report applies. Prior to publication, relevant parties shall be given 30 days to review each such report. The board of correction shall be given sufficient access to such facility to obtain the information necessary to complete such report, and shall have access to all published requests for proposals, contracts, and blueprints, program plans, and other materials related to the design and construction of such facility. All such materials shall remain confidential and may not be disclosed by such board to any person. The use of such facilities shall not be dependent on the publication of such report or its contents.

§4. Effective date. This local law takes effect immediately and is repealed after July 1, 2028.

KEITH POWERS, *Chairperson*; RORY I. LANCMAN; MARK D. LEVINE, ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, DONOVAN J. RICHARDS, CARLINA RIVERA; Committee on Criminal Justice, October 16, 2019.

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

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

Report for Int. No. 1759-A

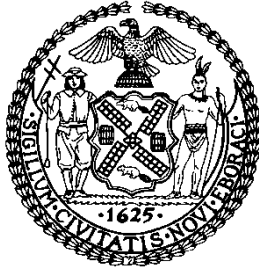
Report of the Committee on Criminal Justice in favor of approving and adopting, as amended, a Local Law in relation to the establishment of a commission to make recommendations on reinvestment in communities impacted by Rikers Island.

The Committee on Criminal Justice, to which the annexed proposed preconsidered as amended local law was referred on October 17, 2019, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Criminal Justice for Int. No. 1742-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Preconsidered Int. No. 1759-A:



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PRECONSIDERED PROPOSED INT. NO: 1759-A

COMMITTEE: Criminal Justice

TITLE: A Local Law In relation to the establishment of a commission to make recommendations on reinvestment in communities impacted by Rikers Island. **SPONSOR:** Council Member Levin.

SUMMARY OF LEGISLATION: Preconsidered Proposed Int. No. 1759-A would establish a commission to make recommendations on reinvestment in communities impacted by the overuse of incarceration. The commission would be required to release an annual report each year through 2027 containing recommendations for legislation, policy, and investments.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

	Effective FY20	FY Succeeding Effective FY21	Full Fiscal Impact FY21
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 existing resources would be used to implement the requirements of the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Mayor’s Office of Criminal Justice
New York City Council Finance Division

ESTIMATE PREPARED BY: Peter Butler, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was first considered by the Committee on Criminal Justice, at a hearing held jointly with the Committee on General Welfare, as a Preconsidered Introduction on October 2, 2019 and the bill was laid over. The legislation was subsequently amended and the amended legislation, Preconsidered Proposed Int. No. -A, will be considered by the Committee on Criminal Justice at a hearing on October 16, 2019. Preconsidered Proposed Int. No. 1759-A will be introduced to the full Council on October 17, 2019, and upon a successful vote, it will be submitted to the full Council for a vote on October 17, 2019.

DATE PREPARED: October 15, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Preconsidered Int. No. 1759-A:)

Preconsidered Int. No. 1759-A

By Council Members Levin, Kallos, Rivera, Ayala, Ampry-Samuel and Treyger.

A Local Law in relation to the establishment of a commission to make recommendations on reinvestment in communities impacted by Rikers Island

Be it enacted by the Council as follows:

Section 1. a. Commission established. There is hereby established a commission on community reinvestment and the closure of Rikers Island.

b. Duties. The commission, in consultation with an expert on justice reinvestment appointed by the council, shall provide advice and recommendations to the city council and the mayor with respect to the ways in which the city can invest in neighborhoods and communities that have been disparately affected by mass incarceration to address the drivers of mass incarceration. Within six months of the formation of the commission, no later than the 30th day of each December thereafter, such commission shall submit an annual report to the mayor and the speaker of the city council and publish such report prominently on the website of the department of social services. Such report shall identify neighborhoods and populations most impacted by historical incarceration rates, analyze or assess ways in which reinvestment can reduce incarceration rates and identify opportunities for reinvestment in such communities that shall include, but not be limited to, the following:

1. Investments address the root causes of crime and preventing crime, such as housing, public health and social programs;
2. Practices, policies and community investments that avoid contact with the criminal justice system for persons in mental health crisis, struggling with substance use disorder, homelessness and extreme poverty or other situations in which a traditional law enforcement response may be unwarranted or ineffective; and
3. Proposals for legislation, reviews of prosecutorial practices and police procedures that impact any such issues.

c. Membership.

1. The commission shall be composed of the following members:
 - (a) The commissioner of the department of social services or their designee, who shall serve as chair;
 - (b) The comptroller or their designee;
 - (c) The commissioner of the department of probation or their designee;
 - (d) A representative from the office of criminal justice;
 - (e) Seven members appointed by the mayor who have been formerly incarcerated or directly impacted by incarceration;
 - (f) Two members appointed by the mayor who represent community-based organizations focused on serving the needs of neighborhoods historically impacted by mass incarceration, such as Brownsville, The South Bronx, East New York, Harlem, and Bedford-Stuyvesant;
 - (f) One member appointed by the speaker of the council specializing in justice reinvestment;

(h) Four members appointed by the speaker of the council who have been formerly incarcerated or directly impacted by incarceration;

(i) The commissioner of the department of health and mental hygiene or their designee;

(j) The commissioner of the department of housing preservation and development or their designee;

(k) A representative from New York city health and hospitals corporation; and

(m) A representative from the New York city office of the public advocate.

2. All appointments required by this section shall be made no later than 90 days after the effective date of this local law.

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

4. No member shall be removed from the commission except for cause.

d. Meetings.

1. The chair shall convene the first meeting of the commission no later than 30 days after the last member has been appointed.

2. The commission may invite relevant experts and stakeholders to attend its meetings and to otherwise provide testimony and information relevant to its duties.

3. The commission shall meet no less than once each quarter to carry out the duties described in section one.

4. The commission shall hold public hearings on a quarterly basis.

e. The commission shall identify between five and ten neighborhoods that have been disparately impacted by mass incarceration, and solicit feedback from community based organizations and service providers focused on serving the needs of such neighborhoods.

f. Agency support. Each agency affected by this local law shall provide appropriate staff and resources to support the work of such agency related to the commission.

g. Within 60 days after publication of the commission's report, the mayor of the city of New York shall publish a response to each recommendation published by the commission.

h. Termination. The commission shall terminate on March 31, 2027.

§ 2. This local law takes effect immediately.

KEITH POWERS, *Chairperson*; RORY I. LANCMAN; MARK D. LEVINE, ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, DONOVAN J. RICHARDS, CARLINA RIVERA; Committee on Criminal Justice, October 16, 2019.

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

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

Report for Int. No. 1762-A

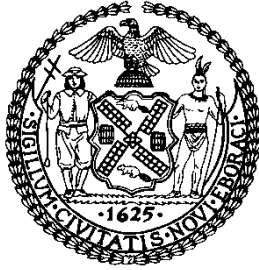
Report of the Committee on Criminal Justice in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to amending the bill of rights for incarcerated individuals and establishing guiding principles for the design of newly constructed jails.

The Committee on Criminal Justice, to which the annexed proposed preconsidered as amended local law was referred on October 17, 2019, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Criminal Justice for Int. No. 1742-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Preconsidered Int. No. 1762-A:



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PRECONSIDERED PROPOSED INTRO. NO: 1762-A

COMMITTEE: Criminal Justice

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to amending the bill of rights for incarcerated individuals and establishing guiding principles for the design of newly constructed jails.

SPONSORS: Council Members Powers, Rosenthal and Cumbo.

SUMMARY OF LEGISLATION: Preconsidered Proposed Int. No. 1762-A would amend the bill of rights for incarcerated individuals in existing facilities and would establish minimum standards for new correctional facilities. New minimum standards for new correctional facilities would include cell dimensions, access to natural light, adequate air conditioning and heating systems and other housing-related requirements. The bill of rights for incarcerated individuals would provide such individuals the freedom to decorate their cells and would require correction officers to call incarcerated individuals by their name, with zero tolerance for staff addressing such individuals using dehumanizing terms.

EFFECTIVE DATE: This local law would take effect 120 days after it becomes law, except the Commissioner of Correction may take such measures as are necessary for implementation, including the promulgation of rules, before such date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

	Effective FY20	FY Succeeding Effective FY21	Full Fiscal Impact FY21
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 existing resources would be used to implement the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Peter Butler, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was first considered by the Committee on Criminal Justice, at a hearing held jointly with the Committee on General Welfare, as a Preconsidered Introduction on October 2, 2019 and the bill was laid over. The legislation was subsequently amended and the amended legislation, Preconsidered Proposed Int. No. 1762-A, will be considered by the Committee on Criminal Justice at a hearing on October 16, 2019. Preconsidered Proposed Int. No.1762 –A will be introduced to the full Council on October 17, 2019, and upon a successful vote by the Committee on Criminal Justice, it will be submitted to the full Council for a vote on October 17, 2019.

DATE PREPARED: October 15, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Preconsidered Int. No. 1762-A:)

Preconsidered Int. No. 1762-A

By Council Members Powers, Rosenthal, Cumbo, Kallos, Reynoso, Rivera, Ayala, Ampry-Samuel and Treyger

A Local Law to amend the administrative code of the city of New York, in relation to amending the bill of rights for incarcerated individuals and establishing guiding principles for the design of newly constructed jails

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-159, to read as follows:

§ 9-159 *Guiding principles for new correctional facilities. a. Definitions. As used in this section, the following terms have the following meanings:*

Dormitory. The term “dormitory” means a unit which houses multiple individuals. This term shall have the same meaning as the term “multiple occupancy housing unit”.

Housing unit. The term “housing unit” means a structure or part of a structure that contains single occupancy housing units or multiple occupancy housing units, as those terms are defined in the rules of the New York state commission of correction.

Living quarters. The term “living quarters” means an individual occupancy housing unit as defined in section 7040.4 of title 9 of the compilation of codes, rules and regulations of the state of New York or any successor provision.

Kitchenette. The term “kitchenette” means a space equipped to be used for heating food and water.

b. Every city correctional facility under the sole jurisdiction and control of the department built after the effective date of the local law that added this section shall comply with the following requirements:

1. Design requirements. Each such facility shall be designed, where practicable, in a manner that deprioritizes an institutional appearance and the use of bars.

2. General requirements. Each such facility shall include:

(a) a call button or telephone in each room that incarcerated individuals may use to contact staff;

(b) infrastructure that provides internet capability, subject to security and safety protocols of the department;

(c) designated spaces for re-entry services and programming, with sufficient space and infrastructure to accomplish the purposes of the services offered therein;

(d) access to clinical space for each housing unit, with 24 hour access to emergency response;

(e) systems that provide heating and air conditioning;

(f) visiting spaces, waiting areas, and other spaces in which visitors frequent that include an area that is suitable for children; and

(g) an outdoor recreation area.

3. Individual living quarters. Each individual living quarter in such facility shall:

(a) be no less than 75 square feet (6.97 square meters) in total area and no less than six feet (1.83 meters) in any direction;

(b) contain a functioning toilet, sink with potable water, single bed, and a closeable storage container for personal property for a single person;

(c) have at least one window with access to natural light. The total area of all windows in each living quarter shall be a least one-tenth the floor area of such room;

(d) contain no more than one single bed and house no more than one person; and

(e) contain at least one light that can be turned on and off.

4. Dormitories. Each dormitory in such facility shall:

(a) be equipped with a sufficient number of toilets and sinks, and provide showers in accordance with the minimum standards of the New York city board of correction and the guidelines of the New York state commission of correction for multiple occupancy housing units;

(b) have at least one window with access to natural light in each living space within such dormitory. The total area of all windows in each dormitory shall be a least one-tenth the floor area of such space; and

(c) contain a minimum of 75 square feet (6.97 meters) of floor space per person in the sleeping area.

5. Housing units. Each housing unit in such facility shall

(a) include a recreation area with access to fresh air and natural light; and

(b) contain a kitchenette.

6. Bathrooms shall be accessible at all times to individuals housed in each such facility.

c. The department shall digitize paper-based communications and ensure that correctional facilities built after the effective date of the local law that added this section are wired in such a fashion to allow for such electronic communications. Such communication shall include but not be limited to (1) the location of incarcerated individuals, (2) communications between staff, (3) the filing of grievances, and (4) communications regarding bail status, in accordance with standards set by correctional oversight agencies.

d. This section is not intended to encompass the entirety of standards to apply to jail facilities.

§ 2. Subdivision g of section 9-136 of the administrative code of the city of New York, as added by local law number 134 for the year 2019, is amended to read as follows:

g. The department shall install grievance kiosks in each facility where incarcerated individuals may file grievances electronically *and in a private setting by* [January 2026] *December 31, 2026*. Such kiosks shall be accessible in multiple languages and shall provide incarcerated individuals physical receipts confirming filing. If a request made through the kiosk is not subject to the [inmate] grievance and review process, the kiosks shall provide incarcerated individuals with information regarding where the grievance should be redirected.

§ 3. Section 9-139 of the administrative code of the city of New York, as amended by local law number 91 for the year 2015, is amended to read as follows:

§ 9-139 [Inmate] Bill of rights *for incarcerated individuals*. a. The department shall inform every [inmate] *incarcerated individual* upon admission to the custody of the department, in writing, using plain and simple

language, of their rights under department policy, which shall be consistent with federal, state, and local laws, and board of correction minimum standards, on the following topics: non-discriminatory treatment, personal hygiene, recreation, religion, attorney visits, access to legal reference materials, visitation, telephone calls and other correspondence, media access, due process in any disciplinary proceedings, health services, safety from violence, and the grievance system.

b. The department shall inform every [inmate] *incarcerated individual* upon admission to the custody of the department, in writing, using plain and simple language, of their responsibilities under the department's rules governing *their* [inmate] conduct.

c. The department shall inform every [inmate] *incarcerated individual* upon admission to the custody of the department, in writing, using plain and simple language, of available services relating to education, vocational development, drug and alcohol treatment and counseling, and mental health treatment and counseling services.

d. The department shall publish on its website any documents created pursuant to this section. Such documents shall be available in English and Spanish.

e. Within 24 hours of admission to the custody of the department, the department shall provide to each [inmate] *incarcerated individual* an oral summary of the rights and responsibilities enumerated in subdivisions a, b, and c of this section in *their* [the inmate's] preferred language, if the language is accessible through the city's language access plan. The department shall make a good faith effort to provide an oral summary in languages that are not accessible through the city's language access plan as soon as practicable.

f. Upon admission to the custody of the department, each [inmate] *incarcerated individual* shall also be offered the option of being provided the Connections guidebook for formerly incarcerated people, or any similar or successor book or handbook that describes resources available to those re-entering society after being incarcerated.

g. The department shall allow incarcerated individuals to decorate a designated area of their living quarters, with appropriate oversight from the department regarding safety and security considerations.

h. The department shall maintain a policy that requires its employees to refer to individuals in custody by their names and their preferred pronouns, if known and if practicable, and has zero tolerance for staff addressing individuals in custody using dehumanizing terms, such as the word "body."

§ 4. This local law takes effect 120 days after it becomes law, except that the commissioner of correction may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

KEITH POWERS, *Chairperson*; RORY I. LANCMAN; MARK D. LEVINE, ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, DONOVAN J. RICHARDS, CARLINA RIVERA; Committee on Criminal Justice, October 16, 2019.

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

Report of the Committee on Finance

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

Report for Res. No. 1093

Report of the Committee on Finance in favor of approving a Resolution concerning the increase in the annual expenditure for the Metrotech Area, 34th Street, Fifth Avenue, 14th Street-Union Square, and NoHo New York Business Improvement Districts, and the Fulton Mall Special Assessment District, and the setting of the date, time and place for the hearing of the local law increasing the annual expenditure for such districts.

The Committee on Finance, to which the annexed preconsidered resolution was referred on October 17, 2019, respectfully

REPORTS:

This Preconsidered Resolution sets a date, time, and place for a public hearing to consider a local law that would increase the annual expenditures of five Business Improvement Districts (“BIDs”) and one Special Assessment District (“SAD”)¹, collectively referred to herein as “the BIDs”, as of July 1, 2019. The resolution sets October 30, 2019 at 10:00am in the City Council Committee Room, 2nd floor, City Hall, Manhattan as the date, time, and place for the hearing.

These increases, which have been requested by the BIDs and approved by the respective District Management Associations, would result in a higher assessment on all properties currently subject to the BIDs’ assessments as a result of the increase in the assessment rate.

Pursuant to §§ 25-410(b) and 25-416 of the Administrative Code, the BIDs may obtain an increase in their budgets (i.e. the total amount allowed to be expended annually by the BIDs for improvements, services, maintenance, and operation) by means of the adoption of a local law amending the BID’s district plan. Such a local law may be adopted by the City Council after a determination that it is in the public interest to authorize such an increase in the maximum annual amount and that the tax and debt limits prescribed in § 25-412 of the Administrative Code will not be exceeded. Notice of the public hearing to consider such a local law must be published in at least one newspaper having general circulation in the district specifying the time when, and the place where, the hearing will be held and stating the increase proposed in the maximum amount to be expended annually.

Accordingly, the resolution also directs the District Management Associations of each of the BIDs to publish in a newspaper of general circulation in each district, not less than ten days prior to the public hearing, a notice stating the time and place of the public hearing and setting forth the increase in the amount to be expended annually in each of the BIDs.

The following BIDs have requested increases to their budgets, as indicated below:

¹Prior to the creation of the BID system as it is known today, in the 1970’s New York State created fourteen SADs which collected assessments from property owners to pay for pedestrian malls and street improvements. Four of these SADs were located in New York City, with the first being the Fulton Mall in Brooklyn which was established in 1976. In 1982, pursuant to authorization by State law, the Council adopted legislation governing the formation of BIDs.

BID Name	Yr Est	Last Increase Yr	Current Authorized Assessment Cap	Proposed Authorized Assessment Cap	\$ Increase Request		Months Reserve	Increase Schedule	Retro/ Forward	CM District (s)	SBS Justification
	Yrs	Increase Amount			Total % Increase	Annualized % Increase				CM(s)	
34th Street	1992	2018	\$12,640,000	\$13,000,000	\$360,000		2.7	One-time	Retroactive	3, 4	Assessment increase will supplement program revenues lost during Plaza 33 construction; expand horticulture maintenance to seasonal displays; and repair, replace, and maintain aging street furniture and capital improvements. A portion of this increase will be used to sustain current levels of programs and services impacted by rising contract costs associated with the increase in minimum wage.
	27	\$1,755,000			2.85%	2.85%		1x \$360,000		Johnson, Powers	
Fifth Avenue	1993	2016	\$3,207,000	\$6,414,000	\$3,207,000		4.0	One-time	Retroactive	4	Assessment increase will launch new district marketing and cultural programs including: art installations, daily programming in public spaces, and new holiday lights; introduce banner program and advertising campaigns; expand beautification projects and repair streetscape elements including: painting all district lightpoles, constructing and maintaining new DOT parklet, installing planters throughout the district; hire three (3) full-time staff to manage new marketing, external affairs, and streetscape programs; and introduce FSA and 401k plans. A portion of this increase will be used to sustain current levels of programs and services impacted by rising contract costs associated with the increase in minimum wage.
	26	\$302,108			100.00%	33.33%		1x \$3,207,000		Powers	

Fulton Mall	1976	2015	\$2,100,000	\$3,006,750	\$906,750		3.4	Phased	Retroactive	33	Assessment increase will fund additional arts and cultural programming and events in Albee Square; design, install, maintain new holiday lighting; relocate and build-out new field office for sanitation, public safety, and streetscape staff; additional seasonal plantings; design, fabricate, and install new distinctive streetscape elements; replace and maintain aging existing street furniture, tree guards, trash compactors; install and maintain new DOT StreetSeats. A portion of this increase will be used to sustain current levels of programs and services impacted by rising contract costs associated with the increase in minimum wage.
	43	\$562,500			43.18%	10.79%		1x \$601,350 1x \$200,450 1x \$200,450		Levin	
Metro Tech (North)	1992	2016	\$3,274,492	\$4,911,738	\$1,637,246		5.2	Phased	Retroactive	33, 35	Assessment increase will provide additional arts and cultural programming in Willoughby Square Park; hire one (1) full-time staff to program Willoughby Square Park; design, install, maintain new holiday lighting; install and landscape new planters, tree guards and tree pits; relocate and build-out new field office for sanitation and streetscape staff; conduct a Public Realm Study to propose capital projects to tie together neighborhood elements. A portion of this increase will be used to sustain current levels of programs and services impacted by rising contract costs associated with the increase in minimum wage.
	27	\$650,000			50.00%	16.67%		1x \$725,508 1x \$584,288 1x \$327,449		Levin, Cumbo	
NoHo	1997	1997	\$540,000	\$800,000	\$260,000		8.5	Phased	Retroactive	1, 2	Assessment increase will provide two (2) full-time security guards to patrol the district; introduce banner program; update neighborhood signage; update website; replace old planters and increase seasonal landscaping; conduct neighborhood planning study in advance of potential rezoning; implement new retail attraction program. A portion of this increase will be used to sustain current levels of programs and services impacted by rising contract costs associated with the increase in minimum wage.
	22	N/A			48.15%	2.19%		1x \$190,000 1x \$40,000 1x \$30,000		Chin, Rivera	

Union Square	1982	2017	\$2,600,000	\$4,200,000	\$1,600,000		3.3	Phased	Forward	2	Assessment increase will expand sanitation program and hire one (1) additional full-time sanitation staff and four (6) seasonal sanitation workers; hire one (1) full-time Deputy Director of Operations; launch retail attraction program; invest in streetscape improvements resulting from neighborhood visioning and planning process. A portion of this increase will be used to sustain current levels of programs and services impacted by rising contract costs associated with the increase in minimum wage.
	37	\$600,000			61.54%	30.77%		1x \$480,000		1x \$400,000	

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1093:)

Preconsidered Res. No. 1093

Resolution concerning the increase in the annual expenditure for the Metrotech Area, 34th Street, Fifth Avenue, 14th Street-Union Square, and NoHo New York Business Improvement Districts, and the Fulton Mall Special Assessment District, and the setting of the date, time and place for the hearing of the local law increasing the annual expenditure for such districts.

By Council Member Dromm.

Whereas, Pursuant to Chapter 4 of Title 25 of the Administrative Code of the City of New York or the predecessor of such Chapter (the "BID Law"), the City established the Metrotech Area, 34th Street, Fifth Avenue Association, 14th Street-Union Square, and NoHo New York Business Improvement Districts, and the Fulton Mall Special Assessment District in the City of New York; and

Whereas, Pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and **Whereas**, Pursuant to Section 25-410(b) of the BID Law, an increase in the amount to be expended annually may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize the increase and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded; and

Whereas, The five Business Improvement Districts and one Special Assessment District wish to increase the amount to be expended annually beginning on July 1, 2019 as follows: Metrotech Area, \$4,911,738; 34th Street, \$13,000,000; Fifth Avenue Association, \$6,414,000; 14th Street-Union Square, \$4,200,000; NoHo New York, \$800,000; and Fulton Mall, \$3,006,750; and

Whereas, Pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the districts specifying the time when and the place where the hearing will be held and stating the proposed amount to be expended annually; now, therefore, be it

Resolved, That the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that October 30, 2019 is the date and the City Council Committee Room, 2nd floor, City Hall, Manhattan is the place and 10 a.m. is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation, which would increase the amount to be expended annually in the five Business Improvement Districts and the one Special Assessment District; and be it further

Resolved, That on behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Associations of the Metrotech Area, 34th Street, Fifth Avenue Association, 14th Street-Union Square, and NoHo New York Business Improvement Districts, and the Fulton Mall Special Assessment District, are hereby authorized to publish in a newspaper of general circulation in each district, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and setting forth the proposed increase in the amount to be expended annually in each of the five Business Improvement Districts and in the one Special Assessment District.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, MARK GJONAJ, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, STEVEN MATTEO; Committee on Finance, October 17, 2019.

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

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

Report for L.U. No. 555

Report of the Committee on Finance in favor of a Resolution approving 2178 Atlantic Avenue, Block 1433, Lot 35; Brooklyn, Community District No. 16, Council District 41.

The Committee on Finance, to which the annexed Land Use item was referred on October 17, 2019 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:)

October 17, 2019

TO: Hon. Daniel Dromm
Chair, Finance Committee
Members of the Finance Committee

FROM: Rebecca Chasan, Senior Counsel, Finance Division
Noah Brick, Assistant Counsel, Finance Division
Stephanie Ruiz, Assistant Counsel, Finance Division

RE: Finance Committee Agenda of October 17, 2019 – Resolutions approving a tax exemption for two Land Use items (Council Districts 35 and 41)

Item 1: Crown Plaza Apartments

Crown Plaza Apartments is comprised of 76 residential units across two buildings in the Crown Heights neighborhood of Brooklyn and includes six studios, 24 one-bedroom units, 30 two-bedroom units, and 15 three-bedroom units (exclusive of a one two-bedroom superintendent unit). Currently, all units in the property are low-income rentals subject to a Housing Assistance Payments (HAP) Section 8 contract, under which tenants pay only 30 percent of their income in rent and the U.S. Department of Housing and Urban Development (HUD) makes payments to the landlord for any remaining markup-to-market contract rent.

HP Plaza Apartments Housing Development Finance Corporation (HDFC) acquired the property in 2015 and Plaza Apartments Owner LLC is the beneficial owner of the property. The Department of Housing Preservation and Development (HPD) is requesting that the Council approve a partial, 40-year Article XI property tax exemption. The HDFC and the LLC will be rehabilitating the property financed by a mortgage insured by HUD, and will enter into a regulatory agreement with HPD that would require that apartments be rented only to

households earning less than 50 percent of Area Median Income (AMI). Eligible tenants will receive Section 8 rental assistance.

Summary:

- Borough – Brooklyn
- Block 1172, Lots 27, 28, and 29; Block 1296, Lot 8
- Council District – 35
- Council Member – Cumbo
- Council Member approval –Yes
- Number of buildings – 2
- Number of units – 76 (including 1 superintendent unit)
- Type of exemption – Article XI, partial, 40 years
- Population – affordable rental housing
- Sponsor – HP Plaza Apartments HDFC; Plaza Apartments Owner LLC
- Purpose – preservation
- Cost to the city - \$3.4 million
- Housing Code Violations
 - Class A – 5
 - Class B – 5
 - Class C – 1
- AMI target – 50% of AMI

Item 2: 2178 Atlantic Avenue

2178 Atlantic Avenue is comprised of 16 units in a single building located in the Brownsville neighborhood of Brooklyn and includes five one-bedroom units and 11 two-bedroom units.

The City sold 2178 Atlantic Avenue to 2178 Atlantic Avenue HDFC in 1980. The HDFC does not receive any relief from real property taxation and has been in financial hardship since 2005. Bayview Bank, which then held the HDFC's mortgage, paid the property taxes and sought repayment by the HDFC. When the HDFC was unable to pay, Bayview obtained a judgement and sold the debt to 2178 Atlantic Realty LLC. The LLC is poised to foreclose on the property unless the HDFC redeems the debt.

In 2016 the Council approved a resolution which authorized a partial, 40-year tax Article XI property exemption for the HDFC, retroactive to 2005, to help alleviate financial hardship. Because the exemption alone was not sufficient for the HDFC to redeem the judgment, the exemption was contingent on the HDFC closing on third-party financing within a year. The year passed before the HDFC was able to secure financing, but it has now done so.

Now that funding is available to the HDFC, HPD requests that Council amend the prior resolution and to extend the period that HPD has to close. Upon closing, the HDFC would enter into a regulatory agreement with HPD that would require apartments to be rented only to household earning less than 120 percent of AMI.

Summary:

- Borough – Brooklyn
- Block 1433, Lot 35
- Council District – 41
- Council Member – Ampry-Samuel
- Council Member approval –Yes
- Number of buildings – 1

- Number of units – 14
- Type of exemption – Article XI, partial, 40 years
- Population – affordable rental housing
- Sponsor – 2178 Atlantic Avenue HDFC; 2178 Atlantic Avenue LLC
- Purpose – preservation
- Cost to the city - \$1 million
- Housing Code Violations
 - Class A – 14
 - Class B – 26
 - Class C – 1
- AMI target – 120% of AMI

(For text of the coupled resolutions for L.U. Nos. 556, please see the Report of the Committee on Finance for L.U. No. 556 printed below in these Minutes; for the coupled resolution for L.U. No. 555, please see below:)

Accordingly, this Committee recommends the adoption of L.U. Nos. 555 and 556 along with their respective coupled resolutions.

In connection herewith, Council Member Dromm offered the following resolution:

Res. No. 1100

Resolution approving an amendment to a previously approved real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at (Block 1433, Lot 35), Brooklyn (Preconsidered L.U. No. 555).

By Council Member Dromm

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated September 12, 2019 that the Council amend a previously approved tax exemption for real property located at (Block 1433, Lot 45), Brooklyn (“Exemption Area”) pursuant to Section 577 of the Private Housing Finance Law;

WHEREAS, the HPD’s request for amendments is related to a previous Resolution adopted by City Council on November 16, 2016 (Resolution 1276) (the “Prior Resolution”), attached hereto as Exhibit A, granting the Exemption Area a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (“Tax Exemption”);

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

RESOLVED:

The Council approves the amendments to the Prior Resolution requested by HPD for the Exemption Area pursuant to Section 577 of the Private Housing Finance Law as follows:

Paragraphs (1)(k), (2), (3) and (4)(a) of the Prior Resolution are deleted and replaced with the following:

1. (k) “Tax payment” shall mean an annual real property tax payment on an assessed valuation equal to an amount calculated by multiplying \$3,500 times the number of residential units

included in the Exemption Area and increasing such product by three and seven-tenths percent (3.7%) on July 1, 2021 and on July 1 of each successive year until the Expiration Date.

2. All of the value of the Exemption Area shall be exempt from real property taxation, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon June 30, 2020.
3. Commencing upon July 1, 2020 and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Tax Payment. Notwithstanding the foregoing, (i) the total annual real property tax payment by the Owner shall not at any time exceed the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by an existing or future local, state, or federal law, rule or regulation, and (ii) the J-51 Benefits shall not reduce the Tax Payment below zero dollars.
4. (a) The Exemption shall terminate if HPD determines 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) the Exemption Area is conveyed 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; and

Except as specifically amended above, all other terms, conditions, provisions and requirements of the Prior Resolution remain in full force and effect.

ATTACHMENT: Exhibit A (Res. No. 1276 of 2016)

RESOLUTION NO. 1276

Resolution approving an exemption from real property taxes for property located at (Block 1433, Lot 35) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 520).

By Council Member Ferreras-Copeland

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 3, 2016 that the Council take the following action regarding a housing project located (Block 1433, Lot 35) 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 provided:

1. For the purposes hereof, the following terms shall have the following meanings:
 - (a) “Effective Date” shall mean July 1, 2005.
 - (b) "Exemption" shall mean the exemption from real property taxation provided hereunder.
 - (c) “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1433, Lot 35 on the Tax Map of the City of New York.
 - (d) “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.
 - (e) “HDFC” shall mean Tenants of 2178 Atlantic Avenue Housing Development Fund Corporation.
 - (f) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - (g) “J-51 Program” shall mean the program of exemption from and/or abatement of real property taxation authorized pursuant to Real Property Tax Law §489 and City of New York Administrative Code §11-243.
 - (h) “J-51 Benefits” shall mean any tax benefits pursuant to the J-51 Program that are granted for eligible work performed at the Exemption Area on or after October 1, 2016.
 - (i) “Owner” shall mean the HDFC or any future owner of the Exemption Area.

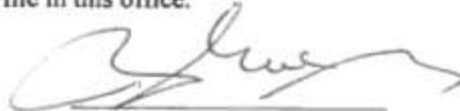
- (j) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the HDFC establishing certain controls upon the operation of the Exemption Area on and after the date such Regulatory Agreement is executed.
 - (k) “Tax Payment” shall mean an annual real property tax payment on an assessed valuation equal to an amount calculated by multiplying \$3,500 times the number of residential units included in the Exemption Area and increasing such product by three and seven tenths percent (3.7%) on July 1, 2017 and on July 1 of each successive year until the Expiration Date.
3. All of the value of the Exemption Area shall be exempt from real property taxation, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon June 30, 2016.
 4. Commencing upon July 1, 2016 and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Tax Payment. Notwithstanding the foregoing, the total annual real property tax payment by the HDFC shall not at any time exceed the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by an existing or future local, state, or federal law, rule or regulation.
 5. Notwithstanding any provision hereof to the contrary:
 - (a) The Exemption shall terminate if HPD determines 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 owner of the Exemption Area has failed to execute the Regulatory Agreement within three hundred sixty-five (365) days after the date of approval of the Exemption, (iii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement

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, (v) the Exemption Area is conveyed to a new owner without the prior written approval by HPD, or (vi) 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 in the Exemption Area that exists on the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area shall (i) execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, waive the benefits, if any, of any additional or concurrent exemption from or abatement of real property taxation, other than the J-51 Benefits, which may be authorized under any existing or future local, state or federal law, rule or regulation.

Office of the City Clerk, }
The City of New York } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of the City of New York on November 16, 2016, on file in this office.



City Clerk, Clerk of Council

END OF ATTACHMENT

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, MARK GJONAJ, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, STEVEN MATTEO; Committee on Finance, October 17, 2019.

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

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

Report for L.U. No. 556

Report of the Committee on Finance in favor of a Resolution approving Crown Plaza Apartment, Block 1172, Lots 27, 28 and 29 and Block 1296, Lot 8; Brooklyn, Community Districts No. 8 and 9, Council District 35.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on October 17, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Memo, please see the Report of the Committee on Finance for L.U. No. 555 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

In connection herewith, Council Member Dromm offered the following resolution:

Res No. 1101

Resolution approving an exemption from real property taxes for property located at (Block 1172, Lots 27, 28, and 29, Block 1296, Lot 8) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 556).

By Council Member Dromm.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated August 16, 2019 that the Council take the following action regarding a housing project located at (Block 1172, Lots 27, 28, and 29, Block 1296, Lot 8) 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 “Owner”) 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 Plaza Apartments Owner LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. “Contract Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Contract Rent Differential Tax for the applicable tax year.
 - c. “Contract Rent Differential” shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax 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.
 - d. “Contract Rent Differential Tax” shall mean the sum of (i) \$287,568 plus (ii) twenty-five percent (25%) of the Contract Rent Differential; provided, however, that if the Owner fails to provide the contract rents on or before the Contract Rent Deadline, Contract Rent Differential Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
 - e. “Effective Date” shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
 - f. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - g. “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1172, Lots 27, 28, and 29 and Block 1296, Lot 8 on the Tax Map of the City of New York.
 - h. “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.
 - i. “HDFC” shall mean HP Plaza Apartments Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - k. “Owner” shall mean, collectively, the HDFC and the Company.

1. “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 the Contract Rent Differential Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the lesser of (i) seventeen percent (17%) of the contract rents in the applicable tax year, or (ii) 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.
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 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 buildings on the Exemption Area that exist on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, 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. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, MARK GJONAJ, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, STEVEN MATTEO; Committee on Finance, October 17, 2019.

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

Report of the Committee on General Welfare

Report for Int. No. 153-B

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 a three-quarter housing task force.

The Committee on General Welfare, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 317), respectfully

REPORTS:

Introduction

On October 15, 2019, the Committee on General Welfare, chaired by Council Member Stephen Levin, will hold a hearing on Proposed Int. No. 153-B, sponsored by Council Member Levin. The Committee previously held a joint hearing on April 29, 2019 with the Committee on Housing and Buildings, chaired by Council Member Robert E. Cornegy, Jr. on Proposed Int. 153-A, as well oversight on three-quarter housing in New York City.

Background

What is three-quarter housing?

Three-quarter houses are typically one and two family homes, larger apartment buildings, or other structures run by operators who rent beds to single adults.¹ These homes are referred to as three-quarter housing because they are seen as somewhere between halfway houses and private homes.² Given that the New York City Building Code prohibits cohabitation by four or more unrelated persons,³ most, if not all, three-quarter houses are illegal.⁴ Many of these houses hold themselves out as “programs” but do not provide any in-house services.⁵ It has been reported that, in some instances, the operators of these houses send residents to outpatient programs run by organizations that provide kickbacks to these operators.⁶ Although reports suggest that State and City agencies and community-based organizations refer individuals to three-quarter houses, these houses are neither licensed by the City nor regulated or overseen by any City agency.⁷

There is no precise data available on the exact number of three-quarter houses in New York City, but a 2013 report by the Prisoner Reentry Institute at John Jay College (“PRI report”) found 317 addresses of known

¹ John Jay College of Criminal Justice, Prisoner Reentry Institute (PRI), Three Quarter Houses: The View from Inside (Oct. 2013) at v, available at <http://johnjaypri.org/wp-content/uploads/2016/04/PRI-TQH-Report.pdf> (hereinafter PRI Report).

² Kim Barker, “A Choice for Recovering Addicts: Relapse or Homelessness,” THE NEW YORK TIMES (May 30, 2015) available at <http://www.nytimes.com/2015/05/31/nyregion/three-quarter-housing-a-choice-for-recovering-addicts-or-homelessness.html>.

³ NYC Bldg. Code 310.2.

⁴ PRI Report, *supra* note 1 at v.

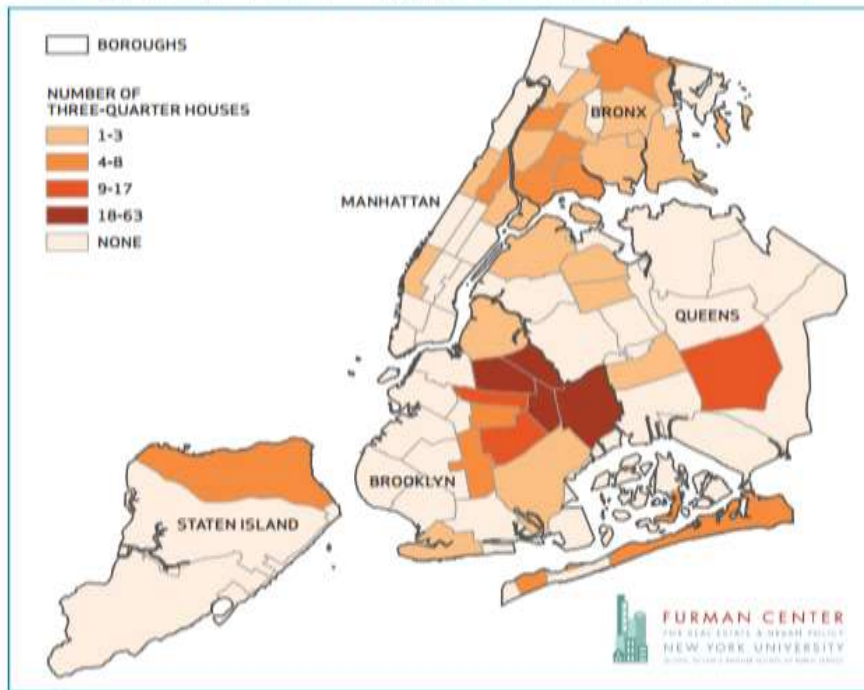
⁵ *Id.*

⁶ Barker, *supra* note 2.

⁷ PRI Report, *supra* note 1 at v.

locations, most of which are located in the City's poorest communities, such as central Brooklyn, southeast Queens, and the southern Bronx.⁸ According to the PRI report, estimates indicate that more than 10,000 individuals live in three-quarter housing.⁹ Between June 1, 2015 and September 30, 2018, approximately 115 such houses were inspected by an interagency task force convened by Mayor Bill de Blasio (discussed below).¹⁰ The task force found that the 115 three-quarter houses had 3,678 violations across four agencies.¹¹ According to its most recent report, the task force conducts inspections of these houses based on information provided by advocates and through 311.¹²

Three-Quarter Houses by Community District in New York City



13

Three-quarter houses are financed almost entirely by public funds, and rents are typically tailored to a resident's public assistance benefits.¹⁴ Those in receipt of only public assistance generally pay the \$215 a month maximum shelter allowance¹⁵ for a single adult.¹⁶ Tenants who receive Social Security Disability (SSD) benefits, Social Security Income (SSI), unemployment insurance benefits, or are who are employed typically pay more than the \$215/month that operators charge public assistance recipients.¹⁷ Operators of three-quarter housing also often charge other fees, generally between \$30 and \$50 a month, which tenants must pay the out of their limited cash assistance.¹⁸ According to the PRI report, which surveyed tenants of three-quarter housing, 91% of the

⁸ *Id.* at vi.

⁹ *Id.* at 7.

¹⁰ See Three-Quarter Housing Report As of 09/30/18, available at https://www1.nyc.gov/assets/operations/downloads/pdf/2018_10_16_tqh_report_q3_2018_final.PDF (hereinafter Three-Quarter Housing Report).

¹¹ *Id.*

¹² *Id.*

¹³ Three-Quarter Housing Report, *supra* note 10.

¹⁴ PRI Report, *supra* note 1 at vi.

¹⁵ 18 NYCRR 352.3.

¹⁶ PRI Report *supra*, note 1 at vi.

¹⁷ *Id.* at 7.

¹⁸ *Id.*

survey respondents' rent was paid by HRA, and 47% of tenants were required to pay monthly fees from their public assistance cash benefits.¹⁹

Who lives in three-quarter housing?

Three-quarter housing tenants are typically single adults who are returning from prison or jail, recovering from short-term hospital stays or residential substance abuse treatment, facing street homelessness, or dealing with unemployment, family crises or medical issues.²⁰ Generally, three-quarter houses are the only alternative to the shelter system or the street for such individuals.²¹ According to the PRI report, 72% of the tenants who were surveyed were previously incarcerated, 60% had resided in a City shelter, 51% had been in a residential substance abuse treatment program, and 42% had experienced street homelessness.²² Among individuals who were referred to three-quarter houses, 31% were referred by a substance abuse program, 19% were referred through word of mouth, 14% were referred by parole, 14% were referred by a City shelter, 10% were referred by another three-quarter house, and 5% were referred by the courts.²³

Issues in three-quarter housing

Almost 90% of the three-quarter houses analyzed in the PRI report had Building Code complaints that resulted in at least one violation or stop-work order by the Department of Buildings (DOB). The violations included illegal conversions, lacking or violating certificates of occupancy, not having work permits, illegal single room occupancies, blocked, locked or improper egress, illegal or defective gas hookups and failure to maintain the property.²⁴ One of the most significant issues with three-quarter houses is overcrowding. Often, a single room has beds for between two and eight people, with bunk beds placed on all walls, and with beds in hallways and closets.²⁵

Three-quarter houses operators also often violate tenants' rights through unlawful evictions.²⁶ Residents report that operators arbitrarily force people out without notice or court process.²⁷ Additionally, there are reports that residents are required to attend a particular substance abuse treatment program, regardless of their need for such treatment.²⁸ The evidence suggests that operators receive illegal kickbacks from substance abuse providers based on reports that tenants are forced to attend a particular program or face eviction, and are required to hand in daily "slips" to prove their attendance at such programs.²⁹ Tenants are often illegally evicted upon successful completion of these programs.³⁰ There are also reports of operators threatening tenants who are on parole or probation.³¹ According to the PRI report, 81% of the survey respondents' houses required tenants to attend substance abuse treatment and submit proof of attendance.³²

Advantages of three-quarter housing

Despite the serious issues with three-quarter housing, many tenants report that there are benefits. The PRI report found that the tenants surveyed almost unanimously expressed their preference to live in a three-quarter house, as opposed to in a shelter or on the street.³³ Some also reported an appreciation for the social support they

¹⁹ *Id.*

²⁰ *Id.*

²¹ Kim Barker, "Landlord of 'Three-Quarter' Homes Faces Criminal Charges," THE NEW YORK TIMES (Aug. 10, 2015) available at <https://www.nytimes.com/2015/08/11/nyregion/landlord-of-three-quarter-homes-faces-criminal-charges.html>.

²² PRI Report *supra*, note 1 at 8.

²³ *Id.* at 9.

²⁴ *Id.* at vi.

²⁵ *Id.* at 6.

²⁶ See Barker, *supra* note 2.

²⁷ PRI Report *supra*, note 1. at vii.

²⁸ *Id.*

²⁹ *Id.* at viii.

³⁰ *Id.*

³¹ *Id.*

³² *Id.* at 13.

³³ PRI Report, *supra*, note 1 at ix.

received from housemates that have similar backgrounds or life experiences, and many reported that the homes struck the right balance between allocating them a degree of autonomy and providing the structure they need to recover, reenter society, and transition to more stable housing.³⁴

Department of Homeless Services Regulation

Based on advocacy and support from the Council, in 2010, the Department of Homeless Services (DHS) adopted a regulation prohibiting referrals of clients to buildings with vacate orders and with recorded violations typical of three-quarter houses.³⁵ Although DHS has reduced its referrals to three-quarter houses since the implementation of the regulation, there continue to be reports that shelters make referrals to three-quarter houses.³⁶ Further, these homes continue to proliferate due to referrals from other agencies and programs.³⁷

Relocation Services: HPD's Emergency Housing Services Unit

Residents living in three-quarter houses are often displaced and required to relocate due to immediate health and safety issues discovered upon inspection of the houses. The Department of Housing Preservation and Development's (HPD) Emergency Housing Services (EHS) unit provides emergency relocation services and rehousing assistance to households that have been displaced from their homes as a result of fires or city-issued vacate orders.³⁸ In the event of such a building-wide emergency, owners of residential buildings must provide to EHS the names and apartment numbers of all legal tenants in occupancy.³⁹ After being assessed, displaced households may be temporarily placed in family centers or single-room-occupancy hotels in Manhattan, Bronx, Brooklyn or Queens.⁴⁰ Once a displaced household is relocated through EHS, they might be able to access additional support, including through HPD's Section 8 Program, which accepts EHS referrals.⁴¹ According to advocates for individuals living in three-quarter houses, although such individuals are generally legal tenants of these houses, it is extremely difficult for them to access HPD's services because they lack the documents—such as leases—that residents traditionally use to prove residency. In 2017, the Council passed Local Law 16 to address this issue (discussed below).

New York Times' coverage and the de Blasio Administration's response

Many residents within three-quarter houses are low-income and receive outpatient medical care reimbursed by Medicaid. These vulnerable individuals have often been targets of bad actors who would require them to receive substance abuse or other medical treatment from a specific provider in order to receive kickbacks, a violation of federal law. The federal Anti-Kickback Statute⁴² prohibits transactions intended to induce or reward referrals for items or services reimbursed by the federal health care programs. To address violations of federal law, in fall of 2014, HRA's program integrity unit began working with law enforcement agencies to investigate operators of three-quarter houses that were requiring residents to participate in specific Medicaid-funded drug treatment programs as a condition of living in a three-quarter house.⁴³ HRA developed a metric to identify three-quarter houses, which consists of identifying locations where 10 or more unrelated adults are receiving the \$215 state-set monthly public assistance rent allowance.⁴⁴ HRA's Investigation, Revenue and Enforcement Administration (IREA) is responsible for helping ensure the integrity of social services programs administered

³⁴ *Id.*

³⁵ Rules of the City of New York, Title 31 § 2-01.

³⁶ Barker, *supra* note 2.

³⁷ PRI Report, *supra*, note 1 at 10.

³⁸ See HPD's Emergency Housing Services Office Description available at <http://www1.nyc.gov/site/hpd/about/emergency-housing-services.page>.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ See HPD's Section 8 Program Description available at <http://www1.nyc.gov/nyc-resources/service/1872/hpd-section-8-program>.

⁴² 42 U.S.C. § 1320a-7b (b)

⁴³ Testimony of Steven Banks, DSS Commissioner, before the Committees on General Welfare and Housing and Buildings (October 6, 2016). <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=506281&GUID=54F09344-BCD9-4B78-85AC-18E3A34865F2&Options=info&Search=>

⁴⁴ *Id.*

by HRA, including Medicaid.⁴⁵ IREA is comprised of three major operating units: the Office of Investigation, the Office of Revenue and Administration, and the Medicaid Provider Investigations and Audit (MPIA).⁴⁶

In May 2015, the New York Times released *A Choice for Recovering Addicts: Relapse or Homelessness*, an in-depth report on one particularly problematic three-quarter house called Back on Track, which was run by Mr. Yury Baublitz.⁴⁷ Mr. Baublitz was an operator of several known three-quarter houses. The report detailed the poor living conditions typical of three-quarter houses and alleged that residents of this house were forced by the operator to relapse in order to continue attending the out-patient substance abuse treatment programs.⁴⁸ The article also alleged that Mr. Baublitz would designate the house manager to act as the Social Security payee for residents, providing them with \$5-\$10 a day from their disability checks, which in fact ranged from \$645-\$762.⁴⁹ In 2015, prosecutors brought charges against Mr. Baublitz based on his unlawful evictions of tenants.⁵⁰

Shortly after the publication of the 2015 article, Mayor de Blasio announced the creation of an emergency task force to investigate three-quarter houses.⁵¹ The task force (discussed below) targeted known three-quarter houses based on a list compiled by HRA of all addresses where 10 or more HRA clients were receiving the State set shelter allowance of \$215 a month.⁵²

In 2016, additional charges were brought against Mr. Baublitz and his wife by the New York State Attorney General's office including grand larceny, money laundering, and violations of the law prohibiting Medicaid kickbacks.⁵³ Subsequent coverage of three-quarter housing has focused on criminal penalties assessed against Mr. Baublitz. In February of 2018, Mr. Baublitz pleaded guilty to Medicaid fraud.⁵⁴ He was sentenced in March of 2018.⁵⁵

2016 City Council Hearing and Subsequent Legislation

In October of 2016, the Council held a hearing on three-quarter housing. At the hearing, HRA testified about its efforts to curb abuses related to three-quarter housing. These efforts included "working with law enforcement agencies to investigate operators of three-quarter houses that were requiring residents to participate in specific Medicaid-funded drug treatment programs as a condition of living in three-quarter housing."⁵⁶ HRA also worked to identify and investigate three-quarter houses, and worked in partnership with district attorneys and the New York State Attorney General's office, among others, to arrest and prosecute cases of Medicaid fraud. This resulted in the arrest of Mr. Baublitz.⁵⁷

The Committee also heard from former three-quarter house tenants, such as Anthony Coleman, who subsequently became a leader with the Three-Quarter House Tenant Organizing Project.⁵⁸ Mr. Coleman testified about how he lived with 25 other men in a house that was infested with roaches, bedbugs and rats.⁵⁹ He and the other tenants in the house were required to attend an outpatient treatment program, or otherwise face "discharge"

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Barker, *supra* note 2.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ Barker, *supra* note 21.

⁵¹ Kim Barker, "New York City Task Force to Investigate 'Three-Quarter' Homes" THE NEW YORK TIMES, (June 1, 2015) available at <http://www.nytimes.com/2015/06/01/nyregion/new-york-city-task-force-to-investigate-three-quarter-homes.html>.

⁵² Testimony of Steve Banks, HRA Commissioner, before the Committee on General Welfare, FY17 Executive Budget (May 12, 2016) p. 192.

⁵³ Kim Barker, "Flophouse Operator Is Arrested in a Scheme to Defraud Medicaid," THE NEW YORK TIMES (April 13, 2016) <http://www.nytimes.com/2016/04/14/nyregion/flophouse-operator-is-arrested-in-a-scheme-to-defraud-medicaid.html>.

⁵⁴ Kim Barker, "Operator of Notorious Flophouses Pleads Guilty to Medicaid Fraud," THE NEW YORK TIMES (Feb. 15, 2018) available at <https://www.nytimes.com/2018/02/15/nyregion/three-quarter-houses-guilty-baumlitz.html>

⁵⁵ Liena Zagare, "Serial Scammer Sentenced to Serve Time in State Prison," BKLNER (Mar. 8, 2018) available at <https://bklynner.com/serial-scammer-sentenced-serve-time-state-prison>.

⁵⁶ Testimony of Steven Banks, HRA Commissioner, before the Committees on General Welfare and Housing and Buildings (Oct. 6, 2016) p.3.

⁵⁷ *Id.* at p.4.

⁵⁸ Testimony of TOP Leader Anthony Coleman Former three-quarter house tenant in support of three-quarter house bill package (Oct. 6, 2016).

⁵⁹ *Id.*

from the house.⁶⁰ Another former three-quarter house tenant testified about how the operator of the three-quarter house he resided in—Narco Freedom—required tenants in houses run by Narco Freedom to attend programs run by Narco Freedom or face eviction.⁶¹ Narco Freedom, which had previously been the largest provider of three-quarter housing,⁶² was forced to shut down after its operators were indicted for fraud.⁶³ Narco Freedom houses in the Bronx were subsequently transferred to Samaritan Village, and Narco Freedom houses in Brooklyn were transferred to Acacia Network.

At that same hearing, Mindy Tarlow, the Director of the Mayor’s Office of Operations, discussed the creation and accomplishments of the inter-agency task force created by Mayor de Blasio.⁶⁴ The task force reviewed residences that had been identified as three-quarter houses and conducted inspections.⁶⁵ The task force has released seven quarterly reports since 2017, pursuant to Local Law 13 of 2017.

Three-Quarter Housing Quarterly Report

Local Law 13 of 2017 required the Mayor’s Office of Operations to publish a quarterly report on its website about the findings of the Mayor’s Three-Quarter Housing Task Force. The Task Force is comprised of inspectors from the HRA, Department of Buildings (DOB), the Fire Department (FDNY), HPD and the Mayor’s Office of Operations and is tasked with inspecting dwellings suspected to be three-quarter houses. The reports were required to include information on the number of violations issued to each building, and the number of individuals relocated, disaggregated by the type of assistance each individual received. Although the reports provide the number of violations, disaggregated by agency and three-quarter house, the reports do not specify the severity of the violations, the actions taken to resolve the violations, or penalties issued as a result of the violations. In accordance with the law, the first report covered data from June 1, 2015 through March 31, 2017.⁶⁶ Local Law 13 of 2017 sunset on January 1, 2019.

Each quarterly report published and sent to the Council following the initial report has included cumulative data, with the last report covering June 1, 2015 through December 31, 2018. During this time, 115 three-quarter house sites were inspected, leading to 3,829 total violations.⁶⁷ About 65 percent of the violations were HPD violations, over 30 percent were DOB violations, and less than 5 percent were FDNY violations.⁶⁸ In the 3.5 years covered in the last report, 677 individuals had been relocated from 56 three-quarter houses into Temporary Emergency Housing and 803 had been placed in permanent housing.⁶⁹ Of those placed into permanent housing, 93 percent received Special Exit and Prevention Supplement (SEPS) rental assistance.⁷⁰ The number of open inspections varied widely from facility to facility, with five sites having no open violations and one site having 170 open violations.⁷¹

The total number of three-quarter housing sites inspected increased from 108 in the first report, to 115 in the final report, meaning seven additional sites were identified by the Task Force during the reporting period.⁷² In

⁶⁰ *Id.*

⁶¹ Testimony of TOP Leader Felix Plaza Hernandez (Oct. 6, 2016).

⁶² Laura Sanicola and Stephen Rex Brown, “EXCLUSIVE: As major chain of three-quarter houses enters financial ruin, NYC scrambles to find homes for 800 residents,” NEW YORK DAILY NEWS (Jul. 27, 2015) available at <https://www.nydailynews.com/new-york/major-chain-nyc-three-quarter-houses-financial-ruin-article-1.2304839>.

⁶³ Cole Rosengren, “Narco Freedom about to lose its three-quarter homes,” MOTT HAVEN HERALD, (Aug. 2015) available at <http://www.motthavenherald.com/2015/08/28/narco-freedom-about-to-lose-its-three-quarter-homes>.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ Mayor’s Office of Operations, “Three-Quarter Housing Quarterly Report (First Report Period: June 1, 2015 - March 31, 2017),” available at https://www1.nyc.gov/assets/operations/downloads/pdf/TOH_First-Period-Report_FINAL_Revised_10-18-17.pdf

⁶⁷ Mayor’s Office of Operations, “Three-Quarter Housing Quarterly Report (Report Period: June 1, 2015 - December 31, 2018),” available at <https://www1.nyc.gov/assets/operations/downloads/pdf/three-quarter-housing-quarterly-report-20190115>

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² Calculated using the following reports: Mayor’s Office of Operations, “Three-Quarter Housing Quarterly Report (Report Period: June 1, 2015 - December 31, 2018),” available at <https://www1.nyc.gov/assets/operations/downloads/pdf/three-quarter-housing-quarterly-report-20190115>; Mayor’s Office of Operations, “Three-Quarter Housing Quarterly Report (First Report Period: June 1, 2015 - March 31, 2017),” available at

the 2018 calendar year, 71 individuals were relocated into Temporary Emergency Housing and 73 were placed in permanent housing, with all but two receiving a SEPS voucher.⁷³

Local Laws Enacted to Address Three-Quarter Housing

In addition to Local Law 13 of 2017, the Council passed several other bills aimed at addressing three-quarter housing in New York City. Local Law 12 of 2017 requires HRA to provide rental subsidy recipients with a written statement explaining the protections of Section 26-521 of the New York City Administrative Code (Administrative Code), which prohibits unlawful evictions. Local Law 12 requires HRA to provide notice of their rights and protections when the applicant initially applies for the subsidy and at any point that HRA determines to be appropriate. Local Law 12 took effect on May 16, 2017.

