

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Tuesday, November 23, 2021, 2:07 p.m.

held in a Hybrid Meeting format

The Majority Leader (Council Member Cumbo)

presiding as the Acting President Pro Tempore

Council Members

Corey D. Johnson, *Speaker*

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

Absent: Council Member Perkins.

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

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

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

There were 48 Council Members marked present at this hybrid Stated Meeting held remotely and in the Council Chambers at City Hall, New York, N.Y.

INVOCATION

The Invocation was delivered by Rabbi Tamar Crystal, Senior Chaplain and spiritual leader at the New York Board of Rabbis, located at 65 West 90th Street, New York, N.Y. 10024.

[prayer spoken in Hebrew before continuing in English]

God, source of life,
may we take this time of Thanksgiving
to stop and appreciate
not only the many blessings we have been given
of family, friends, community, and law,
but also reconnect to our deep gratitude
for the gift of life itself.
May we be struck
by the wonder of being alive,
by the knowledge that we are separate
and yet firmly linked by the sense of awe
of living in a universe
that is greater than ourselves.
May we find the world
to be sometimes so beautiful
that we shall want it to be more so,
more often, for more people.
And may you bless the hands and hearts
of those assembled here today and every day
to continue to work together
with that sense of awe and beauty,
to create the best possible law
for all our constituencies.

On behalf of Council Member Rosenthal, the Speaker (Council Member Johnson) moved to spread the Invocation in full upon the record.

During the Communication from the Speaker segment of this meeting, the Speaker (Council Member Johnson) acknowledged that 34,747 New Yorkers had lost their lives to COVID-19 as of November 22, 2021. He urged everyone to get vaccinated, and if eligible, to get a booster shot as well.

The Speaker (Council Member Johnson) acknowledged the Waukesha Christmas Parade attack that took place near Milwaukee, Wisconsin on November 21, 2021. At least five people were killed and more than forty injured when a driver sped his vehicle into a crowd of people attending a local Christmas parade celebration. On behalf of the Council, the Speaker (Council Member Johnson) sent his deepest condolences to the families, friends, and victims of this attack.

The Speaker (Council Member Johnson) acknowledged the death of former Council Member Edward L. Sadowsky who passed away on November 11, 2021 at the age of 92. Council Member Sadowsky was a six-term Council Member who represented areas in northern Queens from 1962 through 1985. The Speaker (Council Member Johnson) noted that the former Council Member was born in Brooklyn and dubbed himself an accidental politician. Council Member Sadowsky was the sponsor of various pieces of critical legislation. He also helped create a commission to oversee the taxi industry and was the force behind the establishment of the Department of Cultural Affairs.

The Speaker (Council Member Johnson) acknowledged the death of David Alomia, Jr., a New Yorker who lost his life during the course of his employment. Mr. Alomia, 37, died on November 17, 2021 after he fell to his death while he was painting the Manhattan Bridge.

The Speaker (Council Member Johnson) asked everyone assembled to stand and pause for a moment of silence for all these New Yorkers who lost their lives.

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

* * *

ADOPTION OF MINUTES

On behalf of Council Member Rose, the Speaker (Council Member Rose) moved that the Minutes of the Stated Meeting of October 21, 2021 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-347

Communication from the Mayor - Submitting the name of Joseph Douek to the Council for its advice and consent regarding his appointment to the City Planning Commission, pursuant to Sections 192 of the City Charter.

November 18, 2021

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

Dear Speaker Johnson:

Pursuant to Section 192 of the New York City Charter, I am pleased to present the name of Joseph Douek to the City Council for advice and consent regarding his appointment as a member of the City Planning Commission. If appointed, Mr. Douek will serve the remainder of a five-year term that will expire on June 30, 2023.

I send my thanks to you and all Council members for reviewing this CPC appointment.

Sincerely,

Bill de Blasio
Mayor

BDB:at

cc: Joseph Douek
Vicki Been, Deputy Mayor for Housing and Economic Development
Anita Laremont, City Planning Commission
Paul Ochoa, Director, City Legislative Affairs

Referred to the Committee on Rules, Privileges and Elections.

LAND USE CALL-UPS

M-348

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

Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on related Application Nos. C 220061 MLK, C220064 ZSK, N 220065 ZAK, C 220070 ZSK, and C 210425 MMK (River Ring) be subject to Council review. These items are related to Application Nos. C 220062 ZMK and N 220063 ZRK.

Coupled on 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, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **47**.

Present, Not Voting – Matteo.

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.

Editor's Note re: the position of Minority Leader: On November 16, 2021, Council Member Matteo announced his resignation as Minority Leader effective November 17, 2021 at 11 a.m. (see also M-354 of 2021 introduced at the December 9, 2021 Stated Meeting). On November 17, 2021, Council Member Borelli was designated and appointed as Minority Leader by the Minority (Republican) Delegation of the New York City Council (see also M-355 of 2021 introduced at the December 9, 2021 Stated Meeting).

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Civil Service and Labor

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

Report for Int. No. 2456

Report of the Committee on Civil Service and Labor in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to requiring labor peace agreement for certain city economic development projects.

The Committee on Civil Service and Labor, to which the annexed preconsidered proposed local law was referred on November 23, 2021, respectfully

REPORTS:

INTRODUCTION

On November 22nd, 2021, the Committee on Civil Service and Labor, chaired by Council Member I. Daneek Miller, held a vote on Preconsidered Int. 2456, in relation to requiring labor peace agreement for certain city economic development projects, sponsored by Speaker Corey Johnson. The Committee previously held a hearing on Introduction No. 2252, in relation to requiring city human services contractors to enter into labor peace agreements, on May 5, 2021. At the hearing, the Committee heard testimony from the Mayor's Office of Policy and Planning, the New York City Economic Development Corporation, labor unions, and other interested stakeholders and parties. On July 29, 2021, the Council passed an amended version of Proposed Introduction No. 2252-A, which required city human services contractors to enter into labor peace agreements, which on August 18, 2021 became Local Law 87 of 2021. On November 22, 2021, the Committee passed Preconsidered Int. 2456 by a vote of six in the affirmative, zero in the negative, with zero abstentions.

BACKGROUND

The Need for Labor Peace Agreements

The COVID-19 pandemic and subsequent economic downturn has reinforced the importance of job and income security for workers. While unions and collective bargaining play essential roles in ensuring these rights for workers, union membership has been in steady decline since the 1970s, and has been exacerbated by the pandemic.¹ 2020 marked the third year in a row that union membership fell in New York City to a rate of 22%.² Recent reports of union-busting and interfering with workers' attempts to organize present further obstacles to labor rights in the coming years.³

¹ *New York Times Data Points*, "The Shrinking American Union", Feb. 7, 2015, available at: <https://www.nytimes.com/2015/02/08/business/the-shrinking-american-labor-union.html>

² Madore James T., "Union Membership Falls In New York City For The Third Year," *Newsday*, Jan. 26, 2021, available at: <https://www.newsday.com/business/coronavirus/union-membership-labor-jobs-employment-1.50131887>

³ Streitfield, David, "How Amazon Crushes Unions," *NYTimes*, Mar. 16, 2021, Available at: <https://www.nytimes.com/2021/03/16/technology/amazon-unions-virginia.html>

Over the past several decades, unions have increasingly turned to legislation in order to protect their ability to organize and empower workers.⁴ A key form of this legislation occurs in the form of mandatory labor peace agreements.⁵ Labor peace agreements can vary widely, but generally involve concessions made by both employers and labor organizers to reach a consensus wherein workers can unionize freely so long as they abide by certain guidelines.⁶ While the United States has no federally mandated labor peace agreements, multiple municipalities, including New York City, have some form of law or ordinance requiring labor peace agreements in a given industry or sector.⁷

Labor Peace Agreements

Generally speaking, a labor peace agreement (LPA) is an arrangement between a labor union and an employer in which both sides agree to waive certain rights under federal law with regard to union organizing and related activity.⁸ During such agreements, employers agree to “maintain a neutral posture” at union efforts to organize employee, meaning they agree to not hinder or disrupt the organizing process, while the union in turn agrees to not go on strike or otherwise stop work.⁹ LPAs can be helpful to workers and unions in the unionization process, but likewise can benefit employers by ensuring work will continue regardless of labor negotiations.¹⁰

Although many LPAs are negotiated voluntarily between unions and employers, often state and local governments will pass local ordinances to ensure LPAs as a condition of doing business at a facility or a project in which the government holds a “proprietary interest.”¹¹ In other words, the government entity will require those doing business at a government location or those conducting business with the government while receiving financial assistance from it—including by receiving grants, loans, contracts, or as a part of a procurement policy—to sign an LPA with a union.¹²

Often, the local laws specifically address what concessions employers are to make to unions; this can include recognizing the union by card check instead of a secret ballot election, remaining neutral to unionization, giving outside union organizers access to the workplace, and providing workers’ personal contact information to the union.¹³ These concessions are often actions that employers are not otherwise required to take or honor under the National Labor Relations Act (NLRA).¹⁴ In return for employers’ agreement to allow the above, unions are required by LPAs to agree that they will not strike, picket, or otherwise disrupt the workplace.¹⁵ The overall purpose of these labor peace ordinances is for the government to encourage employers to allow their workers to organize, while also ensuring that there will be minimal or no labor disruptions during that time.¹⁶

⁴ *Labor Peace Agreements*, U.S. Chamber of Commerce, 2016, available at <https://www.uschamber.com/sites/default/files/documents/files/laborpeaceagreements.pdf>.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ See David Wirtz, *Certain Large New York City Employers Must Enter Labor Peace Agreements*, *SHRM*, Aug. 15, 2015, available at <https://www.shrm.org/resourcesandtools/legal-and-compliance/state-and-local-updates/pages/nyc-labor-peace-agreements.aspx>.

¹⁰ See *Union Organizing in the Cannabis Industry: What Every Cannabis Employer Should Know about Labor Peace Agreements*, FisherPhillips, May 29, 2020, available at [https://www.fisherphillips.com/news-insights/union-organizing-in-the-cannabis-industry-what-every-cannabis-employer-should-know-about-labor-peace-agreements.html#:~:text=A%20labor%20peace%20agreement%20\(LPA,strike%20or%20otherwise%20stop%20work..](https://www.fisherphillips.com/news-insights/union-organizing-in-the-cannabis-industry-what-every-cannabis-employer-should-know-about-labor-peace-agreements.html#:~:text=A%20labor%20peace%20agreement%20(LPA,strike%20or%20otherwise%20stop%20work..)

¹¹ *Labor Peace Agreements*, U.S. Chamber of Commerce, 2016, available at <https://www.uschamber.com/sites/default/files/documents/files/laborpeaceagreements.pdf>.

¹² *Id.* at 6.

¹³ *Id.* at 3 and 4.

¹⁴ *Id.* at 3.

¹⁵ *Id.* at 5.

¹⁶ *Id.* at 5.

State and Local Labor Peace Ordinances

Such labor peace ordinances have been passed in multiple jurisdictions nationwide and typically involve hotels, restaurants, casinos, other hospitality facilities, and airports, although “any facility that receives public funding or some other assistance from a nonfederal government entity” can be the subject of such a law.¹⁷ San Francisco, for example, has had LPAs as far back as 1980, when the San Francisco Redevelopment Agency required the Marriott corporation to sign an LPA to develop property on city-owned land.¹⁸ The agreement included both a card check recognition and a neutrality provision.¹⁹

In 1998, San Francisco passed another labor peace ordinance, this one applicable to any hotel and restaurant project in which the city asserted a proprietary interest.²⁰ In this case, “proprietary interest” included any situation in which the city “received significant ongoing revenue (such as rent) under a lease . . . ongoing payments to cover debt service . . . or the city agreed to underwrite or guarantee the development of a hotel or restaurant project” and any covered hotel or restaurant project was required to sign a card check agreement with any union that requested one.²¹ San Francisco additionally has labor peace ordinances covering airports contacts.²² Labor peace ordinances can be found in jurisdictions all over the country; they have, for example, also been enacted in Washington D.C., Pittsburgh, Baltimore, Los Angeles, Las Vegas, Portland, Minneapolis, Seattle, and more.²³

Currently, New York, along with Maryland, is one of only two states that has a state-issued labor peace law.²⁴ New York State has its own labor peace law, which covers hotels and convention centers specifically.²⁵ The law applies to a hotel or convention center which employs more than 15 people and in which a state agency asserts a proprietary interest.²⁶ The law requires an LPA under which unions agree to “refrain from engaging in labor activity that will disrupt the hotel’s operations, including strikes, boycotts, work stoppages, corporate campaigns, picketing or other economic action against the covered project.”²⁷

Labor Peace Agreements in New York City

Much of the legal framework surrounding labor peace agreements in New York stems from legislation and executive orders issued at the state level. In addition to New York State’s labor peace law covering hotels and convention centers, the state also requires labor peace agreements as part of its 2021 legalization of recreational marijuana, and also had previously instated a requirement for medical marijuana establishments.²⁸

Local Law 87 of 2021 required City human services contractors and certain subcontractors to enter into labor peace agreements with labor organizations seeking to represent their employees rendering services under City human services contracts. During such agreements, employers agree to maintain a neutral posture at union efforts to organize employee, meaning they agree to not hinder or disrupt the organizing process, while the union in turn agrees to not go on strike or otherwise stop work.

The human service contracts impacted would include but are not limited to day care, foster care, home care, health or medical services, housing and shelter assistance, preventive services, youth services, the operation of senior centers, employment training and assistance, vocational and educational programs, legal services and recreation programs. The bill would exempt building service employees and subcontractors whose principal

¹⁷ *Id.* at 4.

¹⁸ *Id.* at 5.

¹⁹ *Id.* at 5.

²⁰ *Id.* at 5.

²¹ *Id.* at 4.

²² *Id.* at 14.

²³ *Id.* at 13-15.

²⁴ *Id.* at 13.

²⁵ *Id.* at 9.

²⁶ *Id.* at 9.

²⁷ *Id.* at 9.

²⁸ *New York’s Adult Use Cannabis Law: Embracing Labor Peace Agreements*, JD Supra, Apr. 29, 2021, available at <https://www.jdsupra.com/legalnews/new-york-s-adult-use-cannabis-law-1192749/>; Collins, Patrick M, *New York Legalizes Recreational Marijuana: Altered States for Employers*, National Law Review, Apr. 9, 2021, available at <https://www.natlawreview.com/article/new-york-legalizes-recreational-marijuana-altered-states-employers>.

purpose is to provide supplies, or administrative services, technical support or other similar services that do not directly relate to the performance of human services.

No later than 90 days after the award or renewal of a human services contract, the contractor would be obligated to submit an attestation that 1) the employer has entered into one or more labor peace agreements with a labor organization, or 2) no labor organization has sought to represent their employees. Such attestation shall be updated annually.

The most prominent City-specific action on labor peace agreements in economic development projects thus far is Executive Order No. 19 of 2016, which was issued by Mayor Bill de Blasio on July 24, 2016.²⁹ Executive Order No. 19, which required that certain developers of economic development projects receiving \$1 million or more in financial assistance from the City requires large retail and food service tenants to enter into labor peace agreements with labor organizations seeking to represent employees working at these projects.³⁰ The agreement must contain a neutrality provision for the employer with respect to an employee's decision to join a union or not, as well as a commitment by the labor organization to refrain from picketing, work stoppages, boycotts, or other economic interference.³¹

ANALYSIS OF LEGISLATION

Analysis of Int. 2456

A Local Law to amend the administrative code of the city of New York in relation to requiring labor peace agreement for certain city economic development projects

This bill would require city financial assistance recipients, tenants, subtenants, leaseholders or subleaseholders who occupies property improved or developed with city financial assistance; or certain persons performing services pursuant to a contract or subcontract for a city financial assistance recipient or a tenant, subtenant, leaseholder or subleaseholder of a city financial assistance recipient to enter into labor peace agreements with labor organizations seeking to represent employees, other than a building service employee or construction employee, working at a retail or food service establishment or a distribution center located on property within the city that has been improved or developed using city financial assistance. During such agreements, employers agree to maintain a neutral posture at union efforts to organize employee, meaning they agree to not hinder or disrupt the organizing process, while the union in turn agrees to not go on strike or otherwise stop work.

No later than 90 days after the operational commencement date, the covered employer would be obligated to submit an attestation that 1) the employer has entered into one or more labor peace agreements with a labor organization, or 2) no labor organization has sought to represent their employees. Such attestation shall be updated annually.

The bill would take effect 120 days after it becomes law.

Update

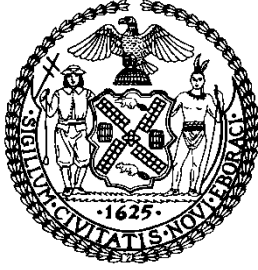
On November 22, 2021, the Committee passed Preconsidered Int. 2456 by a vote of six in the affirmative, zero in the negative, with zero abstentions.

²⁹ Executive Order No. 16, City of New York Office of the Mayor, Jul. 14, 2016, available at https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2016/eo_19.pdf/.

³⁰ Executive Order No. 16, City of New York Office of the Mayor, Jul. 14, 2016, available at https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2016/eo_19.pdf/.

³¹ *Id.*

(The following is the text of the Fiscal Impact Statement for Preconsidered Int. No. 2456:)



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

PRECONSIDERED INTRO. 2456

COMMITTEE: Civil Service and Labor

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring labor peace agreement for certain city economic development projects.

Sponsors: By the Speaker (Council Member Johnson).

SUMMARY OF LEGISLATION: This Preconsidered Intro. would require a covered employer of a retail or food establishment or distribution center located on property within the city that has been improved or developed using city financial assistance to either: (a) submit an attestation that the covered employer has entered into or is negotiating one or more labor peace agreements or (b) submit an attestation to the city or city economic development entity stating that the covered employer's covered employees are not currently represented by a labor. Any such attestation must be submitted no later than 90 days after the operational commencement date.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$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 due to the assumption of good faith acting. In addition, any reporting requirements can be accomplished with existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Nevin Singh, Financial Analyst

ESTIMATE REVIEWED BY: John Russell, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation will be heard and voted on by the Committee on Civil Service and Labor as a Preconsidered Introduction on November 22, 2021. The legislation will subsequently be introduced to the full Council on November 22, 2021 and, upon successful vote by the Committee this legislation will be submitted to the full Council for a vote on November 23, 2021.

DATE PREPARED: November 18, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Preconsidered Int. No. 2456:)

Preconsidered Int. No. 2456

By The Speaker (Council Member Johnson) and Council Members Kallos, Ayala and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to requiring labor peace agreement for certain city economic development projects

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-146 to read as follows:

§ 6-146 Labor peace agreements for certain city economic development projects. a. Definitions. For the purposes of this section, the following terms have the following meanings:

As-of-right assistance. The term “as-of-right assistance” means any financial assistance that is available to all persons who meet the criteria used to determine the allocation of such financial assistance, and any financial assistance provided to a person the amount of which is calculated based on an evaluation of the financial assistance that a person would have been eligible for under such a program. The term “as-of-right assistance” includes, but is not limited to, financial assistance that is limited by the availability of funds and is distributed on a first come, first serve basis or on any other non-discretionary basis.

Brooklyn navy yard entity. The term “Brooklyn navy yard entity” means any not-for-profit organization that contracts with the city to lease or operate the area encompassing block 2023, lots 1, 50 and 150 in Kings county, commonly known as the Brooklyn navy yard.

Building service employee. The term “building service employee” means any person, the majority of whose employment consists of performing work in connection with the care or maintenance of a building or other property, including but not limited to a watchperson, guard, doorperson, building cleaner, porter, handyperson, janitor, gardener, groundskeeper, stationary fireman, elevator operator and starter, or window cleaner.

City economic development entity. The term “city economic development entity” means a not-for-profit organization that provides or administers economic development benefits on behalf of the city, as described by paragraph b of subdivision 1 of section 1301 of the charter, except that the term “city economic development entity” shall not include any Brooklyn navy yard entity.

City financial assistance. The term “city financial assistance” means financial assistance, other than as-of-right assistance, that is provided directly by the city or by a city economic development entity using funds provided in whole or in part by the city to a person for the improvement or development of property and that, at the time the city financial assistance recipient enters into a project agreement with the city or city economic development entity, is expected to have a total present financial value of at least \$ 500,000, which amount shall

be adjusted on July 1 of each year commencing on July 1, 2022, based upon the 12-month percentage increases, if any, in the price index for the most recent 12-month period for which data is available. Where financial assistance takes the form of leasing property at below-market lease rates, for the purpose of determining whether such financial assistance constitutes city financial assistance, the value of the financial assistance shall be determined based on the difference in cost between the lease for the property and a market lease for a similar property. Where financial assistance takes the form of loans, bond financing or tax increment financing, for the purpose of determining whether such financial assistance constitutes city financial assistance, the value of the financial assistance shall be determined based on the difference between the financing costs to a borrower and the costs to a similar borrower who does not receive financial assistance from the city or a city economic development entity.

City financial assistance recipient. The term “financial assistance recipient” means any person that receives city financial assistance, except that the term “financial assistance recipient” shall include neither a city economic development entity nor a Brooklyn navy yard entity.

Comptroller. The term “comptroller” means the comptroller of the city.

Construction employee. The term “construction employee” means a person employed to perform labor of a type that the comptroller has identified in a published schedule as a classification of work performed by laborers, workmen or mechanics pursuant to section 220 of the labor law, regardless of whether such labor constitutes public work pursuant to such section.

Covered employee. The term “covered employee” means an employee, other than a building service employee or construction employee, working at a retail or food service establishment or a distribution center, provided that:

1. Such work involves the retail or food service establishment or distribution center’s regular business operations; and
2. Such retail or food establishment or distribution center is located on property within the city that has been improved or developed using city financial assistance.

Covered employer. The term “covered employer” means a person that employs covered employees and that is any of the following:

1. A city financial assistance recipient;
2. A tenant, subtenant, leaseholder or subleaseholder of a city financial assistance recipient who occupies property improved or developed with city financial assistance; or
3. A person performing services pursuant to a contract or subcontract:
 - (a) For a city financial assistance recipient or a tenant, subtenant, leaseholder or subleaseholder of a city financial assistance recipient;
 - (b) At a property that has been improved or developed with city financial assistance;
 - (c) For an amount in excess of \$500,000, which amount shall be adjusted on July 1 of each year commencing on July 1, 2022, based upon the twelve-month percentage increases, if any, in the price index, for the most recent twelve-month period for which data is available; and
 - (d) For a period of more than 90 days.

Distribution center. The term “distribution center” means a warehouse, distribution center, sortation facility, fulfillment center or any other building stocked with products or goods to be redistributed to retailers, to wholesalers, or directly to consumers and at which 20 or more employees are employed on the premises, except that the term “distribution center” shall not include any such facility used primarily for the storage or distribution of goods owned or manufactured by the person operating such facility or any affiliate of such person, provided that the business operations of such person and any affiliates within the city primarily involve the sale of goods owned or manufactured by such person or any affiliate.

Financial assistance. The term “financial assistance” means assistance provided to a person through an agreement with the city or a city economic development entity that consists of:

1. A cash payment or grant, including but not limited to a payment for costs associated with environmental remediation of or capital improvements to a property;
2. A loan, bond financing, or tax increment financing;

3. A tax abatement, credit, or exemption, including, but not limited to, an abatement or exemption from real property, mortgage recording, sales and use taxes, or the difference between a payment in lieu of taxes and the amount of real property or other taxes that would have been due if the property or taxpayer were not exempted from the payment of such taxes, provided that such tax abatement, credit, or exemption is provided in conjunction with a lease, grant, cash payment, loan, bond financing, or tax increment financing; or

4. A write-down in the market value of a building, land, or lease.

Hunts Point city property. The term “Hunts Point city property” means any city-owned property located in the blocks 2770, 2775, 2778, 2780, or 2781 in Bronx county.

Labor organization. The term “labor organization” has the same meaning as set forth in subdivision (5) of section 152 of title 29 of the United States code.

Labor peace agreement. The term “labor peace agreement” means an agreement between a covered employer and a labor organization that seeks to represent individuals who perform one or more classes of work at a distribution center or retail or food service establishment located on a property improved or developed with city financial assistance, where such agreement:

1. Requires that the covered employer and the labor organization and its members agree to the uninterrupted performance of work on the property improved or developed with city financial assistance and to refrain from actions intended to or having the effect of interrupting such work; and

2. Includes any other terms required by rules promulgated pursuant to subdivision g of this section.

Not-for-profit organization. The term “not-for-profit organization” means an entity that is either incorporated as a not-for-profit corporation under the laws of the state of its incorporation or exempt from federal income tax pursuant to subdivision c of section 501 of the United States internal revenue code.

Operational commencement date. The term “operational commencement date” means:

1. With respect to a city financial assistance recipient, the project commencement date; and

2. With respect to a covered employer that is not a city financial assistance recipient, the date upon which such covered employer commences business operations at a project, as further defined by a rule promulgated pursuant to subdivision g of this section.

Price index. The term “price index” means a price index published by the bureau of labor statistics of the United States department of labor and selected pursuant to a rule promulgated pursuant to subdivision g of this section.

Project. The term project means a development or improvement for which city financial assistance is provided.

Project agreement. The term “project agreement” means a written agreement between the city or a city economic development entity and a city financial assistance recipient through which city financial assistance is provided.

Project commencement date. The term “project commencement date” means the date on which a city financial assistance recipient commences operations at a project, as further defined by a rule promulgated pursuant to subdivision g of this section.

Property. The term “property” means real property and does not include personal property or any other intangible form of property.

Retail or food service establishment. The term “retail or food service establishment” means any retail store selling goods, any food services establishment, and any establishment that is required to have a license to sell liquor pursuant to the alcohol beverage control law, provided that:

1. Such store or establishment offers goods or services primarily to members of the general public; and

2. 10 or more employees are employed on the premises of such store or establishment.

Small business. The term “small business” means a firm that does not exceed the small business size standards established for its industry by the United States small business administration.

b. 1. No later than 90 days after the operational commencement date, a covered employer shall either:

(a) submit an attestation to the city or city economic development entity that provided the applicable city financial assistance, signed by one or more labor organizations, as applicable, stating that the covered employer has entered into or is negotiating one or more labor peace agreements, as applicable, with such labor organizations, and identify: (i) the classes of covered employees to whom the labor peace agreements apply, (ii) the classes of covered employees not currently represented by a labor organization and that no labor

organization has sought to represent, and (iii) the classes of covered employees for which labor peace agreement negotiations have not yet concluded; or

(b) submit an attestation to the city or city economic development entity stating that the covered employer's covered employees are not currently represented by a labor organization and that no labor organization has sought to represent such covered employees.

2. Where a labor organization seeks to represent the covered employees of a covered employer after the expiration of the 90-day period following the operational commencement date, or after the covered employer has submitted an attestation pursuant to paragraph 1 of this subdivision, whichever occurs first, and the labor organization has provided notice to the city or city economic development entity that provided the city financial assistance, as applicable, and the covered employer regarding such interest, the covered employer shall no later than 90 days after the date of notice submit an attestation signed by the labor organization to the city or city economic development entity, as applicable, stating that it has entered into a labor peace agreement with such labor organization or that labor peace agreement negotiations have not yet concluded.

3. The city or a city economic development entity, as applicable, may, pursuant to the terms of a project agreement, require a city financial assistance recipient to receive and transmit to the city or a city economic development entity any such attestations required to be made pursuant to this subdivision by covered employers operating on the project.

c. The requirements of subdivision b and paragraphs 1 through 3 of subdivision e of this section shall apply for the term of the project agreement or for 10 years, whichever is longer. Such 10 year period shall be calculated as starting at the project commencement date.

d. 1. The requirements established under paragraphs 1 and 2 of subdivision b and paragraph 2 of subdivision e of this section shall not apply to the following persons:

(a) Any firm that constituted a small business during the prior calendar year; or

(b) Any not-for-profit organization.

2. The requirements established under paragraphs 1 and 2 of subdivision b and paragraph 2 of subdivision e of this section shall not apply to:

(a) Any retail or food service establishment or distribution center operating at a project:

(1) in which residential units subject to a regulatory agreement with one or more federal, state, or local government agencies comprise more than 75% of the project area, and such regulatory agreement requires that no less than 75% of the residential units located at the project are affordable for households earning on average less than 125% of the area median income; or

(2) in which residential units comprise more than 75% of the project area, and all such residential units are subject to a regulatory agreement with one or more federal, state, or local government agencies the term of which govern the affordability of such residential units;

(b) Any retail or food service establishment or distribution center operating at the hunts point city property; or

(c) Any retail or food service establishment or distribution center operating at a project for which the principal industry conducted on the property is or will be manufacturing, as defined by the North American industry classification system.

e. 1. Each city financial assistance recipient shall provide to the comptroller and the city or city economic development entity that executed the project agreement an annual certification:

(a) confirming notification to all employers operating on the property improved or developed with city financial assistance that employers must comply with all requirements of this section, as applicable;

(b) providing the names, addresses and telephone numbers of such employers; and

(c) affirming the city financial assistance recipient's obligation to assist the city to investigate and to remedy non-compliance by any employers.

2. Prior to commencing work at a property improved or developed with city financial assistance, each covered employer not subject to an exemption pursuant to subdivision d of this section shall provide to the comptroller and the city or city economic development entity that executed the project agreement a statement agreeing to comply with the requirements of this section, provided that the city or city economic development may instead, pursuant to the terms of a project agreement, require a city financial assistance recipient to collect and transmit such statements for all covered employers operating on such project. All such statements shall be

certified by the chief executive or chief financial officer of the covered employer, or the designee of any such person. A violation of any provision of such certified statements shall constitute a violation of this section.

3. A person who qualifies for an exemption pursuant to subdivision d of this section shall provide to the comptroller and the city or city economic development entity that executed the project agreement a certification indicating the exception that such person qualifies for and specifying the basis for that exemption. Such person shall update or withdraw such certification on a timely basis if such person's eligibility for the claimed exemption changes.

4. The comptroller and city or city economic development entity that executed the project agreement shall maintain each certification submitted pursuant to this subdivision and make such certifications available for public inspection until the sixth anniversary of the conclusion of the term of the project agreement.

f. 1. The comptroller shall monitor the city financial assistance recipients' and covered employers' compliance with the requirements of this section. Whenever the comptroller has reason to believe there has been a violation of this section, or upon a verified complaint in writing from an interested party, the comptroller shall conduct an investigation to determine the facts relating thereto. Based upon such investigation, hearing and findings, the comptroller shall report the results of such investigation and hearing to the mayor. Based on the comptroller's report or any other information available to the mayor, the mayor may, after providing the city financial assistance recipient or covered employer an opportunity to cure any violations, where appropriate, issue an order, determination or other disposition. Such disposition may:

(a) Direct the filing of any records as required by this section;

(b) Direct the imposition of sanctions against the city financial assistance recipient or covered employer in accordance with rules promulgated pursuant to subdivision g;

(c) Direct the imposition of any contractual remedies available to the city or the city economic development entity under the applicable project agreement; or

(d) Declare the applicable city financial assistance recipient in default of the project agreement.

In assessing an appropriate remedy, due consideration shall be given to the gravity of the violation, the history of previous violations, the good faith of the city financial assistance recipient or covered employer and the failure to comply with recordkeeping, reporting, or other requirements.

2. Before issuing an order, determination or any other disposition, the mayor shall give notice thereof, together with a copy of the complaint, which notice shall be served personally or by mail on any person affected thereby. The mayor may negotiate an agreed upon stipulation of settlement or refer the matter to the office of administrative trials and hearings for a hearing and recommended disposition. Such city financial assistance recipient's or covered employer shall be notified of a hearing date by the office of administrative trials and hearings, and shall have the opportunity to be heard in respect to such matters.

g. The mayor shall promulgate implementing rules and regulations, as appropriate and consistent with this section, and may delegate such authority to the comptroller.

§ 2. (a) This local law takes effect 120 days after it becomes law, provided that this local law shall not apply to any project for which the project agreement was entered into prior to the effective date of this local law or any tenancy, subtenancy, lease, sublease, contract or subcontract entered into prior to the effective date of this local law, and provided further that the mayor, or the mayor's delegee, may promulgate any rules necessary for implementation of this local law and take any other measures as are necessary for its implementation, prior to such date.

(b) For the purpose of this section, the terms "project" and "project agreement" shall be defined in accordance with the definitions in section 6-146 of the administrative code of the city of New York.

I. DANEEK MILLER, *Chairperson*; ADRIENNE E. ADAMS, FRANCISCO P. MOYA, FARAH N. LOUIS, ERIC DINOWITZ, ERIC A. ULRICH; Committee on Civil Service and Labor, November 22, 2021 (Remote Hearing).

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

Report of the Committee on Consumer Affairs and Business Licensing

Report for Int. No. 2448-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 providing paid time to employees who accompany a child to receive a COVID-19 vaccination injection or care for a child with COVID-19 vaccine side effects.

The Committee on Consumer Affairs and Business Licensing, to which the annexed proposed amended local law was referred on November 10, 2021 (Minutes, page 3105), respectfully

REPORTS:

I. INTRODUCTION

On November 22, 2021, the Committee on Consumer Affairs and Business Licensing, chaired by Council Member Diana Ayala, held a vote on Proposed Introduction Number 2448-A (Prop. Int. 2448-A), in relation to providing paid time to employees who accompany a child to receive a COVID-19 vaccination injection or care for a child with COVID-19 vaccine side effects. The Committee previously invited the Department of Consumer and Worker Protection (DCWP), business representatives, worker and trade organizations, and other stakeholders to testify at a hearing on the bill. The bill passed eight in the affirmative, zero in the negative and no abstentions.

II. BACKGROUND

COVID-19 Vaccine Access in the City

In late December 2019, a new virus, SARS-CoV-2, was detected in Wuhan, China and by January 30, 2020, the World Health Organization (WHO) declared that COVID-19, the disease caused by the SARS-CoV-2 virus, was now a Public Health Emergency of International Concern (PHEIC).¹ As of November 12, 2021, COVID-19 has infected nearly 253 million people across 222 countries and territories, and has killed over five million people.² In the United States alone, there have been more than 46 million infections and over 760,000 deaths.³ As of November 9, 2021, New York City has had over one million confirmed infections and over 34,000 deaths.⁴

The development of COVID-19 vaccines has been revolutionary in the fight against the spread of COVID-19 and in preventing further deaths and hospitalizations from the infection.⁵ In fact, modelling suggests that the COVID-19 vaccine prevented approximately 140,000 deaths in the United States between the time COVID-19 was first detected and May 2021.⁶ This same statistical modelling showed that New York had the highest reduction of COVID-19 deaths due to vaccines.⁷

¹ World Health Organization “Rolling updates on coronavirus disease (COVID-19)”, Updated April 18, 2020, available at: <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/events-as-they-happen>.

² Worldometer “Countries where COVID-19 has spread”, Updated November 12, 2021, available at: <https://www.worldometers.info/coronavirus/countries-where-coronavirus-has-spread/>.

³ Johns Hopkins University of Medicine, Coronavirus Resource Center, updated November 12, 2021, available at: <https://coronavirus.jhu.edu/>.

⁴ Ann Choi, Josefa Velasquez and Will Welch “Coronavirus in New York City”, *The City*, updated November 9, 2021, available at: https://projects.thecity.nyc/2020_03_covid-19-tracker/?utm_campaign=mailchimp&utm_source=daily&utm_medium=newsletter, last accessed November 12, 2021.

⁵ “COVID-19 Vaccines prevented nearly 140,000 U.S. Deaths”, *News in Health*, October 2021, available at: <https://newsinhealth.nih.gov/2021/10/covid-19-vaccines-prevented-nearly-140000-us-deaths>.

⁶ *Id.*

⁷ *Id.*

Due to the dire nature of the COVID-19 pandemic, the US Food and Drug Administration (FDA) issued an Emergency Use Authorization (EUA) for the use of the first vaccine to target COVID-19, developed by biopharmaceutical company Pfizer.⁸ Shortly after, the FDA issued further EUAs for vaccines produced by Moderna and Janssen (Johnson & Johnson).⁹ Although the issuance of an EUA is different than the traditional FDA approval process for medications and vaccines, it still includes an evaluation of the drug's risks, side effects, effectiveness and safety concerns.¹⁰ Furthermore, after the FDA issues an EUA, testing and evaluation of the vaccines continues. As such, on August 23, 2021, the FDA fully approved the Pfizer COVID-19 for use by adults 16 years and older.¹¹

As discussed above, the vaccine rollout for adults has had a marked effect on mitigating the negative effects of COVID-19. In New York City, not only has this protection reduced the amount of deaths and hospitalizations due to COVID-19, but it has also helped the City begin to re-open and return to a sense of normalcy. However, COVID-19 continues to spread and impact daily lives, especially for City residents who remain unvaccinated. This is particularly true of children. During the early months of the pandemic, children were considered very low risk of contracting, spreading and/or becoming sick with COVID-19.¹² However, as new strains of the virus have developed and as new research has been analyzed, it is clear that children are not only carriers and spreaders of the virus, but may also fall sick due to COVID-19, even if that happens less frequently than it does for adults.¹³

According to the American Academy of Pediatrics, as of November 4, 2021, over 6.5 million children have tested positive to COVID-19 since the pandemic started.¹⁴ Furthermore, “[s]ince the pandemic began, children represented 16.7 percent of total cumulated cases. For the week ending November 4, children were 24 percent of reported weekly COVID-19 cases (children, under age 18, make up 22.2 percent of the US population).”¹⁵

Although deaths and hospitalizations due to COVID-19 are far less frequent in children compared to adults,¹⁶ children's ability to carry and transmit the virus is concerning and interferes with the eventual eradication of COVID-19. In the past week, for example, two schools in Queens were closed due to COVID-19 outbreaks.¹⁷ Recognizing the benefit of expanding vaccine access to children and adolescents, on May 10, 2021, the FDA issued an EUA for the use of the Pfizer COVID-19 vaccine in children between the ages of 12 and 15.¹⁸ Meanwhile, on October 29, 2021, the FDA issued an EUA for the use of this vaccine for children between the ages of five to 11.¹⁹

In New York City, access to pediatric COVID-19 vaccines have, at times, hit snags. For instance, there have sometimes been delays in supplying school sites with adequate supplies and enough vaccines to meet demand,

⁸ US Food and Drug Administration “COVID-19 frequently asked questions”, available at: https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/covid-19-frequently-asked-questions#:~:text=On%20December%2011%2C%202020_COVID%2D19%20Vaccine., last accessed November 12, 2021.