As mentioned above, evidence suggests that residents of three-quarter houses are sometimes required to attend a specific substance abuse treatment program, even if they do not need such treatment, with operators of three-quarter house receiving illegal kickbacks from providers of such programs. Tenants have been illegally evicted upon completion of these programs. Local Law 15 of 2017 prohibits landlords from mandating medical treatment as a condition of occupancy, with the exception of family members and legitimate programs, such as rehabilitation clinics. This law also provides a cause of action to tenants who face such a mandate, allowing them to receive damages and reasonable attorney's fees and court costs. The legislation also includes the imposition of such a mandate in the definition of harassment under the Housing Maintenance Code. The law took effect on May 16, 2017.

As mentioned, the majority of three-quarter houses analyzed in the PRI report had Building Code complaints resulting in at least one violation or stop-work order by the Department of Buildings.⁷⁴ Additionally, 41 of 280 buildings had vacate or partial vacate orders issued by DOB.⁷⁵ The Administrative Code requires HPD to provide relocation services for tenants of privately owned buildings who are displaced as the result of the City's enforcement of any requirement related to "the maintainance [sic] or operation of such building or the health, safety and welfare of its occupants."⁷⁶ Local Law 14 of 2017 removed the time limitation for applying for relocation services and makes clear that any tenant who moves out while a vacate order is in effect is entitled to appropriate relocation assistance from HPD. This legislation also requires posting of a sign at properties subject to a vacate order and would impose a penalty of at least \$5,000 for each dwelling unit that is reoccupied while a vacate order is still in effect. The law took effect on August 15, 2017.

In order to receive relocation services, tenants must be able to verify occupancy. Local Law 16 of 2017 makes clear that a tenant can verify occupancy by, at a minimum, submitting a lease or any two of the following documents:

- A valid government-issued identification showing the tenant's address;
- A valid record from any government agency showing the tenant's address;
- A valid record relating to medical treatment (including a prescription) showing the tenant's address;
- A notarized written statement from the building owner;
- A valid utility bill to the tenant at the building in question;
- A notarized statement from a third-party, non-governmental service provider verifying that services were provided to the tenant at the building in question; and
- Any other form of verification that HPD determines to be appropriate.

Additionally, Local Law 16 requires HPD to provide tenants who are denied relocation services with a written notice of such decision, the basis for such decision, and information on how to appeal such decision.

https://www1.nyc.gov/assets/operations/downloads/pdf/TOH_First-Period-Report_FINAL_Revised_10-18-17.pdf

⁷³ Calculated using the following reports: Mayor's Office of Operations, "Three-Quarter Housing Quarterly Report (Report Period: June 1, 2015 - December 31, 2018)," available at <https://www1.nyc.gov/assets/operations/downloads/pdf/three-quarter-housing-quarterly-report-20190115>; Mayor's Office of Operations, "Three-Quarter Housing Quarterly Report (Report Period: June 1, 2015 - December 31, 2017)," available at https://www1.nyc.gov/assets/operations/downloads/pdf/tqh_report_q4-2017_final_01-25-18.pdf

⁷⁴ PRI Report *supra*, note 1 at vii.

⁷⁵ *Id.*

⁷⁶ NYC Admin. Code § 26-301(1)(a)(v).

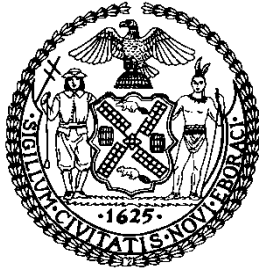
Legislative Analysis

Proposed Int. No. 153-B – A Local Law to amend the administrative code of the city of New York in relation to a three-quarter housing task force

Proposed Int. No. 153-B would codify the three-quarter housing task force. The task force would be comprised of representatives from the Human Resources Administration, Department of Buildings, the Fire Department, the Department of Housing Preservation and Development, the Department of Health and Mental Hygiene (DOHMH), and the Mayor’s Office. It would be tasked with inspecting dwellings suspected to be three-quarters houses. The task force would identify buildings where 10 or more unrelated adults are living and issue violations. The task force would also be charged with offering informational assistance to individuals living in three-quarter houses in order to relocate to permanent housing. The Mayor’s Office or a city agency would be required to publish quarterly findings of the task force as well as information on whether individuals relocating from three-quarter housing were given a rental subsidy and obtained permanent or temporary housing. Proposed Int. No. 153-B would take effect 180 days after it becomes law.

Since introduction, this bill has been amended to add a representative from DOHMH to the task force and to require reporting on the task force’s findings, as well as whether individuals who have had to relocate due to the task force’s inspection were provided with a rental subsidy and obtained housing. Additionally, the bill has been amended to require that the task force consult with advocates in the fields of housing or homelessness and individuals who have previously resided or currently resided in three-quarter housing.

(The following is the text of the Fiscal Impact Statement for Int. No. 153-B:)



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

PROPOSED INT. NO. 153-B

COMMITTEE: Committee on General Welfare

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to a three-quarter housing taskforce.

Sponsors: Council Members Levin, Brannan, Rivera, Rosenthal, Cohen, Reynoso, Kallos, Lander, Grodenchik, Chin, Richards, and Torres.

SUMMARY OF LEGISLATION: Int. No. 153-B would codify a three-quarter housing taskforce (“the Taskforce”) that would inspect dwellings suspected to be three-quarter houses and would identify buildings where ten or more unrelated adults are living and issue violations. The Taskforce would also offer informational assistance to individuals living in three-quarter houses to help them with relocation to permanent housing. The Taskforce would be required to publish quarterly findings including violations disaggregated by issuing agency and information on whether individuals relocating from three-quarter housing receive a rental subsidy, the type of subsidy, and the type of housing to which they relocate. The first report would be due 30 days after the calendar quarter ending September 30, 2020.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

	Effective FY20	FY Succeeding Effective FY21	Full Fiscal Impact FY21
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 Taskforce agencies would utilize existing resources to fulfill the requirements of this legislation

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Julia K. Haramis, Financial Analyst

ESTIMATE REVIEWED BY: Noah Brick, Assistant Counsel
Regina Poreda Ryan, Deputy Director
Dohini Sompura, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the Council on January 31, 2018 as Int. No. 153, and was referred to the Committee on General Welfare. A hearing was held by the Committee on General Welfare jointly with the Committee on Housing and Buildings on April 29, 2019, and the legislation was laid over. The legislation was subsequently amended twice and the amended version, Proposed Int. No. 153-B, will be voted on by the Committee on General Welfare at a hearing on October 16, 2019. Upon a successful vote by the Committee on General Welfare, Proposed Int. No. 153-B will be submitted to the full Council for a vote on October 17, 2019.

DATE PREPARED: October 9, 2019.

Accordingly, this Committee recommends its adoption. as amended.

(The following is the text of Int. No. 153-B:)

Int. No. 153-B

By Council Members Levin, Brannan, Rivera, Rosenthal, Cohen, Reynoso, Kallos, Lander, Grodenchik, Chin, Richards, Torres and Gibson.

A Local Law to amend the administrative code of the city of New York in relation to a three-quarter housing task force

Be it enacted by the Council as follows:

Section 1. Subchapter 5 of chapter 1 of title 3 of the administrative code of the city of New York, as added by local law number 163 for the year 2016, is amended to read as follows:

SUBCHAPTER 5
REPORTS RELATED TO [PUBLIC] HOUSING

§ 3-150 General.

§ 3-151 Report on outcomes of services provided to public housing residents.

§ 3-152 *Three-quarter housing task force.*

§ 2. Section 3-150 of the administrative code of the city of New York, as added by local law number 163 for the year 2016, is amended to read as follows:

§ 3-150 General. [a.] As used in this subchapter:

Public housing. The term "public housing" means housing owned or operated by the New York city housing authority.

[b. Reports required under this subchapter shall only contain information in the aggregate and shall not contain any personally identifiable information.]

§ 3. Section 3-151 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. Reports required under this section shall only contain information in the aggregate and shall not contain any personally identifiable information.

§ 4. Chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-152 to read as follows:

§ 3-152 *Three-quarter housing task force. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Rent allowance. The term "rent allowance" means the allowance provided pursuant to section 131-a of the social services law and paragraph (1) of subdivision (a) of section 352.3 of title 18 of the New York codes, rules and regulations.

Supportive housing. The term "supportive housing" means affordable, permanent housing with support services for residents.

Three-quarter housing. The term "three-quarter housing" means one- and two-family dwellings where 10 or more unrelated adults who receive a rent allowance are residing, but such term shall not include any nursing home as defined in section 2801 of the public health law or residential program for adults described in title two of article four of the social services law.

b. There shall be a three-quarter housing task force comprised of representatives from the department of social services, the department of buildings, the fire department, the department of housing preservation and development, the department of health and mental hygiene and the mayor's office. Each such agency shall assign representatives to such task force as needed. The mayor shall appoint the chair of the task force.

c. The mayor shall appoint two advocates in the fields of housing or homelessness and two individuals who have previously resided or currently reside in three-quarter housing, and the speaker of the council shall appoint one advocate in the fields of housing or homelessness and one individual who has previously resided or currently resides in three-quarter housing, to advise the task force on an ongoing basis. Such appointees shall not be members of the task force. The task force shall meet no less than once every three months with the advocates and individuals appointed pursuant to this subdivision.

d. The task force shall meet no less than once every quarter. At such meetings, members of agencies represented on the task force shall report on all violations, fines or liens placed against landlords of three-quarter housing for failing to timely correct violations.

e. Task force representatives shall compile the following information for the task force's use:

1. Addresses of one- and two-family dwellings where 10 or more unrelated adults who receive a rent allowance are residing,

2. All relevant information each respective agency has collected related to such dwellings, and

3. The addresses of one- and two-family dwellings where there is reason to suspect 10 or more unrelated adults who receive a rent allowance are residing based on complaints through 311 calls or any other mechanism.

f. Agencies represented on the task force shall inspect, as necessary, one- and two-family dwellings identified as three-quarter housing and issue violations where appropriate. An initial inspection shall be conducted within four weeks of an address being referred to such task force and re-inspection of the dwelling shall be conducted twice annually for as long as the building is known or believed to be in use as three-quarter housing.

g. During such inspections, individuals residing in the inspected dwellings shall be offered assistance, including but not limited to information about rental subsidies, supportive housing, how to obtain repairs from landlords, and unlawful evictions.

h. A city agency or office designated by the mayor shall provide to the speaker of the council and publish on its website quarterly reports on the state of three-quarter housing in the city. The first such report shall be due 30 days following the calendar quarter ending September 30, 2020, and all subsequent reports shall be due 30 days following the last day of each succeeding calendar quarter. Such reports shall include, but need not be limited to:

1. The number of violations issued for each building inspected by agencies represented on the task force and identified as three-quarter housing, disaggregated by issuing agency, provided that each building shall be identified in such a way that does not disclose the building's address; and

2. The number of individuals relocated from buildings inspected by the agencies represented on task force and identified as three-quarter housing, disaggregated by whether such individuals were given a rental assistance subsidy, the type of subsidy provided, and the type of housing to which the individual was relocated, including but not limited to private apartments, single room occupancy dwellings or temporary housing.

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

STEPHEN T. LEVIN, Chairperson; BRAD LANDER, VANESSA L. GIBSON, BARRY GRODENCHIK, ANTONIO REYNOSO, RITCHIE J. TORRES, MARL TREYGER; Committee on General Welfare; October 16, 2019.

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

Report of the Committee on Land Use

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

Report for Res. No. 1091

Report of the Committee on Land Use in favor of a Resolution approving a Resolution authorizing the filing of a land use application amending the City Map so as to establish a public place, with a use restriction, on the entirety of Rikers Island.

The Committee on Land Use, to which the annexed preconsidered resolution was referred on October 17, 2019, respectfully

REPORTS:

ANALYSIS: The proposed resolution would authorize the filing of a land use application amending the City Map so as to establish a public place on the entirety of Rikers Island. Section 197-c of the City Charter provides that such an application may be filed by any person or agency, and shall be reviewed pursuant to a uniform review procedure (ULURP). In addition to the designation “public place,” the City Map would be amended such that Rikers Island shall be subject to a use restriction that it shall not be used for incarceration of individuals after December 31, 2026.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1091:)

Res. No. 1091

Resolution authorizing the filing of a land use application amending the City Map so as to establish a public place, with a use restriction, on the entirety of Rikers Island.

By The Speaker (Council Member Johnson).

Whereas, On September 3, 2019, the City Planning Commission (CPC) approved with modifications the Borough Based Jails applications (C 190333 PSY; N 190334 ZRY; N 190337 ZRX; C 190335 ZSX; C 190336 ZMX; C 190338 HAX; C 190339 ZSK; C 190116 MMK; C 190340 ZSM; C 190341 PQM; C190252 MMM; C190342 ZSQ; C 190117 MMQ) and filed them with the Council pursuant to section 197-d of the City Charter; and

Whereas, The City's success in reducing crime and reducing the number of people in jail, coupled with grassroots support for closing the jails on Rikers Island, has allowed the City of New York to commit to creating a modern, humane and safe justice system that provides appropriate conditions for those who work and are detained there; and

Whereas, Closing Rikers Island, and using only the new Borough Based Jails, will strengthen connections to families and communities by enabling people to remain closer to their loved ones and other people; and

Whereas, The new Borough Based Jails will allow better engagement of incarcerated individuals with attorneys, social service providers, and community support so that they will be better positioned to succeed upon leaving the Borough Based Jails facilities; and

Whereas, The Borough Based Jails will improve inmates' access to natural light and they will provide space for therapeutic programming - resulting in calmer and more productive environments inside the facilities; and

Whereas, Offering quality recreational, health, education, visitation, and housing facilities supports reengagement once formerly incarcerated individuals return to their communities; and

Whereas, The Borough Based Jails will enhance the well-being of uniformed and civilian staff, as well, through improved safety conditions, and

Whereas, The closure of Rikers Island, by establishing it as a public place subject to a use restriction that it shall not be used for incarceration of individuals after December 31, 2026, is critical to achieving the City's criminal justice program goals and creating a more modern, humane and safe justice system; now, therefore be it

Resolved, That the Council of the City of New York authorizes the filing of a land use application amending the City Map so as to establish a public place, with a use restriction, on the entirety of Rikers Island.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, RORY I. LANCMAN, ANTONIO REYNOSO, MARK TREYGER, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 10, 2019.

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

Report for L.U. No. 496

Report of the Committee on Land Use in favor of approving Application No. 20195734 HKK (N 190539 HKK) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Sunset Park South Historic District consisting of properties located between 53rd Street and 60th Street between 4th and 5th Avenues, as an historic district, Borough of Brooklyn, Community Board 7, Council District 38.

The Committee on Land Use, to which the annexed Land Use item was referred on July 23, 2019 (Minutes, page 2509), respectfully

REPORTS:**SUBJECT****Brooklyn CB - 7****20195734 HKK (N 190539 HKK)**

Designation by the Landmarks Preservation Commission [DL-513/LP-2622] pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the landmark designation of the Sunset Park South Historic District, as an historic landmark.

PUBLIC HEARING**DATE:** September 18, 2019**Witnesses in Favor:** Nine**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** October 3, 2019

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

In Favor:

Adams, Barron, Koo, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** October 10, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, King, Koo, Lancman, Levin, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Moya.

Against:

None

Abstain:

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

Res. No. 1102

Resolution affirming the designation by the Landmarks Preservation Commission of the Sunset Park South Historic District Landmark, Borough of Brooklyn, Designation List No. 513, LP-2622 (L.U. No. 496; 20195734 HKK; N 190539 HKK).

By Council Members Salamanca and Adams.

WHEREAS, the Landmarks Preservation Commission filed with the Council on June 27 2019 a copy of its designation report dated June 18, 2019 (the "Designation Report"), including the designation pursuant to Section 3020 of the City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the Sunset Park South Historic District Landmark, Community District 7, Borough of Brooklyn, with the following district boundaries ("the Designation"):

The proposed Sunset Park South Historic District consists of the properties bounded by a line beginning on the southern curbline of 54th Street at a point on a line extending southerly from the western property line of 417 54th Street, and extending northerly along said line and along the western property line of 417 54th Street, easterly along the northern property lines of 417 to 469 54th Street, southerly along the eastern property line of 469 54th Street and across 54th Street to its southern curbline, easterly along said curbline to a point on a line extending northerly from the eastern property line of 472 54th Street, southerly along said line and along the eastern property line of 472 54th Street, easterly along the northern property line and southerly along the eastern property line of 471 55th Street to the northern curbline of 55th Street, westerly along said curbline to a point on a line extending northerly from the eastern property line of 470 55th Street, southerly along said line and along the eastern property lines of 470 55th Street and 471 56th Street, across 56th Street and along the eastern property lines of 468 56th Street and 471 57th Street, across 57th Street and along the eastern property lines of 472 57th Street and 471 58th Street to the northern curbline of 58th Street, westerly along said curbline to a point on a line extending northerly from the eastern property line of 470 58th Street, southerly along said line and along the eastern property line of 470 58th Street, easterly along the northern property line and southerly along the eastern property line of 471 59th Street, southerly across 59th Street and along the eastern property line of 468 59th Street, westerly along the southern property lines of 468 to 414 59th Street, northerly along the western property line of 414 59th Street and across 59th Street to the northern curbline of said street, westerly along the northern curbline of 59th Street to a point on a line extending southerly from the western property line of 411 59th Street, northerly along said line and along the western property lines of 411 59th Street and 412 58th Street to the southern curbline of 58th Street, easterly along said curbline to a point on a line extending southerly from the western property line of 413 58th Street, northerly along said line and along the western property line of 413 58th Street, westerly along the southern property line and northerly along the western property line of 412 57th Street to the southern curbline of 57th Street, easterly along the southern curbline of 57th Street to a point on a line extending southerly from the western property line of 453 57th Street, northerly along said line and along the western property line of 453 57th Street, westerly along the southern property lines of 454 to 422 56th Street, northerly along the western property line of 422 56th Street and across 56th Street to its northern curbline,

westerly along the northern curblineline of 56th Street to a point on a line extending southerly from the western property line of 413 56th Street, northerly along said line and along the western property line of 413 56th Street, easterly along the northern property line of 413 56th Street, northerly along the western property line of 414 55th Street and across 55th Street to its northern curblineline, westerly along said curblineline to a point on a line extending southerly from the western property line of 413 55th Street, northerly along said line and along the western property lines of 413 55th Street and 412 54th Street to the southern curblineline of 54th Street, and easterly along said curblineline to the place of beginning.

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York;

WHEREAS, the New York City Planning Commission submitted to the Council on August 16, 2019 its report on the Designation dated August 14, 2019 (the "City Planning Commission Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on September 18, 2019; and

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

RESOLVED:

Pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, and on the basis of the information and materials contained in the Designation Report and the City Planning Commission Report, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 10, 2019. *Other Council Members Attending: Council Member Perkins.*

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

Report for L.U. No. 497

Report of the Committee on Land Use in favor of approving Application No. 20195737 HKK (N 190542 HKK) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Sunset Park North Historic District consisting of properties located on 44th Street between 5th and 7th Avenues, as an historic district, Borough of Brooklyn, Community Board 7, Council District 38.

The Committee on Land Use, to which the annexed Land Use item was referred on July 23, 2019 (Minutes, page 2509) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**BROOKLYN CB - 7****20195737 HKK (N 190542 HKK)**

Designation by the Landmarks Preservation Commission [DL-513/LP-2625] pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the landmark designation of the Sunset Park North Historic District, as an historic landmark.

PUBLIC HEARING**DATE:** September 18, 2019**Witnesses in Favor:** Nine**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** October 3, 2019

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

In Favor:

Adams, Barron, Koo, Miller, Treyger.

Against:

None

Abstain

None

COMMITTEE ACTION**DATE:** October 10, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, King, Koo, Lancman, Levin, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Moya.

Against:

None

Abstain:

None.

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

Res. No. 1103

Resolution affirming the designation by the Landmarks Preservation Commission of the Sunset Park North Historic District Landmark, Borough of Brooklyn, Designation List No. 513, LP-2625 (L.U. No. 497; 20195737 HKK; N 190542 HKK).

By Council Members Salamanca and Adams.

WHEREAS, the Landmarks Preservation Commission filed with the Council on June 27 2019 a copy of its designation report dated June 18, 2019 (the "Designation Report"), including the designation pursuant to Section 3020 of the City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the Sunset Park North Historic District Landmark, Community District 7, Borough of Brooklyn, with the following district boundaries ("the Designation"):

The proposed Sunset Park North Historic District consists of the properties bounded by a line beginning on the southern curblin of 44th Street at a point on a line extending northerly from the western property line of 514 44th Street, extending easterly along the southern curblin of 44th Street across Sixth Avenue and continuing along the southern curblin of 44th Street to a point on a line extending northerly from the eastern property line of 682 44th Street, southerly along said line and the eastern property line of 682 44th Street, westerly along the southern property lines of 682 through 602 44th Street and a line extending westerly across Sixth Avenue to the southern property line of 4404 Sixth Avenue (aka 4402-4412 Sixth Avenue, 580 44th Street), westerly along the southern property lines of 4404 Sixth Avenue (aka 4402-4412 Sixth Avenue, 580 44th Street) and 574 through 514 44th Street, and northerly along the western property line of 514 44th Street to the place of beginning.

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York;

WHEREAS, the New York City Planning Commission submitted to the Council on August 16, 2019 its report on the Designation dated August 14, 2019 (the "City Planning Commission Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on September 18, 2019; and

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

RESOLVED:

Pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, and on the basis of the information and materials contained in the Designation Report and the City Planning Commission Report, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 10, 2019. *Other Council Members Attending: Council Member Perkins.*

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

Report for L.U. No. 498

Report of the Committee on Land Use in favor of approving Application No. 20195735 HKK (N 190540 HKK) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Sunset Park 50th Street Historic District consisting of properties located on 50th Street between 4th and 5th Avenues, as an historic district, Borough of Brooklyn, Community Board 7, Council District 38.

The Committee on Land Use, to which the annexed Land Use item was referred on July 23, 2019 (Minutes, page 2509) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

Brooklyn CB - 7

20195735 HKK (N 190540 HKK)

Designation by the Landmarks Preservation Commission [DL-513/LP-2623] pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the landmark designation of the Sunset Park 50th Street Historic District, as an historic landmark.

PUBLIC HEARING

DATE: September 18, 2019

Witnesses in Favor: Nine

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 3, 2019

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

In Favor:

Adams, Barron, Koo, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: October 10, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, King, Koo, Lancman, Levin, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Moya.

Against:

None

Abstain:

None.

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

Res. No. 1104

Resolution affirming the designation by the Landmarks Preservation Commission of the Sunset Park 50th Street Historic District Landmark, Borough of Brooklyn, Designation List No. 513, LP-2623 (L.U. No. 498; 20195735 HKK; N 190540 HKK).

By Council Members Salamanca and Adams.

WHEREAS, the Landmarks Preservation Commission filed with the Council on June 27 2019 a copy of its designation report dated June 18, 2019 (the "Designation Report"), including the designation pursuant to Section 3020 of the City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the Sunset Park 50th Street Historic District Landmark, Community District 7, Borough of Brooklyn, with the following district boundaries ("the Designation"):

The proposed Sunset Park 50th Street Historic District consists of the properties bounded by a line beginning on the northern curblineline of 50th Street at a point on a line extending southerly from the western property line of 413 50th Street, and extending northerly along said line and along the western property line of 413 50th Street, easterly along the northern property lines of 413 to 471 50th Street, southerly along the eastern property line of 471 50th Street, across 50th Street, and along the eastern property line of 472 50th Street, westerly along the southern property lines of 472 to 414 50th Street, and northerly along the western property line of 414 50th Street and across 50th Street to the place of beginning.

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York;

WHEREAS, the New York City Planning Commission submitted to the Council on August 16, 2019 its report on the Designation dated August 14, 2019 (the "City Planning Commission Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on September 18, 2019; and

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

RESOLVED:

Pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, and on the basis of the information and materials contained in the Designation Report and the City Planning Commission Report, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 10, 2019. *Other Council Members Attending: Council Member Perkins.*

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

Report for L.U. No. 499

Report of the Committee on Land Use in favor of approving Application No. 20195736 HKK (N 190541 HKK) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Central Sunset Park Historic District as an historic district, Borough of Brooklyn, Community Board 7, Council District 38.

The Committee on Land Use, to which the annexed Land Use item was referred on July 23, 2019 (Minutes, page 2510) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 7

20195736 HKK (N 190541 HKK)

Designation by the Landmarks Preservation Commission [DL-513/LP-2624] pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the landmark designation of the Central Sunset Park Historic District, as an historic landmark.

PUBLIC HEARING

DATE: September 18, 2019

Witnesses in Favor: Nine

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 3, 2019

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

In Favor:

Adams, Barron, Koo, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: October 10, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, King, Koo, Lancman, Levin, Miller, Reynoso, Richards, Treyger
Grodenschik, Adams, Moya.

Against:

None

Abstain:

.

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

Res. No. 1105

Resolution affirming the designation by the Landmarks Preservation Commission of the Central Sunset Park Historic District Landmark, Borough of Brooklyn, Designation List No. 513, LP-2624 (L.U. No. 499; 20195736 HKK; N 190541 HKK).

By Council Members Salamanca and Adams.

WHEREAS, the Landmarks Preservation Commission filed with the Council on June 27 2019 a copy of its designation report dated June 18, 2019 (the "Designation Report"), including the designation pursuant to Section 3020 of the City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the Central Sunset Park Historic District Landmark, Community District 7, Borough of Brooklyn, with the following district boundaries ("the Designation"):

The proposed Central Sunset Park Historic District consists of the properties bounded by a line beginning at the southwest corner of Sixth Avenue and 47th Street and extending easterly across Sixth Avenue and along the southern curbline of 47th Street to a line extending northerly from the eastern property line of 4701 Sixth Avenue (aka 602 47th Street), southerly along said line and the eastern property lines of 4701 Sixth Avenue (aka 602 47th Street) to 4721 Sixth Avenue (aka 601 48th Street) to the northern curbline of 48th Street, westerly along the northern curbline of 48th Street to a line extending northerly from the eastern property line of 4801 Sixth Avenue (aka 602 48th Street), southerly along said line and the eastern property lines of 4801 Sixth Avenue (aka 602 48th Street) to 4807 Sixth Avenue, easterly along part of the northern property line of 4809 Sixth Avenue, southerly along the eastern property lines of 4809 to 4817 Sixth Avenue; westerly along the southern property line of 4817 Sixth Avenue to the eastern curbline of Sixth Avenue; northerly along the eastern curbline of Sixth Avenue to a point on a line extending easterly from the southern property line of 4818 Sixth Avenue, westerly across Sixth Avenue along said line and the southern property line of 4818 Sixth Avenue, northerly along the western property lines of 4818 to 4814 Sixth Avenue, westerly along part of the southern property line of 4812

Sixth Avenue and the southern property lines of 572 to 512 48th Street, northerly along the western property line of 512 48th Street continuing across 48th Street and along the western property line of 511 48th Street, easterly along the northern property line of 511 48th Street, northerly along part of the western property line of 513 48th Street and the western property line of 514 47th Street continuing across 47th Street and along the western property line of 515 47th Street, easterly along the northern property lines of 515 to 551 47th Street, southerly along part of the eastern property line of 551 47th Street, easterly along the northern property lines of 553 to 571 47th Street and 4614 Sixth Avenue to the western curblineline of Sixth Avenue, and southerly along the western curblineline of Sixth Avenue and across 47th Street to the place of beginning.

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York;

WHEREAS, the New York City Planning Commission submitted to the Council on August 16, 2019 its report on the Designation dated August 14, 2019 (the "City Planning Commission Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on September 18, 2019; and

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

RESOLVED:

Pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, and on the basis of the information and materials contained in the Designation Report and the City Planning Commission Report, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 10, 2019. *Other Council Members Attending: Council Member Perkins.*

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

Report for L.U. No. 513

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 190334 ZRY (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 4 (Special Permits by the City Planning Commission) to create a special permit for a borough-based jail system, Citywide.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2893), respectfully

REPORTS:

(For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 513 & Res. No. 1118 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report for L.U. No. 514

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190336 ZMX (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6c, changing from an M1-3 District to an M1-4/R7X District and establishing a Special Mixed Use District (MX-18), in the Borough of the Bronx, Council District 8, Community Board 1.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2893) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 513 & Res. No. 1118 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report for L.U. No. 515

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 190337 ZRX (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XII Chapter 3 for the purpose of establishing a Special Mixed Use District; and modifying APPENDIX F for the purpose

of establishing a Mandatory Inclusionary Housing area, in the Borough of the Bronx, Council District 8, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2893), respectfully

REPORTS:

For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 513 & Res. No. 1118 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report for L.U. No. 516

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190338 HAX (Borough-Based Jail System) submitted by the Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law of New York State for the designation of an Urban Development Action Area and the approval of an Urban Development Action Area Project, and pursuant to Section 197-c of the New York City Charter for the disposition of property located at 320 Concord Avenue and 745 East 141st Street (Block 2574, p/o Lot 1), in the Borough of the Bronx, Council District 8, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2893), respectfully

REPORTS:

(For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 513 & Res. No. 1118 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report for L.U. No. 518

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190333 PSY (Borough-Based Jail System) submitted by the New York City Department of Correction, the Mayor's Office of Criminal Justice, and the Department of Citywide Administrative Services, pursuant to Section 197 c of the New York City Charter, for the site selection of the following properties for borough-based jail facilities: 745 East 141st Street (Block 2574, p/o Lot 1), Borough of the Bronx, Council District 8, Community District 1; 275 Atlantic Avenue (Block 175, Lot 1), Borough of Brooklyn, Council District 33, Community District 2; 124 White Street (Block 198, Lot 1) and 125 White Street (Block 167, Lot 1), Borough of Manhattan, Council District 1, Community District 1; and 126-02 82nd Avenue (Block 9653, Lot 1), 80 25 126th Street (Block 9657, Lot 1), and the bed of 82nd Avenue between 126th and 132nd streets, Borough of Queens, Council District 29, Community District 9. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant Section 11.20(c) of the Rules of the Council and Section 197 d(b)(3) of the New York City Charter.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2894), respectfully

REPORTS:

For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 513 & Res. No. 1118 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report for L.U. No. 519

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190335 ZSX (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197 c and 201 of the New York City Charter for the grant of a special permit pursuant to new Section 74 832 of the Zoning Resolution, as proposed by related application no. N 190334 ZRY, to modify: the use regulations of Section 42-10 (USES PERMITTED AS-OF-RIGHT); the floor area ratio requirements of Section 43 10 (FLOOR AREA REGULATIONS); the height and setback requirements of Sections 43 40 (HEIGHT AND SETBACK REGULATIONS); the permitted parking requirements of Section 44 10 (PERMITTED ACCESSORY OFFSTREET PARKING SPACES); and the loading berth requirements of Section 44 50 (GENERAL PURPOSES) to facilitate the construction of a borough-based jail facility, on property located in an M1-3 District at 320 Concord Avenue (Block 2574, p/o Lot 1), Borough of the Bronx, Council District 8, Community District 1. This application is subject to review and action by the Land

Use Committee only if called-up by vote of the Council pursuant Section 11.20(c) of the Rules of the Council and Section 197 d(b)(3) of the New York City Charter.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2894) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 513 & Res. No. 1118 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report for L.U. No. 520

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190339 ZSK (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197 c and 201 of the New York City Charter for the grant of a special permit pursuant to new Section 74 832 of the Zoning Resolution, as proposed by related application no. N 190334 ZRY, to modify: the floor area ratio requirements of Sections 101-20 (SPECIAL BULK REGULATIONS) and 33-10 (Floor Area Regulations); the height and setback requirements of Sections 33-40 (HEIGHT AND SETBACK REGULATIONS) and 101-22 (Special Height and Setback Regulations); the permitted parking requirements of Section 36-12 (Maximum Size of Accessory Group Parking Facilities); the loading berth requirements of Section 36-60 (OFF-STREET LOADING REGULATIONS); the special ground floor use requirements of Section 101-11 (Special Ground Floor Use Regulations); and the transparency requirements of Section 101-12 (Transparency Requirements) to facilitate the construction of a borough-based jail facility, on property located at 275 Atlantic Avenue (Block 175, Lot 1, and the portions of State Street between Boerum Place and Smith Street demapped as proposed under a concurrent related application C 190116 MMK), in a C6-2A District, within the Special Downtown Brooklyn District, Borough of Brooklyn, Council District 33, Community District 2. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant Section 11.20(c) of the Rules of the Council and Section 197 d(b)(3) of the New York City Charter.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2895) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 513 & Res. No. 1118 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report for L.U. No. 521

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190116 MMK (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197 c and 199 of the New York City Charter, and Section 5 430 et seq. of the New York City Administrative Code for an amendment to the City Map involving: the elimination, discontinuance and closing of State Street between Boerum Place and Smith Street above a lower limiting plane and below an upper limiting plane the adjustment of grades and block dimensions necessitated thereby; and authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. X-2753 dated March 25, 2019 and signed by the Borough President, Borough of Brooklyn, Council District 33, Community District 2. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant Section 11.20(c) of the Rules of the Council and Section 197-d(b)(3) of the New York City Charter.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2895) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 513 & Res. No. 1118 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report for L.U. No. 522

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190340 ZSM (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197 c and 201 of the New York City Charter for the grant of a special permit pursuant to new Section 74 832 of the Zoning Resolution, as proposed by related application no. N 190334 ZRY, to modify: the floor area ratio requirements of Section 33-10 (Floor Area Regulations); the height and setback requirements of Section 33-40 (HEIGHT AND SETBACK REGULATIONS); and the loading berth requirements of Section 36-60 (OFF-STREET LOADING REGULATIONS) to facilitate the construction of a borough-based jail facility, in a C6-4 District on property located at 124 125 White Street (Block 167, Lot 1, Block 198, Lot 1, and the portions of White Street between Centre Street and Baxter Street demapped as proposed under related application C 190252 MMM), Borough of Manhattan, Council District 1, Community District 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant Section 11.20(c) of the Rules of the Council and Section 197-d(b)(3) of the New York City Charter.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2896) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 513 & Res. No. 1118 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report for L.U. No. 523

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190341 PQM (Borough-Based Jail System) submitted by the New York City Department of Correction, the Mayor's Office of Criminal Justice, and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property for a borough-based jail facility located at 124 White Street (Block 198, Lot 1), Borough of Manhattan, Council District 1, Community District 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant Section 11.20(c) of the Rules of the Council and Section 197-d(b)(3) of the New York City Charter.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2896) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 513 & Res. No. 1118 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report for L.U. No. 524

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190252 MMM (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving: the elimination, discontinuance and closing of a volume of a portion of White Street from Centre Street to Baxter Street within limiting planes; the adjustment of grades and block dimensions necessitated thereby; and authorization for any acquisition or disposition of real property related thereto, in accordance with Map Acc. No. 30265 dated March 28, 2019 and signed by the Borough President, Borough of Manhattan, Council District 1, Community District 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant Section 11.20(c) of the Rules of the Council and Section 197 d(b)(3) of the New York City Charter.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2896) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 513 & Res. No. 1118 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz*

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

Report for L.U. No. 525

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190342 ZSQ (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197 c and 201 of the New York City Charter for the grant of a special permit pursuant new Section 74 832 of the Zoning Resolution, as proposed by related application no. N 190334 ZRY, to modify: the floor area ratio requirements of Section 33 10 (Floor Area Regulations); the height and setback requirements of Section 33 40 (HEIGHT AND SETBACK REGULATIONS); the permitted accessory parking requirements of Section 36-12 (Maximum Size of Accessory Group Parking Facilities); the permitted public parking garage requirements of Section 32-10 (USES PERMITTED AS OF RIGHT); and the loading berth requirements of Section 36-60 (OFF-STREET LOADING REGULATIONS) to facilitate the construction of a borough-based jail facility, on property located at 126 02 82nd Avenue a.k.a. 80 25 126th Street (Block 9653 Lot 1, Block 9657 Lot 1, and the portion of 82nd Avenue between 126th Street and 132nd Street demapped as proposed under related application no. C 190117 MMQ), in a C4-4 District, Borough of Queens, Council District 29, Community District 9. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant Section 11.20(c) of the Rules of the Council and Section 197 d(b)(3) of the New York City Charter.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2897) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 513 & Res. No. 1118 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report for L.U. No. 526

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190117 MMQ (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197 c and 199 of the New York City Charter,

and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving: the elimination, discontinuance and closing of 82nd Avenue between 126th Street and 132nd Street; the elimination of two Public Places within the area bounded by Union Turnpike, 132nd Street, Hoover Avenue, Queens Boulevard, 82nd Avenue and 126th Street; the adjustment of grades and block dimensions necessitated thereby; and authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. C.P.C. 190117 MMQ dated March 25, 2019 and signed by the Director of the Department of City Planning, Borough of Queens, Council District 29, Community District 9. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant Section 11.20(c) of the Rules of the Council and Section 197 d(b)(3) of the New York City Charter.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2897) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 513 & Res. No. 1118 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report for L.U. No. 527

Report of the Committee on Land Use in favor of approving Application No. C 190353 HAK (776-780 Myrtle Avenue) submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for the designation of an Urban Development Action Area and an Urban Development Action Area Project for such area, and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD, for property located at 776-780 Myrtle Avenue (Block 1754, Lots 19, 20 and 22), Borough of Brooklyn, Council District 36, Community District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2898) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 3

C 190353 HAK

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

1. pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 776-780 Myrtle Avenue (Block 1754, Lots 19, 20 and 22) as an Urban Development Action Area; and
 - b) as an Urban Development Action Area Project for such area; and
2. pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate an affordable housing development containing approximately 59 units.

INTENT

To approve the urban development action area project designation, project approval, and disposition of city-owned property to facilitate the development of a new nine-story building containing approximately 59 units of affordable housing at 776-780 Myrtle Avenue in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3.

PUBLIC HEARING

DATE: September 18, 2019

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 3, 2019

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

In Favor:

Adams, Barron, Koo, Miller, Treyger.

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: October 10, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, King, Koo, Lancman, Levin, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Moya.

Against:

None

Abstain:

None.

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

Res. No. 1106

Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 190353 HAK, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of city-owned property located at 776-780 Myrtle Avenue (Block 1754, Lots 19, 20, and 22), Borough of Brooklyn, Community District 3, to a developer selected by HPD (L.U. No. 527; C 190353 HAK).

By Council Members Salamanca and Adams.

WHEREAS, the City Planning Commission filed with the Council on August 30, 2019 its decision dated August 28, 2019 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) regarding city-owned property located at 776-780 Myrtle Avenue (Block 1754, Lots 19, 20, and 22), (the “Disposition Area”), approving:

- a) pursuant to Article 16 of the General Municipal Law of New York State, the designation of the Disposition Area as an Urban Development Action Area;
- b) pursuant to Article 16 of the General Municipal Law of New York State an Urban Development Action Area Project for the Disposition Area (the "Project"); and
- c) pursuant to Section 197-c of the New York City Charter the disposition of the Disposition Area to a developer to be selected by the New York City Department of Housing Preservation and Development;

to facilitate the development of a new nine-story building containing approximately 59 units of affordable housing at 776-780 Myrtle Avenue in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3 (ULURP No. C 190353 HAK) (the "Application");

WHEREAS, the City Planning Commission has certified its unqualified approval of UDAAP pursuant to Article 16 of the General Municipal Law and approved the disposition of the Disposition Area;

WHEREAS, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State and Section 197-d of the City Charter;

WHEREAS, by letter dated September 9, 2019 and submitted to the Council on September 10, 2019, HPD submitted its requests (the “HPD Requests”) respecting the Application including the submission of the project summary for the Project (the “Project Summary”);

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on September 18, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued on April 1, 2019 (CEQR No. 19HPD060K) (the “Negative Declaration”).

RESOLVED:

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

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 190353 HAK and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

Pursuant to Article 16 of the General Municipal Law of New York State, based on the environmental determination and the consideration described in the report (C 190353 HAK) and incorporated by reference herein, the Council approves the Decision of the City Planning Commission and the HPD Requests.

The Council finds that the present status of the Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council approves the designation of the Disposition Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law and subject to the terms and conditions of the Project Summary.

The Council approves the disposition of the Disposition Area under Section 197-d of the New York City Charter, to a developer to be selected by the New York City Department of Housing Preservation and Development for the development of the Project consistent with the Project Summary.

ATTACHMENT:

PROJECT SUMMARY

1. **PROGRAM:** SUPPORTIVE HOUSING LOAN PROGRAM
2. **PROJECT:** 776 Myrtle Avenue
3. **LOCATION:**
- a. **BOROUGH:** Brooklyn
- b. **COMMUNITY DISTRICT:** 3
- c. **COUNCIL DISTRICT:** 36
- d. **DISPOSITION AREA:**
- | <u>BLOCKS</u> | <u>LOTS</u> | <u>ADDRESSES</u> |
|---------------|-------------|-------------------|
| 1754 | 19 | 776 Myrtle Avenue |
| 1754 | 20 | 778 Myrtle Avenue |
| 1754 | 22 | 780 Myrtle Avenue |
4. **BASIS OF DISPOSITION PRICE:** Nominal. The sponsor will pay one dollar per tax lot in cash and will deliver an enforcement note and mortgage for the remainder of the appraised value.
5. **TYPE OF PROJECT:** New Construction
6. **APPROXIMATE NUMBER OF BUILDINGS:** One Multiple Dwelling
7. **APPROXIMATE NUMBER OF UNITS:** 59 Rental
1 Superintendent
60 Total
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS** Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent. Other tenants will pay rents set at up to 30% of up to 80% of the area median income (AMI) on an annual basis.
10. **INCOME TARGETS** Up to 80% of AMI.
11. **PROPOSED FACILITIES:** Community Room, Administrative Offices, Social Service Offices, Security Desk, Storefront Commercial Space
12. **PROPOSED CODES/ORDINANCES:** None
13. **ENVIRONMENTAL STATUS:** Negative Declaration
14. **PROPOSED TIME SCHEDULE:** Approximately six months from authorizing to sale

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 10, 2019. *Other Council Members Attending: Council Member Perkins.*

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

Report for L.U. No. 528

Report of the Committee on Land Use in favor of approving Application No. 20195631 HKK (N 200008 HKK) submitted by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York, concerning the designation of the Bay Ridge Parkway-Doctors' Row Historic District [DL 514/LP-2631], containing the properties bounded by a line beginning on the northern curblin of Bay Ridge Parkway at a point on a line extending southerly from the western property line of 415 Bay Ridge Parkway, and extending northerly along said line and along the western property line of 415 Bay Ridge Parkway, easterly along the northern property lines of 415 to 473 Bay Ridge Parkway, southerly along the eastern property line of 473 Bay Ridge Parkway, easterly along the northern property line of 475 Bay Ridge Parkway, southerly along the eastern property line of 475 Bay Ridge Parkway, and across Bay Ridge Parkway to the southern curblin of Bay Ridge Parkway, easterly along said curblin to a point on a line extending northerly from the eastern property line of 478 Bay Ridge Parkway, southerly along said line and along the eastern property line of 478 Bay Ridge Parkway, westerly along the southern property lines of 478 to 416 Bay Ridge Parkway, northerly along the western property line of 416 Bay Ridge Parkway and across Bay Ridge Parkway to the northern curblin of Bay Ridge Parkway and westerly along said curblin to the point of beginning, Borough of Brooklyn, Council District 43, Community District 10.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2898) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 10

20195631 HKK (N 200008 HKK)

Designation by the Landmarks Preservation Commission [DL-514/LP-2631] pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the landmark designation of the Bay Ridge Parkway-Doctors' Row Historic District, as an historic landmark.

PUBLIC HEARING

DATE: September 18, 2019

Witnesses in Favor: Five

Witnesses Against: One

SUBCOMMITTEE RECOMMENDATION**DATE:** October 3, 2019

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

In Favor:

Adams, Barron, Koo, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** October 10, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, King, Koo, Lancman, Levin, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Moya.

Against:

None

Abstain:

None.

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

Res. No. 1107

Resolution affirming the designation by the Landmarks Preservation Commission of the Bay Ridge Parkway-Doctors' Row Historic District Landmark, Borough of Brooklyn, Designation List No. 514, LP-2631 (L.U. No. 528; 20195631 HKK; N 200008 HKK).

By Council Members Salamanca and Adams.

WHEREAS, the Landmarks Preservation Commission filed with the Council on July 5, 2019 a copy of its designation report dated June 25, 2019 (the "Designation Report"), including the designation pursuant to Section 3020 of the City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the Bay Ridge Parkway-Doctors' Row Historic District Landmark, Community District 10, Borough of Brooklyn, with the following district boundaries (the "Designation"):

The Bay Ridge Parkway - Doctors' Row Historic District consists of the properties bounded by a line beginning on the northern curblineline of Bay Ridge Parkway at a point on a line extending southerly from the western property line of 415 Bay Ridge Parkway, and extending northerly along said line and along the western property line of 415 Bay Ridge Parkway, easterly along the northern property lines of 415 to 473 Bay Ridge Parkway, southerly along the eastern property line of 473 Bay Ridge Parkway, easterly along the northern property line of 475 Bay Ridge Parkway, southerly along the eastern property line of 475 Bay Ridge Parkway, and across Bay Ridge

Parkway to the southern curblineline of Bay Ridge Parkway, easterly along said curblineline to a point on a line extending northerly from the eastern property line of 478 Bay Ridge Parkway, southerly along said line and along the eastern property line of 478 Bay Ridge Parkway, westerly along the southern property lines of 478 to 416 Bay Ridge Parkway, northerly along the western property line of 416 Bay Ridge Parkway and across Bay Ridge Parkway to the northern curblineline of Bay Ridge Parkway and westerly along said curblineline to the point of beginning.

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

WHEREAS, the New York City Planning Commission submitted to the Council on August 30, 2019 its report on the Designation dated August 28, 2019 (the "City Planning Commission Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on September 18, 2019; and

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

RESOLVED:

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 10, 2019. *Other Council Members Attending: Council Member Perkins.*

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

Report for L.U. No. 529

Report of the Committee on Land Use in favor of approving Application No. 20195715 TCM (Lola Taverna) pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Prinkipas LLC d/b/a Lola Taverna, for a revocable consent to establish maintain and operate an unenclosed sidewalk café located at 210 6th Avenue, Borough of Manhattan, Council District 3, Community District 2. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant Section 11.20(c) of the Rules of the Council and Section 20-226 of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2898) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**MANHATTAN CB - 2****20195715 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York concerning the petition of Prinkipas, LLC, d/b/a Lola Taverna, for a new revocable consent to establish, maintain and operate an unenclosed sidewalk cafe located at 210 6th Avenue, Manhattan.

INTENT

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

PUBLIC HEARING**DATE:** October 3, 2019**Witnesses in Favor:** Three**Witnesses Against:** Two**SUBCOMMITTEE RECOMMENDATION****DATE:** October 3, 2019

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

In Favor:

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

Against:

None

Abstain:

None.

COMMITTEE ACTION**DATE:** October 10, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, King, Koo, Lancman, Levin, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Moya.

Against: **Abstain:**
None None.

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

Res. No. 1108

Resolution approving with modifications the petition for a new revocable consent for an unenclosed sidewalk café located at 210 6th Avenue, Borough of Manhattan (Non-ULURP No. 20195715 TCM; L.U. No. 529).

By Council Members Salamanca and Moya.

WHEREAS, the Department of Consumer Affairs filed with the Council on September 6, 2019 its approval dated September 5, 2019 of the petition of Prinkipas, LLC, d/b/a Lola Taverna, for a new revocable consent to establish, maintain, and operate an unenclosed sidewalk café located at 210 6th Avenue, Borough of Manhattan, Community District 2, comprised of twenty-four (24) tables and forty-eight (48) chairs (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on October 3, 2019; and

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

RESOLVED:

Pursuant to Section 20-226 (f) of the Administrative Code, the Council approves the Petition with modifications, as follows:

Such sidewalk café shall consist of no more than sixteen (16) tables and thirty-two (32) chairs.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 10, 2019. *Other Council Members Attending: Council Member Perkins.*

Approved with Modifications and Coupled on GO.

Report for L.U. No. 531

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 100421 ZMQ (Vernon Boulevard Broadway Rezoning) submitted by Cipico Construction Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a, changing from an R5 District to an R6B District, changing from an R5 District to an R7X District,

and establishing within the proposed R7X District a C1-3 District, Borough of Queens, Council District 26, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2899), respectfully

REPORTS:

(For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 531 & Res. No. 1131 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 10, 2019. *Other Council Members Attending: Council Member Perkins.*

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

Report for L.U. No. 532

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 190151 ZRQ (Vernon Boulevard Broadway Rezoning) submitted by Cipico Construction Inc. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Council District 26, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2899), respectfully

REPORTS:

(For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 531 & Res. No. 1131 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 10, 2019. *Other Council Members Attending: Council Member Perkins.*

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

Report for L.U. No. 533

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190386 ZSQ (Vernon Boulevard Broadway Rezoning) submitted by Cipico Construction Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to permit the distribution of total allowable floor area without regard for zoning lot lines or district boundaries and to modify the minimum base height requirements of Sections 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residence for seniors) to facilitate a proposed mixed-use development, within a large-scale general development, in R6B and R7X/C1-3 Districts, on property bounded by 10th Street, Vernon Boulevard, Broadway, 11th Street, and 33rd Road (Block 315, Lot 1), Borough of Queens, Council District 26, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2899), respectfully

REPORTS:

(For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 531 & Res. No. 1131 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 10, 2019. *Other Council Members Attending: Council Member Perkins.*

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

Report for L.U. No. 534

Report of the Committee on Land Use in favor of approving Application No. C 190439 ZSQ (LeFrak City Parking Garage) submitted by the LSS Leasing Limited Liability Company pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution (as modified by concurrent application no. N 190440 ZQR) to allow: a public parking facility with a maximum capacity of 706 parking spaces including 356 self-park spaces and 350 attended parking spaces on the ground floor, 2nd floor and roof of an existing 2-story garage building; to allow up to 350 spaces to be located on the roof of such public parking facility; to allow floor space on one or more stories and up to a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS); and to waive the reservoir space requirements of Section 74-512(c) for a public parking garage existing before [date of adoption] that was previously granted a special permit pursuant to this Section; on property located on the northeasterly corner of Junction Boulevard and Horace Harding Expressway (Block 1918, Lots 1, 18, 25 and 114), in a C4-4 District, Borough of Queens, Council District 21, Community District 4.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2900) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CB-4 - TWO APPLICATIONS RELATED TO LEFRAK CITY PARKING GARAGE

C 190439 ZSQ (L.U. No. 534)

City Planning Commission decision approving an application submitted by the LSS Leasing Limited Liability Company, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow:

1. a public parking facility with a maximum capacity of 706 parking spaces including 356 self-park spaces and 350 attended parking spaces on the ground floor, second floor and roof of an existing two-story garage building;
2. up to 350 spaces to be located on the roof of such public parking facility;
3. floor space on one or more stories and up to a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS); and
4. to waive the reservoir space requirements of Section 74-512(c) for a public parking garage existing before [*date of adoption*] that was previously granted a special permit to this Section;

on the property located on the northeasterly corner of Junction Boulevard and Horace Harding Expressway (Block 1918, Lots 1, 18, 25 and 114), in a C4-4 District.

N 190440 ZRQ (L.U. No. 535)

City Planning Commission decision approving an application submitted by LSS Leasing, Limited Liability Company, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, amending Article VII, Chapter 4 (Special Permits by the City Planning Commission) for the purpose of modifying the provision of required reservoir spaces for existing public parking garages with special permits in C4-4 Districts.

INTENT

To approve special permit pursuant to ZR Section 74-512 to permit the existing Garage to (i) continue to operate as a public parking garage with more than 150 spaces, (ii) locate parking spaces on the Garage's roof, and (iii) exempt the Garage's floor space below a height of 23 feet above curb level from the definition of floor area as set forth in Section 12-10 of the Zoning Resolution; and approve an amendment to ZR Section 74-512 that would require existing public parking garages that were previously granted a permit pursuant to Section 74-512, and are located within a C4-4 zoning district in Queens Community District 4 to provide the number of reservoir spaces at the garage entrance consistent with a finding that the permitted parking facility will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular traffic and pedestrian flow in the surrounding area. This finding replaces the finding in Paragraph (c) of Section 74-512 which has a specified

number of required reservoir spaces to facilitate the continued use of an existing two-story public parking garage in the Elmhurst neighborhood of Queens, Community District 4.

PUBLIC HEARING

DATE: September 18, 2019

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 3, 2019

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission (“CPC”) on L.U. Nos. 534 and 535.

In Favor:

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

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: October 10, 2019

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Deutsch, King, Koo, Lancman, Levin, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Moya.

Against:

None

Abstain:

None.

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

Res. No. 1109

Resolution approving the decision of the City Planning Commission on ULURP No. C 190439 ZSQ, for the grant of a special permit (L.U. No. 534).

By Council Members Salamanca and Moya.

WHEREAS, LSS Leasing Limited Liability Company, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow a public parking facility with a maximum capacity of 706 parking spaces, including 356 self-park spaces and 350 attended parking spaces, on the ground floor, second floor and roof of an existing two-story garage building; to allow up to 350 spaces to be located on the roof of such public parking facility; and to allow floor space on one or more stories and up to a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS), on property located on Block 1918, Lots 1, 18, 25 and 114, which in conjunction with the related action would facilitate the continued use of an existing two-story public parking garage in the Elmhurst neighborhood of Queens, Community District 4 (ULURP No. C 190439 ZSQ) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 13, 2019, its decision dated September 11, 2019 (the “Decision”), on the Application;

WHEREAS, the Application is related to application N 190440 ZRQ (L.U. No. 535), a zoning text amendment to ZR Section 74-512 (Modification of provisions to permit the continued use of the existing parking garage in a C4-4 zoning district in Queens Community District 4);

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-512 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 18, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the determination by the City Planning Commission, that the Application is a Type II and requires no further review action (the “Type II Determination”).

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190439 ZSQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The property that is subject of this application (C 190439 ZSQ), in conjunction with the related application for a zoning text amendment (N 190440 ZRQ), shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Philip Habib & Associates, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
1 of 5	Ground Level & Zoning Lot Site Plan	5/3/2019
2 of 5	2 nd Level	5/3/2019
3 of 5	Roof	5/3/2019
4 of 5	Sections	5/3/2019

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 10, 2019. *Other Council Members Attending: Council Member Perkins.*

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

Report for L.U. No. 535

Report of the Committee on Land Use in favor of approving Application No. N 190440 ZRQ (LeFrak City Parking Garage) submitted by the LSS Leasing Limited Liability Company, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, amending Article VII, Chapter 4 (Special Permits by the City Planning Commission) for the purpose of modifying the provision of required reservoir spaces for existing public parking garages with special permits in C4-4 Districts, Borough of Queens, Council District 21, Community District 4.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2900) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 534 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1110

Resolution approving the decision of the City Planning Commission on Application No. N 190440 ZRQ, for an amendment of the text of the Zoning Resolution (L.U. No. 535).

By Council Members Salamanca and Moya.