⁹ *Id.*

¹⁰ *Id.*

¹¹ US Food and Drug Administration “FDA approves first COVID-19 vaccine”, August 23, 2021, available at: <https://www.fda.gov/news-events/press-announcements/fda-approves-first-covid-19-vaccine>.

¹² See for example: Robin Lloyd “What is it that keeps most little kids from getting Covid-19?”, *New York Times*, July 20, 2020, available at: <https://www.nytimes.com/2020/07/20/parenting/coronavirus-children-spread-covid-19.html>.

¹³ Susie Flaherty “Children could be dangerous carriers of virus”, *The Harvard Gazette*, October 14, 2021, available at: <https://news.harvard.edu/gazette/story/2021/10/study-confirms-kids-as-spreaders-of-covid-19-and-emerging-variants/>.

¹⁴ American Academy of Pediatrics “Children and COVID-19: State-level data report”, November 8, 2021, available at: <https://www.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/children-and-covid-19-state-level-data-report>, last accessed November 12, 2021.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Jen Chung “Far Rockaway school closed due to COVID outbreak”, *Gothamist*, November 11, 2021, available at: <https://gothamist.com/news/far-rockaway-school-closes-due-covid-outbreak>.

¹⁸ US Food and Drug Administration “FDA authorizes Pfizer-BioNTech COVID-19 vaccine for emergency use in adolescents in another important action in fight against pandemic”, May 10, 2021, available at: <https://www.fda.gov/news-events/press-announcements/coronavirus-covid-19-update-fda-authorizes-pfizer-biontech-covid-19-vaccine-emergency-use>.

¹⁹ US Food and Drug Administration “FDA authorizes Pfizer-BioNTech COVID-19 vaccine for emergency use in children 5 through 11 years of age”, October 29, 2021, available at: <https://www.fda.gov/news-events/press-announcements/fda-authorizes-pfizer-biontech-covid-19-vaccine-emergency-use-children-5-through-11-years-age>.

resulting in long-lines and wait times.²⁰ To alleviate some of these issues and further encourage and assist parents and guardians to vaccinate children and adolescents, Mayor de Blasio has provided employees and officers of the City of New York and the City's contractors an additional four hours of sick leave, per child.²¹ Importantly, this leave allows parents and caregivers to care for their children, should the children experience side effects from the vaccine.²² In order to extend this leave to employees from the private sector, in addition to City employees, this Committee passed Prop. Int. 2448-A.

State and City Safe and Sick Leave

New York State's Fiscal Year 2021 Executive Budget made significant changes to the State's leave requirements, granting all private sector workers sick and safe leave.²³ The City's Earned Safe and Sick Time Act aligned the City's laws with those of the State's.²⁴ Section 196-b(4)(a)(ii) of the Labor Law requires an employer to provide accrued sick leave for: "the diagnosis, care, or treatment of a mental or physical illness, injury or health condition of, or need for medical diagnosis of, or preventive care for, such employee or such employee's family member," which may have been interpreted to encompass the provision and care of a child to receive a COVID-19 vaccine. However, section 196-c instead expressly provides leave for an employee to receive a COVID-19 vaccine. Prop. Int. 2448-A, the bill passed by this Committee that amends the City's law, would similarly add a new section to the Administrative Code containing the requirements to provide child COVID-19 vaccination time.

III. LEGISLATIVE ANALYSIS

Prop. Int. 2448-A would update the City's Earned Safe and Sick Time Act to include requirements for employers to provide employees who are parents with paid COVID-19 child vaccination time.

The bill would amend section 20-912 of the Administrative Code to provide a definition for COVID-19 child vaccination time, which would mean paid time that an employer provides an employee to be used as outlined in section 20-914.1. It would also amend the heading of section 20-914 to include COVID-19 child vaccination time in the definition of safe/sick time and, for purposes of clarity, would update the definition throughout the law.

The bill would add section 20-914.1 to the law, providing that an employee who is a parent or legal guardian of a child under the age of 18, or of an older child who is incapable of self-care because of a mental or physical disability, would be entitled to 4 hours of COVID-19 child vaccination time per vaccine injection for each child. An employee who is a parent or guardian could be absent to accompany their child to receive the vaccine, or care for the child due to side effects from the vaccine. COVID-19 child vaccination time would be required to be paid at the employee's regular rate of pay and would be in addition to the employee's accrual or use of existing safe/sick time. COVID-19 child vaccination time would be required to be paid by the next regular pay date. An employer could require that within seven days an employee must provide documentation that their child was vaccinated. An employer cannot require the employee to work additional hours to make up for the original hours

²⁰ See for example: Kristine Garcia and Kala Rama "Some NYC school vaccination sites seeing long lines, not enough supply to meet demand", *Pix 11*, November 8, 2021, available at: <https://pix11.com/news/coronavirus/some-nyc-school-vaccination-sites-seeing-long-lines-not-enough-supply-to-meet-demand/>.

²¹ See Mayor's Personnel Order No. 2021/2, Office of Mayor Bill de Blasio, November 8, 2021, available at: <https://www1.nyc.gov/office-of-the-mayor/news/2021-02/mayor-s-personnel-order-no-2021-2>; and Matt Troutman "Extra sick leave could cover NYC kids' reaction to COVID vaccine", *The Patch*, November 8, 2021, available at: <https://patch.com/new-york/new-york-city/de-blasio-pushes-sick-leave-parents-whose-kids-get-covid-vax>.

²² *Id.*

²³ N.Y. Lab. Law Section 196-b; see also New York State FY 2021 Executive Budget Legislation, available at: <https://www.budget.ny.gov/pubs/archive/fy21/exec/fy21bills.html>, and New York State Department of Labor, "New York State Paid Sick and Safe Leave", available at: https://www.ny.gov/sites/default/files/atoms/files/PSL_SafeLeave_factsheet.pdf.

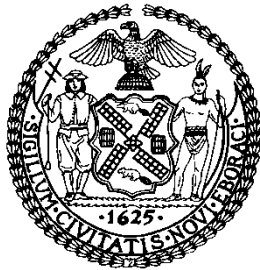
²⁴ Local Law 97 of 2020, available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4624828&GUID=B01A59B0-49DF-413D-85F1-89A2902C9104&Options=ID|Text|&Search=2032>; see also NYC Council, "Council Votes to Extend Protections for Commercial Tenants", September 23, 2020, available at: <https://council.nyc.gov/press/2020/09/23/2020/>.

the employee was unavailable, or find a replacement employee for those hours, because the employee used COVID-19 child vaccination time.

The bill would amend section 20-916 to clarify that the requirements under section 20-914.1 cannot be waived, notwithstanding collective bargaining agreements. It would also amend section 20-924 to provide for appropriate relief of: three times the wages that should have been paid or \$250, whichever is greater, for each instance of COVID-19 child vaccination time taken by an employee and unlawfully not compensated, and for each instance that COVID-19 child vaccination time was unlawfully denied or charged against an employee's paid safe/sick time accruals, \$500. It would also amend section 20-924 to allow for penalties.

The bill would take effect immediately and apply retroactively to November 2, 2021 (the date that child vaccination was authorized). It would contain a 60-day phase-in period during which DCWP would give written notice and a cure period before enforcing against employers who do not provide the new COVID-19 vaccination leave. Upon becoming law, it would expire and be deemed repealed on December 31, 2022.

(The following is the text of the Fiscal Impact Statement for Int. No. 2448-A:)



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 2448-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 providing paid time to employees who accompany a child to receive a COVID-19 vaccination injection or care for a child with COVID-19 vaccine side effects.

SPONSOR(S): Council Members Gibson, Louis and Ayala (by the request of the Mayor).

SUMMARY OF LEGISLATION: Proposed Int. No. 2448-A would amend the City's Earned Safe and Sick Time Act. Under the bill, an employee who is a parent or legal guardian of a child would be entitled to four hours of COVID-19 child vaccination time per vaccine injection for each child. The parent would be permitted to be absent to accompany their child to receive the vaccine, or care for the child due to side effects from the vaccine. COVID-19 child vaccination time would be paid at the employee's regular rate of pay and would be in addition to the employee's accrual or use of existing safe/sick time.

EFFECTIVE DATE: Immediately and is retroactive to and deemed to have been in effect as of November 2, 2021.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: It is estimated that this legislation would not generate any revenue.

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the Department of Consumer and Worker Protection would be able to use existing resources to implement the administrative requirements outlined in the bill.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Florentine Kabore, Financial Analyst

ESTIMATE REVIEWED BY: John Russell, Unit Head
Stephanie Ruiz, Assistant Counsel
Nathan Toth, Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced by the Council on November 10, 2021 as Int. No. 2448 and was referred to the Committee on Consumer Affairs and Business Licensing (Committee). The Committee heard the legislation on November 16, 2021 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 2448-A, will be considered by the Committee on November 22, 2021. Upon successful vote by the Committee, Proposed Int. No. 2448-A will be submitted to the full Council for a vote on November 23, 2021.

DATE PREPARED: November 18, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 2448-A:)

Int. No. 2448-A

By Council Members Gibson, Louis, Ayala, Dinowitz and Rose (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to providing paid time to employees who accompany a child to receive a COVID-19 vaccination injection or care for a child with COVID-19 vaccine side effects

Be it enacted by the Council as follows:

Section 1. Section 20-912 of the administrative code of the city of New York, as amended by local law number 97 for the year 2020, is amended by adding a new definition of "COVID-19 vaccination time" in alphabetical order, and the definition of "parent" is amended to read as follows:

“COVID-19 child vaccination time” shall mean paid time that an employer provides to an employee that can be used as set forth in section 20-914.1 of this chapter.

"Parent" shall mean a biological, foster, step- or adoptive parent, or a legal guardian of [an employee] a person, or a person who currently stands in loco parentis to another person or a person who stood in loco parentis when [the] an employee was a minor child.

§ 2. The heading of section 20-914 of the administrative code of the city of New York, as amended by local law number 97 for the year 2020, is amended to read as follows:

Use of safe/sick time and COVID-19 child vaccination time.

§ 3. Subdivisions c, e and f of section 20-914 of the administrative code of the city of New York, as amended by local law number 97 for the year 2020, are amended to read as follows:

c. An employer may require reasonable notice of the need to use safe/sick time *or COVID-19 child vaccination time*. Where such need is foreseeable, an employer may require reasonable advance notice of the intention to use such [safe/sick] time, not to exceed seven days prior to the date such [safe/sick] *usage of* time is to begin. Where such need is not foreseeable, an employer may require an employee to provide notice of the need for the use of [safe/sick] *such* time as soon as practicable.

e. An employer shall not require an employee, as a condition of taking safe/sick time *or COVID-19 child vaccination time*, to search for or find a replacement worker to cover the hours during which such employee is utilizing time.

f. Nothing in this chapter shall be construed to prohibit an employer from taking disciplinary action, up to and including termination, against a worker who uses safe/sick time provided pursuant to this chapter for purposes other than those described in this section *or uses COVID-19 child vaccination time provided pursuant to this chapter for purposes other than those described in section 20-914.1*.

§ 4. Chapter 8 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-914.1 to read as follows:

§ 20-914.1 COVID-19 child vaccination time. a. An employee who is a parent of a child under the age of 18, or the parent of an older child who is incapable of self-care because of a mental or physical disability, shall be entitled to four hours of COVID-19 child vaccination time per vaccine injection, for each such child, for an absence from work due to any of the following reasons associated with such child's COVID-19 vaccination:

- 1. Accompanying such child to receive a COVID-19 vaccine injection; or*
- 2. Caring for such child who is experiencing temporary side effects from a COVID-19 vaccine injection.*

b. COVID-19 child vaccination time shall be paid at an employee's regular rate of pay at the time the time is taken, provided that the rate of pay shall not be less than the highest applicable rate of pay to which the employee would be entitled pursuant to subdivision 1 of section 652 of the labor law, or any other applicable federal, state, or local law, rule, contract, or agreement. Such rate of pay shall be calculated without allowing for any tip credit or tip allowance set forth in any federal, state, or local law, rule, contract, or agreement and shall not be charged against an employee's accrual or use of safe/sick time under this chapter. COVID-19 child vaccination time must be paid no later than the payday for the next regular payroll period beginning after the COVID-19 child vaccination time was used by the employee.

c. An employer may require that within seven days of an employee's use of COVID-19 child vaccination time, the employee provide reasonable documentation that the child for whose care the COVID-19 vaccine time is claimed has received a COVID-19 vaccine injection.

d. An employer shall not require an employee to work additional hours to make up for the original hours for which such employee was absent or to search for or find a replacement employee to cover the hours during which the employee is absent pursuant to this section.

§ 5. Section 20-916 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. Notwithstanding subdivisions a and b of this section, the requirement to provide COVID-19 child vaccination time as set forth in section 20-914.1 cannot be waived.

§ 6. Subdivision c of section 20-918 of the administrative code of the city of New York, as amended by local law number 97 for the year 2020, is amended to read as follows:

c. Adverse actions include, but are not limited to, threats, intimidation, discipline, discharge, demotion, suspension, harassment, discrimination, reduction in hours or pay, informing another employer of an employee's

exercise of rights under this chapter, blacklisting, and maintenance or application of an absence control policy that counts protected leave for safe/sick time_or *COVID-19 child vaccination time* as an absence that may lead to or result in an adverse action. Adverse actions include actions related to perceived immigration status or work authorization.

§ 7. Section 20-922 of the administrative code of the city of New York, as amended by local law number 97 for the year 2020, is amended to read as follows:

§ 20-922 Encouragement of more generous policies; no effect on more generous policies.

a. Nothing in this chapter shall be construed to discourage or prohibit the adoption or retention of a [safe time or sick time] *safe/sick time or COVID-19 child vaccination time* policy more generous than that which is required herein.

b. Nothing in this chapter shall be construed as diminishing the obligation of an employer to comply with any contract, collective bargaining agreement, employment benefit plan or other agreement providing more generous [safe time or sick time] *safe/sick time or COVID-19 child vaccination time* to an employee than required herein.

c. Nothing in this chapter shall be construed as diminishing the rights of public employees regarding [safe time or sick time] *safe/sick time or COVID-19 child vaccination time* as provided pursuant to federal, state or city law.

§ 8. Subdivision a of section 20-923 of the administrative code of the city of New York, as amended by local law number 97 for the year 2020, is amended to read as follows:

a. This chapter provides minimum requirements pertaining to [safe time and sick time] *safe/sick time and COVID-19 child vaccination time* and shall not be construed to preempt, limit or otherwise affect the applicability of any other law, regulation, rule, requirement, policy or standard that provides for greater accrual or use by employees of [safe time or sick time] *safe/sick time or COVID-19 child vaccination time*, whether paid or unpaid, or that extends other protections to employees.

§ 9. Subdivisions d and e of section 20-924 of the administrative code of the city of New York, as amended by local law number 97 for the year 2020, are amended to read as follows:

d. The department shall have the power to impose penalties provided for in this chapter and to grant each and every employee or former employee all appropriate relief. Such relief shall include: (i) for each instance of safe/sick time taken by an employee but unlawfully not compensated by the employer: three times the wages that should have been paid under this chapter or two hundred fifty dollars, whichever is greater; (ii) for each instance of safe/sick time requested by an employee but unlawfully denied by the employer and not taken by the employee or unlawfully conditioned upon searching for or finding a replacement worker, or for each instance an employer requires an employee to work additional hours without the mutual consent of such employer and employee in violation of section 20-915 of this chapter to make up for the original hours during which such employee is absent pursuant to this chapter: five hundred dollars; (iii) for each violation of section 20-918 not including discharge from employment: full compensation including wages and benefits lost, five hundred dollars and equitable relief as appropriate; (iv) for each instance of unlawful discharge from employment: full compensation including wages and benefits lost, two thousand five hundred dollars and equitable relief, including reinstatement, as appropriate; [and] (v) for each employee covered by an employer's official or unofficial policy or practice of not providing or refusing to allow the use of accrued safe/sick time in violation of section 20-913, five hundred dollars; (vi) *for each instance of COVID-19 child vaccination time taken by an employee but unlawfully not compensated by the employer, three times the wages that should have been paid under this chapter or two hundred fifty dollars, whichever is greater; and (vii) for each instance of COVID-19 child vaccination time unlawfully denied or charged against an employee's paid safe/sick time accruals, five hundred dollars.*

e. Any entity or person found to be in violation of the provisions of sections 20-913, 20-914, *20-914.1*, 20-915 or 20-918 of this chapter shall be liable for a civil penalty payable to the city not to exceed five hundred dollars for the first violation and, for subsequent violations that occur within two years of any previous violation, not to exceed seven hundred fifty dollars for the second violation and not to exceed one thousand dollars for each succeeding violation. Penalties shall be imposed on a per employee basis.

§ 10. a. This local law takes effect immediately and is retroactive to and deemed to have been in effect as of November 2, 2021, except that the department shall not enforce paragraph (vi) or (vii) of subdivision d of

section 20-924 of the administrative code of the city of New York, as added by section nine of this local law, or subdivision e of such section 20-924, as amended by section nine of this local law, during the 60 days after it becomes law without first providing an employer with written notice of an alleged violation and 15 days to cure such alleged violation.

b. An employer may satisfy its obligation to provide COVID-19 child vaccination time to an employee who used leave time or unpaid time for purposes provided under section 20-914.1 of the administrative code between the retroactive effective date and the date of enactment of this local law by paying the employee for the COVID-19 child vaccination time used by the employee no later than the payday for the next regular payroll period beginning after this local law takes effect.

c. This local law expires and is deemed repealed on December 31, 2022, provided that such expiration and repeal do not excuse an employer from paying each employee for COVID-19 child vaccination time accrued on or before such date, or affect the ability of the department of consumer and worker protection to pursue penalties and relief provided pursuant to subdivisions d and e of section 20-924 of the administrative code of the city of New York with respect to any obligation incurred on or before such date.

DIANA AYALA *Chairperson*; MARGARET S. CHIN, PETER A. KOO, BRADFORD S. LANDER, BEN KALLOS, JUSTIN L. BRANNAN, CARLOS MENCHACA, KALMAN YEGER; Committee on Consumer Affairs and Business Licensing, November 22, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Gibson and R. Diaz, Sr.*

(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Preconsidered Int. No. 2448-A:)

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

Pursuant to authority invested in me by section twenty of the Municipal Home Rule and by section thirty-six of the New York City Charter, I hereby certify to the necessity for the immediate passage of a local law; entitled:

A LOCAL LAW

A Local Law to amend the administrative code of the city of New York, in relation to providing paid time to employees who accompany a child to receive a COVID-19 vaccination injection or care for a child with COVID-19 vaccine side effects

Given under my hand and seal this 21st day of
November, 2021 at City Hall in the City of New York.

Bill de Blasio
Mayor

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

Report for Int. No. 903-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 funds remaining in commissary accounts when incarcerated individuals are released from custody.

The Committee on Criminal Justice, to which the annexed proposed amended local law was referred on May 9, 2018 (Minutes, page 1841), respectfully

REPORTS:

I. INTRODUCTION:

On November 22, 2021, the Committee on Criminal Justice, chaired by Council Member Powers, voted on Proposed Introduction Number 903-A, A Local Law to amend the administrative code of the city of New York, in relation to funds remaining in commissary accounts when incarcerated individuals are released from custody. The Committee voted in favor of the bill by a vote of seven affirmatives, none opposed and no abstentions. The Committee previously held a hearing on this bill on June 17, 2019 and received testimony from representatives of the Department of Correction (“Department”) as well as advocates and other interested members of the public.

II. BACKGROUND

The Department of Correction reportedly has \$3.7 million dollars of unclaimed commissary funds belonging to people who have been discharged from correctional facilities.¹ This money has accumulated over several years, and many people in the Department’s custody are unaware they have money left in their commissary accounts. This bill seeks to facilitate access to these funds by people who have been released from the Department’s custody.

III. PROPOSED INTRODUCTION NO. 903-A

Section 1 of this bill adds section 9-162 to the administrative code of the city of New York. It requires the Department to assist people being released in navigating the process to receive unused commissary funds and ensure that any person with unused funds is immediately given up to \$200 in cash upon request. The bill would also require the Department to make reasonable efforts to return unused commissary funds to formerly incarcerated individuals and to establish a plan for raising awareness regarding obtaining such funds. It would also require a yearly report on the outstanding commissary funds and the attempts made to return such funds.

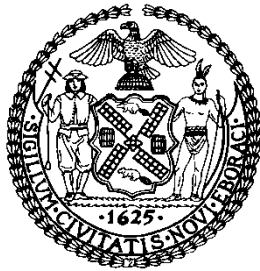
Section 2 will make the bill take effect 180 days after becoming law.

¹ Written testimony of Becky Scott and Joseph Antonelli of the Department of Correction before the New York City Council’s Committees on Criminal Justice, Justice System, and Mental Health, Disabilities and Addition, June 17, 2019, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3970954&GUID=BE2B0D43-E0EC-4AE5-97F5-945C52F54E64&Options=&Search=>.

IV. AMENDMENTS TO INT. NO. 903-A

Since introduction, this bill was amended to require the Department to provide assistance immediately at discharge. The bill was also amended to require the Department to give up to \$200 in cash to people released from custody upon request. The bill was also amended to require the Department to establish a plan for increasing awareness for obtaining funds. Reporting requirements were added to the bill, including requiring the Department to report on the amount of money in the unclaimed accounts, the number of unclaimed accounts, and the attempts to return such funds. The bill also ensures that no person utilizing the process outlined in the legislation will have to pay any fee.

(The following is the text of the Fiscal Impact Statement for Int. No. 903-A:)



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

**PROPOSED INT. NO. 903-A
COMMITTEE: Criminal Justice**

TITLE: To amend the administrative code of the city of New York, in relation to funds remaining in commissary accounts when incarcerated individuals are released from custody.

Sponsors: By Council Members Adams, Miller, Holden, Ampry-Samuel, Powers, Rose, Rivera, Rosenthal, Louis, Yeager and Brooks-Powers (by request of the Queens Borough President).

SUMMARY OF LEGISLATION: Proposed Int. No. 903-A would require the Department of Correction (DOC) to explain where and how to claim unspent commissary funds to people being released from custody during the discharge process. DOC would be required to return up to \$200 in commissary funds in cash upon request and return any commissary balance greater than \$200 by check. The bill would also require the Department to make reasonable efforts to return unused commissary funds to formerly incarcerated individuals and to establish a plan for raising awareness regarding obtaining commissary funds. No later than May 31, 2023, and annually thereafter, DOC would be required to provide to the Council and post permanently on its website a report on the outstanding commissary funds and its attempt to return such funds.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: It is estimated that there will be no impact on revenue because unused commissary deposits are not recognized by the revenue budget and are instead held in an off-budget account.

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures as a result of this legislation because DOC can utilize existing resources to provide these services.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division
Department of Correction

ESTIMATE PREPARED BY: Jack Storey, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the Council on May 9, 2018, as Intro. No. 903 and was referred to the Committee on Criminal Justice (Committee). A hearing was held by the Committee, jointly with the Committee on Justice System and the Committee on Mental Health, Disabilities and Addiction on June 17, 2019, and the bill was laid over. The legislation was subsequently amended and the amended legislation, Proposed Int. No. 903-A will be considered by the Committee at a hearing on November 22, 2021. Upon a successful vote by the Committee, Proposed Int. No. 903-A will be submitted to the full Council for a vote on November 23, 2021.

DATE PREPARED: November 17, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 903-A:)

Int. No. 903-A

By Council Members Adams, Miller, Holden, Ampry-Samuel, Powers, Rose, Rivera, Rosenthal, Louis, Yeger, Brooks-Powers, Brannan, Dinowitz, D. Diaz, Cumbo and Chin (by request of the Queens Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to funds remaining in commissary accounts when incarcerated individuals are released from custody

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 9-162 to read as follows:

§ 9-162 Commissary accounts of incarcerated individuals. a. When an incarcerated individual is released from custody in a departmental facility, the department shall, as part of the discharge process, assist the individual in receiving unused commissary funds. Such assistance shall be given in a language the incarcerated individual can understand and shall include but not be limited to providing such individual, orally and in writing, information on the amount of commissary funds remaining in their account, how to obtain such funds and the locations at which they can immediately receive up to \$200 in cash of such funds. For the purposes of this

section, the term “commissary funds” has the same meaning as the term “prisoner funds” set forth in subdivision f of section 500-c of the correction law and in section 7016.2 of title 9 of the New York code of rules and regulations, or any successor provisions of such law or rules.

b. Immediately upon request from a formerly incarcerated individual at a location at which commissary funds are made available, the department shall return up to \$200 of such funds in cash, and any funds to which such individual is entitled that exceed \$200 shall be distributed by check and sent by mail if all necessary information, including a name and mailing address, is provided by such individual. The department shall also make such checks available to be retrieved by the formerly incarcerated individual in person at the cashier window within three business days of receiving a request from a formerly incarcerated individual. Such formerly incarcerated individual will have 90 days to retrieve such check in person. If such individual does not pick up the check within 90 days, the individual may request a new check to be issued. The department shall attempt to contact the formerly incarcerated individual if such individual does not pick up the check within 90 days and notify such individual that they may request a new check to be issued. Such individual must pick up the new check within 90 days.

c. No formerly incarcerated individual receiving unused commissary funds shall pay any fee in connection with the procedures established in accordance with this section for receiving such funds.

d. No later than December 1, 2022, the department shall establish a plan, upon consultation with the agency or agencies designated by the mayor, for raising awareness regarding the procedures by which formerly incarcerated individuals can obtain commissary funds and for retrieving information necessary to return such funds to such individuals. The department shall make reasonable efforts to return unused commissary funds to their rightful owners.

e. No later than May 31, 2023 and by May 31 of each subsequent year thereafter, the department shall report to the council and post permanently on its website a report of the aggregate amount of commissary funds remaining in the accounts of all individuals who are no longer in the custody of the department, the number of such accounts and efforts made in each year to return any unclaimed funds during the reporting period.

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

KEITH POWERS, *Chairperson*; JAMES G. VAN BRAMER, ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, CARLINA RIVERA, DARMA V. DIAZ, KEVIN C. RILEY; Committee on Criminal Justice, November 22, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Adams.*

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 Education

Report for Int. No. 139-A

Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on student health services in correlation with student housing status for students in kindergarten through grade eight.

The Committee on Education, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 300), respectfully

REPORTS:

Introduction

On November 22, 2021, the Committee on Education, chaired by Council Member Mark Treyger, held a vote on Proposed Introduction Number 139-A, sponsored by Council Member Levin. The Committee previously heard testimony¹ on this legislation from the Department of Education (DOE), Department of Social Services/Department of Homeless Services (DHS), students, parents, educators, unions, advocates, and other interested stakeholders. On November 22, 2021, the Committee passed Proposed Introduction Number 139-A by a vote of seventeen in the affirmative, zero in the negative, with zero abstentions.

Background

Student Homelessness

New York City is experiencing a homelessness crisis, with homelessness in recent years reaching its highest levels since the Great Depression of the 1930s.² According to DHS's shelter census, as of April 6, 2021, there were 50,269 individuals in shelters, including 9,205 families with 16,044 children.³ While there is a significant number of NYC children experiencing homelessness in DHS shelters, most homeless children do not live in DHS shelters. As explained later in this report, homeless children and youth are defined as "individuals who lack a fixed, regular, and adequate nighttime residence."⁴ According to DOE, during school year 2019-20, 62,861 students lived "doubled up" with another family due to a loss of housing or economic hardship, 20,775 lived in DHS shelters, 9,167 lived in non-DHS shelters, 275 lived in motels, and 4,348 lived in cars, parks, or other public places.⁵ Overall, in school year 2019-20, 97,943⁶ DOE students experienced homelessness, representing 9.4 percent of the city's entire public school student population.⁷ Furthermore, nearly all students experiencing homelessness were Black or Hispanic as they account for 85 percent of the student homelessness population.⁸

¹ Hearing held on April 16, 2021.

² Coalition for the Homeless, Basic Facts About Homelessness: New York City: 1/29/2016 accessed 4/8/21 at <https://www.coalitionforthehomeless.org/wp-content/uploads/2021/03/NYCHomeless-ShelterPopulation-Worksheet-1983-Present-1.pdf>

³ New York City Department of Homeless Services, Daily Report: 4/7/2021 (Data from 4/6/2021) accessed 4/8/21 at <http://www1.nyc.gov/assets/dhs/downloads/pdf/dailyreport.pdf>

⁴ 42 USCA § 11434a.

⁵ New York City Department of Education: 2019-20 Students in Temporary Housing (STH) Report accessed at <https://infohub.nyced.org/docs/default-source/default-document-library/report-for-school-year-2019-20.pdf>.

⁶ This figure excludes students attending NYC charter schools

⁷ *Id.*

⁸ Advocates for Children, "New Data Show Number of NYC Students who are Homeless Topped 100,000 for Fifth Consecutive Year," accessed at <https://www.advocatesforchildren.org/node/1675>

While students experiencing homelessness attend schools in every district, student homelessness is over-represented in some parts of the city. As reported by the DOE, the Bronx has the highest concentration of students living in temporary housing (STH), with 15.9 percent of its student population experiencing homelessness.⁹ The following chart shows a breakdown of student homelessness across the city.

Borough Breakdown of STH¹⁰
DOE's 2019-20 STH Report

Borough	# Total Students	# STH	% STH
Bronx	208,131	33,050	15.9%
Manhattan	155,013	15,873	10.2%
Brooklyn	302,566	25,581	8.5%
Queens	307,472	20,913	6.8%
Staten Island	68,163	2,526	3.7%
Citywide	1,041,345	97,943	9.4%

Data also shows that the number of students experiencing homelessness is concentrated in certain schools.¹¹ At 50 percent of DOE schools, or 836 schools, 10 percent or greater of its student population are homeless and at 3 percent of DOE schools, or 54 schools, 30 percent or greater are experiencing homelessness.¹² Further, in 13 schools over 40 percent of the student population are living in temporary housing.¹³

The McKinney-Vento Homeless Assistance Act

The McKinney-Vento Homeless Assistance Act (McKinney-Vento Act) was designed, in part, to ensure that every child receives a “free, appropriate public education,” including preschool.¹⁴ Under the terms of the Act, States receive federal grant money if they meet certain requirements regarding the education of homeless children and youth.¹⁵ Pursuant to the Act, homeless children and youth are defined as “individuals who lack a fixed, regular, and adequate nighttime residence.”¹⁶

The McKinney-Vento Act requires that students in homeless shelters be allowed to either remain in their school of origin or, if the parent or guardian determines it is not in the child’s best interest to remain in that school, the student may enroll in any public school that students living near the shelter are eligible to attend.¹⁷ If the Local Educational Agency (LEA)¹⁸ determines it is not within the student’s best interest to remain in the

⁹ New York City Department of Education: 2019-20 Students in Temporary Housing (STH) Report accessed at <https://infohub.nycfed.org/docs/default-source/default-document-library/report-for-school-year-2019-20.pdf>

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ 42 USCA § 11431.

¹⁵ 42 USCA § 11432.

¹⁶ 42 USCA § 11434a.

¹⁷ 42 USCA § 11432 (defining “school of origin” as the school the student attended when permanently housed or the school in which the student last enrolled).

¹⁸ Local education agency is defined as a “public board of education or other public authority . . . that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.” 20 USCA 7801(30)(A).

school of origin or the school requested by the parent or guardian, the LEA must provide the parent or guardian with a written explanation of the decision and notify them of their right to appeal.¹⁹

Homeless children and youth must also be allowed to enroll in school immediately, even if they do not have documents normally required for enrollment.²⁰ If the student needs to obtain immunization records or medical records, the school must immediately refer the parent, guardian, or unaccompanied youth to the local homeless education liaison to assist them in obtaining their records.²¹ The enrolling school is also required to contact immediately the student's last school in order to obtain records.²²

Under the McKinney-Vento Act, homeless children and youth are also entitled to equal participation in other school services, and the state educational agency and LEA must ensure that transportation is provided, if the parent, guardian, or liaison requests it.²³ For example, disability programs, limited English proficiency programs, vocational and technical education programs, gifted and talented programs, and school nutrition programs must be provided on a comparable basis.²⁴

State education agencies and LEAs are also responsible for examining policies that act as a barrier to enrollment for homeless children and youth and revising such policies where appropriate.²⁵ They must develop and implement professional development programs to educate school personnel on problems faced by homeless children and youth and methods for identifying homeless children and youth. Finally, the agencies are required to ensure that students are not stigmatized or segregated based on being homeless.²⁶

On December 10, 2015, President Barack Obama signed into law the "Every Student Succeeds Act of 2015," (ESSA) which reauthorized the Elementary and Secondary Education Act.²⁷ For homeless students, ESSA builds on existing provisions of the McKinney-Vento Act in order to improve services in areas including school stability, enrollment and full participation, credit accrual and college readiness. With regard to school stability, the amendments include requiring the LEA to make a best interest determination, with a presumption that staying in the school of origin is in the child or youth's best interest, unless it is against the parent or guardian's wishes.²⁸ Further, if a student obtains permanent housing, and if it is determined to be in the student's best interest to remain in the school of origin, transportation must continue to be provided until the end of the academic year.²⁹ The previous version of the Act limited transportation to currently homeless students.³⁰ The amendments also guarantee that homeless students are able to participate fully in both academic and extracurricular activities including summer schools, career and technical education, advanced placement, online learning and charter school programs.³¹ ESSA additionally requires planning for how homeless youth will receive assistance from school counselors to prepare and improve their readiness for college.³² The amendments went into effect July 1, 2016.³³

Department of Education

The DOE is charged under federal law of ensuring that students who are homeless or living in a temporary housing arrangement receive the "same public education and the same educational services as permanently

¹⁹ 42 USCA § 11432

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ National Center for Homeless Education, Every Student Succeeds Act of 2015, *available at* <https://nche.ed.gov/title-1-part-a/>.

²⁸ Every Student Succeeds Act, PL 114-95, Dec. 10, 2015, 129 Stat 1802; *see also* Nat'l Assoc. for the Education of Homeless Children and Youth, Statutory Language and Summary, Homelessness and Foster Care in "The Every Student Succeeds Act of 2015," *available at* <https://naehcy.org/essa-legislation-bill-summaries-text-and-us-department-education-guidance-and-regulations/>

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

housed students.”³⁴ These rights include “the right to remain in the school they were attending before they became homeless, the right to transportation to their school, and the right to enroll in the local school and attend classes immediately, even if they don't have the documents formally needed.”³⁵

The DOE provides help to students in temporary housing through three levels of staffing: 1) community coordinators; 2) family assistants; and 3) Bridging the Gap Social Workers.³⁶

- **Community coordinators:** There are 107 community coordinators assigned to schools with a high concentration of STH. The core tasks of a community coordinator include “helping to identify students at risk or living with homelessness to coordinate tailored, data-driven, culturally relevant, trauma-informed strategies and supports; resolve escalated student or family challenges, particularly regarding student transportation, school placement and registration, mid-year transfers, documentation of housing status, and other related issues and advocate on families behalf as needed; create partnerships and relationships to support the needs of STH families including partnerships with key shelter and DOE STH staff; and coordinate with shelter based family assistants and conduct shelter, hotel or home site visits with families as needed to share information about important services and supports and ensure that basic necessities (e.g., school material, hygiene kits).”³⁷
- **Family assistants:** Family Assistants are located at shelters and in some schools and are tasked with helping “families with enrollment, getting immunizations and school records, and arranging transportation to and from school.”³⁸
- **Bridging the Gap Social Workers:** Bridging the Gap social workers, funded specifically through the City Council, “provide counseling to students who are homeless to help address the trauma often associated with housing loss, connect them to academic support and mental health services, and work to address chronic absenteeism.”³⁹ DOE’s most recent report, February 15, 2021, indicates there are 99 Bridging the Gap social workers in schools with high rates of students in temporary housing.⁴⁰

Department of Homeless Services

The DHS shelter system is designed to provide temporary, emergency shelter to families with no other housing options available to them.⁴¹ DHS operates and maintains approximately 150 shelters for families with children.⁴² DHS considers families with children to be: (1) families with children under 21 years old; (2) pregnant women; and (3) families with a pregnant woman.⁴³ As previously mentioned, as of April 6, 2021, there were 9,205 families with children, including 16,044 children in the DHS shelter system.⁴⁴

³⁴ New York City Department of Education, “Students in Temporary Housing,” accessed at: <https://www.schools.nyc.gov/school-life/special-situations/students-in-temporary-housing>.

³⁵ Advocates for Children, “Students in Temporary Housing,” accessed at: https://advocatesforchildren.org/who_we_serve/students_in_temporary_housing.

³⁶ New York City Department of Education, Office of Community Schools, “Students in Temporary Housing Team,” accessed at: <https://sites.google.com/mynycschool.org/newyorkcitycommunityschools/resources/sth-community-coordinators>.