WHEREAS, LSS Leasing Limited Liability Company, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the zoning resolution of the City of New York, amending Article VII, Chapter 4 (Special Permits by the City Planning Commission) for the purpose of modifying the provision of required reservoir spaces for existing public parking garages with special permits in C4-4 Districts, which in conjunction with the related action would facilitate the continued use of an existing two-story public parking garage in the Elmhurst neighborhood of Queens, Community District 4 (Application No. N 190440 ZRQ) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 13, 2019, its decision dated September 11, 2019 (the “Decision”), on the Application;

WHEREAS, the Application is related to application C 190439 ZSQ (L.U. No. 534), a special permit pursuant to Section 74-512 of the Zoning Resolution to allow for the continued use of an existing two-story public parking garage;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 18, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the determination by the City Planning Commission, that the Application is a Type II and requires no further review action (the “Type II Determination”).

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 190440 ZRQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

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

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

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

* * *

ARTICLE VII - ADMINISTRATION

Chapter 4 - Special Permits by the City Planning Commission

* * *

74-50

OFF-STREET PARKING ESTABLISHMENTS

74-51

Public Parking Garages or Public Parking Lots Outside High Density Central Areas

* * *

74-511**In C1 Districts**

* * *

74-512**In other Districts**

In C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C4-5D, C7, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# with more than 150 spaces, provided that the applicable regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street) or 44-43 (Location of Access to the Street), Sections 36-55 or 44-44 (Surfacing) and Sections 36-56 or 44-45 (Screening) are met. The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level# to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

- (a) that the principal vehicular access for such #use# is located on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#, except that in C5 or C6 Districts such access may be located on a local #street#;
- (b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (c) that such #use# has adequate reservoir space at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;
- (d) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;
- (e) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and
- (f) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply, except as provided in Section 13-06 (Previously Filed or Approved Special Permits or Authorizations).

For existing #public parking garages# located within a C4-4 District in Community District 4 in the Borough of Queens where such garage facility existed before [date of adoption] and was previously granted a special permit pursuant to this Section, the finding set forth in paragraph (c) of this Section shall not apply. In lieu thereof, the number of reservoir spaces required shall be consistent with a finding that the permitted parking facility will not

create or contribute to serious traffic congestion and will not unduly inhibit vehicular traffic and pedestrian flow in the surrounding area.

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 10, 2019. *Other Council Members Attending: Council Member Perkins.*

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

Report for L.U. No. 538

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180036 ZMQ (38th Street – 35th Avenue Rezoning) submitted by Empire MG Properties, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 9b: changing from an M1-1 District to an R6A District and establishing within the proposed R6A District a C1-3 District, Borough of Queens, Council District 26, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on September 25, 2019 (Minutes, page 3166, respectfully

REPORTS:

(For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 538 & Res. No. 1134 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 10, 2019. *Other Council Members Attending: Council Member Perkins.*

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

Report for L.U. No. 539

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 180037 ZRQ (38th Street – 35th Avenue Rezoning) submitted by Empire MG Properties, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Council District 26, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on September 25, 2019 (Minutes, page 3166, respectfully)

REPORTS:

(For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 538 & Res. No. 1134 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 10, 2019. *Other Council Members Attending: Council Member Perkins.*

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

Report for L.U. No. 540

Report of the Committee on Land Use in favor of approving Application No. C 180282 ZMQ (91-05 Beach Channel Drive) submitted by Denis S. O'Connor Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 30c, by establishing within an existing R4-1 District, a C2-3 District, Borough of Queens, Council District 32, Community District 14.

The Committee on Land Use, to which the annexed Land Use item was referred on September 25, 2019 (Minutes, page 3166) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****QUEENS CB - 14****C 180282 ZMQ**

City Planning Commission decision approving an application submitted by Denis S. O'Connor Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 30c, by establishing within an existing R4-1 District a C2-3 District bounded by Beach Channel Drive, Beach 91st Street, a line 100 feet southeasterly of Beach Channel Drive, a line 100 feet northeasterly of Beach 92nd Street, a line 75 feet southeasterly of Beach Channel Drive, and Beach 92nd Street, Borough of Queens,

Community District 14, as shown on a diagram (for illustrative purposes only) dated May 6, 2019, and subject to the conditions of CEQR Declaration E-534.

INTENT

To approve the amendment to the Zoning Map, Section No. 30c, to map a C2-3 local service overlay within an R4-1 low density contextual residential district to facilitate the continued use of an existing funeral home and accessory parking lot located at 91-05 Beach Channel Drive, in the Rockaway Beach neighborhood of Queens Community District 14.

PUBLIC HEARING

DATE: September 18, 2019

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 3, 2019

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

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: October 10, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Koo, Lancman, Levin, Reynoso, Richards, Treyger, Adams, Moya.

Against:

Deutsch

King

Abstain:

Miller

Grodenchik

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

Res. No. 1111

Resolution approving the decision of the City Planning Commission on ULURP No. C 180282 ZMQ, a Zoning Map amendment (Preconsidered L.U. No. 540).

By Council Members Salamanca and Moya.

WHEREAS, Denis S. O'Connor Inc., filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 30c, by establishing within an existing R4-1 District a C2-3 District, Borough of Queens, Community District 14 (ULURP No. C 180282 ZMQ) (the "Application");

WHEREAS the City Planning Commission filed with the Council on September 13, 2019, its decision dated September 11, 2019 (the "Decision") on the Application;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 18, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued May 6th, 2019 (CEQR No. 18DCP181Q) which include an (E) designation related to hazardous materials, air quality, and noise that would be established in connection with the proposed action (the "E" Designation (E-534)).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-534) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 180282 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is hereby amended by changing the Zoning Map, Section No. 30c, by establishing within an existing R4-1 District a C2-3 District bounded by Beach Channel Drive, Beach 91st Street, a line 100 feet southeasterly of Beach Channel Drive, a line 100 feet northeasterly of Beach 92nd Street, a line 75 feet southeasterly of Beach Channel Drive, and Beach 92nd Street, Borough of Queens, Community District 14, as shown on a diagram (for illustrative purposes only) dated May 6, 2019, and subject to the conditions of CEQR Declaration E-534.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 10, 2019. *Other Council Members Attending: Council Member Perkins.*

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

Report for L.U. No. 541

Report of the Committee on Land Use in favor of approving Application No. C 180291 ZMQ (15-33 Clintonville Street Rezoning) submitted by Enrico Scarda pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 7d, by establishing within an existing R3-1 District, a C1-3 District, Borough of Queens, Council District 19, Community District 7.

The Committee on Land Use, to which the annexed Land Use item was referred on September 25, 2019 (Minutes, page 3166) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CB - 7

C 180291 ZMQ

City Planning Commission decision approving an application submitted by Enrico Scarda, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 7d, by establishing within an existing R3-1 District a C1-3 District bounded by Cross Island Parkway Service Road South, a line perpendicular to the northeasterly street line of Clintonville Street distant 85 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Clintonville Street and the southerly street line of Cross Island Parkway, and Clintonville Street, Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated May 6, 2019, and subject to the conditions of CEQR Declaration E-535.

INTENT

To approve the amendment to the Zoning Map, Section No. 7d, to establish a C1-3 overlay within an existing R3-1 District on a portion of a block fronting on the Cross Island Parkway Service Road South, to facilitate the development of an approximately 4,000 square-foot single-story commercial building in the Whitestone neighborhood of Queens, Community District 7.

PUBLIC HEARING

DATE: September 18, 2019

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 3, 2019

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

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: October 10, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Koo, Lancman, Levin, Reynoso, Richards, Treyger, Adams, Moya.

Against:

Deutsch

King

Abstain:

Miller

Grodenchik

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

Res. No. 1112

Resolution approving the decision of the City Planning Commission on ULURP No. C 180291 ZMQ, a Zoning Map amendment (Preconsidered L.U. No. 541).

By Council Members Salamanca and Moya.

WHEREAS, Enrico Scarda, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 7d, by establishing within an existing R3-1 District a C1-3 District, Borough of Queens, Community District 7 (ULURP No. C 180291 ZMQ) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 13, 2019, its decision dated September 11, 2019 (the "Decision") on the Application;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 18, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued May 6th, 2019 (CEQR No. 19DCP034Q) which include an (E) designation related to air quality and hazardous materials that would be established in connection with the proposed action (the “E” Designation (E-535)).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-535) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, the environmental determination and consideration described in the report, C 180291 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 7d, by establishing within an existing R3-1 District a C1-3 District bounded by Cross Island Parkway Service Road South, a line perpendicular to the northeasterly street line of Clintonville Street distant 85 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Clintonville Street and the southerly street line of Cross Island Parkway, and Clintonville Street, as shown on a diagram (for illustrative purposes only) dated on May 6, 2019, and subject to the conditions of CEQR Declaration E- 535, Borough of Queens, Community District 7.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 10, 2019. *Other Council Members Attending: Council Member Perkins.*

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

Report for L.U. No. 542

Report of the Committee on Land Use in favor of approving Application No. C 190422 ZMQ (112-06 71st Road Rezoning) submitted by Dr. T’s Pediatrics PLLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14a, changing from an R1-2A District to an R3-2 District, Borough of Queens, Council District 29, Community District 6.

The Committee on Land Use, to which the annexed Land Use item was referred on September 25, 2019 (Minutes, page 3167) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CB - 6

C 190422 ZMQ

City Planning Commission decision approving an application submitted by Dr. T’s Pediatrics PLLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14a, changing from an R1-2A District to an R3-2 District property bounded by 71st Road, a line 100 feet northeasterly of 112th Street, 72nd Avenue and 112th Street, Borough of Queens, Community District 6, as shown on a diagram (for illustrative purposes only) dated May 20, 2019.

INTENT

To approve the amendment to the Zoning Map, Section No. 14a, to rezone the project area from R1-2A to R3-2 to legalize medical office uses in an existing building located at 112-06 71st Road in the Forest Hills neighborhood of Queens, Community District 6.

PUBLIC HEARING

DATE: September 18, 2019

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 3, 2019

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

In Favor:

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

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: October 10, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Koo, Lancman, Levin, Reynoso, Richards, Treyger, Adams, Moya.

Against:

Deutsch
King

Abstain:

Miller
Grodenschik

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

Res. No. 1113

Resolution approving the decision of the City Planning Commission on ULURP No. C 190422 ZMQ, a Zoning Map amendment (Preconsidered L.U. No. 542).

By Council Members Salamanca and Moya.

WHEREAS, Dr. T's Pediatrics PLLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14a, changing from an R1-2A District to an R3-2 District to legalize medical office uses in an existing building located at 112-06 71st Road in the Forest Hills neighborhood of Queens, Community District 6 (ULURP No. C 190422 ZMQ) (the "Application");

WHEREAS the City Planning Commission filed with the Council on September 11, 2019, its decision dated September 11, 2019 (the "Decision") on the Application;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 18, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued May 20th, 2019 (CEQR No. 19DCP113Q) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, the environmental determination and consideration described in the report, C 190422 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is hereby amended by changing the Zoning Map, Section No. 14a, changing from an R1-2A District to an R3-2 District property bounded by 71st Road, a line 100 feet northeasterly of 112th Street, 72nd Avenue and 112th Street, Borough of Queens, Community District 6, as shown on a diagram (for illustrative purposes only) dated May 20, 2019.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 10, 2019. *Other Council Members Attending: Council Member Perkins.*

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

Report for L.U. No. 543

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190158 ZMM (Terence Cardinal Cooke) submitted by Catholic Health Care System pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 6b, by changing from an R7-2 District to an R8 District property bounded by East 106th Street, Madison Avenue, East 105th Street and a line 150 feet easterly of Fifth Avenue - Museum Mile, Borough of Manhattan, Council District 8, Community District 11.

The Committee on Land Use, to which the annexed Land Use item was referred on September 25, 2019 (Minutes, page 3167), respectfully

REPORTS:

(For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 543 & Res. No. 1136 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 10, 2019. *Other Council Members Attending: Council Member Perkins.*

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

Report for L.U. 544

Report for Application No. N 190156 ZRM (Terence Cardinal Cooke) submitted by Catholic Health Care System, 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 (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Manhattan, Council District 8, Community District 11.

The Committee on Land Use, to which the annexed Land Use item was referred on September 25, 2019 (Minutes, page 3167), respectfully

REPORTS:

(For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 543 & Res. No. 1136 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 10, 2019. *Other Council Members Attending: Council Member Perkins.*

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

Report for L.U. No. 545

Report of the Committee on Land Use in favor of approving Application No. 20205026 HAK (Blake Hendrix) submitted by the Department of Housing Preservation and Development pursuant to 694 of the General Municipal Law for approval of an amendment to a previously approved Urban Development Action Area Project (Res. No. 1263-2016), for property located at 586 Linwood Street (Block 4050, Lot 25), 669 Linwood Street (Block 4067, Lot 8)806 Blake Avenue (Block 4058, Lot 18), 980 Dumont Avenue (Block 4081, Lot 23), 617 Cleveland Street (Block 4065, Lot 22), 291 Hinsdale Street (Block 3767, Lot 10), 289 Hinsdale Street (Block 3767, Lot 11), 287 Hinsdale Street (Block 3767, Lot 12), 285 Hinsdale Street (Block 3767, Lot 13), 848 Blake Avenue (Block 4060, Lot 16), and 588 Warwick Street (Block 4062, Lot 30), Borough of Brooklyn, Council District 42, Community District 5.

The Committee on Land Use, to which the annexed Land Use item was referred on September 25, 2019 (Minutes, page 3167) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 5

20205026 HAK

Application submitted by the Department of Housing Preservation and Development pursuant to 694 of the General Municipal Law for approval of an amendment to a previously approved Urban Development Action Area Project for property located at 586 Linwood Street (Block 4050, Lot 25), 669 Linwood Street (Block 4067, Lot 8)806 Blake Avenue (Block 4058, Lot 18), 980 Dumont Avenue (Block 4081, Lot 23), 617 Cleveland Street (Block 4065, Lot 22), 291 Hinsdale Street (Block 3767, Lot 10), 289 Hinsdale Street (Block 3767, Lot 11), 287 Hinsdale Street (Block 3767, Lot 12), 285 Hinsdale Street (Block 3767, Lot 13), 848 Blake Avenue (Block 4060, Lot 16), and 588 Warwick Street (Block 4062, Lot 30), Borough of Brooklyn, Council District 42, Community District 5.

INTENT

To approve an amendment to a previously approved Urban Development Action Area Project which was adopted by the City Council Resolution dated October 27, 2016 (Resolution No. 1263, L.U. No. 428) approve the amended Project Summary.

PUBLIC HEARING

DATE: October 3, 2019

Witnesses in Favor: One

Witnesses Against: One

SUBCOMMITTEE RECOMMENDATION

DATE: October 16, 2019

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

In Favor:

Adams, Barron, Koo, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: October 16, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

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

Against:

King
Diaz

Abstain:

None

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

Res. No. 1114

Resolution approving an Amended Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law, for property located at 586 Linwood Street (Block 4050, Lot 25), 669 Linwood Street (Block 4067, Lot 8), 806 Blake Avenue (Block 4058, Lot 18), 980 Dumont Avenue (Block 4081, Lot 23), 617 Cleveland Street (Block 4065, Lot 22), 291 Hinsdale Street (Block

3767, Lot 10), 289 Hinsdale Street (Block 3767, Lot 11), 287 Hinsdale Street (Block 3767, Lot 12), 285 Hinsdale Street (Block 3767, Lot 13), 848 Blake Avenue (Block 4060, Lot 16), and 588 Warwick Street (Block 4062, Lot 30), Borough of Brooklyn, Community District 5 (L.U. No. 545; 20205026 HAK).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council August 13, 2019 its request dated August 9, 2019, pursuant to Section 694 of the General Municipal Law, that the Council approve an Amended Project as an Urban Development Area Project (the "Amended Project") for property located at 586 Linwood Street (Block 4050, Lot 25), 669 Linwood Street (Block 4067, Lot 8), 806 Blake Avenue (Block 4058, Lot 18), 980 Dumont Avenue (Block 4081, Lot 23), 617 Cleveland Street (Block 4065, Lot 22), 291 Hinsdale Street (Block 3767, Lot 10), 289 Hinsdale Street (Block 3767, Lot 11), 287 Hinsdale Street (Block 3767, Lot 12), 285 Hinsdale Street (Block 3767, Lot 13), 848 Blake Avenue (Block 4060, Lot 16), and 588 Warwick Street (Block 4062, Lot 30), Community District 5, Borough of Brooklyn (the "Disposition Area"):

WHEREAS, the request made by the New York City Department of Housing and Development is related to a previously approved City Council Resolution No.1263 (L.U. No. 428) dated October 27, 2016 (the "Original Resolution");

WHEREAS, upon due notice, the Council held a public hearing on the Amended Project on October 3, 2019; and

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

RESOLVED:

The Council approves the Amended Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

The Amended Project shall be developed upon the terms and conditions in the Amended Project Summary that HPD has submitted to the Council on August 13, 2019, a copy of which is attached hereto.

ATTACHMENT:

PROJECT SUMMARY

- 1. **PROGRAM:** NEW INFILL HOMEOWNERSHIP OPPORTUNITIES PROGRAMS
- 2. **PROJECT:** Blake Hendrix
- 3. **LOCATION:**
 - a. **BOROUGH:** Brooklyn
 - b. **COMMUNITY DISTRICT:** 5

c. COUNCIL DISTRICT: 42

d. NEW PROJECT AREA:	<u>BLOCKS</u>	<u>LOTS</u>	<u>ADDRESSES</u>
	4050	25	
	4067	8	
	4058	18	
	4081	23	
	4065	22	
	3767	10-13	
	4060	16	
	4062	30	

4. BASIS OF DISPOSITION PRICE: Nominal. Sponsor will pay one dollar per tax lot and deliver a note and mortgage for the remainder of the appraised value ("Land Debt"). For a period of twenty (20) years following completion of construction, the Land Debt will be repayable out of resale or refinancing profits.

5. TYPE OF PROJECT: New Construction

6. APPROXIMATE NUMBER OF BUILDINGS: Up to 13

7. APPROXIMATE NUMBER OF UNITS: Up to 30

8. HOUSING TYPE: 2-Family and 3-Family Homes. If homes remain unsold at the end of the Marketing Period and HPD determines in writing that (i) sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available alternative, then the unsold homes may be rented in accordance with the written instructions of HPD.

9. ESTIMATE OF INITIAL PRICE: Sales prices will be affordable to families with annual household incomes between 80% and 130% of the area median income (AMI).

10. LIENS FOR LAND DEBT: The difference between the appraised value of the land and the purchase price ("Land Debt") and the amount of any construction financing provided through loans from the City ("City Subsidy") are apportioned pro rata to each home and may be unsecured at the time of sale based on the home's post-construction appraised value. HPD may forgive the Land Debt (but not the City Subsidy) apportioned to a home upon conveyance of the home to an eligible purchaser, based on the appraised value of the home and/or if HPD determines that the forgiveness is necessary to reduce the taxable consideration that the eligible purchaser is paying for the home. Purchasers repay the Land Debt and City Subsidy, if any, attributable to their homes by delivering a note and mortgage and/or

conditional grant agreement to the City. The sum evidenced by the note and secured by the security instruments will be reduced to zero after 20 years of owner occupancy. Initial purchasers and subsequent owners are required to make payments to the City out of resale or refinancing profits.

- 11. **INCOME TARGETS:** Families with annual household incomes between 80% and 130% of AMI.
- 12. **PROPOSED FACILITIES:** None
- 13. **PROPOSED CODES/ORDINANCES:** None
- 14. **ENVIRONMENTAL STATUS:** Type II
- 15. **PROPOSED TIME SCHEDULE:** Approximately 18 months from closing to completion of construction.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report for L.U. No. 546

Report of the Committee on Land Use in favor of approving Application No. 20205026 HAK (Blake Hendrix) submitted by the Department of Housing Preservation and Development pursuant to 694 of the General Municipal Law for approval of an amendment to a previously approved Urban Development Action Area Project (Res. No. 1263-2016), for property located at 586 Linwood Street (Block 4050, Lot 25), 669 Linwood Street (Block 4067, Lot 8)806 Blake Avenue (Block 4058, Lot 18), 980 Dumont Avenue (Block 4081, Lot 23), 617 Cleveland Street (Block 4065, Lot 22), 291 Hinsdale Street (Block 3767, Lot 10), 289 Hinsdale Street (Block 3767, Lot 11), 287 Hinsdale Street (Block 3767, Lot 12), 285 Hinsdale Street (Block 3767, Lot 13), 848 Blake Avenue (Block 4060, Lot 16), and 588 Warwick Street (Block 4062, Lot 30), Borough of Brooklyn, Council District 42, Community District 5.

The Committee on Land Use, to which the annexed Land Use item was referred on September 25, 2019 (Minutes, page 3168) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**MANHATTAN CB-10 - THREE APPLICATIONS RELATED TO NME III WEST 140TH AND WEST 150TH****C 190427 HAM (L.U. No. 546)**

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

1. pursuant to Article 16 of the General Municipal Law of New York State for:
 - a. the designation of property located at 207-209 West 140th Street (Block 2026, Lots 24 and 25) and 304-308 West 150th Street (Block 2045, Lot 98) as an Urban Development Action Area; and
 - b. an Urban Development Action Area Project for such area; and
2. pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the construction of two residential developments containing an approximate total of 52 affordable dwelling units, Borough of Manhattan, Community District 10.

C 190428 PQM (L.U. No. 547)

City Planning Commission decision approving an application submitted the New York City Department of Housing Preservation and Development (HPD) pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 207-209 West 140th Street (Block 2026, Lots 24 and 25) and 304-308 West 150th Street (Block 2045, Lot 98) to facilitate a mixed-use development containing approximately 52 affordable housing units, Borough of Manhattan, Community District 10.

20205116 HAM (Pre. L.U. No. 557)

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a real property tax exemption, for property located at 207-209 West 140th Street (Block 2026, Lots 24 and 25) and 304-308 West 150th Street (Block 2045, Lot 98), Borough of Manhattan, Council District 9, Community District 10.

INTENT

To approve the urban development action area designation, project approval, and disposition of city-owned property; approve an acquisition of property; and approve a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law for property located at 207-209 West 140th Street (Block 2026, Lots 24 and 25) and 304-308 West 150th Street (Block 2045, Lot 98) to facilitate the new

construction of two residential buildings containing a total of approximately 52 affordable dwelling units in Central Harlem, Borough of Manhattan, Community District 10.

PUBLIC HEARING

DATE: October 3, 2019

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 16, 2019

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

In Favor:

Adams, Barron, Koo, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: October 16, 2019

The Committee recommends that the Council approve the attached resolutions.

In Favor:

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

Against:

King
Diaz

Abstain:

None

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

Res. No. 1115

Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 190427 HAM, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of city-owned property located at 207-209 West

140th Street (Block 2026, Lots 24 and 25) and 304-308 West 150th Street (Block 2045, Lot 98), Borough of Manhattan, Community District 10, to a developer selected by HPD (L.U. No. 546; C 190427 HAM).

By Council Members Salamanca and Adams.

WHEREAS, the City Planning Commission filed with the Council on September 26, 2019 its decision dated September 25, 2019 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development ("HPD") pursuant to:

1. Article 16 of the General Municipal Law of New York State for:
 - a. the designation of property located at 207-209 West 140th Street (Block 2026, Lots 24 and 25) and 304-308 West 150th Street (Block 2045, Lot 98) as an Urban Development Action Area (the "Project Area"); and
 - b. approval of an Urban Development Action Area Project for the such area (the "Project"); and
2. Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

which in conjunction with the related actions would facilitate the development of 52 homeownership units on two development sites in Central Harlem, Borough of Manhattan, Community District 10, (ULURP No. C 190427 HAM) (the "Application");

WHEREAS, the Application is related to applications C 190428 PQM (L.U. No. 547), an acquisition of property and 20205116 HAM (Pre. L.U. No. 557), a real property tax exemption pursuant Section 577 of Article XI of the Private Housing Finance Law;

WHEREAS, the request made by HPD is related to a previously approved City Council Resolution No.1593 (L.U. No. 726) dated September 8, 1993 and Resolution No. 1002 (L.U. No. 499) dated May 16, 1995 (the "Original Resolutions");

WHEREAS, the City Planning Commission has certified its unqualified approval of UDAAP pursuant to Article 16 of the General Municipal Law;

WHEREAS, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State and Section 197-d of the City Charter;

WHEREAS, by letter dated September 30, 2019 and submitted to the Council on September 30, 2019, HPD submitted its requests (the "HPD Requests") respecting the Application, including the submission of the project summary for the Project (the "Project Summary");

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on October 3, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued on March 26, 2019 (CEQR No. 18HPD086M) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Article 16 of the General Municipal Law of the New York State and Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 190427 HAM and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

The Council finds that the present status of the Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council approves the designation of the Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law and subject to the terms and conditions of the Project Summary.

The Council approves the disposition of the Disposition Area under Section 197-d of the New York City Charter, to a developer to be selected by the New York City Department of Housing Preservation and Development for the development of the Project consistent with the Project Summary.

ATTACHMENT:**PROJECT SUMMARY**

- | | | | | | | | | | | |
|---------------------------------------|--|----------------|------------|----------------|------|---------|--|------|----|--|
| 1. PROGRAM: | OPEN DOOR PROGRAM | | | | | | | | | |
| 2. PROJECT: | NME III | | | | | | | | | |
| 3. LOCATION: | | | | | | | | | | |
| a. BOROUGH: | Manhattan | | | | | | | | | |
| b. COMMUNITY DISTRICT: | 10 | | | | | | | | | |
| c. COUNCIL DISTRICT: | 9 | | | | | | | | | |
| d. DISPOSITION AREA: | <table border="0" style="margin-left: 20px;"> <tr> <td style="text-align: center;"><u>BLOCK</u></td> <td style="text-align: center;"><u>LOT</u></td> <td style="text-align: center;"><u>ADDRESS</u></td> </tr> <tr> <td style="text-align: center;">2026</td> <td style="text-align: center;">24 & 25</td> <td></td> </tr> <tr> <td style="text-align: center;">2045</td> <td style="text-align: center;">98</td> <td></td> </tr> </table> | <u>BLOCK</u> | <u>LOT</u> | <u>ADDRESS</u> | 2026 | 24 & 25 | | 2045 | 98 | |
| <u>BLOCK</u> | <u>LOT</u> | <u>ADDRESS</u> | | | | | | | | |
| 2026 | 24 & 25 | | | | | | | | | |
| 2045 | 98 | | | | | | | | | |
| 4. BASIS OF DISPOSITION PRICE: | Nominal. Sponsor will pay one dollar per tax lot and the Owner will deliver a note and mortgage for the remainder of the appraised value ("Land Debt"). | | | | | | | | | |
| 5. TYPE OF PROJECT: | New Construction | | | | | | | | | |

- 6. APPROXIMATE NUMBER OF BUILDINGS:** 2
- 7. APPROXIMATE NUMBER OF UNITS:** 52
- 8. HOUSING TYPE:** Cooperative Units. If homes remain unsold at the end of the Marketing Period and HPD determines in writing that (i) sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available alternative, then the unsold homes may be rented in accordance with the written instructions of HPD.
- 9. ESTIMATE OF INITIAL PRICE:** Sales prices will be affordable to families with annual household incomes between 80% and 130% of the area median income (“AMI”).
- 10. LIENS FOR LAND DEBT/CITY SUBSIDY:** Each of the Land Debt and the amount of any construction financing provided through loans from the City ("City Subsidy") will be secured by a mortgage on the Disposition Area. Upon conversion to a cooperative, the cooperative corporation will repay the Land Debt and City Subsidy, if any, attributable to the property by delivering a note and mortgage and/or conditional grant agreement to the City. At such time, HPD may unsecure or forgive all or a portion of the Land Debt, and unsecure, but not forgive, all or a portion of the City Subsidy, based on the appraised value of a homeownership unit and/or, in the case of forgiveness of Land Debt, if HPD determines that the forgiveness is necessary to reduce the taxable consideration for a unit. The sum evidenced by the note and secured by the mortgage will be reduced to zero upon maturity of the Land Debt and City Subsidy, respectively, if the owner has complied with the program’s restrictions.
- 11. INCOME TARGETS:** Families with annual household incomes between 80% and 130% of AMI.
- 12. PROPOSED FACILITIES:** None
- 13. PROPOSED CODES/ORDINANCES:** None
- 14. ENVIRONMENTAL STATUS:** Negative Declaration
- 15. PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report for L.U. No. 547

Report of the Committee on Land Use in favor of approving Application No. C 190428 PQM (NME III West 140th and West 150th Street) submitted by the Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 207-209 West 140th Street (Block 2026, Lots 24 and 25) and 304-308 West 150th Street (Block 2045, Lot 98), Borough of Manhattan, Council District 9, Community District 10.

The Committee on Land Use, to which the annexed Land Use item was referred on September 25, 2019 (Minutes, page 3168) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 546 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1116

Resolution approving the decision of the City Planning Commission on ULURP Application No. C 190428 PQM, for the acquisition of property located at 207-209 West 140th Street (Block 2026, Lots 24 and 25) and 304-308 West 150th Street (Block 2045, Lot 98), to facilitate a mixed-use development containing approximately 52 affordable housing units, Borough of Manhattan, Community District 10 (L.U. No. 547; C 190428 PQM).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Department of Housing Preservation and Development, filed an application pursuant to Section 197-c of the New York City Charter for the acquisition of property located at 207-209 West 140th Street (Block 2026, Lots 24 and 25) and 304-308 West 150th Street (Block 2045, Lot 98), which in conjunction with the related action would facilitate the development of 52 homeownership units on two development sites in Central Harlem (the "Site"), Borough of Manhattan, Community District 10 (ULURP No. C 190428 PQM), (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 26, 2019, its decision dated September 25, 2019 (the "Decision") on the Application;

WHEREAS, the Application is related to applications C 190427 HAM (L.U. No. 546), an Urban Development Action Area designation, project approval, and disposition of city-owned property; and 20205116 HAM (Pre. L.U. No. 557), a real property tax exemption pursuant Section 577 of Article XI of the Private Housing Finance Law;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 3, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued on March 26, 2019 (CEQR No. 18HPD086M) (the “Negative Declaration”).

RESOLVED:

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

Pursuant to Section 197-d of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 190428 PQM, incorporated by reference herein, and the record before the Council, the Council approves the Decision.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

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

Report for L.U. No. 557

Report of the Committee on Land Use in favor of approving Application No. 20205116 HAM (NME III W 140 and W 150) submitted by the Department of Housing Preservation and Development for the designation of an Urban Development Action Area and an Urban Development Action Area pursuant to Section 693 of the General Municipal Law, for the approval of an Urban Development Action Area Project for such Area pursuant to Section 694 of the General Municipal Law, and for the exemption of such Project from real property taxes pursuant to Article XI of the Private Housing Finance Law, for property located at 207-209 West 140th Street (Block 2026, Lots 24 and 25), and 304 West 150th Street (Block 2045, Lot 98), Borough of Manhattan, Council District 9, Community District 10.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on October 17, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 546 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1117

Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law (Preconsidered L.U. No. 557; Non-ULURP No. 20205116 HAM).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council on September 30, 2019 its request dated September 30, 2019 that the Council approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (the “Tax Exemption Request”) for property located at 207-209 West 140th Street (Block 2026, Lots 24 and 25) and 304-308 West 150th Street (Block 2045, Lot 98), Community District No. 10, Borough of Manhattan, Council District No. 9 (the “Exemption Area”);

WHEREAS, the Tax Exemption Request is related to applications C 190427 HAM (L.U. No. 546), an urban development action area designation, project approval, and disposition of city-owned property; and C 190428 PQM (L.U. No. 547), an acquisition of property;

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption Request on October 3, 2019; and

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 Northern Manhattan Equities III LLC or another entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - (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 Owner enter into the Regulatory Agreement.
 - (3) “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - (4) “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Blocks 2026, Lots 24 and 25 and Block 2045, Lot 98 on the Tax Map of the City of New York.

- (5) “Expiration Date” shall mean the earlier to occur of (i) a date which is 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.
 - (6) “HDFC” shall mean NME III Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - (7) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - (8) “Owner” shall mean the Company and HDFC.
 - (9) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner or the HDFC establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- b. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
- c. Notwithstanding any provision hereof to the contrary:
- (1) 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 Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than 60 days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - (2) The 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 Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- d. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report of the Committee on Mental Health, Disabilities and Addiction

Report for Int. No. 1590-A

Report of the Committee on Mental Health, Disabilities and Addiction 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 correctional health services to report information to the attorney of record for individuals in the custody of the department of correction who are diagnosed with serious mental illness.

The Committee on Mental Health, Disabilities and Addiction, to which the annexed proposed amended local law was referred on June 13, 2019 (Minutes, page 2200), respectfully

REPORTS:

I. Introduction

On October 16, 2019, the Committee on Mental Health, Disabilities, and Addiction, chaired by Council Member Diana Ayala, will hold a vote on Proposed Introduction 1590-A, a local law to amend the administrative code of the city of New York, in relation to requiring Correctional Health Services (CHS) to report information to the attorney of record for individuals in the custody of the department of correction who are diagnosed with serious mental illness. The Committee previously heard the bill on June 17, 2019.

II. Background: History of Mental Healthcare in New York City and the Rise of Correctional Facilities as Treatment Locations for Individuals with Mental Illness

The transformation of mental healthcare in New York City has evolved in tandem with the broader evolution of behavioral healthcare policy models in the United States. From the founding of Bellevue Hospital with its first public “pavilion for the insane” in 1879 and the first alcoholic ward in 1892, New York City has served as “a major incubator” for innovative public behavioral healthcare delivery.¹

With the advent of the 1890 State Care Act, New York State placed all responsibility for the care and treatment of those suffering from mental disorders into the hands of state government.² The New York State Department of Mental Hygiene (DMH) was created in 1926, and by 1949, New York State psychiatric institutions included twenty-seven facilities with the state’s inpatient census among the largest in the nation.³ In 1949 the New York State Mental Health Commission (SMHC) was charged with the creation of a master plan for all state mental health programs. In the face of escalating costs, the New York State Community Mental Health Act (CMHSA) was passed in hopes of increasing access to less expensive care in community-based

¹ “Bellevue Hospital Celebrates 275th Anniversary,” New York City Health and Hospitals (2011), available at <https://www.nyhealthandhospitals.org/pressrelease/bellevue-hospital-celebrates-275th-anniversary/>.

² “Mental Health in New York State 1945-1998: An Historical Overview,” New York State Department of Education Archives, Publication Number 70, p.2 (1998), available at http://www.archives.nysed.gov/common/archives/files/res_topics_health_mh_hist.pdf.

³ *Id.* at 7.

settings.⁴ In addition to the fiscal concerns of providing care in an institutional setting, global mental health conferences in the early 1950's began to argue that "involuntary commitment and institutional regimentation, no matter how gentle, robbed patients of decision-making abilities and other skills needed to function in society."⁵

According to the New York Times, "as tranquilizers became the panacea for the mentally ill, state programs were buying them by the carload and sending drugged patients back into the community [and] psychiatrists never tried to stop this."⁶ As a result, "the discharge of mental patients from in-patient facilities accelerated in the late 1960's and 1970's as health policy experts and public officials carried out a public mandate to "abolish the abominable conditions" of what were referred to as "insane asylums."⁷ Whereas, "drugs got people back into the community," there was often a lack of planning that forgot to include "a place to live and someone to relate to ... the result was like proposing a plan to build a new airplane and ending up only with a wing and a tail."⁸ Congress and state governments did not create a complete community mental health program that, in addition to the centers, allowed for adequate staffing and long-term financial supports for behavioral healthcare services.⁹

As deinstitutionalization efforts continued into the 1990's and 2000's—increasingly driven by managed healthcare systems—poor planning and flawed execution often marred the process of providing a safe, healthy and successful patient transition back into society.¹⁰ Under the "Transformation Plan" for New York State's Office of Mental Health (OMH), Governor Andrew Cuomo sought to reduce the average daily census and total number of beds in New York State psychiatric centers by relying more on community out-patient mental health services in hopes of providing better care at lower costs.¹¹

Key findings of the Transformation Plan:¹²

- Non-forensic state psychiatric centers in New York City lost about 15% of their total adult bed capacity during 2014–18, while the average daily census declined by about 12%.
- During 2015–17, the number of seriously mentally ill homeless New Yorkers increased by about 2,200, or 22%. In response, City government opened six new dedicated mental health shelters between Fiscal Year (FY) 2014 and FY 2018.
- Spending on such shelters, which numbered 28 as of the end of FY 2018, has grown every year since FY 2014 and currently stands at about \$150 million. There are more beds in mental health shelters in New York City than the combined total of adult beds in state psychiatric centers and psychiatric beds in NYC Health + Hospitals facilities.
- The number of "emotionally disturbed person" calls responded to by the New York City Police Department (NYPD) has risen every year since 2014. The number of seriously mentally ill inmates in New York City jails is now higher than in 2014.
- Both state- and citywide, more psychiatric-care beds are located in general hospitals than in the traditional network of state psychiatric centers. But due to the financial pressures that many general hospitals face, they are unlikely to expand their systems of inpatient psychiatric care, and some have already reduced capacity.

⁴ *Id.*, at 8.

⁵ *Id.*, at 9.

⁶ "How Release of Mental Patients Began," *The New York Times*, October 30, 1984, available at <https://www.nytimes.com/1984/10/30/science/how-release-of-mental-patients-began.html>.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ "Systems Under Strain: Deinstitutionalization in New York State and City," *Manhattan Institute Report*, November 28, 2018, available at <https://www.manhattan-institute.org/deinstitutionalization-mental-illness-new-york-state-city>.

¹¹ "Statewide Comprehensive Plan, 2016-2020," New York State's Office of Mental Health (OMH), p. 50, available at <https://www.omh.ny.gov/omhweb/planning/docs/507-plan.pdf>.

¹² *Id.*

According to its Statewide Comprehensive Plan,¹³ OMH continues to strive for *deinstitutionalization*, which aims to provide community-based services to individuals in need of mental health treatment in clinically-supported community environments, in lieu of traditional in-patient hospital settings.¹⁴ While the move to community-based care has been lauded by OMH as “broadening the public health safety net by providing high-quality cost-effective community based services [which] avoid costly in-patient stays,”¹⁵ advocates argue this approach has resulted in the “criminalization of mental illness”¹⁶ citing statistical data confirming the state of New York “incarcerates more individuals with severe mental illness than it hospitalizes.”¹⁷

The intersection of those with serious mental illness and our criminal justice system remains a significant issue. According to the Department of Correction (DOC), 16.8% of the current NYC jail population has been diagnosed with a serious mental illness, and 45% has some kind of psychiatric diagnosis.¹⁸ According to a report by the Cornell University Department of Psychiatry,¹⁹ “at Rikers Island, the average daily population dropped 12% from 2005 to 2012, but the prevalence of mental illness rose 32%.” As a result, advocates sought restoration of psychiatric beds in public hospitals and supported the introduction of first responder crisis intervention trainings in hopes of helping to better identify individuals with serious mental illness and thereby preemptively and proactively divert them away from jails and toward appropriate mental health treatment.²⁰

In an effort to reform the city’s correctional health system, in June of 2015, the administration announced that the City had returned management of its correctional health services from the private non-profit organization Corizon, Inc., to the public Health + Hospitals Corporation (H+H), which operates Correctional Health Services (CHS) in city jails.²¹ Advocates hailed this as a “critical first step away from profiteering that callously put lives and well-being at risk”²² and one that was “especially appropriate...with respect to mental health care, since the City [was] attempting to improve mental health treatment in jails, including implementing multi-disciplinary crisis intervention teams” in order to better provide more effective treatment.²³

In 2016, CHS worked closely with the Board of Correction (BOC) to begin producing monthly reports in hopes of “identifying the strengths of the system as well as major barriers to care.”²⁴ Recently, CHS conducted outreach, asking select prospective contractors to study the design and cost of creating locked therapeutic housing units, in close proximity to existing H+H facilities, which would serve to provide treatment to incarcerated individuals with “mental-health issues, drug-related problems and complex medical needs.”²⁵ According to CHS,²⁶ these new Outposted Therapeutic Housing Units (OTxHU) would serve “patients whose clinical conditions are not so acute as to warrant inpatient medical or psychiatric admission, but who would otherwise benefit from close and frequent access to specialty and subspecialty care available in H+H facilities.”²⁷

¹³ Statewide Comprehensive Plan: 2016-2020, Office of Mental Health, p. 50, 2015, available at <https://www.omh.ny.gov/omhweb/planning/docs/507-plan.pdf>.

¹⁴ *Id.*

¹⁵ *Id.* p. 49.

¹⁶ “State Specific Data: New York,” Treatment Advocacy Center, 2017, available at <https://www.treatmentadvocacycenter.org/browse-by-state/new-york>.

¹⁷ *Id.*

¹⁸ Mayor’s [Management Report 2019](#), p. 74, available at <https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2019/doc.pdf>

¹⁹ “Fact Sheet: Incarceration and Mental Health,” Wolff, M., PhD, MPH, Cornell University Department of Psychiatry, 2017, available at http://psych-history.weill.cornell.edu/his_res/imi.html#_ftn4.

²⁰ *Id.* at 4.

²¹ “Office of the Mayor: Health and Hospitals Corporation to Run City Correctional Health Service City of New York,” NYC Mayor’s Website, 2015, available at <https://www1.nyc.gov/office-of-the-mayor/news/383-15/health-hospitals-corporation-run-city-correctional-health-service>.

²² *Id.*

²³ *Id.*

²⁴ “Reports: Correctional Health Authority Reports,” New York City Board of Correction, 2016), available at <https://www1.nyc.gov/site/boc/reports/correctional-health-authority-reports.page>.

²⁵ “City Seeks to Move Mentally Ill Inmates to Hospitals,” Blau, R. and Goldensohn, R., *Intelligencer*, March 21, 2019, available at <http://nymag.com/intelligencer/2019/03/nyc-seeks-to-move-mentally-ill-inmates-to-hospitals.html>.

²⁶ Health + Hospitals – Correctional Health Services (2019). OTxHU EIS and Conceptual Design Scope of Services, March 8, 2019. Available at <https://www.documentcloud.org/documents/5775803-CHSplan.html>

²⁷ City Seeks to Move Mentally Ill Inmates to Hospitals,” Blau, R. and Goldensohn, R., *Intelligencer*, March 21, 2019, available at <http://nymag.com/intelligencer/2019/03/nyc-seeks-to-move-mentally-ill-inmates-to-hospitals.html>.

Today, as the population of Rikers Island continues to decrease DOC acting warden John Gallagher recently argued to the BOC that in the absence of a commitment to build additional psychiatric hospitals and outpatient facilities, “this is the Band-Aid we’ve come up with.”²⁸

III. Services Within NYC Correctional Facilities For Individuals With Mental Illness

All individuals who enter custody are required to receive a medical intake within 24 hours of admission and to be seen by a mental health professional within three days if given a referral by Department professionals, the patient, 311, legal advocates, or community providers.²⁹ After receiving a mental health evaluation, such individuals may be assigned to specialized housing units or to the general population with access to outpatient clinics. The Department currently operates 24 designated housing units for those with mental illness. These include Mental Health (“MO”) Units, Clinical Alternative to Punitive Segregation (“CAPS”) Units, and Program for Accelerating Clinical Effectiveness (“PACE”) units, in addition to psychiatric wards at Bellevue and Elmhurst Hospitals.³⁰

The Department offers 17 MO Units comprised of 540 beds. Each patient in a MO Unit is assigned a multidisciplinary treatment team comprised of a social worker, art therapist, substance use counselor, court liaison, mental health counselor, and psychologist.³¹ Crisis Intervention Teams (CITs) also play a significant role in MOs, and include a mental health specialist along with DOC staff to intervene in order to diffuse conflict within the unit. The approach has been described as a significant improvement from previous mental health approaches, which failed to account for inter-disciplinary communications and continuity of care.³²

The CAPS unit is designed for male patients with a serious mental illness (SMI)³³ who have violated jail rules and otherwise would have been punished with punitive segregation.³⁴ The unit provides intensive therapeutic schedules including morning meetings, frequent programming, in-house treatment, and one-on-one appointments with mental health staff.³⁵ There are six PACE units, which are designed for sentenced SMI patients and SMI pre-trial patients who have not infringed but have particular behavioral health needs.³⁶ The CAPS and PACE models are functionally equivalent; they are both designed to encourage continued treatment success by helping with medication management, frequent programming, and behavioral management. Current PACE units include one for those returning from Bellevue Hospital, an “Acute Care Unit” for those with a particularly high risk of decompensation, a unit for those with intellectual and developmental disabilities, a unit for those returning from state hospitals after an examination of fitness to stand trial, a unit for women, and a reentry unit for those who have been sentenced.³⁷

For those who experience non-serious mental illness and have infringed, the department has developed Restricted Housing Units (RHUs).³⁸ These units are intended to provide “integrated behavioral management programming for mentally ill inmates in a punitive segregation setting,” where incarcerated individuals can “move up a system of ‘levels’” to receive additional out-of-cell time or “reintegrative activities,” including “games, discussion sessions and TV/movie viewing opportunities.”³⁹ Individuals in RHU are allowed up to 7

²⁸ Health + Hospitals – Correctional Health Services (2019). OTxHU EIS and Conceptual Design Scope of Services, March 8, 2019. Available at <https://www.documentcloud.org/documents/5775803-CHSplan.html>

²⁹ NYC Health +Hospitals, *Mental Health and Treatment for Individuals with Serious Mental Illness in the NYC Jails*, March 12, 2019, available at https://www1.nyc.gov/assets/boc/downloads/pdf/Meetings/2019/March/H+H_Mental-Health-Presentation-March-12-2019.pdf

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ Serious Mental Illness is defined by the New York State Office of Mental Health as individuals who meet criteria established by the commissioner of mental health, “which shall include persons who are in psychiatric crisis, or persons who have a designated diagnosis of mental illness under the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders and whose severity and duration of mental illness results in substantial and functional disability.” N.Y. Section (§§) 1.03

³⁴ *Supra*, note 30.

³⁵ Department of Correction, CAPS and PACE Backgrounder, available at <https://www1.nyc.gov/site/doc/media/caps.page>

³⁶ *Supra*, note 30.

³⁷ *Id.*

³⁸ Department of Correction, Clinical Alternatives to Incarceration/Restricted Housing Unit (CAPS/RHU), available at <https://www1.nyc.gov/site/doc/media/caps-rhu.page>

³⁹ *Id.*

hours of out-of-cell time for the purposes of participating in scheduled programming; during such programming, such individuals are restrained.⁴⁰

The CAPS, PACE, and MOU units have been praised by the BOC and advocates, and have proven effective in reducing self-harm rates and in improving adherence to treatment regimens.⁴¹ Medication adherence, for example, has increased by between 83% and 90.5% in various PACE units for males and has increased by 77.7% for females between 2016 and 2018.⁴² However, there is little data on the impact of RHUs on individuals who have serious mental illness, and how much out-of-cell time such individuals are afforded. Issues also remain in providing mental health care to those individuals who are housed in the general population. In the most recent Access to Care report published by Correctional Health Services, about 34% of patients were not seen for mental health appointments in April of 2019. Of those individuals, approximately half (17%) were not seen for mental health appointments because they were not produced by the DOC, while others were not seen due to court appearances (5%), verified refusals (5%), rescheduling by CHS (6%), and leaving without being seen (1%).⁴³

IV. Discharge Planning and Brad H.

In 1999, the Urban Justice Center, Debevoise & Plimpton LLP, and New York Lawyers for Public Interest brought a class-action lawsuit on behalf of several incarcerated individuals with mental illness against New York City challenging its practice of discharging individuals with a mental illness from jail without a plan for reentry.⁴⁴ The court found that the city's failure to provide discharge planning in correctional facilities violated state law, which requires discharge planning for individuals with mental illness who receive state-funded inpatient or outpatient mental health treatment.⁴⁵

The lawsuit, known as *Brad H. et. al. v City of New York, et. al.*, resulted in a settlement in 2003 in which the city agreed to provide comprehensive treatment and a discharge plan to people in custody who qualify as a member of the class action.⁴⁶ Under the settlement, a *Brad H* individual is any person in custody who is confined for at least 24 hours and receives treatment for mental illness during their confinement.⁴⁷ However, individuals who are assessed as having no need for additional treatment after seeing a mental health staff once or twice are not *Brad H* eligible.⁴⁸ The settlement provides two monitors assigned to oversee the city's compliance with the requirements in the settlement and with establishing performance measures to effectuate the terms of the settlement.⁴⁹ The primary goal of the settlement is to ensure *Brad H* individuals can smoothly transition from receiving mental health treatment in correctional settings to receiving mental health treatment in the community. However, these individuals can refuse discharge planning and other services at any time.⁵⁰

In February 2019, the compliance monitors released their fortieth report, which shows that the city has made progress in meeting some requirements of the settlement while continuing to fall short on others. The settlement requires the city to assist *Brad H* individuals who are eligible for Medicaid with activating or reinstating Medicaid benefits upon release to ensure that they can pay for services.⁵¹ This measure requires DOC to prescreen individuals for Medicaid upon admission and to complete and submit a Medicaid application to HRA

⁴⁰ Conversation with Board of Correction, June 12, 2019.

⁴¹ *Supra*, Note 30.

⁴² *Id.*

⁴³ Correctional Health Services Access to Care Monthly Report, April 2019, available at https://www1.nyc.gov/assets/boc/downloads/pdf/chs_access_report_apr2019.pdf

⁴⁴ New York City Independent Budget Office, Looking Back at the Brad H. Settlement: Has the City Met its Obligations to Provide Mental Health & Discharge Services in the Jails? (May 2015), Fiscal Brief, available at <https://ibo.nyc.ny.us/iboreports/looking-back-at-bradh-settlement-has-city-met-obligations-provide-mental-health-discharge-services-in-jails-51115.pdf>

⁴⁵ Doug Jones, Discharge Planning for Mentally Ill Inmates in New York City Jails: A Critical Evaluation of the Settlement Agreement of Brad H. v City of New York, 27 Pace L. Rev. 305 (2007), available at <https://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1124&context=plr>

⁴⁶ Roshan Abraham, Reports Indicate City's Progress is Slow on Mental Health Planning for Inmates (Jan. 2017), City Limits, available at <https://citylimits.org/2017/01/12/reports-indicate-citys-progress-is-slow-on-mental-health-planning-for-inmates/>

⁴⁷ *Supra* note 46

⁴⁸ *Id.*

⁴⁹ *Supra* note 47

⁵⁰ *Id.*

⁵¹ *Supra* note 46

so these individuals can have Medicaid activated or reinstated upon discharge.⁵² According to the report, the city has not provided any data on Medicaid prescreening, making it difficult for the monitors to assess compliance with this provision.⁵³ However, the report found that the city remains compliant with completing and submitting Medicaid applications within five business days of prescreening.⁵⁴ In fact, the city's performance on this measure increased over the last three reporting periods from 93.8% timely completion rate to 97.0%.⁵⁵ However, the monitors expressed concerns that the information DOC provides to HRA to (re)activate Medicaid benefits is often incomplete and have recommended that the city "develop systems for ongoing monitoring of completeness of datasets, especially the released class members set sent from DOC to HRA."⁵⁶

The settlement also requires the city to provide *Brad H* persons with access to the city-funded Medication Grant Program (MGP), which provides these individuals with financial assistance to purchase medication while their Medicaid benefits are pending.⁵⁷ The report shows that the city has made significant improvement in this area from the last reporting period. The monitors observed a jump in the city's performance from 84.8% last reporting period to 91% this reporting period, which is above the performance target required by the settlement.⁵⁸

Additionally, under the settlement, the city is obligated to provide *Brad H* individuals a 7-day supply of psychiatric medication and a prescription for 21 days upon release regardless of their eligibility for Medicaid.⁵⁹ This provision ensures that such individuals are able to access medication and services upon discharge. While the city appears to have remained compliant with this measure over the last three reporting periods, the report points out discrepancies between stated policy and practice regarding this provision. According to the report, the monitors observed in one instance a *Brad H* recipient signed for receipt of medication but did not actually receive the medication upon release from DOC staff.⁶⁰ The report recommended that DOC and CHS develop joint policy for providing medication to *Brad H* individuals upon release that "is uniformly followed across facilities [and] ensures that compliance data...properly report[s] on class members' taking possession of medication at the point of release."⁶¹

Similarly, under the settlement, the city is responsible for providing *Brad H* individuals with discharge planning and case management services outside of jail. Specifically, class members who are released directly from court are entitled to the same services provided to those who are released from jail.⁶² The city provides these individuals with discharge planning services through the Service Planning and Assistance Network (SPAN)—now the Assistance Network Services (ANS).⁶³ "Provision of SPAN services is contracted out to Bowery Residents' Committee, which provides drop-in centers for inmates near the courts in every borough except Staten Island."⁶⁴ The city also provides "short-term intensive case management services to [people with serious mental illness] who are leaving jail" through LINK, a program that was contracted out to several vendors across the city, which has since been replaced with Community Re-Entry Assistance Network (CRAN).⁶⁵ The report found that these programs are compliant with provisions to follow-up with *Brad H* individuals about appointments, referrals, and housing, surpassing performance targets provided in the settlement.⁶⁶

Moreover, the settlement requires the city to provide additional services to *Brad H* individuals with SMI. The city must assist persons who are classified as SMI with applying for public benefits, such as food stamps, Supplemental Security Insurance, supportive housing, and veterans' benefits if eligible.⁶⁷ However, the report

⁵² Henry Dlugacz and Erik Roskes, *Brad H., et al. v City of New York, et al.*, Fortieth Regular Report of the Compliance Monitors (Feb 2019), pgs. 82-88, available at

https://mhp.urbanjustice.org/sites/default/files/BRAD%20H%20Report%2040%20Final%202019_02_28.pdf

⁵³ Id., p. 83

⁵⁴ Id., p. 84

⁵⁵ Id.

⁵⁶ Id., p. 87

⁵⁷ Supra note 46

⁵⁸ Supra note 54

⁵⁹ Supra note 46

⁶⁰ Supra note 54, p. 89

⁶¹ Id., p. 90

⁶² Supra note 47

⁶³ Id.; Supra note 54, p. 104

⁶⁴ Supra note 46

⁶⁵ Supra note 46 and 54, p.104

⁶⁶ Supra note 54, p. 102

⁶⁷ Supra note 47

indicates that the city remains noncompliant with this requirement even though it has made significant progress over the last three reporting periods.⁶⁸ While non-SMI persons might be eligible for public benefits, the city is not obligated under the settlement agreement to assist them with obtaining these benefits.⁶⁹ However, the city is obligated to provide individuals with SMI with case management, follow-up calls for housing and mental health appointments, and transportation to all discharge planning services.⁷⁰ But, even here, the city has fallen short. In regards to follow-up calls for housing and appointments provided by DOC discharge planning staff, the city has been unable to meet performance targets required by the settlement.⁷¹ Moreover, while the city has been compliant with the provision of transportation, the report notes a significant reduction in transportation rates over the last eleven reporting periods.⁷²

According to the report, non-production of *Brad H* individuals for appointments remains a significant barrier to compliance. The report shows that “class members missed about 6.81% of scheduled social work appointments and 18.25% of scheduled mental health appointments per month due to DOC non-production.”⁷³ It also notes that these rates are nearly identical to the non-production rates from the previous reporting period,⁷⁴ which shows that DOC has a systemic problem with producing *Brad H* persons for mental health and discharge planning appointments. In addition, the report found that the higher non-production rate for mental health appointments than discharge planning appointments is consistent across all DOC facilities except GMDC and MDC, where the non-production rates of missed social work appointments is nearly the same as the non-production rates of mental health appointments.⁷⁵ The report cited the lack of DOC escorts as the driver of non-production of *Brad H* individuals for mental health and discharge planning appointments.⁷⁶

While DOC provided the monitors with separate data showing higher production rates, the report noted that the data was inconsistent with CHS production data.⁷⁷ This inconsistency speaks to a broader issue: the lack of coordination between CHS and DOC on the production of *Brad H* persons for mental health and discharge planning services. However, the city rejected suggestion from the monitors to have DOC and CHS “craft a joint policy outlining the steps to produce [people in custody] for mental health and social work services.”⁷⁸

Because of the systemic problem with producing *Brad H* individuals for mental health and discharge planning appointments, the city remains noncompliant with the requirement to complete comprehensive treatment plan (CTP) in timely manner.⁷⁹ Even though the city made significant progress in completing CTP for *Brad H* persons housed in the Mental Observation unit within the 7-day timeframe, it has not been unable to meet the required performance targets.⁸⁰ DOC non-production of *Brad H* persons for discharge planning and mental health appointments significantly and adversely affects these individuals’ access to required services⁸¹ and CHS efforts to integrate the mental health and discharge planning components of their treatment teams.⁸² The report notes that unless CHS and DOC collaborate to address this underlying systemic problem, the city will be unable to meet the clinical and discharge planning obligations.⁸³ The report recommended that DOC and CHS “develop a coordinated approach to quantify, track and report production data and to categorize the reasons production may not occur.”⁸⁴

⁶⁸ Supra note 54, pp. 95-96

⁶⁹ Supra note 46

⁷⁰ Supra note 47

⁷¹ Supra note 54, p. 102

⁷² Supra note 54, p. 101

⁷³ Id., p. 15

⁷⁴ Id.