³⁷ *Id.*

³⁸ New York City Department of Education, “Students in Temporary Housing,” accessed at: <https://www.schools.nyc.gov/school-life/special-situations/students-in-temporary-housing>

³⁹ Advocates for Children, “Students in Temporary Housing,” accessed at: https://advocatesforchildren.org/who_we_serve/students_in_temporary_housing.

⁴⁰ New York City Department of Education, “Guidance Counselor Reporting,” accessed at: <https://infohub.nyced.org/reports/government-reports/guidance-counselor-reporting>

⁴¹ New York City Department of Homeless Services, *Families with Children*, <http://www1.nyc.gov/site/dhs/shelter/families/families-with-children.page> (last visited April 7, 2021).

⁴² New York City Department of Homeless Services, *Families with Children: The Shelter System*, <https://www1.nyc.gov/site/dhs/shelter/families/families-with-children-shelter.page> (last visited April 7, 2021).

⁴³ New York City Department of Homeless Services, *Families with Children*, <http://www1.nyc.gov/site/dhs/shelter/families/families-with-children.page> (last visited April 7, 2021).

⁴⁴ New York City Department of Homeless Services, Daily Report: 4/7/2021 (Data from 4/6/2021) accessed 4/8/21 at <http://www1.nyc.gov/assets/dhs/downloads/pdf/dailyreport.pdf>

In recent years, the overall number of families with children entering DHS shelters has decreased.⁴⁵ In Fiscal Year 2020, DHS reported that families with children entering the DHS shelters had decreased by 15.7 percent and the average number living in shelters per day had declined by 5.6 percent compared to Fiscal 2019.⁴⁶ DHS attributes the continued decline of families entering DHS shelters to the City's increased investment in legal services funding as well as an increased investment in prevention and rehousing programs, such as rental assistance.⁴⁷ DHS also observed a correlation between the COVID-19 eviction moratorium and a further reduction in the agency's family shelter census.⁴⁸

While the average number of families entering DHS shelters has declined, the average length of stay has increased by 12.5 percent for families with children in the first 4 months of Fiscal Year 2021 compared to the first 4 months of Fiscal Year 2020.⁴⁹

Families with Children: Applying for Shelter

All families with children must apply for shelter at DHS' Prevention Assistance and Temporary Housing (PATH) intake center located in the Bronx.⁵⁰ Once a family arrives at PATH, they will first be interviewed by a Human Resources Administration (HRA) caseworker, who will inquire about their living situation and explain the services⁵¹ that may help them avoid entering shelter.⁵² If these services do not apply to a family's specific circumstances, a DHS family worker interviews the family to obtain information about their prior living situation.⁵³ Families may be assigned a temporary shelter placement for up to 10 days while DHS investigates the information provided during the interview.⁵⁴ Families are required to bring their children to the initial intake, but are not required to attend any follow up appointments while determination is pending.⁵⁵ According to a report by the Independent Budget Office, families interviewed stated that they were not told that children were not required to attend subsequent appointments.⁵⁶

Based on the investigation, DHS determines whether the family is eligible or ineligible for shelter.⁵⁷ Families deemed eligible for shelter are then provided a shelter placement. As discussed in more detail below, an effort is made by DHS to place families in shelters within the same area as the family's youngest school-aged child's school of enrollment.

Due to reports that families were not receiving important information regarding school options while applying for shelter at PATH, the City Council passed Local Law 82 of 2018.⁵⁸ The legislation requires educational continuity materials and information be provided to families with children applying for shelter during the intake process. Local Law 82 also requires that DHS permit DOE staff access to intake facilities for

⁴⁵ New York City Mayor's Office of Operations, *Mayor's Management Report: Fiscal Year 2020 (Sept. 2020)*, at 198, https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2020/2020_mmr.pdf.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ New York City Mayor's Office of Operations, *Mayor's Preliminary Management Report: Fiscal Year 2021 (Jan. 2021)*, at 168, https://www1.nyc.gov/assets/operations/downloads/pdf/pmmr2021/2021_pmmr.pdf; *c.f.*, N.Y.C. Mayor's Office of Operations, *Mayor's Management Report: Fiscal Year 2020 (Sept. 2020)*, at 198, https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2020/2020_mmr.pdf (reporting the average length of stay for families with children was 443 days in Fiscal 2020, compared to 446 days in Fiscal 2019).

⁵⁰ New York City Department of Homeless Services, *Families with Children: Applying for Temporary Housing Assistance*, <https://www1.nyc.gov/site/dhs/shelter/families/families-with-children-applying.page> (last visited April 7, 2021).

⁵¹ Services include family mediation, anti-eviction legal services, out-of-city relocation assistance, Family Eviction Prevention Supplement (FEPS), or a one-shot deal through HRA. *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ Independent Budget Office, "Not Reaching the Door: Homeless Students Face Many Hurdles on the Way to School," Oct. 2016, available at <http://www.ibo.nyc.ny.us/iboreports/not-reaching-the-door-homeless-students-face-many-hurdles-on-the-way-to-school.pdf>

⁵⁶ *Id.*

⁵⁷ Families that DHS determines have "safe and appropriate places to stay" are not eligible for shelter services. See New York City Department of Homeless Services, *Welcome to PATH*, at 8 (on file with the N.Y.C. Council's Committee on General Welfare).

⁵⁸ See Local Law 82 of 2018 at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3163952&GUID=3834790C-1BE7-4FCC-AAB4-FB33E779ADC7>

the purpose of holding discussions with shelter applicants on educational opportunity, the rights of students who are experiencing homelessness, and transportation.

Pre-COVID Challenges

Academic Challenges

The instability and frequent disruptions for students facing homelessness can place additional burdens on their ability to learn and succeed in school. The impacts of homelessness on young children can lead to changes in brain development that can interfere with learning, emotional self-regulation, cognitive skills, and social relationships.⁵⁹ Research shows that children experiencing homelessness are four times more likely to show delayed development and face twice the likelihood of having learning disabilities as stably housed children.⁶⁰ Frequent transfers of schools has been shown to be an obstacle to the educational achievement of homeless youth and can impede their academic and social growth.⁶¹ Residential mobility is frequently associated with poor educational outcomes for homeless youth including negative effects on academic performance, rates of grade retention, and rates of high school graduation.⁶² In New York City, homeless students are falling behind their peers academically.⁶³ Generally, any child who changes schools takes from four to six months to recover academically.⁶⁴ Students who are experiencing homelessness in New York City are less likely to perform at grade level in math and English, with only a quarter of homeless students scoring at grade level or above compared to about half of their stably housed peers.⁶⁵ Students who do not meet grade level proficiency standards often struggle later on and are less likely to graduate on time or at all. Ninety-four percent of homeless students in New York City who passed both exams graduated on time, but significantly only five percent of unhoused students passed both exams.⁶⁶ In addition, only 55 percent of homeless students who didn't pass either exam graduated on time, with as much as 80 percent of unhoused students not passing either.⁶⁷ Homeless students frequently achieved worse outcomes than housed students, including housed students eligible for free lunch, on all educational indicators.^{68 69}

⁵⁹ Ellen L. Bassuk et al., "America's Youngest Outcasts: A Report Card on Child Homelessness," at 7, The National Center on Family Homelessness at American Institutes for Research, 2014, accessed at <http://new.homelesschildrenamerica.org/mediadocs/280.pdf>.

⁶⁰ The National Center on Family Homelessness, "The Characteristics and Needs of Families Experiencing Homelessness," last updated 12/11, accessed at <http://www.familyhomelessness.org/media/306.pdf>.

⁶¹ National Coalition for the Homeless, "Education of Homeless Children and Youth," September 2009, accessed at <http://nationalhomeless.org/wp-content/uploads/2014/06/Education-Fact-Sheet.pdf>; U.S. Department of Education, "Report to the President and Congress on the Implementation of the Education for Homeless Children and Youth Program under the McKinney-Vento Homeless Assistance Act, 2006," at 15, accessed at <http://www2.ed.gov/programs/homeless/rpt2006.doc>

⁶² Voight, Adam & Shinn, Marybeth & Nation, Maury, "The Longitudinal Effects of Residential Mobility on the Academic Achievement of Urban Elementary and Middle School Students," Educational Researcher, 2012, accessed at https://www.researchgate.net/publication/234027801_The_Longitudinal_Effects_of_Residential_Mobility_on_the_Academic_Achievement_of_Urban_Elementary_and_Middle_School_Students

⁶³ Institute for Children and Poverty, "The Atlas of Student Homelessness in New York City," August 2015, at 4, accessed at <http://www.icphusa.org/PDF/reports/ICPH%20Atlas%20821B.pdf>.

⁶⁴ U.S. Department of Education, "Report to the President and Congress on the Implementation of the Education for Homeless Children and Youth Program under the McKinney-Vento Homeless Assistance Act, 2006," at 15, accessed at <http://www2.ed.gov/programs/homeless/rpt2006.doc>.

⁶⁵ Institute for Children and Family Poverty, "The Lasting Impact of Homelessness" Education, April 2020, accessed at https://www.icphusa.org/maps_infographics/the-lasting-academic-impact-of-homelessness/.

⁶⁶ *Id*

⁶⁷ *Id*.

⁶⁸ Chakrabarti, Meghna and Grace Tatter, "The Education Crisis Facing Homeless Students" WBUR, November 30, 2020 accessed at <https://www.wbur.org/onpoint/2020/11/30/the-education-crisis-facing-homeless-students>.

⁶⁹ Institute for Children and Family Poverty, "Disparities in Academic Achievement" December 2019, accessed at <https://www.icphusa.org/reports/disparities-in-academic-achievement/#appendix>.

Attendance Rates

According to a report by the Research Alliance for New York City Schools, students in temporary housing in NYC changed schools more often than permanently housed students.⁷⁰ Students in shelter moved around the most, with at least one transfer between kindergarten and 4th grade for the average student who was in shelter for three or more years.⁷¹ Some students in shelter changed schools seven times during a five-year span.⁷² Families are often placed in shelter based on available space and can end up living far from their original neighborhood and school.⁷³ The long distances that some students must travel to stay in their original school can impact their sleep patterns and thus their alertness in the classroom.⁷⁴ Some families might choose to switch their children into schools that are nearer to the shelter.⁷⁵ In the 2018-2019 school year (before the pandemic), of the 23,854 students residing in a DHS shelter, 6,018 were transferred to a different school.⁷⁶

DHS has sought to address this in recent years by ensuring that families are placed in a shelter in the borough of the youngest child's school.⁷⁷ In Fiscal 2020, 55.4 percent of families with children entering DHS shelters received an initial placement according to the youngest school-aged child's school address, a 2.5 percentage point increase compared to Fiscal 2019.⁷⁸ In Fiscal 2020, 76.1 percent of families with children in shelter resided in the borough of their youngest child's school.⁷⁹ Through the School Proximity Project, the DHS team proactively reaches out to families in shelter with longer commutes to schools, offering them shelter placements close to their youngest school-aged child's school.⁸⁰ Since DHS developed this School Proximity Project initiative in July 2018, more than 570 households comprised of more than 2,000 individuals have moved to shelters that are closer to their prior school district.⁸¹ In the first nine months of 2020, out of the 575 families (with children in Pre-K - 5th Grade) who were offered a transfer through this program, 156 families accepted.⁸²

Even when students experiencing homelessness do remain in their original school, they struggle to maintain good attendance.⁸³ In one study, students who experienced homelessness had almost double the levels of chronic absenteeism (meaning they missed about a month of school) between kindergarten and 4th grade, relative to students who did not experience homelessness.⁸⁴ The attendance rate of students in temporary housing in the

⁷⁰ Kathryn Hill and Zitsi Mirakhur, "Homelessness in NYC Elementary Schools: Student Experiences and Educator Perspectives," Research Alliance for New York City Schools, Feb. 2019, *available at* https://research.steinhardt.nyu.edu/scmsAdmin/media/users/ks191/STH/Research_Alliance_Homelessness_in_Elementary_Schools_Brief.pdf.

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ Students in Temporary Housing Report for School Year 2018-2019, available at: <https://infohub.nyced.org/reports/government-reports/students-in-temporary-housing-reports>

⁷⁷ New York City Department of Education Letter to Council Members Mark Treyger and Stephen Levin, Dec. 9 2020 (letter on file with Committees).

⁷⁸ New York City Mayor's Office of Operations, *Mayor's Management Report: Fiscal Year 2020* (Sept. 2020), at 198, https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2020/2020_mmr.pdf.

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ Kathryn Hill and Zitsi Mirakhur, "Homelessness in NYC Elementary Schools: Student Experiences and Educator Perspectives," Research Alliance for New York City Schools, Feb. 2019, *available at* https://research.steinhardt.nyu.edu/scmsAdmin/media/users/ks191/STH/Research_Alliance_Homelessness_in_Elementary_Schools_Brief.pdf

⁸⁴ *Id.*

2018-2019 school year was 87.6 percent⁸⁵ compared to 91.5 percent for all students.⁸⁶ Attendance issues are driven, in part, by the long trips that students in shelter must often take to and from school.⁸⁷

Transportation

Pursuant to the McKinney-Vento Act, as previously mentioned, homeless students have the right to transportation to and from school.⁸⁸ DOE began offering yellow bus service to homeless students in shelters in 2016, with service for kids in kindergarten through sixth grade.⁸⁹ Before 2016, the only option offered to students in shelters was public transportation.⁹⁰ DOE now provides yellow buses for students eligible for bus transportation in Pre-K to grade six.⁹¹ Students eligible for transportation in grades 7–12 are eligible for a student MetroCard.⁹² Students in doubled-up housing can receive yellow bus service if a route is available.⁹³ If no bus route is available, the student is entitled to a free, full-fare MetroCard, and the parent or caregiver should also receive a free MetroCard to accompany children in Pre-K–6th grade to school.⁹⁴ Students receiving special education services with transportation listed on their Individualized Education Programs (IEP) must receive the service as mandated.⁹⁵ Students who live in shelters can receive a MetroCard from their school, while parents can receive them from the Family Assistant at their shelter.⁹⁶ Homeless students outside the shelter system can also receive MetroCards from the school, and parents can obtain them from the Students in Temporary Housing Regional Manager for their borough.⁹⁷

Notwithstanding DOE’s expansion of yellow bus service to all Pre-K to 6th grade students living in shelters,⁹⁸ transportation remains a significant area of concern.⁹⁹ In particular, yellow bus service is not provided to students while their families are in the conditional approval period, which advocates say for most families lasts three to five weeks.¹⁰⁰ Although MetroCards are available while bus service is being coordinated, families are required

⁸⁵ Students in Temporary Housing Report for School Year 2018-2019, available at: <https://infohub.nyced.org/reports/government-reports/students-in-temporary-housing-reports>

⁸⁶ New York City Department of Education, “End-of-Year Attendance and Chronic Absenteeism Data; Citywide,” available at <https://infohub.nyced.org/reports/school-quality/information-and-data-overview/end-of-year-attendance-and-chronic-absenteeism-data>

⁸⁷ Kathryn Hill and Zitsi Mirakhur, “Homelessness in NYC Elementary Schools: Student Experiences and Educator Perspectives,” Research Alliance for New York City Schools, Feb. 2019, available at https://research.steinhardt.nyu.edu/scmsAdmin/media/users/ks191/STH/Research_Alliance_Homelessness_in_Elementary_Schools_Brief.pdf

⁸⁸ New York City Department of Education website, “Students in Temporary Housing,” accessed at <https://www.schools.nyc.gov/school-life/special-situations/students-in-temporary-housing>.

⁸⁹ Lindsey Christ, “Education Dept. Rolls Out Yellow Buses to Get Younger Students Living in Homeless Shelters to School,” Feb. 05, 2016, available at <https://www.nyl.com/nyc/bronx/news/2016/02/4/education-department-rolling-out-yellow-buses-to-get-younger-students-living-in-homeless-shelters-to-school>

⁹⁰ *Id.*

⁹¹ New York City Department of Education website, “Students in Temporary Housing,” accessed at <https://www.schools.nyc.gov/school-life/special-situations/students-in-temporary-housing>.

⁹² *Id.*

⁹³ Advocates for Children, Students in Temporary Housing, Aug. 2019, https://www.advocatesforchildren.org/sites/default/files/library/students_in_temporary_housing.pdf

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ New York City Department of Education website, “Students in Temporary Housing,” accessed at <https://www.schools.nyc.gov/school-life/special-situations/students-in-temporary-housing>.

⁹⁹ Kathryn Hill and Zitsi Mirakhur, “Homelessness in NYC Elementary Schools: Student Experiences and Educator Perspectives,” Research Alliance for New York City Schools, Feb. 2019, available at https://research.steinhardt.nyu.edu/scmsAdmin/media/users/ks191/STH/Research_Alliance_Homelessness_in_Elementary_Schools_Brief.pdf

¹⁰⁰ “Prioritizing Homeless Children and Their Families, A Report and Recommendations Based on the Work of the Family Homelessness Task Force,” June 2017, available at <https://www.enterprisecommunity.org/download?fid=6488&nid=351> (hereinafter “FHTF report”).

to return to borough offices each week to receive a new card.¹⁰¹ Out of the 101,174 students in temporary housing in the 2018-2019 school year, 92,486 were eligible to receive MetroCards and 17,224 were assigned busing.¹⁰²

Moreover, several steps are required to arrange bus transportation. First, families must make a transportation request, then the student's information in DOE's Automate the Schools (ATS) system must be updated, the shelter code and request for transportation are made to DOE Office of Pupil Transportation's (OPT), which verifies the shelter address and arranges transportation.¹⁰³ This process can reportedly take weeks after a family is placed in a new shelter.¹⁰⁴

Furthermore, transportation continues to remain an issue more generally for students in temporary housing who reside in cluster sites and hotels and who live far distances from their schools. School staff who participated in focus groups for a 2016 Independent Budget Office (IBO) report stated that MetroCards, while available, are not a viable form of transportation for young students or students traveling long distances.¹⁰⁵ For parents who are eligible to receive MetroCards to accompany their children to school, school staff report that because cluster sites and hotels do not have full-time DOE staff, these parents have difficulty receiving the MetroCards, as they must arrange to pick up the card from alternative locations such as borough offices.¹⁰⁶ According to the IBO, OPT's data on transportation services provided to students is incomplete, as student information in ATS is not regularly updated.¹⁰⁷

COVID-19 Challenges

Regional Enrichment Centers (RECs)

On March 23, 2020, in order to meet the Governor's mandate and ensure that essential frontline workers, including medical personnel, transit workers and other key personnel, could continue to report to work,¹⁰⁸ the DOE created childcare for essential workers.¹⁰⁹ The DOE operated more than 90 REC sites in DOE buildings, DOE pre-K centers and community-based programs across the five boroughs.¹¹⁰ RECs were staffed by "DOE employees and community-based organization partners, and provided children with three daily hot meals, remote learning time with their teachers, and activities like art, music, and physical education, and social and emotional support."¹¹¹ Hours of operation for RECs were 7:30 a.m. to 6:00 p.m.¹¹²

While RECs provided daily childcare and hot meals for eligible frontline workers, RECs were not without some criticism. At the September 3, 2020, Committee on Education hearing, education advocates criticized the DOE for not allowing students in temporary housing to attend RECs unless their parents fell into one of its

¹⁰¹ *Id.*

¹⁰² Students in Temporary Housing Report for School Year 2018-2019, available at: <https://infohub.nyced.org/reports/government-reports/students-in-temporary-housing-reports>

¹⁰³ Independent Budget Office, "Not Reaching the Door: Homeless Students Face Many Hurdles on the Way to School," Oct. 2016, available at <http://www.ibo.nyc.ny.us/iboreports/not-reaching-the-door-homeless-students-face-many-hurdles-on-the-way-to-school.pdf>

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ New York City June 2020 Adopted Budget, available at <https://www1.nyc.gov/site/omb/publications/finplan06-20.page> (Since opening on March 23, the list of eligible professions whose children could enroll in RECs expanded multiple times and eventually numbered more than 30 categories, including ferry workers, grocery store workers, pharmacy workers, utility workers and employees of many City agencies like corrections, fire, health, homeless services, parks, police and health).

¹⁰⁹ New York City Department of Education, "Regional Enrichment Centers" (n.d.), available at <https://www.schools.nyc.gov/enrollment/enrollment-help/regional-enrichment-centers>.

¹¹⁰ *Id.*; Sophia Chang and Jessica Gould, "'There Are No Kids Here': Some Enrichment Centers For Children Of Essential Personnel See Light Attendance On Day One," *The Gothamist*, March 23, 2020. Accessed at: <https://gothamist.com/news/rec-enrichment-centers-doe-education-coronavirus>.

¹¹¹ New York City Department of Education, "Regional Enrichment Centers." Accessed at: <https://www.schools.nyc.gov/enrollment/enrollment-help/regional-enrichment-centers>.

¹¹² Jessica Gould, "DOE 'Enrichment Centers' Open As City Scrambles To Care For Kids Of Emergency Workers," *The Gothamist* (Mar. 23, 2020), available at <https://gothamist.com/news/doe-enrichment-centers-open-city-scrambles-care-kids-emergency-workers>.

employee categories.¹¹³ For many STH, schools provide “a source of stability in an otherwise unstable life” with predictable routines, connections to peers, and relationships with trusted adults who can offer much-needed emotional support.¹¹⁴

Advocates called for the prioritization of students “whose academic and developmental progress is most dependent on the social environment and consistency of in-person education,” which, in addition to early and elementary school students, students with Individualized Education Programs and multilingual learners, includes students in temporary housing, such as homeless shelters, hotels, transitional housing, shared housing, domestic violence shelters and other home situations, many of which lack internet access, and do not provide an environment conducive for academic enrichment and learning.¹¹⁵

The City permanently closed RECs on September 11, 2020 in order to prepare for schools reopening on September 21, 2020 without every adding students in temporary housing to the list of eligible participants.¹¹⁶

Technology Distribution

In response to the COVID-19 pandemic, schools were closed effective March 16, 2020 and on March 23, 2020, DOE transitioned to remote learning, which allows educators to deliver lessons virtually and students to complete assignments, projects and exams online.¹¹⁷ To support students with learning remotely, NYC public schools initially loaned 175,000 technology devices from school supplies to their students and DOE also ordered 300,000 internet-enabled iPads to loan to public school students in need.¹¹⁸ However, the Mayor announced that only the first 25,000 iPads out of the 300,000 ordered, would be distributed the week of March 23.¹¹⁹ According to DOE officials, the first batch of 25,000 iPads was reserved for a priority group of students in temporary housing, including students in shelter and foster care.¹²⁰ The remaining iPads were to be delivered on a staggered basis with new shipments arriving from Apple each week and then sent to IBM for “staging,” which means connecting them to the internet, adding all necessary applications, and enabling content filtering, before being assigned to individual students and shipped to homes.¹²¹ This process meant that the distribution of devices to students took many weeks, leaving many students at a significant disadvantage and falling further behind their peers.¹²² Despite being prioritized in the distribution of iPads, some students in shelters did not receive devices

¹¹³ See Council hearing testimony. Available at: <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=803108&GUID=A1E05CD3-AFE4-48AA-B793-3FD90C6EE23F&Options=info&Search=>.

¹¹⁴ ICPH Blog, “10 Things to Know about Homeless Students Amid the COVID-19 Crisis,” *Institute for Children, Poverty & Homelessness*, March 31, 2020. Accessed at: <https://www.icphusa.org/blog/10-things-to-know-about-homeless-students-amid-the-covid-19-crisis/>.

¹¹⁵ See Council hearing testimony. Available at: <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=803108&GUID=A1E05CD3-AFE4-48AA-B793-3FD90C6EE23F&Options=info&Search=>.

¹¹⁶ New York City Department of Education, “Regional Enrichment Centers.” Accessed at: <https://www.schools.nyc.gov/enrollment/enrollment-help/regional-enrichment-centers>.

¹¹⁷ Office of the Mayor press release, “New York City to Close All School Buildings and Transition to Remote Learning,” March 15, 2020, accessed at <https://www1.nyc.gov/office-of-the-mayor/news/151-20/new-york-city-close-all-school-buildings-transition-remote-learning>.

¹¹⁸ Annalise Knudson, “240K devices for remote learning will be distributed to NYC students by end of April,” *SILive.com*, Apr 14, 2020, accessed at <https://www.silive.com/coronavirus/2020/04/240k-devices-for-remote-learning-will-be-distributed-to-nyc-students-by-end-of-april.html>.

¹¹⁹ Office of the Mayor press release, “New York City to Close All School Buildings and Transition to Remote Learning,” March 15, 2020, accessed at <https://www1.nyc.gov/office-of-the-mayor/news/151-20/new-york-city-close-all-school-buildings-transition-remote-learning>.

¹²⁰ Erik Bascome, “300K NYC students lack tech for online learning: Here’s the plan to distribute devices,” *SILive.com*, March 26, 2020, accessed at <https://www.silive.com/coronavirus/2020/03/300k-nyc-students-lack-tech-for-online-learning-heres-the-plan-to-distribute-devices.html>.

¹²¹ Annalise Knudson, “240K devices for remote learning will be distributed to NYC students by end of April,” *SILive.com*, Apr 14, 2020, accessed at <https://www.silive.com/coronavirus/2020/04/240k-devices-for-remote-learning-will-be-distributed-to-nyc-students-by-end-of-april.html>.

¹²² Zimmerman, A. and Gould, J., “5 weeks into online learning, NYC is still racing to get thousands of devices to students,” *Chalkbeat*, Apr 25, 2020, accessed at <https://ny.chalkbeat.org/2020/4/25/21236279/students-lack-devices-nyc-schools-coronavirus>.

until many weeks after the transition to remote learning.¹²³ Further, advocates contend that some students living in City shelters had not received an iPad more than eight months after school buildings closed.¹²⁴

Internet Connectivity Issues

Even after receiving devices, internet connectivity has proven to be a serious problem for students in shelters, as many shelters have no Wi-Fi service and only spotty cellular service.¹²⁵ The lack of wireless internet at city shelters has been a longstanding problem that has only intensified with the demands of online classes, which require students to have strong, reliable connections for video teaching and assignments.¹²⁶ Unreliable internet connections make it difficult for students to log on to classes or cause them to repeatedly drop off, impairing access to remote learning for these vulnerable students.¹²⁷ DOE-distributed iPads were equipped with cellular data plans from T-Mobile so that students without WiFi would have a way to get online, which did not work well in many City shelters.¹²⁸ City officials tried to improve internet access for students living in homeless shelters by switching some iPads from T-Mobile to Verizon, but advocates maintained that those efforts were wholly inadequate and argued that installing WiFi was the only long-term solution.¹²⁹ Additionally, some parents of students who missed too many remote classes because of unreliable internet were threatened with having child services notified about potential educational neglect.¹³⁰

Subsequently, in the wake of these complaints and pressure from advocates, in late October 2020 the City announced that it would wire all family homeless shelters with Wi-Fi.¹³¹ Just days later, City officials revealed that most shelters would not be connected until the summer, when the school year would have ended.¹³² The city's goal was to get Wi-Fi up and running in 27 "priority" shelters by winter 2021, and to install Wi-Fi in the rest of the 240 family and domestic violence shelters by summer 2021.¹³³ This timeline was considered much too slow by parents and advocates, concerned about children who had already missed many months of instruction.¹³⁴ As a result, a group of homeless families, with representation from the Legal Aid Society, filed a lawsuit calling for a judge to force the city to provide Wi-Fi in all family shelters across the city no later than Jan. 4, 2021 — the first day of school after winter break.¹³⁵ A settlement was reached in this lawsuit in the beginning of April 2021, requiring New York City to finish installing Wi-Fi by the end of August in more than 200 homeless shelters and domestic violence shelters that have not yet received the updates.¹³⁶

¹²³ *Id.*

¹²⁴ Advocates for Children of New York press release, "New Data Show Number of NYC Students who are Homeless Topped 100,000 for Fifth Consecutive Year," December 3, 2020, accessed at https://www.advocatesforchildren.org/sites/default/files/on_page/NP_press_release_sth_data_201920_120320.pdf?pt=1.

¹²⁵ See e.g. Noah Goldberg and Michael Elsen-Rooney, "NYC students in homeless shelters still can't get on the internet even after city switches cellular providers: advocates," Oct 19, 2020, *Daily News*, accessed at <http://www.nydailynews.com/new-york/education/ny-homeless-shelter-internet-access-20201019-2ruqjw7nibc3ifnj5p55cosgq-story.html>.

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ Noah Goldberg and Michael Elsen-Rooney, "NYC families unable to have kids log into online classes fear being reported to child services for truancy," Oct 25, 2020, *Daily News*, accessed at <http://www.nydailynews.com/new-york/ny-homeless-mother-nyc-truancy-school-doe-shelter-wifi-remote-learning-20201026-jl55pntulfefjbfwt3etgxyfsm-story.html>.

¹³¹ Reema Amin, "NYC vows to equip family shelters with Wi-Fi. Homeless advocates say the investment is overdue," *Chalkbeat*, Oct 28, 2020, accessed at <https://ny.chalkbeat.org/2020/10/28/21539277/nyc-vows-to-equip-family-shelters-with-wi-fi-homeless-advocates-say-the-investment-is-overdue>.

¹³² Reema Amin, "NYC's shelter Wi-Fi plan expected to wrap up after school year ends," *Chalkbeat*, Oct 29, 2020, accessed at <https://ny.chalkbeat.org/2020/10/29/21540915/nycs-shelter-wi-fi-plan-expected-to-wrap-up-after-school-year-ends>.

¹³³ Noah Goldberg, "Homeless families sue the city over Wi-Fi installation, demand internet by January 2021," Nov 24, 2020, *Daily News*, accessed at <http://www.nydailynews.com/new-york/ny-homeless-families-shelters-wifi-internet-remote-school-de-blasio-20201124-imulnd36cvfwvhdbvebxtf6yi-story.html>.

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ Tom McParland, "Legal Aid, Milbank Secure Settlement Binding New York City Govt. to Complete Wi-Fi Installation in Shelters," April 06, 2021, *New York Law Journal*, *LAW.COM* accessed at <https://www.law.com/newyorklawjournal/2021/04/06/legal-aid-milbank-secure-settlement-binding-new-york-city-govt-to-complete-wi-fi-installation-in-shelters/?sreturn=20210307105431>.

Educational Programming

For the week of March 16, 2020, before online remote instruction commenced on March 23, 2020, most students received a paper packet of work from their school to work on at home.¹³⁷ Since it took weeks, if not months, for many students to receive a device, some students were forced to rely on paper homework packets for a much longer period and sometimes it took days of back-and-forth communication for schools to create and send new ones.¹³⁸ While paper packets were mailed weekly by some teachers to students without devices, for some students in shelters the updated assignments were sent to other sites, such as RECs, for students to pick up, further impeding consistent access to schoolwork for these students.¹³⁹ DOE also posts learning activities for students and resources for families to support learning at home on its website,¹⁴⁰ but this does little to help those who lack internet access.

Conclusion

Prior to the COVID-19 pandemic, homeless children and youth already faced many obstacles that hinder them from achieving their full potential. COVID-19 has exacerbated those obstacles and added new ones. Education is a way to keep children connected to their friends and communities, provide them with the stability they may not have in other aspects of their lives, and empower them to break out of poverty. While DOE and DHS share goals geared towards helping homeless students access the services they need, the Committees seek to better understand how the agencies work together to ensure homeless children and youth are properly educated, especially given the added burden of COVID-19 and all the challenges it has brought—remote learning; access to technology; access to internet; appropriate educational learning and study places among other issues.

Bill Analysis

Proposed Introduction No. 139-A

A local law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on student health services in correlation with student housing status for students in kindergarten through grade eight

The proposed legislation would amend existing DOE reporting requirements on student health and student health services. Proposed Introduction No. 139-A would expand DOE’s reporting to now include data on school based health centers, common student illnesses, and health screenings. The data would specifically be disaggregated by student housing status for students in kindergarten through grade eight in order to assist the Council in identifying unique or acute health challenges faced by such students who reside in temporary housing. Proposed Int. No. 139-A would take effect immediately.

Updates in A version: The privacy language at the end of the legislation was updated to reflect that categories containing between 1 and 5 students, or that allow another category to be narrowed to be between 1 and 5 students, the number shall be replaced with a symbol and any category with 0 students shall be 0. Prior to this change, the range for using a symbol was between 0 and 9 students. The bill also gives flexibility to the DOE to no longer report on students’ body mass index if at some future point they no longer collect such information.

¹³⁷ Zimmerman, A. and Gould, J., “5 weeks into online learning, NYC is still racing to get thousands of devices to students,” *Chalkbeat*, Apr 25, 2020, accessed at <https://ny.chalkbeat.org/2020/4/25/21236279/students-lack-devices-nyc-schools-coronavirus>.

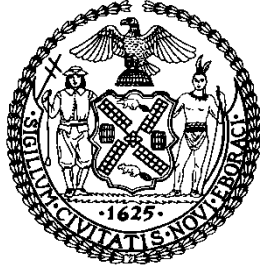
¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ DOE website, “Activities for Students,” accessed 4/7/21 at <https://www.schools.nyc.gov/learning/blended-learning/activities-and-supports>.

UPDATE: On November 22, 2021, the Committee passed Proposed Introduction Number 139-A by a vote of seventeen in the affirmative, zero in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 139-A:)



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 139-A

COMMITTEE: Committee on Education

TITLE: A Local Law in relation to requiring the Department of Education to report on student health services in correlation with student housing status for students in kindergarten through grade eight.

SPONSOR(S): Council Members Levin, Gennaro and Lander.

SUMMARY OF LEGISLATION: Proposed Introduction 139-A would require the Department of Education (DOE) to provide, in its annual report on student health and student health services, data on school-based health centers, common student illnesses, and health screenings. The report would disaggregate data by student housing status for students in kindergarten through grade eight.

The first report including this information would be due to the Council not later than April 30, 2022, and each subsequent annual report would be due no later than April 30.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: It is 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 as DOE already has existing resources sufficient to comply with the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Chelsea Baytemur, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Noah Brick, Assistant Counsel
Dohini Sompura, Unit Head

LEGISLATIVE HISTORY: This legislation was first introduced to the Council as Int. 139 on January 31, 2018, and was referred to the Committee on Education (Committee). The legislation was then considered by the Committee, jointly with the Committee on General Welfare, and laid over on April 16, 2021. The legislation was subsequently amended, and the amended version, Proposed Intro. 139-A will be considered by the Committee on November 22, 2021. Upon a successful committee vote, Proposed Intro. No. 139-A will be submitted to the full Council for a vote on November 23, 2021.

DATE PREPARED: November 16, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 139-A:)

Int. No. 139-A

By Council Members Levin, Gennaro, Lander, Rose and Dinowitz.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on student health services in correlation with student housing status for students in kindergarten through grade eight

Be it enacted by the Council as follows:

Section 1. Section 21-965 of the administrative code of the city of New York, as added by local law number 12 for the year 2016, is amended to read as follows:

§ 21-965 Student health services. a. Definitions. As used in this chapter, the following terms have the following meanings:

Automated student health record database. The term "automated student health record database" means a database maintained by the department of health and mental hygiene to record information about students' medical care.

NYC FITNESSGRAM. The term "NYC FITNESSGRAM" means an annual fitness assessment used to determine students' overall physical fitness.

Reside in temporary housing. The term "reside in temporary housing" means satisfying the definition of "homeless child" as set forth in chancellor's regulation A-780.

School based health center. The term "school based health center" means on-site health care services provided to students within the school building, which are operated by independent institutions including, but not limited to, hospitals and community based organizations.

Student. ["Student" shall mean] *The term "student" means any pupil under the age of twenty-one as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled in a district school or pre-kindergarten program in a district school within the city school district.*

Student health encounter. The term "student health encounter" means any student visit to a school medical room recorded in the automated student health record database.

b. Not later than April 30, [2017] 2022, and no later than April 30th annually thereafter, the department shall submit to the council a report regarding information on health services provided to students for the preceding school year. Such report shall include, but not be limited to:

1. The number of school buildings where full time nurses are employed by the office of school health and the number of school buildings where part time nurses are employed by such office; the ratio of students to nurses in such school buildings; and the average number of student health encounters per nurse in such school buildings;
2. The total number of student health encounters;
3. The total number of NYC FITNESSGRAMS performed, and the percentage of students assessed who had a body mass index: (i) below the 5th percentile; (ii) in the 5th to 84th percentile; (iii) in the 85th to 94th percentile; and (iv) equal to or above the 95th percentile, *to the extent such information is collected by the department*;
4. The total number of medication orders reviewed by the office of school health and recorded in the automated student health record database;
5. The total number of students reported to the office of school health as having a diagnosis of allergies, asthma, diabetes type 1 or diabetes type 2; and
6. The total number of school based health centers disaggregated by the type of provider including, but not limited to, hospital and federally qualified health centers; and the total number of students enrolled in the school or schools served by each school based health center.

[d]c. All information required to be reported by this section shall be disaggregated by:

1. [community] *Community* school district[.]; and
2. *For students in kindergarten through grade eight, whether such students reside in temporary housing.*

[e]d. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state, or local law or the New York city health code relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interest of law enforcement. If the category contains between [0] *one* and [9] *five* students, or allows another category to be narrowed to be between [0] *one* and [9] *five* students, the number shall be replaced with a symbol. *A category that contains zero students shall be reported as zero, unless such reporting would violate any applicable provision of federal, state or local law or the New York city health code relating to the privacy of student information.*

§ 2. This local law takes effect immediately.

MARK TREYGER, *Chairperson*; YDANIS A. RODRIGUEZ, DANIEL DROMM, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, INEZ D. BARRON, ROBERT E. CORNEGY, BEN KALLOS, BARRY S. GRODENCHIK, JUSTIN L. BRANNAN, FARAH N. LOUIS, KEVIN C. RILEY, JAMES F. GENNARO, ERIC DINOWITZ, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Education, November 22, 2021 (Remote Hearing). *Other Council Members Attending: Council Member R. Diaz, Sr.*

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. 1803

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on November 23, 2021, respectfully

REPORTS:

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 19, 2019, the Council adopted the expense budget for fiscal year 2020 with various programs and initiatives (the “Fiscal 2020 Expense Budget”). On June 30, 2020, the Council adopted the expense budget for fiscal year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”). On June 30, 2021, the Council adopted the expense budget for fiscal year 2022 with various programs and initiatives (the “Fiscal 2022 Expense Budget”).

Analysis. In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2022 Expense Budget, changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2021 Expense Budget, changes in the designation of a certain organization receiving funding in accordance with the Fiscal 2020 Expense Budget, and amendments to the description for the Description/Scope of Services of certain organizations receiving funding in accordance with the Fiscal 2022 Expense Budget.

This Resolution, dated November 23, 2021, approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022 Expense Budget, changes in the designation of certain organizations receiving funding for certain initiatives in accordance with the Fiscal 2021 Expense Budget, changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2020 Expense Budget, and amends the description for the Description/Scope of Services of certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022 Expense Budget.

This Resolution sets forth the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget, as described in Chart 1; sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to certain initiatives pursuant to the Fiscal 2022 Expense Budget, as described in Charts 4-18; sets forth the changes in the designation of certain organizations receiving funding pursuant to certain initiatives pursuant to the Fiscal 2021 Expense Budget, as described in Charts 19-20; sets forth the changes in the designation of a certain organization receiving local discretionary funding pursuant to the Fiscal 2020 Expense Budget; and amends the description for the Description/Scope of Services of certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022 Expense Budget, as described in Chart 21.

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

Chart 2 sets forth the changes in the designation of certain organizations receiving funding pursuant to the Boroughwide Needs Initiative pursuant to the Fiscal 2022 Expense Budget. One such designation will be effectuated upon a budget modification.

Chart 3 sets forth the change in the designation of a certain organization receiving funding pursuant to the Speakers Initiative in accordance with the Fiscal 2022 Expense Budget. Such designation will be effectuated upon a budget modification.

Chart 4 sets forth the new designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2022 Expense Budget. Several of these designations will be effectuated upon a budget modification.

Chart 5 sets forth the new designation of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 6 sets forth the new designation and the change in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget. One such designation will be effectuated upon a budget modification.

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

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

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

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

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

Chart 12 sets forth the new designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 13 sets forth the new designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 14 sets forth the new designation and the change in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 15 sets forth the new designation of certain organizations receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2022 Expense Budget. All such designations will be effectuated upon a budget modification.

Chart 16 sets forth the change in the designation of a certain organization receiving funding pursuant to the Immigrant Health Initiative in accordance with the Fiscal 2022 Expense Budget. Such designation will be effectuated upon a budget modification.

Chart 17 sets forth the change in the designation of a certain organization receiving funding pursuant to the Community Housing Preservation Strategies Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 18 sets forth the new designation of certain organizations receiving funding pursuant to the Pandemic Support for Human Service Providers Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these designations will be effectuated upon a budget modification.

Chart 19 sets forth the change of designation of a certain organization receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 20 sets forth the change in the designation of a certain organization receiving funding pursuant to the Construction Site Safety Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 21 sets forth the change in the designation of a certain organization receiving local discretionary funding pursuant in accordance with the Fiscal 2020 Expense Budget.

Chart 22 amends the description for the Description/Scope of Services of certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022 Expense Budget.

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

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

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2022, Fiscal 2021, and Fiscal 2020 Expense Budget. Such Resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1803:)

Preconsidered Res. No. 1803

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

By Council Member Dromm.

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

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

Whereas, On June 19, 2019 the Council adopted the expense budget for fiscal year 2020 with various programs and initiatives (the “Fiscal 2020 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022, Fiscal 2021, and Fiscal 2020 Expense Budgets by approving the new designation and the changes in the designation of certain organizations receiving local discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

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

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

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

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Speakers Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 3; and be it further

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

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

Resolved, That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 6; and be it further

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

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

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

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

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

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

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

Resolved, That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 14; and be it further

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

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Immigrant Health Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Community Housing Preservation Strategies Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Pandemic Support for Human Service Providers Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the change of designation of a certain organization receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Construction Site Safety Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving local discretionary funding pursuant to the Fiscal 2020 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council amends the description for the Description/Scope of Services of certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 22.

(For text of the Exhibit Charts, please refer to the attachments section of the [Res. No. 1803 of 2021](#) file in the legislation section of the New York City Council website at <https://council.nyc.gov>)

DANIEL DROMM, *Chairperson*; JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, November 22, 2021 (Remote Hearing).

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

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. 1804

Report of the Committee on Finance in favor of approving a Resolution concerning the increase in the amount to be expended annually for two business improvement districts 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 November 23 2021, respectfully

REPORTS:

Preconsidered Resolution sets a date, time, and place for a public hearing to consider a local law that would increase the annual expenditures of two Business Improvement Districts (“BIDs”) as of July 1, 2021. The resolution sets December 9, 2021 at 10:00am in the City Council Chambers, 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 its budget (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:

BID Name	Yr Est.	Previous Increase Year	Current Authorized Assessment Cap	Proposed Authorized Assessment Cap	\$ Increase Request Annualized % Increase since Establishment		Months Reserve	Increase Schedule	Retro/ Forward	CM District (s)	SBS Justification
	Yrs	Previous Increase Amount			Requested % Increase	Supporting Councilmember					
Lower East Side	1993	2018	\$1,300,000	\$2,000,000	\$700,000.00		12.0	Phased	Forward starting FY23	1	Assessment increase will restore marketing budget to promote small businesses and district activities that was reduced in previous years because of increased sanitation and public space maintenance costs; provide increased sanitation and maintenance as development projects are completed; provide community programming to Open Streets and public plazas; reconstruct and maintenance of Delancey Street and associated bike lanes; hire a full-time operations manager to maintain public assets; expand public art installations throughout the district including roll-down gate murals, roadway murals, and other related art projects to enhance street conditions and deter illegal graffiti and tags.
	28	\$325,400			53.85%	1.25%		\$1,425,000 (FY23) \$1,575,000 (FY24) \$1,725,000 (FY25) \$1,875,000 (FY26) \$2,000,000 (FY27)		Chin	
Hudson Yards	2013	None	\$3,000,000	\$6,000,000	\$3,000,000.00		5.9	Phased	Forward starting FY23	3	Assessment increase will be directed to providing sanitation, security, marketing, holiday lighting, streetscape, and beautification services to an area doubling in size as construction projects are completed that are currently vacant or under construction; provide additional NYPD Paid Detail at plazas and parks; expand marketing and support for local businesses; deliver holiday lighting program to newly developed blocks; implement capital projects outlined in completed Streetscape Plan; and maintain and program Bella Abzug Park which is doubling in size. Note that existing properties will hold their assessments at current levels while buildings currently under construction will be assessed as they are completed.
	8	None			100.00%	6.25%		\$3,600,000 (FY23) \$4,400,000 (FY24) \$6,000,000 (FY25)		Johnson	

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1804:)

Preconsidered Res. No. 1804

Resolution concerning the increase in the amount to be expended annually for two business improvement districts 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 Lower East Side and Hudson Yards Business Improvement Districts in the City of New York; and; 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 two Business Improvement Districts wish to increase the amount to be expended annually beginning on July 1, 2021 as follows: Lower East Side, \$2,000,000; and Hudson Yards, \$6,000,000; 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 December 9, 2021 is the date and the City Council Chambers, is the place and 10:00 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 two Business Improvement Districts; 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 Lower East Side and Hudson Yards Business Improvement Districts 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 two Business Improvement Districts.

DANIEL DROMM, *Chairperson*; JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, November 22, 2021 (Remote Hearing).

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

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. 927

Report of the Committee on Finance in favor of a Resolution approving 1018 East 163rd Street, Block 2723, p/o Lot 40 (Tentative Lot 1002); Bronx, Community District No. 2, Council District No. 17.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on November 23, 2021 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:)

November 22, 2021

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

RE: Finance Committee Agenda of November 22, 2021 – Resolution approving a tax exemption for two Land Use items (Council Districts 17 and 40)

Item 1: 1018 East 163rd Street

1018 East 163rd Street is a 97-unit affordable rental building in the Longwood neighborhood of the Bronx. Its units include 30 one-bedrooms, 27 two-bedrooms, 30 three-bedrooms (one of which is a superintendent unit), and 10 four-bedrooms. The project's 40-year Article V property tax exemption expired as of October 2019. The building is under a 20-year Mark to Market Housing Assistance Payments (HAP) contract through 2036, under which tenants pay no more than 30% of their income in rent, with the remainder of contract rent paid by United States Department of Housing and Urban Development (HUD).

1018 East 163rd Street Housing Fund Development Company (HDFC) and 1018 East 163rd Street LLC (collectively, Owners) acquired the property in September 2021, and plan to finance a rehabilitation with conventional financing. HPD is requesting that the Council approve a 40-year partial Article XI property tax exemption, retroactive to 2019. HPD and Owners would enter into a 40-year regulatory agreement that would require that the Owners renew the HAP contract upon expiration.

Summary:

- Borough – Bronx
- Block 2723, p/o Lot 40 (Tentative Lot 1002)
- Council District – 17
- Council Member – Salamanca
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 97

- Type of exemption – Article XI, partial, 40-years
- Population – affordable rental housing
- Sponsor – The Wavecrest Management Team, Ltd., 1018 East 163rd Street LLC, 1018 East 163rd Street HDFC
- Purpose – preservation
- Cost to the City – \$3.35M
- Housing Code Violations
 - Class A – 2
 - Class B – 6
- AMI target - 50% AMI

Item 2: 15 Stratford.GHPP.FY22

15 Stratford Road is a five-story walk-up rental building with a total of 20 units located in the Prospect Park South neighborhood of Brooklyn. The residential units include 16 three-bedroom and four four-bedroom units.

In June 2018, the owner, 15 Stratford LLC (LLC), closed on an HPD Green Housing Preservation Program (GHPP) loan, in participation with the Community Preservation Corporation (CPC), to fund rehabilitation work. At the time of the closing, HPD expected that the property would be able to receive an Enriched J-51 tax abatement. However, before the work was completed and the construction loan could be refinanced with a traditional mortgage, the J-51 tax abatement legislation sunset in June 2020 and was not reauthorized.

To assist with the refinancing of the GHPP loan in the absence of the J-51 abatement, HPD is requesting that the Council approve a partial, 40-year Article XI property tax exemption. The LLC would transfer the exemption area to 15 Stratford HDFC and the LLC and the HDFC would enter into a 40-year regulatory agreement with HPD which would require that nine of the apartments be rented only to household earning less than 50% of AMI, six of the apartments be rented only to household earning less than 60% of AMI, and five of the apartments be rented to households earning less than 90% of AMI.

Summary:

- Borough – Brooklyn
- Block 5072, Lot 58
- Council District – 40
- Council Member – Eugene
- Council Member approval – yes
- Number of buildings – 1
- Number of units – 20
- Type of exemption – Article XI, partial, 40 years
- Population – affordable rental
- Sponsor – 15 Stratford LLC, 15 Stratford HDFC
- Purpose – preservation
- Cost to the City – \$1.0M
- Housing Code Violations
 - Class A – 2
 - Class B – 7
 - Class C – 1
- AMI targets – nine units at 50% AMI, six units at 60% AMI, and five units at 90% AMI

(For text of the coupled resolutions for L.U. No. 928, please see the Report of the Committee on Finance for L.U. No. 928 printed in these Minutes; for the coupled resolution for L.U. No. 927, please see below:)

Accordingly, this Committee recommends the adoption of L.U. Nos. 927 and 928.

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

Res. No. 1806

Resolution approving an exemption from real property taxes for property located at (Block 2723, p/o Lot 40 (Tentative Lot 1002)) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 927).

By Council Member Dromm.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 9, 2021 that the Council take the following action regarding a housing project located at (Block 2723, p/o Lot 40 (Tentative Lot 1002)) Bronx (“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 1018 East 163rd Street 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 on the Contract Rent Differential Commencement Date and for each year thereafter until the Expiration Date (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 and in effect as of the Contract Rent Differential Commencement Date.
 - d. “Contract Rent Differential Commencement Date” shall mean January 1, 2037.
 - e. “Contract Rent Differential Tax” shall mean the sum of (i) ten percent (10%) of the Gross Rent as of the Contract Rent Differential Commencement Date, plus (ii) twenty-five percent (25%)

of the Contract Rent Differential; provided, however, the total annual real property tax payment by the Owner shall not at any time exceed the lesser of (A) seventeen percent (17%) of the contract rents in the applicable tax year, or (B) 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. Notwithstanding the foregoing, 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.

- f. “Effective Date” shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
- g. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2723, p/o Lot 40 (Tentative Lot 1002) 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. “Gross Rent” shall mean the gross potential rents from all residential, commercial, and community facility units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8 supplements, rental assistance, or any other subsidy.
- j. “Gross Rent Deadline” shall mean three hundred and sixty-five days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
- k. “Gross Rent Tax” shall mean an amount equal to ten percent (10%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent 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.
- l. “HDFC” shall mean 1018 East 163rd Street Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
- m. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
- n. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- o. “Owner” shall mean, collectively, the HDFC and the Company.
- p. “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on October 20, 1977 (Cal. No.7-B).

- q. “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. The Prior Exemption shall terminate as of March 1, 2019.
 3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 4. Commencing upon the Effective Date, and during each year thereafter until December 31, 2036, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Commencing on the Contract Rent Differential Commencement 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.
 5. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any 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.
 6. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent 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 G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, November 22, 2021 (Remote Hearing).

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

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. 928

Report of the Committee on Finance in favor of a Resolution approving 15 Stratford.GHPP.FY22, Block 5072, Lot 58; Brooklyn, Community District No. 14; Council District No. 40.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on November 23, 2021 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Finance Memo, please see the Report of the Committee on Finance for L.U. No. 927 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1807

Resolution approving an exemption from real property taxes for property located at (Block 5072, Lot 58) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 928).

By Council Member Dromm.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated September 17, 2021 that the Council take the following action regarding a housing project located at (Block 5072, Lot 58) 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 15 Stratford LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.

- b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into Regulatory Agreement.
 - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - d. “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 5072, Lot 58 on the Tax Map of the City of New York.
 - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - f. “Gross Rent” shall mean the gross potential rents from all residential, commercial, and community facility units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
 - g. “Gross 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 Gross Rent Tax for the applicable tax year.
 - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to six and six-tenths percent (6.6%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent 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.
 - i. “HDFC” shall mean 15 Stratford Housing Development Fund Corporation 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 Company.
 - l. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner that is executed on or after August 1, 2021 and that establishes 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 Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.

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 a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDPC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
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 G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, November 22, 2021 (Remote Hearing).

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

Report of the Committee on Fire and Emergency Management

Report for Int. No. 1891-A

Report of the Committee on Fire and Emergency Management in favor of approving and adopting, as amended, a Local Law to amend the New York city fire code, in relation to machines used to resurface ice.

The Committee on Fire and Emergency Management, to which the annexed proposed amended local law was referred on February 27, 2020 (Minutes, page 658), respectfully

REPORTS:

I. Introduction

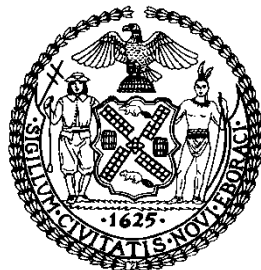
On November 22, 2021, the Committee on Fire and Emergency Management, chaired by Joseph C. Borelli, voted on Prop. Int. No. 1891-A, in relation to machines used to resurface ice. The Committee voted in favor of the bill by a vote of five affirmatives, none opposed, and no abstentions. The Committee previously heard the bill on November 16, 2020, and received testimony from New York City’s Fire Department (“FDNY” or “Department”) and other interested parties.

II. Analysis of Prop. Int. No. 1891-A

The bill would amend New York City Fire Code regulations pertaining to machines used to resurface ice— frequently referred to as “Zambonis” after the inventor, Frank Zamboni. Currently, pursuant to Fire Code section FC 309.1.2, certain gas fueled industrial machines, including Zambonis, are prohibited from utilizing more than one 40-gallon canister of liquefied petroleum or other flammable gas. Under the new provision, a Zamboni would be permitted to utilize two canisters of LP gas at any given time if the manufacture design allows for more than one.

Since introduction, the bill has been amended to clarify that the provisions permitting Zambonis to use two propane canisters only applies to machines designed to operate using more than one canister of propane.

(The following is the text of the Fiscal Impact Statement for Int. No. 1891-A:)



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

**PROPOSED INT. NO. 1891-A
COMMITTEE: Fire and Emergency Management**

TITLE: A Local Law to amend the New York city fire code, in relation to machines used to resurface ice. **Sponsors:** Council Member Borelli.

SUMMARY OF LEGISLATION: Proposed Int. No. 1891-A would amend the New York City Fire Code to allow machines that resurface ice, commonly referred to as Zambonis, to operate with two, rather than one, canister of propane or other flammable gas.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: It is estimated that this legislation would have no impact on revenues.

IMPACT ON EXPENDITURES: It is estimated that this legislation would have no impact on expenditures because the Fire Department would utilize existing resources to comply with the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: Fire Department of New York

ESTIMATE PREPARED BY: Jack Kern, Financial Analyst

ESTIMATE REVIEWED BY: Stephanie Ruiz, Assistant Counsel
Regina Poreda Ryan, Deputy Director
Eisha Wright, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the Council on February 27, 2020 as Intro. No. 1891 and was referred to the Committee on Fire and Emergency Management (Committee). The Committee held a hearing on November 16, 2020 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 1891-A, will be considered by the Committee at a hearing on November 22, 2021. Upon successful vote by the Committee, Proposed Intro. No. 1891-A will be submitted to the full Council for a vote on November 23, 2021.

DATE PREPARED: November 18, 2021.

Accordingly, this Committee recommends its adoption, as modified.

(The following is the text of Int. No. 1891-A:)

Int. No. 1891-A

By Council Member Borelli.

A Local Law to amend the New York city fire code, in relation to machines used to resurface ice

Be it enacted by the Council as follows:

Section 1. Section FC 309.1.2 of the New York city fire code, as amended by local law number 148 for the year 2013, is amended to read as follows:

309.1.2 Powered industrial trucks using flammable gas fuel.

Powered industrial trucks that use LPG or other flammable gas as fuel shall be limited to one fuel container with a capacity not greater than 40 pounds (18.16 kg) or 340 SCF (9.63 m³) of flammable gas, whichever is less, except that powered industrial trucks used to resurface ice that are designed to operate with more than one such container shall be limited to operating with two such containers. Liquefied gas containers installed in a horizontal position shall be of such a design that the pressure relief valve will discharge vapor properly. [Such powered] Powered industrial trucks that use LPG or other flammable gas as fuel shall not be parked near open flames or other heat or ignition sources, or near open pits, underground entrances, elevator shafts, or similar areas. Such powered industrial trucks shall be stored and used in locations with adequate ventilation. It shall be unlawful to store or use such powered industrial trucks in a basement, cellar or other areas below grade.

§ 2. This local law takes effect immediately.

JOSEPH C. BORELLI, *Chairperson*; FERNANDO CABRERA, ALAN N. MAISEL, JUSTIN L. BRANNAN, JAMES F. GENNARO; Committee on Fire and Emergency Management, November 22, 2021 (Remote Hearing).

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

Report of the Committee on General Welfare

Report for Int. No. 148-A

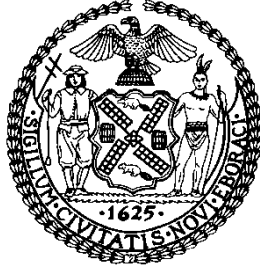
Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring that the department of social services recognize time spent in foster care for the purpose of rental voucher eligibility.

The Committee on General Welfare, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 308), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on General Welfare for Int. No. 150-A printed below in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 148-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INT. NO: 148-A
COMMITTEE: General Welfare

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring that the department of homeless services recognize time spent in foster care for the purpose of rental voucher eligibility.

SPONSORS: Council Members Levin, Brannan, Maisel, Ayala, Rosenthal, Powers, Kallos, Dinowitz, Adams, Menchaca, Reynoso, Rose, Rivera, Louis, Lander, Koo, D. Diaz, and Riley.

SUMMARY OF LEGISLATION: Proposed Int. No. 148-A would require the Department for Social Services (DSS) to count the time spent by a youth in foster care, during any 90 days of the previous two years, to be eligible for CityFHEPS rental assistance vouchers. The provision of vouchers to such individuals would be subject to appropriation.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	Full Fiscal Impact FY26
Revenues	\$0	\$0
Expenditures	\$192,166	\$9,627,750
Net	\$192,166	\$9,627,750

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

IMPACT ON EXPENDITURES: Once in effect, this proposed bill would make CityFHEPS vouchers available to approximately 150 youth who had aged out of foster care in the two prior years, with 65 percent utilizing vouchers in the first year and 80 percent every year thereafter. In each year, we assume that approximately 97 youth would become newly eligible for a voucher and that about 80 percent of them would eventually use the voucher. We assume that it would take each new youth three months to find an apartment. Based on a fixed voucher cost of \$1,945 per month annual voucher spending would grow to \$9.6 million for 432 vouchers in Fiscal 2026. This model assumes that spending peaks in the fifth year when the number of youths no longer utilizing a voucher is equal to the number of youths using a voucher for the first time.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Funds

SOURCE OF INFORMATION: New York City Council Finance Division
 HRA CityFHEPS Rental Allowances
 Local Law 145 – Youth in Foster Care

ESTIMATE PREPARED BY: Dohini Sompura, Unit Head

ESTIMATE REVIEWED BY: Stephanie Ruiz, Assistant Counsel
 Regina Poreda-Ryan, Director
 Latonia McKinney, Director

LEGISLATIVE HISTORY: This legislation was first introduced to the Council as Intro. No. 148 on January 31, 2018, and referred to the Committee on General Welfare (the Committee). A hearing was held by the Committee on November 24, 2020, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 148-A, will be considered by the Committee on November 22, 2021. Upon successful vote by the Committee, Proposed Int. No. 148-A will be submitted to the full Council for a vote on November 23, 2021.

DATE PREPARED: November 16, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 148-A:)

Int. No. 148-A

By Council Members Levin, Brannan, Maisel, Ayala, Rosenthal, Powers, Kallos, Dinowitz, Adams, Menchaca, Reynoso, Rose, Rivera, Louis, Lander, Koo, D. Diaz and Riley.

A Local Law to amend the administrative code of the city of New York, in relation to requiring that the department of social services recognize time spent in foster care for the purpose of rental voucher eligibility

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-145.1 to read as follows:

§ 21-145.1 *Rental assistance for youth in foster care. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Youth in foster care. The term “youth in foster care” means a young person who was placed in an out-of-home placement with ACS after the filing of a petition in family court pursuant to article 3, 7, 10, 10-a, 10-b or 10-c of the family court act or section 358-a or 384-b of the social services law.

Rental assistance. The term “rental assistance” means subsidies provided through the rental assistance program established in chapter 10 of title 68 of the rules of the city of New York and any successor program.

b. Eligibility. Subject to appropriation, for purposes of determining eligibility, for any youth in foster care or an individual who was formerly a youth in foster care, the department shall count the time such youth spent in foster care during any 90 days of the previous two years in place of time spent in shelter provided by the department or by a provider under contract or similar agreement with the department, provided that the youth in foster care is otherwise found eligible for rental assistance.

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

STEPHEN T. LEVIN, *Chairperson*; VANESSA L. GIBSON, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., DARMA V. DIAZ; Committee on General Welfare, *November 22, 2021* (Remote Hearing).
Other Council Members Attending: Council Member R. Diaz Sr.

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

Report for Int. No. 150-A

Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law in relation to a task force regarding the transportation of students in temporary housing.

The Committee on General Welfare, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 312), respectfully

REPORTS:**I. Introduction**

On November 22, 2021, the Committee on General Welfare, chaired by Council Member Stephen Levin, held a hearing on Proposed Int. 150-A, Proposed Int. 148-A, and Proposed Int. 2405-A, each sponsored by Council Member Levin. The Committee previously held a hearing on Proposed Int. 150-A, Proposed Int. 148-A, and Proposed Int. 2405-A, on April 16, 2021, November 24, 2020 and October 25, 2021, respectively. At the hearings, those who testified included representatives from DSS, ACS, shelter providers, advocacy organizations, community organizations, legal providers, and members of the public. At the hearing on November 22, 2021, the Committee voted 5 in favor, 0 opposed and 0 abstentions on Proposed Int. 150-A, Proposed Int. 148-A and Proposed Int. 2405-A.

II. Bill Analysis

Int. 150-A - A Local Law In relation to a task force regarding the transportation of students in temporary housing

The proposed legislation would require the creation of a task force regarding the transportation of students in temporary housing. The task force would be comprised of individuals including the commissioners of the Department of Social Services and the Department of Housing Preservation and Development; the Deputy Chancellor for School Climate and Wellness at the Department of Education (DOE), which oversees student transportation, family assistants from the DOE; representatives of organizations that provide shelter for families with children; representatives of companies that provide student-busing services; and additional members. The task force would issue a report assessing barriers to arranging transportation for students in temporary housing and recommendations for addressing those barriers. The task force would also report on any recommendations that are implemented 12 and 24 months after its submission of the initial report. The task force would terminate upon the publication of the report issued 24 months after submission of the initial report. Since introduction, this bill was amended to require that the task force meet a number of times sufficient to achieve its purpose as opposed to on a quarterly basis. Additionally, since introduction, the bill was amended to include additional members of the task force such as the Chairperson of the Council's Committee on General Welfare and at least two parents of students who are or were formerly students in temporary housing. If passed, this bill would take effect immediately.

Int. 148-A – A local law to amend the administrative code of the city of New York, in relation to requiring that the department of social services recognize time spent in foster care for the purpose of rental voucher eligibility

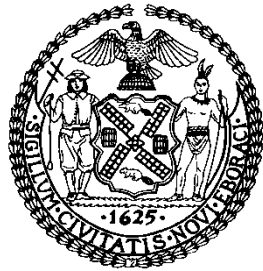
This bill would allow youth who have spent time in foster care to be eligible for CityFHEPS rental assistance vouchers. Any 90 days of the previous two years spent in foster care would count as time spent in shelter for purposes of determining eligibility for the vouchers. The provision of vouchers to such individuals would be subject to appropriation. If passed, this bill would take effect 120 days after it becomes law. This bill has not changed significantly since introduction.

Int. 2405-A – A local law to amend the administrative code of the city of New York, in relation to runaway

and homeless youth eligibility for rental assistance

This bill would allow youth who have spent time in runaway and homeless youth services funded by the Department of Youth and Community Development (DYCD) to be eligible for CityFHEPS rental assistance vouchers. Any 90 days of the previous two years spent in these services would count as time spent in shelter for purposes of determining eligibility for the vouchers. The provision of vouchers to such individuals would be subject to appropriation. If passed, this bill would take effect 120 days after it becomes law. This bill has not changed significantly since introduction.

(The following is the text of the Fiscal Impact Statement for Int. No. 150-A:)



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

PROPOSED INT. NO. 150-A
COMMITTEE: General Welfare

TITLE: A Local Law in relation to a task force regarding the transportation of students in temporary housing.

Sponsors: Council Members Levin, Brannan, Powers, Rosenthal, Salamanca, Chin, Lander, Barron, Rivera, and Gennaro.

SUMMARY OF LEGISLATION: Proposed Introduction 150-A would require creation of a task force comprised of designees from the Department of Education, Department of Social Services, and the Department of Housing Preservation and Development, representatives from homeless shelter providers and student busing services, parents of formerly homeless students appointed by the Mayor, and the Chair of Council’s Committee on General Welfare to consider transportation of students in temporary housing to and from school. Within a year of formation, the task force would issue a report and make recommendations. The report would include an assessment of the barriers to arranging transportation for students in temporary housing and recommendations for addressing them. Additionally, the task force would report any recommendations that are implemented after 12 and 24 months following the submission of the initial report, after which the task force would cease to exist.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: It is 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 as agencies would fulfill the requirements of this legislation using existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Julia K. Haramis, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the Council on January 31, 2018 as Int.150 and referred to the Committee on General Welfare (Committee). A joint hearing was held by the Committee and the Committee on Education on April 16, 2021, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 150-A, will be voted on by the Committee at a hearing on November 22, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 150-A will be submitted to the full Council for a vote on November 23, 2021.

DATE PREPARED: November 16, 2021.

(For text of Int. Nos. 148-A and 2405-A and its Fiscal Impact Statements, please see the Report of the Committee on General Welfare for Int. Nos. 148-A and 2405-A printed in these Minutes; for text of Int. No. 150-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 148-A, 150-A, and 2405-A.

(The following is the text of Int. No. 150-A:)

Int. No. 150-A

By Council Members Levin, Brannan, Powers, Rosenthal, Salamanca, Chin, Lander, Barron, Rivera, Gennaro, Kallos and Rose.

A Local Law in relation to a task force regarding the transportation of students in temporary housing

Be it enacted by the Council as follows:

Section 1. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Family assistant. The term “family assistant” means department of education staff assigned to work with shelters and schools to assist families in temporary housing with obtaining transportation assistance and other services for which they are eligible.

Shelter. The term “shelter” means temporary emergency housing provided to homeless individuals and families by the department of homeless services, the department of social services, the department of housing preservation and development, or a provider under contract or similar agreement with such agencies.

Students in temporary housing. The term “students in temporary housing” has the same meaning as that of the term “homeless children and youths” as defined in subsection 2 of section 11434a of title 42 of the United States code and also includes unaccompanied youth who do not have a fixed, adequate, and regular nighttime residence, provided that such individuals are enrolled in a school.

Unaccompanied youth. The term “unaccompanied youth” means students not in the physical custody of their parent or legal guardian, including young people who have run away from home, have been kicked out of their homes, or have been abandoned by their parent or legal guardian.

b. Transportation of students in temporary housing task force. There shall be a task force regarding the transportation of students in temporary housing consisting of at least nineteen members. Members of the task force shall be appointed by the mayor. Such task force shall include the following members:

1. the deputy chancellor of the city school district of the city of New York tasked with overseeing issues of school climate and wellness, or their designee, who shall serve as chair;
2. the commissioner of the department of social services, or their designee;
3. the highest-level staff person of the city school district of the city of New York, tasked with overseeing pupil transportation, or their designee;
4. the highest-level staff person of the human resources administration tasked with overseeing domestic violence and HIV/AIDS services administration, or their designees;
5. the commissioner of the department of housing preservation and development, or their designee;
6. the deputy chancellor for operations of the city school district, or their designee;
7. at least two family assistants and at least one high level staff person tasked with overseeing issues related to students in temporary housing in the city school district;
8. at least two representatives of organizations that provide shelter for families with children;
9. at least two representatives of advocacy organizations with relevant expertise in transportation for students in temporary housing;
10. at least two representatives of entities that have contracted with the city school district to provide transportation services for students in such district;
11. at least two parents of students who are currently or were formerly students in temporary housing; and
12. the chairperson of the council committee on general welfare, or their designee.

c. All members of the task force shall serve without compensation and at the pleasure of the mayor. Any vacancies in the membership of the task force shall be filled in the same manner as the original appointment. All members shall be appointed within 60 days of the enactment of this local law.

d. The task force shall meet a number of times sufficient to achieve its purpose and shall submit a report of its recommendations to the mayor and the speaker of the council no later than 12 months after the final member of the task force is appointed. Such report shall include an assessment of the barriers to arranging transportation including bus service, subway service, and other forms of transportation for students in temporary housing and recommendations for addressing such barriers. The report shall include, but not be limited to, recommendations for interagency protocols designed to:

1. ensure the prompt provision of transportation during conditional shelter placements;
2. ensure the prompt provision of transportation for students found eligible for shelter;
3. ensure the prompt provision of transportation for students transitioning from shelter to permanent housing for the remainder of the school year;
4. ensure the prompt provision of transportation, including the prompt provision of public transit passes for systems outside of New York city, for students who are temporarily residing outside of New York city or for students in temporary housing who have secured permanent housing outside of New York city and continue enrollment in New York city for the remainder of the school year;
5. ensure reimbursement for transportation expenses when transportation has not been promptly arranged for students in temporary housing;
6. ensure the prompt provision of transportation for students living in domestic violence shelters that ensures the safety of such students and that does not improperly disclose confidential information;
7. ensure the prompt provision of transportation for students living in HIV/AIDS services administration shelters that ensures the safety of such students and that does not improperly disclose confidential information;
8. ensure the prompt provision of transportation for eligible students in temporary housing who are enrolled in 3-K, Pre-K, Head Start, preschool special education classes, or preschool special classes in integrated settings, and for preschool students with disabilities living in temporary housing receiving related services when related services are provided at a related services agency outside the home or preschool setting; and
9. ensure the prompt provision of transportation for students in temporary housing so that they may participate in extracurricular activities, including COMPASS and other after-school and summer programs.

e. The task force shall report on any such recommendations that are implemented to the mayor and the council no later than 12 and 24 months following the submission of the initial report, after which the task force will cease to exist.

§ 2. This local law takes effect immediately.

STEPHEN T. LEVIN, *Chairperson*; VANESSA L. GIBSON, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., DARMA V. DIAZ; Committee on General Welfare, *November 22, 2021* (Remote Hearing).
Other Council Members Attending: Council Member R. Diaz, Sr.

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

Report for Int. No. 2405-A

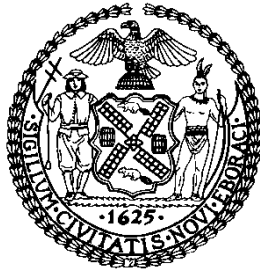
Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to runaway and homeless youth eligibility for rental assistance.

The Committee on General Welfare, to which the annexed proposed amended local law was referred on September 23, 2021 (Minutes, page 2444), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on General Welfare for Int. No. 150-A printed above in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 2405-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INT. NO: 2405-A
COMMITTEE: General Welfare

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to runaway and homeless youth eligibility for rental assistance.

SPONSORS: Council Members Levin, Rose, Dinowitz, Brannan, Kallos, Adams, Menchaca, Rosenthal, Reynoso, Rivera, Louis, Lander, Koo, D. Diaz, Maisel, and Riley.

SUMMARY OF LEGISLATION: Proposed Int. No. 2405-A would require the Department for Social Services (DSS) to count the time spent by a youth in a runaway and homeless youth shelter or program, during any 90 days of the previous two years, to be eligible for CityFHEPS rental assistance vouchers. The provision of vouchers to such individuals would be subject to appropriation.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	Full Fiscal Impact FY26
Revenues	\$0	\$0
Expenditures	\$227,565	\$11,547,465
Net	\$227,565	\$11,547,465

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

IMPACT ON EXPENDITURES: Once in effect, this proposed bill would make CityFHEPS vouchers available to approximately 290 runaway homeless youth that did not find transitional independent living in the two prior years, of whom 40 percent would utilize the voucher in the first year and 60 percent every year thereafter. In each year, we assume that approximately 143 youth would become newly eligible for a voucher and that about 60 percent of them would eventually use the voucher. We assume that it would take each new youth three months to find an apartment. Based on a fixed voucher cost of \$1,945 per month annual voucher spending would grow to \$11.5 million for 516 vouchers in Fiscal 2026. This model assumes that by Fiscal 2026 that the number of youths no longer utilizing a voucher is equal to the number of youths using a voucher for the first time.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Funds

SOURCE OF INFORMATION: New York City Council Finance Division
Fiscal 2021 Mayor's Management Report - Department of Youth and Community Development
HRA CityFHEPS Rental Allowances

ESTIMATE PREPARED BY: Dohini Sompura, Unit Head

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

LEGISLATIVE HISTORY: This legislation was first introduced to the Council as Intro. No. 2405 on September 23, 2021, and referred to the Committee on General Welfare (the Committee). A hearing was held by the Committee on October 25, 2021, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 2405-A, will be considered by the Committee on November 22, 2021. Upon successful vote by the Committee, Proposed Int. No. 2405-A will be submitted to the full Council for a vote on November 23, 2021.

DATE PREPARED: November 19, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 2405-A:)

Int. No. 2405-A

By Council Members Levin, Rose, Dinowitz, Brannan, Kallos, Adams, Menchaca, Rosenthal, Reynoso, Rivera, Louis, Lander, Koo, D. Diaz, Maisel and Riley.

A Local Law to amend the administrative code of the city of New York, in relation to runaway and homeless youth eligibility for rental assistance

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-145.2 to read as follows:

§ 21-145.2 *Rental assistance for runaway and homeless youth. a. Definitions. For purposes of this section, the following terms have the following meanings:*

Homeless young adult. The term “homeless young adult” has the same meaning as provided in section 532-a of the executive law.

Homeless youth. The term “homeless youth” has the same meaning as provided in section 532-a of the executive law. For purposes of this section, the term homeless youth also includes youth up to the age of 25 as provided in section 21-401.

Rental assistance. The term “rental assistance” means subsidies provided through the rental assistance program established in chapter 10 of title 68 of the rules of the city of New York and any successor program.

Runaway and homeless youth crisis services program. The term “runaway and homeless youth crisis services program” has the same meaning as provided in section 532-a of the executive law.