⁷⁵ Id., p. 76.

⁷⁶ Id., p. 73.

⁷⁷ Id., p. 15

⁷⁸ Supra note 54, p. 42

⁷⁹ Id., 81

⁸⁰ Id.

⁸¹ Id., p. 77

⁸² Id.

⁸³ Id., p. 15

⁸⁴ Id.

V. ANALYSIS OF PROP. INT. 1590-A

Section 1 of the bill amends section 17-1801 of the administrative code of the city of New York to change the word “inmate” to “incarcerated individual.” Section 2 amends section 17-1803 of the administrative code of the city of New York to change the word “inmate” to “incarcerated individual.” Section 3 amends section 17-1804 of the administrative code of the city of New York to change the word “inmate” to “incarcerated individual.”

Section 4 adds a new section 17-1805 entitled the “Get Well and Get Out Act.” The act would require Correctional Health Services to seek consent from incarcerated individuals diagnosed with serious mental illness to communicate pertinent information about the individuals to their attorneys. It requires CHS to communicate such information within 5 days of the diagnosis. The bill would also require CHS to issue updated confidential medical information letters within 5 days prior to each court appearance.

Section 5 would have the bill take effect 120 days after becoming law.

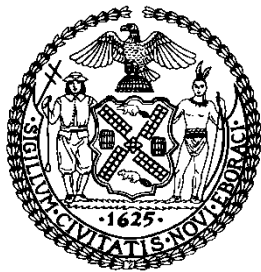
VI. AMENDMENTS TO PROP. INT. 1590-A

Prop. Int. 1590-A was amended since it was last heard. The bill previously regulated the department of health and mental hygiene or its designee, whereas it now regulates Correctional Health Services (CHS).

In addition, the bill now requires CHS to make a good faith effort to identify the attorney of record for an individual with SMI. The bill also now requires updated confidential medical condition “letters” instead of “reports.” The content of the letters now includes a description of the medical treatment available in the housing area in which the individual is being housed, including the level of additional support that facilitates the treatment of the individual’s psychiatric condition. The letter also now requires correctional health services to report the individual’s adherence to their prescribed medication regimen. The bill now requires CHS to include any relevant documentation related to referrals made for the purpose of discharge planning, if available. The bill no longer requires CHS to report the medical factors contributing to the individuals’ placement in their housing unit.

The bill would now take effect 120 days after becoming law, instead of 90 days.

(The following is the text of the Fiscal Impact Statement for Int. No. 1590-A:)



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1590-A

COMMITTEE: Mental Health

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring correctional health services to report information to the attorney of record for individuals in the custody of the department of correction who are diagnosed with serious mental illness.

SPONSORS: Council Member Chin, the Speaker (Council Member Johnson), and Council Members Levin, Powers, Rosenthal, Brannan, Ampry-Samuel, Kallos and Ayala.

SUMMARY OF LEGISLATION: This bill would require correctional health services to provide defense attorneys information about their client’s mental health diagnosis within five days of obtaining voluntary consent to share health information, and updated medical condition letters within five days prior to a calendared court appearance.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

	Effective FY20	FY Succeeding Effective FY21	Full Fiscal Impact FY21
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 the relevant City agencies would utilize existing resources to fulfill the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
Department of Health and Mental Hygiene

ESTIMATE PREPARED BY: Lauren Hunt, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Int. No. 1590 on June 13, 2019 and was referred to the Committee on Mental Health, Disabilities and Addiction. A hearing was held jointly by Committee on Mental Health, Disabilities and Addiction and the Committee on Criminal Justice on June 17, 2019 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Int. 1590-A, will be voted on by the Committee on Mental Health, Disabilities and Addiction at a hearing on October 16, 2019. Upon a successful Committee vote, Proposed Intro. No. 1590-A will be submitted to the full Council for a vote on October 17, 2019.

DATE PREPARED: October 15, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1590-A:)

Int. No. 1590-A

By Council Members Chin, the Speaker (Council Member Johnson), and Council Members Levin, Powers, Rosenthal, Brannan, Ampry-Samuel, Kallos, Ayala and Treyger.

A Local Law to amend the administrative code of the city of New York, in relation to requiring correctional health services to report information to the attorney of record for individuals in the custody of the department of correction who are diagnosed with serious mental illness

Be it enacted by the Council as follows:

Section 1. Section 17-1801 of the administrative code of the city of New York, as added by local law number 124 for the year 2016, is amended by adding one term and amending another term to read as follows:

Correctional health services. The term “correctional health services” means any health care entity designated by the city of New York as the agency or agencies responsible for health services for incarcerated individuals in the care and custody of the New York city department of correction. When the responsibility is contractually shared with an outside provider, this term shall also apply.

[Inmate] *Incarcerated Individual.* The term [“inmate”] *incarcerated individual* means any person in the custody of the New York city department of correction.

§ 2. The section heading of section 17-1803 of the administrative code of the city of New York, as added by local law number 124 for the year 2016, is amended to read as follows:

§ 17-1803 [Inmate health] *Health information from screening for incarcerated individuals.*

§ 3. The section heading of section 17-1804 of the administrative code of the city of New York, as added by local law number 124 for the year 2016, is amended to read as follows:

§ 17-1804 [Inmate health] *Health information exchange for incarcerated individuals.*

§ 4. Chapter 18 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1805 to read as follows:

§ 17-1805 *Communication from correctional health services.*

a. *Short title.* This section shall be known as and may be cited as “The Get Well and Get Out Act”.

b. *Information sharing with attorneys of individuals diagnosed with serious mental illness in the custody of the department of correction.* For each incarcerated individual who is not sentenced and who is diagnosed with a serious mental illness, correctional health services shall seek voluntary consent from such individual to share medical information with the attorney of record of such individual within 48 hours of their diagnosis, and provide such information created or obtained pursuant to sections 17-1802 and 17-1804 to the attorney of record for any such individual within five calendar days of obtaining consent from the individual. Correctional health services shall make a good faith effort to ascertain such individual’s attorney of record, including but not limited to consulting the website maintained by the New York state unified court system, speaking with the individual, contacting the clerk of the court, or any other reasonable means necessary to identify such individual’s attorney.

c. *Confidential medical condition letter.* Within five business days prior to any court date indicated by the New York city department of correction’s inmate information system, correctional health services shall provide a confidential medical condition letter to the attorney of record for any incarcerated individual to whom subdivision a of this section applies, as permitted by law. Such letter shall include the following information for each such individual:

1. *The psychiatric diagnosis.*

2. *The type of mental health treatment available in the housing area in which the individual is being housed, including the level of additional support offered in the housing area that facilitates the treatment of the individual’s psychiatric condition.*

3. *The prescribed psychiatric medication regimen.*

4. *Their record of adherence to such medication regimen, including any factors that may have contributed to their record of adherence.*

5. *A detailed description of their current condition, including but not limited to any reduction in symptoms and any indication that the individual’s condition has improved or diagnosis changed.*

6. *Any relevant documentation related to referrals made by correctional health services for the purpose of discharge planning, if available.*

d. Notwithstanding the requirements of subdivision c, correctional health services shall not be required to issue a new confidential medical condition letter for a scheduled court appearance within one week of a prior scheduled court appearance.

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

DIANA AYALA, Chairperson; FERNANDO CABRERA, JAMES G. VAN BRAMER, ROBERT F. HOLDEN, ALICKA AMPRY-SAMUEL; Committee on Mental Health, Disabilities and Addictions; October 16, 2019.

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

GENERAL ORDER CALENDAR

Report for L.U. No. 513 & Res. No. 1118

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 190334 ZRY (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 4 (Special Permits by the City Planning Commission) to create a special permit for a borough-based jail system, Citywide.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2893) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

CITYWIDE - THIRTEEN APPLICATIONS RELATED TO BOROUGH BASED JAILS SYSTEM

N 190334 ZRY (Pre. L.U. No. 513)

City Planning Commission decision approving an application submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 4 (Special Permits by the City Planning Commission) to create a special permit for a borough-based jail system, Citywide.

C 190336 ZMX (Pre. L.U. No. 514)

City Planning Commission decision approving an application submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6c, changing from an M1-3 District to an M1-4/R7X District and establishing a Special Mixed Use District (MX-18), in the Borough of the Bronx, Council District 8, Community Board 1.

N 190337 ZRX (Pre. L.U. No. 515)

City Planning Commission decision approving an application submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XII Chapter 3 for the purpose of establishing a Special Mixed Use District; and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, in the Borough of the Bronx, Council District 8, Community District 1.

C 190338 HAX (Pre. L.U. No. 516)

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law of New York State for the designation of an Urban Development Action Area and the approval of an Urban Development Action Area Project, and pursuant to Section 197-c of the New York City Charter for the disposition of property located at 320 Concord Avenue and 745 East 141st Street (Block 2574, p/o Lot 1), in the Borough of the Bronx, Council District 8, Community District 1.

C 190333 PSY (L.U. No. 518)

City Planning Commission decision approving an application submitted by the New York City Department of Correction, the Mayor's Office of Criminal Justice, and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection of the following properties for borough-based jail facilities: 745 East 141st Street (Block 2574, p/o Lot 1), Borough of the Bronx, Council District 8, Community District 1; 275 Atlantic Avenue (Block 175, Lot 1), Borough of Brooklyn, Council District 33, Community District 2; 124 White Street (Block 198, Lot 1) and 125 White Street (Block 167, Lot 1), Borough of Manhattan, Council District 1, Community District 1; and 126-02 82nd Avenue (Block 9653, Lot 1), 80-25 126th Street (Block 9657, Lot 1), and the bed of 82nd Avenue between 126th and 132nd streets, Borough of Queens, Council District 29, Community District 9.

C 190335 ZSX (L.U. No. 519)

City Planning Commission decision approving with modifications an application submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to new Section 74-832 of the Zoning Resolution, as proposed by related application no. N 190334 ZRY, to modify: the use regulations of Section 42-10 (USES PERMITTED AS-OF-RIGHT); the floor area ratio requirements of Section 43-10 (FLOOR AREA REGULATIONS); the height and setback requirements of Sections 43-40 (HEIGHT AND SETBACK REGULATIONS); the permitted parking requirements of Section 44-10 (PERMITTED ACCESSORY OFFSTREET PARKING SPACES); and the loading berth requirements of Section 44-50 (GENERAL PURPOSES) to facilitate the construction of a borough-based jail facility, on property located in an M1-3 District

at 320 Concord Avenue (Block 2574, p/o Lot 1), Borough of the Bronx, Council District 8, Community District 1.

C 190339 ZSK (L.U. No. 520)

City Planning Commission decision approving with modifications an application submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to new Section 74-832 of the Zoning Resolution, as proposed by related application no. N 190334 ZRY, to modify: the floor area ratio requirements of Sections 101-20 (SPECIAL BULK REGULATIONS) and 33-10 (Floor Area Regulations); the height and setback requirements of Sections 33-40 (HEIGHT AND SETBACK REGULATIONS) and 101-22 (Special Height and Setback Regulations); the permitted parking requirements of Section 36-12 (Maximum Size of Accessory Group Parking Facilities); the loading berth requirements of Section 36-60 (OFF-STREET LOADING REGULATIONS); the special ground floor use requirements of Section 101-11 (Special Ground Floor Use Regulations); and the transparency requirements of Section 101-12 (Transparency Requirements) to facilitate the construction of a borough-based jail facility, on property located at 275 Atlantic Avenue (Block 175, Lot 1, and the portions of State Street between Boerum Place and Smith Street demapped as proposed under a concurrent related application C 190116 MMK), in a C6-2A District, within the Special Downtown Brooklyn District, Borough of Brooklyn, Council District 33, Community District 2.

C 190116 MMK (L.U. No. 521)

City Planning Commission decision approving with modifications an application submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving: the elimination, discontinuance and closing of State Street between Boerum Place and Smith Street above a lower limiting plane and below an upper limiting plane the adjustment of grades and block dimensions necessitated thereby; and authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. X-2753 dated March 25, 2019 and signed by the Borough President, Borough of Brooklyn, Council District 33, Community District 2.

C 190340 ZSM (L.U. No. 522)

City Planning Commission decision approving an application submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to new Section 74-832 of the Zoning Resolution, as proposed by related application no. N 190334 ZRY, to modify: the floor area ratio requirements of Section 33-10 (Floor Area Regulations); the height and setback requirements of Section 33-40 (HEIGHT AND SETBACK REGULATIONS); and the loading berth requirements of Section 36-60 (OFF-STREET LOADING REGULATIONS) to facilitate the construction of a borough-based jail facility, in a C6-4 District on property located at 124-125 White Street (Block 167, Lot 1, Block 198, Lot 1, and the portions of White Street between Centre Street and Baxter Street demapped as proposed under related application C 190252 MMM), Borough of Manhattan, Council District 1, Community District 1.

C 190341 PQM (L.U. No. 523)

City Planning Commission decision approving an application submitted by the New York City Department of Correction, the Mayor's Office of Criminal Justice, and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property

for a borough-based jail facility located at 124 White Street (Block 198, Lot 1), Borough of Manhattan, Council District 1, Community District 1.

C 190252 MMM (L.U. No. 524)

City Planning Commission decision approving an application submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving: the elimination, discontinuance and closing of a volume of a portion of White Street from Centre Street to Baxter Street within limiting planes; the adjustment of grades and block dimensions necessitated thereby; and authorization for any acquisition or disposition of real property related thereto, in accordance with Map Acc. No. 30265 dated March 28, 2019 and signed by the Borough President, Borough of Manhattan, Council District 1, Community District 1.

C 190342 ZSQ (L.U. No. 525)

City Planning Commission decision approving an application submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant new Section 74-832 of the Zoning Resolution, as proposed by related application no. N 190334 ZRY, to modify: the floor area ratio requirements of Section 33-10 (Floor Area Regulations); the height and setback requirements of Section 33-40 (HEIGHT AND SETBACK REGULATIONS); the permitted accessory parking requirements of Section 36-12 (Maximum Size of Accessory Group Parking Facilities); the permitted public parking garage requirements of Section 32-10 (USES PERMITTED AS OF RIGHT); and the loading berth requirements of Section 36-60 (OFF-STREET LOADING REGULATIONS) to facilitate the construction of a borough-based jail facility, on property located at 126-02 82nd Avenue a.k.a. 80-25 126th Street (Block 9653 Lot 1, Block 9657 Lot 1, and the portion of 82nd Avenue between 126th Street and 132nd Street demapped as proposed under related application no. C 190117 MMQ), in a C4-4 District, Borough of Queens, Council District 29, Community District 9.

C 190117 MMQ (L.U. No. 526)

City Planning Commission decision approving an application submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving: the elimination, discontinuance and closing of 82nd Avenue between 126th Street and 132nd Street; the elimination of two Public Places within the area bounded by Union Turnpike, 132nd Street, Hoover Avenue, Queens Boulevard, 82nd Avenue and 126th Street; the adjustment of grades and block dimensions necessitated thereby; and authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. C.P.C. 190117 MMQ dated March 25, 2019 and signed by the Director of the Department of City Planning, Borough of Queens, Council District 29, Community District 9.

INTENT

To create a borough based jails system, comprised of four borough-based jails, consistent with the City's goal to no longer detain people on Rikers Island, the Manhattan Detention Complex, the Brooklyn Detention Complex and the Vernon C. Bain Center, by providing a modern, humane and safe justice system.

PUBLIC HEARING**Preconsidered L.U. Nos. 513 through 516****DATE:** September 5, 2019**Witnesses in Favor:** Seventy-four**Witnesses Against:** Seventy-one**Undecided:** Six**L.U. Nos. 518 through 526****DATE:** September 18, 2019**Witnesses in Favor:** 0**Witnesses Against:** 0**Undecided:** 0**SUBCOMMITTEE RECOMMENDATION****DATE:** October 16, 2019

The Subcommittee recommends that the Land Use Committee approve with modifications the decision of the City Planning Commission ("CPC") on Pre. L.U. Nos. 515, LU 519, 520, 522 and 525 and approve the decisions of the City Planning Commission on Pre. L.U. Nos. 513, 514, 516, and on L.U.s 518, 521, 523, 524, and 526.

In Favor:

Adams, Koo, Miller, Treyger.

Against:

Barron

Abstain:

None.

COMMITTEE ACTION**DATE:** October 16, 2019

The Committee recommends that the Council approve the attached resolutions on Pre. L.U. Nos. 513-516 and L.U. Nos. 520-526.

In Favor:

Salamanca, Gibson, Koo, Lancman, Levin, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Moya.

Against:

Barron, Deutsch, King, Diaz.

Abstain:

None.

DATE: October 16, 2019

The Committee recommends that the Council approve the attached resolutions on Pre. L.U. Nos. 518-519.

In Favor:

Gibson, Koo, Lancman, Levin, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Moya.

Against:

Salamanca, Barron, Deutsch, King, Diaz.

Abstain:

None.

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS

The City Planning Commission filed a letter dated October 17, 2019, with the Council on October 17, 2019, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1118

Resolution approving the decision of the City Planning Commission on Application No. N 190334 ZRY, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 513).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Department of Correction and the Mayor's Office of Criminal Justice filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 4 (Special Permits by the City Planning Commission) to create a special permit for a borough-based jail system, which in conjunction with the related actions would facilitate the development of four detention facilities that comprise the NYC borough-based jail system in Bronx Community District 1, Brooklyn Community District 2, Manhattan Community District 1 and Queens Community District 9 (Application No. N 190334 ZRY), (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 3, 2019, its decision dated September 3, 2019 (the "Decision"), on the Application;

WHEREAS, the Application is related to applications C 190333 PSY (L.U. No. 518), a site selection for four new borough-based jail facilities; C 190335 ZSX (L.U. No. 519), a special permit pursuant to ZR Section 74-832; C 190336 ZMX (Pre. L.U. No. 514), a zoning map amendment to rezone the western portion of Block 2574 from M1-3 to M1-4/R7-X; N 190337 ZRX (Pre. L.U. No. 515), a zoning text amendment to Appendix F to establish a new Mandatory Inclusionary Housing (MIH) area; C 190338 HAX (Pre. L.U. No. 516), a designation of the mixed-use development site as an Urban Development Action Area (UDAA) and an Urban Development Action Area Project (UDAAP) Approval for the mixed-use development and the disposition of the mixed-use development site to facilitate a new mixed-use development; C 190339 ZSK (L.U. No. 520), a special permit pursuant to ZR Section 74-832; C 190116 MMK (L.U. No. 521), a city map amendment to establish upper and lower limiting planes to State Street between Boerum Place and Smith Street; C 190340 ZSM (L.U. No. 522), a special permit pursuant to ZR Section 74-832; C 190341 PQM (L.U. No. 523), an acquisition of a leasehold interest of retail space in Manhattan Detention Center (MDC) North held by Walker Street-Chung Pak Local Development Corporation (LDC), an area of approximately 6,300 square feet; C 190252 MMM (L.U. No. 524), a city map amendment to demap White Street between Centre Street and Baxter Street and reestablish White Street with upper and lower limiting planes as well as narrow and realign the right-of-way; C 190342 ZSQ (L.U. No. 525), a special permit pursuant to ZR Section 74-832; and C 190117 MMQ (L.U. No. 526), a city map amendment to demap 82nd Avenue between 126th Street and 132nd Street;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 5, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the positive declaration issued on August 14, 2018 (CEQR No. 18DOC001Y) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 23, 2019, in which the proposed development as analyzed in the FEIS identified significant adverse impacts for the selected Bronx site with respect to transportation (traffic) and construction (traffic, pedestrians and noise); for the selected Brooklyn site with respect to transportation (traffic), construction (traffic, pedestrians and noise), and historic and cultural resources; for the selected Manhattan site with respect to transportation (traffic), construction (pedestrians), and historic and cultural resources; and for the selected Queens site with respect to transportation (traffic) and construction (traffic, pedestrians and noise).

RESOLVED:

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

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
3. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable.

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

Pursuant to 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 190334 ZRY, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
*** indicates where unchanged text appears in the Zoning Resolution

ARTICLE VII: ADMINISTRATION

* * *

**Chapter 4
Special Permits by the City Planning Commission**

* * *

**74-83
Public Service Establishments**

**74-831
Court houses**

In all #Commercial Districts#, the City Planning Commission may permit modifications of the applicable #bulk# regulations so as to allow the same #bulk# regulations as would apply for a #community facility building# in the applicable #Commercial District# and may permit modifications of the applicable regulations in Sections 33-26 to 33-30, inclusive, relating to Yard Regulations or Sections 33-41 to 33-45, inclusive, relating to Height and Setback Regulations.

The Commission shall find that because of site limitations such modifications are necessary for the proper design and operation of the court house.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**74-832
Borough-based jail system**

For #zoning lots# that are the subject of a site selection for a borough-based jail system pursuant to application C 190333 PSY, the City Planning Commission may, by special permit, allow modifications to the applicable regulations governing #uses#, #bulk#, including permitted #floor area ratio#, the permitted capacities of #accessory# off-street parking facilities and #public parking garages#, and off-street loading regulations, to facilitate construction of the proposed facilities. In order to grant such special permit, the Commission shall find that:

- (a) any #use# modifications will support the operation of the facility and will be compatible with the essential character of the surrounding area;
- (b) ground floor #uses# will be located in a manner that is inviting to the public and will integrate the facility within the surrounding community;

- (c) any increase in permitted #floor area ratio# will facilitate the development of the facility;
- (d) any #bulk# modifications will improve the interior layout and functionality of the facility;
- (e) such #bulk# modifications, including any increase in permitted #floor area ratio#, will have minimal adverse effects on access to light and air for buildings and open spaces in the surrounding area;
- (f) any modifications to the provisions of #accessory# off-street parking and loading regulations will not create serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not impair or adversely affect the development of the surrounding area; and
- (g) any modifications to the permitted capacity of #public parking garages#:
 - (1) will not create serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not impair or adversely affect the development of the surrounding area; and
 - (2) will provide adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**74-84
Developments With Existing Buildings**

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report for L.U. No. 514 & Res. No. 1119

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190336 ZMX (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor’s Office of Criminal Justice, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6c, changing from an M1-3 District to an M1-4/R7X District and establishing a Special Mixed Use District (MX-18), in the Borough of the Bronx, Council District 8, Community Board 1.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2893) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 513 printed above in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1119

Resolution approving the decision of the City Planning Commission on ULURP No. C 190336 ZMX, a Zoning Map amendment (Preconsidered L.U. No. 514).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197-c and 201 of the New York City Charter, submitted an application for an amendment of the Zoning Map, Section No. 6c, changing from an M1-3 District to an M1-4/R7X District and establishing a Special Mixed Use District (MX-18), which in conjunction with the related actions would facilitate the development of four detention facilities that comprise the NYC borough-based jail system in Bronx Community District 1, Brooklyn Community District 2, Manhattan Community District 1 and Queens Community District 9 (ULURP No. C 190336 ZMX) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 3, 2019, its decision dated September 3, 2019 (the "Decision"), on the Application;

WHEREAS, the Application is related to applications C 190333 PSY (L.U. No. 518), a site selection for four new borough-based jail facilities; N 190334 ZRY (Pre. L.U. No. 513), a text amendment to create a new Special Permit in Zoning Resolution (ZR) Section 74-832 to allow for modifications to ground floor uses, bulk, floor area ratio, parking and loading for a borough-based jail system; C 190335 ZSX (L.U. No. 519), a special permit pursuant to ZR Section 74-832; N 190337 ZRX (Pre. L.U. No. 515), a zoning text amendment to Appendix F to establish a new Mandatory Inclusionary Housing (MIH) area; C 190338 HAX (Pre. L.U. No. 516), a designation of the mixed-use development site as an Urban Development Action Area (UDAA) and an Urban Development Action Area Project (UDAAP) Approval for the mixed-use development and the disposition of the mixed-use development site to facilitate a new mixed-use development; C 190339 ZSK (L.U. No. 520), a special permit pursuant to ZR Section 74-832; C 190116 MMK (L.U. No. 521), a city map amendment to establish upper and lower limiting planes to State Street between Boerum Place and Smith Street; C 190340 ZSM (L.U. No. 522), a special permit pursuant to ZR Section 74-832; C 190341 PQM (L.U. No. 523), an acquisition of a leasehold interest of retail space in Manhattan Detention Center (MDC) North held by Walker Street-Chung Pak Local Development Corporation (LDC), an area of approximately 6,300 square feet; C 190252 MMM (L.U. No. 524), a city map amendment to demap White Street between Centre Street and Baxter Street and reestablish White Street with upper and lower limiting planes as well as narrow and realign the right-of-way; C 190342 ZSQ (L.U. No. 525), a special permit pursuant to ZR Section 74-832; and C 190117 MMQ (L.U. No. 526), a city map amendment to demap 82nd Avenue between 126th Street and 132nd Street;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 5, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the positive declaration issued on August 14, 2018 (CEQR No. 18DOC001Y) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 23, 2019, in which the proposed development as analyzed in the FEIS identified significant adverse impacts for the selected Bronx site with respect to transportation (traffic) and construction (traffic, pedestrians and noise); for the selected Brooklyn site with respect to transportation (traffic), construction (traffic, pedestrians and noise), and historic and cultural resources; for the selected Manhattan site with respect to transportation (traffic), construction (pedestrians), and historic and cultural resources; and for the selected Queens site with respect to transportation (traffic) and construction (traffic, pedestrians and noise).

RESOLVED:

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

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
3. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190336 ZMX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is hereby amended by changing the Zoning Map, Section No. 6c:

1. changing from an M1-3 District to an M1-4/R7X District property bounded by East 142nd Street, a line 100 feet southeasterly of Concord Avenue, East 141st Street, and Concord Avenue; and
2. establishing a Special Mixed Use District (MX-18) bounded by East 142nd Street, a line 100 feet southeasterly of Concord Avenue, East 141st Street, and Concord Avenue;

as shown on a diagram (for illustrative purposes only) dated March 25, 2019, Community District 1, Borough of the Bronx,

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report for L.U. No. 515 & Res. No. 1120

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 190337 ZRX (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XII Chapter 3 for the purpose of establishing a Special Mixed Use District; and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, in the Borough of the Bronx, Council District 8, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2893) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 513 printed above in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1120

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 190337 ZRX, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 515).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Department of Correction and the Mayor's Office of Criminal Justice, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Article XII Chapter 3 for the purpose of establishing a Special Mixed Use District; and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related actions would facilitate the development of four detention facilities that comprise the NYC borough-based jail system in Bronx Community District 1, Brooklyn Community District 2, Manhattan Community District 1 and Queens Community District 9 (Application No. N 190337 ZRX), (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 3, 2019, its decision

dated September 3, 2019 (the "Decision"), on the Application;

WHEREAS, the Application is related to applications C 190333 PSY (L.U. No. 518), a site selection for four new borough-based jail facilities; N 190334 ZRY (Pre. L.U. No. 513), a text amendment to create a new Special Permit in Zoning Resolution (ZR) Section 74-832 to allow for modifications to ground floor uses, bulk, floor area ratio, parking and loading for a borough-based jail system; C 190335 ZSX (L.U. No. 519), a special permit pursuant to ZR Section 74-832; C 190336 ZMX (Pre. L.U. No. 514), a zoning map amendment to rezone the western portion of Block 2574 from M1-3 to M1-4/R7-X; C 190338 HAX (Pre. L.U. No. 516), a designation of the mixed-use development site as an Urban Development Action Area (UDAA) and an Urban Development Action Area Project (UDAAP) Approval for the mixed-use development and the disposition of the mixed-use development site to facilitate a new mixed-use development; C 190339 ZSK (L.U. No. 520), a special permit pursuant to ZR Section 74-832; C 190116 MMK (L.U. No. 521), a city map amendment to establish upper and lower limiting planes to State Street between Boerum Place and Smith Street; C 190340 ZSM (L.U. No. 522), a special permit pursuant to ZR Section 74-832; C 190341 PQM (L.U. No. 523), an acquisition of a leasehold interest of retail space in Manhattan Detention Center (MDC) North held by Walker Street-Chung Pak Local Development Corporation (LDC), an area of approximately 6,300 square feet; C 190252 MMM (L.U. No. 524), a city map amendment to demap White Street between Centre Street and Baxter Street and reestablish White Street with upper and lower limiting planes as well as narrow and realign the right-of-way; C 190342 ZSQ (L.U. No. 525), a special permit pursuant to ZR Section 74-832; and C 190117 MMQ (L.U. No. 526), a city map amendment to demap 82nd Avenue between 126th Street and 132nd Street;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 5, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the positive declaration issued on August 14, 2018 (CEQR No. 18DOC001Y) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 23, 2019, in which the proposed development as analyzed in the FEIS identified significant adverse impacts for the selected Bronx site with respect to transportation (traffic) and construction (traffic, pedestrians and noise); for the selected Brooklyn site with respect to transportation (traffic), construction (traffic, pedestrians and noise), and historic and cultural resources; for the selected Manhattan site with respect to transportation (traffic), construction (pedestrians), and historic and cultural resources; and for the selected Queens site with respect to transportation (traffic) and construction (traffic, pedestrians and noise).

RESOLVED:

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

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
3. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable.

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

Pursuant to 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 190337 ZRX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

- Matter underlined is new, to be added;
 - Matter ~~struck out~~ is to be deleted;
 - Matter within # # is defined in Section 12-10;
 - Matter ~~double struck out~~ is old, deleted by the City Council;
 - Matter double-underlined is new, added by the City Council
- *** indicates where unchanged text appears in the Zoning Resolution

ARTICLE XII
SPECIAL PURPOSE DISTRICTS

* * *

Chapter 3
Special Mixed Use District

* * *

123-63
Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Only Residential Buildings in R6, R7, R8 and R9 Districts

Where the designated #Residence District# is an R6, R7, R8 or R9 District, the minimum required #open space ratio# and maximum #floor area ratio# provisions of Section 23-151 (Basic regulations for R6 through R9 Districts) shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #developed# or #enlarged# pursuant to the Quality Housing Program, shall comply with the maximum #floor area ratio# and #lot coverage# requirements set forth for the designated district in Sections 23-153 (For Quality Housing buildings) or 23-155 (Affordable independent residences for seniors), as applicable.

* * *

However, in #Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas#, as listed in the table in this Section, the maximum permitted #floor area ratio# shall be as set forth in Section 23-154 (Inclusionary Housing). The locations of such districts are specified in APPENDIX F of this Resolution.

#Special Mixed Use District#	Designated #Residence District#
* * *	
MX 16 - Community Districts 5 and 16, Brooklyn	R6A R7A R7D R8A
<u>MX 18 - Community District 1, The Bronx</u>	<u>R7X</u>

* * *

123-90
SPECIAL MIXED USE DISTRICTS SPECIFIED

The #Special Mixed Use District# is mapped in the following areas:

* * *

#Special Mixed Use District# - 17: (3/22/18)
Hunts Point, The Bronx

The #Special Mixed Use District# - 17 is established in Hunts Point in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 18: [date of adoption] Mott Haven, The Bronx

The #Special Mixed Use District# - 18 is established in Mott Haven in The Bronx as indicated on the #zoning maps#.

* * *

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

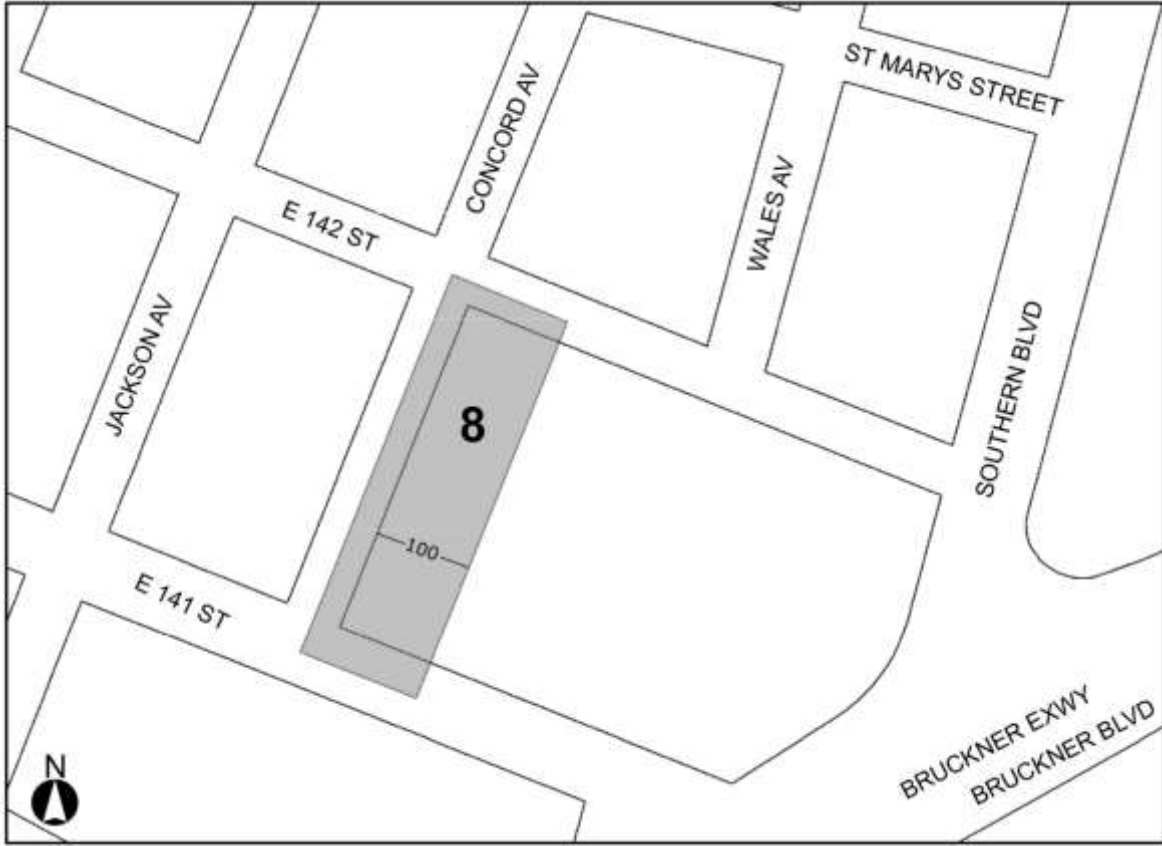
* * *

**THE BRONX
The Bronx Community District 1**

* * *

Map 7 – [date of adoption]

[PROPOSED MAP]



Mandatory Inclusionary Housing Program Area *see Section 23-154Cd/C3/*
Area 8 - [date of adoption] MIH Program Option 1 and ~~Option 2~~ Deep Affordability Option

Portion of Community District 1, The Bronx

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report for L.U. No. 516 & Res. No. 1121

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190338 HAX (Borough-Based Jail System) submitted by the Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law of New York State for the designation of an Urban Development Action Area and the approval of an Urban Development Action Area Project, and pursuant to Section 197-c of the New York City Charter for the disposition of property located at 320 Concord Avenue and 745 East 141st Street (Block 2574, p/o Lot 1), in the Borough of the Bronx, Council District 8, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2893) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 513 printed above in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1121

Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 190338 HAX, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of city-owned property located at 320 Concord Avenue and 745 E. 141st Street (Block 2574, p/o Lot 1), Borough of the Bronx, Community District 1, to a developer selected by HPD (Preconsidered L.U. No. 516; C 190338 HAX).

By Council Members Salamanca and Adams.

WHEREAS, the City Planning Commission filed with the Council on September 3, 2019 its decision dated September 3, 2019 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) regarding city-owned property located at 320 Concord Avenue and 745 E. 141st Street (Block 2574, p/o Lot 1), (the “Disposition Area”), approving:

- a) pursuant to Article 16 of the General Municipal Law of New York State, the designation of the Disposition Area as an Urban Development Action Area;
- b) pursuant to Article 16 of the General Municipal Law of New York State an Urban Development Action Area Project for the Disposition Area (the "Project"); and
- c) pursuant to Section 197-c of the New York City Charter the disposition of the Disposition Area to a developer to be selected by the New York City Department of Housing Preservation and Development;

which in conjunction with the related actions would facilitate the development of four detention facilities that comprise the NYC borough-based jail system in Bronx Community District 1, Brooklyn Community District 2, Manhattan Community District 1 and Queens Community District 9 (ULURP No. C 190338 HAX) (the

"Application");

WHEREAS, the Application is related to applications C 190333 PSY (L.U. No. 518), a site selection for four new borough-based jail facilities; N 190334 ZRY (Pre. L.U. No. 513), a text amendment to create a new Special Permit in Zoning Resolution (ZR) Section 74-832 to allow for modifications to ground floor uses, bulk, floor area ratio, parking and loading for a borough-based jail system; C 190335 ZSX (L.U. No. 519), a special permit pursuant to ZR Section 74-832; C 190336 ZMX (Pre. L.U. No. 514), a zoning map amendment to rezone the western portion of Block 2574 from M1-3 to M1-4/R7-X; N 190337 ZRX (Pre. L.U. No. 515), a zoning text amendment to Appendix F to establish a new Mandatory Inclusionary Housing (MIH) area; C 190339 ZSK (L.U. No. 520), a special permit pursuant to ZR Section 74-832; C 190116 MMK (L.U. No. 521), a city map amendment to establish upper and lower limiting planes to State Street between Boerum Place and Smith Street; C 190340 ZSM (L.U. No. 522), a special permit pursuant to ZR Section 74-832; C 190341 PQM (L.U. No. 523), an acquisition of a leasehold interest of retail space in Manhattan Detention Center (MDC) North held by Walker Street-Chung Pak Local Development Corporation (LDC), an area of approximately 6,300 square feet; C 190252 MMM (L.U. No. 524), a city map amendment to demap White Street between Centre Street and Baxter Street and reestablish White Street with upper and lower limiting planes as well as narrow and realign the right-of-way; C 190342 ZSQ (L.U. No. 525), a special permit pursuant to ZR Section 74-832; and C 190117 MMQ (L.U. No. 526), a city map amendment to demap 82nd Avenue between 126th Street and 132nd Street;

WHEREAS, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State and Section 197-d of the City Charter;

WHEREAS, by letter dated August 16, 2019 and submitted to the Council on August 22, 2019, HPD submitted its requests (the "HPD Requests") respecting the Application including the submission of the project summary for the Project (the "Project Summary");

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on September 5, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the positive declaration issued on August 14, 2018 (CEQR No. 18DOC001Y) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 23, 2019, in which the proposed development as analyzed in the FEIS identified significant adverse impacts for the selected Bronx site with respect to transportation (traffic) and construction (traffic, pedestrians and noise); for the selected Brooklyn site with respect to transportation (traffic), construction (traffic, pedestrians and noise), and historic and cultural resources; for the selected Manhattan site with respect to transportation (traffic), construction (pedestrians), and historic and cultural resources; and for the selected Queens site with respect to transportation (traffic) and construction (traffic, pedestrians and noise).

RESOLVED:

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

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
3. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum

extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable.

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

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 190338 HAX, and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

Pursuant to Article 16 of the General Municipal Law of the New York State, based on the environmental determination and the consideration described in the report (C 190338 HAX) and incorporated by reference herein, the Council approves the Decision of the City Planning Commission and the HPD Requests.

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council approves the designation of the Disposition Area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law.

The Council approves the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law and subject to the terms and conditions of the Project Summary.

The Council approves the disposition of the Disposition Area under Section 197-d of the New York City Charter, to a developer to be selected by the New York City Department of Housing Preservation and Development for the development of the Project consistent with the Project Summary.

ATTACHMENT:

PROJECT SUMMARY

- 1. **PROJECT:** Borough-Based Jail – Bronx Site
- 2. **PROGRAM:** New Construction Finance Program
- 3. **LOCATION:**
 - a. **BOROUGH:** Bronx
 - b. **COMMUNITY DISTRICT:** 1
 - c. **COUNCIL DISTRICT:** 8
 - d. **PROJECT AREA:**

<u>BLOCK</u>	<u>LOT(S)</u>	<u>ADDRESS (ES)</u>
2574	p/o 01	320 Concord Avenue

- 4. BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar (\$1.00) per lot and deliver a note and mortgage for the remainder of the appraised value (“Land Debt”). For a period of at least thirty (30) years following completion of construction, the Land Debt will be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.
- 5. TYPE OF PROJECT:** New Construction
- 6. APPROXIMATE NUMBER OF BUILDINGS:** 1
- 7. APPROXIMATE NUMBER OF UNITS:** 234
- 8. HOUSING TYPE:** Rental
- 9. ESTIMATE OF INITIAL RENTS** Rents will be affordable to families with incomes between up to 30% and up to 100% of AMI. Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent. All units will be subject to rent stabilization.
- 10. INCOME TARGETS** Between up to 30% and up to 130% of AMI.
- 11. PROPOSED FACILITIES:** Up to approx. 20,000 square feet of commercial/community facility space
- 12. PROPOSED CODES/ORDINANCES:** None
- 13. ENVIRONMENTAL STATUS:** Environmental Impact Statement
- 14. PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report for L.U. No. 518 & Res. No. 1122

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190333 PSY (Borough-Based Jail System) submitted by the New York City Department of Correction, the Mayor's Office of Criminal Justice, and the Department of Citywide Administrative Services, pursuant to Section 197 c of the New York City Charter, for the site selection of the following properties for borough-based jail facilities: 745 East 141st Street (Block 2574, p/o Lot 1), Borough of the Bronx, Council District 8, Community District 1; 275 Atlantic Avenue (Block 175, Lot 1), Borough of Brooklyn, Council District 33, Community District 2; 124 White Street (Block 198, Lot 1) and 125 White Street (Block 167, Lot 1), Borough of Manhattan, Council District 1, Community District 1; and 126-02 82nd Avenue (Block 9653, Lot 1), 80 25 126th Street (Block 9657, Lot 1), and the bed of 82nd Avenue between 126th and 132nd streets, Borough of Queens, Council District 29, Community District 9. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant Section 11.20(c) of the Rules of the Council and Section 197 d(b)(3) of the New York City Charter.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2894) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 513 printed above in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1122

Resolution approving the decision of the City Planning Commission on ULURP No. C 190333 PSY (L.U. No. 518), for the site selection of property located at 745 East 141st Street (Block 2574, p/o Lot 1), Bronx Community District 1; 275 Atlantic Avenue (Block 175, Lot 1), Brooklyn Community District 2; 124 White Street (Block 198, Lot 1) and 125 White Street (Block 167, Lot 1), Manhattan Community District 1; and 126-02 82nd Avenue (Block 9653, Lot 1), 80-25 126th Street (Block 9657, Lot 1), and the bed of 82nd Avenue between 126th and 132nd streets, Queens Community District 9, for borough-based jail facilities, Citywide.

By Council Members Salamanca and Adams.

WHEREAS, the City Planning Commission filed with the Council on September 3, 2019 its decision dated September 3, 2019 (the "Decision") approving the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Department of Correction, the Mayor's Office of Criminal Justice, and the New York City Department of Citywide Administrative Services for the site selection of property located at 745 East 141st Street (Block 2574, p/o Lot 1), Bronx Community District 1; 275 Atlantic Avenue (Block 175, Lot 1), Brooklyn Community District 2; 124 White Street (Block 198, Lot 1) and 125 White Street (Block 167, Lot 1), Manhattan Community District 1; and 126-02 82nd Avenue (Block 9653, Lot 1), 80-25 126th Street (Block 9657, Lot 1), and the bed of 82nd Avenue between 126th and 132nd streets, for borough-based jail facilities, which in conjunction with the related actions would facilitate the development of four detention facilities that comprise the NYC borough-based jail system in Bronx Community District 1, Brooklyn Community District 2, Manhattan Community District 1 and Queens Community District 9. Citywide (ULURP No. C 190333 PSY) (the

“Application”);

WHEREAS, the Application is related to applications N 190334 ZRY (Pre. L.U. No. 513), a text amendment to create a new Special Permit in Zoning Resolution (ZR) Section 74-832 to allow for modifications to ground floor uses, bulk, floor area ratio, parking and loading for a borough-based jail system; C 190335 ZSX (L.U. No. 519), a special permit pursuant to ZR Section 74-832; C 190336 ZMX (Pre. L.U. No. 514), a zoning map amendment to rezone the western portion of Block 2574 from M1-3 to M1-4/R7-X; N 190337 ZRX (Pre. L.U. No. 515), a zoning text amendment to Appendix F to establish a new Mandatory Inclusionary Housing (MIH) area; C 190338 HAX (Pre. L.U. No. 516), a designation of the mixed-use development site as an Urban Development Action Area (UDAA) and an Urban Development Action Area Project (UDAAP) Approval for the mixed-use development and the disposition of the mixed-use development site to facilitate a new mixed-use development; C 190339 ZSK (L.U. No. 520), a special permit pursuant to ZR Section 74-832; C 190116 MMK (L.U. No. 521), a city map amendment to establish upper and lower limiting planes to State Street between Boerum Place and Smith Street; C 190340 ZSM (L.U. No. 522), a special permit pursuant to ZR Section 74-832; C 190341 PQM (L.U. No. 523), an acquisition of a leasehold interest of retail space in Manhattan Detention Center (MDC) North held by Walker Street-Chung Pak Local Development Corporation (LDC), an area of approximately 6,300 square feet; C 190252 MMM (L.U. No. 524), a city map amendment to demap White Street between Centre Street and Baxter Street and reestablish White Street with upper and lower limiting planes as well as narrow and realign the right-of-way; C 190342 ZSQ (L.U. No. 525), a special permit pursuant to ZR Section 74-832; and C 190117 MMQ (L.U. No. 526), a city map amendment to demap 82nd Avenue between 126th Street and 132nd Street;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 18, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the positive declaration issued on August 14, 2018 (CEQR No. 18DOC001Y) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 23, 2019, in which the proposed development as analyzed in the FEIS identified significant adverse impacts for the selected Bronx site with respect to transportation (traffic) and construction (traffic, pedestrians and noise); for the selected Brooklyn site with respect to transportation (traffic), construction (traffic, pedestrians and noise), and historic and cultural resources; for the selected Manhattan site with respect to transportation (traffic), construction (pedestrians), and historic and cultural resources; and for the selected Queens site with respect to transportation (traffic) and construction (traffic, pedestrians and noise).

RESOLVED:

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

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
3. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to

the environment and mitigation measures that were identified as practicable.

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

Pursuant to Section 197-d 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 190333 PSY, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report for L.U. No. 519 & Res. No. 1123

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190335 ZSX (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197 c and 201 of the New York City Charter for the grant of a special permit pursuant to new Section 74 832 of the Zoning Resolution, as proposed by related application no. N 190334 ZRY, to modify: the use regulations of Section 42-10 (USES PERMITTED AS-OF-RIGHT); the floor area ratio requirements of Section 43 10 (FLOOR AREA REGULATIONS); the height and setback requirements of Sections 43 40 (HEIGHT AND SETBACK REGULATIONS); the permitted parking requirements of Section 44 10 (PERMITTED ACCESSORY OFFSTREET PARKING SPACES); and the loading berth requirements of Section 44 50 (GENERAL PURPOSES) to facilitate the construction of a borough-based jail facility, on property located in an M1-3 District at 320 Concord Avenue (Block 2574, p/o Lot 1), Borough of the Bronx, Council District 8, Community District 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant Section 11.20(c) of the Rules of the Council and Section 197 d(b)(3) of the New York City Charter.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2894) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 513 printed above in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1123

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 190335 ZSX, for the grant of a special permit (L.U. No. 519).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197-c and 201 of the New York City Charter, filed an application for the grant of a special permit pursuant to Section 74-832 of the Zoning Resolution to modify:

- a. the use regulations of Section 42-10 (USES PERMITTED AS-OF-RIGHT);
- b. the floor area ratio requirements of Section 43-10 (FLOOR AREA REGULATIONS);
- c. the height and setback requirements of Sections 43-40 (HEIGHT AND SETBACK REGULATIONS);
- d. the permitted parking requirements of Section 44-10 (PERMITTED ACCESSORY OFF-STREET PARKING SPACES); and
- e. the loading berth requirements of Section 44-50 (GENERAL PURPOSES);

on property located at 320 Concord Avenue (Block 2574, p/o Lot 1), in an M1-3 District, which in conjunction with the related actions would facilitate the development of four detention facilities that comprise the NYC borough-based jail system in Bronx Community District 1, Brooklyn Community District 2, Manhattan Community District 1 and Queens Community District 9 (ULURP No. C 190335 ZSX) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 3, 2019, its decision dated September 3, 2019 (the "Decision"), on the Application;

WHEREAS, the Application is related to applications C 190333 PSY (L.U. No. 518), a site selection for four new borough-based jail facilities; N 190334 ZRY (Pre. L.U. No. 513), a text amendment to create a new Special Permit in Zoning Resolution (ZR) Section 74-832 to allow for modifications to ground floor uses, bulk, floor area ratio, parking and loading for a borough-based jail system; C 190336 ZMX (Pre. L.U. No. 514), a zoning map amendment to rezone the western portion of Block 2574 from M1-3 to M1-4/R7-X; N 190337 ZRX (Pre. L.U. No. 515), a zoning text amendment to Appendix F to establish a new Mandatory Inclusionary Housing (MIH) area; C 190338 HAX (Pre. L.U. No. 516), a designation of the mixed-use development site as an Urban Development Action Area (UDAA) and an Urban Development Action Area Project (UDAAP) Approval for the mixed-use development and the disposition of the mixed-use development site to facilitate a new mixed-use development; C 190339 ZSK (L.U. No. 520), a special permit pursuant to ZR Section 74-832; C 190116 MMK (L.U. No. 521), a city map amendment to establish upper and lower limiting planes to State Street between Boerum Place and Smith Street; C 190340 ZSM (L.U. No. 522), a special permit pursuant to ZR Section 74-832; C 190341 PQM (L.U. No. 523), an acquisition of a leasehold interest of retail space in Manhattan Detention Center (MDC) North held by Walker Street-Chung Pak Local Development Corporation (LDC), an area of approximately 6,300 square feet; C 190252 MMM (L.U. No. 524), a city map amendment to demap White Street between Centre Street and Baxter Street and reestablish White Street with upper and lower limiting planes as well as narrow and realign the right-of-way; C 190342 ZSQ (L.U. No. 525), a special permit pursuant to ZR Section 74-832; and C 190117 MMQ (L.U. No. 526), a city map amendment to demap 82nd Avenue between 126th Street and 132nd Street;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-832 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on

September 18, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the positive declaration issued on August 14, 2018 (CEQR No. 18DOC001Y) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 23, 2019, in which the proposed development as analyzed in the FEIS identified significant adverse impacts for the selected Bronx site with respect to transportation (traffic) and construction (traffic, pedestrians and noise); for the selected Brooklyn site with respect to transportation (traffic), construction (traffic, pedestrians and noise), and historic and cultural resources; for the selected Manhattan site with respect to transportation (traffic), construction (pedestrians), and historic and cultural resources; and for the selected Queens site with respect to transportation (traffic) and construction (traffic, pedestrians and noise).

RESOLVED:

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

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
3. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190335 ZSX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter ~~double struck out~~ is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council

1. The property that is the subject of this application (C 190335 ZSX) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plan, prepared by Perkins Eastman, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-020	Zoning Analysis	08/30 <u>10/11/2019</u>
Z-030	Zoning Lot Site Plan	08/30 <u>10/11/2019</u>
Z-040	Ground Floor Plan	08/30 <u>10/11/2019</u>

Z-050	Waiver Plan – Roof Plan	08/30 <u>10/11/2019</u>
Z-060	Sections	08/30 <u>10/11/2019</u>

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Upon failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city’s or such employee’s or agent’s failure to act in accordance with the provisions of this special permit.

PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report for L.U. No. 520 & Res. No. 1124

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190339 ZSK (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor’s Office of Criminal Justice, pursuant to Sections 197 c and 201 of the New York City Charter for the grant of a special permit pursuant to new Section 74 832 of the Zoning Resolution, as proposed by related application no. N 190334 ZRY, to modify: the floor area ratio requirements of Sections 101-20 (SPECIAL BULK REGULATIONS) and 33-10 (Floor Area Regulations); the height and setback requirements of Sections 33-40 (HEIGHT AND SETBACK REGULATIONS) and 101-22 (Special Height and Setback Regulations); the permitted parking requirements of Section 36-12

(Maximum Size of Accessory Group Parking Facilities); the loading berth requirements of Section 36-60 (OFF-STREET LOADING REGULATIONS); the special ground floor use requirements of Section 101-11 (Special Ground Floor Use Regulations); and the transparency requirements of Section 101-12 (Transparency Requirements) to facilitate the construction of a borough-based jail facility, on property located at 275 Atlantic Avenue (Block 175, Lot 1, and the portions of State Street between Boerum Place and Smith Street demapped as proposed under a concurrent related application C 190116 MMK), in a C6-2A District, within the Special Downtown Brooklyn District, Borough of Brooklyn, Council District 33, Community District 2. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant Section 11.20(c) of the Rules of the Council and Section 197 d(b)(3) of the New York City Charter.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2895) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 513 printed above in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1124

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 190339 ZSK, for the grant of a special permit (L.U. No. 520).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197-c and 201 of the New York City Charter filed an application for the grant of a special permit pursuant Section 74-832 of the Zoning Resolution to modify:

- a. the floor area ratio requirements of Sections 101-20 (SPECIAL BULK REGULATIONS) and 33-10 (Floor Area Regulations);
- b. the height and setback requirements of Sections 33-40 (HEIGHT AND SETBACK REGULATIONS) and 101-22 (Special Height and Setback Regulations);
- c. the permitted parking requirements of Section 36-12 (Maximum Size of Accessory Group Parking Facilities);
- d. the loading berth requirements of Section 36-60 (OFF-STREET LOADING REGULATIONS); and
- e. the special ground floor use requirements of Section 101-11 (Special Ground Floor Use Regulations);

on property located at 275 Atlantic Avenue (Block 175, Lot 1, and the demapped portions of State Street between Boerum Place and Smith Street), in a C6-2A District, which in conjunction with the related actions would facilitate the development of four detention facilities that comprise the NYC borough-based jail system in Bronx Community District 1, Brooklyn Community District 2, Manhattan Community District 1, and Queens Community District 9 (ULURP No. C 190339 ZSK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 3, 2019, its decision dated September 3, 2019 (the "Decision"), on the Application;

WHEREAS, the Application is related to applications C 190333 PSY (L.U. No. 518), a site selection for four new borough-based jail facilities; N 190334 ZRY (Pre. L.U. No. 513), a text amendment to create a new Special Permit in Zoning Resolution (ZR) Section 74-832 to allow for modifications to ground floor uses, bulk, floor area ratio, parking and loading for a borough-based jail system; C 190335 ZSX (L.U. No. 519), a special permit pursuant to ZR Section 74-832; C 190336 ZMX (Pre. L.U. No. 514), a zoning map amendment to rezone the western portion of Block 2574 from M1-3 to M1-4/R7-X; N 190337 ZRX (Pre. L.U. No. 515), a zoning text amendment to Appendix F to establish a new Mandatory Inclusionary Housing (MIH) area; C 190338 HAX (Pre. L.U. No. 516), a designation of the mixed-use development site as an Urban Development Action Area (UDAA) and an Urban Development Action Area Project (UDAAP) Approval for the mixed-use development and the disposition of the mixed-use development site to facilitate a new mixed-use development; C 190116 MMK (L.U. No. 521), a city map amendment to establish upper and lower limiting planes to State Street between Boerum Place and Smith Street; C 190340 ZSM (L.U. No. 522), a special permit pursuant to ZR Section 74-832; C 190341 PQM (L.U. No. 523), an acquisition of a leasehold interest of retail space in Manhattan Detention Center (MDC) North held by Walker Street-Chung Pak Local Development Corporation (LDC), an area of approximately 6,300 square feet; C 190252 MMM (L.U. No. 524), a city map amendment to demap White Street between Centre Street and Baxter Street and reestablish White Street with upper and lower limiting planes as well as narrow and realign the right-of-way; C 190342 ZSQ (L.U. No. 525), a special permit pursuant to ZR Section 74-832; and C 190117 MMQ (L.U. No. 526), a city map amendment to demap 82nd Avenue between 126th Street and 132nd Street;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-832 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 18, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the positive declaration issued on August 14, 2018 (CEQR No. 18DOC001Y) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 23, 2019, in which the proposed development as analyzed in the FEIS identified significant adverse impacts for the selected Bronx site with respect to transportation (traffic) and construction (traffic, pedestrians and noise); for the selected Brooklyn site with respect to transportation (traffic), construction (traffic, pedestrians and noise), and historic and cultural resources; for the selected Manhattan site with respect to transportation (traffic), construction (pedestrians), and historic and cultural resources; and for the selected Queens site with respect to transportation (traffic) and construction (traffic, pedestrians and noise).