Runaway and homeless youth services. The term “runaway and homeless youth services” means runaway and homeless youth crisis services programs, transitional independent living support programs and drop-in centers funded by the department of youth and community development.

Runaway youth. The term “runaway youth” has the same meaning as provided in section 532-a of the executive law.

Transitional independent living support program. The term “transitional independent living support program” has the same meaning as provided in section 532-a of the executive law.

b. Eligibility. Subject to appropriation, for purposes of determining eligibility, the department shall count the time a runaway youth or homeless youth spent in runaway and homeless youth services during any 90 days of the previous two years in place of time spent in shelter provided by the department or by a provider under contract or similar agreement with the department, provided that the youth in runaway and homeless youth services is otherwise found eligible for rental assistance.

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

STEPHEN T. LEVIN, *Chairperson*; VANESSA L. GIBSON, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., DARMA V. DIAZ; Committee on General Welfare, November 22, 2021 (Remote Hearing).
Other Council Members Attending: Council Member R. Diaz Sr.

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 Governmental Operations

Report for Int. No. 167-B

Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to requiring certain agencies to be capable of issuing warnings.

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 345), respectfully

REPORTS:

I. INTRODUCTION

On November 22, 2021, the Committee on Governmental Operations, chaired by Council Member Cabrera, held a second hearing and vote on the following legislation: Proposed Int. 167-B, sponsored by Council Member Maisel, in relation to requiring certain agencies to be capable of issuing warnings; and Proposed Int. 1784-A, sponsored by Council Member Louis, in relation to establishing an office of not-for-profit organization services. Each bill was approved by the Committee, receiving seven votes in the affirmative, zero in the negative, and zero abstentions.

II. BACKGROUND

A. Warnings for First-Time Violations

Inspectors from various city agencies—including the Departments of Health and Mental Hygiene, Sanitation, Environmental Protection, and Consumer Affairs and Worker Protection—issue notices of violation (“NOVs”) for various violations of the Administrative Code. When an agency issues an NOV, the respondent can either pay the fine prescribed or request a hearing. All such hearings are adjudicated by hearing officers at OATH. If a hearing officer rules against the respondent at a hearing, the respondent will generally have to pay a fine. Fines that remain unpaid for 90 days result in a judgment.¹

In some cases, the Administrative Code requires or permits inspectors to issue a written warning in lieu of an NOV for a first-time violation.² Inspectors are not always able to issue such warnings, however, because they

¹ See NYC DEPARTMENT OF INVESTIGATION, ENVIRONMENTAL CONTROL BOARD SUMMONS ENFORCEMENT & COLLECTION: DOI INVESTIGATION IDENTIFIES SERIOUS GAPS AND ISSUES RECOMMENDATIONS FOR REFORM (2020), at 5, https://www1.nyc.gov/assets/doi/reports/pdf/2020/12ECB_Release_Report100120.pdf.

² See, e.g., Admin Code § 17-189(c) (“Any person who violates any provision of this section shall be liable for a civil penalty not to exceed two hundred and fifty dollars for each violation, *provided that for a first such violation, such person may be issued a written warning in lieu of such civil penalty.*”); § 17-197(c) (“Any person who violates the provisions of this section or any of the rules promulgated thereunder shall, for a first offense, be guilty of a violation punishable by a fine not to exceed two hundred fifty dollars, *provided that such person shall be issued a written warning instead of such fine for such first offense where such animal was not injured as a result of being restrained in violation of this section.* For any subsequent offense within a continuous twelve-month period, such person shall be guilty of a class B misdemeanor punishable by a fine not to exceed five hundred dollars or by imprisonment of not more than three months, or both. In addition to such penalties, any person who violates this section shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars.”); § 17-1104(a)(2) (“Notwithstanding any provision of law to the contrary, an owner or owner’s agent of a multiple dwelling or owner, owner’s agent or a person in a position of authority for all other types of premises who violates any provision of subdivision b of section 17-1102 of this chapter or any rule or regulation promulgated pursuant thereto and any person who violates any provision of subdivision c of section 17-1102 of this chapter or any rule promulgated pursuant thereto *shall, for a first such violation, in lieu of a penalty, be issued a written warning and shall also be issued educational materials pursuant to subdivision two of section 33-1005 of the environmental conservation law. Such persons shall, however, be liable for a civil penalty not to exceed one hundred dollars for a second violation, and not to exceed two hundred fifty dollars for any subsequent violation.*”); Admin Code § 18-150(i) (“The ballfield permit holder of any league that violates the provisions of subdivisions b or e *shall receive a warning for a first violation, and*

lack the equipment necessary to determine whether a violation observed in the field is a first, second, third or subsequent violation.

B. Programs and Support Services for Not-for-Profits in the City

New York City partners with thousands of not-for-profit organizations to deliver critical services to communities throughout the five boroughs.³ The City supports these vital not-for-profit partners by providing them with various funding opportunities and other resources, including the resources described below.⁴

i. NYC Nonprofits

One of the resources provided by the City is NYC Nonprofits, a city-managed webpage that serves as a single source of information for not-for-profit organizations in the City.⁵ Among the resources provided on NYC Nonprofits is information about the various funding streams available to not-for-profit organizations. The primary streams include health & human services contracts, City Council discretionary funding, and funding for arts and education.⁶ The City also provides a wide range of other funding opportunities to further support the work of not-for-profit organizations. The Mayor's Fund to Advance New York City, for instance, is a 501(c)(3) not-for-profit organization that partners with other not-for-profits to provide a variety of services to fulfill ongoing initiatives with New York City agencies.⁷ Other funding resources offered by the City include: grant opportunities from the New York City Department of Small Business Services to support community-based organizations whose services strengthen and revitalize commercial districts,⁸ low-cost financing options provided by the New York City Housing Preservation and Development to organizations for the construction of affordable housing on privately- and publicly-owned land,⁹ and bond financing options and incentives programs from the New York City Economic Development Corporation to provide access to equitable financing to not-for-profit organizations.¹⁰

In addition to providing information on funding opportunities on NYC Nonprofits, the City also provides information on a variety of other subjects, including training opportunities, educational materials, recruitment tools, and cost savings techniques that further support not-for-profit organizations.¹¹ NYC Nonprofits also includes a guide for not-for-profits known as the NYC Good Governance Blueprint, which provides best practices, resources, and tools related to governance for not-for-profit executives and board members.¹² The guide was developed by the NYC Nonprofit Board Development Coalition, led by NYC Service, a division of the Office of the Mayor.¹³ The Coalition includes 19 organizations with a shared mission of supporting not-for-profits in the City.¹⁴ The Coalition also leads the Good Governance Summer Academy, a training series based on the Blueprint that provides not-for-profit leadership with the knowledge, tools, and resources to improve their board governance practices.¹⁵

shall be liable for a civil penalty of \$500 for each subsequent violation, recoverable in a proceeding before any tribunal established within the office of administrative trials and hearings or within any agency of the city of New York designated to conduct such proceedings.”).

³ See NYC Nonprofits, <https://www1.nyc.gov/site/nonprofits/index.page> (last accessed on November 18, 2021).

⁴ See *id.*

⁵ See *id.*

⁶ See NYC Nonprofits, Funding Opportunities, <https://www1.nyc.gov/site/nonprofits/funding-opportunities/funding-opportunities.page> (last accessed on November 18, 2021).

⁷ See NYC Nonprofits, Other Funding Opportunities, <https://www1.nyc.gov/site/nonprofits/funding-opportunities/other-funding-opportunities.page> (last accessed on November 18, 2021).

⁸ See *id.*

⁹ See *id.*

¹⁰ See *id.*

¹¹ See NYC Nonprofits, Resources, <https://www1.nyc.gov/site/nonprofits/resources/board-governance.page> (last accessed on November 18, 2021).

¹² See *id.*

¹³ See *id.*

¹⁴ See *id.*

¹⁵ See *id.*

ii. *The Nonprofit Resiliency Committee*

In 2016, Mayor de Blasio formed the Nonprofit Resiliency Committee (the “NRC”) to provide health and human service not-for-profits with a direct voice in influencing the City’s business practices, policies, and technology solutions affecting not-for-profits.¹⁶ Comprised of more than 100 not-for-profit organizations, the NRC issues recommendations for improving city processes and procedures that impact the not-for-profit sector. The NRC has galvanized City leadership across 40 mayoral agencies and the Department of Education to design and implement meaningful and systemic solutions for the not-for-profit sector.¹⁷ Based on NRC recommendations, the City has adopted contracting policies that have resulted in not-for-profits receiving more money, earlier, and with greater spending flexibility.¹⁸

During its first year, the NRC was successful in making immediate investments and policy changes to stabilize the not-for-profit sector with respect to health and human services contracts, which included increased investments in the sector by increasing funding by more than \$600 million annually by Fiscal 2021.¹⁹ It also was successful in implementing a cash flow policy which provided a 25 percent advance on all registered City contracts to increase cash flow to service providers.²⁰ Additionally, NRC implemented strategies that would allow social service organizations to continue delivering high-quality services to vulnerable New Yorkers over the long-term, such as producing a written guide on how City agencies and not-for-profits could work together to design programs and services that achieve the maximum impact for residents. Lastly, NRC offered various educational services to provide more information about the City’s procurement process to the not-for-profit community.²¹ The NRC has continued to work with the sector and provide essential information and resources to not-for-profit organizations.

iii. *The Not-For-Profit Task Force*

In October 2018, under the leadership of Commissioner Jacques Jiha, the Department of Finance launched a Not-For-Profit Task Force, comprised of representatives from the Mayor’s Office, the New York City Council and members of the not-for-profit community, aimed at connecting not-for-profit property owners across the City with local government resources. More specifically, the Task Force focused on addressing several issues, largely related to the lack of clarity, information, coordination, and outreach about the not-for-profit property tax exemptions, the lien sale, charges imposed by the New York Fire Department, water and sewer charges and exemptions by DEP, and Department of Building inspections.

III. LEGISLATIVE ANALYSIS

Int. 167-B

Int. 167-B (Maisel), would require the Department of Health and Mental Hygiene, the Department of Sanitation, the Department of Environmental Protection, and the Department of Consumer and Worker Protection to equip their inspectors with devices that would allow the inspector, for provisions of law that are enforced exclusively by the inspector’s department, to (i) determine whether an observed violation is a first-time violation, (ii) issue a warning for a first-time violation, if permitted by law, and (iii) after a warning has been

¹⁶ See NYC Nonprofits, Nonprofit Resiliency Committee, <https://www1.nyc.gov/site/nonprofits/funded-providers/nonprofit-resiliency-committee.page> (last accessed on November 18, 2021).

¹⁷ See *id.*

¹⁸ See *id.*

¹⁹ See City of New York, Press Office, Mayor de Blasio Highlights Accomplishments of Nonprofit Resiliency Committee’s First Year (October 11, 2017) available at <https://www1.nyc.gov/office-of-the-mayor/news/652-17/mayor-de-blasio-highlights-accomplishments-nonprofit-resiliency-committee-s-first-year>.

²⁰ See *id.*

²¹ See *id.*

issued, record that fact so that any subsequent violation issued by the same agency to the same person or entity under the same provision of law would not incorrectly appear to be a first-time violation.

This bill would take effect 180 days after becoming law.

Int. 1784-A

Int. 1784-A (Louis) would require the Mayor to establish an Office of Not-for-Profit Organization Services. Such office would be headed by an Executive Director, who would be appointed by the Mayor or the head of a mayoral department. The Office of Not-for-Profit services may also include additional deputies and staff, subject to available appropriations.

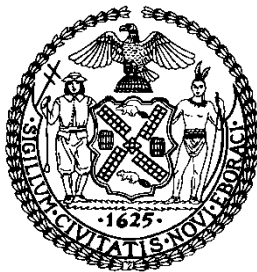
The Executive Director of the Office of Not-for-Profit Services would serve as a liaison to not-for-profit organizations in relation to city policies, procedures, regulations, contracting and funding opportunities, and programs and benefits. In such capacity, the Executive Director would be required to: (a) conduct outreach to not-for-profits to provide information and assistance with respect to existing city policies, procedures, regulations, contracting and funding opportunities, and programs and benefits; (b) refer not-for-profits to city services that assist not-for-profits in obtaining relevant exemptions, waivers, permits, registrations and approvals; and (c) refer individuals and organization seeking to incorporate or register as not-for-profits to relevant state agencies and other organizations that provide information and assistance with this process.

The Executive Director would also be responsible for advising and assisting the Mayor, mayoral offices, and city agencies on streamlining and simplifying their interactions with not-for-profits. In addition, the Executive Director would be responsible for developing standing committees to establish standing advisory committees comprised of representatives from city agencies and not-for-profit organizations. Such advisory committees would be required to reflect the range of not-for-profits doing business with the city, and would be responsible for identifying challenges affecting not-for-profits, and encouraging communication, collaboration, and consultation between such organizations and the City.

Finally, the Executive Director would be responsible for studying conditions affecting the not-for-profit sector, making recommendations to the Mayor regarding policies, programs and projects, and performing such other duties as the Mayor may assign. Within one year of the effective date of this local law, and annually thereafter, the Executive Director would be required to submit a report to the Mayor and the Speaker regarding the activities of the Office of Not-for-Profit Organization Services, any recommendations made by the Executive Director, and the implementation of any such recommendations.

This law would take effect 90 days after becoming law.

(The following is the text of the Fiscal Impact Statement for Int. No. 167-B:)



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

PROPOSED INT. NO. 167-B

COMMITTEE: Governmental Operations

TITLE: A Local Law to amend the New York city charter, in relation to requiring certain agencies to be capable of issuing warnings.

SPONSORS: Council Members Maisel, Yeger, Holden, Vallone, Gibson, Levin, Diaz, Dinowitz, Kallos, Rose, Treyger, Koslowitz, Feliz, Gjonaj, and Ulrich.

SUMMARY OF LEGISLATION: This bill would require the Department of Health and Mental Hygiene, the Department of Sanitation, the Department of Environmental Protection, and the Department of Consumer and

Worker Protection to make available to their inspectors equipment that would be capable of issuing first-violation warnings, where permitted by law.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the relevant agencies would use existing resources to accomplish its requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Sebastian Palacio Bacchi, Senior Financial Analyst

ESTIMATE REVIEWED BY: Nathaniel Toth, Deputy Director
John Russell, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 167 on January 31, 2018 and was referred to the Committee on Governmental Operations (Committee). The bill was amended after introduction and hearing on the amended legislation, Proposed Int. No. 167-A, was held by the Committee on October 19, 2021, and the legislation was laid over. The legislation was subsequently amended a second time, and the amended legislation, Proposed Int. No. 167-B, will be considered by the Committee on November 22, 2021. Upon a successful vote by the Committee, Proposed Int. No. 167-B will be submitted to the full council for a vote on November 23, 2021.

DATE PREPARED: November 15, 2021.

(For text of Int. Nos. 1784-A and its Fiscal Impact Statement, please see the Report of the Committee on Governmental Operations for Int. Nos. 1784-A printed in these Minutes; for text of Int. No. 167-B, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 167-B and 1784-A.

(The following is the text of Int. No. 167-B:)

Int. No. 167-B

By Council Members Maisel, Yeger, Holden, Vallone, Gibson, Levin, D. Diaz, Dinowitz, Kallos, Rose, Treyger, Koslowitz, Feliz, Gjonaj and Ulrich.

A Local Law to amend the New York city charter, in relation to requiring certain agencies to be capable of issuing warnings

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision a of section 556 of the New York city charter, as added by a vote of the electors on November 6, 2001, is amended to read as follows:

(1) Enforce all provisions of law applicable in the area under the jurisdiction of the department for the preservation of human life, for the care, promotion and protection of health and relative to the necessary health supervision of the purity and wholesomeness of the water supply and the sources thereof. *Each inspector or other employee of the department who issues notices of violation shall, for provisions of law that are enforced exclusively by the department, have access at the time that a violation is issued to equipment allowing such person: (a) to determine if such violation is a first-time violation of the applicable provision of law, and (b) if permitted by law, to issue a warning for such violation and to record that such a warning has been issued;*

§ 2. Section 753 of the New York city charter is amended by adding a new subdivision f to read as follows:

f. Each inspector or other employee of the department who issues notices of violation shall, for provisions of law that are enforced exclusively by the department, have access at the time that a violation is issued to equipment allowing such person: (1) to determine if such violation is a first-time violation of the applicable provision of law, and (2) if permitted by law, to issue a warning for such violation and to record that such a warning has been issued.

§ 3. The opening paragraph of section 1403 of the New York city charter, as amended by a vote of the electors on November 7, 1989, is amended to read as follows:

Except as otherwise provided by law, the commissioner shall have charge and control of and be responsible for all those functions and operations of the city relating to the provision of a pure, wholesome and adequate supply of water, the disposal of sewage and the prevention of air, water and noise pollution, and shall be authorized to respond to emergencies caused by releases or threatened releases of hazardous substances and to collect and manage information concerning the amount, location and nature of hazardous substances. *Each inspector or other employee of the department who issues notices of violation shall, for provisions of law that are enforced exclusively by the department, have access at the time that a violation is issued to equipment allowing such person: (1) to determine if such violation is a first-time violation of the applicable provision of law, and (2) if permitted by law, to issue a warning for such violation and to record that such a warning has been issued.* The powers and duties of the commissioner shall include, without limitation, the following:

§ 4. Subdivision (f) of section 2203 of the New York city charter, as amended by local law 80 for the year 2020, is amended to read as follows:

(f) The commissioner, in the performance of said functions, shall be authorized to hold public and private hearings, administer oaths, take testimony, serve subpoenas, receive evidence, mediate disputes, receive and evaluate complaints, conduct investigations in response to complaints or upon his or her own initiative, and take appropriate action, including referral to a federal or state agency, and to receive, administer, pay over and distribute monies collected in and as a result of actions brought for violations of laws relating to deceptive or unconscionable trade practices, labor standards, or of related laws, and to promulgate, amend and modify rules and regulations necessary to carry out the powers and duties of the department. *Each inspector or other employee of the department who issues notices of violation shall, for provisions of law that are enforced exclusively by the department, have access at the time that a violation is issued to equipment allowing such person: (1) to determine if such violation is a first-time violation of the applicable provision of law, and (2) if permitted by law, to issue a warning for such violation and to record that such a warning has been issued.*

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

FERNANDO CABRERA, *Chairperson*; BEN KALLOS, STEPHEN T. LEVIN, ALAN N. MAISEL, KEITH POWERS, KALMAN YEGER, DARMA V. DIAZ; Committee on Governmental Operations, November 22, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Louis.*

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

Report for Int. No. 1784-A

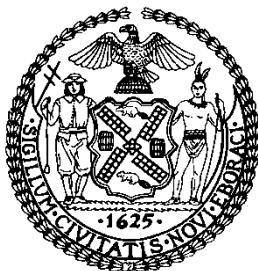
Report of the Committee on Governmental Operations in favor of adopting and approving, as amended, a Local Law to amend the New York city charter, in relation to establishing an office of not-for-profit organization services.

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on October 30, 2019, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Governmental Operations for Int. No. 167-B printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1784-A:



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

PROPOSED INT. NO. 1784-A

COMMITTEE: Governmental Operations

TITLE: A Local Law to amend the New York city charter, in relation to establishing an office of not-for-profit organization services.

SPONSORS: Council Members Louis, Kallos, Rosenthal, Brannan, Ampry-Samuel, Ayala, Cornegy, Reynoso, Chin, Vallone, Lander, and the Public Advocate (Mr. Williams).

SUMMARY OF LEGISLATION: This bill would require the Mayor to establish an Office of Not-for-Profit Services to assist and be a resource to not-for-profit organizations in New York City.

EFFECTIVE DATE: This local law would take effect 90 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the requirements of the bill would be carried out by the existing Nonprofit Resiliency Committee (NRC), and would thus use existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Sebastian Palacio Bacchi, Senior Financial Analyst

ESTIMATE REVIEWED BY: Nathaniel Toth, Deputy Director
John Russell, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1784 on October 31, 2019 and was referred to the Committee on Governmental Operations (Committee). A hearing on the legislation was held by the Committee jointly with the Committee on Finance on November 19, 2019, and the legislation was laid over. The legislation was subsequently amended, and the amended legislation, Proposed Int. No. 1784-A, will be considered by the Committee on November 22, 2021. Upon a successful vote by the Committee, Proposed Int. No. 1784-A will be submitted to the full council for a vote on November 23, 2021.

DATE PREPARED: November 15, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1784-A:)

Int. No. 1784-A

By Council Members Louis, Kallos, Rosenthal, Brannan, Ampry-Samuel, Ayala, Cornegy, Reynoso, Chin, Vallone, Lander, Riley and the Public Advocate (Mr. Williams).

A Local Law to amend the New York city charter, in relation to establishing an office of not-for-profit organization services

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-m to read as follows:

§ 20-m. *Office of not-for-profit organization services. a. Definition. As used in this section, the term "executive director" means the executive director of the office of not-for-profit organization services.*

b. The mayor shall establish an office of not-for-profit organization services. Such office may 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 an executive director who shall be appointed by the mayor or the head of such department. Subject to appropriation, such office shall also include such other employees as may be appointed or designated to assist in the performance of the duties of the office.

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

1. Serve as a liaison to not-for-profit organizations in relation to city policies, procedures, regulations, contracting and funding opportunities, programs and benefits affecting the not-for-profit sector and, in such capacity, shall:

(a) Conduct outreach to not-for-profit organizations to provide information and assistance to such organizations in relation to existing city policies, procedures, regulations, contracting and funding opportunities, and programs and benefits, including but not limited to maintaining a central website containing information and assistance that can be accessed by not-for-profit organizations;

(b) Work with agencies to refer not-for-profit organizations to city services that assist such organizations in obtaining relevant exemptions, waivers, permits, registrations or approvals from agencies; and

(c) Make referrals to relevant state agencies and other organizations that provide information and assistance to individuals or groups who are seeking to incorporate or register as not-for-profit organizations;

2. Advise and assist the mayor, offices established within the executive office of the mayor, including the mayor's office of contract services, and agencies that interface with not-for-profit organizations on simplifying and streamlining interactions between not-for-profit organizations and any such offices and agencies, including such interactions regarding applications, contracts, and regulations;

3. Develop standing advisory committees comprised of representatives from agencies and not-for-profit organizations representing the range of not-for-profit organizations doing business with the city, and the range of services provided, including but not limited to health and human services, cultural, capacity building and technical support, and education, that shall serve as a central source for:

(a) Identifying challenges affecting not-for-profit organizations, including any challenges associated with procurement platforms, or with applications, contracts, and regulations, and supporting efforts to devise solutions to such challenges; and

(b) Encouraging communication, collaboration and consultation between the city and not-for-profit organizations, including the sharing and receiving of information related to not-for-profit organizations including, but not necessarily limited to, ways in which the city could improve its interaction and engagement with not-for-profit organizations;

4. Study conditions affecting the not-for-profit sector in the city and assess its health and economic well-being;

5. Recommend to the mayor policies, programs and projects which promote the well-being of not-for-profit organizations and not-for-profit service delivery in the city; and

6. Perform other duties as the mayor may assign.

d. Within 12 months of the effective date of the local law that added this section, and annually thereafter, the executive director shall prepare and submit a report to the mayor and the speaker of the council that shall include, but not be limited to, the activities of the office of not-for-profit organization services, any recommendations made by the executive director pursuant to this section, and the implementation of any such recommendations.

§ 2. This local law takes effect 90 days after it becomes law.

FERNANDO CABRERA, *Chairperson*; BEN KALLOS, STEPHEN T. LEVIN, ALAN N. MAISEL, KEITH POWERS, KALMAN YEGER, DARMA V. DIAZ; Committee on Governmental Operations, November 22, 2021 (Remote Hearing). *Other Council Member Attending: Council Member Louis.*

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

Report of the Committee on Housing and Buildings

Report for Int. No. 1635-A

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the New York city charter and the New York city building code in relation to the display of artwork on temporary protective structures on construction sites.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on July 23, 2019 (Minutes, page 2471), respectfully

REPORTS:

Introduction

On November 22, 2021, the Committee on Housing and Buildings, chaired by Council Member Robert E. Cornegy, Jr., held a hearing on Int. No. 1635-A, A Local Law to amend the New York city charter and the New York city building code in relation to the display of artwork on temporary protective structures on construction sites; and Int. No. 2312-A, A Local Law to amend the administrative code of the city of New York, in relation to limiting fees associated with vacating a premises. Int. No. 1635-A was first heard on May 4, 2021. More information about that bill, together with materials for that hearing, can be found at <https://on.nyc.gov/3qRrzQ9>. Int. No. 2312-A was first heard on November 9, 2021. More information about that bill, together with materials for that hearing, can be found at <https://on.nyc.gov/30HQif7>.

Background

Int. No. 1635-A, A Local Law to amend the New York city charter and the New York city building code in relation to the display of artwork on temporary protective structures on construction sites

In 2018, the Department of Cultural Affairs (DCLA), in collaboration with the Department of Buildings (DOB), announced the launch of a pilot initiative called “City Canvas,” allowing the installation of artwork on certain temporary protective structures, such as sidewalk sheds, construction fences, and supported scaffolds. The goals of the pilot program were to beautify the City’s landscape, and to highlight the work of cultural organizations and artists. The program enables developers or property owners to partner with a third-party not-for-profit organization to find an artist who would then create art to be displayed on the temporary protective structure at that property. Recently, DCLA extended the two-year pilot program through August 2023.

Intro. No. 1635-A seeks to build on the City Canvas pilot program. Subject to appropriations, the bill would expand the breadth of properties that would be eligible to participate, allow for pre-approved artwork property owners can choose from, and make the program permanent. In addition to allowing property owners to seek out local artists for custom artwork at their sites, this bill would also require DCLA to work with not-for-profit organizations to solicit submissions of artwork that would serve as “template” artwork for display. In this way, property owners could choose from template artwork without having to go through the process of finding an artist to create custom artwork. This bill would also require DCLA to disseminate information about the program to certain public entities and City agencies, for the purpose of soliciting potential works of art from members of the public who receive services from those entities or agencies. This bill requires all properties with a temporary protective structure to participate. However, property owners who wish to opt out of participation in the program would be able to do so when applying for a permit for the temporary protective structure, with the exception of the first 100 capitably funded or City-owned properties in each two-year period. Technical edits were also made.

This legislation would take effect on September 1, 2023.

Int. No. 2312-A, A Local Law to amend the administrative code of the city of New York, in relation to limiting fees associated with vacating a premises

As part of the Housing Stability and Tenant Protection Act of 2019 (“HSTPA”), the State enacted provisions limiting the damages associated with vacating a residence before the end of a lease term. Specifically, the HSTPA added Real Property Law §227-e, which imposes a duty on landlords to mitigate damages attributed to lost rent in these circumstances. When a tenant vacates a residence before the end of a lease term, this duty requires the landlord to take “reasonable and customary actions” to rent this residence to a new tenant. When the residence is rented to a new tenant, the previous tenant’s lease ends, and damages associated with vacating the unit in violation of the lease are mitigated.

While this duty to mitigate damages is helpful for limiting damages related to lost rent, it does not address other fees that may be imposed when a tenant vacates a residence in violation of lease terms, such as penalties for breaking a lease. This duty to mitigate does not limit fees that a landlord may seek to collect related to preparing a residence for re-rental.

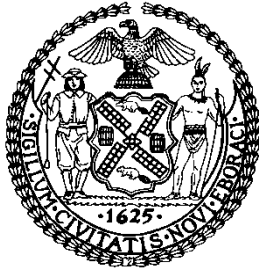
Int. No. 2312-A would limit the fees that a landlord can recover when a tenant vacates a residence prior to the end of the lease term to the fair market costs necessary to prepare the residence for rental. When seeking these costs, the landlord would also be required to provide an itemized list to the tenant that demonstrates the calculation of these costs. Technical edits were also made.

This legislation would take effect 180 days after becoming law, but would only apply to leases entered into on or after this effective date.

Update

On Monday, November 22, 2021, the Committee adopted Int. No. 1635-A and Int. No. 2312-A by a vote of eight in the affirmative, zero in the negative, and zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 1635-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 1635-A
COMMITTEE: Housing and Buildings**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the display of artwork on temporary protective structures on construction sites.

SPONSORS: Council Members Cumbo, Brannan and Kallos.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1635-A would require the Department of Cultural Affairs (DCLA) to establish a program to solicit works of art from the public for display on temporary protective structures at construction sites. DCLA, in consultation with the Department of Buildings (DOB), would be required to biennially approve at least 40 such works of art, as well as 10 received through solicitation by other offices or agencies. Additionally, owners of properties where a temporary protective structure is installed would be required to display artwork, either selected from among the 40 approved works, or selecting a site-specific artwork, on such temporary protective structure. The bill requires that every two years no fewer than 100 project sites owned by the City, or receiving capital funding from the City or an agency, participate in this program and establishes an opt out for certain property owners who elect not to participate in this program.

EFFECTIVE DATE: This local law would take effect September 1, 2023

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2024

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
Revenues	\$0	\$0	\$0
Expenditures	\$1,759,167	\$2,111,000	\$2,111,000
Net	\$1,759,167	\$2,111,000	\$2,111,000

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

IMPACT ON EXPENDITURES: It is estimated that the enactment of this legislation would result in increased City-tax levy expenditures of approximately \$2.1 million annually, beginning in Fiscal 2024. However, in Fiscal 2023, the prorated cost of this legislation would be approximately \$1.8 million. The above estimates include annual Personal Services (PS) costs of \$511,000, including fringe benefits, associated with four headcount positions and Other Than Personal Services (OTPS) costs of \$1.6 million associated with the cost of materials and equipment related to the display of the 50 pieces of art as required by this legislation annually.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

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

ESTIMATE PREPARED BY: John Basile, Senior Financial Analyst

ESTIMATE REVIEWED BY: Chima Obichere, Unit Head
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was first introduced to the Council as Intro. No. 1635 on July 23, 2019 and referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on May 4, 2021 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1635-A, will be considered by the Committee on November 22, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 1635-A will be submitted to the full Council for a vote on November 23, 2021.

DATE PREPARED: November 18, 2021.

(For text of Int. No. 2312-A and its Fiscal Impact Statement, please see the Report of the Committee on Housing and Buildings for Int. No. 2312-A printed in these Minutes; for text of Int. No. 1635-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 1635-A and 2312-A.

(The following is the text of Int. No. 1635-A:)

Int. No. 1635-A

By Council Members Cumbo, Brannan and Kallos.

A Local Law to amend the New York city charter and the New York city building code in relation to the display of artwork on temporary protective structures on construction sites

Be it enacted by the Council as follows:

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

§ 2508. *City canvas program. a. The department shall implement a program to approve, subject to appropriations, from qualified not-for-profit organizations, including borough arts councils, the submission of works of art for display on temporary protective structures. Any such works of art approved pursuant to this section must be consistent with the Zoning Resolution and comply with the rules of the department. The department, in consultation with the department of buildings, shall, to the extent received, biennially approve at least 40 such works of art for such display. The not-for-profit organization that proposed a work of art for display shall secure the prior consent of the owner of the protective structure to display such proposed work.*

b. The department shall annually disseminate information about the program established by this chapter, including language soliciting submissions of works of art for display on temporary protective structures, to city agencies and entities, including the following, which may share such information with members of the public served by such agencies or entities:

- 1. the city university of New York;*
- 2. the commission on human rights;*
- 3. the department for the aging;*
- 4. the department of consumer and worker protection;*
- 5. the department of correction;*
- 6. the department of education;*
- 7. the department of health and mental hygiene;*
- 8. the department of homeless services;*
- 9. the department of veterans' services;*
- 10. the department of youth and community development;*
- 11. the New York city health and hospitals corporation;*
- 12. the New York public library;*
- 13. the Brooklyn public library;*
- 14. the Queens public library; and*
- 15. residents of the New York city housing authority*

From among the works of art received in response to such solicitation, the department, in consultation with the department of buildings, shall biennially approve no less than 10 such works of art for such display purposes.

c. No later than September 1, 2025, and annually thereafter, the commissioner shall post information about works of art approved pursuant to subdivision a, subdivision b, and section 3307.11.2.1 of the New York city building code on the department's website. Such information shall include an artist credit for each work of art, and may also include information about any entity that has agreed to defray the costs of developing and posting such artwork, including a developer, builder or an outside organization. Such website shall also include information about artists available to participate in the program, as well as information for property owners seeking to commission artwork pursuant to section 3307.11.2.1 of the New York city building code.

§ 2. Section 3307 of the New York city building code is amended by adding a new section 3307.11 to read as follows:

3307.11 Artwork on temporary protective structures. To the extent permissible under the zoning resolution, approved artwork or alternative artwork, as selected by the owner of a property at which a temporary protective structure has been installed, shall be displayed on such temporary protective structure as provided in this section.

3307.11.1 Temporary protective structure types. Temporary protective structures covered by this section include (i) sidewalk sheds, (ii) construction fences, and (iii) supported scaffolds when such temporary protective structures have been installed for at least 90 days.

3307.11.2 Approved artwork. For purposes of this section, the term "approved artwork" means a work of art approved by the department of cultural affairs or other agencies as designated by the department of

cultural affairs for display on temporary protective structures pursuant to section 2508 of the New York city charter.

3307.11.2.1 Alternative artwork. The owner of a property where a temporary protective structure has been installed may solicit a work or works of art for display on such temporary protective structures in lieu of approved artwork. Such owner shall notify, at a minimum, the council member in whose district such property is located and the community board of the community district in which such property is located, of a request for a work of art to be displayed on temporary protective structures at such property. Such owner may additionally notify community-based organizations based in the community district in which such property is located and any school, as such term is defined in subdivision g of section 522 of the New York city charter, located in the community district in which such property is located, of a request for works of art to be displayed on temporary protective structures at such property. Notifications made pursuant to this section must be made timely in accordance with a schedule established by rules of the department. Prior to installation of such work of art, such owner must obtain the approval for such work of art from the department of cultural affairs.

3307.11.3 Illumination prohibited. Approved artwork or alternative artwork installed pursuant to this section shall not be illuminated.

3307.11.4 Required signs to be unobstructed. Approved artwork or alternative artwork installed pursuant to this section shall not obscure any sign required to be posted pursuant to Section 3301.9.

3307.11.5 Materials. Approved artwork or alternative artwork installed pursuant to this section shall be printed on completely flat surfaces and shall not include any illumination, electronic signage, protrusions or projections. Approved artwork or alternative artwork shall be printed on materials that are durable, flame retardant, able to withstand all weather conditions and designed to meet loads on temporary installations, including but not limited to wind, as prescribed in Chapter 16. All hardware and connection materials shall also be durable, flame retardant, able to withstand all weather conditions, and designed to meet loads on temporary installations, including but not limited to wind, as prescribed in Chapter 16. The department may promulgate rules concerning materials used for the installation of approved artwork or alternative artwork.

3307.11.5.1 Sidewalk sheds. Approved artwork or alternative artwork displayed on a sidewalk shed shall be printed on lightweight, solid material that can be installed on the outer sides and ends of sheds either by stretching such material over the shed and fastening to the back or by affixing such material to self-adhesive panels that adhere directly to the shed. Approved artwork or alternative artwork shall not extend above or below the shed parapet.

3307.11.5.2 Construction fences. Approved artwork or alternative artwork displayed on construction fences shall be printed on lightweight, solid material that can be installed on the outside of the construction fence either by stretching such material over the fence and fastening to the back or by affixing vinyl material to self-adhesive panels that adhere directly to the fence. Approved artwork or alternative artwork shall not extend beyond the top of the fence.

3307.11.7.3. Supported scaffolds. Approved artwork or alternative artwork displayed on supportive scaffolds shall be printed directly onto debris netting meeting the requirements of Section 3314.8.2.

3307.11.6 Artist credit and sponsorship message. A temporary protective structure displaying approved artwork or alternative artwork pursuant to this section shall display a barcode that can be read by a smartphone, or successor technology, and directs the user to the website of the department of cultural affairs containing information posted on such website pursuant to subdivision c of Section 2508 of the New York city charter.

3307.11.7 Opt out. The department shall include in its process for an initial application for a permit for a new sidewalk shed, construction fence or supported scaffold or for an amendment to an existing sidewalk shed, construction fence or supported scaffold permit an option for the owner of the property for which such permit is filed to opt out of participation in the program established by this Section and section 2508 of the New York city charter. If a property owner fails to affirmatively opt out, the requirements of this Section and section 2508 of the New York city charter shall apply. Opting out pursuant to this Section shall not be grounds for denial or delay of issuance of a permit for a sidewalk shed, construction fence or supported scaffold or for any other permit issued by the department. The department shall by rule allow the owner of such property to opt out of such program at a later time.

3307.11.7.1 Exception. An owner of a property for which a sidewalk shed, construction fence or supported scaffold permit has been filed may not opt out if the project site is owned by the city of New York or receives capital funding from the city of New York or an agency, provided that this exception shall not apply if approved artwork has been approved for display at 100 or more such sites within a two-year period. For the purposes of this section, the term “agency” has the same meaning as such term is defined in Section 1-112 of the *Administrative Code*.

3307.11.8 City capital projects. Project sites owned by the city of New York or receiving capital funding from the city of New York or an agency shall participate in the city canvas program, subject to appropriate, provided that not less than 100 such sites within a two-year period participate in such program. For the purposes of this section, the term “agency” has the same meaning as such term is defined in Section 1-112 of the *Administrative Code*.

3307.11.9 Installation and de-installation. Approved artwork or alternative artwork displayed on a temporary protective structure pursuant to this section shall be installed in conformity with rules promulgated by the department in consultation with the department of cultural affairs, and must be de-installed within one year of installation. An owner who has participated in this program and has de-installed artwork pursuant to this section shall be deemed to have satisfied the requirements of Section 3307.11, except that such participant may choose to participate in such program again following such de-installation, in conformity with rules promulgated by the department in consultation with the department of cultural affairs.

§ 3. This local law takes effect on September 1, 2023.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, MARK GJONAJ, CARLINA RIVERA, FARAH N. LOUIS; Committee on Housing and Buildings, November 22, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Yeger, Cumbo and Van Bramer.*

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

Report for Int. No. 2312-A

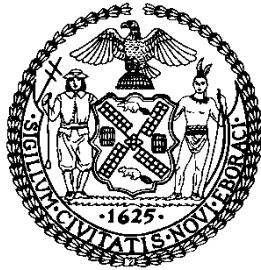
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to limiting fees associated with vacating a premises.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on May 12, 2021 (Minutes, page 1427), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 1635-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 2312-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 2312-A
COMMITTEE: Housing and Buildings**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to limiting fees associated with vacating a premises. **SPONSORS:** Council Members Riley, Powers, Treyger and Rosenthal.

SUMMARY OF LEGISLATION: Proposed Intro. No. 2312-A would limit the fees recoverable by a landlord, when a tenant vacates a residential dwelling unit in violation of the terms of the lease, to the fair market cost necessary to prepare the residential dwelling unit for rental. The landlord would also be required to provide an itemized list to the tenant demonstrating how such fair market cost was calculated. This bill would be subject to the mitigation provisions already provided in State law, pursuant to section 227-e of the Real Property Law.

EFFECTIVE DATE: This local law would take effect 180 days after becoming law, but would apply only to leases entered into on or after such date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

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

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: John Basile, Senior Financial Analyst

ESTIMATE REVIEWED BY: Chima Obichere, Unit Head
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was first introduced to the Council as Intro. No. 2312 on May 12, 2021 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on November 9, 2021 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2312-A, will be considered by the Committee on November 22, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 2312-A will be submitted to the full Council for a vote on November 23, 2021.

DATE PREPARED: November 18, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 2312-A:)

Int. No. 2312-A

By Council Members Riley, Powers, Treyger and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to limiting fees associated with vacating a premises

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 33 to read as follows:

**CHAPTER 33
FEES ASSOCIATED WITH VACATING A PREMISES**

§ 26-3301 *Definitions.* As used in this chapter, the term “duty to mitigate damages” means the duty of a landlord to mitigate damages pursuant to section 227-e of the real property law.

§ 26-3302 *Limitation of fees.* Where a landlord has a duty to mitigate damages, such landlord may not recover from a tenant any amount in excess of the fair market cost necessary to prepare the physical conditions of the premises for rental. In seeking such amount from a tenant, such landlord must provide an itemized list to such tenant demonstrating the calculation of such amount.

§ 2. This local law shall take effect 180 days after becoming law, provided that it shall apply only to leases entered into on or after such date.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, MARK GJONAJ, CARLINA RIVERA, FARAH N. LOUIS; Committee on Housing and Buildings, November 22, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Yeger, Cumbo and Van Bramer.*

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

Report of the Committee on Land Use

Report for Int. No. 1487-A

Report of the Committee on Land Use in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to studying population and housing changes in areas that have been the subject of neighborhood rezonings.

The Committee on Land Use, to which the annexed proposed amended local law was referred on March 28, 2019 (Minutes, page 1219), respectfully

REPORTS:

I. INTRODUCTION

On May 7, 2019, the Committee on Land Use, jointly with its Subcommittee on Zoning & Franchises, heard Int. No. 1487 by Council Member Moya, A Local Law to amend the New York city charter, in relation to studying the incidence of secondary displacement resulting from neighborhood rezonings.

Representatives of the Mayor's Office of Environmental Coordination (MOEC), the City Planning Commission (CPC), the Department of City Planning (DCP), the Department of Education (DOE), the School Construction Authority (SCA), the Department of Transportation (DOT), and the Department of Housing Preservation and Development (HPD), as well as advocates, experts, and stakeholders were invited to testify.

Based on testimony given at that hearing and negotiations with the Administration, the bill was subsequently amended as Proposed Int. No. 1487-A, A Local Law to amend the New York city charter, in relation to studying population and housing changes in areas that have been the subject of neighborhood rezonings.

On November 22, 2021, the Committee on Land Use voted to approve proposed bill, as amended, by a vote of 16 in the affirmative, zero in the negative, with zero abstentions.

II. SUMMARY OF LEGISLATION

INT. NO. 1487, A LOCAL LAW TO AMEND THE NEW YORK CITY CHARTER, IN RELATION TO STUDYING THE INCIDENCE OF SECONDARY DISPLACEMENT RESULTING FROM NEIGHBORHOOD REZONINGS

Consistent with the State Environmental Quality Review Act (SEQRA), all land use applications that are subject to the Uniform Land Use Review Process (ULURP) and all applications for changes to the Zoning Resolution must be analyzed in accordance with City Environmental Quality Review (CEQR) procedures to determine whether an environmental impact statement (EIS) must be prepared in connection with the proposed action.¹ If a determination is made that a proposed action is likely to have significant impacts on the environment, the lead agency must prepare, or cause to be prepared, an Environmental Impact Statement (EIS).² SEQRA further requires that when a local agency decides to approve an action which has been the subject of an EIS, such agency shall make an explicit finding that to the maximum extent practicable, adverse environmental

¹ See ECL § 8-0109(8) (providing that All agencies (or applicant as hereinafter provided) shall prepare, or cause to be prepared by contract or otherwise an environmental impact statement on any action they propose or approve which may have a significant effect on the environment); *see also*, New York City, N.Y., Rules, Tit. 62, § 2-02(a)(5), setting forth the requirements for certifying the completeness of a ULURP application, including that “[a] determination has been made whether the action is subject to City or State Environmental Quality Review, and if so subject, the lead agency has issued either... a Negative or Conditional Negative Declaration; or a Notice of Acceptance of a Draft Environmental Impact Statement.”; *see also* New York City, N.Y., Rules, Tit. 62, § 2-01.1, providing that applications for amendments to the Zoning Resolution are subject to requirements of § 2-02(c), which provides that such applications are subject to the environmental review requirements of § 2-02(a); *see also* New York City, N.Y., Rules, Tit. 62, § 5-02 (defining the term “determination of significance” to mean “a negative declaration, conditional negative declaration, or a notice of determination (positive declaration)”).

²6 NYCRR 617.2 (proving that the lead agency determines whether an EIS is required); *see also*, New York City, N.Y., Rules, Tit. 62, § 6-07(3) (providing that if it is determined that an action is not exempt and that it may have a significant impact on the environment, the lead agency shall issue a notice of determination including a request that the applicant prepare an EIS); *see also* New York City, N.Y., Rules, Tit. 62, § 6-08 (establishing who is responsible for preparing an EIS).

effects revealed in the EIS process will be minimized or avoided.³ As a consequence, an EIS that fails to accurately project adverse environmental impacts may not trigger mandatory mitigation measures to address likely impacts. However, even if an EIS does trigger such mitigation measures, the implementation of such measures could be years after the final approval of the application and after the elected officials who approved the actions have left office, presenting challenges to enforcement of such mitigation measures over time.

The CEQR Technical Manual (CEQR TM) provides that one study area that should be considered as part of environmental review is secondary residential displacement. The CEQR TM defines secondary (or indirect) displacement as the involuntary displacement of residents, businesses, or employees that results from a change in socioeconomic conditions created by a change in land use.⁴ According to the CEQR TM, “A socioeconomic assessment should be conducted if a project may be reasonably expected to create socioeconomic changes, such as rising rents, within the area affected by the project that would not be expected to occur without the project.”⁵

The objective of the secondary residential displacement analysis is to determine whether the proposed project may introduce a trend or accelerate a trend of changing socioeconomic conditions that may potentially displace a population of renters living in units not protected by rent stabilization, rent control, or other government regulations restricting rents.⁶ If the displacement analysis concludes that the change in land use will introduce or accelerate such a trend, the CEQR TM requires a detailed assessment to determine whether the population living within the unprotected units may be at risk of secondary displacement under the proposed project because that population’s incomes are too low to afford increases in rents.⁷ The CEQR TM states that generally, if the detailed assessment identifies a vulnerable population potentially subject to secondary displacement that exceeds five percent of the study area population – or relevant sub-areas, if the vulnerable population is located within the subarea identified – the project may substantially affect the socioeconomic character of the study area, and a potential significant adverse impact may occur.⁸ If the detailed assessment identifies such a vulnerable population, mitigation measures should also be identified.⁹

Introduction No. 1487 by Council Member Moya would have sought to retrospectively determine whether the potential for secondary residential displacement identified in connection with each neighborhood rezoning was accurate and properly mitigated. The bill would have added a new Section 1807 to the New York Charter to require HPD to conduct a study of secondary displacement resulting from any neighborhood rezoning approved by the CPC on or after January 1, 2015. The bill would have defined “neighborhood rezoning” as either a land use action subject to ULURP or an amendment to the Zoning Resolution approved by the CPC on which the city or a non-profit controlled by mayoral appointees is the applicant and that involves at least four adjacent blocks of real property. The study would have been required to cover a period from the approval of the action to five years after such date. The bill also would have required HPD to make recommendations for changing the methodology of the CEQR TM to better project secondary displacement whenever the results of a study revealed a disparity of more than five percent between the secondary displacement identified in the study and the potential secondary displacement projected in the EIS for the neighborhood rezoning.

PROPOSED INT. NO. 1487-A, A LOCAL LAW TO AMEND THE NEW YORK CITY CHARTER, IN RELATION TO STUDYING POPULATION AND HOUSING CHANGES IN AREAS THAT HAVE BEEN THE SUBJECT OF NEIGHBORHOOD REZONINGS

Subsequent to the May 7, 2019, hearing on Int. No. 1487, the bill was amended as Proposed Introduction No. 1487-A, A Local Law to amend the New York city charter, in relation to studying population and housing changes in areas that have been the subject of neighborhood rezonings.

As amended, Proposed Introduction No. 1487-A would require that for each covered project approved by the Council on or after January 1, 2009, the Department of City Planning conduct a study of changes in population and housing that have occurred since the effective date of such covered project.

³ ECL § 8-0109(8).

⁴ CEQR Technical Manual 5-01.

⁵ CEQR Technical Manual 5-2.

⁶ Id at 5-13

⁷ Id. at 5-13

⁸ Id. at 5-21.

⁹ Id. 5-23

A covered project would be defined as a project that includes one or more related land use applications for which the City or a not-for-profit corporation of which a majority of its members are appointed by the mayor is either the applicant or a co-applicant, for designations of zoning districts including changes from one use to another, special permits within the jurisdiction of the CPC under the Zoning Resolution, housing and urban renewal plans and projects pursuant to city, state, and federal housing law, or the disposition of real property of the City, other than the lease of office space, that changes the floor area or density for housing permitted as-of-right on at least four adjacent blocks of real property affected by the application.

The bill would require that each study include an analysis of changes in population and housing that have occurred from the effective date of the covered project to a date ten years later. The bill would also require that such studies analyze the changes within the project area and within a surrounding “context area” within a half-mile distance from the boundaries of the project area, or a context area that the Department of City Planning determines to be appropriate. At minimum, the specific changes that would be analyzed would include changes to population and demographics, housing prices and rents, household incomes and household incomes measured relative to the poverty level, the number of housing units attributed to new building construction, alteration, or demolition, and the number of affordable housing units created, based on criteria selected or developed by DCP.

The bill would require that DCP produce a report documenting the results of each study and that such report include relevant indicators of statistical significance and reliability and supporting explanation and context as necessary to describe the characteristics of the study area and changes over time. DCP would be required to transmit each such report to the mayor and the speaker of the Council, and to publish each report on the department’s website. The deadline for transmitting and publishing such reports would be the end of the calendar year beginning 14 years after the effective date of a covered project.

The bill would take effect immediately and apply to any covered project approved by the City Council on or after January 1, 2009.

III. ANALYSIS OF LEGISLATION

PROPOSED INT. NO. 1487-A

Bill section one would amend Chapter 1 of title 25 of the Administrative Code by adding a new section 25-119 containing the provisions described herein.

Subdivision a of new section 25-119 would provide that for the purposes of such new section, the following terms would have the following meanings.

The term “block” would have the same meaning given to that term in section 12-10 of the Zoning Resolution.

The term “department” would mean the Department of City Planning.

The term “covered project” would mean a project that includes one or more related land use applications, for which the city or a not-for-profit corporation of which a majority of its members are appointed by the mayor is either the applicant or a co-applicant, that:

1. The City Planning Commission has approved or approved with modifications for a matter described in paragraphs 3, 4, 8, or 10 of subdivision a of section 197-c;
2. The Commission decision for which has been approved or approved with modifications by the council pursuant to section 197-d of the charter and is not subject to further action pursuant to subdivision e or f of such section; and
3. Changes the floor area or density for housing permitted on an as-of-right basis on at least four adjacent blocks of real property affected by the application.

Subdivision b of new section 25-119 would provide that for each covered project approved by the City Council on or after January 1, 2009, the department shall conduct a study of changes in population and housing that have occurred since the effective date of such covered project. The Bill would require that such study include, but not be limited to, an analysis of changes in the following characteristics in the project area and in a surrounding context area within a half-mile distance from the boundaries of the project area or a context area otherwise determined to be appropriate by the department, from the effective date of such covered project to a date ten years after such date:

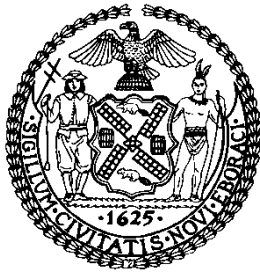
1. Population and demographics;

2. Housing prices and rents;
3. Household income and household income as measured against the poverty level;
4. The number of housing units attributed to new building construction, alteration or demolition; and
5. The number of affordable housing units created, based on criteria selected or developed by the department.

Subdivision c of new section 25-119 would provide that by the end of the calendar year beginning 14 years after the effective date of a covered project, the Department of City Planning would be required to transmit to the mayor and the speaker of the council and publish on its website a report documenting the results of the study described in subdivision b of such section. The bill would further provide that such report shall include relevant indicators of statistical significance and reliability and supporting explanation and context as necessary to describe the characteristics and changes over time.

Section 2 of the bill would provide that this local law takes effect immediately, and applies to any covered project, as defined in section 25-119 of the Administrative Code, as added by section one of this law, approved by the New York city council on or after January 1, 2009.

(The following is the text of the Fiscal Impact Statement for Int. No. 1487-A:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 1487-A
COMMITTEE: Land Use

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to studying population and housing changes in areas that have been the subject of neighborhood rezonings.

SPONSORS: Council Members Moya, Gjonaj, Chin, Salamanca, Kallos, Reynoso, Powers, Adams, Rosenthal, Ayala, Cumbo, Rose, Cornegy, Grodenchik, Barron, Gibson, Miller, Rivera, Levin, Koo, Louis, Riley, Ampry-Samuel, Menchaca and D. Diaz.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1487-A would require the Department of City Planning (DCP) to conduct a study in connection with each covered land use project approved by the City Council on or after January 1, 2009, to identify changes in population and housing that have occurred since the effective date of such covered project. By the end of the fourteenth year after the effective date of a covered project, DCP would be required to transmit a report to the Mayor and the Council documenting the results of each such study and providing statistically-based context to describe any changes that have occurred.

Covered projects would be projects for which the City or a non-profit corporation of which a majority of its members are appointed by the Mayor is the applicant or co-applicant, that include one or more related applications for a change to the zoning map, a special permit within the jurisdiction of the City Planning Commission, housing and urban renewal plans pursuant to state and federal law, or the disposition of City-owned property, that changes the maximum residential floor area or density that can be built as of-right on four adjacent blocks of real property.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because DCP will use existing resources to comply with this law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: John Basile, Senior Financial Analyst

ESTIMATE REVIEWED BY: Chima Obichere, Unit Head
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was first introduced to the Council as Intro. No. 1487 on March 28, 2019 and referred to the Committee on Land Use (Committee). A joint hearing was held by the Committee, jointly with the Subcommittee on Zonings and Franchises, on May 7, 2019 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1487-A, will be considered by the Committee on November 22, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 1487-A will be submitted to the full Council for a vote on November 23, 2021.

DATE PREPARED: November 18, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1487-A:)

Int. No. 1487-A

By Council Members Moya, Gjonaj, Chin, Salamanca, Kallos, Reynoso, Powers, Adams, Rosenthal, Ayala, Cumbo, Rose, Cornegy, Grodenchik, Barron, Gibson, Miller, Rivera, Levin, Koo, Louis, Riley, Ampry-Samuel, Menchaca, D. Diaz, Brooks-Powers and Yeger.

A Local Law to amend the New York city charter, in relation to studying population and housing changes in areas that have been the subject of neighborhood rezonings

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-119 to read as follows:

§ 25-119 Population and housing analysis. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Block. The term "block" has the meaning given to that term in section 12-10 of the zoning resolution.

Department. The term “department” means the department of city planning.

Covered project. The term “covered project” means a project that includes one or more related land use applications, for which the city or a not-for-profit corporation of which a majority of its members are appointed by the mayor is either the applicant or a co-applicant, that:

1. The city planning commission has approved or approved with modifications for a matter described in paragraphs 3, 4, 8, or 10 of subdivision a of section 197-c;

2. The commission decision for which has been approved or approved with modifications by the council pursuant to section 197-d of the charter and is not subject to further action pursuant to subdivision e or f of such section; and

3. Changes the floor area or density for housing permitted on an as-of-right basis on at least four adjacent blocks of real property affected by the application.

b. For each covered project approved by the city council on or after January 1, 2009, the department shall conduct a study of changes in population and housing that have occurred since the effective date of such covered project. Such study shall include, but not be limited to, an analysis of changes in the following characteristics in the project area and in a surrounding context area within a half-mile distance from the boundaries of the project area or a context area otherwise determined to be appropriate by the department, from the effective date of such covered project to a date ten years after such date:

1. Population and demographics;

2. Housing prices and rents;

3. Household income and household income as measured against the poverty level;

4. The number of housing units attributed to new building construction, alteration or demolition; and

5. The number of affordable housing units created, based on criteria selected or developed by the department.

c. By the end of the calendar year beginning 14 years after the effective date of a covered project, the department shall transmit to the mayor and the speaker of the council and publish on its website a report documenting the results of the study described in subdivision b of this section. The report shall include relevant indicators of statistical significance and reliability and supporting explanation and context as necessary to describe the characteristics and changes over time.

§ 2. This local law takes effect immediately, and applies to any covered project, as defined in section 25-119 of the administrative code of the city of New York, as added by section one of this law, approved by the New York city council on or after January 1, 2009.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 22, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rosenthal.*

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. 881

Report of the Committee on Land Use in favor of approving Application No. C 210428 PPM (Las Raices) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter, for the disposition of a city owned property located at 303 East 102nd Street (Block 1674, Lot 104), 338 East 117th Street (Block 1688, Lot 34), 505-507 East 118th Street (Block 1815, Lots 5 and 6), 1761-1763 Park Avenue (Block 1771, Lots 1 and 2), Borough of Manhattan, Council Districts 8 and 9, Community District 11.

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2021 (Minutes, page 2652) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 11

C 210428 PPM

Application submitted by the New York City Department of Housing Preservation and Development (HPD) pursuant to Section 197-c of the New York City Charter, for the disposition of a city owned property located at 303 East 102nd Street (Block 1674, Lot 104), 338 East 117th Street (Block 1688, Lot 34), 505-507 East 118th Street (Block 1815, Lots 5 and 6), 1761-1763 Park Avenue (Block 1771, Lots 1 and 2) for four new buildings containing approximately 81 affordable dwelling units and community facility space.

INTENT

To approve the disposition of city-owned property to facilitate the development of four residential buildings containing approximately Eighty-one (81) affordable rental units , two (2) units for superintendents, and approximately 10,000 square feet of community facility space in the East Harlem neighborhood of Manhattan Community District 11.

PUBLIC HEARING

DATE: October 26, 2021

Witnesses in Favor: Five

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 17, 2021

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

In Favor:

Riley, Koo, Barron, Miller, Treyger.

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: November 22, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

Against:

Abstain:

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

Res. No. 1808

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 on Application No. C 210428 PPM, for the disposition of city-owned property located at 303 East 102nd Street (Block 1674, Lot 104), 338 East 117th Street (Block 1688, Lot 34), 505-507 East 118th Street (Block 1815, Lots 5 and 6), and 1761-1763 Park Avenue (Block 1771, Lots 1 and 2), Borough of Manhattan, Community District 11 (L.U. No. 881).

By Council Members Salamanca and Riley.

WHEREAS, the New York City Department of Housing Preservation and Development (HPD), filed an application, pursuant to Section 197-c of the New York City Charter for the disposition of city-owned property located at 303 East 102nd Street (Block 1674, Lot 104), 338 East 117th Street (Block 1688, Lot 34), 505-507 East 118th Street (Block 1815, Lots 5 and 6), and 1761-1763 Park Avenue (Block 1771, Lots 1 and 2), Borough of Manhattan, Community District 11 (ULURP No. C 210428 PPM) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on October 8, 2021 its decision dated October 6, 2021 (the “Decision”) on the Application;

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

WHEREAS, by letter dated October 6, 2021 and submitted to the Council on October 6, 2021, HPD submitted its requests (the “HPD Requests”) respecting the Application;

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision on October 26, 2021;

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 February 17th, 2021 (CEQR No. 20HPD002M) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 22nd, 2021. As analyzed in the FEIS, the proposed project identified significant adverse shadow impacts on the Jackie Robinson Community Garden and an open space impact, and the identified adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 10 “Mitigation” of the FEIS.

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating mitigation measures that were identified as practicable.

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

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 210428 PPM and incorporated by reference herein, and the record before the Council, the Council approves the Decision for the disposition of the City-owned property located at 303 East 102nd Street (Block 1674, Lot 104), 338 East 117th Street (Block 1688, Lot 34), 505-507 East 118th Street (Block 1815, Lots 5 and 6), and 1761-1763 Park Avenue (Block 1771, Lots 1 and 2).

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 22, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rosenthal.*

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. 897

Report of the Committee on Land Use in favor of approving Application No. C 210398 ZSX (WIN Powers) submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-903 of the Zoning Resolution to modify the requirements of ZR 24-111 (Maximum Floor Area Ratio for Certain Community Facility Uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations, in connection with the development of two community facility buildings, on property located at 346 Powers Avenue (Block 2572, Lot 6) in an R6 District. submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-903 of the Zoning Resolution to modify the requirements of ZR 24-111 (Maximum Floor Area Ratio for Certain Community Facility Uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations, in connection with the development of two community facility buildings, on property located in an R6 District at 346 Powers Avenue (Block 2572, Lot 6), Borough of the Bronx, Community District 1, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 21, 2021 (Minutes, page 2842) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX CB-1 – TWO APPLICATIONS RELATED TO WIN POWERS

C 210398 ZSX (L.U. No. 897)

City Planning Commission decision approving an application submitted by New York City Department of Housing Preservation and Development for a special permit pursuant to Zoning Resolution (ZR) Section 74-903 to modify the requirements of ZR 24-111 (Maximum Floor Area Ratio for Certain Community Facility Uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations, in connection with the development of two community facility buildings, on property located at 346 Powers Avenue (Block 2572, Lot 6) in an R6 District, Community District 1, Borough of the Bronx.

C 210399 HAX (L.U. No. 898)

City Planning Commission decision approving an application submitted by New York City Department of Housing Preservation and Development for a designation of an Urban Development Action Area, project approval, and disposition of City-owned properties to a developer selected by HPD.

INTENT

To approve the application for a special permit pursuant to Zoning Resolution (ZR) Section 74-903 and designation of an Urban Development Action Area, project approval, and disposition of City-owned properties to a developer selected by HPD, which would facilitate the development of two new buildings containing approximately 221 supportive housing units, 95 shelter units, and community facility space in the Mott Haven neighborhood of the Bronx, Community District 1.

PUBLIC HEARING

DATE: October 26, 2021

Witnesses in Favor: Five

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** November 17, 2021

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 897 and 898.

In Favor:

Riley, Koo, Miller, Treyger.

Against:

Barron

Abstain:

None.

COMMITTEE ACTION**DATE:** November 22, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:**Against:****Abstain:**

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

Res. No. 1809

Resolution approving the decision of the City Planning Commission on ULURP No. C 210398 ZSX, for the grant of a special permit (L.U. No. 897).

By Council Members Salamanca and Riley.

WHEREAS, NYC Department of Housing Preservation and Development, 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 74-903 of the Zoning Resolution to modify the requirements of ZR 24-111 (Maximum Floor Area Ratio for Certain Community Facility Uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations, in connection with the development of two community facility buildings, on property located at 346 Powers Avenue (Block 2572, Lot 6) in an R6 District, which in conjunction with the related action would facilitate the development of two new community facility buildings containing approximately 221 supportive housing units of for families with children, 95 shelter units, and community facilitate space at 346 Powers Avenue in the Mott Haven neighborhood of Bronx Community District 1 (ULURP No. C 210398 ZSX) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on October 22, 2021, its decision dated October 20, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application C 210399 HAX (L.U. No. 898), a designation of an Urban Development Action Area, project approval, and disposition of City-owned properties to a developer selected by HPD;

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 74-48 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 October 26, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued April 30, 2021 (CEQR No. 21HPD002X).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210398 ZSX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, subject to the following terms and conditions:

1. The property that is the subject of this application (C 210398 ZSX) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved drawings, prepared by Urban Architectural Initiatives, R.A., P.C., filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-010	Zoning Lot Site Plan	03/29/2021
Z-011	Zoning Analysis	03/29/2021
Z-200	Sections I	03/29/2021
Z-201	Sections II	03/29/2021

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, 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, VANESSA L. GIBSON, I. DANEEK MILLER, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI (Voting in the Negative: INEZ D. BARRON); Committee on Land Use, November 22, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rosenthal.*

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. 898

Report of the Committee on Land Use in favor of approving Application No. C 210399 HAX (WIN Powers) submitted by the NYC 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, 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 346 Powers Avenue (Block 2572, Lot 6), Borough of the Bronx, Community District 1, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 21, 2021 (Minutes, page 2842) 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. 897 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1810

Resolution approving the application submitted by the Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 210399 HAX, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of property located at 346 Powers Avenue (Block 2572, Lot 6), Borough of the Bronx, Community District 1, to a developer selected by HPD (L.U. No. 898; C 210399 HAX).

By Council Members Salamanca and Riley.

WHEREAS, the City Planning Commission filed with the Council on October 22, 2021 its decision dated October 20, 2021 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) regarding city-owned property located at 346 Powers Avenue (Block 2572, Lot 6), (the “Project Area”), approving:

- a) pursuant to Article 16 of the General Municipal Law of New York State the designation of 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 action would facilitate the development of two new buildings containing approximately 221 supportive housing units, 95 shelter units, and community facility space in the Mott Haven neighborhood of the Bronx, Community District 1 (ULURP No. C 210399 HAX) (the "Application");

WHEREAS, the Application is related to application C 210398 ZSX (L.U. No. 897), a special permit pursuant to Zoning Resolution (ZR) Section 74-903;

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

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

WHEREAS, by letter dated October 19, 2021 and submitted to the Council on October 22, 2021, 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 on October 26, 2021;

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 April 30, 2021 (CEQR No. 21HPD002X).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 210399 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 210399 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 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: | SUPPORTIVE HOUSING LOAN PROGRAM/SHELTER | | |
| 2. PROJECT: | WIN-Powers Development | | |
| 3. LOCATION: | | | |
| a. BOROUGH: | Bronx | | |
| b. COMMUNITY DISTRICT: | 1 | | |
| c. COUNCIL DISTRICT: | 8 | | |
| d. DISPOSITION AREA: | <u>BLOCKS</u> | <u>LOTS</u> | <u>ADDRESSES</u> |
| | 2572 | 6 | 346 Powers Avenue |
| 4. BASIS OF DISPOSITION PRICE: | Nominal. Sponsor will pay one dollar 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 or the City's capital subsidy may 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:** Two
7. **APPROXIMATE NUMBER OF UNITS:** 221 rental units (plus super(s) units)
95 transitional family shelter units
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS** For the permanent housing units: 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 80% of the area median income (AMI) on an annual basis.
10. **INCOME TARGETS** For the permanent housing units: Up to 80% of AMI
11. **PROPOSED FACILITIES:** Community Room, Administrative Office, Social Service Offices, Security Desk, Child Care Facility Spaces
12. **PROPOSED CODES/ORDINANCES:** None
13. **ENVIRONMENTAL STATUS:** Negative Declaration
14. **PROPOSED TIME SCHEDULE:** Approximately 40 months from closing to construction completion.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, I. DANEEK MILLER, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI (Voting in the Negative: INEZ D. BARRON); Committee on Land Use, November 22, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rosenthal.*

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. 911

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210406 ZRY (Citywide Hotels Text Amendment) submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to modify Article III, Chapter 2 (Use Regulations), Article IV, Chapter 2 (Use Regulations)

and related Sections, to create a special permit for new hotels, motels, tourist cabins, and boatels in Commercial Districts and in M1 Districts paired with Residence Districts, Citywide.

The Committee on Land Use, to which the annexed Land Use item was referred November 10, 2021 (Minutes, page 3114), respectfully

REPORTS:

SUBJECT

CITYWIDE

N 210406 ZRY

City Planning Commission decision approving an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to modify Article III, Chapter 2 (Use Regulations), Article IV, Chapter 2 (Use Regulations) and related Sections, to create a special permit for new hotels, motels, tourist cabins, and boatels in Commercial Districts and in M1 Districts paired with Residence Districts.

INTENT

To approve the zoning text amendment to create a City Planning Commission (CPC) special permit for new hotels and for enlargements where hotels are permitted as-of-right today in C1 commercial districts (except for C1-1, C1-2, C1-3 or C1-4 districts), as well as C2-4, C4, C5, C6, C8, Mixed Use (MX), and other paired M1/R districts.

PUBLIC HEARING

DATE: October 25, 2021

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 18, 2021

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

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 22, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:**Against:****Abstain:**

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 22, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rosenthal.*

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. 916

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210119 ZMK (506 Third Avenue) submitted by PAB 3rd Avenue Holdings LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d, by changing from an existing M2-1 District to a C4-4A District property bounded by 11th Street, 3rd Avenue, 13th Street, and a line 100 feet northwesterly of 3rd Avenue, Borough of Brooklyn, Community District 6, Council District 39.

The Committee on Land Use, to which the annexed Land Use item was referred on November 10, 2021 (Minutes, page 3116), respectfully

REPORTS:**SUBJECT**

QUEENS CB-8 – TWO APPLICATIONS RELATED TO 506 THIRD AVENUE

C 210119 ZMK (Pre. L.U. No. 916)

City Planning Commission decision approving an application submitted by PAB 3rd Avenue Holdings LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 16d, by changing from an existing M2-1 District to a C4-4A District property bounded by 11th Street, 3rd Avenue, 13th Street, and a line 100 feet northwesterly of 3rd Avenue, as shown on a diagram (for illustrative purposes only) dated May 17, 2021, and subject to the conditions of CEQR Declaration E-617, Borough of Brooklyn, Community District 6.

N 210120 ZRK (Pre. L.U. No. 917)

City Planning Commission decision approving an application submitted by PAB 3rd Avenue Holdings LLC for an amendment of the text of the Zoning Resolution of the City of New York 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 in the Gowanus neighborhood of Brooklyn, Community District 6.

INTENT

To approve the amendment to rezone the project area from an M2-1 zoning district to a C4-4A zoning district and to approve the text amendment to modify Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, which would facilitate the construction of a new five-story commercial building at 506 Third Avenue and commercial enlargements at 530 Third Avenue in the Gowanus neighborhood of Brooklyn, Community District 6.

PUBLIC HEARING

DATE: November 9, 2021

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 18, 2021

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on Pre. L.U. No. 916 and approve with modifications the decision of the City Planning Commission on Pre. L.U. No. 917.

In Favor:

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

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: November 22, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Against:

Abstain:

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 22, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rosenthal.*

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. 917

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 2100120 ZRK (506 Third Avenue) submitted by PAB 3rd Avenue Holdings LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 6, Council District 39.

The Committee on Land Use, to which the annexed Land Use item was referred on November 10, 2021 (Minutes, page 3116), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 916 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 22, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rosenthal.*

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. 920

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210408 ZMM (Starrett-Lehigh + Terminal Warehouse Rezoning) submitted by Terminal Fee Owner LP and RXR SL Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8b changing from an M2-3 District to an M2-4 District and establishing a Special West Chelsea District (WCh), Borough of Manhattan, Community District 4, Council District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on November 10, 2021 (Minutes, page 3117), respectfully

REPORTS:

SUBJECT**MANHATTAN CB-4 – TWO APPLICATIONS RELATED TO STARRETT-LEHIGH
+ TERMINAL WAREHOUSE REZONING****C 210408 ZMM (Pre. L.U. No. 920)**

City Planning Commission decision approving an application submitted by Terminal Fee Owner, LP and RXR SL Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8b:

1. changing from an M2-3 District to an M2-4 District property bounded by West 28th Street, Eleventh Avenue, West 26th Street, and Twelfth Avenue; and
2. establishing a Special West Chelsea District (WCh) bounded by West 28th Street, Eleventh Avenue, West 26th Street, and Twelfth Avenue;

as shown on a diagram (for illustrative purposes only) dated June 21, 2021, and subject to the conditions of CEQR Declaration E-625.

N 210409 ZRM (Pre. L.U. No. 921)

City Planning Commission decision approving an application submitted by RXR SL Owner, LLC and Terminal Fee Owner, LP, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing Subarea K within the Special West Chelsea District (Article IX, Chapter 8), and modifying other related Sections.

INTENT

To approve the amendment to rezone the project area to change an M2-3 zoning district to an M2-4 zoning district and expand the Special West Chelsea District and to approve the text amendment to establish Subarea K within the Special West Chelsea District (Article IX, Chapter 8) of the Zoning Resolution (ZR), and modify other related sections including permitted uses, signage, sidewalk cafes and loading requirements, which would facilitate the long-term adaptive reuse of the existing Starrett-Lehigh building, located at 601 W 26th Street, and the Terminal Warehouse building, located at 261 Eleventh Avenue, in Manhattan, Community District 4.

PUBLIC HEARING

DATE: November 9, 2021

Witnesses in Favor: Six

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** November 18, 2021

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on Pre. L.U. No. 920 and approve with modifications the decision of the City Planning Commission on Pre. L.U. No. 921.

In Favor:

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

Against:

None

Abstain:

None.

COMMITTEE ACTION**DATE:** November 22, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:**Against:****Abstain:**

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 22, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rosenthal.*

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. 921

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210409 ZRM (Starrett-Lehigh + Terminal Warehouse Rezoning) submitted by Terminal Fee Owner LP and RXR SL Owner LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing Subarea K within the Special West Chelsea District (Article IX, Chapter 8), and modifying other related Sections, Borough of Manhattan, Community District 4, Council District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on November 10, 2021 (Minutes, page 3117), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 920 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 22, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rosenthal.*

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

Report for the Committee on Public Safety

Report for Int. No. 1392-A

Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring district attorneys to report on criminal prosecutions.

The Committee on Public Safety, to which the annexed proposed amended local law was referred on February 13, 2019 (Minutes, page 410), respectfully

REPORTS:

I. INTRODUCTION

On November 22, 2021 the Committee on Public Safety, chaired by Council Member Adrienne Adams, will vote on Proposed Int. No. 1392-A, in relation to requiring District Attorneys to report on criminal prosecutions. An earlier version of the bill was heard on February 7, 2019 and testimony was provided by District Attorneys of New York City and various advocates, stakeholders, and members of the public.

II. BACKGROUND

Accountability and transparency are key components of good governance,¹ and a necessary component of these principles is public reporting and data sharing. This practice is essential not just for governmental actors, but for the public. A study by the American Civil Liberties Union found that 85% of voters were “much more likely to support a prosecutor who believes in making a prosecutors’ decisions transparent by sharing data, information and policies with the public.”² Presently, New York City’s District Attorneys are not mandated to conduct any public reporting and very limited data on office functioning is publicly available.

¹ “What is Good Governance?” United Nations Economic and Social Commission for Asia and the Pacific *available at* <https://www.unescap.org/sites/default/files/good-governance.pdf>. The others are being participatory, consensus orientated, responsive, effective and efficient, equitable and inclusive, and following the rule of law

² “New Polling of Voters’ Opinions Towards Prosecutors.” American Civil Liberties Union *available at* <https://www.aclu.org/fact-sheet/new-polling-voters-opinions-towards-prosecutors>

There is a national movement for more transparency from District Attorneys. For example, one of the factors in the American Bar Association’s Prosecutorial Reform Index is for “prosecutors [to] periodically and publicly account for their activities as a whole.”³ In 2017, the San Francisco District Attorney’s Office (SFDA) shared their case management system with a Public Policy professor at University of California, Berkeley, and a professor of Criminology at the University of Pennsylvania reviewed racial and ethnic disparities in case dispositions.⁴ The report, which is prominently displayed on the SFDA’s website found that Black, Asian and Hispanic defendants received worse case outcomes than White defendant.⁵

The Cook County State’s Attorney’s Office (CCSAO), which includes Chicago, has gone even further. Their 2017 report includes case dispositions disaggregated by race and age, as well as dispositions by charge.⁶ CCSAO also created an open data portal with six years of data on felony cases for manipulation and analysis by the public – including 300,000 cases and 45 million data points.⁷ “I am proud to be taking the lead on open data, and hope that many of my fellow prosecutors around the country will join me in this effort to be truly transparent and accountable to our constituents,” State’s Attorney Kimberly Foxx said, adding, “The public deserves nothing less.”⁸

III. ANALYSIS OF PROP. INT. NO. 1392-A

As introduced, this bill required the city’s District Attorney’s offices to report on the basic functionings of their offices. This annual report would include the number of cases prosecuted, cases where they decline to prosecute after being brought arrest charges by the NYPD, the number and types of cases where they ask for bail, and the average length of a case before a disposition. The report also requires the numbers to be disaggregated by offense, and the race, gender and age of the defendant. The reports also require disaggregation by whether the defendant was incarcerated or in a program, which are important in determining the appropriate length of a case. The bill would also require the Mayor’s Office of Criminal Justice to aggregate each of these reports into a single report to allow simple comparisons between the five District Attorney’s offices.