RESOLVED:

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

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
3. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum

extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190339 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

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

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

1. The property that is the subject of this application (C 190339 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Perkins Eastman, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-020	Zoning Analysis	08/30 <u>10/11/2019</u>
Z-030	Zoning Lot Site Plan	08/30 <u>10/11/2019</u>
Z-040	Ground Floor Plan	08/30 <u>10/11/2019</u>
Z-050	Waiver Plan – Roof Plan	08/30 <u>10/11/2019</u>
Z-060	Sections	08/30 <u>10/11/2019</u>

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Upon failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report for L.U. No. 521 & Res. No. 1125

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190116 MMK (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197 c and 199 of the New York City Charter, and Section 5 430 et seq. of the New York City Administrative Code for an amendment to the City Map involving: the elimination, discontinuance and closing of State Street between Boerum Place and Smith Street above a lower limiting plane and below an upper limiting plane the adjustment of grades and block dimensions necessitated thereby; and authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. X-2753 dated March 25, 2019 and signed by the Borough President, Borough of Brooklyn, Council District 33, Community District 2. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant Section 11.20(c) of the Rules of the Council and Section 197-d(b)(3) of the New York City Charter.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2895) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 513 printed above in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1125

Resolution approving the decision of the City Planning Commission on ULURP No. C 190116 MMK, an amendment to the City Map (L.U. No. 521).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Department of Correction filed an application pursuant to Sections

197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of State Street between Boerum Place and Smith Street below an upper limiting plane;
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. X-2753 dated March 25, 2019 revised on July 22, 2019 and signed by the Borough President, (ULURP No. C 190116 MMK), Community District 2, Borough of Brooklyn (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 3, 2019, its decision dated September 3, 2019 (the "Decision"), on the Application;

WHEREAS, the Application is related to applications C 190333 PSY (L.U. No. 518), a site selection for four new borough-based jail facilities; N 190334 ZRY (Pre. L.U. No. 513), a text amendment to create a new Special Permit in Zoning Resolution (ZR) Section 74-832 to allow for modifications to ground floor uses, bulk, floor area ratio, parking and loading for a borough-based jail system; C 190335 ZSX (L.U. No. 519), a special permit pursuant to ZR Section 74-832; C 190336 ZMX (Pre. L.U. No. 514), a zoning map amendment to rezone the western portion of Block 2574 from M1-3 to M1-4/R7-X; N 190337 ZRX (Pre. L.U. No. 515), a zoning text amendment to Appendix F to establish a new Mandatory Inclusionary Housing (MIH) area; C 190338 HAX (Pre. L.U. No. 516), a designation of the mixed-use development site as an Urban Development Action Area (UDAA) and an Urban Development Action Area Project (UDAAP) Approval for the mixed-use development and the disposition of the mixed-use development site to facilitate a new mixed-use development; C 190339 ZSK (L.U. No. 520), a special permit pursuant to ZR Section 74-832; C 190340 ZSM (L.U. No. 522), a special permit pursuant to ZR Section 74-832; C 190341 PQM (L.U. No. 523), an acquisition of a leasehold interest of retail space in Manhattan Detention Center (MDC) North held by Walker Street-Chung Pak Local Development Corporation (LDC), an area of approximately 6,300 square feet; C 190252 MMM (L.U. No. 524), a city map amendment to demap White Street between Centre Street and Baxter Street and reestablish White Street with upper and lower limiting planes as well as narrow and realign the right-of-way; C 190342 ZSQ (L.U. No. 525), a special permit pursuant to ZR Section 74-832; and C 190117 MMQ (L.U. No. 526), a city map amendment to demap 82nd Avenue between 126th Street and 132nd Street;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 18, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the positive declaration issued on August 14, 2018 (CEQR No. 18DOC001Y) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 23, 2019, in which the proposed development as analyzed in the FEIS identified significant adverse impacts for the selected Bronx site with respect to transportation (traffic) and construction (traffic, pedestrians and noise); for the selected Brooklyn site with respect to transportation (traffic), construction (traffic, pedestrians and noise), and historic and cultural resources; for the selected Manhattan site with respect to transportation (traffic), construction (pedestrians), and historic and cultural resources; and for the selected Queens site with respect to transportation (traffic) and construction (traffic, pedestrians and noise).

RESOLVED:

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

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
3. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 199 of the City Charter, and Section 5-430 et seq. of the New York City Administrative Code on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190116 MMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision for an amendment to the City Map involving:

- the elimination, discontinuance and closing of State Street between Boerum Place and Smith Street below an upper limiting plane;
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in Community District 2, Borough of Brooklyn, in accordance with Map No. X-2753 dated March 25, 2019 revised on July 22, 2019 and signed by the Borough President is approved.

RESOLVED that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

RESOLVED that, pursuant to Section 5-433 of the New York Administrative Code, the City Planning Commission adopts the legally required number of counterparts of Map No. X-2753 dated March 25, 2019 revised on July 22, 2019 providing for the discontinuance and closing of State Street between Boerum Place and Smith Street below and upper limiting plane being more particularly described as follows:

IN THE MATTER OF DISCONTINUING AND CLOSING OF STATE STREET BETWEEN BOERUM PLACE AND SMITH STREET BELOW AN UPPER LIMITING PLANE DEFINED AT 16 FEET BELOW LEGAL GRADE, BOROUGH OF BROOKLYN, KINGS COUNTY, AS SHOWN ON THE BROOKLYN BOROUGH PRESIDENT'S MAP ACC NO. X-2753, DATED MARCH 25, 2019, REVISED ON JULY 22, 2019.

Starting at the point of intersection of the easterly line of Boerum Place and southerly line of Schermerhorn Street, thence running 200.35 feet southerly, along the easterly line of Boerum Place, to the point or place of beginning;

- 1) Thence, running 332.93 feet, in an easterly direction to a point, which makes an external angle to the left of the previous course of 85 degrees 52 minutes and 13 seconds;

- 2) Thence, running 60.00 feet, in a southerly direction to a point, which makes an internal angle with the previous course of 85 degrees 52 minutes and 23 seconds;
- 3) Thence, running 332.70 feet, in a westerly direction to a point, which makes an internal angle with the previous course of 93 degrees 30 minutes and 49 seconds;
- 4) Thence, running 56.43 feet, in a northerly direction, which makes an interior angle with the previous course of 86 degrees, 28 minutes and 59 seconds, to the point or place of beginning;

Said State Street to be discontinued and closed below an upper limiting plane contains an area of 19,332.1 square feet, more or less.

RESOLVED that, pursuant to subdivision 1a of Section 5-433 of the New York City Administrative Code, public utility facilities within the subsurface of the streets cited herein which are to be discontinued and closed by this action, may be maintained in place or relocated within such subsurface by the public utility, so that such maintenance in place or relocation of such facilities is consistent with the proposed use of the closed portion or portions of such subsurface and the requirements of other facilities located therein;

All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. X-2753 dated March 25, 2019, revised on July 22, 2019 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code; and
- b. The subject streets to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report for L.U. No. 522 & Res. No. 1126

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190340 ZSM (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197 c and 201 of the New York City Charter for the grant of a special permit pursuant to new Section 74 832 of the Zoning Resolution, as proposed by related application no. N 190334 ZRY, to modify: the floor area ratio requirements of Section 33-10 (Floor Area Regulations); the height and setback requirements of Section 33-40 (HEIGHT AND SETBACK REGULATIONS); and the loading berth requirements of Section 36-60 (OFF-STREET LOADING REGULATIONS) to facilitate the construction of a borough-based jail facility, in a C6-4 District on property located at 124 125 White Street (Block 167, Lot 1, Block 198, Lot 1, and the portions of White Street between Centre Street and Baxter Street demapped as proposed under related application C 190252 MMM), Borough of Manhattan, Council District 1, Community District

1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant Section 11.20(c) of the Rules of the Council and Section 197-d(b)(3) of the New York City Charter.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2896) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 513 printed above in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1126

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 190340 ZSM, for the grant of a special permit (L.U. No. 522).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197-c and 201 of the New York City Charter filed an application for the grant of a special permit pursuant to Section 74-832 of the Zoning Resolution to modify:

1. the floor area ratio requirements of Section 33-10 (Floor Area Regulations),
2. the height and setback requirements of Section 33-40 (HEIGHT AND SETBACK REGULATIONS), and
3. and the loading berth requirements of Section 36-60 (OFF-STREET LOADING REGULATIONS)

on property located at 124-125 White Street (Block 167, Lot 1 and Block 198, Lot 1, and the demapped portions of White Street between Centre Street and Baxter Street), in a C6-4 District, which in conjunction with the related actions would facilitate the development of four detention facilities that comprise the NYC borough-based jail system in Bronx Community District 1, Brooklyn Community District 2, Manhattan Community District 1 and Queens Community District 9 (ULURP No. C 190340 ZSM) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 3, 2019, its decision dated September 3, 2019 (the "Decision"), on the Application;

WHEREAS, the Application is related to applications C 190333 PSY (L.U. No. 518), a site selection for four new borough-based jail facilities; N 190334 ZRY (Pre. L.U. No. 513), a text amendment to create a new Special Permit in Zoning Resolution (ZR) Section 74-832 to allow for modifications to ground floor uses, bulk, floor area ratio, parking and loading for a borough-based jail system; C 190335 ZSX (L.U. No. 519), a special permit pursuant to ZR Section 74-832; C 190336 ZMX (Pre. L.U. No. 514), a zoning map amendment to rezone the western portion of Block 2574 from M1-3 to M1-4/R7-X; N 190337 ZRX (Pre. L.U. No. 515), a zoning text amendment to Appendix F to establish a new Mandatory Inclusionary Housing (MIH) area; C 190338 HAX (Pre. L.U. No. 516), a designation of the mixed-use development site as an Urban Development Action Area (UDAA) and an Urban Development Action Area Project (UDAAP) Approval for the mixed-use development and the disposition of the mixed-use development site to facilitate a new mixed-use development; C 190339 ZSK (L.U. No. 520), a special permit pursuant to ZR Section 74-832; C 190116 MMK (L.U. No. 521), a city

map amendment to establish upper and lower limiting planes to State Street between Boerum Place and Smith Street; C 190341 PQM (L.U. No. 523), an acquisition of a leasehold interest of retail space in Manhattan Detention Center (MDC) North held by Walker Street-Chung Pak Local Development Corporation (LDC), an area of approximately 6,300 square feet; C 190252 MMM (L.U. No. 524), a city map amendment to demap White Street between Centre Street and Baxter Street and reestablish White Street with upper and lower limiting planes as well as narrow and realign the right-of-way; C 190342 ZSQ (L.U. No. 525), a special permit pursuant to ZR Section 74-832; and C 190117 MMQ (L.U. No. 526), a city map amendment to demap 82nd Avenue between 126th Street and 132nd Street;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-832 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 18, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the positive declaration issued on August 14, 2018 (CEQR No. 18DOC001Y) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 23, 2019, in which the proposed development as analyzed in the FEIS identified significant adverse impacts for the selected Bronx site with respect to transportation (traffic) and construction (traffic, pedestrians and noise); for the selected Brooklyn site with respect to transportation (traffic), construction (traffic, pedestrians and noise), and historic and cultural resources; for the selected Manhattan site with respect to transportation (traffic), construction (pedestrians), and historic and cultural resources; and for the selected Queens site with respect to transportation (traffic) and construction (traffic, pedestrians and noise).

RESOLVED:

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

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
3. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190340 ZSM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter ~~double struck out~~ is old, deleted by the City Council;
 Matter double-underlined is new, added by the City Council

1. The property that is the subject of this application (C 190340 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Perkins Eastman, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-020	Zoning Analysis	08/30 <u>10/11/2019</u>
Z-030	Zoning Lot Site Plan	08/30 <u>10/11/2019</u>
Z-040	Ground Floor Plan	08/30 <u>10/11/2019</u>
Z-050	Waiver Plan – Roof Plan	08/30 <u>10/11/2019</u>
Z-060	Section A	08/30 <u>10/11/2019</u>
Z-061	Sections	08/30 <u>10/11/2019</u>
<u>Z-062</u>	<u>Section D</u>	<u>10/11/2019</u>

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report for L.U. No. 523 & Res. No. 1127

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190341 PQM (Borough-Based Jail System) submitted by the New York City Department of Correction, the Mayor's Office of Criminal Justice, and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property for a borough-based jail facility located at 124 White Street (Block 198, Lot 1), Borough of Manhattan, Council District 1, Community District 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant Section 11.20(c) of the Rules of the Council and Section 197-d(b)(3) of the New York City Charter.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2896) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 513 printed above in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1127

Resolution approving the decision of the City Planning Commission on ULURP Application No. C 190341 PQM, for the acquisition of property located at 124 White Street (Block 198, Lot 1), for a borough-based jail facility, Borough of Manhattan Community District 1 (L.U. No. 523; C 190341 PQM).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Department of Correction, the Mayor's Office of Criminal Justice, and the Department of Citywide Administrative Services, filed an application pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 124 White Street (Block 198, Lot 1), which in conjunction with the related actions would facilitate the development of four detention facilities that comprise the NYC borough-based jail system in Bronx Community District 1, Brooklyn Community District 2, Manhattan Community District 1 and Queens Community District 9 (ULURP No. C 190341 PQM), (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 3, 2019, its decision dated September 3, 2019 (the "Decision") approving the Application;

WHEREAS, the Application is related to applications C 190333 PSY (L.U. No. 518), a site selection for four new borough-based jail facilities; N 190334 ZRY (Pre. L.U. No. 513), a text amendment to create a new Special Permit in Zoning Resolution (ZR) Section 74-832 to allow for modifications to ground floor uses, bulk, floor area ratio, parking and loading for a borough-based jail system; C 190335 ZSX (L.U. No. 519), a special permit pursuant to ZR Section 74-832; C 190336 ZMX (Pre. L.U. No. 514), a zoning map amendment to rezone the western portion of Block 2574 from M1-3 to M1-4/R7-X; N 190337 ZRX (Pre. L.U. No. 515), a zoning text amendment to Appendix F to establish a new Mandatory Inclusionary Housing (MIH) area; C 190338 HAX (Pre. L.U. No. 516), a designation of the mixed-use development site as an Urban Development Action Area (UDAA) and an Urban Development Action Area Project (UDAAP) Approval for the mixed-use development and the disposition of the mixed-use development site to facilitate a new mixed-use development; C 190339 ZSK (L.U. No. 520), a special permit pursuant to ZR Section 74-832; C 190116 MMK (L.U. No. 521), a city map amendment to establish upper and lower limiting planes to State Street between Boerum Place and Smith Street; C 190340 ZSM (L.U. No. 522), a special permit pursuant to ZR Section 74-832; C 190252 MMM (L.U. No. 524), a city map amendment to demap White Street between Centre Street and Baxter Street and reestablish White Street with upper and lower limiting planes as well as narrow and realign the right-of-way; C 190342 ZSQ (L.U. No. 525), a special permit pursuant to ZR Section 74-832; and C 190117 MMQ (L.U. No. 526), a city map amendment to demap 82nd Avenue between 126th Street and 132nd Street;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 18, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the positive declaration issued on August 14, 2018 (CEQR No. 18DOC001Y) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 23, 2019, in which the proposed development as analyzed in the FEIS identified significant adverse impacts for the selected Bronx site with respect to transportation (traffic) and construction (traffic, pedestrians and noise); for the selected Brooklyn site with respect to transportation (traffic), construction (traffic, pedestrians and noise), and historic and cultural resources; for the selected Manhattan site with respect to transportation (traffic), construction (pedestrians), and historic and cultural resources; and for the selected Queens site with respect to transportation (traffic) and construction (traffic, pedestrians and noise).

RESOLVED:

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

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
3. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable.

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

Pursuant to Section 197-d of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 190341 PQM, incorporated by reference herein, and the record before the Council, the Council approves the Decision.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report for L.U. No. 524 & Res. No. 1128

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190252 MMM (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving: the elimination, discontinuance and closing of a volume of a portion of White Street from Centre Street to Baxter Street within limiting planes; the adjustment of grades and block dimensions necessitated thereby; and authorization for any acquisition or disposition of real property related thereto, in accordance with Map Acc. No. 30265 dated March 28, 2019 and signed by the Borough President, Borough of Manhattan, Council District 1, Community District 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant Section 11.20(c) of the Rules of the Council and Section 197 d(b)(3) of the New York City Charter.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2896) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 513 printed above in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1128

Resolution approving the decision of the City Planning Commission on ULURP No. C 190252 MMM, an amendment to the City Map (L.U. No. 524).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Department of Correction filed an application pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative

Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of a volume of a portion of White Street from Center Street to Baxter Street within limiting planes;
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map Acc. No. 30265 dated March 28, 2019 and signed by the Borough President, (ULURP No. C 190252 MMM), Community District 1, Borough of Manhattan (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 3, 2019, its decision dated September 3, 2019 (the "Decision"), on the Application;

WHEREAS, the Application is related to applications C 190333 PSY (L.U. No. 518), a site selection for four new borough-based jail facilities; N 190334 ZRY (Pre. L.U. No. 513), a text amendment to create a new Special Permit in Zoning Resolution (ZR) Section 74-832 to allow for modifications to ground floor uses, bulk, floor area ratio, parking and loading for a borough-based jail system; C 190335 ZSX (L.U. No. 519), a special permit pursuant to ZR Section 74-832; C 190336 ZMX (Pre. L.U. No. 514), a zoning map amendment to rezone the western portion of Block 2574 from M1-3 to M1-4/R7-X; N 190337 ZRX (Pre. L.U. No. 515), a zoning text amendment to Appendix F to establish a new Mandatory Inclusionary Housing (MIH) area; C 190338 HAX (Pre. L.U. No. 516), a designation of the mixed-use development site as an Urban Development Action Area (UDAA) and an Urban Development Action Area Project (UDAAP) Approval for the mixed-use development and the disposition of the mixed-use development site to facilitate a new mixed-use development; C 190339 ZSK (L.U. No. 520), a special permit pursuant to ZR Section 74-832; C 190116 MMK (L.U. No. 521), a city map amendment to establish upper and lower limiting planes to State Street between Boerum Place and Smith Street; C 190340 ZSM (L.U. No. 522), a special permit pursuant to ZR Section 74-832; C 190341 PQM (L.U. No. 523), an acquisition of a leasehold interest of retail space in Manhattan Detention Center (MDC) North held by Walker Street-Chung Pak Local Development Corporation (LDC), an area of approximately 6,300 square feet; C 190342 ZSQ (L.U. No. 525), a special permit pursuant to ZR Section 74-832; and C 190117 MMQ (L.U. No. 526), a city map amendment to demap 82nd Avenue between 126th Street and 132nd Street;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 18, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the positive declaration issued on August 14, 2018 (CEQR No. 18DOC001Y) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 23, 2019, in which the proposed development as analyzed in the FEIS identified significant adverse impacts for the selected Bronx site with respect to transportation (traffic) and construction (traffic, pedestrians and noise); for the selected Brooklyn site with respect to transportation (traffic), construction (traffic, pedestrians and noise), and historic and cultural resources; for the selected Manhattan site with respect to transportation (traffic), construction (pedestrians), and historic and cultural resources; and for the selected Queens site with respect to transportation (traffic) and construction (traffic, pedestrians and noise).

RESOLVED:

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

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
3. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 199 of the City Charter, and Section 5-430 et seq. of the New York City Administrative Code on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190252 MMM, incorporated by reference herein, and the record before the Council, the Council approves the Decision for an amendment to the City Map involving:

- the elimination, discontinuance and closing of a volume of a portion of White Street from Center Street to Baxter Street within limiting planes;
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map Acc. No. 30265 dated March 28, 2019 and signed by the Borough President is approved.

RESOLVED that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

RESOLVED that, pursuant to Section 5-433 of the New York Administrative Code, the City Planning Commission adopts the legally required number of counterparts of Map No. 30265 dated March 28, 2019 providing for the discontinuance and closing of a volume of a portion of White Street from Center Street to Baxter Street being more particularly described as follows:

DISCONTINUING AND CLOSING OF WHITE STREET, BETWEEN CENTRE STREET AND BAXTER STREET ABOVE ELEVATION 47.20 AND BELOW ELEVATION 11.00, AS SHOWN ON THE MANHATTAN BOROUGH PRESIDENT'S MAP ACC NO. 30265, DATED MARCH 28, 2019.

Starting at the point of intersection of the westerly line of Baxter Street and southerly line of Walker Street, thence running 273.67 feet southerly, along the westerly line of Baxter Street, to the point or place of beginning;

- 1) Thence, running 221.31 feet, in a westerly direction to a point, which makes an external angle to the right of the previous course of 82 degrees 32 minutes and 04 seconds;
- 2) Thence, running 49.29 feet, in a southerly direction to a point, which makes an internal angle with the previous course of 85 degrees 35 minutes and 52 seconds;
- 3) Thence, running 224.08 feet, in an easterly direction to a point, which makes an internal angle with the previous course of 94 degrees 37 minutes and 12 seconds;
- 4) Thence, running 50.43 feet, in a northerly direction, which makes an interior angle with the previous

course of 82 degrees, 18 minutes and 58 seconds, to the point or place of beginning;

Said White Street to be discontinued and closed above Elevation 47.20 and below Elevation 11.00 contains an area of 11,037.1 square feet, more or less.

DISCONTINUING AND CLOSING OF A PORTION OF WHITE STREET ON ITS NORTHERLY SIDE, BETWEEN CENTRE STREET AND BAXTER STREET ABOVE ELEVATION 11.00 AND BELOW ELEVATION 47.20, AS SHOWN ON THE MANHATTAN BOROUGH PRESIDENT'S MAP ACC NO. 30265, DATED MARCH 28, 2019.

Starting at the point of intersection of the westerly line of Baxter Street and southerly line of Walker Street, thence running 273.67 feet southerly, along the westerly line of Baxter Street, to the point or place of beginning;

- 1) Thence, running 221.31 feet, in a westerly direction to a point along a line, which makes an external angle to the right of the previous course of 82 degrees 32 minutes and 04 seconds;
- 2) Thence, running 13.60 feet, in a southerly direction to a point along a line, which makes an internal angle with the previous course of 85 degrees 35 minutes and 52 seconds;
- 3) Thence, running 220.68 feet, in an easterly direction along a line, which makes an interior angle with the previous course of 90 degrees, 52 minutes and 43 seconds, to the point or place of beginning;

Said a portion of White Street to be discontinued and closed on its northerly side above Elevation 11.00 and below Elevation 47.20 contains an area of 1,500.8 square feet, more or less.

DISCONTINUING AND CLOSING OF A PORTION OF WHITE STREET ON ITS SOUTHERLY SIDE, BETWEEN CENTRE STREET AND BAXTER STREET ABOVE ELEVATION 11.00 AND BELOW ELEVATION 47.20, AS SHOWN ON THE MANHATTAN BOROUGH PRESIDENT'S MAP ACC NO. 30265, DATED MARCH 28, 2019.

Starting at the point of intersection of the westerly line of Baxter Street and northerly line of Hogan Place, thence running 253.40 feet northerly, along the westerly line of Baxter Street to an angle point; thence running 199.00 feet northerly, along the westerly line of Baxter Street to the point or place of beginning;

- 4) Thence, running 224.08 feet, in a westerly direction to a point along a line, which makes an external angle to the left of the previous course of 97 degrees 44 minutes and 57 seconds;
- 5) Thence, running 0.68 feet, in a northerly direction to a point along a line, which makes an internal angle with the previous course of 94 degrees 37 minutes and 12 seconds;
- 6) Thence, running 222.56 feet, in an easterly direction to a point along a line, which makes an internal angle with the previous course of 89 degrees 07 minutes and 17 seconds;
- 7) Thence, running 15.34 feet, in a southerly direction, which makes an interior angle with the previous course of 93 degrees, 56 minutes and 33 seconds, to the point or place of beginning;

Said a portion of White Street to be discontinued and closed on its southerly side above Elevation 11.00 and below Elevation 47.20 contains an area of 1,779.5 square feet, more or less.

RESOLVED that, pursuant to subdivision 1a of Section 5-433 of the New York City Administrative Code, public utility facilities within the subsurface of the streets cited herein which are to be discontinued and closed by this action, may be maintained in place or relocated within such subsurface by the public utility, so that such maintenance in place or relocation of such facilities is consistent with the proposed use of the closed portion or

portions of such subsurface and the requirements of other facilities located therein;

All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. C 190252 MMM dated March 28, 2019 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code; and
- b. The subject streets to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report for L.U. No. 525 & Res. No. 1129

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190342 ZSQ (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197 c and 201 of the New York City Charter for the grant of a special permit pursuant new Section 74 832 of the Zoning Resolution, as proposed by related application no. N 190334 ZRY, to modify: the floor area ratio requirements of Section 33 10 (Floor Area Regulations); the height and setback requirements of Section 33 40 (HEIGHT AND SETBACK REGULATIONS); the permitted accessory parking requirements of Section 36-12 (Maximum Size of Accessory Group Parking Facilities); the permitted public parking garage requirements of Section 32-10 (USES PERMITTED AS OF RIGHT); and the loading berth requirements of Section 36-60 (OFF-STREET LOADING REGULATIONS) to facilitate the construction of a borough-based jail facility, on property located at 126 02 82nd Avenue a.k.a. 80 25 126th Street (Block 9653 Lot 1, Block 9657 Lot 1, and the portion of 82nd Avenue between 126th Street and 132nd Street demapped as proposed under related application no. C 190117 MMQ), in a C4-4 District, Borough of Queens, Council District 29, Community District 9. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant Section 11.20(c) of the Rules of the Council and Section 197 d(b)(3) of the New York City Charter.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2897) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 513 printed above in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1129

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 190342 ZSQ, for the grant of a special permit (L.U. No. 525).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197-c and 201 of the New York City Charter filed an application for the grant of a special permit pursuant to Section 74-832 of the Zoning Resolution to modify:

- a. the floor area ratio requirements of Section 33-10 (Floor Area Regulations);
- b. the height and setback requirements of Section 33-40 (HEIGHT AND SETBACK REGULATIONS);
- c. the permitted accessory parking requirements of Section 36-12 (Maximum Size of Accessory Group Parking Facilities);
- d. the permitted public parking garage requirements of Section 32-10 (USES PERMITTED AS OF RIGHT); and
- e. the loading berth requirements of Section 36-60 (OFF-STREET LOADING REGULATIONS);

on property located at 126-02 82nd Avenue a.k.a. 80-25 126th Street (Block 9653 Lot 1, Block 9657 Lot 1, and the demapped portion of 82nd Avenue between 126th Street and 132nd Street), in a C4-4 District, which in conjunction with the related actions would facilitate the development of four detention facilities that comprise the NYC borough-based jail system in Bronx Community District 1, Brooklyn Community District 2, Manhattan Community District 1 and Queens Community District 9. (ULURP No. C 190342 ZSQ) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 3, 2019, its decision dated September 3, 2019 (the "Decision"), on the Application;

WHEREAS, the Application is related to applications C 190333 PSY (L.U. No. 518), a site selection for four new borough-based jail facilities; N 190334 ZRY (Pre. L.U. No. 513), a text amendment to create a new Special Permit in Zoning Resolution (ZR) Section 74-832 to allow for modifications to ground floor uses, bulk, floor area ratio, parking and loading for a borough-based jail system; C 190335 ZSX (L.U. No. 519), a special permit pursuant to ZR Section 74-832; C 190336 ZMX (Pre. L.U. No. 514), a zoning map amendment to rezone the western portion of Block 2574 from M1-3 to M1-4/R7-X; N 190337 ZRX (Pre. L.U. No. 515), a zoning text amendment to Appendix F to establish a new Mandatory Inclusionary Housing (MIH) area; C 190338 HAX (Pre. L.U. No. 516), a designation of the mixed-use development site as an Urban Development Action Area (UDAA) and an Urban Development Action Area Project (UDAAP) Approval for the mixed-use development and the disposition of the mixed-use development site to facilitate a new mixed-use development; C 190339 ZSK (L.U. No. 520), a special permit pursuant to ZR Section 74-832; C 190116 MMK (L.U. No. 521), a city map amendment to establish upper and lower limiting planes to State Street between Boerum Place and Smith Street; C 190340 ZSM (L.U. No. 522), a special permit pursuant to ZR Section 74-832; C 190341 PQM (L.U. No. 523), an acquisition of a leasehold interest of retail space in Manhattan Detention Center (MDC) North held by Walker Street-Chung Pak Local Development Corporation (LDC), an area of approximately 6,300 square feet; C 190252 MMM (L.U. No. 524), a city map amendment to demap White Street between Centre Street and Baxter Street and reestablish White Street with upper and lower limiting planes as well as narrow and realign the right-of-way; and C 190117 MMQ (L.U. No. 526), a city map amendment to demap 82nd Avenue between 126th Street and 132nd Street;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-832 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 18, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the positive declaration issued on August 14, 2018 (CEQR No. 18DOC001Y) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 23, 2019, in which the proposed development as analyzed in the FEIS identified significant adverse impacts for the selected Bronx site with respect to transportation (traffic) and construction (traffic, pedestrians and noise); for the selected Brooklyn site with respect to transportation (traffic), construction (traffic, pedestrians and noise), and historic and cultural resources; for the selected Manhattan site with respect to transportation (traffic), construction (pedestrians), and historic and cultural resources; and for the selected Queens site with respect to transportation (traffic) and construction (traffic, pedestrians and noise).

RESOLVED:

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

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
3. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190342 ZSQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter ~~double struck out~~ is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council

1. The property that is the subject of this application (C 190342 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Perkins Eastman, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-020	Zoning Analysis	08/30/2019 <u>10/11/2019</u>
Z-030	Zoning Lot Site Plan	08/30/2019 <u>10/11/2019</u>

Z-040	Ground Floor Plan	08/30/2019 <u>10/11/2019</u>
Z-050	Waiver Plan – Roof Plan	08/30/2019 <u>10/11/2019</u>
Z-060	Sections	08/30/2019 <u>10/11/2019</u>

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Upon failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city’s or such employee’s or agent’s failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report for L.U. No. 526 & Res. No. 1130

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190117 MMQ (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor’s Office of Criminal Justice, pursuant to Sections 197 c and 199 of the New York City Charter, and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving: the elimination, discontinuance and closing of 82nd Avenue between 126th Street and 132nd Street; the elimination of two Public Places within the area bounded by Union Turnpike, 132nd

Street, Hoover Avenue, Queens Boulevard, 82nd Avenue and 126th Street; the adjustment of grades and block dimensions necessitated thereby; and authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. C.P.C. 190117 MMQ dated March 25, 2019 and signed by the Director of the Department of City Planning, Borough of Queens, Council District 29, Community District 9. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant Section 11.20(c) of the Rules of the Council and Section 197 d(b)(3) of the New York City Charter.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2897) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 513 printed above in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1130

Resolution approving the decision of the City Planning Commission on ULURP No. C 190117 MMQ, an amendment to the City Map (L.U. No. 526).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Department of Correction filed an application pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of 82nd Avenue between 126th Street and 132nd Street;
- the elimination of two Public Places within the area bounded by Union Turnpike, 132nd Street, Hoover Avenue, Queens Boulevard, 82nd Avenue and 126th Street;
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. C.P.C. 190117 MMQ dated March 25, 2019 and signed by the Director of the Department of City Planning, (ULURP No. C 190117 MMQ), Community District 9, Borough of Queens (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 3, 2019, its decision dated September 3, 2019 (the "Decision"), on the Application;

WHEREAS, the Application is related to applications C 190333 PSY (L.U. No. 518), a site selection for four new borough-based jail facilities; N 190334 ZRY (Pre. L.U. No. 513), a text amendment to create a new Special Permit in Zoning Resolution (ZR) Section 74-832 to allow for modifications to ground floor uses, bulk, floor area ratio, parking and loading for a borough-based jail system; C 190335 ZSX (L.U. No. 519), a special permit pursuant to ZR Section 74-832; C 190336 ZMX (Pre. L.U. No. 514), a zoning map amendment to rezone the western portion of Block 2574 from M1-3 to M1-4/R7-X; N 190337 ZRX (Pre. L.U. No. 515), a zoning text amendment to Appendix F to establish a new Mandatory Inclusionary Housing (MIH) area; C 190338 HAX

(Pre. L.U. No. 516), a designation of the mixed-use development site as an Urban Development Action Area (UDAA) and an Urban Development Action Area Project (UDAAP) Approval for the mixed-use development and the disposition of the mixed-use development site to facilitate a new mixed-use development; C 190339 ZSK (L.U. No. 520), a special permit pursuant to ZR Section 74-832; C 190116 MMK (L.U. No. 521), a city map amendment to establish upper and lower limiting planes to State Street between Boerum Place and Smith Street; C 190340 ZSM (L.U. No. 522), a special permit pursuant to ZR Section 74-832; C 190341 PQM (L.U. No. 523), an acquisition of a leasehold interest of retail space in Manhattan Detention Center (MDC) North held by Walker Street-Chung Pak Local Development Corporation (LDC), an area of approximately 6,300 square feet; C 190252 MMM (L.U. No. 524), a city map amendment to demap White Street between Centre Street and Baxter Street and reestablish White Street with upper and lower limiting planes as well as narrow and realign the right-of-way; and C 190342 ZSQ (L.U. No. 525), a special permit pursuant to ZR Section 74-832;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 18, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the positive declaration issued on August 14, 2018 (CEQR No. 18DOC001Y) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 23, 2019, in which the proposed development as analyzed in the FEIS identified significant adverse impacts for the selected Bronx site with respect to transportation (traffic) and construction (traffic, pedestrians and noise); for the selected Brooklyn site with respect to transportation (traffic), construction (traffic, pedestrians and noise), and historic and cultural resources; for the selected Manhattan site with respect to transportation (traffic), construction (pedestrians), and historic and cultural resources; and for the selected Queens site with respect to transportation (traffic) and construction (traffic, pedestrians and noise).

RESOLVED:

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

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
3. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 199 of the City Charter, and Section 5-430 et seq. of the New York City Administrative Code on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190117 MMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision for an amendment to the City Map involving:

- the elimination, discontinuance and closing of 82nd Avenue between 126th Street and 132nd Street;
- the elimination of two Public Places within the area bounded by Union Turnpike, 132nd Street, Hoover Avenue, Queens Boulevard, 82nd Avenue and 126th Street;
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. C.P.C. 190117 MMQ dated March 25, 2019 and signed by the Director of the Department of City Planning is approved.

RESOLVED that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

RESOLVED that, pursuant to Section 5-433 of the New York Administrative Code, the City Planning Commission adopts the legally required number of counterparts of Map No. C 190117 MMQ dated March 25, 2019 providing for the discontinuance and closing of 82nd Avenue between 126th Street and 132nd Street being more particularly described as follows:

DISCONTINUING AND CLOSING OF 82ND AVENUE BETWEEN 126TH STREET AND 132ND STREET, BOROUGH OF QUEENS, AS SHOWN ON THE CITY OF NEW YORK DEPARTMENT OF CITY PLANNING MAP C.P.C. NO. 190117 MMQ, DATED MARCH 25, 2019.

Starting at the point of intersection of the northerly line of Queens Boulevard and easterly line of 82nd Avenue, thence running 314.50 feet northeasterly, along the easterly line of 82nd Avenue, to the point or place of beginning;

- 1) Thence, running 351.93 feet, in an easterly direction to a point, which makes an external angle to the right of the previous course of 123 degrees 19 minutes and 37.4 seconds;
- 2) Thence, running 84.37 feet, in a northwesterly direction to a point, which makes an internal angle with the previous course of 72 degrees 28 minutes and 50.4 seconds;
- 3) Thence, running 273.78 feet, in a westerly direction to a point, which makes an internal angle with the previous course of 108 degrees 31 minutes and 9.6 seconds;
- 4) Thence, running 95.07 feet, in a southwesterly direction, which makes an interior angle with the previous course of 123 degrees, 41 minutes and 53.3 seconds, to the point or place of beginning;

Said 82nd Avenue to be discontinued and closed between 126th Street and 132nd Street contains an area of 25,028.5 square feet, more or less.

RESOLVED that, pursuant to subdivision 1a of Section 5-433 of the New York City Administrative Code, public utility facilities within the subsurface of the streets cited herein which are to be discontinued and closed by this action, may be maintained in place or relocated within such subsurface by the public utility, so that such maintenance in place or relocation of such facilities is consistent with the proposed use of the closed portion or portions of such subsurface and the requirements of other facilities located therein;

All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. C 190117 MMQ dated March 25, 2019, are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code; and

- b. The subject streets to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 16, 2019. *Other Council Members Attending: Council Member Koslowitz.*

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

Report for L.U. No. 531 & Res. No. 1131

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 100421 ZMQ (Vernon Boulevard Broadway Rezoning) submitted by Cipico Construction Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a, changing from an R5 District to an R6B District, changing from an R5 District to an R7X District, and establishing within the proposed R7X District a C1-3 District, Borough of Queens, Council District 26, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2899) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

QUEENS CB-1 - THREE APPLICATIONS RELATED TO VERNON BOULEVARD BROADWAY REZONING

C 100421 ZMQ (L.U. No. 531)

City Planning Commission decision approving an application submitted by Cipico Construction Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a:

1. changing from an R5 District to an R6B District property bounded by 10th Street, a line 100 feet northeasterly of 33rd Road, 11th Street, and 33rd Road;
2. changing from an R5 District to an R7X District property bounded by 10th Street, Vernon Boulevard, Broadway, 11th Street and a line 100 feet northeasterly of 33rd Road; and
3. establishing within the proposed R7X District a C1-3 District bounded by 10th Street, Vernon Boulevard, Broadway, 11th Street and a line 100 feet northeasterly of 33rd Road;

as shown on a diagram (for illustrative purposes only) dated April 22, 2019, and subject to the conditions of CEQR Declaration E-518.

N 190151 ZRQ (L.U. No. 532)

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

C 190386 ZSQ (L.U. No. 533)

City Planning Commission decision approving an application submitted by Cipico Construction Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to permit the distribution of total allowable floor area without regard for zoning lot lines or district boundaries and to modify the minimum base height requirements of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residence for seniors) to facilitate a proposed mixed-use development, within a large-scale general development, on property bounded by 10th Street, Vernon Boulevard, Broadway, 11th Street, and 33rd Road (Block 315, Lot 1), in R6B and R7X/C1-3 Districts.

INTENT

To approve an amendment to rezone the project area from an R5 District to a combination of R6B and R7X/C1-3 Districts; amend zoning text to modify Appendix F and map the Project Area as a Mandatory Inclusionary Housing (MIH) area; and grant an approval of the special permit to allow the distribution of total allowable floor area within a large-scale general development without regard for zoning lot lines or district boundaries for noncomplying floor area and the location of buildings without regard for the applicable height and setback regulations for the 45' portion of the building in the R7X/C1-3 zone on Zoning Lot A by Vernon Boulevard and Broadway to the north, 11th Street to the east, 33rd Road to the south and 10th Street to the west in Astoria, Queens Community District 1.

PUBLIC HEARING

DATE: September 18, 2019

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 3, 2019

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission ("CPC") on L.U. Nos. 531 and 533 and approve with modifications the decision of the City Planning Commission on L.U. No. 532.

In Favor:

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

Against: **Abstain:**
None None.

COMMITTEE ACTION

DATE: October 10, 2019

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Deutsch, King, Koo, Lancman, Levin, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Moya.

Against: **Abstain:**
None Barron.

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS

The City Planning Commission filed a letter dated October 17, 2019, with the Council on October 15, 2019, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1131

Resolution approving the decision of the City Planning Commission on ULURP No. C 100421 ZMQ, a Zoning Map amendment (L.U. No. 531).

By Council Members Salamanca and Moya.

WHEREAS, Cipico Construction Inc., filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a, changing from an R5 District to an R6B District, changing from an R5 District to an R7X District, and establishing within the proposed R7X District a C1-3 District, which in conjunction with the related actions would facilitate the development of a large-scale general development on the block bounded by Vernon Boulevard and Broadway to the north, 11th Street to the east, 33rd Road to the south and 10th Street to the west in Astoria, Queens Community District 1 (ULURP No. C 100421 ZMQ) (the "Application");

WHEREAS the City Planning Commission filed with the Council on September 13, 2019, its decision dated September 11, 2019 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 190151 ZRQ (L.U. No. 532), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and C 190386 ZSQ (L.U. No. 533), a special permit pursuant to Section 74-743 of the Zoning Resolution, to permit the distribution of total allowable floor area without regard for zoning lot lines and to modify the minimum base height requirements of Section 23-664;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 18, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued April 22nd, 2019 (CEQR No. 12DCP139Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality, noise, and hazardous materials (E-518) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-518) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 100421 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 9a:

1. changing from an R5 District to an R6B District property bounded by 10th Street, a line 100 feet northeasterly of 33rd Road, 11th Street, and 33rd Road;
2. changing from an R5 District to an R7X District property bounded by 10th Street, Vernon Boulevard, Broadway, 11th Street and a line 100 feet northeasterly of 33rd Road; and
3. establishing within the proposed R7X District a C1-3 District bounded by 10th Street, Vernon Boulevard, Broadway, 11th Street and a line 100 feet northeasterly of 33rd Road;

as shown on a diagram (for illustrative purposes only) dated April 22, 2019, and subject to the conditions of CEQR Declaration E-518, Community District 1, Borough of Queens.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 10, 2019. *Other Council Members Attending: Council Member Perkins.*

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

Report for L.U. No. 532 & Res. No. 1132

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 190151 ZRQ (Vernon Boulevard Broadway Rezoning) submitted by Cipico Construction Inc. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Council District 26, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2899) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 531 printed above in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1132

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 190151 ZRQ, for an amendment of the text of the Zoning Resolution (L.U. No. 532).

By Council Members Salamanca and Moya.

WHEREAS, Cipico Construction, Inc., filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related actions would facilitate a proposed large-scale general development on a full block bounded by Vernon Boulevard and Broadway to the north, 11th Street to the east, 33rd Road to the south and 10th Street to the west in Astoria, Queens Community District 1 (Application No. N 190151 ZRQ), (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 13, 2019 its decision dated September 11, 2019 (the “Decision”), on the Application;

WHEREAS, the Application is related to applications C 100421 ZMQ (L.U. No. 531), a zoning map amendment changing from an R5 District to an R6B District and an R7X/C1-3 District and C 190386 ZSQ (L.U. No. 533), a special permit pursuant to Section 74-743 of the Zoning Resolution, to permit the distribution of total allowable floor area without regard for zoning lot lines and to modify the minimum base height requirements of Section 23-664;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 18, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued April 22nd, 2019 (CEQR No. 12DCP139Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality, noise, and hazardous materials (E-518) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-518) and Negative Declaration.

Pursuant to Section 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 190151 ZRQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

* * *

- Matter underlined is new, to be added;
 - Matter ~~struck out~~ is to be deleted;
 - Matter within # # is defined in Section 12-10;
 - Matter ~~double struck out~~ is old, deleted by the City Council;
 - Matter double-underlined is new, added by the City Council
- * * * indicates where unchanged text appears in the Zoning Resolution.

* * *

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

* * *

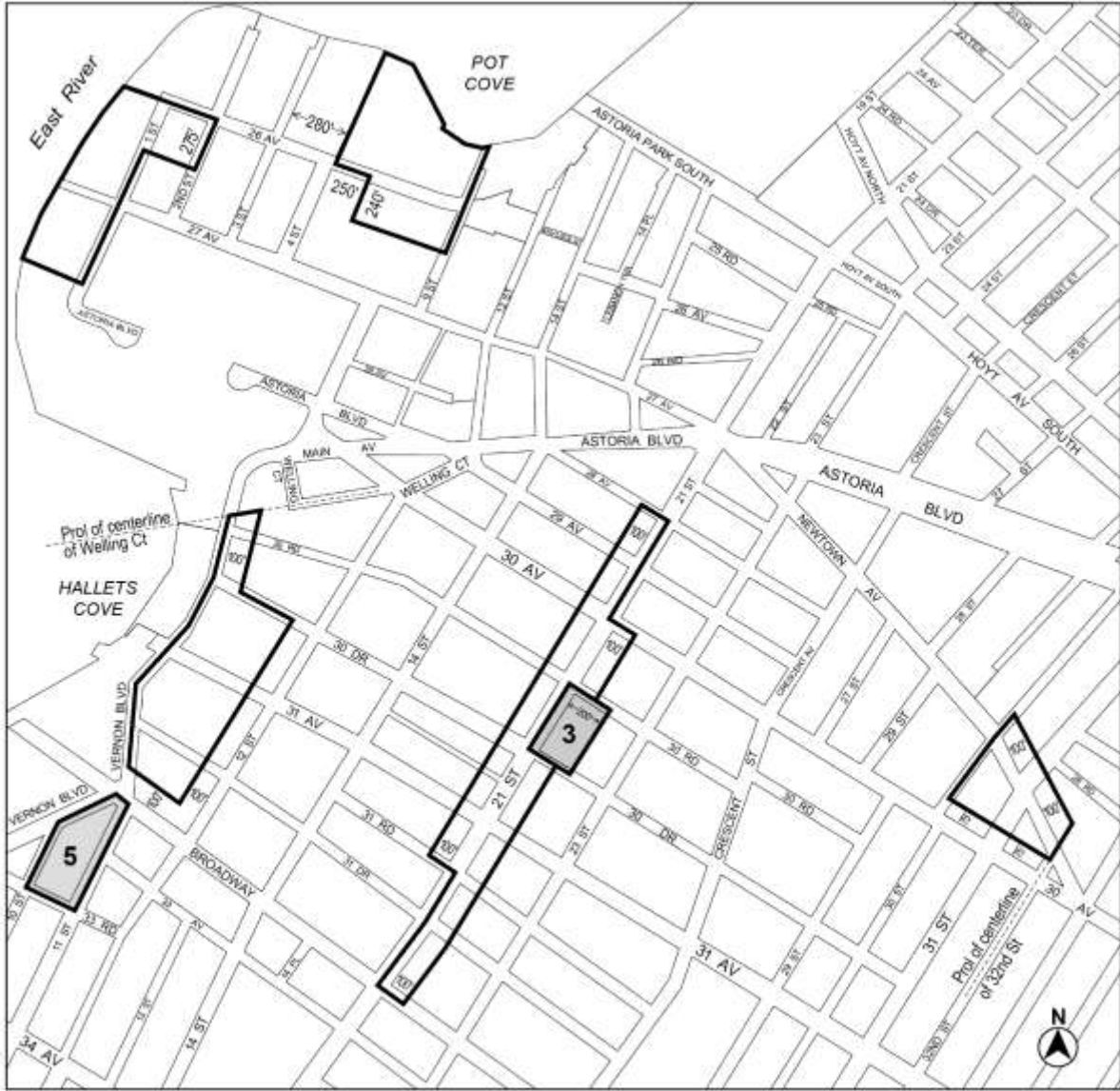
QUEENS



* * *

Queens Community District 1

Map 1- (10/31/18) [date of adoption]

[PROPOSED MAP]



-  Inclusionary Housing designated area
-  Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area 3 — 10/31/18 MIH Program Option 1 and Option 2

Area 5 – [date of adoption] – MIH Program Option 1 and Option 2

Portion of Community District 1, Queens

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I.

LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 10, 2019. *Other Council Members Attending: Council Member Perkins.*

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

Report for L.U. No. 533 & Res. No. 1133

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190386 ZSQ (Vernon Boulevard Broadway Rezoning) submitted by Cipico Construction Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to permit the distribution of total allowable floor area without regard for zoning lot lines or district boundaries and to modify the minimum base height requirements of Sections 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residence for seniors) to facilitate a proposed mixed-use development, within a large-scale general development, in R6B and R7X/C1-3 Districts, on property bounded by 10th Street, Vernon Boulevard, Broadway, 11th Street, and 33rd Road (Block 315, Lot 1), Borough of Queens, Council District 26, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2019 (Minutes, page 2899) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 531 printed above in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1133

Resolution approving the decision of the City Planning Commission on ULURP No. C 190386 ZSQ, for the grant of a special permit (L.U. No. 533).

By Council Members Salamanca and Moya.

WHEREAS, Cipico Construction Inc., filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to permit the distribution of total allowable floor area without regard for zoning lot lines or district boundaries and to modify the minimum base height requirements of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residence for seniors) to facilitate a proposed mixed-use development, within a large-scale general development, on property bounded by 10th Street, Vernon Boulevard, Broadway, 11th Street, and 33rd Road (Block 315, Lot 1), in R6B and R7X/C1-3 Districts, Borough of Queens, Community District 1 (ULURP No. C 190386 ZSQ) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 13, 2019, its decision

dated September 11, 2019 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications C 100421 ZMQ (L.U. No. 531), a zoning map amendment changing from an R5 District to an R6B District and an R7X/C1-3 District; and N 190151 ZRQ (L.U. No. 532), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-743 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 18, 2018;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued April 22nd, 2019 (CEQR No. 12DCP139Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality, noise, and hazardous materials (E-518) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-518) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190386 ZSQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The development that is the subject of this application (C 190386 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans prepared by Gerald J. Caliendo, Architects, and Starr Whitehouse Landscape Architects filed with this application and incorporated in this resolution, and in accordance with the provisions and procedures set forth in the Restrictive Declaration:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-300	Zoning Analysis	4.9.19
Z-400	Site Plan	4.9.19
Z-500	First Floor Plan	4.9.19
Z-600	Waiver Plan	4.9.19
Z-601	Sections Building C	4.9.19
Z-602	Sections Building C	4.9.19
Z-603	Sections Building A & B	4.9.19
Z-604	Sections Building A & B	4.9.19
Z-605	Sections Building A & B	4.9.19
Z-606	Sections Building A & B	4.9.19
Z-700	Elevations-Building C	4.9.19
Z-701	Elevations- Building C	4.9.19
Z-702	Elevations- Building A & B	4.9.19

Z-703	Elevations-Building A & B	4.9.19
L-100	Schematic Design Materials Plan	7/26/19
L-101	Schematic Design Lighting Plan	4/30/19
L-200	Schematic Design Layout Plan	4/30/19
L-300	Schematic Design Grading Plan	4/30/19
L-400	Furnishings and Programming	7/26/19
L-500	Schematic Design Sections I	4/16/19
L-501	Schematic Design Sections II	4/16/19

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to their construction, operation and maintenance.
4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
6. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached hereto as Exhibit A, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register, Queens County.
7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the restrictive declarations whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency or government, or any private person or entity. Any such filature as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation, or amendment of the special permit hereby granted or of the restrictive declarations.
8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 10, 2019. *Other Council Members Attending: Council Member Perkins.*

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

Report for L.U. No. 538 & Res. No. 1134

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180036 ZMQ (38th Street – 35th Avenue Rezoning) submitted by Empire MG Properties, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 9b: changing from an M1-1 District to an R6A District and establishing within the proposed R6A District a C1-3 District, Borough of Queens, Council District 26, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on September 25, 2019 (Minutes, page 3166 and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

QUEENS CB-1 – TWO APPLICATIONS RELATED TO 38TH STREET-35TH AVENUE REZONING

C 180036 ZMQ (Pre. L.U. No. 538)

City Planning Commission decision approving an application submitted by Empire MG Properties, LLC pursuant to Sections 197-c and 201 of the NYC Charter for the amendment of the Zoning Map, Section No. 9b:

1. changing from an M1-1 District to an R6A District bounded by 34th Avenue, 38th Street, a line 240 feet northeasterly of 35th Avenue, and 37th Street; and;
2. establishing within the proposed R6A District a C1-3 District bounded by 34th Avenue, 38th Street, a line 240 feet northeasterly of 35th Avenue, and a line midway between 37th Street and 38th Street;

as shown on a diagram (for illustrative purposes only) dated April 22, 2019, and subject to the conditions of CEQR Declaration E-533.

N 180037 ZRQ (Pre. L.U. No. 539)

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

INTENT

To approve an amendment to rezone the project area from an M1-1 District to R6A and R6A/C1-3 Districts and amend zoning text to modify Appendix F and map the Project Area as a Mandatory Inclusionary Housing (MIH) area utilizing Option 2 to facilitate the construction of a seven-story mixed-use building located on the west side of 38th Street in Astoria, Queens, Community District 1.

PUBLIC HEARING**DATE:** September 18, 2019**Witnesses in Favor:** One**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** October 3, 2019

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission (“CPC”) on Pre. L.U. No. 538 and approve with modifications the decision of the City Planning Commission on L.U. No. 539.

In Favor:

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

Against:

None

Abstain:

None.

COMMITTEE ACTION**DATE:** October 10, 2019

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Deutsch, King, Koo, Lancman, Levin, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Moya.

Against:

Barron

Abstain:

None.

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS

The City Planning Commission filed a letter dated October 17, 2019, with the Council on October 15, 2019, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1134

Resolution approving the decision of the City Planning Commission on ULURP No. C 180036 ZMQ, a Zoning Map amendment (Preconsidered L.U. No. 538).

By Council Members Salamanca and Moya.

WHEREAS, Empire MG Properties, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9b, changing from an M1-1 District to an R6A District and establishing within the proposed R6A District a C1-3 District, which in conjunction with the related action would facilitate the construction of a seven-story mixed-use building located on the west side of 38th Street in Astoria, Queens Community District 1 (ULURP No. C 180036 ZMQ) (the “Application”);

WHEREAS the City Planning Commission filed with the Council on September 13, 2019, its decision dated September 11, 2019 (the “Decision”) on the Application;

WHEREAS, the Application is related to application N 180037 ZRQ (Pre. L.U. No. 539), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 18, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued April 22nd, 2019 (CEQR No. 08DCP045Q) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (the “E” Designation (E-533));

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-533) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 180036 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 9b, by changing from an M1-1 District to an R6A District property bounded by 34th Avenue, 38th Street, a line 240 feet northeasterly of 35th Avenue, and 37th Street; and establishing within the proposed R6A District a C1-3 District bounded by 34th Avenue, 38th Street, a line 240 feet northeasterly of 35th Avenue, and a line midway between 37th Street and 38th Street, Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated April 22, 2019, and subject to the conditions of the CEQR Declaration E-533.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 10, 2019. *Other Council Members Attending: Council Member Perkins.*

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

Report for L.U. No. 539 & Res. No. 1135

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 180037 ZRQ (38th Street – 35th Avenue Rezoning) submitted by Empire MG Properties, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Council District 26, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on September 25, 2019 (Minutes, page 3166) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 538 printed above in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1135

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 180037 ZRQ, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 539).

By Council Members Salamanca and Moya.

WHEREAS, Empire MG Properties, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area utilizing Option 2, which in conjunction with the related action would facilitate the construction of a seven-story mixed use building located on the west side of 38th Street in Astoria, Queens, Community District 1 (Application No. N 180037 ZRQ) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 13, 2019 its decision dated September 11, 2019 (the “Decision”), on the application;

WHEREAS, the Application is related to application C 180036 ZMQ (Pre. L.U. No. 538), a zoning

map amendment to change an M1-1 District to an R6A/C1-3 District;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 18, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued April 22nd, 2019 (CEQR No. 08DCP045Q) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (the “E” Designation (E-533));

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-533) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 180037 ZRQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

- Matter underlined is new, to be added;
 - Matter ~~struck out~~ is to be deleted;
 - Matter within # # is defined in Section 12-10;
 - Matter ~~double struck out~~ is old, deleted by the City Council;
 - Matter double-underlined is new, added by the City Council
- * * * indicates where unchanged text appears in the Zoning Resolution.

* * *

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

* * *

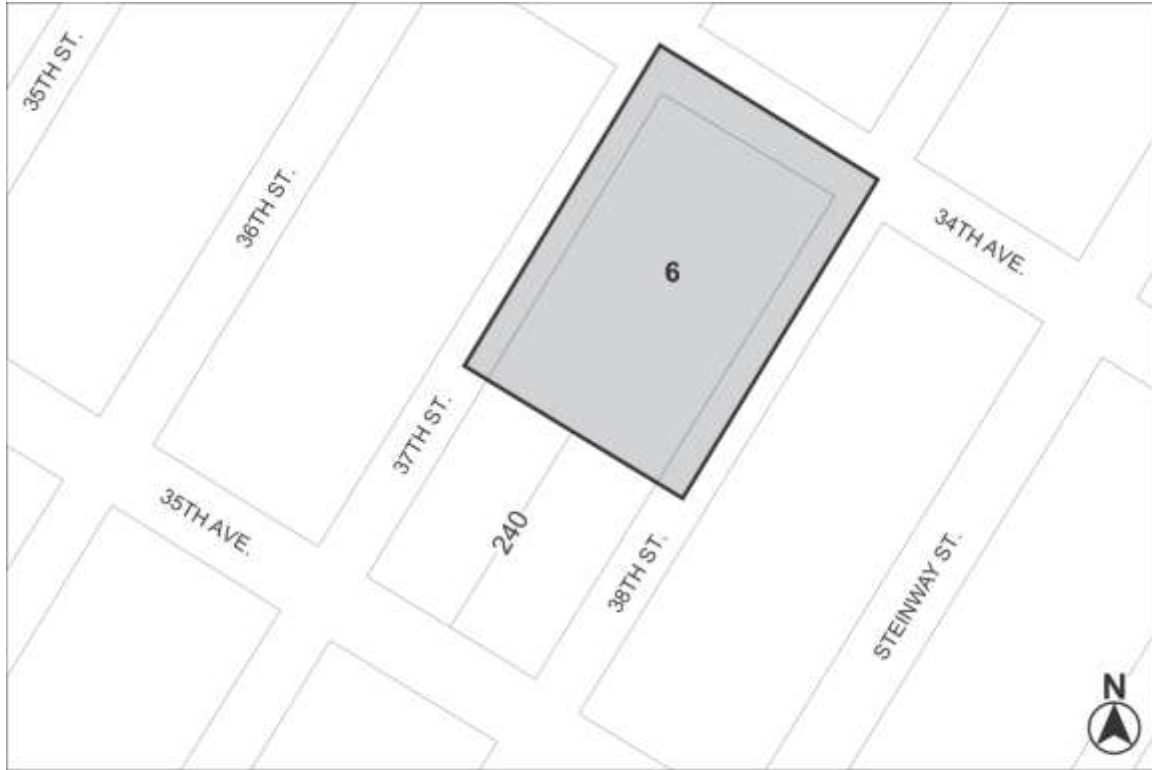
QUEENS

* * *

Queens Community District 1

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Map 6 - [date of adoption]



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

Area 6 – [date of adoption] – MIH Program ~~Option 2~~ Option 1

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 10, 2019. *Other Council Members Attending: Council Member Perkins.*

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

Report for L.U. No. 543 & Res. No. 1136

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190158 ZMM (Terence Cardinal Cooke) submitted by Catholic Health Care System pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 6b, by changing from an R7-2 District to an R8 District property bounded by East 106th Street, Madison Avenue, East

105th Street and a line 150 feet easterly of Fifth Avenue - Museum Mile, Borough of Manhattan, Council District 8, Community District 11.

The Committee on Land Use, to which the annexed Land Use item was referred on September 25, 2019 (Minutes, page 3167) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

MANHATTAN CB-11 – TWO APPLICATIONS RELATED TO TERENCE CARDINAL COOKE

C 190158 ZMM (Pre. L.U. No. 543)

City Planning Commission decision approving an application submitted by Catholic Health Care System pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 6b, by changing from an R7-2 District to an R8 District property bounded by East 106th Street, Madison Avenue, East 105th Street and a line 150 feet easterly of Fifth Avenue - Museum Mile, Borough of Manhattan, Community District 11, as shown on a diagram (for illustrative purposes only) dated April 8, 2019, and subject to the conditions of CEQR Declaration E-531.

N 190156 ZRM (Pre. L.U. No. 544)

City Planning Commission decision approving an application submitted by Catholic Health Care System, 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 (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To approve the amendment to rezone the project area from R7-2 to R8 and R7-2/C1-5 to R8/C1-5 and amend zoning text to modify Appendix F and map the Project Area as a Mandatory Inclusionary Housing (MIH) area utilizing Option 1 and Option 2, to facilitate a mixed-use development that would include community facility and residential uses in the East Harlem neighborhood of Community District 11 in Manhattan.

PUBLIC HEARING

DATE: September 18, 2019

Witnesses in Favor: Eight

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 3, 2019

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission (“CPC”) on Pre. L.U. No. 543 and approve with modifications the decision on Pre. L.U. No. 544 to remove MIH Option 2.

In Favor:

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

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: October 10, 2019

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Koo, Lancman, Levin, Reynoso, Richards, Treyger, Adams, Moya.

Against:

Deutsch

King

Abstain:

Miller

Grodenchik

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS

The City Planning Commission filed a letter dated October 15, 2019, with the Council on October 15, 2019, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1136

Resolution approving the decision of the City Planning Commission on ULURP No. C 190158 ZMM, a Zoning Map amendment (Preconsidered L.U. No. 543).

By Council Members Salamanca and Moya.

WHEREAS, Catholic Health Care System, filed an application pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 6b, by changing from an R7-2 District to an R8 District, which in conjunction with the related action would facilitate a mixed-use development that would include community facility and residential uses, Borough of Manhattan, Community District 11 (ULURP No. C 190158 ZMM) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 13, 2019, its decision dated September 11, 2019 (the “Decision”), on the application;

WHEREAS, the Application is related to application N 190156 ZRM (Pre. L.U. No. 544), a zoning text amendment to designate the rezoning area as a Mandatory Inclusionary Housing (MIH) area;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 18, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued April 8th, 2019 (CEQR No. 19DCP070M), which includes an (E) designation related to air quality, noise, and hazardous materials that would be established in connection with the proposed actions; and additionally the applicant entered into a Restrictive Declaration to ensure the implementation of best management practices relating to construction as Project Components Related to the Environment (E-531) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-531) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190158 ZMM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 6b, by changing from an R7-2 District to an R8 District property bounded by East 106th Street, Madison Avenue, East 105th Street and a line 150 feet easterly of Fifth Avenue - Museum Mile, Borough of Manhattan, Community District 11, as shown on a diagram (for illustrative purposes only) dated April 8, 2019, and subject to the conditions of CEQR Declaration E-531.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 10, 2019. *Other Council Members Attending: Council Member Perkins.*

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

Report for L.U. No. 544 & Res. No. 1137

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 190156 ZRM (Terence Cardinal Cooke) submitted by Catholic Health Care System, 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 (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Manhattan, Council District 8, Community District 11.

The Committee on Land Use, to which the annexed Land Use item was referred on September 25, 2019 (Minutes, page 3167) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 543 printed above in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1137

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 190156 ZRM, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 544).

By Council Members Salamanca and Moya.

WHEREAS, Catholic Health Care System, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) for the purpose of establishing a Mandatory Inclusionary Housing area utilizing Option 2, which in conjunction with the related action would facilitate a mixed-use development that would include community facility and residential uses, Borough of Manhattan, Community District 11 (Application No. N 190156 ZRM), (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 13, 2019, its decision dated September 11, 2019 (the "Decision"), on the application, approving an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) for the purpose of establishing a Mandatory Inclusionary Housing permitting the use of Option 1 or Option 2;

WHEREAS, the Application is related to application C 190158 ZMM (Pre. L.U. No. 543), an amendment to the Zoning Map, Section No. 6b, by changing from an R7-2 District to an R8 District property bounded by East 106th Street, Madison Avenue, East 105th Street and a line 150 feet easterly of Fifth Avenue - Museum Mile, in the Borough of Manhattan, Community District 11;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 18, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative

declaration issued April 8th, 2019 (CEQR No. 19DCP070M), which includes an (E) designation related to air quality, noise, and hazardous materials that would be established in connection with the proposed actions; and additionally the applicant entered into a Restrictive Declaration to ensure the implementation of best management practices relating to construction as Project Components Related to the Environment (E-531) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-531) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, the environmental determination and consideration described in the report, N 190156 ZRM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

- Matter underlined is new, to be added;
- Matter ~~struck out~~ is to be deleted;
- Matter within # # is defined in Section 12-10;
- Matter ~~double struck out~~ is old, deleted by the City Council;
- Matter double-underlined is new, added by the City Council;
- * * * indicates where unchanged text appears in the Zoning Resolution.

APPENDIX F

* * *

MANHATTAN

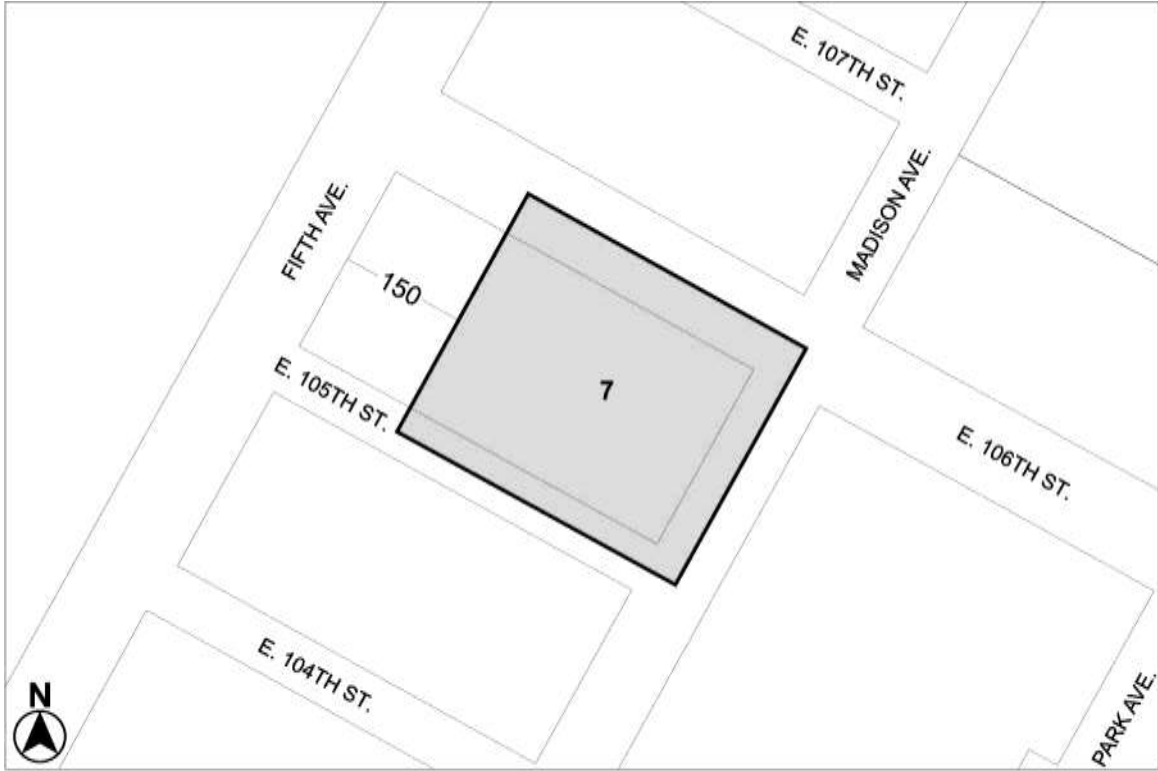
* * *

Manhattan Community District 11

* * *

Map 7 – [date of adoption]

[PROPOSED MAP]



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

Area 7 — [date of adoption] — MIH Program Option 1 ~~and Option 2~~

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, October 10, 2019. *Other Council Members Attending: Council Member Perkins.*

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

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

Resolved, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

Approved New Applicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
Claudia Forrester	2376 Adam Clayton Powell Jr Blvd, 4th Fl New York, New York 10030	9
Alison Dowdle	69 Herbert Street Brooklyn, New York 11222	34
Sophie Gardephe	309 New York Ave Brooklyn, New York 11213	35
Stephanie Jamison	2409 Brigham Street Brooklyn, New York 11235	48
Greta Enabosi	487 Lisk Ave Staten Island, New York 10303	49
Nicole Casertano	83 Gervil Street Staten Island, New York 10309	51

Approved Reapplicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
Jose Gonzalez	111 Norfolk Street #1A New York, New York 10002	1
Laura Fenimore	333 Pearl Street #7N New York, New York 10038	1
Jesus Salas	709 FDR Drive #1C New York, New York 10009	2
Irene-Joyce Berzak-Schoen	670 West End Avenue New York, New York 10025	6

Josefina Reyes	35 Hamilton Place #512 New York, New York 10031	7
Malcolm I. Roberts	382 Central Park West #9R New York, New York 10025	7
Alexandro J. Gomez	239 East 110th Street #1 New York, New York 10029	8
Remona Dickenson	335 East 111th Street #5M New York, New York 10029	8
Stephanie Colbourne	535 Union Avenue #717 Bronx, New York 10455	8
Betty Hammond	270 Convent Avenue #5F New York, New York 10031	9
Douglas C. Morrison-Hoskins	2488 Adam Clayton Powell Jr. Blvd #1 New York, New York 10030	9
Gabrielle K. Connor	42 Edgecombe Avenue New York, New York 10030	9
Lavada R. Becoate	1900 Lexington Avenue #15E New York, New York 10035	9
Linda Singleton	310 West 143rd Street #3C New York, New York 10030	9
Ravenna Won	327 St. Nicholas Avenue #1E New York, New York 10027	9
Roderick B. Kelly	300 West 135th Street #7C New York, New York 10030	9
Sonya Y. Crute	159-48 Harlem River Drive #12H New York, New York 10039	9
Bradhangely Angeles	25 Nagle Avenue #2D New York, New York 10040	10
Vanessa Linares	541 West 204th Street #2G New York, New York 10034	10
Elizabeth Diaz	3330 Hull Avenue Bronx, New York 10467	11
Sharon Jamison	2728 Henry Hudson Parkway East #C65 Bronx, New York 10463	11

Arnold E. Martin	100 Asch Loop #24G Bronx, New York 10475	12
Jaczaida Ayala	140 Casals Place #11B Bronx, New York 10475	12
Patricia Cipollaro	2420-5 Hunter Avenue Bronx, New York 10475	12
Anna Marie Wallace	1740 Mulford Avenue #5C Bronx, New York 10461	13
Colleen A. McCarthy	149C Edgewater Park Bronx, New York 10465	13
Hector Maldonado	2019 Hobart Avenue Bronx, New York 10461	13
Jewel M. Cleckley	273 Buttrick Avenue #2 Bronx, New York 10465	13
Renata Owens	2802 Philip Avenue Bronx, New York 10465	13
Raisa Arias	2005 Davidson Avenue #1C Bronx, New York 10453	14
Stacey Martinez	1 West 182nd Street #4J Bronx, New York 10453	14
Akisha S. Chambers	2155 Daly Avenue #2B Bronx, New York 10460	15
Arisleyxy M. Contreras	2600 Briggs Avenue #3B Bronx, New York 10458	15
Jacqueline Leon	1434 Bryant Avenue #2B Bronx, New York 10459	17
Phylicia Vega	2980 Park Avenue #6C Bronx, New York 10451	17
Lizette Barcene	1560 Metropolitan Avenue #8A Bronx, New York 10472	18
Claudia P. Torres	200-03 34th Avenue, 2nd Fl Flushing, New York 11361	19
George Mihaltses	220-31 43rd Avenue Bayside, New York 11361	19

Jean H. Schwarwsin	203 Park Lane Douglaston, New York 11363	19
Doniyor Fayzullaev	141-40 84th Drive #1M Briarwood, New York 11435	24
Ahelia Chankar	130-30 Springfield Blvd Springfield Gardens, New York 11413	27
April Hill	171-27 105th Avenue Jamaica, New York 11433	27
Floristeane Anthony	173-22 105th Avenue Queens, New York 11433	27
Olugbenga A. Ajala	115-74 Newburg Street St. Albans, New York 11412	27
Crystal Nixon	130-16 Foch Blvd Jamaica, New York 11420	28
Marlene J. Reed	109-44 160 Street #1C Queens, New York 11433	28
Janet Smith	118-17 Union Turnpike Queens, New York 11375	29
Victoria Wong	110-20 71st Ave, Apt #107 Flushing, New York 11375	29
Maria A. Montalvo	62-21 69th Place Queens, New York 11379	30
Charlesetta Brunson	69-15 Elizabeth Avenue Queens, New York 11692	31
Dharmindra Dhanray	114-56 114th Street South Ozone Park, New York 11420	32
Katherine Feliz	106-56 98th Street #1 Ozone Park, New York 11417	32
Marlene Potter	8200 Shore Front Parkway #9L Queens, New York 11693	32
Patricia Butler	103 Beach 215th Street Rockaway Point, New York 11697	32
Patricia Henao	153-48 79th Street Queens, New York 11414	32

Shaquana J. Anderson	541 Wythe Avenue #140 Brooklyn, New York 11212	33
Berlinda McLeod	433 Lafayette Avenue #7F Brooklyn, New York 11238	35
Denita Williams	333 Lafayette Avenue #10K Brooklyn, New York 11238	35
Kayron J. Headley	371 Monroe Street #8 Brooklyn, New York 11221	36
Yvette Davis	910 Park Place #3C Brooklyn, New York 11216	36
Angelica Sevilla	1943 Broadway Brooklyn, New York 11207	37
Elizabeth Russell	240 New Jersey Avenue #D4 Brooklyn, New York 11207	37
Alfredo A. Rodriguez Perez	1325 Eastern Pkwy, Apt A8 Brooklyn, New York 11233	39
Anthony Pantano	90 President Street Brooklyn, New York 11231	39
Carrie Goodine	2015 Union Street Brooklyn, New York 11232	41
Norma J. Rogers	973 Jefferson Avenue #1 Brooklyn, New York 11221	41
Ruth Martinez	779 Macdonough Street #1 Brooklyn, New York 11233	41
Sandra Crawford	688 Rockaway Avenue #2B Brooklyn, New York 11212	41
Johnnymae McCrae	695 Alabama Avenue Brooklyn, New York 11207	42
Nelida Velazquez	675 86th Street #B2 Brooklyn, New York 11228	43
Nicole Muccigrosso	964 72nd Street Brooklyn, New York 11228	43
Aurelia S. Grey	8907 Avenue A Brooklyn, New York 11236	45
Brandon B. Bernard	1430 East 49th Street Brooklyn, New York 11234	45

Catherine Smalls	1372 New York Avenue #4C Brooklyn, New York 11203	45
Joanne Haneiph	446 East 46th Street Brooklyn, New York 11203	45
Lucy Campos	4105 Avenue P Brooklyn, New York 11234	45
Melissa Ashton	133 East 89th Street Brooklyn, New York 11236	45
Ricardo Russell	4105 Kings Highway Brooklyn, New York 11234	45
Sasha Jenkins	520 East 37th Street Brooklyn, New York 11203	45
Esther Cid	2054 East 56th Street #3 Brooklyn, New York 11234	46
Kelly Wallace	1088 Bergen Avenue Bmst Brooklyn, New York 11234	46
Alla Veynblat	2662 West 2nd Street #5A Brooklyn, New York 11223	47
Hyacinth R. Taylor	18 Avenue V #3E Brooklyn, New York 11223	47
Alvin Pankin	1798 East 26th Street Brooklyn, New York 11229	48
Charles C. Destefano	1082 Victory Blvd Staten Island, New York 10301	49
Lillian L. Lagazzo	90 Bay Street Landing #2B Staten Island, New York 10301	49
Nicole Cherie King	121 Alaska Street Staten Island, New York 10310	49
Barbara J. Pardi	982 Rockland Avenue Staten Island, New York 10314	50
Brenda A. Hamilton	372 Westwood Avenue Staten Island, New York 10314	50
Ka Po Lau	15 Tony Court Staten Island, New York 10305	50

Mark Matuza	94 Hancock Street Staten Island, New York 10305	50
Patricia Nappi	351 Ross Avenue Staten Island, New York 10306	50
Theresa M. Morace	350 London Road Staten Island, New York 10306	50
Anthony S. Economou	316 Dewey Avenue Staten Island, New York 10308	51
Ellen A. Yates	101 Preston Avenue Staten Island, New York 10312	51
Gail A. Cooney	44 Lamoka Avenue Staten Island, New York 10308	51
Joseph F. DiFede	27 Hinton Street Staten Island, New York 10312	51

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

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

- | | | |
|------|----------------------------------|--|
| (1) | Int 153-B - | Three-quarter housing task force. |
| (2) | Int 1590-A - | Requiring correctional health services to report information to the attorney of record for individuals in the custody of the department of correction. |
| (3) | Int 1657-A - | Prohibiting street vending on certain streets in Dyker Heights in Brooklyn beginning on Thanksgiving until New Year's Day. |
| (4) | Int 1742-A - | Impact on incarcerated individuals of closing jails on Rikers Island, and to amend the administrative code of the city of New York. |
| (5) | Int 1759-A - | Establishment of a commission to make recommendations on reinvestment in communities impacted by Rikers Island. |
| (6) | Int 1762-A - | Amending the bill of rights for incarcerated individuals and establishing guiding principles for the design of newly constructed jails. |
| (7) | Res 1091 - | City Map so as to establish a public place, with a use restriction, on the entirety of Rikers Island. |
| (8) | Res 1093 - | The increase in the annual expenditure for the Metrotech Area, 34th Street, Fifth Avenue, 14th Street-Union Square, and NoHo New York Business Improvement Districts, and the Fulton Mall Special Assessment District. |
| (9) | L.U. 496 & Res 1102 - | App. 20195734 HKK (N 190539 HKK) Brooklyn, Community Board 7, Council District 38. |
| (10) | L.U. 497 & Res 1103 - | App. 20195737 HKK (N 190542 HKK) Brooklyn, Community Board 7, Council District 38. |

- (11) L.U. 498 & Res 1104 - App. **20195735 HKK (N 190540 HKK)** Brooklyn, Community Board 7, Council District 38.
- (12) L.U. 499 & Res 1105 - App. **20195736 HKK (N 190541 HKK)** Brooklyn, Community Board 7, Council District 38.
- (13) L.U. 513 & Res 1118 - App. **N 190334 ZRY (Borough-Based Jail System)** to create a special permit for a borough-based jail system, Citywide.
- (14) L.U. 514 & Res 1119 - App. **C 190336 ZMX (Borough-Based Jail System)** Bronx, Council District 8, Community Board 1.
- (15) L.U. 515 & Res 1120 - App. **N 190337 ZRX (Borough-Based Jail System)** Bronx, Council District 8, Community District 1.
- (16) L.U. 516 & Res 1121 - App. **C 190338 HAX (Borough-Based Jail System)** Bronx, Council District 8, Community District 1.
- (17) L.U. 518 & Res 1122 - App. **C 190333 PSY (Borough-Based Jail System)** following properties for borough-based jail facilities: Bronx, Council District 8, Community District 1; Brooklyn, Council District 33, Community District 2; Manhattan, Council District 1, Community District 1; and Queens, Council District 29, Community District 9.
- (18) L.U. 519 & Res 1123 - App. **C 190335 ZSX (Borough-Based Jail System)** Bronx, Council District 8, Community District 1.
- (19) L.U. 520 & Res 1124 - App. **C 190339 ZSK (Borough-Based Jail System)** Brooklyn, Council District 33, Community District 2.
- (20) L.U. 521 & Res 1125 - App. **C 190116 MMK (Borough-Based Jail System)** Brooklyn, Council District 33, Community District 2.

- (21) L.U. 522 & Res 1126 - App. C 190340 ZSM (**Borough-Based Jail System**) Manhattan, Council District 1, Community District 1.
- (22) L.U. 523 & Res 1127 - App. C 190341 PQM (**Borough-Based Jail System**) Manhattan, Council District 1, Community District 1.
- (23) L.U. 524 & Res 1128 - App. C 190252 MMM (**Borough-Based Jail System**) Manhattan, Council District 1, Community District 1.
- (24) L.U. 525 & Res 1129 - App. C 190342 ZSQ (**Borough-Based Jail System**) Queens, Council District 29, Community District 9.
- (25) L.U. 526 & Res 1130 - App. C 190117 MMQ (**Borough-Based Jail System**) Queens, Council District 29, Community District 9.
- (26) L.U. 527 & Res 1106 - App. C 190353 HAK (776-780 Myrtle Avenue) Brooklyn, Council District 36, Community District 3.
- (27) L.U. 528 & Res 1107 - App. 20195631 HKK (N 200008 HKK) Brooklyn, Council District 43, Community District 10.
- (28) L.U. 529 & Res 1108 - App. 20195715 TCM (Lola Taverna) Manhattan, Council District 3, Community District 2 (Approved with Modifications).
- (29) L.U. 531 & Res 1131 - App. C 100421 ZMQ (Vernon Boulevard Broadway Rezoning) Queens, Council District 26, Community District 1.
- (30) L.U. 532 & Res 1132 - App. N 190151 ZRQ (Vernon Boulevard Broadway Rezoning) Queens, Council District 26, Community District 1.
- (31) L.U. 533 & Res 1133 - App. C 190386 ZSQ (Vernon Boulevard Broadway Rezoning) Queens, Council District 26, Community District 1.

- (32) **L.U. 534 & Res 1109 -** App. **C 190439 ZSQ (LeFrak City Parking Garage)** Queens, Council District 21, Community District 4.
- (33) **L.U. 535 & Res 1110 -** App. **N 190440 ZRQ (LeFrak City Parking Garage)** Queens, Council District 21, Community District 4.
- (34) **L.U. 538 & Res 1134 -** App. **C 180036 ZMQ (38th Street – 35th Avenue Rezoning)** Queens, Council District 26, Community District 1.
- (35) **L.U. 539 & Res 1135 -** App. **N 180037 ZRQ (38th Street – 35th Avenue Rezoning)** Queens, Council District 26, Community District 1.
- (36) **L.U. 540 & Res 1111 -** App. **C 180282 ZMQ (91-05 Beach Channel Drive)** Queens, Council District 32, Community District 14.
- (37) **L.U. 541 & Res 1112 -** App. **C 180291 ZMQ (15-33 Clintonville Street Rezoning)** Queens, Council District 19, Community District 7.
- (38) **L.U. 542 & Res 1113 -** App. **C 190422 ZMQ (112-06 71st Road Rezoning)** Queens, Council District 29, Community District 6.
- (39) **L.U. 543 & Res 1136 -** App. **C 190158 ZMM (Terence Cardinal Cooke)** Manhattan, Council District 8, Community District 11.
- (40) **L.U. 544 & Res 1137 -** App. **N 190156 ZRM (Terence Cardinal Cooke)** Manhattan, Council District 8, Community District 11.
- (41) **L.U. 545 & Res 1114 -** App. **20205026 HAK (Blake Hendrix)** Brooklyn, Council District 42, Community District 5.
- (42) **L.U. 546 & Res 1115 -** App. **C 190427 HAM (NME III West 140th and West 150th Street)** Manhattan, Council District 9, Community District 10.

- (43) **L.U. 547 & Res 1116 - App. C 190428 PQM (NME III West 140th and West 150th Street)** Manhattan, Council District 9, Community District 10.
- (44) **L.U. 555 & Res 1100 -** 2178 Atlantic Avenue, Block 1433, Lot 35; Brooklyn, Community District No. 16, Council District 41.
- (45) **L.U. 556 & Res 1101 -** Crown Plaza Apartment, Block 1172, Lots 27, 28 and 29 and Block 1296, Lot 8; Brooklyn, Community Districts No. 8 and 9, Council District 35.
- (46) **L.U. 557 & Res 1117 - App. 20205116 HAM (NME III W 140 and W 150)** Manhattan, Council District 9, Community District 10.
- (47) **Resolution approving various persons Commissioners of Deeds.**

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

Affirmative – Adams, Ampy-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **49**.

The General Order vote recorded for this Stated Meeting was 49-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Preconsidered Int. No. 1742-A:**

Affirmative – Adams, Ampy-Samuel, Ayala, Barron, Borelli, Brannan, Chin, Cohen, Constantinides, Cornegy, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **47**.

Negative – Cabrera and Deutsch – **2**.

The following was the vote recorded for **Preconsidered Int. No. 1759-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Chin, Cohen, Constantinides, Cornegy, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vallone, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **45**.

Negative – Borelli, Cabrera, Deutsch, and the Minority Leader (Council Member Matteo) -- **4**.

The following was the vote recorded for **Preconsidered Int. No. 1762-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Chin, Cohen, Constantinides, Cornegy, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **44**.

Negative – Borelli, Cabrera, Deutsch, Yeger, and the Minority Leader (Council Member Matteo) -- **5**.

The following was the vote recorded for **Preconsidered Res. No. 1091**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Chin, Cohen, Constantinides, Cornegy, Dromm, Espinal, Eugene, Gibson, Grodenchik, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **40**.

Negative – Borelli, Cabrera, Deutsch, Diaz, Gjonaj, Holden, Vallone, Yeger, and the Minority Leader (Council Member Matteo) – **9**.

The following was the vote recorded for **L.U. No. 513 & Res. No. 1118; L.U. No. 514 & Res. No. 1119; L.U. No. 515 & Res. No. 1120; L.U. No. 516 & Res. No. 1121; L.U. No. 520 & Res. No. 1124; L.U. No. 521 & Res. No. 1125; L.U. No. 522 & Res. No. 1126; L.U. No. 523 & Res. No. 1127; L.U. No. 524 & Res. No. 1128; L.U. No. 525 & Res. No. 1129; L.U. No. 526 & Res. No. 1130:**

Affirmative – Adams, Ayala, Brannan, Chin, Cohen, Constantinides, Cornegy, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vallone, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **36**.

Negative – Ampry-Samuel, Barron, Borelli, Cabrera, Deutsch, Diaz, Espinal, Holden, King, Menchaca, Van Bramer, Yeger, and the Minority Leader (Council Member Matteo) – **13**.

The following was the vote recorded for **L.U. No. 518 & Res. No. 1122** and **L.U. No. 519 & Res. No. 1123**:

Affirmative – Adams, Ayala, Brannan, Chin, Cohen, Constantinides, Cornegy, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Torres, Treyger, Vallone, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **35**.

Negative – Ampy-Samuel, Barron, Borelli, Cabrera, Deutsch, Diaz, Espinal, Holden, King, Menchaca, Salamanca, Van Bramer, Yeger, and the Minority Leader (Council Member Matteo) – **14**.

During the vote on General Orders, the balcony was cleared of spectators following a disruption. After a brief recess, the vote on General orders was resumed.

The following Introductions were sent to the Mayor for his consideration and approval: Int. Nos. 153-B, 1590-A, 1657-A, 1742-A, 1759-A, and 1762-A.

During the vote on General Orders, the balcony was cleared of spectators following a disruption. After a brief recess, the vote on General orders was resumed.

INTRODUCTION AND READING OF BILLS

Preconsidered Res. No. 1091

Resolution authorizing the filing of a land use application amending the City Map so as to establish a public place, with a use restriction, on the entirety of Rikers Island.

By The Speaker (Council Member Johnson).

Whereas, On September 3, 2019, the City Planning Commission (CPC) approved with modifications the Borough Based Jails applications (C 190333 PSY; N 190334 ZRY; N 190337 ZRX; C 190335 ZSX; C 190336 ZMX; C 190338 HAX; C 190339 ZSK; C 190116 MMK; C 190340 ZSM; C 190341 PQM; C190252 MMM; C190342 ZSQ; C 190117 MMQ) and filed them with the Council pursuant to section 197-d of the City Charter; and

Whereas, The City's success in reducing crime and reducing the number of people in jail, coupled with grassroots support for closing the jails on Rikers Island, has allowed the City of New York to commit to creating a modern, humane and safe justice system that provides appropriate conditions for those who work and are detained there; and

Whereas, Closing Rikers Island, and using only the new Borough Based Jails, will strengthen connections to families and communities by enabling people to remain closer to their loved ones and other people; and

Whereas, The new Borough Based Jails will allow better engagement of incarcerated individuals with attorneys, social service providers, and community support so that they will be better positioned to succeed upon leaving the Borough Based Jails facilities; and

Whereas, The Borough Based Jails will improve inmates' access to natural light and they will provide space for therapeutic programming - resulting in calmer and more productive environments inside the facilities; and

Whereas, Offering quality recreational, health, education, visitation, and housing facilities supports reengagement once formerly incarcerated individuals return to their communities; and

Whereas, The Borough Based Jails will enhance the well-being of uniformed and civilian staff, as well, through improved safety conditions, and

Whereas, The closure of Rikers Island, by establishing it as a public place subject to a use restriction that it shall not be used for incarceration of individuals after December 31, 2026, is critical to achieving the City's criminal justice program goals and creating a more modern, humane and safe justice system; now, therefore be it

Resolved, That the Council of the City of New York authorizes the filing of a land use application amending the City Map so as to establish a public place, with a use restriction, on the entirety of Rikers Island.

Adopted by the Council (preconsidered and approved by the Committee on Land Use).

Int. No. 1740

By Council Members Adams, Rosenthal, Miller, Gibson, Ampry-Samuel and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to demographic diversity within the fire department

Be it enacted by the Council as follows:

Section 1. Title 15 of the administrative code of the city of New York is amended by adding a new section 15-141 to read as follows:

15-141 Firefighter demographic diversity. a. The department, in consultation with the department of citywide administrative services, shall develop and implement a plan for ensuring that the racial, ethnic, and

gender demographics of the department's firefighters reflect that of the city's population as a whole. Such plan shall address the targeted recruitment and retention of diverse firefighters and shall include, but need not be limited to:

1. Identifying and remediating obstacles faced in the recruitment, examination, training, hiring, and retention of female firefighters and firefighters of diverse racial and ethnic backgrounds, including through surveying current and candidate firefighters regarding personal experiences within the department;

2. Implementing recruitment campaigns, including the use of online, print and billboard advertisements, that target the hiring of female firefighters and firefighters of diverse racial and ethnic backgrounds; and

3. Maintaining a full-time staff of outreach coordinators to support the recruitment and retention of female firefighters and firefighters of diverse racial and ethnic backgrounds, such unit shall attend career events, provide assistance and support for female firefighter candidates and firefighter candidates of diverse racial and ethnic backgrounds, and coordinate mentorship programs for female firefighters and firefighters of diverse ethnic and racial backgrounds.

b. Reporting. The department shall post a report on its website by March 1st of each year regarding the department's efforts to implement provisions contained within subdivision a of this section during the preceding year. Such report shall include but need not be limited to:

1. An overview of the department's efforts to recruit and retain female firefighters and firefighters of diverse racial and ethnic backgrounds, including reference to all related budgetary expenditures for such efforts;

2. The projected increases in the percentage of female firefighters and firefighters of diverse racial and ethnic backgrounds within the department following each of the upcoming three testing cycles;

3. The number of recruitment events that department representatives attended or held, disaggregated by type of such event;

4. The number of distinct recruitment contacts made with prospective firefighters who are female or of diverse ethnic or racial background, disaggregated by gender and race;

5. The number of individuals who participated in department programming offered to support individuals in preparing for the fire academy and the candidate physical ability test, disaggregated by program offered and further disaggregated by gender and race; and

6. The percentage of candidates within the fire academy who participated in offered mentorship programming, disaggregated by gender and race.

§ 2. This local law takes effect immediately after it becomes law.

Referred to the Committee on Fire and Emergency Management.

Int. No. 1741

By Council Members Ampry-Samuel, Rosenthal, Adams, Miller, Gibson and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to requiring permanent firehouse facility upgrades to establish full integration of a mixed gender workforce and to ensure a safe working environment.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-143 to read as follows:

§ 15-143 Permanent firehouse facility upgrades. a. The department shall survey each firehouse to determine the permanent facility upgrades necessary to establish full integration of a mixed gender workforce and to ensure a safe working environment. In conducting such survey, the department shall consider the current location, layout and level of privacy of bathrooms, bunkrooms, locker rooms, changing areas and any other relevant facility areas.

b. No later than six months after completion of the survey required by subdivision a of this section, the department shall submit to the mayor and the speaker of the council a report on the findings of the survey

detailing the permanent facility upgrades necessary at each firehouse to establish full integration of a mixed gender workforce and to ensure a safe working environment, as well as a plan to implement such permanent facility upgrades at each firehouse.

c. No later than five years after submission of the report required by subdivision b of this section, the department shall complete implementation of the permanent facility upgrades identified in such report at each firehouse.

§ 2. This law takes effect immediately after it becomes law.

Referred to the Committee on Fire and Emergency Management.

Preconsidered Int. No. 1742-A

By Council Members Ayala, Levin, Kallos, Rivera, Ampry-Samuel and Treyger.

A Local Law to require the board of correction to report on the impact on incarcerated individuals of closing jails on Rikers Island, and to amend the administrative code of the city of New York, in relation to requiring the mayor's office of criminal justice to report on progress in closing jails on Rikers Island

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-308 to read as follows:

§ 9-307 Report on the closure of jails on Rikers Island.

a. Beginning on the 30th day of January in the year 2020, the mayor's office of criminal justice shall submit shall submit a biannual report to the council and post to the office's website and the city's open data portal, a progress report on closing jails on Rikers Island and opening jail facilities outside Rikers Island. Such report shall be submitted within 60 days of January 1 and July 1 of each year and shall include information on the following issues:

- 1. Trends in the jail population and the drivers of population changes, including the following:

 - (a) the average daily population in total and disaggregated by facility, by borough of arrest, and in the following categories: pretrial, sentenced, technical parole violation, pretrial with parole violations, and other;*
 - (b) the average and median length of stay of incarcerated individuals detained pretrial, in total and disaggregated by borough of arrest and whether there is a co-occurring parole violations; and*
 - (c) the number and percentage of pretrial detainees whose length of stay is longer than 30 days, 90 days, six months, and one year.**
- 2. The total capacity and average daily population of each correctional facility solely operated by the department of correction, disaggregated by facility.*
- 3. The timeline for closure of each correctional facility located on Rikers Island, any significant changes to such timeline, and any significant actions taken by the mayor in response to such changes.*
- 4. The budget for closure, and any significant changes to such budget.*
- 5. The procurement of contracts related to closure and construction of jail facilities, including any relevant timelines.*
- 6. A general overview of the design and construction of new jail facilities and any related information regarding the timelines for the construction of new facilities.*
- 7. Populations relocated as a result of new facility construction.*
- 8. The progress of implementing an electronic management system for individuals in custody.*
- 9. Staff plans, by facility, including but not limited to the following information for the reporting period: the number of uniform and civilian staff hired, the number of uniform and civilian staff terminated, and the number of uniform and civilian staff who left the department for reasons other than termination.*

b. No information that is 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 information.

§ 2. Board of correction progress report. The board of correction shall publish a report on the impact on incarcerated individuals of closing jails on Rikers Island and constructing new facilities to replace such jails, commencing on July 1, 2020 and every six months thereafter. Such report shall include but not be limited to information on the following issues:

a. The impact of the construction of new city jails on the department of correction and correctional health services' ability to comply with board of correction minimum standards;

b. The impact of any significant changes to the design or construction of any new jails on any incarcerated individuals and compliance with board of correction minimum standards.

§ 3. Board of correction facility report. The board of correction shall publish a report on compliance with the board's minimum standards at each facility intended for the incarceration of individuals under the jurisdiction of the department of correction constructed after the effective date of this local law. Each such report shall be published no later than sixty days from the later of approval of occupancy from the department of buildings or the New York state commission of correction for the facility to which such report applies. Prior to publication, relevant parties shall be given 30 days to review each such report. The board of correction shall be given sufficient access to such facility to obtain the information necessary to complete such report, and shall have access to all published requests for proposals, contracts, and blueprints, program plans, and other materials related to the design and construction of such facility. All such materials shall remain confidential and may not be disclosed by such board to any person. The use of such facilities shall not be dependent on the publication of such report or its contents.

§4. Effective date. This local law takes effect immediately and is repealed after July 1, 2028.

Adopted by the Council (preconsidered as amended and approved by the Committee on Criminal Justice).

Res. No. 1092

Resolution calling upon the President to lift the Cuban embargo and end the Cuban travel ban.

By Council Members Barron, Rodriguez and Van Bramer

Whereas, In December 2014, the Obama Administration announced its intention to normalize and restore diplomatic relations with the Cuban Castro regime, including expanding new regulations for travel and trade; and

Whereas, On October 14, 2016, a Presidential Policy Directive enshrined United States-Cuba Normalization Objectives including: 1) Government-to-Government Interaction; 2) Engagement and Connectivity; 3) Expanded Commerce; 4) Economic Reform; 5) Respect for Universal Human Rights, Fundamental Freedoms and Democratic Values; and 6) Cuban Integration into International and Regional Systems, to be implemented until such time as a future president reversed the Directive; and

Whereas, In 2016, the changes introduced by the Obama Administration enabled Americans to visit Cuba as individuals or in groups through 12 categories of authorized travel including family visits, official business of the U.S. government, foreign governments and certain intergovernmental organizations, journalistic activity, professional research and professional meetings, educational activities, religious activities, public performances including clinics, workshops, athletic and other competitions and exhibitions, support for the Cuban people, humanitarian projects, activities of private foundations or research or educational institutes, exportation, importation or transmission of information or informational materials and certain authorized export transactions; and

Whereas, In June 2019, President Trump rescinded the Obama administration's recently enacted Cuban-American cultural trade and travel freedoms of 2016 by imposing new restrictions on Americans traveling to Cuba that no longer permitted group educational or cultural visits known as "people to people" trips unless they were booked before June 5, 2019; and

Whereas, The new travel restrictions preclude major cruise ships, private yachts or fishing vessels, as well as major airlines from stopping in Cuba unless individuals can prove they are traveling “under the support for Cuban people” category and can present proof of an itinerary with meetings and visits with local business owners or evidence of participation in local activities that include staying in a private home rather than a hotel; and

Whereas, Representatives of Cuban tour companies have cited the travel ban as detrimental to the economy and travel industry of the Cuban people; and

Whereas, While travel restrictions for Cuban-Americans visiting relatives in Cuba remain unchanged and are limited to no more than three visits per year, tighter restrictions have been imposed on the number of allowable financial remittances to family members, and are now capped at \$1,000.00 per person every three months compared to the unlimited remittances allowed under the Obama administration authorizations; and

Whereas, A United Nations General Assembly resolution found the Cuban embargo to inhibit collaborations between the two countries in a number of critical areas including education, cultural exchanges, scientific research, environmental protections and medical care such as vaccines for meningitis B, hepatitis B, monoclonal antibodies for kidney transplants and the only therapeutic vaccine in the world against advanced lung cancer, all of which serve as a detriment to the people of the United States and the people of Cuba; and

Whereas, Furthermore, the United Nations confirmed the Cuban embargo is opposed by a majority of the nations in the world as well as a majority of the people in the United States; and

Whereas, Historically, New York City has played a significant role in supporting a vibrant Cuban immigrant community comprised of businesses, newspapers, social and cultural organizations and political activism; and

Whereas, The New York metropolitan area is home to 150,000 Cuban-American residents who self-identify as being of Cuban ancestry; now, therefore, be it

Resolved, The Council of the City of New York call upon the President to lift the Cuban embargo and end the Cuban travel ban.

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

Int. No. 1743

By Council Member Borelli.

A Local Law to amend the New York city building code, in relation to requiring auxiliary radio communication systems in certain storage buildings

Be it enacted by the Council as follows:

Section 1. Section 907.2.13.2 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

907.2.13.2 Fire Department communication system. A Fire Department Auxiliary Radio Communication System (ARCS), which shall be in accordance with Section 917, shall be required in all high-rise buildings, *and all storage Group S buildings that are an aggregate of 99,000 cubic feet (2803.36 m³) or more on a single lot.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 1744

By Council Members Brannan, Kallos, Reynoso, Maisel, Ayala, Ampry-Samuel, Grodenchik, Adams, Menchaca, Van Bramer, Koslowitz, Constantinides, Rosenthal, Treyger, Deutsch, Levine, Gjonaj, Rivera, Lander, Louis, Chin, Powers, Rose and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to providing vision testing and eyeglasses to low-income individuals

Be it enacted by the Council as follows:

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.10 to read as follows:

§ 17-199.10 Vision testing and eyeglasses. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Income-eligible individual. The term “income-eligible individual” means a resident of the city of New York whose annual gross household income is not in excess of 250 percent of the federal poverty guidelines as updated periodically in the federal register by the United States department of health and human services pursuant to subsection (2) of section 9902 of title 42 of the United States code.

Vision testing. The term “vision testing” means an eye examination to determine vision correction and such other procedures as determined by the department.

b. Subject to appropriation, the department shall establish a program to provide to all income-eligible individuals:

- 1. Vision testing; and*
- 2. Eyeglasses, including lenses and frames.*

c. The department shall determine the frequency with which such vision testing and eyeglasses shall be provided to income-eligible individuals. Such vision testing and eyeglasses shall be provided in the manner determined appropriate by the department, including, without limitation, provision by third parties paid by a voucher issued by the department or otherwise reimbursed by the department. The department may establish a maximum cost for the vision testing and eyeglasses provided to each income-eligible individual pursuant to this section.

d. The department may enter into contracts or agreements with third parties to implement the provisions of this section.

e. The department shall promulgate such rules as may be necessary to carry out the purposes of this section

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of the department of health and mental hygiene shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Health.

Int. No. 1745

By Council Members Cohen and Kallos.

A Local Law to amend the New York city building code, in relation to requiring newly constructed multiple dwellings to provide adequate space to store and sort organic waste

Be it enacted by the Council as follows:

Section 1. Section 1213.1 of the New York city building code, as amended by local law number 60 for the year 2012, is amended to read as follows:

1213.1 General. Multiple dwellings shall comply with Section 18 of the *New York State Multiple Dwelling Law* and Section 27-2021 of the *New York City Housing Maintenance Code*. In Group R-2 occupancies, space shall be provided for the storage of refuse, [and] recyclables *and organic wastes*, as a common accessory space. The location of such refuse, [and] recyclables *and organic wastes* storage space shall be clearly identified on the construction documents and configured to permit separate unobstructed access by building personnel to stored refuse, [and] recyclables *and organic wastes*. Such refuse, [and] recyclables *and organic wastes* storage space shall be a minimum of [1.5] 2 square feet ([0.139] 0.186 m²) per dwelling unit, or a minimum of [350] 450 square feet ([32.516] 41.806 m²), whichever is less, for the storage of collected refuse and recyclables.

Exceptions:

1. In multiple dwellings required to have a compactor in accordance with Section 1213.2, such refuse, [and] recyclables *and organic wastes* storage space shall be, in addition to space required for equipment or circulation, a minimum of 1.0 square foot (0.094 m²) per dwelling unit, or a minimum of 350 square feet (32.516 m²), whichever is less, for the storage of collected refuse, [and] recyclables *and organic wastes*.
2. Refuse, [and] recyclables *and organic wastes* storage space shall not be required in multiple dwellings equipped with a chute system that provides for source separation of refuse, [and] recyclables *and organic waste* materials without cross contamination and an integrated mechanical system to transport such materials off-site that has been approved by the commissioner.

§ 2. Section 1213.1.1 of the New York city building code, as amended by local law number 60 for the year 2012, is amended to read as follows:

1213.1.1 Interior space. Where an interior room is provided for the storage of refuse, [and] recyclables *and organic wastes*, such room shall be completely enclosed by construction that has a fire-resistance rating of not less than 2 hours, with self-closing opening protectives having a fire protection rating of not less than 1¹/₂ hours.

§ 3. Section 1213.1.2 of the New York city building code, as amended by local law number 60 for the year 2012, is amended to read as follows:

1213.1.2 Exterior space. Where space is provided on the exterior of a building for the storage of refuse, [and] recyclables *and organic wastes*, such refuse, [and] recyclables *and organic wastes* storage space shall include a minimum of 4 square feet (0.372 m²) in addition to the space per dwelling unit required by Section 1213.1, shall be clearly identified on the construction documents, and shall not be located in the public right-of-way.

§ 4. This local law takes effect January 1, 2020.

Referred to the Committee on Housing and Buildings.

Int. No. 1746

By Council Members Constantinides, Levine, Brannan, Lancman, Espinal, Koslowitz, Ayala, Dromm, Kallos, Moya, Levin, Rosenthal, Adams, Cabrera, Rivera, Reynoso and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to the operation of gas-fired low-pressure boilers

Be it enacted by the Council as follows:

Section 1. Subdivision (a) of section 27-797 of the administrative code of the city of New York is amended to read as follows:

(a) Every oil burning installation that is not fully automatic or requires preheating *and every gas-fired low-pressure boiler that is not fully automatic* shall be operated by, or under, the direct supervision of a person holding a certificate of fitness issued by the fire commissioner. Such person shall be in the building at all times while the burners are in operation, and shall be present in the boiler room during the starting of the operation of a boiler.

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

Referred to the Committee on Housing and Buildings.

Int. No. 1747

By Council Members Cornegy and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to requiring that a property be distressed in order to be foreclosed upon by action in rem by the city of New York

Be it enacted by the Council as follows:

Section 1. Section 11-404 of the administrative code of the city of New York, as amended by local law 37 for the year 1996, is amended to read as follows:

§ 11-404 Foreclosure by action in rem. a. Whenever it shall appear that a tax lien or tax liens has or have been due and unpaid for a period of at least one year from the date on which the tax, assessment or other legal charge represented thereby became a lien such tax lien or tax liens, except as provided in subdivision b of this section or otherwise provided by this chapter, may be summarily foreclosed in the manner provided in this chapter, notwithstanding the provisions of any general, special or local law and notwithstanding any omission to hold a sale of a tax lien or tax liens prior to such foreclosure. *If the parcel subject to such tax lien or tax liens is classified as a class two property, as such class of property is defined in subdivision one of section eighteen hundred two of the real property tax law, that is not subject to the provisions of subdivision b of this section, such property shall not be foreclosed in the manner provided in this chapter unless such parcel is a distressed property as defined by subdivision 4 of section 11-401.* A bill of arrears or any other instrument evidencing such tax lien or tax liens shall be evidence of the fact that the tax lien or tax liens represented thereby has not or have not been paid to the city or sold by it.

b. A tax lien on any class one property or any class two property that is a residential condominium or residential cooperative, as such classes of property are defined in subdivision one of section eighteen hundred two of the real property tax law, and on any multiple dwelling owned by a company organized pursuant to article XI of the private housing finance law with the consent and approval of the department of housing preservation and development, shall not be foreclosed in the manner provided in this chapter until such tax lien has been due and unpaid for a period of at least three years from the date on which the tax, assessment or other legal charge represented thereby became a lien *and unless the parcel which is subject to such tax lien is a distressed property as defined by subdivision 4 of section 11-401.*

§ 2. Subdivision b of section 11-405 of the administrative code of the city of New York is amended to read as follows:

b. Every such list shall set forth the parcels it includes separately and number them serially. For each parcel it shall contain (1) a brief description sufficient to identify the parcel, including section, block and lot numbers, and the street and street number, if any, or in the absence of such information the parcel or tract identification number shown on a tax map or on a map filed in the county clerk's or register's office, [and] (2) a statement of the amounts and dates of all unpaid tax liens which are subject to foreclosure under this chapter and of those which have accrued thereafter, *and (3) an explanation of how the parcel qualifies as a distressed property as defined by subdivision 4 of section 11-401.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Finance.

Int. No. 1748

By Council Members Dromm, Rivera, Van Bramer, Ayala and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to implement a public information and outreach campaign regarding medically unnecessary treatments or interventions in infants born with intersex traits

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.12 to read as follows:

§ 17-199.12. *Public information campaign on medically unnecessary treatments on infants born with intersex traits. a. Definitions. For the purposes of this local law, the following terms have the following meanings:*

Intersex. The term “intersex” means sex characteristics, including genitals, gonads, hormones and chromosome patterns, that do not conform with a binary construction of sex as either male or female.

Medically unnecessary. The term “medically unnecessary” means a treatment or intervention on the sex characteristics of an infant born with intersex traits that may be safely deferred until that individual can provide informed consent. For purposes of this local law, psychological factors do not constitute medical necessity for a treatment or intervention on the sex characteristics of an individual born with intersex traits.

b. The department of health and mental hygiene shall implement a public information and outreach campaign designed to address the provision of medically unnecessary treatments and interventions performed on infants born with intersex traits. Such outreach shall at a minimum include (i) creating educational materials for parents and guardians of infants born with intersex traits; (ii) creating resources for medical practitioners; (iii) identifying outreach partners and opportunities; and (iv) distributing materials and resources.

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 1749

By Council Member Dromm.

A Local Law to amend the administrative code of the city of New York, in relation to the preservation of trees on public and private property

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-156 to read as follows:

§ 18-156 *Tree preservation program. a. Definitions. For the purposes of this section, the following term has the following meaning:*

Circumference. The term “circumference” means the linear distance around the trunk of a tree, when measured at a height of four and a half feet.

Heritage tree. The term “heritage tree” means a tree located on private property or property under the jurisdiction of the department with a circumference of 100 inches or more.

Special tree. The term “special tree” means a tree located on private property or property under the jurisdiction of the department with a circumference of at least 55 inches, but less than 100 inches.

Topping. The term “topping” means the practice of removing whole tops of trees, large branches or trunks from the tops of trees, resulting in the indiscriminate reduction of the crown of a tree, leading to the disfigurement or death of such tree.

b. No person or city agency shall remove, cut down, engage in topping or otherwise commit any act that

destroys a heritage tree or a special tree without first having obtained a permit from the commissioner pursuant to section 18-107 of the code.

c. No permit to remove, cut down, engage in topping or otherwise commit any act that destroys a heritage tree shall be granted unless such tree, after an evaluation conducted by the department, is determined to be diseased, dying, dead or has the potential to cause injury to people or damage to property.

d. Nothing in this section shall prohibit a utility company or city agency from removing any tree that poses an immediate threat to public safety or pruning any tree for the purposes of limiting interference with utility lines.

e. Nothing in this section shall prohibit a person from pruning a special tree or a heritage tree located on the property of such person, so long as such pruning does not result in the topping of such special tree or heritage tree.

f. The commissioner shall establish an outreach and education program aimed at educating residents on tree maintenance practices, how to identify special trees and heritage trees and the requirements in this section restricting the removal of special trees and heritage trees. Such outreach and education program shall include, but not be limited to, a multilingual public education program, including advertisements about the program in newspapers of general circulation, radio, and public venues such as subways and buses.

§ 2. Section 18-147 of the administrative code of the city of New York is amended to read as follows:

§ 18-147. Destruction of trees and property. Any violation of a department rule or regulation concerning the cutting, removal or destruction of any tree *under the jurisdiction of the department or any special tree or heritage tree, as defined pursuant to section 18-156 of the code* or concerning the destruction or abuse of other public property under the charge and control of the department, where such destruction or abuse results in significant damage or expense, shall be a misdemeanor punishable by not more than six months imprisonment or by a fine of not more than 15,000 dollars, or by both. Any violation of a rule or regulation concerning the unlawful cutting, removal or destruction of any tree *under the jurisdiction of the department or any special tree or heritage tree, as defined pursuant to section 18-156 of the code* or concerning the destruction or abuse of other public property, where such destruction or abuse results in significant damage or expense, shall also subject the violator to a civil penalty of not more than 10,000 dollars for each violation which may be recovered in a proceeding before the office of administrative trials and hearings pursuant to section 1049-a of the charter. Such proceeding shall be commenced by the service of a notice of violation returnable to such office pursuant to such section. The office of administrative trials and hearings shall have the power to impose the civil penalties prescribed herein in accordance with such section.

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

Referred to the Committee on Parks and Recreation.