Since introduction this bill has been amended as follows. The definitions of “incarcerated,” and “supervised release,” were amended to increase clarity and ensure consistency with State law. Provisions related to reporting on number of cases prosecuted and convictions obtained were amended to include data disaggregation by police precinct; and provisions relating to reporting on conviction data were amended to be further disaggregated by method through which the conviction was obtained. Provisions related to data reporting on bail recommendations were amended to require disaggregation by race, age, and gender of a defendant, and the amount of bail sought and imposed. Provisions were amended to ensure further reporting on recommendations made for supervised release or release under supervision. Provisions related to reporting of data on sentence imposed were amended to require disaggregation by the defendant’s age, race, and gender and method by which the conviction was obtained. Provisions were added to include reporting on instances where there was a failure to turn over evidence prior to a plea agreement and whether sanctions were imposed; and number of prosecutions that resulted in a trial.

Finally, the bill was further amended to require the first report due in 2024 in order to permit offices sufficient time to upgrade technological and staffing capacities to produce such reports. The bill takes effect upon enactment

³ “Prosecutorial Reform Index: Factors” American Bar Association, Rule of Law Initiative *available at* https://www.americanbar.org/advocacy/rule_of_law/publications/assessments/pri/pri_factors/

⁴ MacDonald, John and Raphael, Steven “An Analysis of Racial and Ethnic Disparities in Case Dispositions and Sentencing Outcomes for Criminal Cases Presented to and Processed by the Office of the San Francisco District Attorney” *available at* https://sfdistrictattorney.org/sites/default/files/MacDonald_Raphael_December42017_FINALREPORT%20%28002%29.pdf

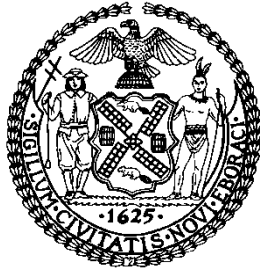
⁵ *Id.*

⁶ Cook County State’s Attorney 2017 Data Report, *available at* https://www.cookcountystatesattorney.org/sites/default/files/files/documents/ccsao_2017_data_report_180220.pdf

⁷ Cook County Government, Open Data, *available at* https://datacatalog.cookcountyil.gov/browse?tags=state%27s%20attorney%20case-level&sortBy=most_accessed

⁸ “State’s Attorney Foxx Announces Unprecedented Open Data Release” Cook County State’s Attorney, *available at* <https://www.cookcountystatesattorney.org/news/states-attorney-foxx-announces-unprecedented-open-data-release>

(The following is the text of the Fiscal Impact Statement for Int. No. 1392-A:)



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

**PROPOSED INT. NO. 1392-A
COMMITTEE: Public Safety**

TITLE: A local law to amend the administrative code of the city of New York, in relation to requiring district attorneys to report on criminal prosecutions.

Sponsors: By The Speaker (Council Member Johnson) and Council Members Levine, Kallos and Rosenthal.

SUMMARY OF LEGISLATION: Proposed Intro 1392-A would require that within 60 days of January 1, 2024, and every year thereafter, the District Attorneys and the Special Narcotics Prosecutor submit to the Council and the Mayor’s Office of Criminal Justice (MOCJ) an annual report of data related to prosecutions at various stages of a criminal case, including the type and severity of charges, bail recommendations, and average time before a disposition, with such information disaggregated by offense, and by the race, gender and age of the defendant. Each prosecutor’s office would be required to provide a written explanation to the Mayor and the Speaker of the City Council within 60 days of the date of the report if it cannot comply with some or all of the legislation’s reporting requirement, including a description of which provisions they are not complying with, why they cannot comply, what steps they are taking to comply, and suggestions for future compliance. The bill also requires that MOCJ submit to the Council and publish on its own website an annual report that compiles prosecutors reported data in a manner that permits comparisons across offices.

EFFECTIVE DATE: This bill would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2025

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Fiscal Impact FY24	Full Fiscal Impact FY25
Revenues (+)	\$0	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$1,578,870	\$1,957,740
Net	\$0	\$0	\$1,578,870	\$1,957,740

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 estimated that this legislation would have an impact on expenditures of approximately \$1.6 million in Fiscal 2024, and \$2.0 million in Fiscal 2025 and the outyears. The estimated \$1.6 million in Fiscal 2024 is for \$600,000 in recurring Other than Personal Services expenses associated with annual upgrades to case management systems and software subscriptions and a pro-rated half year of an annual \$1,357,740 in recurring Personal Services (PS) expenses, or \$900,000 for salaries and \$457,740 for associated fringe benefits for 12 data analysts, which would be two per prosecutor’s office.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: City Council Finance Division
New York District Attorney, Richmond County District Attorney, and
Office of the Special Narcotics Prosecutor

ESTIMATE PREPARED BY: Jack Storey, Financial Analyst

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

LEGISLATIVE HISTORY: The Committee on Public Safety (Committee) jointly with the Committee on Justice System heard this legislation as a Preconsidered Introduction on February 7, 2019, and the legislation was laid over. The legislation was introduced to the Council on February 13, 2019 and referred to the Committee on Justice System. The legislation was re-referred to the Committee on Public Safety on December 3, 2020. The legislation was subsequently amended and the amended legislation, Proposed Int. No. 1392-A, will be considered by the Committee on Public Safety at a hearing on November 22, 2021. Upon a successful vote by the Committee, Proposed Int. No. 1392-A will be submitted to the full Council for a vote on November 23, 2021.

DATE PREPARED: November 19, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1392-A:)

Int. No. 1392-A

By The Speaker (Council Member Johnson) and Council Members Levine, Rosenthal and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to requiring district attorneys to report on criminal prosecutions

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 chapter 4 to read as follows:

**CHAPTER 4
DISTRICT ATTORNEYS**

§ 9-401 Definitions. As used in this chapter, the following terms have the following meanings:

Charge severity. The term “charge severity” means whether a top charge is a felony, misdemeanor, violation, or traffic infraction.

Conviction severity. The term “conviction severity” means whether a charge of conviction is a felony, misdemeanor, violation, or traffic infraction.

Disposition. The term “disposition” means any instance in which a prosecution results in a dismissal, adjournment in contemplation of dismissal, or judgment of conviction.

Incarcerated. The term “incarcerated” means a defendant who is detained by the department of correction, the police department, the administration for children’s services, or the new york state department of corrections and community supervision pursuant to article 510 of the criminal procedure law, but who has not been deemed an incapacitated person under article 730 of the criminal procedure law.

Office. The term “office” means the office of any district attorney in the city of New York.

Program. The term “program” means any pretrial diversion, treatment, alternative to incarceration, or other intervention that a defendant enters into outside the custody of the department of correction.

Prosecute. The term “prosecute” means to file an accusatory instrument.

Supervised release or release under supervision. The term “supervised release” means any instance in which a criminal defendant is released from custody during the pendency of a prosecution under the condition that such defendant maintain contact with an entity or individual that provides monitoring or supervision or otherwise mandatory programming during such release.

Top charge. The term “top charge” refers to the charge that carries the longest potential period of incarceration filed in an accusatory instrument, or, if an accusatory instrument is not filed, the term “top charge” means the charge that carries the longest potential period of incarceration referred for prosecution.

§ 9-402 Reporting.

a. Each office shall submit an annual report to the council and the office of criminal justice, and post such report on such office’s website. Such reports shall be submitted within 60 days of January 1 each year, starting in 2024, and shall include the following information for criminal prosecutions during the previous calendar year:

1. The number of cases prosecuted in total and disaggregated by:

(a) charge severity, and felony charges shall be further disaggregated by whether such charges are for a violent felony;

(b) top charge;

(c) the race, gender, and age of the person prosecuted and

(d) police precinct.

2. The number of cases resulting in a conviction, in total and disaggregated by:

(a) conviction severity; and felony charges shall be further disaggregated by whether such conviction was for a violent felony;

(b) charge or charges of conviction;

(c) the race, gender, and age of the person prosecuted;

(d) method through which the conviction was obtained, in the following categories: plea bargain, trial by judge, or trial by jury; and

(e) police precinct.

3. The number and percentage of cases referred for prosecution for which the office does not prosecute, in total and disaggregated by top charge and charge severity, and also disaggregated by the race, gender, and age of the person that is not prosecuted. The information reported in this paragraph shall not include cases referred for prosecution for which the office does not prosecute because the individual referred for prosecution participated in a program in lieu of prosecution.

4. The number and percentage of cases referred for prosecution for which the office does not prosecute because the individual referred for prosecution participated in a program in lieu of prosecution, in total, and by type of program, and disaggregated by top charge and charge severity, and also disaggregated by the race, gender, and age of the person that is not prosecuted. This information should include the number of cases in which a defendant was recommended to participate in a program in lieu of prosecution but then failed to successfully complete such program.

5. The number of and percentage of prosecutions eligible for bail or remand in which the office requests bail or remand at a criminal court arraignment and the requested amount, and, the number and percentage of such prosecutions in which bail or remand is so imposed and the amount imposed, not including any prosecution in which nominal bail is requested by the defense pursuant to subdivision 5 of section 530.40 of the criminal procedure law or any successor statute, in total and disaggregated by the race, gender, and age of the person prosecuted, and the amount of bail requested by the prosecution and the amount imposed.

6. The number and percentage of prosecutions in which the district attorney office recommended supervised release or release under supervision at a criminal court arraignment, and the number and percentage of such cases in which supervised release or release under supervision is so imposed, in total and disaggregated by whether such prosecutions were eligible for electronic monitoring, bail or remand, and also disaggregated by the race, gender, and age of the person prosecuted.

7. The number and percentage of all prosecutions, prosecutions in which felony complaints are filed, prosecutions disposed in supreme court, and prosecutions in which misdemeanor complaints are filed, that were

disposed in the following categories: dismissal on the motion of the district attorney, dismissal on speedy trial grounds, acquittal at trial, dismissal on other grounds, adjournment in contemplation of dismissal, conviction for a violation, conviction for a traffic infraction, conviction for a misdemeanor, conviction for a felony, and any other outcome in total and disaggregated by:

- (a) whether bail was requested;*
- (b) whether bail or remand was imposed, and for bail in what amount and what forms;*
- (c) whether conviction was secured through a plea bargain;*
- (d) whether the person was incarcerated at the time of disposition;*
- (e) the precinct of arrest; and*
- (f) race, gender, and age of the person prosecuted.*

8. The number and percentage of prosecutions, in total and disaggregated by both charge severity and conviction severity, disposed at the following times: criminal court arraignment, supreme court arraignment, between criminal court arraignment and before pretrial evidentiary hearings, between supreme court arraignment and before pretrial evidentiary hearings, after pretrial evidentiary hearings were commenced and before trial, and after trial.

9. The average time between initial arraignment and disposition, in total and disaggregated by charge severity and conviction severity, and also disaggregated by:

- (a) Charge severity, with felony charges further disaggregated by whether such charges are violent felonies as defined in article 70 of the penal law;*
- (b) Whether the defendant was incarcerated at any time during the pendency of the case, disaggregated by whether such person was released from such incarceration at any point during the pendency of the case; and*
- (c) Whether the defendant participated in a program during such period.*

10. The number of cases in which there was a failure to turn over evidence prior to a plea offer and the number of instances in which sanctions were imposed as a result.

11. Sentences imposed, in total and disaggregated by charge severity, conviction severity, age, race, gender, and method by which conviction was obtained, in the following categories: determinate period of imprisonment, indeterminate period of imprisonment, definite period of imprisonment, conditional discharge, probation, fine, and time served. In any case in which a fine is imposed in addition to another sentence, the report shall include only such other sentence. Sentences of conditional discharges shall be listed in total and disaggregated by type of condition imposed in the following categories: program attendance, community service, or other type of condition.

12. The number of prosecutions that result in trials, disaggregated by bench trials and jury trials, top charge, and race, age and gender.

b. All terms used in this section that are not defined in section 9-401 have the same meanings as they have in the penal law or criminal procedure law, where applicable. All reporting requiring disaggregation by age shall be reported in the following categories: 17 and below; 18-24, 25-29, 30-39, 40-49, 50-59, 60-69, and 70 years old and up. All reporting requiring disaggregation by race shall be reported in the following categories: Asian, Black, Hispanic, Other, and White.

c. Reports required pursuant to subdivision a of this section shall be stored permanently and accessible from each office's website, and shall be provided in a format that permits automated processing.

d. Notwithstanding any inconsistent provision of this section:

1. If any office is unable to comply with some or all of the provisions of this section, such office shall comply with the provisions with which such office is capable of complying. In any such instance of an inability to comply, such office shall provide written notice of such inability to the mayor and speaker of the council within 60 days of the date the reports required pursuant to subdivision a of this section are required to be submitted. Such notice shall contain a description of the provisions with which such office is unable to comply, why such office is unable to comply with each such provision, and what specific efforts are being taken to bring such office into compliance for future reports. Such notice may also contain recommendations for amendment of any provision of this section if such office anticipates that the inability to comply is likely to continue for the report to be submitted in 2025 regarding calendar year 2024, together with specific reasons for such anticipated continued inability.

2. Full compliance with the provisions of subdivisions a, b, and c of this section shall be required for the report to be submitted in 2025 regarding calendar year 2024.

§ 2. Title 9 of the administrative code of the city of New York is amended by adding a new section 9-309 to read as follows:

§ 9-309 *District attorney reporting. No later than 90 days from January 1 of each year, starting in 2024, the office shall provide to the council and publish on its website an annual report on district attorneys. This report shall consist of the information required pursuant to section 9-402 aggregated for all district attorneys, to the extent that such information is provided to the office as enumerated in subdivision d of such section, and published in a manner that permits the comparison of such information for such district attorneys.*

§ 3. This local law takes effect immediately.

ADRIENNE E. ADAMS, *Chairperson*; YDANIS A. RODRIGUEZ, FERNANDO CABRERA, VANESSA L. GIBSON, CARLOS MENCHACA, JUSTIN L. BRANNAN, KEITH POWERS, KEVIN C. RILEY; Committee on Public Safety, November 22, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Yeger and D. Diaz.*

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 Transportation

Report for Int. No. 2253-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law in relation to micro-distribution centers for distributing goods via sustainable modes of transportation.

The Committee on Transportation, to which the annexed proposed amended local law was referred on April 22, 2021 (Minutes, page 876), respectfully

REPORTS:

INTRODUCTION

On November 22, 2021, the Committee on Transportation, chaired by Council Member Ydanis A. Rodriguez, held a hearing to vote on: Int. No. 2253-A, sponsored by Council Speaker Corey Johnson, in relation to micro-distribution centers for distributing goods via sustainable modes of transportation; Int. No. 2277-A, sponsored by Council Member Keith Powers, in relation to truck loading zones; Int. No. 2279-A, sponsored by Council Member Antonio Reynoso, in relation to expanding loading zones; and Int. No. 2422-A, sponsored by Council Member Rodriguez, in relation to parking meters. This was the second hearing that the Committee has had on these legislative items. The first hearing on Int. No. 2253, Int. No. 2277 and Int. No. 2279 was held on May 5, 2021. At that hearing, the Committee heard testimony from the New York City (NYC or the City) Department of Transportation (DOT), the NYC Department of Buildings (DOB), delivery and logistics companies, transportation advocates, business improvement districts and other interested parties. The first hearing on Int. No. 2422 was held on October 26, 2021. At that hearing, the Committee heard testimony from DOT, the New York City Police Department, transit advocates, bike advocates, cyclists and other interested parties.

On November 22, 2021, the Committee passed: Int. No. 2253-A, by a vote of 10 in the affirmative, one in the negative, with zero abstentions; Int. No. 2277-A, by a vote of 11 in the affirmative, zero in the negative, with zero abstentions; Int. No. 2279-A, by a vote of 10 in the affirmative, one in the negative, with zero abstentions; and Int. No. 2422-A, by a vote of 11 in the affirmative, zero in the negative, with zero abstentions.

BACKGROUND

Truck & Freight Trends

Of the 365 million tons of cargo that enter, leave, or pass-through NYC each year, 89 percent is carried by a truck.¹ In 2045, the same proportion is expected to be delivered by truck, but the tonnage is expected to increase by 68 percent to 540 million tons.² According to DOT's 2018 Mobility Study, 41 percent of New Yorkers received a delivery at their home at least a few times per week.³ Before COVID-19, trucks accounted for roughly 13 percent of NYC's transportation emissions, 12 percent of vehicle traffic, and at least 12 percent of pedestrian deaths as the result of traffic crashes. COVID-19 has led to significant growth in e-commerce deliveries over the last year, with the New York Times estimating that over 2.4 million packages are delivered every single day in NYC.⁴ According to an analysis by José Holguín-Veras and Cara Wang, professors at Rensselaer Polytechnic Institute who work on transportation issues, daily grocery deliveries have more than doubled, restaurant and prepared food deliveries have increased by 12 percent and household goods deliveries have jumped by 24 percent since the onset of COVID-19.⁵

City data shows that 80 percent of deliveries are to residential customers, compared with 40 percent before the pandemic.⁶ This higher delivery ratio among residential populations is driven at least in part by the rapid expansion of e-commerce and direct to consumer delivery markets, in which smaller, more frequent deliveries are split across dozens of product-specific companies (e.g. Amazon Prime Now, Amazon Fresh, FreshDirect, Instacart, etc.). According to a McKinsey Report, innovations in business to consumer on-demand urban delivery markets has attracted \$5 billion in venture capital investments since 2014 in response to "latent demand" for instant and same-day deliveries.⁷ Without a place for trucks to go, they have little choice but to block car traffic, bus lanes, or bike lanes.

Commercial Loading Zones

With the increase of e-commerce deliveries as the result of COVID-19, increased demand for rapid and same-day delivery services, and the reallocation of curbside space for bus and bike lanes, as well as the Open Streets and Open Restaurants programs, the likelihood of conflicts along NYC's curbs continues to rise. A 2016 City-commissioned congestion study asserts that traffic congestion is "significantly affected by how curb space is managed," noting that "when there is inadequate space at the curb for trucks and delivery vehicles and those vehicles double park, they can remove a full lane or more from traffic service."⁸

Transportation advocates have been particularly concerned about trucks blocking bus and bicycle lanes while making deliveries.⁹ Additional conflicts are created as the result of delivery companies' practice of sorting and re-ordering packages on the street, in bike lanes, and on sidewalks to plan for more efficient last-mile deliveries (i.e. unloading the truck to place packages in the order in which they will be delivered).

¹ See "FREIGHTNYC: Goods for the Good of the City," p.12, PORTNYC and NYCEDC, available for download at https://edc.nyc/sites/default/files/filemanager/Programs/FreightNYC_book_DIGITAL.pdf

² Report, "Improving the efficiency of truck deliveries in NYC," Department of Transportation, April 2019 (prepared pursuant to local law 189 for the year 2017) available for download at <https://www1.nyc.gov/html/dot/downloads/pdf/truck-deliveries-11189.pdf>

³ See "New York City Mobility Report," NYC Department of Transportation, June 2018, available for download at <http://www.nyc.gov/html/dot/downloads/pdf/mobility-report-2018-screen-optimized.pdf>

⁴ Matthew Haag and Winnie Hu, "As Online Shopping Surged, Amazon Planned Its New York Takeover," The New York Times, March 4, 2021, available at <https://www.nytimes.com/2021/03/04/nyregion/amazon-in-new-york.html>

⁵ *Id.*

⁶ *Id.*

⁷ See "How will same-day and on-demand delivery evolve in urban markets?," McKinsey & Company, July 26, 2017, available at <https://www.mckinsey.com/industries/travel-transport-and-logistics/our-insights/how-will-same-day-and-on-demand-delivery-evolve-in-urban-markets>

⁸ See "For-Hire Vehicle Transportation Study," City of New York, Office of the Mayor, January 2016, available for download at <https://www1.nyc.gov/assets/operations/downloads/pdf/For-Hire-Vehicle-Transportation-Study.pdf>

⁹ Gersh Kuntzman, "Help Wanted: Send Us Your Pictures Of Dangerous Double-Parking By Delivery Trucks," STREETS BLOG NYC, July 27, 2018, available at <https://nyc.streetsblog.org/2018/07/27/help-wanted-send-us-your-pictures-of-dangerous-double-parking-by-delivery-trucks/>

One solution is to create more spaces dedicated for loading and unloading, particularly in dense residential areas with commercial and manufacturing activity. In its 2016 strategic plan, DOT committed to expanding the use of off-hours deliveries and exploring “opportunities for micro freight distribution centers in highly congested commercial areas” using “curb space now dedicated to commercial loading.”¹⁰ It is unclear, however, if DOT has taken any actions to implement that recommendation. Similarly, New York State (NYS) DOT called for “Green Commercial Loading Zones” in a 2014 report produced in partnership with NYSEDA, which proposed the creation of dedicated space for such sorting and re-ordering activities, specifically reserved for companies using more sustainable modes of transportation to deliver goods to their final destination, to encourage the industry’s adoption of smaller electric vehicles, cargo bikes, and the use of hand trucks.¹¹ Likewise, it is unclear if any efforts have been made to implement the NYS DOT proposal. UPS noted that dedicated space for disgorging modular units off of trucks and onto cargo bikes was “the secret of Seattle’s success” in its cargo bike pilot with UPS and is notably missing from DOT’s cargo bike pilot.¹²

In combination with limited loading space, delivery and logistics industry representatives have also raised the 3-hour time restriction imposed on commercial loading zones as a challenge for delivery companies in NYC. A delivery worker may spend well over 3 hours delivering packages to a handful of buildings on the same block given the height and density of NYC’s building stock. The 3-hour time restriction may result in trucks circling the block to find a new parking spot to avoid tickets, increasing vehicle miles travelled, congestion, and emissions. Where additional parking spots are not available, this commonly results in double-parking and idling, raising additional safety and congestion concerns. In conversations with committee staff, the logistics industry has also raised placard parking as a constraint on available commercial loading zones, especially in Manhattan below 60th street. Finally, industry representatives have noted that construction activity can sometimes result in the displacement of existing loading zones where staging or equipment takes up curbside space.

The City’s commercial delivery efforts

In 2010, in conjunction with partners in the federal government, academia, and private industry, DOT completed a pilot program—which later became the Off-Hours Delivery Program¹³—in which businesses were offered financial incentives to receive deliveries during overnight hours instead of during the business day.¹⁴ According to DOT, trucks making deliveries experienced fewer delays, easier parking, and reduced congestion.¹⁵ Further, many of the delivery companies and receiving businesses experienced cost savings, with some businesses using unassisted delivery systems, which allow delivery companies to make deliveries while minimizing the need for the receiving business’s employees to be present by, for example, providing a key to the delivery company to access a designated area of the business to drop off goods.¹⁶

The City’s 2016 congestion study noted that “vehicles circulating in a search for parking and engaged in parking maneuvers can also have a significant impact on congestion.”¹⁷ DOT’s 2016 Strategic Plan also committed to exploring ways to “increase the efficient use of curb space in busy commercial areas with smarter

¹⁰ N.Y.C. Dept. of Transportation, *Strategic Plan 2016*, available for download at <http://www.nycdotplan.nyc/PDF/Strategic-plan-2016.pdf>

¹¹ See “New York City Green Loading Zones Study,” Final Report July 2014, NYSEDA Report 14-22, NYS DOT Task C-13-52, available for download at https://www.dot.ny.gov/divisions/engineering/technical-services/trans-r-and-d-repository/C-13-52%20Final%20Report_7-2014.pdf

¹² Dave Colon and Gersh Kuntzman “ANALYSIS: New City Cargo Bike Delivery Program is Absolutely Perfect, Except...” STREETS BLOG NYC, December 5, 2019, available at <https://nyc.streetsblog.org/2019/12/05/analysis-new-city-cargo-bike-delivery-program-is-absolutely-perfect-except/>

¹³ Report, *Off hour deliveries*, NYC Department of Transportation, 2010, available at <http://www.nyc.gov/html/dot/downloads/pdf/ssi10-offhour.pdf>.

¹⁴ Press Release, N.Y.C. Dept. of Transportation, *NYC DOT Pilot Program Finds Economic Savings, Efficiencies For Truck Deliveries Made During Off-hours*, Jul. 1, 2010, available at http://www.nyc.gov/html/dot/html/pr2010/pr10_028.shtml; N.Y.C. Dept. of Transportation, *Sustainable Streets Index 2010*, available at <http://www.nyc.gov/html/dot/downloads/pdf/ssi10-offhour.pdf>

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ See “For-Hire Vehicle Transportation Study,” City of New York, Office of the Mayor, January 2016, available for download at <https://www1.nyc.gov/assets/operations/downloads/pdf/For-Hire-Vehicle-Transportation-Study.pdf>

curb regulations and innovative pricing strategies.”¹⁸ This includes the ParkSmart program, which employs dynamic parking meter pricing based on demand for parking in selected neighborhoods, with the goal of increasing the number of available metered spaces, thereby reducing the congestion associated with motorists who are cruising for parking.¹⁹ In 2013, the agency also tested parking availability technology in the Arthur Avenue area of the Bronx, which allowed motorists to remotely see available parking spaces, in a similar effort to reduce cruising.²⁰ DOT has also now fully deployed ParkNYC, which allows motorists to pay for parking meters via a smartphone app, phone, or online.²¹ This technology makes it easier to implement various parking management policies, including expanded use of dynamic pricing.

In October of 2017, Mayor de Blasio announced a “Congestion Action Plan.”²² The aim of this five-point plan was “to ease congestion in busy thoroughfares across the five boroughs.”²³

The plan includes five initiatives; in brief, these initiatives are:²⁴

- Clear Intersections: blocking the box
- Clear Curbs: restrictions on parking and loading
- Clear Lanes: restrictions on parking to create new travel lane
- Clear Zones: studying commercial districts outside of Manhattan
- Clear Highways: work to convene task forces for highways outside City’s jurisdiction

Most relevant to the issue of commercial deliveries are the Clear Curbs and Clear Lanes initiatives, launched in the spring of 2018.²⁵ Clear Curbs, a pilot program with locations in Midtown Manhattan, Flatbush Avenue in Brooklyn, and Roosevelt Avenue in Queens, aimed to restrict curbside parking and loading on both sides of the street during morning and evening rush hour, and was coupled with increased enforcement. The idea was that restrictions on curbside access would also reduce travel lane blockages.

Clear Lanes, an initiative focused on Midtown Manhattan, imposed curbside restrictions on one side of the street during daytime hours and permits deliveries on the opposite curb, and is coupled with increased enforcement. The Congestion Action Plan as a whole and the Clear Lanes and Clear Curbs programs in particular faced much public criticism. Many argued that the City rushed the plan and did not anticipate how much disruption would be caused to deliveries.²⁶ DOT ended the Clear Curbs pilot on Roosevelt Avenue early, in August of 2018, after local opposition, particularly from local elected officials and businesses.²⁷ However, transportation advocates were more supportive.²⁸ At the time, DOT stated that it would “adjust” the timing for the Queens pilot,²⁹ but the pilot would remain in place in Manhattan and Brooklyn until its conclusion in late 2018.³⁰

¹⁸ DOT, supra note 17.

¹⁹ N.Y.C Dept. of Transportation, “PARK Smart” webpage, available at <http://www.nyc.gov/html/dot/html/motorist/parksmart.shtml>

²⁰ Press Release, City of New York, *Mayor Bloomberg And Transportation Commissioner Sadik-khan Announce New Pilot Program To Pay Parking Meters Remotely And Launch Real-time Parking Availability Map*, Apr. 9, 2013, available at <http://www1.nyc.gov/office-of-the-mayor/news/129-13/mayor-bloomberg-transportation-commissioner-sadik-khan-new-pilot-program-pay>

²¹ “ParkNYC” webpage, available at <https://parknyc.parkmobile.us/parknyc/>

²² General information on the Congestion Action Plan can be found at <http://www.nyc.gov/html/dot/html/motorist/congestion-plan.shtml>.

²³ *Id.*

²⁴ *Id.*

²⁵ Michael Herzenberg, “City launches ‘clear curb’ program to make more room for traffic during rush hour,” NY1.com, March 19, 2018 available at <https://www.ny1.com/nyc/all-boroughs/news/2018/03/19/city-launches-clear-curb-program-to-make-more-room-for-traffic-during-rush-hour>

²⁶ David Meyer, “City Ignores West Side Request for Loading Zones — Putting Parking Over Safety,” STREETS BLOG NYC, November 27, 2018, available at <https://nyc.streetsblog.org/2018/11/27/city-ignores-west-side-request-for-loading-zones-putting-parking-over-safety/>

²⁷ Danielle Woodward, “Jackson Heights ‘Clear Curbs’ Pilot To End Early, Lawmakers Say,” Patch.com, August 13, 2018, available at <https://patch.com/new-york/jackson-heights-elmhurst/jackson-heights-clear-curbs-pilot-end-early-lawmakers-say>

²⁸ Laura Shepard, “City Abandons ‘Clear Curbs’ Program That Reduced Traffic Congestion And Made Roosevelt Avenue Safer” STREETS BLOG NYC, August 20, 2018, available at <https://nyc.streetsblog.org/2018/08/20/city-abandons-clear-curbs-program-that-reduced-traffic-congestion-and-made-roosevelt-avenue-safer/>

²⁹ *Id.*

³⁰ Press Release, City of New York, *Mayor de Blasio Announces Initiatives To Help Ease Congestion*, October 22, 2017, available at <https://www1.nyc.gov/office-of-the-mayor/news/673-17/mayor-de-blasio-initiatives-help-ease-congestion/#0>

In July 2019, the City rolled out the Neighborhood Loading Zone pilot program in response to the growth of e-commerce deliveries on residential streets and for-hire vehicle trips throughout the City which, according to DOT, “have changed the way New Yorkers use our curbs.”³¹ The Neighborhood Loading Zone program aims to reduce double parking on narrow residential streets by providing space at the curb for activities such as package deliveries by commercial vehicles, taxi and car service pick-up and drop-off, and active loading and unloading of personal vehicles.³² The program provides dedicated curb space for these activities during daytime and evening hours to help reduce double-parking as well as other unwanted standing behaviors, creating a safer and more efficient environment for all road users.³³ The program is specifically designed to reduce conflicts between trucks and cyclists, improve bus travel times, and better serve all of the activities that occur on our City’s streets.³⁴ To date, the program has been implemented at approximately 130 locations, in neighborhoods across all five boroughs.³⁵

The program has faced some pushback, particularly in residential neighborhoods in Brooklyn where some nearby residents have voiced opposition to the removal of free parking for private vehicles, including in neighborhoods in which Community Boards voted to support the program.³⁶ However, DOT has found these loading zones to be extremely effective, cutting down on double-parking by as much as 73 percent on blocks where it is in effect.³⁷ As noted by Streetsblog, cutting down on double-parking not only helps to reduce congestion but also has the potential to save lives: Blocked roadways and bike lanes have contributed to multiple accidents, including in 2018, when cyclist Madison Lyden, who was forced out of the Central Park West bike lane by a parked livery car, was killed by a garbage truck.³⁸

Transportation advocates support the Neighborhood Loading Zone program, but some have noted that while DOT should be applauded, NYC is still far behind the curve on creating sufficient dedicated space for loading and unloading. Transit advocate Doug Gordon remarked to Streetsblog in March 2019 “the fact that a city as big as New York has so few loading zones and is still piloting something that is standard practice all over the world is not something we should ignore. We have a lot of catching up to do just to make our streets function at a very basic, rational level. We’re way behind where we need to be.”³⁹

In December 2019, the City announced a commercial cargo bike program to reduce delivery congestion through the use of cargo bicycles.⁴⁰ The program brought an estimated 100 cargo bikes from major delivery companies to the City’s most crowded streets in midtown and downtown Manhattan.⁴¹ However, the program has faced criticism for its small scope and lack of dedicated space for trucks to unload its modular units onto Cargo Bikes.⁴² According to delivery companies and transportation advocates, a serious constraint to the increased use and proliferation of cargo bikes in the logistics sector remains in the form of New York State’s prohibition of pedal assist e-bikes over 36 inches in width.⁴³

³¹ See “Neighborhood Loading Zones,” N.Y.C. Dept. of Transportation website, available at <https://www1.nyc.gov/html/dot/html/motorist/nlz.shtml>

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ Ben Verde, “Residential Loading Zones Prove Contentious Among Park Slope Motorists,” Brooklyn Paper (January 12, 2021), available at <https://www.brooklynpaper.com/residential-loading-zones-prove-contentious-among-park-slope-motorists/>; <https://nyc.streetsblog.org/2020/03/09/dot-expanding-loading-zones-in-brooklyn-after-car-parker-pushback/>

³⁷ Dan Rivoli, “New Loading Zones Take Away Precious Parking, But Ease Traffic Jams” NY1.com, January 14, 2021, available at <https://www.ny1.com/nyc/all-boroughs/transit/2021/01/15/new-loading-zones-take-away-precious-parking-but-eases-traffic-jams>

³⁸ Eve Kessler, “DOT Expanding Loading Zones in Brooklyn After Car Parker Pushback,” STREETS BLOG NYC, March 9, 2021, available at <https://nyc.streetsblog.org/2020/03/09/dot-expanding-loading-zones-in-brooklyn-after-car-parker-pushback/>

³⁹ *Id.*

⁴⁰ Press Release, City of New York, *Mayor de Blasio Announces Commercial Cargo Bike Program to Reduce Delivery Congestion*, December 4, 2019 available at <https://www1.nyc.gov/office-of-the-mayor/news/594-19/mayor-de-blasio-commercial-cargo-bike-program-reduce-delivery-congestion>

⁴¹ *Id.*

⁴² Dave Colon and Gersh Kuntzman “ANALYSIS: New City Cargo Bike Delivery Program is Absolutely Perfect, Except...” STREETS BLOG NYC, December 5, 2019, available at <https://nyc.streetsblog.org/2019/12/05/analysis-new-city-cargo-bike-delivery-program-is-absolutely-perfect-except/>

⁴³ Gersh Kuntzman “EXCLUSIVE: New State Cargo Bike Law Will Unleash a ‘Fricking Awesome’ New Delivery Mode,” STREETS BLOG NYC, September 25, 2020, available at <https://nyc.streetsblog.org/2020/09/25/exclusive-new-state-cargo-bike-law-will-unleash-a-fricking-awesome-new-delivery-mode/>

DOT Parking Regulations and Metered Parking

DOT is responsible for installing and maintaining on-street meters and meters at municipal parking facilities, around 14,500 of which are currently operated by DOT throughout all five boroughs.⁴⁴ Currently, these meters dispense receipts that are displayed on the dashboard of the parked car after payment, which can be made using credit cards, coins, or a NYC Parking Card.⁴⁵ However, as of December 31, 2018, DOT discontinued selling Parking Cards.⁴⁶ Instead, drivers can now pay for parking using the free ParkNYC app or ParkMobile app, which does not require a receipt to be displayed on the vehicle.⁴⁷

In late 2018, DOT began implementing parking meter rate increases citywide, the first such increases since 2013.⁴⁸ The amount of the increase depends upon location and length of time parking time, with the highest increases coming in high-density areas and commercial districts. Hourly rates for passenger vehicle zones now range from \$1.25—up from \$1.00—to \$7.50—up from \$3.50. For commercial zones, the rates were \$4.00-6.00, and will now be from \$5.00-7.00.

As NYC currently utilizes pay-and-display parking meters which require customers to pay at a meter, take the receipt provided and place it on the parked vehicle, unless payment is through the free apps, some argue a pay-by-plate system at parking meters would add convenience and efficiency. Customers would input vehicle license plate numbers into a meter and not have to place a receipt on their vehicle. The real-time paid/unpaid status of each vehicle would be visible to traffic enforcement agents once checked. Some municipalities, due to the ease and efficiency, have been transitioning their parking meters to a pay-by-plate system, including San Francisco,⁴⁹ Portland,⁵⁰ and Hoboken.⁵¹

ANALYSIS OF INT. NO. 2253-A

Int. No. 2253-A, sponsored by Council Speaker Corey Johnson would require DOT to issue a request for expressions of interest (RFEI) from entities interested in facilitating, operating or using micro-distribution centers and to seek feedback on potential challenges and opportunities. Before December 31, 2022, DOT would also be required to report on the RFEI, and the feedback received, and make recommendations to the Council and the Mayor as to how the City can encourage and facilitate micro-distribution centers. Following the release of the report, DOT would be required to establish a micro-distribution center pilot program.