Int. No. 1750

By Council Member Dromm (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in five business improvement districts and one special assessment district

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 25-421.1 of the administrative code of the city of New York, as amended by local law number 135 for the year 2016, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Metrotech Area business improvement district beginning on July 1, [2016] 2019, and the council having

determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [four million two hundred seventy-four thousand four hundred ninety-two dollars (\$4,274,492)] *five million nine hundred eleven thousand seven hundred thirty-eight dollars (\$5,911,738)*, of which [three million two hundred seventy-four thousand four hundred ninety-two dollars (\$3,274,492)] *four million nine hundred eleven thousand seven hundred thirty-eight dollars (\$4,911,738)* may be expended in the north subdistrict, and one million dollars (\$1,000,000) may be expended in the south subdistrict.

§ 2. Subdivision a of section 25-423.1 of the administrative code of the city of New York, as amended by local law number 235 for the year 2017, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 34th Street business improvement district beginning on July 1, [2017] *2019*, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [twelve million six hundred forty thousand dollars (\$12,640,000)] *thirteen million dollars (\$13,000,000)*.

§ 3. Subdivision a of section 25-431.1 of the administrative code of the city of New York, as amended by local law number 135 for the year 2016, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Fifth Avenue Association business improvement district beginning on July 1, [2016] *2019*, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [three million two hundred seven thousand dollars (\$3,207,000)] *six million four hundred fourteen thousand dollars (\$6,414,000)*.

§ 4. Subdivision a of section 25-444.1 of the administrative code of the city of New York, as amended by local law number 17 for the year 2016, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 14th Street-Union Square business improvement district beginning on July 1, [2015] *2019*, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [two million six hundred thousand dollars (\$2,600,000)] *four million two hundred thousand dollars (\$4,200,000)*.

§ 5. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-446.1 to read as follows:

§ 25-446.1 *NoHo New York business improvement district; increase in the amount to be expended annually.*
 a. *The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the NoHo New York business improvement district beginning on July 1, 2019, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of eight hundred thousand dollars (\$800,000).*

b. *The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the NoHo New York business improvement district plan.*

§ 6. Subdivision a of section 25-602 of the administrative code of the city of New York, as amended by local law number 30 for the year 2016, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Fulton Mall special assessment district beginning on July 1, [2015] *2019*, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [two million one hundred thousand dollars (\$2,100,000)] *three million six thousand seven hundred fifty dollars (\$3,006,750)*.

§ 7. This local law takes effect immediately and is retroactive to and deemed to have been in effect as of July 1, 2019.

Referred to the Committee on Finance.

Preconsidered Res. No. 1093

Resolution concerning the increase in the annual expenditure for the Metrotech Area, 34th Street, Fifth Avenue, 14th Street-Union Square, and NoHo New York Business Improvement Districts, and the Fulton Mall Special Assessment District, and the setting of the date, time and place for the hearing of the local law increasing the annual expenditure for such districts.

By Council Member Dromm.

Whereas, Pursuant to Chapter 4 of Title 25 of the Administrative Code of the City of New York or the predecessor of such Chapter (the "BID Law"), the City established the Metrotech Area, 34th Street, Fifth Avenue Association, 14th Street-Union Square, and NoHo New York Business Improvement Districts, and the Fulton Mall Special Assessment District in the City of New York; and

Whereas, Pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and Whereas, Pursuant to Section 25-410(b) of the BID Law, an increase in the amount to be expended annually may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize the increase and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded; and

Whereas, The five Business Improvement Districts and one Special Assessment District wish to increase the amount to be expended annually beginning on July 1, 2019 as follows: Metrotech Area, \$4,911,738; 34th Street, \$13,000,000; Fifth Avenue Association, \$6,414,000; 14th Street-Union Square, \$4,200,000; NoHo New York, \$800,000; and Fulton Mall, \$3,006,750; and

Whereas, Pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the districts specifying the time when and the place where the hearing will be held and stating the proposed amount to be expended annually; now, therefore, be it

Resolved, That the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that October 30, 2019 is the date and the City Council Committee Room, 2nd floor, City Hall, Manhattan is the place and 10 a.m. is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation, which would increase the amount to be expended annually in the five Business Improvement Districts and the one Special Assessment District; and be it further

Resolved, That on behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Associations of the Metrotech Area, 34th Street, Fifth Avenue Association, 14th Street-Union Square, and NoHo New York Business Improvement Districts, and the Fulton Mall Special Assessment District, are hereby authorized to publish in a newspaper of general circulation in each district, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and setting forth the proposed increase in the amount to be expended annually in each of the five Business Improvement Districts and in the one Special Assessment District.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Int. No. 1751

By Council Member Eugene (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination based on one's status as a certified patient authorized by state law to use medical marijuana

Be it enacted by the Council as follows:

Section 1. Section 8-102 of title 8 of the administrative code of the city of New York is amended by adding new definitions of “certified medical use,” “certified patient,” “controlled substance,” and “medical marijuana” in alphabetical order, and by amending the definition of “disability,” as amended by local law number 63 for the year 2018, to read as follows:

Certified medical use. The term “certified medical use” has the same meaning as set forth in section 3360 of the public health law.

Certified patient. The term “certified patient” has the same meaning as set forth in section 3360 of the public health law.

Controlled substance. The term “controlled substance” has the same meaning as set forth in section 3302 of the public health law.

Disability. The term "disability" means any physical, medical, mental or psychological impairment, or a history or record of such impairment. As used in this definition:

1. Physical, medical, mental, or psychological impairment. The term "physical, medical, mental, or psychological impairment" means:

(a) An impairment of any system of the body; including, but not limited to, the neurological system; the musculoskeletal system; the special sense organs and respiratory organs, including, but not limited to, speech organs; the cardiovascular system; the reproductive system; the digestive and genito-urinary systems; the hemic and lymphatic systems; the immunological systems; the skin; and the endocrine system; or

(b) A mental or psychological impairment.

2. In the case of alcoholism,[drug addiction] or other substance abuse *or addiction*, the term “disability” only applies to a person who (i) is recovering or has recovered and (ii) currently is free of such abuse, and does not include an individual who is currently engaging in the [illegal] use of *controlled substances in violation of state law* [drugs], when the covered entity acts on the basis of such use.

3. *Notwithstanding any provision of this section, being a certified patient shall be deemed to be having a disability.*

Medical marijuana. The term “medical marijuana” means “medical marihuana” as that term is defined in section 3360 of the public health law.

§ 2. Subdivision 15 of section 8-107 of the administrative code of the city of New York, as amended by local law number 63 for the year 2018, is amended as follows:

15. Applicability; persons with disabilities.

(a) Requirement to make reasonable accommodation to the needs of persons with disabilities. Except as provided in paragraph (b), any person prohibited by the provisions of this section from discriminating on the basis of disability shall make reasonable accommodation to enable a person with a disability to satisfy the essential requisites of a job or enjoy the right or rights in question provided that the disability is known or should have been known by the covered entity.

(b) Affirmative defense in disability cases. In any case where the need for reasonable accommodation is placed in issue, it shall be an affirmative defense that the person aggrieved by the alleged discriminatory practice could not, with reasonable accommodation, satisfy the essential requisites of the job or enjoy the right or rights in question.

(c) Use of [drugs] *controlled substances* or alcohol. Nothing contained in this chapter shall be construed to prohibit a covered entity from (i) prohibiting the [illegal] use of [drugs] *controlled substances in violation of state law*, or the use of alcohol at the workplace, *in common areas of a housing accommodation or at a place of public accommodation*, (ii) *prohibiting* on duty impairment from the [illegal] use of *controlled substances* [drugs] or the use of alcohol, or [(ii)] (iii) conducting drug testing which is otherwise lawful.

(d) This subdivision shall not require any covered entity to do any act that would put it in violation of federal law or cause it to lose a federal contract or funding.

(e) Except as provided in paragraphs (c) and (d) of this subdivision, it shall be a discriminatory practice for a covered entity to subject a certified patient to any disciplinary action solely for the certified medical use of medical marijuana.

§ 3. This local law takes effect 120 days after it becomes law, provided, however, that the commissioner shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

Referred to the Committee on Civil and Human Rights.

Int. No. 1752

By Council Members Gibson, Miller, Adams, Ampy-Samuel and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to reporting demographic information of members of the fire department at firehouses

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-144 to read as follows:

§ 15-144 Annual report on demographic information of members of the department at firehouses. a. No later than January 1, 2020, and annually thereafter, the department shall submit to the mayor and the speaker of the council, and post on its website, a report containing the following information:

1. The number of officers and members of the uniformed force of the department assigned to each firehouse, disaggregated by gender and race or ethnicity; and

2. The number of individuals who reside within the geographic area that each firehouse covers, disaggregated by gender and race or ethnicity.

b. For purposes of the public report required pursuant to subdivision a of this section, if a category contains between one and five members of the uniformed force, the number shall be replaced with a symbol. A category that contains zero shall be reported as zero.

§ 2. This law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Int. No. 1753

By Council Member Holden.

A Local Law to amend the administrative code of the city of New York, in relation to housing determinations for gang members.

Be it enacted by the Council as follows:

Section 1. Section 9-109 of the administrative code of the city of New York is amended to read as follows:

[The commissioner of correction shall so far as practicable classify all felons, misdemeanants and violators of local laws under the commissioner's charge, so that the youthful or less hardened offenders shall be segregated from the older or more hardened offenders. The commissioner of correction may set apart one or more of the penal institutions for the custody of such youthful or less hardened offenders, and he or she is empowered to

transfer such offenders thereto from any penal institution of the city.] The commissioner of correction is empowered to classify [the] transferred [inmates] *incarcerated individuals*, so far as practicable, with regard to age, nature of offense, or other fact, and to separate or group such offenders according to such classification. *The commissioner of correction shall classify those who have been identified as having significant gang affiliation. As far as practicable and safe, no two gang members shall be housed in the same unit.*

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Criminal Justice.

Int. No. 1754

By Council Member Holden.

A Local Law to amend the administrative code of the city of New York, in relation to permitting the use of segregated housing as a disciplinary sanction for certain inmates in city jails

Be it enacted by the Council as follows:

Section 1. Title 9 of the administrative code of the city of New York is amended by adding a new section 9-154 as follows:

§9-154 *Segregated housing. a. Definitions. As used in this section, the following terms have the following meanings:*

Segregated housing unit. The term "segregated housing unit" means any city jail housing units in which inmates are regularly restricted to their cells more than the maximum number of hours as set forth in subdivision (b) of section 1-05 of chapter 1 of title 40 of the rules of the city of New York, or any successor rule establishing such maximum number of hours for the general population of inmates in city jails. Segregated housing units do not include mental health units. Segregated housing units include, but are not limited to, punitive segregation housing and enhanced supervision housing.

Therapeutic counseling. The term "therapeutic counseling" means any program or service which treats the behavioral or mental health needs of an individual.

Violent act. The term "violent act" mean any conduct capable of causing serious physical injury, as defined in section 10.00 of the penal law.

b. The use of segregated housing shall be permitted as a disciplinary sanction for any inmate 18 to 21 years of age who commits a violent act while in the custody of the department and has previously received therapeutic counseling for a prior violent act committed while in such custody.

§ 2. This local law takes effect 6 months after it becomes law, except that the department or board of correction may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Criminal Justice.

Int. No. 1755

By Council Member Holden.

A Local Law in relation to an assessment of the 311 service request intake map

Be it enacted by the Council as follows:

Section 1. Assessment of 311 service request intake map. a. Definitions. For the purposes of this section, the following terms have the following meanings:

311 service request intake map. The term “311 service request intake map” means an interactive map accessible through any website or mobile device application used by the 311 customer service center for the intake of 311 requests for service or complaints.

Department. The term “department” means the department of information technology and telecommunications.

b. The department shall conduct an assessment of the 311 service request intake map to determine the feasibility of improving the location accuracy of the 311 service request intake map.

c. No later than one year after the effective date of this local law, the department shall submit to the council a report of the results of the assessment conducted pursuant to subdivision b of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Technology.

Int. No. 1756

By Council Member Holden.

A Local Law to amend the administrative code of the city of New York, in relation to restricting the parking of certain commercial vehicles in residential streets overnight

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 19-170 of the administrative code of the city of New York is amended to read as follows:

b. Notwithstanding the foregoing, no person shall park a commercial vehicle on a residential street from 9 p.m. to 5 a.m. For the purpose of this subdivision, residential streets are defined as those streets, or parts thereof, which are located within a residential district under the zoning resolution. Where a commercial vehicle is parked in violation of this subdivision, it shall be an affirmative defense to said violation, with the burden of proof on the person who received the summons, that he or she was actively engaged in business at the time the summons was issued at a premises located within three city blocks of where the summons was issued. [This subdivision shall not apply to vehicles owned or operated by gas or oil heat suppliers or gas or oil heat systems maintenance companies, the agents or employees, thereof, or any public utility.]

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

Referred to the Committee on Transportation.

Int. No. 1757

By Council Members Kallos and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to modifications to the department of housing preservation and development housing portal

Be it enacted by the Council as follows:

Section 1. Sections 26-1801, 26-1802 and 26-1803 of the administrative code of the city of New York, as added by local law number 64 for the year 2018, are amended to read as follows:

§ 26-1801 Definitions. As used in this chapter:

Affordable unit. The term “affordable unit” means a dwelling unit for which occupancy [or initial occupancy] is required to be restricted based on the income of the occupant or prospective occupant thereof as

a condition of (i) a loan, grant, tax exemption or conveyance of property from the department pursuant to the private housing finance law, other than article viii-b of such law, or the general municipal law, (ii) a tax exemption pursuant to section 420-c, 421-a or 489 of the real property tax law [or] (iii) generating a floor area bonus for the provision of affordable inclusionary housing or providing mandatory inclusionary housing pursuant to the New York city zoning resolution, provided that such dwelling unit is not subject to federal or state requirements the department determines would be inconsistent with the provisions of this chapter and not filled by direct referral by a governmental agency or instrumentality, *or* (iv) *where the rent of such unit is required to be restricted as a condition of a loan, grant, tax exemption or conveyance of property from the department,* and provided further that such dwelling unit satisfies the additional conditions of [paragraph] *paragraphs* 1 and 2:

1. Before July 1, 2021, such unit satisfies the conditions of subparagraph (a) or, on or after such date, such unit satisfies the conditions of subparagraph (a) or subparagraph (b):

(a) The issuance or renewal of such loan, grant or tax exemption, conveyance of such property or generation of such floor area bonus or effective date of such mandatory inclusionary housing requirement occurs or is executed or renewed, as determined by the department, on or after January 1, 2018, *unless such unit is (i) in an existing building that contains ten or fewer units, (ii) subject to a preservation agreement, and (iii) the only residential property in which the owner of such building has an ownership interest, other than such owner's primary residence.*

(b) For the purposes of a requirement imposed pursuant to this chapter, such unit is deemed to have satisfied the conditions of this paragraph unless such unit is subject to a regulatory agreement with the department, such agreement was executed before January 1, 2018 and has not been thereafter renewed and the department determines that (i) such agreement is inconsistent with such requirement, or (ii) such unit is in a building constructed prior to January 1, 2018 that contains ten or fewer units[,] *and (iii) is the only residential property in which the owner of such building has an ownership interest other than such owner's primary residence;* further provided that, where the department determines that one or more dwelling units are exempt from one or more requirements imposed pursuant to this chapter because of a regulatory agreement that satisfies the foregoing conditions, the department shall electronically submit each year to the mayor and the speaker of the council a report identifying the number of such units, disaggregated by the affordable housing program to which such agreements apply; and

2. On or after July 1, 2020, such unit is offered [by the owner] for lease or sale, or shares of a cooperative corporation that would entitle the shareholder to occupancy of such unit under a proprietary lease are offered [by the owner] for sale, *provided that such unit (i) is not set to be filled by a waiting list, (ii) is not being offered to a current tenant, owner, or shareholder as a part of an internal transfer, or (iii) is not being offered to a current tenant, owner, or shareholder during conversion of a building or project from rental to ownership or from ownership to rental.*

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

Dwelling unit. The term “dwelling unit” means a dwelling unit as defined in the housing maintenance code.

Housing portal. The term “housing portal” means the website *or successor technology* created pursuant to section 26-1802.

Information, full unit. The term “full unit information” means, with respect to a dwelling unit, the following information:

1. Street address of the building containing such unit;
2. Apartment or unit number of such unit;
3. [Floor] *Approximate floor* area of such unit in square feet, unless such unit satisfies criteria the department establishes to determine whether collection or disclosure of such information would be impracticable;
4. Number of bedrooms in such unit;
5. Contact information for the owner of such unit or a person managing such unit on behalf of such owner;
6. A statement as to whether such unit is occupied;
7. [A statement as to whether such unit is an affordable unit and, if such unit is an affordable unit, (i) a] *(i) A description of each affordable housing program for which such unit is serving as an affordable unit, (ii) the maximum lawful rent for such unit and (iii) the actual rent being charged for such unit, if any; and*
8. Such other information as the department may specify by rule.

Information, limited unit. The term “limited unit information” means, with respect to a dwelling unit, [the]

1. *The* full unit information for such unit excluding the information described by paragraphs 2, 6, and 7 of the definition of full unit information; and

2. Any information described by paragraph 8 of such definition that the department specifies by rule.

Information, offered unit. The term “offered unit information” means, with respect to a dwelling unit that is being offered for rent or sale or shares of a cooperative corporation that would entitle the shareholder to occupancy of such unit under a proprietary lease that are being offered for sale, the following information:

1. If such unit is being offered for rent:

(a) The proposed monthly rent for such unit and, if a temporary reduction in such rent is being offered, including but not limited to a certain number of months in occupancy without rent, the net effective rent for such unit and the period that such net effective rent will apply; and

(b) The amount and a description of each fee, if any, that occupants of such unit will be required to pay in addition to monthly rent for such unit;

2. If such unit is being offered for sale or shares of a cooperative corporation that would entitle the shareholder to occupancy of such unit under a proprietary lease are being offered for sale:

(a) The proposed sale price of such unit or such shares; and

(b) The *amount and description* of estimated annual [property tax payments] *costs* owed for such unit, *including property tax, maintenance fees, and any other annual costs owed for such unit*; and

3. Whether the owner will be responsible for payment of utility services for such unit and for which utility services the owner is responsible;

4. Unless such unit satisfies criteria the department establishes to determine whether disclosure of the following information would be impracticable, provided that disclosure of such information shall not be deemed impracticable if such unit is (i) in a newly constructed project and (ii) being rented or sold, or shares of a cooperative corporation that would entitle the shareholder to occupancy of such unit under a proprietary lease are being offered for sale, for the first time after such unit becomes or is due to become an affordable unit, in a manner determined by the department: a floor plan for such unit, including *approximate* measurements for each room in such unit, or a floor plan of a dwelling unit that is located in the building that contains such unit and *that is* substantially identical to such unit, together with a statement indicating that such floor plan is of a dwelling unit that is located within such building and that is substantially identical to such unit;

5. Unless such unit satisfies criteria the department establishes to determine whether disclosure of the following information would be impracticable, provided that disclosure of such information shall not be deemed impracticable if such unit is (i) in a newly constructed project and (ii) being rented or sold, or shares of a cooperative corporation that would entitle the shareholder to occupancy of such unit under a proprietary lease are being offered for sale, for the first time after such unit becomes or is due to become an affordable unit, in a manner determined by the department: photographs of each room in such unit or photographs of each room in a dwelling unit that is located in the building that contains such unit and *that is* substantially identical to such unit, together with a statement indicating that such photographs are of a dwelling unit that is located within such building and that is substantially identical to such unit;

6. The number of floors in the building where such unit is located and a statement as to whether such unit has elevator access;

7. A description of the pet policy for such unit;

8. A statement as to whether the following amenities or services will be available to the occupant of such unit and whether such occupant will be required to pay a fee for using such amenities or services:

(a) Air conditioning;

(b) A gymnasium or pool located in or on the premises of such building;

(c) A security guard, watch person or a person with similar responsibilities *who* is routinely in or on the premises of such building;

(d) A person responsible for accepting deliveries on behalf of such occupant *who* is routinely in or on the premises of such building; and

(e) An intercommunication device that such occupant can use to allow entry into such unit or such building;

9. A description of the process to apply for occupancy of such unit, including:

(a) Whether any deposits, application fees or other charges are required to be paid before an applicant will be considered for occupancy of such unit and a statement as to which, if any, of such deposits, fees or charges are refundable;

(b) A listing of the qualifications, if any, that an applicant must possess to be considered for occupancy of such unit; and

(c) At the time such information is submitted, a statement indicating the status of the application process applicable to such unit in a manner established by the department; and

10. The contact information of a person that may be contacted for additional information relating to such unit.

Listed unit. The term “listed unit” means a dwelling unit for which full unit information and, where applicable, offered unit information has been provided to the department.

Preservation agreement. The term “preservation agreement” means an agreement between the department and an owner of an existing building that was entered into in connection with a conveyance of property, loan, grant or tax exemption from the department in exchange for affordability for existing and future tenants in such existing building.

Regulatory agreement. The term “regulatory agreement” means a written agreement with or approved by any local, municipal, state, federal or other government agency that requires the provision of housing accommodations for families and persons of low or moderate income, and binds the owner of such real property and its successors and assigns. A regulatory agreement may include such other terms and conditions as the locality, municipality, state or federal government shall determine.

Waiting list. The term “waiting list” means a list of applicants, established at the completion of a lease-up or sale of a unit, or sale of shares of a cooperative corporation that would entitle the shareholder to occupancy of a unit, from which the owner or manager of such unit is required to process potential tenants, owners, or shareholders as applicable for subsequent occupancies of such unit.

§ 26-1802 Housing portal. a. By no later than July 1, 2020, the department shall, with the cooperation of all other relevant agencies, create and thereafter maintain a website *or successor technology* that:

1. Allows an owner of an affordable unit, or a unit that is in a building, or a unit that is on an eligible site pursuant to section 421-a(16)(a)(xxix) of the real property tax law, or a person acting on behalf of such owner to use such website *or successor technology* to offer such unit for rent or sale or to offer shares of a cooperative corporation for sale that would entitle the shareholder to occupancy of such unit under a proprietary lease and accept applications for occupancy of such unit, if such person provides the department with full unit information and offered unit information for such unit in a time and manner established by department rule, provided further that the department shall, [by] no later than July 1, 2021, electronically submit to the mayor and the speaker of the council recommendations relating to allowing owners of dwelling units other than affordable units and units that are in a building, or units that are on an eligible site pursuant to section 421-a(16)(a)(xxix) of the real property tax law to use such website *or successor technology* to offer such units for rent or sale and accept applications for occupancy of such units, provided further that nothing in this chapter shall be construed to prohibit (i) offering such units on a building-wide or project-wide basis in a manner established by the department or (ii) offering occupied affordable units which subsequently become vacant in accordance with department requirements; and

2. Allows a user of such website *or successor technology* to:

(a) View limited unit information and offered unit information for listed units;

(b) View full unit information for a listed unit if such user verifies, in a manner established by department rule, that such user is a lawful leaseholder or owner of such unit, or is a lawful owner of shares of a cooperative corporation that entitle the shareholder to occupancy of such unit under a proprietary lease, provided that this functionality (i) shall only be required on and after January 1, 2021, but may be implemented earlier than such date, and (ii) may be implemented through a system other than the housing portal;

(c) View a selection of listed units based on search criteria entered by such user;

(d) Apply for occupancy of each *available* listed unit for which [the owner thereof is accepting applications for occupancy] *offered unit information has been provided* through such website *or successor technology* and for which such user appears to be eligible;

(e) Track the progress of applications submitted by such user through such website *or successor technology*, including such user’s position on waiting lists for listed units;

(f) Automatically populate applications for occupancy of listed units with information provided by such user;

(g) Receive notifications by electronic mail and text message, *or by successor technology*, when a new listed unit is posted that matches criteria specified by such user or posted information changes for a listed unit specified by such user;

(h) Obtain limited unit information for listed units in a non-proprietary format that permits automated processing; and

(i) Indicate in such website *or successor technology* whether such user is interested in being considered for an affordable unit that subsequently becomes vacant, provided that consideration of users for such units may be carried out in a manner determined by the department, users shall only be considered for such units that satisfy their indicated preferences and such website *or successor technology* may require users at regular intervals to review and update their relevant profile information.

b. Commencing in 2020, the owner of a dwelling unit, excluding dwelling units owned and operated by the New York city housing authority, shall:

1. If the dwelling unit (i) is an affordable unit [or], (ii) satisfies the criteria to be deemed an affordable unit, except that such unit does not satisfy the additional conditions set forth in [paragraph] *paragraphs 1 and 2 of the definition of affordable unit, or (iii) is in a building or is on an eligible site pursuant to section 421-a(16)(a)(xxix) of the real property tax law that contains at least one unit as described in subparagraphs (i) or (ii) of this paragraph*, annually provide the department with full unit information for such unit in a time and manner established by department rule; and

2. If the dwelling unit is an affordable unit and is available for rent or sale or if shares of a cooperative corporation are available for sale that would entitle the shareholder to occupancy of such unit under a proprietary lease, provide the department with offered unit information for such unit in a time and manner established by department rule.

c. *Commencing July 1, 2020, any owner of a unit for rent or sale or shares of a cooperative corporation for sale that would entitle the shareholder to occupancy of such unit under a proprietary lease, who has provided the department with offered unit information for an affordable unit, whether for initial or subsequent occupancies, shall:*

1. *Offer such unit for rent or sale, or offer shares of a cooperative corporation for sale that would entitle the shareholder to occupancy of such unit under a proprietary lease, exclusively through the housing portal; and*

2. *Accept applications for occupancy of such unit exclusively through the housing portal.*

3. *Notwithstanding paragraphs 1 and 2 of this subdivision, after 30 days have elapsed since such owner has complied with paragraphs 1 and 2 of this subdivision, if such owner has offered such unit for rent or sale, or offered shares of a cooperative corporation for sale that would entitle the shareholder to occupancy of such unit under a proprietary lease, through the housing portal, and there are insufficient eligible applicants to fill such unit, such owner, shall (i) contact the department for written approval to commence marketing through means other than through the housing portal, and (ii) provide the department with a detailed list of all channels through which such owner will conduct marketing, including, if applicable, the names and contact information for individuals who will be conducting such marketing.*

d. *Commencing July 1, 2020, any owner of a unit in a building, or an owner of shares of a cooperative corporation that entitle the shareholder to occupancy of such unit under a proprietary lease, where such building contains (i) at least one affordable unit or (ii) a unit that is on an eligible site pursuant to section 421-a(16)(a)(xxix) of the real property tax law, but where such unit otherwise does not fall under the definition of affordable unit, shall market and accept applications for initial or subsequent occupancies of such unit through the housing portal. Such owner of such unit may also market such unit or shares through means other than the housing portal. The owner shall (i) notify the department 30 days prior to the commencement of such outside marketing and (ii) provide the department with a detailed list of all channels used for such marketing.*

e. *The department shall make all reasonable efforts to notify all owners of affordable units and other units required to be marketed through the housing portal of their obligations under this chapter.*

f. *An owner of a dwelling unit that satisfies the criteria to be deemed an affordable unit except that such unit does not satisfy the additional conditions set forth in paragraphs 1 and 2 of the definition of affordable unit may make such unit that becomes vacant available through the housing portal, provided that such owner provides the department with offered unit information for such unit in a time and manner established by department rule and accepts applications for such unit through the housing portal in accordance with subdivision c of this section.*

Notwithstanding any provision of this chapter to the contrary, any such unit that is required to be made available through the *housing* portal in accordance with department requirements must do so in accordance with this chapter.

[d.] g. The department shall conduct outreach to owners of units described in subdivision [c] h. to encourage them to offer their occupied affordable units that subsequently become vacant via the *housing* portal.

[e.] i. When information entered by a user in the *housing* portal indicates that the user has an income below 80 percent of area median income for such user's household size, the department shall [notify] *provide* such user with a link to the website for the New York city housing authority.

j. *Where the owner of any affordable unit has not provided the department with full unit information pursuant to subdivision b of this section because the owner of such unit was not required to provide such information under such subdivision, the owner shall provide application details for the unit along with information including a website, mailing address or phone number, where a user may apply for and obtain additional information about the unit; and may offer such unit for rent or sale through the housing portal.*

[f.] k. 1. Nothing in this chapter shall be construed to require the provision to the department or the disclosure of information about any dwelling unit where the department determines that such disclosure could result in an unwarranted invasion of personal privacy of an occupant of or applicant for such unit.

2. The city does not warranty the completeness, accuracy, content or fitness for any particular purpose of any information made available on the housing portal, nor are any such warranties to be implied or inferred with respect to the information furnished therein.

3. The city is not liable for any deficiencies in the completeness, accuracy, content or fitness for any particular purpose or use of information provided by any third party and made available on the housing portal.

4. This chapter shall not be construed to create a private right of action to enforce its provisions. Failure to comply with this chapter shall not result in liability to an agency.

§ 26-1803 Violations. a. An owner who [fails to provide information with respect to a dwelling unit pursuant to] *violates* subdivision b or subdivision c of section 26-1802 shall be subject to a civil penalty for each month as follows until such violation is corrected, except that (i) for a violation that occurs within the first six months that such unit is subject to the requirements of such subdivision, the department may, in lieu of imposing such a penalty, provide the owner of such unit with a written warning and (ii) the department may by rule establish alternative civil penalties relating to any dwelling unit in a building that contains four or fewer dwelling units, any dwelling unit in a building that is owner-occupied and contains six or fewer dwelling units or any dwelling unit in a building that is owned by a housing development fund company, as such term is defined in article 11 of the private housing finance law, and contains ten or fewer dwelling units, provided that such alternative civil penalties do not exceed the civil penalties that could be imposed in accordance with paragraphs 1 through 4 of this subdivision and subdivision b *of this section*:

1. For the first six-month period, *not more than \$100 per month*;
2. For the second six-month period, *not less than \$100 per month and not more than \$250 per month*;
3. For the third six-month period, *not less than \$250 per month and not more than \$1,000 per month*; and
4. For the fourth six-month period and for each month thereafter, *not less than \$1,000 per month and not more than \$2,000 per month*.

b. For a second or subsequent violation of this chapter involving the same dwelling unit, the department may impose and recover a civil penalty that is twice the amount specified in subdivision a, as applicable.

c. The department may recover civil penalties pursuant to this section in an action in a court of appropriate jurisdiction or in a proceeding before the office of administrative trials and hearings acting pursuant to section 1049-a of the New York city charter.

d. Upon receipt of a credible complaint alleging that an owner has violated any provision of this chapter with respect to an affordable unit, the department shall investigate and, upon verifying such allegation in a manner to be determined by department rules, such owner shall be subject to a civil penalty in accordance with this section. The department shall by rule establish criteria for determining whether such a complaint is credible.

§ 2. This local law takes effect immediately and is retroactive to and deemed to have been in effect as of January 19, 2018.

Referred to the Committee on Housing and Buildings.

Preconsidered Int. No. 1758

By Council Members Lander, Rivera, Chin, Gibson and Kallos.

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to defining the term key and requiring building owners to provide keys to residential tenants

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 27-2004 of the administrative code of the city of New York is amended by adding a new paragraph 49 to read as follows:

49. The term “key” shall mean a piece of shaped metal with incisions cut to fit the wards of a particular lock, which is inserted into such lock and turned to open or close such lock.

§ 2. Section 27-2043 of the administrative code of the city of New York is amended to read as follows:

§ 27-2043 *Door locks* [Locks in dwelling unit doors]. a. The owner of a dwelling shall provide a key lock in the entrance door to each dwelling unit and at least one key[.] *for each entrance door key lock to each person lawfully entitled to occupancy of such dwelling unit. Such entrance door key lock must be operable at all hours without the use of technology including, but not limited to, a mobile phone application, a keypad, facial recognition technology, biometric scanning, a radio-frequency identification card or other such similar technology. Such owner shall not require such person to utilize such technology if such technology is present in such dwelling.* In a class A multiple dwelling such door shall be equipped with a heavy duty latch set and a heavy duty dead bolt operable by a key from the outside and a thumb-turn from the inside. *Such owner shall provide each such person with at least one key for each heavy duty dead bolt set for such dwelling unit.*

b. Each dwelling unit entrance door in a class A multiple dwelling shall also be equipped with a chain door guard so as to permit partial opening of the door.

c. The owner of a dwelling shall provide key locks in the building entrance doors and other exterior exit doors to such building and shall provide at least one key for each entrance door key lock to each person lawfully entitled to occupancy of a dwelling in such building. Such entrance door key locks must be operable at all hours without the use of technology including, but not limited to, a mobile phone application, a keypad, facial recognition technology, biometric scanning, a radio-frequency identification card or other such similar technology. Such owner shall not require such person to utilize such technology if such technology is present in such building.

§ 3. Section 1002.1 of the New York city building code, as amended by local law 141 for the year 2013, is amended by adding a new definition of “KEY” in alphabetical order to read as follows:

KEY. *A piece of shaped metal with incisions cut to fit the wards of a particular lock, which is inserted into such lock and turned to open or close such lock.*

§ 4. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings and the commissioner of housing preservation and development may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Housing and Buildings (preconsidered but laid over by the Committee on Housing and Buildings).

Preconsidered Int. No. 1759-A

By Council Members Levin, Kallos, Rivera, Ayala, Ampry-Samuel and Treyger.

A Local Law in relation to the establishment of a commission to make recommendations on reinvestment in communities impacted by Rikers Island

Be it enacted by the Council as follows:

Section 1. a. Commission established. There is hereby established a commission on community reinvestment and the closure of Rikers Island.

b. Duties. The commission, in consultation with an expert on justice reinvestment appointed by the council, shall provide advice and recommendations to the city council and the mayor with respect to the ways in which the city can invest in neighborhoods and communities that have been disparately affected by mass incarceration to address the drivers of mass incarceration. Within six months of the formation of the commission, no later than the 30th day of each December thereafter, such commission shall submit an annual report to the mayor and the speaker of the city council and publish such report prominently on the website of the department of social services. Such report shall identify neighborhoods and populations most impacted by historical incarceration rates, analyze or assess ways in which reinvestment can reduce incarceration rates and identify opportunities for reinvestment in such communities that shall include, but not be limited to, the following:

1. Investments address the root causes of crime and preventing crime, such as housing, public health and social programs;

2. Practices, policies and community investments that avoid contact with the criminal justice system for persons in mental health crisis, struggling with substance use disorder, homelessness and extreme poverty or other situations in which a traditional law enforcement response may be unwarranted or ineffective; and

3. Proposals for legislation, reviews of prosecutorial practices and police procedures that impact any such issues.

c. Membership.

1. The commission shall be composed of the following members:

(a) The commissioner of the department of social services or their designee, who shall serve as chair;

(b) The comptroller or their designee;

(c) The commissioner of the department of probation or their designee;

(d) A representative from the office of criminal justice;

(e) Seven members appointed by the mayor who have been formerly incarcerated or directly impacted by incarceration;

(f) Two members appointed by the mayor who represent community-based organizations focused on serving the needs of neighborhoods historically impacted by mass incarceration, such as Brownsville, The South Bronx, East New York, Harlem, and Bedford-Stuyvesant;

(g) One member appointed by the speaker of the council specializing in justice reinvestment;

(h) Four members appointed by the speaker of the council who have been formerly incarcerated or directly impacted by incarceration;

(i) The commissioner of the department of health and mental hygiene or their designee;

(j) The commissioner of the department of housing preservation and development or their designee;

(k) A representative from New York city health and hospitals corporation; and

(m) A representative from the New York city office of the public advocate.

2. All appointments required by this section shall be made no later than 90 days after the effective date of this local law.

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

4. No member shall be removed from the commission except for cause.

d. Meetings.

1. The chair shall convene the first meeting of the commission no later than 30 days after the last member has been appointed.

2. The commission may invite relevant experts and stakeholders to attend its meetings and to otherwise provide testimony and information relevant to its duties.

3. The commission shall meet no less than once each quarter to carry out the duties described in section one.

4. The commission shall hold public hearings on a quarterly basis.

e. The commission shall identify between five and ten neighborhoods that have been disparately impacted by mass incarceration, and solicit feedback from community based organizations and service providers focused on serving the needs of such neighborhoods.

f. Agency support. Each agency affected by this local law shall provide appropriate staff and resources to support the work of such agency related to the commission.

g. Within 60 days after publication of the commission's report, the mayor of the city of New York shall publish a response to each recommendation published by the commission.

h. Termination. The commission shall terminate on March 31, 2027.

§ 2. This local law takes effect immediately.

Adopted by the Council (preconsidered as amended and approved by the Committee on Criminal Justice).

Int. No. 1760

By Council Members Levine, Kallos, Torres, Espinal, Rivera, Brannan, Cabrera, Rosenthal, Menchaca, Reynoso, Cornegy, Chin, Ampry-Samuel, Holden, Louis, Richards and Lander.

A Local Law to amend the administrative code of the city of New York, in relation to tenant data privacy

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new article 21-A to read as follows:

*ARTICLE 21-A
TENANT DATA PRIVACY*

§ 27-2051.5 Definitions.

§ 27-2051.6 Data collection.

§ 27-2051.7 Prohibitions.

§ 27-2051.8 Privacy policies.

§ 27-2051.9 Penalties.

§ 27-2051.5 Definitions. As used in this article, the following terms have the following meanings:

Authentication data. The term "authentication data" means the data collected at the point of authentication to grant a user entry to a smart access building through such building's smart access system.

Biometric identifier. The term "biometric identifier" means a retina or iris scan, fingerprint, voiceprint, or record of hand, face geometry or other similar feature.

Minor. The term "minor" means a person under the age of eighteen years.

Reference data. The term "reference data" means the information used for reference by a smart access system at the point of authentication.

Smart access building. The term "smart access building" means a multiple dwelling that utilizes a smart access system.

Smart access system. The term "smart access" means any system that uses electronic or computerized technology, a radio frequency identification card, a mobile phone application, biometric identifier or any other digital technology in order to grant entry to a multiple dwelling.

§ 27-2051.6 Data collection. a. An owner of a smart access building may not collect reference data from a tenant except where such tenant has expressly consented to the use of such smart access building's smart access system. Such owner may collect only the minimum authentication data and reference data necessary to enable the use of such smart access system in such building, and shall be limited to: (i) the tenant's name, (ii) the tenant's apartment number, (iii) the tenant's preferred method of contact, and, if such smart access system utilizes biometric identifiers (iv) the tenant's biometric identifier. A copy of such reference data may be retained only by the tenant and by the owner of the tenant's building if such owner has been given access to such reference data by such tenant. In a building where a smart access system is used to grant entry to a dwelling unit, the owner of such building shall, at the request of the tenant of such dwelling unit, retain for the duration of the tenancy any authentication data and reference data generated in the use of such smart access system to access such dwelling unit.

b. An owner of a smart access building shall destroy any authentication data collected from such smart access system no later than 90 days after such data has been collected. Reference data for any tenant who has permanently vacated a smart access building shall be destroyed no later than 90 days after such tenant has permanently vacated such building. Reference data for any tenant who has withdrawn authorization from an owner who had previously been given access to such reference data pursuant to subdivision a shall be destroyed no later than 90 days after such authorization has been withdrawn. Any data collected in violation of the prohibitions set forth in paragraphs 3, 4, 5 and 6 of subdivision a of section 27-2051.7 shall be destroyed immediately.

c. Any information that an owner of a multiple dwelling collects about a tenant's use of gas, electricity or any other utility shall be limited to such tenant's total monthly usage. It shall be unlawful for an owner of a multiple dwelling to collect any information about a tenant's use of internet service.

§ 27-2051.7 Prohibitions. a. It shall be unlawful for any entity that collects data pursuant to section 27-2051.6 to:

1. sell, lease or otherwise disclose such data to another person except pursuant to a subpoena, court ordered warrant or other authorized court ordered process;

2. utilize any form of location tracking in the equipment or software of a smart access system;

3. use a smart access system to capture the reference data of any minor, except as authorized by such minor's parent or guardian;

4. use a smart access system to collect information on the relationship status of tenants and their guests;

5. use a smart access system to collect information about the frequency and time of use of such system by a tenant and their guests;

6. use a smart access system to collect reference data from a person who is not a tenant in such smart access building, except as authorized by the tenant who has granted access to such person;

7. share any such data with a third party unless the tenant has given express authorization and has received in writing: (i) the name of the third party, (ii) the intended use of such data by such third party, and (iii) any privacy policies of such third party; and

8. share any data that may be collected from a smart access system of any minor, unless such entity has received the written authorization of such minor's legal parent or guardian.

b. It shall additionally be unlawful for any owner of a smart access building, or an agent thereof, to:

1. utilize data collected through a smart access system for any purpose other than to monitor entrances and exits to the multiple dwelling and to entrances to common areas in such building, including but not limited to laundry rooms, mail rooms, and the like;

2. use a smart access system to limit the time or place of entrance by a guest or any other person authorized by a tenant to enter such building; and

3. require a tenant to use a smart access system to gain entry to such tenant's dwelling unit.

§ 27-2051.8 Privacy policies. a. The owner of a smart access building, or an agent thereof, must provide to tenants a written policy that describes, at a minimum:

1. the type of data to be collected by the smart access system;

2. the retention schedule of such data;

3. guidelines for permanently destroying such data; and

4. the process used to add persons authorized by the tenant on a temporary basis to the smart access system.

b. The owner of a smart access building, or an agent thereof, shall make available to tenants, if different from or not included in the policy provided in subdivision a, any written privacy policy of the entity that developed the smart access system utilized in such building.

§ 27-2051.9 Penalties. A person who violates any provision of this article shall be liable for a civil penalty of not more than \$6,000 for each violation.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 1761

Council Members Miller, Adams, Ampy-Samuel, Gibson and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to annually report on equal employment opportunity complaints

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-142 to read as follows:

§ 15-142 Annual report on equal employment opportunity complaints. a. Definitions. For purposes of this section, the following terms have the following meanings:

EEO complaint. The term "EEO complaint" means a complaint filed with the equal employment opportunity office of the department regarding a potential violation of the city's equal employment opportunity policy.

b. No later than 30 days after the end of each fiscal year, the department shall submit to the mayor and the speaker of the council, and post on the department's website, a report containing the following information:

- 1. The number of EEO complaints filed during the previous fiscal year;*
- 2. The number of EEO complaints resolved during the previous fiscal year;*
- 3. Of the EEO complaints in paragraph 2 of this subdivision, the number of EEO complaints not substantiated, and further disaggregated by reason the complaint was not substantiated, including but not limited to a determination that the alleged conduct subject to complaint did not occur, determination that the conduct subject to the complaint occurred but did not violate the city's equal employment opportunity policy, or a determination that conduct subject to complaint occurred and violated the city's equal employment opportunity policy but the identity of the offending party was unable to be ascertained;*

4. Of the EEO complaints in paragraph 2 of this subdivision, the number of EEO complaints substantiated; and

5. Of the EEO complaints in paragraph 4 of this subdivision, the number of EEO complaints withdrawn prior to a final determination;

6. Of the EEO complaints in paragraph 4 of this subdivision, the number of EEO complaints resolved through mediation; and

7. Of the EEO complaints in paragraph 4 of this subdivision, the number of EEO complaints that resulted in corrective action taken by the department, and further disaggregated by the form of correction action, including but not limited to formal reprimand, fine, loss of pay or benefits, transfer, suspension, demotion and termination.

c. No report required pursuant to subdivision b of this section shall contain personally identifiable information.

§ 2. This law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Preconsidered Int. No. 1762-A

By Council Members Powers, Rosenthal, Cumbo, Kallos, Reynoso, Rivera, Ayala, Ampry-Samuel and Treyger

A Local Law to amend the administrative code of the city of New York, in relation to amending the bill of rights for incarcerated individuals and establishing guiding principles for the design of newly constructed jails

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-159, to read as follows:

§ 9-159 Guiding principles for new correctional facilities. a. Definitions. As used in this section, the following terms have the following meanings:

Dormitory. The term “dormitory” means a unit which houses multiple individuals. This term shall have the same meaning as the term “multiple occupancy housing unit”.

Housing unit. The term “housing unit” means a structure or part of a structure that contains single occupancy housing units or multiple occupancy housing units, as those terms are defined in the rules of the New York state commission of correction.

Living quarters. The term “living quarters” means an individual occupancy housing unit as defined in section 7040.4 of title 9 of the compilation of codes, rules and regulations of the state of New York or any successor provision.

Kitchenette. The term “kitchenette” means a space equipped to be used for heating food and water.

b. Every city correctional facility under the sole jurisdiction and control of the department built after the effective date of the local law that added this section shall comply with the following requirements:

1. Design requirements. Each such facility shall be designed, where practicable, in a manner that deprioritizes an institutional appearance and the use of bars.

2. General requirements. Each such facility shall include:

(a) a call button or telephone in each room that incarcerated individuals may use to contact staff;

(b) infrastructure that provides internet capability, subject to security and safety protocols of the department;

(c) designated spaces for re-entry services and programming, with sufficient space and infrastructure to accomplish the purposes of the services offered therein;

(d) access to clinical space for each housing unit, with 24 hour access to emergency response;

(e) systems that provide heating and air conditioning;

(f) visiting spaces, waiting areas, and other spaces in which visitors frequent that include an area that is suitable for children; and

(g) an outdoor recreation area.

3. Individual living quarters. Each individual living quarter in such facility shall:

(a) be no less than 75 square feet (6.97 square meters) in total area and no less than six feet (1.83 meters) in any direction;

(b) contain a functioning toilet, sink with potable water, single bed, and a closeable storage container for personal property for a single person;

(c) have at least one window with access to natural light. The total area of all windows in each living quarter shall be a least one-tenth the floor area of such room;

(d) contain no more than one single bed and house no more than one person; and

(e) contain at least one light that can be turned on and off.

4. Dormitories. Each dormitory in such facility shall:

(a) be equipped with a sufficient number of toilets and sinks, and provide showers in accordance with the minimum standards of the New York city board of correction and the guidelines of the New York state commission of correction for multiple occupancy housing units;

(b) have at least one window with access to natural light in each living space within such dormitory. The total area of all windows in each dormitory shall be at least one-tenth the floor area of such space; and
 (c) contain a minimum of 75 square feet (6.97 meters) of floor space per person in the sleeping area.

5. Housing units. Each housing unit in such facility shall

(a) include a recreation area with access to fresh air and natural light; and

(b) contain a kitchenette.

6. Bathrooms shall be accessible at all times to individuals housed in each such facility.

c. The department shall digitize paper-based communications and ensure that correctional facilities built after the effective date of the local law that added this section are wired in such a fashion to allow for such electronic communications. Such communication shall include but not be limited to (1) the location of incarcerated individuals, (2) communications between staff, (3) the filing of grievances, and (4) communications regarding bail status, in accordance with standards set by correctional oversight agencies.

d. This section is not intended to encompass the entirety of standards to apply to jail facilities.

§ 2. Subdivision g of section 9-136 of the administrative code of the city of New York, as added by local law number 134 for the year 2019, is amended to read as follows:

g. The department shall install grievance kiosks in each facility where incarcerated individuals may file grievances electronically and in a private setting by [January 2026] *December 31, 2026*. Such kiosks shall be accessible in multiple languages and shall provide incarcerated individuals physical receipts confirming filing. If a request made through the kiosk is not subject to the [inmate] grievance and review process, the kiosks shall provide incarcerated individuals with information regarding where the grievance should be redirected.

§ 3. Section 9-139 of the administrative code of the city of New York, as amended by local law number 91 for the year 2015, is amended to read as follows:

§ 9-139 [Inmate] Bill of rights for incarcerated individuals. a. The department shall inform every [inmate] incarcerated individual upon admission to the custody of the department, in writing, using plain and simple language, of their rights under department policy, which shall be consistent with federal, state, and local laws, and board of correction minimum standards, on the following topics: non-discriminatory treatment, personal hygiene, recreation, religion, attorney visits, access to legal reference materials, visitation, telephone calls and other correspondence, media access, due process in any disciplinary proceedings, health services, safety from violence, and the grievance system.

b. The department shall inform every [inmate] incarcerated individual upon admission to the custody of the department, in writing, using plain and simple language, of their responsibilities under the department's rules governing their [inmate] conduct.

c. The department shall inform every [inmate] incarcerated individual upon admission to the custody of the department, in writing, using plain and simple language, of available services relating to education, vocational development, drug and alcohol treatment and counseling, and mental health treatment and counseling services.

d. The department shall publish on its website any documents created pursuant to this section. Such documents shall be available in English and Spanish.

e. Within 24 hours of admission to the custody of the department, the department shall provide to each [inmate] incarcerated individual an oral summary of the rights and responsibilities enumerated in subdivisions a, b, and c of this section in their [the inmate's] preferred language, if the language is accessible through the city's language access plan. The department shall make a good faith effort to provide an oral summary in languages that are not accessible through the city's language access plan as soon as practicable.

f. Upon admission to the custody of the department, each [inmate] incarcerated individual shall also be offered the option of being provided the Connections guidebook for formerly incarcerated people, or any similar or successor book or handbook that describes resources available to those re-entering society after being incarcerated.

g. The department shall allow incarcerated individuals to decorate a designated area of their living quarters, with appropriate oversight from the department regarding safety and security considerations.

h. The department shall maintain a policy that requires its employees to refer to individuals in custody by their names and their preferred pronouns, if known and if practicable, and has zero tolerance for staff addressing individuals in custody using dehumanizing terms, such as the word "body."

§ 4. This local law takes effect 120 days after it becomes law, except that the commissioner of correction may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

Adopted by the Council (preconsidered as amended and approved by the Committee on Criminal Justice).

Res. No. 1094

Resolution opposing the Trump Administration's changes to the Endangered Species Act.

By Council Member Powers.

Whereas, According to The United Nations Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, one million species face imminent extinction if actions are not taken to mitigate habitat destruction and the consequences of global warming; and

Whereas, The Endangered Species Act (ESA or the Act) was enacted in 1973, with the goal of protecting the ecosystems that endangered species and threatened species depend upon; and

Whereas, The Act currently protects over 1,400 foreign and domestic species of plants and animals, and protections are enforced by the United States (U.S) Fish and Wildlife Service (FWS) and the U.S. National Oceanic and Atmospheric Administration (NOAA) Fisheries Service (also known as the National Marine Fisheries Service or NMFS); and

Whereas, Since 1973, the ESA has resulted in a 90% recovery rate for over 100 species within the United States; and

Whereas, Protection under the ESA has been credited with saving such iconic American animals as the bald eagle, grizzly bear, California condor, American alligator, Florida manatee, and the gray wolf from extinction; and

Whereas, The Act has assisted 21 listed species in achieving 1000% percent or more increases in their population sizes; and

Whereas, Remarkably, the ESA has assisted the El Segundo Blue Butterfly in achieving a 22,312% increase in its population size between its listing in 1984 and 2011; and

Whereas, ESA protections have helped prevent the extinction of 99% of listed species between 1973 and 2013; and

Whereas, The recovery of the peregrine falcon, once protected and listed as endangered under the ESA, has been so successful that the falcons are commonly seen nesting on the sides of skyscrapers and bridges in New York City (the City); and

Whereas, Local beaches in the City are known to be critical breeding grounds for the Atlantic piping plover, a threatened species currently protected under the ESA; and

Whereas, Further, the City's coastal waters are also home to many endangered sea creatures, hosting four species of sea turtle including the critically endangered Kemp's ridley sea turtle, and multiple marine mammals like the sei whale, blue whale, finback whale, and the critically endangered North Atlantic right whale; and

Whereas, In 2018, 96 Kemp's ridley sea turtles hatched from a nest on a New York City beach, the first recorded instance of the species nesting this far up the East Coast; and

Whereas, Recent practical changes proposed under the current federal Administration would allow economic considerations to be a factor in determining whether a species warrants protection; and

Whereas, The proposed changes would enable the FWS and the NMFS to ignore the effects of climate change when considering whether to impose protections upon threatened or endangered species; and

Whereas, Weakening certain critical habitat protections for threatened or endangered species would also have impacts upon other species that benefit from those habitat protections, including humans; and

Whereas, Species for which critical habitats have been designated under the ESA are more than twice as likely to show improving population trends than those for which no critical habitat has been set aside; and

Whereas, Further, permitting the fossil fuel industry to mine or drill on land critical to protected species would jeopardize these vulnerable species through the depletion and deterioration of natural habitats as well as hasten the damaging effects of climate change; and

Whereas, The ESA enjoys broad support with the American public across the spectrum; now, therefore, be it

Resolved, That the Council of the City of New York opposes the Trump Administration's changes to the Endangered Species Act.

Referred to the Committee on Environmental Protection.

Int. No. 1763

By Council Members Rodriguez, Kallos, Reynoso and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to motor vehicles overtaking cyclists

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-190.1 to read as follows:

§ 19-190.1 Vehicles overtaking cyclists. a. The operator of a motor vehicle overtaking a bicycle proceeding on the same side of a street shall leave a distance of not less than 3 feet between the motor vehicle and the bicycle and shall maintain such distance until such vehicle has passed the bicycle.

b. A person who violates subdivision a of this section shall be guilty of a traffic infraction punishable by a fine of not more than \$50.

§ 2. This local law takes effect 120 days after it becomes law, except that the department shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Transportation.

Int. No. 1764

By Council Member Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to the voluntary submission of data on leadership diversity by companies bidding on city contracts

Be it enacted by the Council as follows:

Section 1. Subparagraph (23) of paragraph (i) of subdivision b of section 6-116.2 of the administrative code of the city of New York, as added by local law number 49 for the year 1992, is amended and new subparagraphs (24), (25) and (26) are added, to read as follows:

(23) the name and main business address of anyone who the contractor retained, employed or designated to influence the preparation of contract specifications or the solicitation or award of this contract[.];

(24) the directors of the contractor, if any;

(25) the gender of each director and principal officer of the contractor, if provided by the contractor; and

(26) the race or ethnicity of each director and principal officer of the contractor, if provided by the contractor.

§ 2. Paragraph (ii) of subdivision b of section 6-116.2 of the administrative code of the city of New York, as amended by local law number 13 for the year 1991, and paragraph (vi) of such subdivision, as amended by local law number 64 for the year 1993, are amended and a new paragraph (viii) is added, to read as follows:

(ii) When personnel from any agency, elected officials or their staff, or members of the council or council staff learn that the certification required by subparagraph twenty-two of paragraph (i) *of this subdivision* may not be truthful, the appropriate law enforcement official shall be immediately informed of such fact and the fact of such notification shall be reflected in the data base, except when confidentiality is requested by the law enforcement official.

(vi) For the calendar year commencing on January 1, 1992, subcontractors shall be required to provide the information required by subparagraph nine of paragraph [i] *(i) of this subdivision* and on or after June 30, 1994, subcontractors shall be subject to paragraph [i] *(i) of this subdivision* in its entirety.

(viii) *Notwithstanding any other provision of this section, subparagraphs twenty-four, twenty-five and twenty-six of paragraph (i) of this subdivision shall not apply to any contract entered into prior to January 1, 2020.*

§ 3. Subdivision h of section 6-116.2 of the administrative code of the city of New York, as amended by local law number 22 for the year 2004, is amended to read as follows:

h. Except for submissions to elected officials or to the council, contractors or subcontractors may only be required to submit information required under subdivision b of this section to a single agency, and any such submission shall be applicable to all contracts or subcontracts or bids for contracts or subcontracts of that contractor or subcontractor with any agency. Any contractor or subcontractor that has submitted to any agency, elected official or the council, the information required to be provided in accordance with subdivision b of this section shall be required to update that information only at three-year intervals, and except as provided in paragraph [iv] *(iv)* or [v] *(v)* of subdivision b, no contract or subcontract shall be awarded unless the contractor or subcontractor has certified that information previously submitted as to those requirements is correct as of the time of the award of the contract or subcontract. The contractor or subcontractor may only be required to submit such updated information to a single agency and such submission shall be applicable to all contracts or subcontracts or bids for contracts or subcontracts of that contractor or subcontractor with any agency. The procurement policy board may, by rule, provide for exceptions to this subdivision.

§ 4. Paragraph (3) of subdivision i of section 6-116.2 of the administrative code of the city of New York, as amended by local law number 72 for the year 2017, is amended to read as follows:

(3) "contract" shall mean and include any agreement between an agency, New York city affiliated agency, elected official or the council and a contractor, or any agreement between such a contractor and a subcontractor, which (a) is for the provision of goods, services or construction and has a value that when aggregated with the values of all other such agreements with the same contractor or subcontractor and any franchises or concessions awarded to such contractor or subcontractor during the immediately preceding twelve-month period is valued at \$250,000 or more; or (b) is for the provision of goods, services or construction, is awarded to a sole source and is valued at \$10,000 or more; or (c) is a concession and has a value that when aggregated with the value of all other contracts held by the same concessionaire is valued at \$100,000 or more; or (d) is a franchise. However, the amount provided for in clause a herein may be varied by rule of the procurement policy board, where applicable, or rule of the council relating to procurement, or, for franchises and concessions, rule of the franchise and concession review committee, as that amount applies to the information required by [paragraphs 7, 8, 9 and 12] *subparagraphs seven, eight, nine and twelve of paragraph (i) of subdivision b of this section*, and the procurement policy board, where applicable, or the council, or, for franchises and concessions, the franchise and concession review committee, may by rule define specifically identified and limited circumstances in which contractors may be exempt from the requirement to submit information otherwise required by subdivision b of this section, but the rulemaking procedure required by chapter forty-five of the charter may not be initiated for such rule of the procurement policy board or franchise and concession review committee less than forty-five days after the submission by the procurement policy board or, for franchises and concessions, the franchise and concession review [committe] *committee*, to the council of a report stating the intention to promulgate such rule, the proposed text of such rule and the reasons therefor;

§ 5. Paragraphs (5), (6), (7), (8), (9) and (10) of subdivision i of section 6-116.2 of the administrative code of the city of New York, as amended by local law number 44 for the year 1992, are redesignated paragraphs (6), (7), (8), (9), (10) and (11), respectively, and a new paragraph (5) is added to read as follows:

(5) “director” shall mean any member of the governing board of a corporation, whether designated as director, trustee, manager, governor, or by any other title;

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

Referred to the Committee on Contracts.

Int. No. 1765

By Council Members Rosenthal and Kallos.

A Local Law in relation to the establishment of a commission to study and recommend reforms to the city’s property tax system

Be it enacted by the Council as follows:

Section 1. Establishment of the commission. On January 1, 2030, and on each January first every fifteen years thereafter, there shall be established a property tax reform commission to evaluate and propose reforms regarding the real property tax system for the city of New York.

§ 2. Composition of the commission. a. Each commission shall consist of nine members, who shall be appointed jointly by the mayor and the speaker of the council and who shall serve without composition. Two of the appointees shall be the commissioner of finance and the director of the council finance division, or their designee. No appointee, at the time of their appointment, may be employed in such a capacity that they represent an individual, group of individuals, or entity that has a direct interest in the reform of the real property tax system, nor may they be a registered lobbyist as that term is defined in subdivision (a) of section 3-211 of the administrative code of the city of New York.

b. One of the members who is not serving ex-officio shall be jointly designated by the mayor and the speaker of the council as the chairperson of the commission.

c. Any vacancy in the membership of the commission occurring after such date shall be filled in the same manner as the original appointment. A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission.

§ 3. Commission mandate and powers. a. Each commission shall consider all aspects of the real property tax system and propose reforms, where necessary. The commission shall:

1. analyze the real property tax system with respect to equity, efficiency, transparency, ease of administration, and compliance;
2. identify any limitations of the real property tax system;
3. evaluate the necessity and efficacy of existing tax expenditures;
4. examine the transparency and public understanding of the real property tax system generally and as it impacts individual taxpayers; and
5. review and consider any other matter the commission deems relevant to the improvement of the real property tax system.

b. Each commission shall utilize staff from the department of finance, or other appropriate mayoral staff or council staff, to assist with research and the preparation of evaluations, reports, and proposed legislation that it deems necessary to effectuate its purposes.

c. Each commission shall conduct at least two public hearings in each borough to receive comments and proposals to reform the city’s property tax system.

d. Each commission shall issue a report to the mayor and the speaker of the council no later than November 1 of the year in which such commission was established, and shall simultaneously post such report on the city’s website. Each report shall include, but not be limited to:

1. an analysis of the efficiencies and deficiencies of the real property tax system as identified by the commission;

2. the commission's recommendations for the reform of the city's property tax system, including a fiscal estimate of each recommendation;

3. an analysis of the impact of the commission's recommendations on the amount of tax paid by property owners based on geography, tax class, and any other category identified as relevant by the commission;

4. any proposed state or local legislation necessary to accomplish the recommended reforms; and

5. a proposed timetable for the implementation of such reforms.

§ 4. Dissolution. Each commission shall dissolve upon submission of the report required by this section.

§ 5. Effective date. This local law takes effect immediately.

Referred to the Committee on Finance.

Int. No. 1766

By Council Member Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of health and mental hygiene to establish a green Monday program for the provision of plant-based food by certain city agencies and in food service establishments, and to educate the public about the benefits of eating plant-based food

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.12 to read as follows:

§ 17-199.12 Green Monday program.

a. Establishment. The commissioner shall establish a green Monday program for the purpose of promoting the benefits of eating plant-based food. The program shall include the elements described in subdivisions b and c and section 17-1507.

b. Requirement to serve plant-based food. 1. As part of the green Monday program established under subdivision a, no city agency that serves food as part of a public program shall serve on a Monday food other than plant-based food.

2. For purposes of this section:

City agency. The term "city agency" means an agency established by the charter and any other agency designated by the mayor.

Plant-based food. The term "plant-based food" means food that is not derived from animal products.

c. Education. 1. The commissioner shall create posters and fact sheets about the green Monday program to educate individuals in the city about the benefits of eating plant-based food.

2. In carrying out paragraph 1, the commissioner shall work with the commissioner of environmental protection and request input from the Green Monday US organization to develop posters and fact sheets on the benefits of eating plant-based food. Such posters and fact sheets shall be printed in the designated citywide languages described in section 23-1101 and any other language determined by the commissioner.

d. Cooperation of other agencies. Any city agency shall cooperate in carrying out the green Monday program under this section upon the request of the commissioner.

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

§ 17-1507 Green Monday certification.

a. Participation in green Monday program. The commissioner shall establish and implement a system under which a food service establishment may participate in the green Monday program established under section 17-199.12.

b. Certificate. The system established pursuant to subdivision a shall provide that if a food service establishment submits to the commissioner a certification that the establishment serves only plant-based food each Monday, the commissioner shall provide to the food service establishment a certificate for display that the food service establishment participates in the green Monday program.

c. Definition. For purposes of this section, the term “plant-based food” means food that is not derived from animal products.

d. Cooperation of other agencies. Any city agency shall cooperate in carrying out this section upon the request of the commissioner.

§ 3. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 1767

By Council Member Rosenthal

A Local Law in relation to the establishment of a task force to study the gender pay disparity and economic self-sufficiency among the labor force in the city

Be it enacted by the Council as follows:

Section 1. Definitions. For purposes of this local law, the following terms have the following meanings:

City. The term “city” means the city of New York.

Economic self-sufficiency. The term “economic self-sufficiency” means earning the amount of income necessary in the city of New York to meet basic needs, including food, housing, utilities, health care, transportation, taxes, dependent care, and clothing, without public subsidies and without private or informal assistance.

Task force. The term “task force” means the gender pay disparity and economic self-sufficiency task force established by this local law.

§ 2. Task force established. There is hereby established a task force to be known as the gender pay disparity and economic self-sufficiency task force.

§ 3. Duties. The task force shall review the public, private, and non-profit labor force to:

- a. Determine the best method or methods to measure the gender pay disparity in the labor force in the city;
- b. Determine an economic self-sufficiency standard for the labor force in the city; and
- c. Conduct a study of the gender pay disparity and economic self-sufficiency among the labor force in the city.

§ 4. Membership. a. The task force shall be composed of the following members:

1. The executive director of the commission on gender equity or such executive director’s designee, who shall serve as chair;

2. The executive director of the office for economic opportunity or such executive director’s designee;

3. The commissioner of citywide administrative services or such commissioner’s designee;

4. The commissioner of the office of labor relations or such commissioner’s designee;

5. The president of the New York city economic development corporation or such president’s designee;

6. Three members appointed by the mayor, at least one of whom shall be a representative from a labor union and two of which shall be representatives from nonprofits; and

7. Three members appointed by the speaker of the council who shall be individuals with expertise in gender pay disparity or economic self-sufficiency, including individuals who do advocacy work or research in such topics.

b. All appointments required by this section shall be made no later than 90 days after the effective date of this local law.

c. Each member of the task force shall serve at the pleasure of the officer who appointed the member. In the event of a vacancy on the task force, a successor shall be selected in the same manner as the original appointment. All members of the task force shall serve without compensation.

§ 5. Meetings. a. The chair shall convene the first meeting of the task force no later than 30 days after the last member has been appointed.

b. The task force may invite relevant experts and stakeholders to attend its meetings and to otherwise provide testimony and information relevant to its duties.

c. The task force shall meet no less than once each quarter to carry out the duties described in section three. The task force shall hold at least one public hearing before submitting the report required by section six.

d. The meeting requirement of subdivision c shall be suspended when the task force submits its report as required by section six.

§ 6. Report. a. No later than one year after the first meeting of the task force, the task force shall submit a report to the mayor and the speaker of the council setting forth its recommendations for legislation, policy and best practices relating to decreasing the gender pay disparity and increasing economic self-sufficiency in the city. The report shall include a summary of information the task force considered in formulating its recommendations.

b. The commission on gender equity shall publish the task force's report electronically on its website no later than 30 days after its submission to the mayor and the speaker of the council.

§ 7. Agency support. Each agency affected by this local law shall provide appropriate staff and resources to support the work of such agency related to the task force.

§ 8. Termination. The task force shall terminate 180 days after the date on which it submits its report, as required by section six.

§ 9. Effective date. This local law takes effect immediately.

Referred to the Committee on Women and Gender Equity.

Int. No. 1768

By Council Members Rosenthal, Gibson, Miller, Ampry-Samuel and Adams.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to implement training on diversity, inclusion, and harassment

Be it enacted by the Council as follows:

Section 1. Title 15 of the administrative code of the city of New York is amended by adding a new section 15-141 to read as follows:

15-141 Diversity, inclusion, and harassment training. a. The department, in consultation with the department of citywide administrative services and commission on human rights, shall develop and implement a plan for providing ongoing training and education to all members and staff regarding harassment, diversity and inclusion. Such plan shall include, but not be limited to:

1. Providing annual in-person training for all department staff and members regarding the department's harassment policies;

2. Providing annual in-person training for all department staff and members regarding diversity and inclusion, which shall include but not be limited to instruction on: (a) best practices for interacting and working with individuals of different cultures, religions, genders, sexual orientations and identities, (b) unconscious biases, and (c) fostering positive attitudes regarding departmental diversity and inclusion;

3. Providing members and staff who serve supervisory roles with training on promoting inclusion within the workplace, and identifying and remedying harassment, including through mediation and restorative practices;

4. Providing advanced training on diversity, inclusion and the department's harassment policies to dedicated staff and members responsible for visiting firehouses on a rotating basis to provide counseling, training and mediation sessions on issues related to diversity, inclusion and harassment; and

5. Engaging with department staff and members, including affinity group leaders, on a quarterly basis regarding efforts the department should take to improve workplace culture for firefighters of diverse backgrounds.

b. Reporting. The department shall post a report on its website by March 1st of each year regarding efforts taken to implement the diversity, inclusion and harassment training plan as required by subdivision a of this section. Such report shall include but not be limited to details on specific department actions and budgetary commitments made to implementing each provision contained within subdivision a of this section.

§ 2. This local law takes effect immediately after it becomes law.

Referred to the Committee on Fire and Emergency Management.

Int. No. 1769

By Council Members Salamanca and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of housing preservation and development to report on the disposition of city property for affordable housing development

Be it enacted by the Council as follows:

Section 1. Section 26-903 of the administrative code of the city of New York is amended to add a new subdivision e to read as follows:

e. No later than October 31, 2019, and no later than 30 days after the end of each quarter thereafter, the department shall submit to the council and publish online a report containing the following information about any housing development project involving the sale, lease (other than the lease of office space), exchange, or other disposition of the real property of the city:

1. The project identifier;
2. The address;
3. The amount of city financial assistance received by the developer to date;
4. The date the project received approval pursuant to section 197-c or 197-d of the charter;
5. The anticipated closing date for the parcel of real property; and
6. The actual closing date for the parcel of real property.

§2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 1770

By Council Member Torres.

A Local Law to amend the administrative code of the city of New York, in relation to whistleblower protections for individuals facing adverse personnel actions

Be it enacted by the Council as follows:

Section 1. Subdivisions b, c, and d of section 12-113 of the administrative code of the city of New York, as amended by local law 25 of 2007, is amended to read as follows:

b. 1. No officer or employee of an agency of the city shall take an adverse personnel action with respect to another officer or employee in retaliation for his or her *cooperating with the council in a legislative or oversight matter*, or making a report of information concerning conduct which he or she knows or reasonably believes to involve corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority by another city officer or employee, which concerns his or her office or employment, or by persons dealing with the city, which concerns their dealings with the city, (i) to the commissioner, or (ii) to a council member, the public advocate or the comptroller, who shall refer such report to the commissioner. For purposes of this subdivision, an agency of the city shall be deemed to include, but not be limited to, an agency the head or members of which are appointed by one or more city officers, and the offices of elected city officers.

2. No officer or employee of a covered contractor or covered subcontractor shall take an adverse personnel action with respect to another officer or employee of such contractor or subcontractor in retaliation for such officer or employee *cooperating with the council in a legislative or oversight matter*, or making a report of information concerning conduct which such officer or employee knows or reasonably believes to involve corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority by any officer or employee of such contractor or subcontractor, which concerns a contract with a contracting agency, (i) to the commissioner, (ii) to a council member, the public advocate or the comptroller, who shall refer such report to the commissioner, or (iii) to the city chief procurement officer, agency chief contracting officer, or agency head or commissioner of the contracting agency, who shall refer such report to the commissioner.

3. Every contract or subcontract in excess of one hundred thousand dollars shall contain a provision detailing the provisions of paragraph two of this subdivision and of paragraph two of subdivision e of this section.

4. Upon request, the commissioner, council member, public advocate or comptroller receiving the report of alleged adverse personnel action shall make reasonable efforts to protect the anonymity and confidentiality of the officer or employee making such report.

5. No officer or employee of an agency of the city shall take an adverse personnel action with respect to another officer or employee in retaliation for his or her *cooperating with the council in a legislative or oversight matter*, or making a report of information concerning conduct which he or she knows or reasonably believes to present a substantial and specific risk of harm to the health, safety or educational welfare of a child by another city officer or employee, which concerns his or her office or employment, or by persons dealing with the city, which concerns their dealings with the city, (i) to the commissioner, (ii) to a council member, the public advocate, the comptroller or the mayor, or (iii) to any superior officer.

c. An officer or employee (i) of an agency of the city, or (ii) of a public agency or public entity subject to the jurisdiction of the commissioner pursuant to chapter thirty-four of the charter who believes that another officer or employee has taken an adverse personnel action in violation of subdivision b of this section may report such action to the commissioner.

d. 1. Upon receipt of a report made pursuant to subdivision c of this section, the commissioner shall conduct an inquiry to determine whether retaliatory adverse personnel action has been taken.

2. Within fifteen days after receipt of an allegation pursuant to subdivision c of this section of a prohibited adverse personnel action, the commissioner shall provide written notice to the officer or employee making the allegation, *and the speaker of council when allegations arise from adverse personnel actions taken following an individual cooperating with a council legislative or oversight matter*, that the allegation has been received by the commissioner. Such notice shall include the name of the person in the department of investigation who shall serve as a contact with the officer or employee making the allegation.

3. *Where practicable, all investigations initiated under subdivision c of this section shall be completed within ninety days of receipt by the commissioner, provided that if such investigation is not complete within ninety days, the commissioner shall provide written notice to the officer or employee making the allegation, and the speaker of council when allegations arise from adverse personnel actions taken following an individual cooperating with a council legislative or oversight matter, explaining the cause of delay and an updated timeframe of expected completion of the investigation.* Upon the completion of an investigation initiated under subdivision c of this section, the commissioner shall provide a written statement of the final determination to the officer or employee who complained of the retaliatory adverse personnel action, *and the speaker of council when allegations arise from adverse personnel actions taken following an individual cooperating with a council legislative or oversight matter*. The statement shall include the commissioner's recommendations, if any, for remedial action, or shall state that the commissioner has determined to dismiss the complaint and terminate the investigation.

§ 2. Section 12-113 of the administrative code of the city of New York, as amended by local law 25 of 2007, is amended by adding a new subdivision j to read as follows:

j. For the purpose of this section, when any allegation of adverse personnel actions arises in relation to conduct committed by the commissioner or any other employee working for the department of investigation, all action mandated by this section to be undertaken by the commissioner, shall instead be the responsibility of the corporation counsel.

§ 3. This local law takes effect immediately after it becomes law.

Referred to the Committee on Oversight and Investigations.

Int. No. 1771

By Council Member 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 the number of individualized education programs that are translated

Be it enacted by the Council as follows:

Section 1. Paragraph 14 of subdivision b of section 21-955 of the administrative code of the city of New York, as amended by local law number 89 of the year 2018, is amended and a new paragraph 15 is added to read as follows:

14. the number and percentage of students with IEPs who are recommended for participation in the general education curriculum for:

- (i) 80% or more of the day;
- (ii) 40-79% of the day; and
- (iii) less than 40% of the day[.];

15. *the number and percentage of students with IEPs who requested translation services and the number and percentage of students with IEPs who received such requested translation services by the end of the academic period, disaggregated by district, race/ethnicity, gender, English Language Learner status, recommended language of instruction, requested language of translation, and grade level.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 1772

By Council Member Treyger.

A Local Law to amend the administrative code of the city of New York, in relation to requiring reporting by the department of health and mental hygiene on language services for post-visit instructions and care

Be it enacted by the Council as follows:

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 19 to read as follows:

CHAPTER 19
LANGUAGE SERVICES REPORTING LAW

§ 17-1901 Definitions. For the purposes of this chapter, the following terms have the following meanings:

City agency. The term "city agency" means a city, county, borough, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.

Data. The term "data" means final versions of statistical or factual information in alphanumeric form that can be digitally transmitted or processed.

Health care provider. The term "health care provider" means an individual, partnership, corporation or other association that operates a health care facility for treatment of patients.

In-person interpreter. The term "in-person interpreter" means a person who provides live interactive translation, sign language, or reading services on-site.

Miscellaneous accommodation. The term "miscellaneous accommodation" means any service or combination of services provided other than an in-person interpretation or a request for a form to be translated.

§ 17-1902 Annual report. a. By no later than October 31 of each year, the commissioner shall compile data from all health care providers administered by city agencies and submit to the speaker of the council and post to the department's website an annual report, based on data from the preceding fiscal year, on the use and availability of in-person interpreters, health care form translations, and accommodations for patients with varying degrees of literacy for post-visit instructions and care.

b. The data in the report required by subdivision a shall be disaggregated by health care provider, race, ethnicity, gender, year of birth, and native language and shall show the following:

1. The number of in-person interpreter requests for post-visit instructions and care;
2. The number of in-person interpreter requests for post-visit instructions and care fulfilled;
3. The number of health care form translations requests for post-visit instructions and care;
4. The number of health care form translations requests for post-visit instructions and care fulfilled;
5. The number of miscellaneous accommodation requests for post-visit instructions and care;
6. The number of miscellaneous accommodation requests for post-visit instructions and care fulfilled; and
7. The citywide total number of in-person interpreters, health care form translations, and accommodations for patients with varying degrees of literacy for post-visit instructions and care for all health care providers that fall under the authority of city agencies.

§ 2. This local law takes effect 90 days after it becomes law and expires and is deemed repealed 2 years after such date.

Referred to the Committee on Health.

Res. No. 1095

Resolution calling upon the Mayor of the City of New York to provide paid medical leave for organ donation to all New York City employees through executive action and union negotiations.

By Council Member Treyger.

Whereas, No category of paid medical leave currently exists for employees of New York City who wish to donate an organ; and

Whereas, Employees that donate an organ must, at the present time, use personal vacation and sick time for organ donation preparation and recovery; and

Whereas, Under state law, employees of the state are allowed up to 30 days paid leave to serve as an organ donor; and

Whereas, On November 5, 2018, Governor Andrew Cuomo signed into law the Living Donor Protection Act, which requires all employers in New York State to cover organ transplantation preparation and recovery under paid family leave; and

Whereas, Those who work for New York City and wish to donate an organ to someone other than a family member are not covered by the Living Donor Protection Act; and

Whereas, Having to use personal vacation and sick time for organ transplantation can serve as a barrier to city employees who might otherwise consider donating, and deprives those in need of a donor; and

Whereas, Over 113,000 men, women, and children were on the national transplant waiting list as of January 2019, and 20 people die each day waiting for a transplant, according to the Federal Health Resources & Services Administration; and

Whereas, Affording paid medical leave for organ donation to city employees would remove financial barriers for those concerned about using personal leave, and would hold the potential to save thousands of lives; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Mayor of the City of New York to provide paid medical leave for organ donation to all New York City employees through executive action and union negotiations.

Referred to the Committee on Civil Service and Labor.

Res. No. 1096

Resolution calling on the New York Public Services Commission to require Consolidated Edison to update its food spoilage reimbursement policy to reflect the federal food safety guidelines published by the United States Department of Health and Human Services.

By Council Member Treyger.

Whereas, Consolidated Edison (Con Ed) is the primary utility company serving New Yorkers across the five boroughs; and

Whereas, In total, Con Ed provides electricity to around 3.3 million customers in New York City and Westchester County; and

Whereas, The New York state Public Services Commission oversees Con Ed's operations and approves the electricity rates that Con Ed sets for its customers; and

Whereas, The most recent tariff agreement includes the terms and conditions for customers to receive a reimbursement for food spoilage as a result of power failures; and

Whereas, As the utility with monopoly control of the market in New York City, most city residents rely completely on the electricity services provided by Con Ed; and

Whereas, This makes the City's residents particularly vulnerable to power outages caused by failures within Con Ed's supply chain; and

Whereas, For example, during a heat wave weekend in New York City in July of this year, residents in certain Brooklyn neighborhoods had their power deliberately switched off or reduced by Con Ed; and

Whereas, On the Friday before the weekend began, Mayor de Blasio declared local emergency due to the extreme heat, and over that weekend the heat index reached 110 degrees Fahrenheit;

Whereas, This caused demand for electricity to skyrocket as more and more people ran their air conditioners; and

Whereas, During the Sunday afternoon of that weekend, Con Ed broke its 2016 record for energy supply, hitting 12,048 megawatts of electricity between 4 and 5pm; and

Whereas, Unable to deal with the demand, and fear that the spike in use could further damage equipment and cause wider outages, Con Ed made the decision to cut power to neighborhoods in Brooklyn; and

Whereas, An estimated 33,000 Con Ed customers in Canarsie, Flatlands, Mill Basin, Old Mill Basin, Bergen Beach and Georgetown all had their power cut by the utility; and

Whereas, According to a statement from Con Ed after the outages, the deliberate cuts were required to prevent further outages that may have resulted from equipment damage; and

Whereas, The 33,000 customers in Brooklyn affected by the decision to cut power were in addition to those who were experiencing general power outages across the five boroughs; and,

Whereas, In the weeks prior to the heatwave weekend, multiple outages had also hit New York City due to equipment failures, transistor fires and overheating underground power lines; and

Whereas, This includes a major outage in Manhattan that impacted about 73,000 Con Ed customers for at least three hours; and

Whereas, As a result of the various outages during the summer of 2019, hundreds of thousands of New York City residents faced having to throw away food that was no longer safe to eat; and

Whereas, In the food safety guidelines published by the United States Department of Health and Human Services' Foodsafety.gov site, most food that requires refrigeration should be discarded after two to four hours without power; and

Whereas, The guidelines advise that meats, seafood, eggs, soft cheeses and cut fruit be discarded if they have been held at temperatures above 40 degrees Fahrenheit for more than two hours; and

Whereas, Meanwhile, the federal Department of Agriculture's (USDA) ABCD's of keeping food safe in an emergency states that, if a refrigerator door remains closed, it should be able to keep food safely for about four hours; and

Whereas, Residential Con Ed customers in New York City are able to file a claim for reimbursement for food that was discarded due to spoilage during a power outage; and

Whereas, However, Con Ed requires that the power outage last for at least 12 hours during a 24-hour period; and

Whereas, This policy means that most of the customers who were caught up in the outages during the summer of 2019, including those in Brooklyn who had their power deliberately turned off by Con Ed, would not be reimbursed for their food spoilage costs; and

Whereas, The food safety standards published by United States Department of Health and Human Services are informed by a range of federal agencies including the USDA, the Food and Drug Administration (FDA), and Centers for Disease and Control (CDC); and

Whereas, As such, their food safety guidelines are considered to be the official standard supported by the federal government; and

Whereas, By ignoring these federal guidelines, the 12-hour outage requirement in Con Ed's reimbursement policy for food spoilage leaves many of their customers out of pocket; now, therefore, be it

Resolved, that the New York Public Services Commission require Consolidated Edison to update its food spoilage reimbursement policy to reflect the federal food safety guidelines published by the United States Department of Health and Human Services.

Referred to the Committee on Health.

Res. No. 1097

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S6687, legislation to provide that the absence of a minor from school due to mental or behavioral health shall be permitted.

By Council Members Treyger Ayala and the Public Advocate (Mr. Williams).

Whereas, An increasing number of youth in the United States report struggling with their mental health; and

Whereas, Suicide was the second-leading cause of death among individuals between the ages of 10 and 34, according to a 2017 Center for Disease Control and Prevention report; and

Whereas, The number of children and teenagers treated in emergency rooms in the United States for suicide attempts and suicidal thoughts nearly doubled between 2007 and 2015, according to a 2019 study published in the Journal of the American Medical Association; and

Whereas, In New York State, nearly 4,500 youth, ages 0-19, made emergency department visits for self-harm in 2016, according to the New York State Health Connector; and

Whereas, Approximately 30% of New York City public high school students report feeling sad or hopeless, and 10% report attempting suicide, with 17% having seriously considered attempting suicide, according to the 2017 New York City Youth Risk Behavior Survey; and

Whereas, LGBT youth, particularly LGBT youth of color, experience heightened levels of bullying and discrimination when compared with their heterosexual peers, according to the 2017 National Youth Risk Behavior Survey, which can increase chances of anxiety, depression, and self-harm; and

Whereas, Several states, including Oregon, Utah, and Minnesota, have already enacted laws allowing students to have excused absences for reasons related to mental health; and

Whereas, It is time for New York State to treat mental health in public schools with the same seriousness as physical health; and

Whereas, S6687 would move New York toward that goal by amending the state's Education Law to allow mental and behavioral health to be excused absences under rules that the Commissioner of Education shall establish; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S6687, legislation to provide that the absence of a minor from school due to mental or behavioral health shall be permitted.

Referred to the Committee on Education.

Res. No. 1098

Resolution declaring October 2, the birthday of Mahatma Gandhi, as International Non-Violence Day in the city of New York.

By Council Member Ulrich.

Whereas, Mahatma Gandhi was born Mohandas Karamchand Gandhi on October 2, 1869 in Porbandar, India to a wealthy family as the youngest of four children; and

Whereas, In May of 1883, as was the custom, a 13 year old Gandhi was married to a 14 year old Kasturba Makhanji in an arranged child marriage; and

Whereas, At the age of 19, Gandhi pursued the study of the law in London and, upon completion of his education, returned home to Bombay where he struggled to build a successful legal practice; and

Whereas, Hoping for a better work life, in the late 1890's Gandhi moved his wife and children to South Africa where he began to practice law for the next 20 years; and

Whereas, As an Indian immigrant working as a barrister in South Africa, Gandhi would experience the common practice of racial discrimination and often suffer humiliations such as being asked to remove his turban in the courtroom by an English magistrate, and being thrown out of a first-class rail compartment only to be beaten by a white stagecoach driver after refusing to give up his seat to a white European passenger; and

Whereas, By the age of 25, Gandhi had become a political activist who garnered public attention and emerged as a voice of the Indian community in South Africa when he founded the Natal Indian Congress to fight discrimination against Indians in South Africa; and

Whereas, In opposition to a 1906 South African law requiring all male Asians to be fingerprinted, carry an identification pass, tolerate non-recognition of their marriages by the state and pay a special Indian Relief tax, Gandhi urged his fellow citizens to peacefully protest and disobey the laws which, for the next seven years, resulted in thousands of Indians being beaten, jailed and sometimes shot, until a 1914 public outcry against their treatment resulted in the enactment of the Indian Relief Act which repealed the aforementioned restrictions and penalties; and

Whereas, In 1915, upon his return to British ruled India, Gandhi led Indian farmers in non-violent civil disobedient protests against British landlords who, in addition to imposing harsh taxes, forced farmers to plant cash crops in lieu of food, which sold at low fixed prices, leaving farmers both hungry and impoverished until British landlords agreed to grant them more control; and

Whereas, In 1918, after floods and famine led to crops in India yielding far less than expected, Gandhi again organized farmers and led them in a tax revolt, demanding relief through civil disobedience that would later result in the suspension of property being confiscated and a repeal of tax increases; and

Whereas, Following World War One, Gandhi became a leading figure in India as he and fellow Indian citizens continued the struggle to gain independence from Great Britain; and

Whereas, In 1919, during the event known as the Jallianwala Bagh massacre, British soldiers fired upon a crowd of nonviolent protesters prompting Gandhi to begin what was known as the Non-cooperation movement, in which Indians began to boycott British made goods, British educational institutions, and renounced British titles and honors; and

Whereas, When, in response to the Jallianwala Bagh massacre, the demonstrators set fire to a British police station and killed 22 of its occupants, true to his principles, Gandhi called for an end to the violent actions against British soldiers; and

Whereas, In opposition to the British Salt Act of 1882, which prohibited Indians from collecting or selling salt, Gandhi was joined by thousands of Indians in peaceful protest known as the Salt March of 1930, which lasted 24 days and resulted in over 80,000 Indians being jailed; and

Whereas, The Salt March was covered heavily by the press and would serve to influence political activists such as Martin Luther King, Jr., while bringing world-wide attention to the Indian struggle for independence from Britain; and

Whereas, The Quit India Movement was launched by Gandhi in 1942 when he called for immediate independence from Britain through acts of civil disobedience and passive resistance in response to the British government unilaterally having entered India into World War II without consultation; and

Whereas, Gandhi's speech entitled Do Or Die, urged the Indian masses to act as independents and, while members of the India Congress Committee leadership were arrested within twenty-four hours of the speech, ultimately signaling an end to British rule that would not be fully realized until 1947; and

Whereas, Gandhi had come to be known as "the great-souled one" by his followers and would become revered the world over by many for his nonviolent philosophy of passive resistance in support of human rights; and

Whereas, On October 2, 1986, a bronze sculpture of Mohandas Gandhi was placed in Union Square Park in New York City as part of a quartet of works honoring defenders of freedom joining monuments to George Washington, Gilbert du Motier, Marquis de Lafayette and Abraham Lincoln; and

Whereas, According to the New York City Parks Department, the sculpture of Gandhi became an annual pilgrimage site with a ceremony occurring on Gandhi's birthday each October 2; and

Whereas, In June 2007, a United Nations General Assembly resolution established October 2nd as the International Day of Non-Violence to affirm the universal relevance of the principle of non-violence and the desire to secure a culture of peace and tolerance echoing Gandhi's own words that non-violence is the greatest force at the disposal of mankind; now, therefore, be it

Resolved, The Council of the City of New York declares October 2, the birthday of Mahatma Gandhi, as International Non-Violence Day in the city of New York

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

Int. No. 1773

By Council Member Vallone.

A Local Law in relation to requiring a study of the feasibility of a walking ambassador program

Be it enacted by the Council as follows:

Section 1. a. Definitions. For the purposes of this local law, the term “walking ambassador” means an individual employed to walk around designated areas to provide assistance to tourists, answer tourists’ questions and provide information about sights and activities in the city.

b. The mayor shall designate an office or agency to study the feasibility of implementing a walking ambassador program. No later than one year after the effective date of this local law, such office or agency shall submit to the council a report detailing its recommendations on implementation of such a program. Such report shall, at a minimum:

1. Include an estimate of the optimal number of walking ambassadors, taking into consideration all anticipated costs and the expected rate of utilization by the public;
2. Identify areas of the city where walking ambassadors should be assigned and how best to allocate walking ambassadors among these areas;
3. Identify the times when it would be most beneficial to have walking ambassadors available to tourists;
4. Identify the languages, other than English, in which some walking ambassadors should be proficient and areas of the city where such ambassadors should be assigned;
5. Recommend ways to identify walking ambassadors to tourists, including uniforms or other conspicuous forms of identification; and
6. Address any other factors or issues that would be important in implementing a walking ambassador program.

§ 2. This local law takes effect immediately.

Referred to the Committee on Economic Development.

Int. No. 1774

By Council Members Vallone and Louis.

A Local Law to amend the New York city charter, in relation to an office of interagency tourism affairs

Be it enacted by the Council as follows:

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

§ 20-h. *Office of interagency tourism affairs. a. Definitions. For purposes of this section, the term “director” means the director of the office of interagency tourism affairs.*

b. The mayor shall establish an office of interagency tourism affairs. Such office may, but need not, be established in the executive office of the mayor and may be established as a separate office or within any other office of the mayor or within any department the head of which is appointed by the mayor. Such office shall be headed by a director who shall be appointed by the mayor or head of such department.

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

1. *Establish a system to receive public comments and questions with respect to tourism, including, but not limited to, establishing and publicizing the availability of a telephone number to receive such comments and questions;*
2. *Relay comments and questions to the respective agencies with which such matters would normally be filed;*
3. *Establish a system to communicate with agencies and stakeholders who are affected by events in the tourism industry;*
4. *Where appropriate, coordinate communication between agencies and aid in the resolution of interagency matters, including matters relating to transportation, quality of life and other safety-related matters, and workforce development to support the industry.*

d. Report. Beginning January 1, 2020, and on the first day of each calendar quarter thereafter, the office of interagency tourism affairs shall submit to the mayor and the speaker of the council a report related to the responsibilities of the office, including but not limited to:

1. *The number of comments and questions received by the office and a description of such comments and questions;*

2. *The average time taken to respond to such communications;*

3. *A description of any response efforts taken; and*

4. *A five-year plan for the growth and sustainability of the tourism industry in the city of New York.*

§ 2. This local law takes effect 120 days after it becomes law, provided that the administering agency may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Economic Development.

Res. No. 1099

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation that would consider certain penalties set forth by New York City's Section 31-115 (Noise Code Penalty Schedule) that relate to excessive noise from motor vehicles as traffic violations, so License Violation Points may be issued to the offender by the New York State Department of Motor Vehicles.

By Council Member Vallone.

Whereas, The New York State (NYS) Department of Motor Vehicles (DMV) was created in 1961 to ensure traffic safety and reduce accidental deaths due to motor vehicles statewide; and

Whereas, Currently, if a person is issued a ticket for a non-criminal moving traffic violation in New York City (NYC), it will be adjudicated by the NYS DMV Traffic Violations Bureau; and

Whereas, As a preventative measure to ensure vehicle safety, many traffic violations can result in License Violation Points, which are added to a driver's record by the NYS DMV's Driver Violation Point System; and

Whereas, The Driver Violation Point System is responsible for identifying and taking action against high risk drivers, setting a limit of 11 or more License Violation Points within any 18-month period before a driver's license is revoked or suspended, following a hearing; and

Whereas, Pursuant to Section 31-115 (Noise Penalty Schedule) of the NYC Administrative Code, penalties in NYC are set out for specific violations related to noise, providing the description of a violation, the violation offense and the penalty cost; and

Whereas, Violations within the Noise Penalty Schedule range from: operating equipment without a valid registration, to failure to comply with noise abatement contract requirements, to operating a compacting vehicle producing excessive noise, with penalties ranging anywhere from \$50 to upwards of \$9,600, based on the number of offenses a person has committed; and

Whereas, The Noise Penalty Schedule covers certain excessive noise violations associated with motor vehicles, such as Section 24-225(b), 24-233(b)(2), 24-236(a) and 24-238(b); however, it only penalizes the offender with a fine; and

Whereas, In addition, excessive noise associated with a motor vehicle is not a recognizable offense by the NYS DMV's Driver Violation Point System, thus is not an offense that can lead to License Violation Points and license suspension or revocation; and

Whereas, This results in the increased prevalence of excessive noise coming from motor vehicles, and the continued distraction of fellow drivers and surrounding communities; and

Whereas, For example, excessive noise from motor vehicles is prevalent near Citi Field in Queens, with surrounding communities complaining about excessive noise coming from vehicles equipped with many speakers/stereos, including, in June 2016, when a man had outfitted his van to blast music from more than 50 individual speakers, according to NBC New York; and

Whereas, Allowing the NYS DMV to issue License Violation Points to motorists with excessive noise coming from their vehicles would ensure that fellow drivers and surrounding communities are not distracted or disturbed, and that drivers who are using excessive noise are properly penalized, with the possibility of license suspension or revocation; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, legislation that would consider certain penalties set forth by New York City’s Section 31-115 (Noise Code Penalty Schedule) that relate to excessive noise from motor vehicles as traffic violations, so that License Violation Points may be issued to the offender by the New York State Department of Motor Vehicles.

Referred to the Committee on Environmental Protection.

Int. No. 1775

By Council Members Van Bramer, Espinal and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to non-reusable utensils

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 13 to read as follows:

Subchapter 13: Non-Resuable Eating Utensils

§ 20-699.7 Eating Utensils a. Definitions. For purposes of this chapter:

Dine-in. The term “dine-in” means relating to or offering food that is eaten in the food service establishment where it is ordered rather than being taken away.

Eating utensil. The term “eating utensil” means a tool used for eating and drinking, including but not limited to, plates, bowls, knives, forks, spoons, chopsticks, cups, lids, and napkins, but does not include stirrers and straws.

Food service establishment. The term “food service establishment” means a place where food is provided for individual portion service directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises pursuant to subdivision s of section 81.03 of the health code of the city of New York.

Meal delivery service provider. The term “meal delivery service provider” means a courier service provider which delivers meal from a food service establishment to its customer.

Reusable. The term “reusable” means designed and manufactured to maintain its shape and structure, and to be materially durable for sanitizing in water at 171 degrees Farenheit for at least 30 continuous seconds, washing via commercial dishwashing machine, and reuse at least 1,000 times.

Take-away. The term “take-away” means food provided by a food service establishment to be consumed off the premises of a food service establishment.

b. No food service establishment shall provide non-resuable eating utensils or condiment packets for take-away customers or with meal delivery service, unless such non-resuable eating utensils are requested by such customer.

c. No food service establishment in the city with capacity for dishwashing, as determined by rule by the department, shall provide non-resuable eating utensils for their dine-in customers. Napkins shall not be considered a non-reusable eating utensil for purposes of this subdivision.

d. No meal delivery service provider shall provide non-resuable eating utensils or condiment packets, unless such non-resuable eating utensils or condiment packets are requested by such customer or such utensils are already included in the food already packaged by the food service establishment to be delivered by a food service establishment. Meal delivery service providers shall provide options to allow a customer to request non-reusable eating utensils upon submission of an order by such customer for items from such provider. Such options shall be available for all methods of ordering, including but not limited to phone, internet, or mobile phone application orders. The default selected option shall be that no non-reusable eating utensils are requested.

e. The department shall have the authority to enforce the provisions of this section.

f. The department shall conduct outreach and education to food service establishments to inform them of the provisions of this section, including the creation of signs and materials for food service establishments to display for customers informing them of the affirmative obligation to request items. Such outreach and education shall be conducted within six months after the effective date of this section.

g. Any person who violates section 20-699.7 of this chapter or any rule promulgated pursuant thereto shall be liable for a civil penalty in the amount of \$100 for the first violation, \$200 for the second violation committed on a different day within a period of 12 months, and \$300 for the third and each subsequent violation committed on different days within a period of 12 months, except that the department shall not issue a notice of violation, but shall issue a warning and provide information on the provisions of this section, for any violation that occurs within six months after the effective date of this section.

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Consumer Affairs and Business Licensing.

Preconsidered L.U. No. 555

By Council Member Dromm:

2178 Atlantic Avenue, Block 1433, Lot 35; Brooklyn, Community District No. 16, Council District 41.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 556

By Council Member Dromm:

Crown Plaza Apartment, Block 1172, Lots 27, 28 and 29 and Block 1296, Lot 8; Brooklyn, Community Districts No. 8 and 9, Council District 35.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 557

By Council Member Salamanca:

Application No. 20205116 HAM (NME III West 140th and West 150th Street) submitted by the Department of Housing Preservation and Development for the designation of an Urban Development Action Area and an Urban Development Action Area pursuant to Section 693 of the General Municipal Law, for the approval of an Urban Development Action Area Project for such Area pursuant to Section 694 of the General Municipal Law, and for the exemption of such Project from real property taxes pursuant to Article XI of the Private Housing Finance Law, for property located at 207-209 West 140th Street (Block 2026, Lots 24 and 25), and 304 West 150th Street (Block 2045, Lot 98), Borough of Manhattan, Council District 9, Community District 10.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions).

Preconsidered L.U. No. 558

By Council Member Salamanca:

Application No. C 190390 ZMM (25 Central Park West) submitted by CPW Retail South, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8c, by establishing within an existing R10A District a C2-5 District bounded by West 63rd Street, Central Park West, West 62nd Street, and a line 100 feet westerly of Central Park West, for property located in the Borough of Manhattan, Council District 6, Community District 7.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but filed by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 559

By Council Member Salamanca:

Application No. C 190124 ZMQ (44-01 Northern Boulevard Rezoning) submitted by 44-01 Northern Boulevard, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9b: changing from an M1-1 District to an R6B District property bounded by 44th Street, a line 100 feet southwesterly of 34th Avenue, 45th Street, and a line 200 feet southwesterly of 34th Avenue, changing from an M1-1 District to an R7X District property bounded by 44th Street, a line 200 feet southwesterly of 34th Avenue, 45th Street, and Northern Boulevard, establishing within the proposed R6B District a C2-4 District, and establishing within the proposed R7X District a C2-4 District, for property located in the Borough of Queens, Council District 26, Community District 1.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 560

By Council Member Salamanca:

Application No. C 190125 ZRQ (44-01 Northern Boulevard Rezoning) submitted by 44-01 Northern Boulevard, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, for property located in the Borough of Queens, Council District 26, Community District 1.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 561

By Council Member Salamanca:

Application No. C 180524 ZMK (101 Fleet Place Rezoning) submitted by Fleet Center, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, by changing from an R6 District to a C6-4 District, and establishing a Special Downtown

Brooklyn District, property bounded by the easterly centerline prolongation of former Fair Street, a line 200 feet easterly of Fleet Place, a line 150 feet northerly of Willoughby Street, and Fleet Place, for property located in the Borough of Brooklyn, Council District 35, Community District 2.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 562

By Council Member Salamanca:

Application No. N 180525 ZRK (101 Fleet Place Rezoning) submitted by Fleet Center, Inc., pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, modifying Article X, Chapter 1 (Special Downtown Brooklyn District) for the purpose of modifying the Special Downtown Brooklyn District boundary and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, for property located in the Borough of Brooklyn, Council District 35, Community District 2.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

L.U. No. 563

By Council Member Salamanca:

Application No. 20205105 HAQ (Hunters Point South Parcels F & G) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for the approval of an exemption from real property taxation for property located at Block 6, Lots 20 and 30, Borough of Queens, Council District 26, Community District 2.

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

L.U. No. 564

By Council Member Salamanca:

Application No. C 190434 ZMM (La Hermosa) submitted by La Hermosa Christian Church, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6b, by changing from an R7-2 District to a C1-9 District property bounded by West 111th Street, Fifth Avenue, a line midway between Central Park North and West 111th Street, and a line 200 feet westerly of Fifth Avenue, and changing from an R8 District to a C1-9 District, property bounded by a line midway between Central Park North and West 111th Street, Fifth Avenue, Central Park North, and a line 200 feet westerly of Fifth Avenue (straight line portion) and its southerly prolongation, for property located in the Borough of Manhattan, Council District 9, Community District 10.

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

L.U. No. 565

By Council Member Salamanca:

Application No. N 190433 ZRM (La Hermosa) submitted by La Hermosa Christian Church, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, for property located in the Borough of Manhattan, Council District 9, Community District 10.

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

L.U. No. 566

By Council Member Salamanca:

Application No. C 190435 ZSM (La Hermosa) submitted by La Hermosa Christian Church, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-581 of the Zoning Resolution to modify the street wall location requirements of Section 35-64, and the tower lot coverage requirements, tower floor area distribution requirements, and height and setback requirements of Section 23-651, in connection with a proposed mixed use development on property located at 5 West 110th Street (Block 1594, Lots 30 and 41), in a C1-9 District, Borough of Manhattan, Council District 9, Community District 10.

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

L.U. No. 567

By Council Member Salamanca:

Application No. N 190436 ZSM (La Hermosa) submitted by La Hermosa Christian Church, 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 the required number of accessory off-street parking spaces for dwelling units in a development with 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 5 West 110th Street (Block 1594, Lots 30 and 41), in a C1-9 District, Borough of Manhattan, Council District 9, Community District 10.

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

NEW YORK CITY COUNCIL

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

Wednesday, October 23, 2019

Committee on Economic Development

Paul Vallone, Chairperson

Oversight - New York City’s Tourism Economy.

Int 1774 - By Council Member Vallone - **A Local Law** to amend the New York city charter, in relation to an office of interagency tourism affairs.

Res 1005 - By Council Members Levine, Rosenthal, Chin, Kallos, Rivera, Constantinides and Holden - **Resolution** calling upon the United States Federal Aviation Administration to ban all non-essential helicopter travel, including tourist and chartered helicopter flights over New York City.

Committee Room – 250 Broadway, 16th Floor.....10:00 a.m.

★ Deferred

Committee on Health jointly with the _____ Mark Levine, Chairperson

Committee on Hospitals _____ Carlina Rivera, Chairperson

~~**Oversight** - Health Access in New York City, and the Roll Out of NYC Care.~~

~~**Int 1668** - By Council Members Levine, the Speaker (Council Member Johnson), Rivera, Kallos and Chin - **A Local Law** to amend the administrative code of the city of New York, in relation to establishing a health access program.~~

~~**Proposed Res 918 A** - By Council Members Adams, Chin, Rosenthal, Koslowitz, Rivera, Gibson, Ampry-Samuel and Kallos - **Resolution** calling on the State of New York to pass, and the Governor to sign, S.3900/A.5974, an act to amend the social services law, in relation to coverage for health care services under the basic health program for individuals whose immigration status renders him or her ineligible for federal financial participation.~~

~~Council Chambers - City Hall.....10:00 a.m.~~

Committee on Land Use

Rafael Salamanca, Jr., Chairperson

All items reported out of the Subcommittees

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall.....11:00 a.m.

Committee on Sanitation and Solid Waste Management

Antonio Reynoso, Chairperson

Oversight --New York City Department of Sanitation’s 2019-2020 Snow Plan.

Int 1228 - By Council Members Dromm and Yeger - **A Local Law** to amend the administrative code of the city of New York, in relation to certain sanitation violations received during declared emergencies or severe weather conditions.

Committee Room – 250 Broadway, 14th Floor.....1:00 p.m.

Thursday, October 24, 2019

Committee on Transportation jointly with the

Ydanis Rodriguez, Chairperson

Committee on Public Safety

Donovan Richards, Jr., Chairperson

Oversight - Vision Zero, Cyclist Safety, and Police Department Enforcement.

Int 769 - By Council Member Menchaca - **A Local Law** to amend the administrative code of the city of New York, in relation to warning notice for missing bicycle equipment.

Int 1354 - By Council Members Holden, Koo, Ulrich, Yeger, Borelli, Deutsch, Vallone, Powers, Richards, Brannan, Salamanca, King, Menchaca, Reynoso, Perkins and Maisel - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring certain spillage prevention equipment on concrete mixer trucks and volumetric concrete mixers.

Int 1435 - By Council Member Rodriguez (by request of the Mayor) - **A Local Law** to amend the administrative code of the city of New York, in relation to the use of back seat safety belts.

Int 1763 - By Council Member Rodriguez - **A Local Law** to amend the administrative code of the city of New York, in relation to motor vehicles overtaking cyclists.

Council Chambers – City Hall.....10:00 a.m.

Monday, October 28, 2019

Committee on Consumer Affairs & Business Licensing

Rafael L. Espinal, Chairperson

Proposed Int 1407-A - By Council Members Espinal, Levine, Chin and Rivera - **A Local Law** in relation to a study on single-use plastics.

Int 1416 - By Council Members Levine, Rosenthal, Perkins and Cohen - **A Local Law** to amend the administrative code of the city of New York, in relation to the use of reusable beverage containers provided by customers at food service establishments.

Int 1669 - By Council Members Miller, Constantinides and Espinal - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring that balloons made with electrically conductive material and filled with gas lighter than air be weighted and include warning labels.

Int 1775 - By Council Members Van Bramer and Espinal - **A Local Law** to amend the administrative code of the city of New York, in relation to non-reusable utensils.

Committee Room – City Hall.....10:00 a.m.

Committee on Higher Education jointly with the
Committee on Women and Gender Equity

Inez Barron, Chairperson
Helen Rosenthal, Chairperson

Off-site Hearing - Oversight – CUNY Child Care Centers.

Location: The City College of New York
NAC Ballroom, Ground Floor
North Academic Center Building (NAC)
160 Convent Avenue (@ 138th street)
New York, N.Y 10031

Details attached.....10:00 a.m.

Committee on Environmental Protection jointly with the
Committee on Resiliency and Waterfronts

Costa Constantinides, Chairperson
Justin Brannan, Chairperson

Oversight - 7th Anniversary of Superstorm Sandy.

Int 382 - By Council Member Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to a special flood hazard area notification.

Int 1480 - By Council Members Constantinides, Ulrich, Brannan, Gjonaj, Chin and Gibson - **A Local Law** to amend the New York city charter, in relation to creating a marine debris disposal office.

Int 1620 - By Council Members Constantinides, Brannan, Koo, Levin and Gibson - **A Local Law** to amend the administrative code of the city of New York, in relation to the creation of a comprehensive five borough plan to protect the entire shoreline from climate change, sea level rise and sunny day flooding.

Committee Room – 250 Broadway, 14th Floor.....1:00 p.m.

Committee on Technology jointly with the
Committee on Fire and Emergency Management and the
Committee on Public Safety

Robert Holden, Chairperson
Joseph Borelli, Chairperson
Donovan Richards, Jr., Chairperson

Oversight - New York City’s Next Generation 9-1-1 System.

Council Chambers – City Hall.....1:00 p.m.

Tuesday, October 29, 2019

★ *Deferred*

~~[Committee on Health](#) jointly with the _____ Mark Levine, Chairperson~~

~~[Committee on Hospitals](#) _____ Carlina Rivera, Chairperson~~

~~**Oversight** Health Access in New York City, and the Roll Out of NYC Care.~~

~~**Int 1668** By Council Members Levine, the Speaker (Council Member Johnson), Rivera, Kallos and Chin - **A**~~

~~**Local Law** to amend the administrative code of the city of New York, in relation to establishing a health access program.~~

~~**Proposed Res 918 A** By Council Members Adams, Chin, Rosenthal, Koslowitz, Rivera, Gibson, Ampry-~~

~~Samuel and Kallos - **Resolution** calling on the State of New York to pass, and the Governor to sign,~~

~~S.3900/A.5974, an act to amend the social services law, in relation to coverage for health care services under the~~

~~basic health program for individuals whose immigration status renders him or her ineligible for federal financial~~

~~participation.~~

~~Committee Room - City Hall.....10:00 a.m.~~

[Committee on Governmental Operations](#) jointly with the _____

Fernando Cabrera, Chairperson

[Committee on Immigration](#) and the _____

Carlos Menchaca, Chairperson

[Committee on State and Federal Legislation](#) _____

Andrew Cohen, Chairperson

Oversight - Preparations For a Complete Count in the 2020 Census

Council Chambers - City Hall.....1:00 p.m.

[Committee on Juvenile Justice](#) jointly with the _____

Andy King, Chairperson

[Committee on Justice System](#) _____

Rory Lancman, Chairperson

Oversight - ACS and Raising the Age of Criminality.

Int 1628 - By Council Members Salamanca and Ampry-Samuel - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the administration of children’s services and the department of probation to report on juvenile justice statistics.

Committee Room - City Hall.....1:00 p.m.

Wednesday, October 30, 2019

[Committee on Finance](#) _____

Daniel Dromm, Chairperson

Int 1750 – By Council Member Dromm (by request of the Mayor) – **A Local Law** to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in five business improvement districts and one special assessment district.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room - City Hall.....10:00 a.m.

[Stated Council Meeting](#).....*Ceremonial Tributes – 1:00 p.m.*

.....*Agenda – 1:30 p.m.*

**MEMORANDUM**

Friday, October 11, 2019

TO: ALL COUNCIL MEMBERS**RE: OFF-SITE HEARING BY THE COMMITTEE ON HIGHER EDUCATION AND WOMEN
AND GENDER EQUITY
OVERSIGHT – CUNY CHILD CARE CENTERS**

**The City College of New York
NAC Ballroom, Ground Floor
North Academic Center Building (NAC)
160 Convent Avenue (@ 138th street)
New York, N.Y 10031**

The off-site hearing will be held on **Thursday, October 28, 2019 beginning at 10:00 a.m.** A van will be leaving City Hall at **9:00 a.m.**

Hon. Inez Barron, Chairperson
Committee on Higher Education

Hon. Corey Johnson
Speaker of the Council

Hon. Helen Rosenthal, Chairperson
Committee on Women and Gender Equity

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) thanked many members of his staff for their role in assembling the Rikers Island legislative package of bills and land use related items. This legislation was being presented to the full Council for a vote at that day's Stated Meeting (please see the Roll Call for General Orders printed in these Minutes). The Speaker (Council Member Johnson) acknowledged the presence of former Council Speaker Melissa Mark-Viverito in the Council Chambers. He thanked former Speaker Mark-Viverito for her leadership in calling for the closure of Rikers Island and for advocating against the policies of mass incarceration. The Speaker (Council Member Johnson) also thanked former NYS Court of Appeals Chief Judge Jonathan Lippman and the members of his independent commission for their New York City Criminal Justice and Incarceration Reform Plan. He specifically thanked Council Members Ayala, Chin, Koslowitz, and Levin for their leadership in their respective districts for their support of the four borough-based jail system plan. He also thanked Mayor DeBlasio and his staff, including Chief of Staff Emma Wolfe and Liz Glazer, for their partnership with the Council in helping close Rikers Island. The Speaker (Council Member Johnson) thanked the following organizations for their advocacy: The Katal Center for Health, Equity, and Justice; Just Leadership USA; The Fortune Society; Exodus Transitional Communities; the Very Institute for Justice; the Women's Community Justice Foundation; and the Columbia University Justice Lab. The Speaker (Council Member Johnson) additionally acknowledged and thanked a number of formerly incarcerated New Yorker sitting in the balcony who worked with the Lippman Commission.

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) acknowledged that October was Domestic Violence Awareness Month and noted that the city provided support for those suffering from domestic abuse at www.nyc.gov/nychope. He also acknowledged that it was Breast Cancer Awareness Month when people are urged to undergo screening for breast cancer. The Speaker (Council Member Johnson) additionally acknowledged that many Council Members in the Chambers were wearing rainbow ribbons in honor of National Coming Out Day as well as for the previous week's Spirit Day.

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) acknowledged that the Jewish holiday of Sukkoth was under way and noted that there was a *sukkah* outside of City Hall on Broadway in celebration of this holiday. He thanked Council Member Deutsch and the Jewish Caucus for their leadership in helping introduce the first City Hall *sukkah*.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, October 30, 2019.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Note: Following the adjournment of these proceedings, an additional Stated Meeting was scheduled for Monday, October 28, 2019.

Editor's Local Law Note: Int. Nos. 136-A, 560-A, 1293-B, 1348-A 1452-A, 1690-A, 1707-A, 1708 and 1711, all adopted by the Council at the September 12, 2019 Stated Meeting, were returned unsigned by the Mayor on October 15, 2019. These items had become law on October 13, 2019 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Law Nos. 172 to 180 of 2019, respectively,