ANALYSIS OF INT. NO. 2277-A

Int. No. 2277-A, sponsored by Council Member Keith Powers would require that all permits of 180 days or more for a street segment with a truck loading zone carry a stipulation that such zone may not be occupied or obstructed. In the event that permitted work necessitates a loading zone obstruction, DOT may require that the applicant maintain a temporary loading zone, and revoke a permit or refuse to renew a permit for non-compliance. The bill would also amend the Administrative Code to prohibit the use of city-issued parking placards in certain spaces in the central business district of Manhattan, including truck-loading zones. Finally, the bill would also codify new and existing regulations for truck loading zones and commercial parking meter

⁴⁴ NYC, Department of Transportation, *Motorist and Parking: Parking at a Meter*, available at <https://www1.nyc.gov/html/dot/html/motorist/meterpark.shtml>.

⁴⁵ *Id.*

⁴⁶ NYC, Department of Transportation, *Motorists and Parking-NYC Parking Cards*, available at <https://www1.nyc.gov/html/dot/html/motorist/parkingcards.shtml>.

⁴⁷ NYC, Department of Transportation, *Motorist and Parking: Parking at a Meter*, available at <https://www1.nyc.gov/html/dot/html/motorist/meterpark.shtml>.

⁴⁸ Press Release, N.Y.C. Dept. of Transportation, *NYC DOT Begins Rollout of Parking Rate Increases*, August 9, 2018, available at <http://www.nyc.gov/html/dot/html/pr2018/pr18-050.shtml>

⁴⁹ SFMTA, News: *Pay-By-Plate Coming to Parking Meters*, available at <https://www.sfmta.com/blog/pay-plate-coming-parking-meters>.

⁵⁰ Portland, Transportation, Parking Enforcement and Operations: *Pay by Plate FAQs*, available at <https://www.portland.gov/transportation/parking/pay-plate-faqs>.

⁵¹ ABC7, *Hoboken debuts "Pay by Plate" parking system*, available at <https://abc7ny.com/hoboken-new-jersey-pay-by-plate-parking/1251046/>.

areas, including those related to how such spaces are metered or reserved and the lengths of time that they may be occupied, and would allow DOT to authorize cargo bicycles or other sustainable modes to use loading zones and to create reduced rates for zero emission vehicles.

ANALYSIS OF INT. NO. 2279-A

Int. No. 2279-A, sponsored by Council Member Antonio Reynoso, would require DOT to create a public methodology for determining where loading zones are necessary to enhance safety and reduce traffic congestion. DOT would also be required to create at least five loading zones annually in each neighborhood tabulation area that meets the department's methodology, provided that no fewer than 500 total new loading zones are created citywide annually for the first three years following the effective date of the local law. Finally, by January 1, 2023, DOT would also be required to report on its progress toward implementing loading zones, and to publicly post the location of all loading zones citywide.

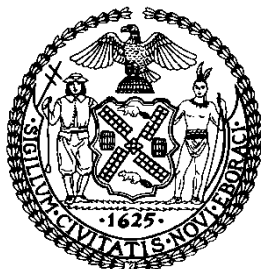
ANALYSIS OF INT. NO. 2422-A

Int. No. 2422-A, sponsored by Council Member Ydanis A. Rodriguez, would authorize the use of pay-by-plate parking meters in addition to pay-and-display parking meters. Pay-by-plate parking meters would require a person to enter the vehicle's license plate to register payment for parking, and would be capable of tracking payment by the vehicle's license plate, rather than by paper receipt. Before DOT makes changes to the parking meter rates or replaces a pay-and-display parking meter with a pay-by-plate parking meter, DOT would provide 30-days written notice to the Council Member and Community Board in whose district such change would occur and post such change on the DOT's website. Additionally, parking time could only be used on the blockface, or street section, for which it was purchased and could not be transferred between blockfaces. Int. No. 2422-A would also consolidate existing sections of the Administrative Code related to parking meters into one section.

UPDATE

On November 22, 2021, the Committee passed: Int. No. 2253-A, by a vote of 10 in the affirmative, one in the negative, with zero abstentions; Int. No. 2277-A, by a vote of 11 in the affirmative, zero in the negative, with zero abstentions; Int. No. 2279-A, by a vote of 10 in the affirmative, one in the negative, with zero abstentions; and Int. No. 2422-A, by a vote of 11 in the affirmative, zero in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 2253-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INT. NO: 2253-A
COMMITTEE: Transportation**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to micro-distribution centers for distributing goods via sustainable modes of transportation.

SPONSORS: The Speaker (Council Member Johnson) and Council Members Powers, Rivera, Menchaca and Kallos.

SUMMARY OF LEGISLATION: Proposed Intro. No. 2253-A would require the Department of Transportation (DOT) to issue a request for expressions of interest (RFEI) from entities interested in facilitating, operating or using micro-distribution centers and to seek feedback on potential challenges and opportunities. Before December 31, 2022, DOT would be required to report on the RFEI, and the feedback received, and make recommendations to the Council and the Mayor as to how the City can encourage and facilitate micro-distribution centers. Following the release of the report, DOT would be required to establish a micro-distribution center pilot program.

EFFECTIVE DATE: This local law would take effect immediately

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$51,100	\$1,024,000	\$1,024,000
Net	\$51,100	\$1,024,000	\$1,024,000

IMPACT ON REVENUES: It is estimated that this legislation would have no impact on revenues.

IMPACT ON EXPENDITURES: It is estimated that the enactment of this legislation would result in increased City-tax levy expenditures of approximately \$51,100 in Fiscal 2022, \$1.02 million in Fiscal 2023, \$769,000 in Fiscal 2024, and \$219,000 in Fiscal 2025. In Fiscal 2022, there is an estimated Personal Service (PS) pro-rated cost of \$51,100 associated with two headcount Planner positions, including fringe benefits, which would expand to \$219,000 in Fiscal 2023 and the outyears. In addition, there is an estimated one-time OTPS costs of \$255,000 in Fiscal 2023 for marketing and consultants and \$550,000 in Fiscal 2023 and Fiscal 2024 for costs associated with the implementation of the required micro-distribution pilot program.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

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

ESTIMATE PREPARED BY: John Basile, Senior Financial Analyst

ESTIMATE REVIEWED BY: Chima Obichere, Unit Head
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was first introduced to the Council as Intro. No. 2253 on April 22, 2021 and referred to the Committee on Transportation (Committee). A hearing was held by the Committee on May 5, 2021 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2253-A, will be considered by the Committee on November 22, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 2253-A will be submitted to the full Council for a vote on November 23, 2021.

DATE PREPARED: November 18, 2021.

(For text of Int. Nos. 2277-A, 2279-A, and 2422-A and their Fiscal Impact Statements, please see the Report of the Committee on Transportation for Int. Nos. 2277-A 2279-A, and 2422-A, respectively, printed in these Minutes; for text of Int. No. 2253-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 2253-A, 2277-A, 2279-A, and 2422-A.

(The following is the text of Int. No. 2253-A:)

Int. No. 2253-A

By The Speaker (Council Member Johnson) and Council Members Powers, Rivera, Menchaca and Kallos.

A Local Law in relation to micro-distribution centers for distributing goods via sustainable modes of transportation

Be it enacted by the Council as follows:

Section 1. Micro-Distribution Centers. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Bicycle. The term “bicycle” has the same meaning as set forth in section 102 of the vehicle and traffic law or any successor provision.

Bicycle with electric assist. The term “bicycle with electric assist” has the same meaning as set forth in section 102-c of the vehicle and traffic law or any successor provision.

Commercial vehicle. The term “commercial vehicle” has the same meaning as set forth in the rules of the department.

Commercial vehicle operator. The term “commercial vehicle operator” means an individual, corporation, partnership, association, municipality, or other legal entity that either on behalf of itself or others, utilizes a commercial vehicle to deliver packages, parcels, papers, or articles of any type.

Department. The term “department” means the department of transportation.

Micro-distribution center. The term “micro-distribution center” means a space or facility designated by the city for the exclusive transfer of goods or delivery of parcels and packages from commercial vehicles to sustainable transportation modes that deliver such parcels and packages to the final point of delivery.

Sustainable modes of transportation. The term “sustainable modes of transportation” means bicycles, bicycles with electric assist, electric scooters, electric vehicles, hand trucks and any other modes designated as sustainable by the department.

b. The department shall release a public solicitation to learn about opportunities and challenges to using micro-distribution centers for deliveries in the city. Such solicitation shall include:

1. a request for expressions of interest from companies willing to facilitate, operate, or utilize a micro-distribution center in the city;
2. feedback from respondents on limiting factors for operating and utilizing a micro-distribution center in the city, including but not limited to land use and zoning restrictions, and city rules and regulations; and
3. feedback from respondents on ways to make a micro-distribution center efficient, sustainable, and economically feasible, and on ways to ensure micro-distribution centers are not unreasonably occupied by any single commercial vehicle operator.

c. No later than December 31, 2022, the department shall post on its website, and submit to the speaker of the council and the mayor, a report that includes, at a minimum, the following information:

1. a summary of the feedback received from the freight industry;
2. the challenges and opportunities to creating micro-distribution centers, including legal and zoning restrictions affecting the implementation of micro-distribution centers;
3. recommendations on how the city can encourage and facilitate micro-distribution centers, and the funding that may be required; and
4. the means and methods the city plans to pursue to encourage micro-distribution centers and other similar delivery consolidation activities.

d. Following the submission of the report required by subdivision c of this section, but no later than July 1, 2023, the department shall establish a pilot program to support the creation, operation or expansion of micro-distribution centers in order to reduce emissions and alleviate vehicle congestion on city streets.

§ 2. This local law takes effect immediately.

YDANIS A. RODRIGUEZ, *Chairperson*; FERNANDO CABRERA, PETER A. KOO, STEPHEN T. LEVIN, DEBORAH L. ROSE, MARK D. LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO, RUBEN DIAZ, Sr., ROBERT HOLDEN, SELVENA N. BROOKS-POWERS; Committee on Transportation, November 22, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Maisel.*

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

Report for Int. No. 2277-A

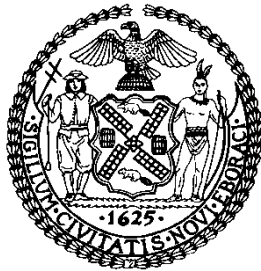
Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to truck loading zones.

The Committee on Transportation, to which the annexed proposed amended local law was referred on April 22, 2021 (Minutes, page 925), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Transportation for Int. No. 2253-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 2277-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 2277-A
COMMITTEE: Transportation**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to truck loading zones. **SPONSORS:** Council Members Powers, Menchaca and Kallos.

SUMMARY OF LEGISLATION: Proposed Intro. No. 2277-A would require that all permits of 180 days or more for a street segment with a truck loading zone carry a stipulation that such zone may not be occupied or obstructed. In the event that permitted work necessitates a loading zone obstruction, the Department of Transportation (DOT) may require that the applicant maintain a temporary loading zone, and revoke a permit or refuse to renew a permit for non-compliance. The bill would also amend the Administrative Code to prohibit the use of city-issued parking placards in certain spaces in the central business district of Manhattan, including truck-loading zones and codify new and existing regulations for truck loading zones and commercial parking meter areas, including those related to how such spaces are metered or reserved and the lengths of time that they may be occupied and would allow DOT to authorize cargo bicycles or other sustainable modes to use loading zones and to create reduced rates for zero emission vehicles.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because DOT would be able to use resources that would separately be allocated to satisfy the requirements of Introduction Number 2279-A, which upon passage would take effect 180 days prior to the effective date of this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: John Basile, Senior Financial Analyst

ESTIMATE REVIEWED BY: Chima Obichere, Unit Head
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was first introduced to the Council as Intro. No. 2277 on April 22, 2021 and referred to the Committee on Transportation (Committee). A hearing was held by the Committee on May 5, 2021 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2277-A, will be considered by the Committee on November 22, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 2277-A will be submitted to the full Council for a vote on November 23, 2021.

DATE PREPARED: November 18, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 2277-A:)

Int. No. 2277-A

By Council Members Powers, Menchaca and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to truck loading zones

Be it enacted by the Council as follows:

Section 1. Title 19 of the administrative code of the city of New York is amended by adding a new section 19-159.5 to read as follows:

§ 19-159.5 Temporary truck loading zones. a. For the purposes of this section, the following terms have the following meanings:

Commercial parking meter area. The term "commercial parking meter area" has the same meaning as set forth in the rules of the department.

Commercial vehicle. The term "commercial vehicle" has the same meaning as set forth in the rules of the

department.

Temporary truck loading zone. The term “temporary truck loading zone” has the same meaning as such term is defined in section 19-170.1.

Truck loading zone. The term “truck loading zone” has the same meaning as such term is defined in section 19-170.1.

b. Any permit of more than 180 days issued by the commissioner authorizing work affecting a street segment or intersection that has a truck loading zone shall include a stipulation requiring that the applicant shall not occupy or otherwise obstruct the use of a truck loading zone in the affected street segment or intersection.

c. In the event that a truck loading zone must be occupied or otherwise obstructed for any permit of more than 180 days, the applicant shall be required to maintain a temporary truck loading zone if, in the judgement of the commissioner:

1. maintaining a temporary loading zone is feasible;
2. the occupation or obstruction of the truck loading zone will result in a significant negative impact on traffic flow; and
3. alternative truck loading zones or other loading space is insufficient to accommodate demand for loading space.

The department shall specify the particular manner in which the temporary truck loading zone for such street segment or intersection should be maintained.

d. In the event a permittee violates any stipulation required by subdivision b or subdivision c of this section, the commissioner may revoke or refuse to renew such permit pursuant to subdivision e of section 19-103 or take any other action authorized by law.

§ 2. Paragraph 2 of subdivision f of section 19-162.3 of the administrative code of the city of New York, as added by local law number 9 for the year 2020, is amended to read as follows:

2. Parking with a city-issued parking permit shall not be permitted in the following areas, in addition to any areas designated by rule or specified on or programmed into the permit:

- (a) “no standing” areas;
- (b) “no stopping” areas;
- (c) fire hydrants;
- (d) bus stops;
- (e) areas where such parking would constitute double parking;
- (f) driveways;
- (g) bridges and highways; [and]
- (h) carsharing parking spaces;
- (i) truck loading zones as defined in section 19-170.1 within the area south of and including 60th street in the borough of Manhattan;
- (j) no parking anytime areas within the area south of and including 60th street in the borough of Manhattan;
- (k) no parking specific hours within the area south of and including 60th street in the borough of Manhattan;
- (l) no standing specific hours within the area south of and including 60th street in the borough of Manhattan;
- (m) no standing except trucks loading and unloading zones within the area south of and including 60th street in the borough of Manhattan;
- (n) truck loading only zones within the area south of and including 60th street in the borough of Manhattan; and
- (o) no standing except vehicles with consul-c or diplomat-a&d license plates d/s decals only within the area south of and including 60th street in the borough of Manhattan.

§ 3. Subdivision a of section 19-170 of the administrative code of the city of New York, as added by local law number 25 for the year 1988, is amended to read as follows:

a. When parking is not otherwise restricted, no person shall park a commercial vehicle in excess of three hours, *unless otherwise indicated by a posted sign*. For purposes of this section, the term commercial vehicle [shall mean a motor vehicle designed, maintained, or used primarily for the transportation of property] *has the same meaning as set forth in the rules of the department*.

§ 4. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-170.1 to read as follows:

§ 19-170.1 *Truck loading zones and commercial parking meter areas. a. Definitions. For purposes of this*

section, the following terms have the following meanings:

Commercial parking meter area. The term “commercial parking meter area” shall have the same meaning as set forth in the rules of the department.

Commercial vehicle. The term “commercial vehicle” has the same meaning as set forth in the rules of the department.

Parking meter. The term “parking meter” means a device which accepts payment or a credential that authorizes vehicle parking time, including, but not limited to a pay-and-display parking meter or a pay-by-plate parking meter.

1. *Pay and display parking meter.* The term “pay and display parking meter” means an electronic parking meter that dispenses timed receipts that must be displayed on the dashboard of a motor vehicle or in a visible and secure place on a motorcycle.

2. *Pay by plate parking meters.* The term “pay by plate parking meter” means an electronic parking meter that requires entry of license plate information for proper registration of payment.

Service vehicle. The term “service vehicle” shall have the same meaning as set forth in the rules of the department.

Temporary truck loading zone. The term “temporary truck loading zone” means a truck loading zone intended to be used for a set period of time during which construction staging prevents or otherwise affects use of a truck loading zone.

Truck loading zone. The term “truck loading zone” means a portion of curb space at which no vehicle except a commercial vehicle may stand or park for the purpose of making pickups or service calls, or loading or unloading goods, tools, materials, or other items pursuant to department rules and regulations.

b. The department shall regulate commercial parking meter areas with a parking meter, mobile payment system, a parking reservation system, or other means as determined by the department. No person shall park a commercial vehicle or a service vehicle, whether attended or not, in a commercial parking meter area:

1. without first purchasing the amount of parking time desired from a parking meter, mobile payment system, parking reservation system, or other means as determined by the department; or

or 2. in excess of three hours, unless otherwise indicated by a posted sign.

c. The department may regulate truck loading zones with a parking meter, mobile payment system, a parking reservation system, or other means as determined by the department. No person shall park a commercial vehicle or a service vehicle, whether attended or not, in such truck loading zone:

1. without first purchasing the amount of parking time desired from a parking meter, mobile payment system, parking reservation system, or other means as determined by the department; or

2. in excess of three hours, unless otherwise indicated by a posted sign.

d. The department may authorize electric or human-powered non-vehicular modes of delivery to park or stand in commercial parking meter areas, truck loading zones, and temporary truck loading zones including, but not limited to, cargo bicycles.

e. The department may promulgate rules establishing reduced parking rates for zero emission commercial vehicles, and reduced or eliminated parking rates for any authorized non-vehicular modes of delivery.

f. The department shall evaluate its paid commercial parking rules and determine whether there are locations where time limits of more than three hours are appropriate based on curb access needs and if such changes encourage delivery consolidation or reduction of truck trips.

§ 5. This local law takes effect 180 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.

YDANIS A. RODRIGUEZ, Chairperson; FERNANDO CABRERA, PETER A. KOO, STEPHEN T. LEVIN, DEBORAH L. ROSE, MARK D. LEVINE, CARLOS MENCHACA, I. DANEEK MILLER, ANTONIO REYNOSO, RUBEN DIAZ, Sr., ROBERT HOLDEN, SELVENA N. BROOKS-POWERS; Committee on Transportation, November 22, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Maisel.*

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

Report for Int. No. 2279-A

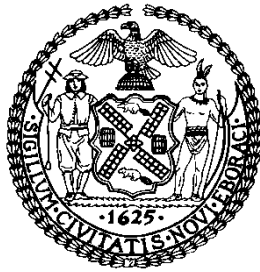
Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to expanding loading zones.

The Committee on Transportation, to which the annexed proposed amended local law was referred on April 22, 2021 (Minutes, page 936), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Transportation for Int. No. 2253-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 2279-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 2279-A
COMMITTEE: Transportation**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to expanding loading zones.

SPONSORS: Council Members Reynoso, Menchaca and Kallos.

SUMMARY OF LEGISLATION: Proposed Intro. No. 2279-A would require the Department of Transportation (DOT) to create a public methodology for determining where loading zones are necessary to enhance safety and reduce traffic congestion. DOT would be required to create at least five loading zones annually in each neighborhood tabulation area that meets the department's methodology, provided that no fewer than 500 total new loading zones are created citywide annually for the first three years following the effective date of the local law. By January 1, 2023, DOT would also be required to report on its progress toward implementing loading zones, and to publicly post the location of all loading zones citywide.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$796,760	\$4,080,840	\$4,080,840
Net	\$796,760	\$4,080,840	\$4,080,840

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

IMPACT ON EXPENDITURES: It is estimated that the enactment of this legislation would result in increased City-tax levy expenditures of approximately \$796,760 in Fiscal 2022, \$4.08 million in Fiscal 2023 and in Fiscal 2024, and \$2.18 million in Fiscal 2025. This funding would also support the implementation of Introduction Number 2277-A, which would take effect 180 days after the effective date of this local law. The above estimates include Personal Services (PS) costs totaling \$1.83 million annually for 15 headcount positions of which, the prorated cost for Fiscal 2022 is estimated to be \$446,760, including fringe benefits. In addition, in Fiscal 2023 and Fiscal 2024, there is an estimated Other Than Personal Services (OTPS) cost of \$1.9 million for Temporary Loading Zones IT Needs and in Fiscal 2022 and in the outyears \$350,000 for Consultant Support services.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

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

ESTIMATE PREPARED BY: John Basile, Senior Financial Analyst

ESTIMATE REVIEWED BY: Chima Obichere, Unit Head
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was first introduced to the Council as Intro. No. 2279 on April 22, 2021 and referred to the Committee on Transportation (Committee). A hearing was held by the Committee on May 5, 2021 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2279-A, will be considered by the Committee on November 22, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 2279-A will be submitted to the full Council for a vote on November 23, 2021.

DATE PREPARED: November 18, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 2279-A:)

Int. No. 2279-A

By Council Members Reynoso, Menchaca and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to expanding loading zones

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-170.2 to read as follows:

§ 19-170.2 Loading zones. a. Definitions. For purposes of this section, the following terms have the following meanings:

Loading zone. The term "loading zone" means a portion of curb space at which a vehicle may stand or park for the purpose of making pickups or service calls, or loading or unloading goods, tools, materials, or other items.

Neighborhood tabulation area. The term "neighborhood tabulation area" means a geographical area defined by the department of city planning for the purposes of providing neighborhood-level data.

b. The department shall establish a methodology for determining where loading zones are necessary to enhance safety and reduce traffic congestion, considering factors including, but not limited to, commercial and

residential density as well as requests from city elected officials and members of the public, and shall publish such methodology on the department's website. The department shall install at least five loading zones annually in every neighborhood tabulation area that meets this methodology, provided that, for each of the first three years following the effective date of this local law, the department installs at least 500 total loading zones.

c. No later than January 1, 2023, the department shall submit to the speaker of the council and the mayor, and publish on its website, a report detailing the ongoing implementation of the requirements of subdivision b of this section and any recommendations for further expanding loading zones citywide.

d. No later than January 1, 2023, the department shall provide publicly accessible information, through the open data portal or the department's website, regarding the location of all loading zones. Such information shall be updated on an annual or more frequent basis.

§ 2. This local law takes effect immediately.

YDANIS A. RODRIGUEZ, *Chairperson*; FERNANDO CABRERA, PETER A. KOO, STEPHEN T. LEVIN, DEBORAH L. ROSE, MARK D. LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO, RUBEN DIAZ, Sr., ROBERT HOLDEN, SELVENA N. BROOKS-POWERS; Committee on Transportation, November 22, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Maisel.*

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

Report for Int. No. 2422-A

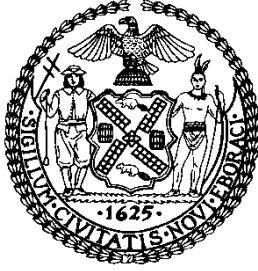
Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to parking meters, and to repeal section 19-167 of such code, relating to suspending the activation of parking meters on Sundays; section 19-167.1 of such code, relating to parking at broken or missing meters or muni-meters; section 19-167.2 of such code, relating to transfer of muni-meter time; section 19-167.3 of such code, relating to deactivating muni-meters; section 19-167.4 of such code, relating to new muni-meter installation; section 19-175.3 of such code, relating to notification of changes relating to parking meters; section 19-214 of such code, relating to failure to display a muni-meter receipt; and section 19-215 of such code, relating to cancellation of certain tickets.

The Committee on Transportation, to which the annexed proposed amended local law was referred on October 7, 2021 (Minutes, page 2644), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Transportation for Int. No. 2253-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 2422-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 2422-A
COMMITTEE: Transportation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to parking meters, and to repeal section 19-167 of such code, relating to suspending the activation of parking meters on Sundays; section 19-167.1 of such code, relating to parking at broken or missing meters or muni-meters; section 19-167.2 of such code, relating to transfer of muni-meter time; section 19-167.3 of such code, relating to deactivating muni-meters; section 19-167.4 of such code, relating to new muni-meter installation; section 19-175.3 of such code, relating to notification of changes relating to parking meters; section 19-214 of such code, relating to failure to display a muni-meter receipt; and section 19-215 of such code, relating to cancellation of certain tickets.

SPONSORS: Council Members Rodriguez, Yeager, Holden, D. Diaz and Kallos (by request of the Mayor).

SUMMARY OF LEGISLATION: Proposed Intro. No. 2242-A would authorize the use of pay-by-plate parking meters in addition to pay-and-display parking meters. Pay-by-plate parking meters would require a person to enter the vehicle's license plate to register payment for parking, and would be capable of tracking payment by the vehicle's license plate, rather than by paper receipt. Before the Department of Transportation (DOT) makes changes to the parking meter rates or replaces a pay-and-display parking meter with a pay-by-plate parking meter, DOT would provide 30-days written notice to the Council Member and Community Board in whose district such change would occur and post such change on the DOT's website. Additionally, parking time could only be used on the blockface, or street section, for which it was purchased and could not be transferred between blockfaces. Lastly, this bill would consolidate existing sections of the Administrative Code related to parking meters into one section.

EFFECTIVE DATE: This local law would take effect 60 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the relevant agencies would utilize existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

Mayor's Office of Legislative Affairs

ESTIMATE PREPARED BY: John Basile, Senior Financial Analyst

ESTIMATE REVIEWED BY: Chima Obichere, Unit Head
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was first introduced to the Council as Intro. No. 2422 on October 7, 2021 and referred to the Committee on Transportation (Committee). A joint hearing was held by the Committee and the Committee on Oversight and Investigations on October 26, 2021 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2422-A, will be considered by the Committee on November 22, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 2422-A will be submitted to the full Council for a vote on November 23, 2021.

DATE PREPARED: November 18, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 2422-A:)

Int. No. 2422-A

By Council Members Rodriguez, Yeger, Holden, D. Diaz and Kallos (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to parking meters, and to repeal section 19-167 of such code, relating to suspending the activation of parking meters on Sundays; section 19-167.1 of such code, relating to parking at broken or missing meters or muni-meters; section 19-167.2 of such code, relating to transfer of muni-meter time; section 19-167.3 of such code, relating to deactivating muni-meters; section 19-167.4 of such code, relating to new muni-meter installation; section 19-175.3 of such code, relating to notification of changes relating to parking meters; section 19-214 of such code, relating to failure to display a muni-meter receipt; and section 19-215 of such code, relating to cancellation of certain tickets

Be it enacted by the Council as follows:

Section 1. Sections 19-167, 19-167.1, 19-167.2, 19-167.3, 19-167.4, and 19-175.3 of the administrative code of the city of New York are REPEALED, and a new section 19-167 is added to read as follows:

§ 19-167 *Parking meters. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Affected council member(s) and community board(s). The term "affected council member(s) and community board(s)" has the same meaning as set forth in section 19-101.2.

Blockface. The term "blockface" means that portion of the street along the curb on one side of a street which is between the boundaries of the corner area at either end of the block.

Credential. The term "credential" means any explicit approval from the department or other authorized agency to park at a parking meter or other location, including, but not limited to, a record of payment or valid parking permit.

Parking field. The term "parking field" means any parking lot containing parking meters that is owned, operated and controlled by the city or its contractor and is available for public use. The term "parking field" does not include any parking lot operated by a city agency intended for exclusive use by such agency's employees or by the public to conduct business with such agency.

Parking meter. The term "parking meter" means a device which accepts payment or a credential, including, but not limited to a pay-and-display parking meter or a pay-by-plate parking meter.

Pay-and-display parking meter. The term “pay-and display parking meter” means an electronic parking meter that dispenses timed receipts that must be displayed on the dashboard of a motor vehicle or in a visible and secure place on a motorcycle.

Pay-by-plate parking meters. The term “pay-by-plate parking meter” means an electronic parking meter that requires entry of license plate information for proper registration of payment.

b. Suspension of parking meter activation on Sundays. Notwithstanding any other provision of law, no person parking a vehicle at a parking meter is required to activate such meter on a Sunday and no notice of violation or summons may be issued solely for the failure to activate such parking meter on a Sunday.

c. Deactivation of parking meters. The department shall program each parking meter to ensure that such parking meter is unable to accept payment:

1. from the last time in a day that parking meter rules are in effect for any parking space within the blockface or parking field of such parking meter, or for any other parking space within 100 feet of such parking meter, until one hour prior to the next time meter rules take effect for any parking space within the blockface or parking field, or for any other parking space within 100 feet of such parking meter; and

2. when such parking meter is not capable of producing receipts or lacks the functionality to track parking payments.

d. Parking at broken or missing parking meters. If all parking meters in a parking field or on a blockface are missing or broken, a person shall be allowed to park in such parking field or on such blockface up to the maximum amount of time otherwise lawfully permitted by such parking meters in such parking field or blockface.

e. Transferability of parking meter time. Parking time may only be utilized on the blockface for which it was purchased. Transfer of parking time between blockfaces is prohibited.

f. Notification of changes involving parking meters.

1. New parking meter installation. Prior to the installation of new parking meters covering at least four contiguous blockfaces, the department shall forward notice of such installation to the affected council member(s) and community board(s) by electronic mail.

(a) Within 10 business days after receipt of such notice: (i) the affected council member(s) may submit recommendations, comments or both regarding such notice to the department; and (ii) the affected community board(s) may submit recommendations or comments regarding such notice, or request a presentation regarding such installation, which where practicable shall be made to such community board(s) within 30 days of such request.

(b) Any recommendations or comments received by the department pursuant to this subdivision shall be reviewed prior to the installation of such new parking meters.

2. Existing parking meter alterations. Prior to making changes to parking meter rates or replacing a parking meter with a different type of parking meter, the department shall provide at least 30 days written notice of such changes by regular first-class mail and electronic mail to the community board and council member in whose district the affected parking meters are or will be located and shall post such written notice on the department’s website. Such notice shall at a minimum provide the following information:

(a) Parking rates. The notice shall include the proposed new rate, the location(s) of the meters affected by such rate change and the earliest date such new rate will go into effect.

(b) Change in meter type. The notice shall include the location(s) where meters will be converted and the earliest date on which such converted meters will go into operation.

§ 2. Section 19-213 of title 19 of the administrative code of the city of New York, as added by local law 82 for the year 2009, is amended to read as follows:

§ 19-213 Grace period; failure to purchase parking time and cancellation of certain tickets. a. [For the purposes of this section, the term “munimeter receipt” shall mean the receipt showing the amount of parking time purchased that is dispensed by an electronic parking meter and must be displayed in a conspicuous place on a vehicle’s dashboard.] *Definitions.* For the purposes of this section, the following terms have the following meanings:

Agent. The term “agent” means any person employed by the city of New York authorized to issue a notice of violation for parking violations.

Parking meter. The term “parking meter” means a device which accepts payment or a credential that authorizes vehicle parking time, including, but not limited to, a pay-and-display parking meter or a pay-by-plate parking meter.

Pay-and-display parking meter. The term “pay-and-display parking meter” means an electronic parking meter that dispenses timed receipts that must be displayed on the dashboard of a motor vehicle or in a visible and secure place on a motorcycle.

Pay-by-plate parking meter. The term “pay-by-plate parking meter” means an electronic parking meter that requires entry of license plate information for proper registration of payment.

b. *Grace period.* No notice of violation shall be issued for allegedly parking in excess of the [allotted] parking time [displayed on a munimeter receipt] purchased or longer than the time period allowed by a sign posted by the department until five minutes after the time that such a violation occurs.

c. *Failure to purchase parking time.* Notwithstanding any rule or regulation to the contrary, and subject to the provisions of the vehicle and traffic law, where a notice of violation is issued to an owner or operator of a vehicle for the failure to purchase parking time, it shall be an affirmative defense to such violation that such owner or operator purchased parking time for the time such notice of violation was issued or up to five minutes thereafter from a parking meter at the location such notice of violation was issued. Evidence in support of the affirmative defense shall be the presentation, in person or by mail, of a valid payment receipt for the time such notice of violation was issued or for up to five minutes thereafter or other suitable evidence, as determined by the hearing officer, that such parking time was purchased.

d. *Cancellation of certain tickets.* 1. Any agent who issues a notice of violation by electronic means for failure to pay the parking charge required at a pay-and-display parking meter shall cancel such notice of violation when, not later than five minutes after the issuance of such notice, such agent is shown a valid payment receipt with an official start time indicated and such start time is no later than five minutes after the time of the issuance of such notice. The electronic copy of such canceled notice shall be marked “valid receipt shown; ticket canceled” and shall include the number of such payment receipt shown. The electronic parking meter system shall be programmed to prohibit such notice from being canceled later than five minutes after the issuance of such notice.

2. If an agent has issued a notice of violation by electronic means for failure to pay the parking charge required at a pay-by-plate parking meter, and parking time is purchased for such vehicle for the blockface where the vehicle is located not more than five minutes after the notice of violation was issued, such notice of violation shall be canceled automatically by the electronic parking meter system.

§ 3. Sections 19-214 and 19-215 of the administrative code of the city of New York are REPEALED.

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

YDANIS A. RODRIGUEZ, *Chairperson*; FERNANDO CABRERA, PETER A. KOO, STEPHEN T. LEVIN, DEBORAH L. ROSE, MARK D. LEVINE, CARLOS MENCHACA, I. DANEEK MILLER, ANTONIO REYNOSO, RUBEN DIAZ, Sr., ROBERT HOLDEN, SELVENA N. BROOKS-POWERS; Committee on Transportation, November 22, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Maisel.*

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. 884 & Res. No. 1790

Report of the Committee on Land Use in favor of approving Application No. C 180039 MMK (Gowanus Canal CSO Facility) submitted by the New York City Department of Environmental Protection pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving the elimination of Douglass Street between Nevins Street and the Gowanus Canal, the adjustment of grades and block dimensions necessitated thereby, including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. N-2752 dated July 2, 2019 and signed by the Borough President, Borough of Brooklyn, Council District 33, Community District 6.

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2021 (Minutes, page 2653) and laid over on November 10, 2021 (Minutes, page 2971); and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 6

C 180039 MMK

City Planning Commission decision approving an application submitted by the New York City Department of Environmental Protection and The New York City Department of Citywide Administrative Services, pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- 1) the elimination of Douglass Street between Nevins Street and the Gowanus Canal;
- 2) the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. N-2752 dated July 2, 2019 and signed by the Borough President.

INTENT

To approve the amendment to the City Map and included acquisition or disposition to facilitate the construction of combined sewer overflow (CSO) control facilities and the onsite relocation of a DSNY salt and equipment storage facility in the Gowanus neighborhood of Brooklyn, Community District 6.

PUBLIC HEARING

DATE: October 12, 2021

Witnesses in Favor: Thirty-nine

Witnesses Against: Forty-six

SUBCOMMITTEE RECOMMENDATION**DATE:** November 10, 2021

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

In Favor:

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

Against:

None

Abstain:

None.

COMMITTEE ACTION**DATE:** November 10, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz Sr., Moya, Rivera, Riley, Brooks-Powers, Feliz, Borelli.

Against:

None

Abstain:

None.

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

Res. No. 1790

Resolution approving the decision of the City Planning Commission on ULURP No. C 180039 MMK, an amendment to the City Map (L.U. No. 884).

By Council Members Salamanca and Moya.

WHEREAS, the New York City Department of Environmental Protection and The New York City Department of Citywide Administrative Services, filed an application pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

1. the elimination of Douglass Street between Nevins Street and the Gowanus Canal;
2. the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. N-2752 dated July 2, 2019 and signed by the Borough President, which would facilitate the construction of combined sewer overflow (CSO) control facilities in the Gowanus neighborhood of Brooklyn, Community District 6 (ULURP No. C 180039 MMK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on October 8, 2021 its decision dated October 6, 2021 (the "Decision"), on the Application;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 12, 2021;

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 March 31, 2017 (CEQR No. 17DEP040K), (the "Positive Declaration") and the Technical Memorandum issued on April 23, 2021 in connection with this application (C 180039 MMK) and the related applications for a site selection and acquisition (C 200319 PCK), site selection (C 200321 PSK) and city map amendment (C 200320 MMK), which concludes that this application would not result in any significant adverse impacts that were not already identified in the Final Environmental Impact Study (FEIS) issued on February 1, 2018.

RESOLVED:

Having considered the FEIS and Technical Memorandum 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) From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- 3) The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 199 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 180039 MMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision for an amendment to the City Map involving:

1. the elimination of Douglass Street between Nevins Street and the Gowanus Canal;
2. the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. N-2752 dated July 2, 2019 and signed by the Borough President, is approved.

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. N-2752 dated July 2, 2019 are filed with the

appropriate agencies in accordance with Section 198 subsection c of the New York City Charter.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 885 & Res. No. 1791

Report of the Committee on Land Use in favor of approving Application No. C 200319 PCK (Gowanus Canal CSO Facility) submitted by the New York City Department of Sanitation, the New York City Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 110 5th Street (Block 990, Lot 21), 122 5th Street (Block 990, Lot 16), 22 2nd Avenue (Block 990, Lot 1), 5th Street (Block 977, p/o Lot 1) and 2 2nd Avenue (Block 977, p/o Lot 3) for Department of Sanitation salt and equipment storage, environmental education activities and additional space as needed for the combined sewer overflow (CSO) control facility, Borough of Brooklyn, Council District 39, Community District 6.

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2021 (Minutes, page 2654) and laid over on November 10, 2021 (Minutes, page 2974); and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

**BROOKLYN CB-6 – THREE APPLICATIONS RELATED TO GOWANUS CANAL
CSO FACILITY**

C 200319 PCK (L.U. No. 885)

City Planning Commission decision approving an application submitted by the Department of Sanitation, the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 110 5th Street (Block 990, Lot 21), 122 5th Street (Block 990, Lot 16), 22 2nd Avenue (Block 990, Lot 1), 5th Street (Block 977 p/o Lot 1) and 2 2nd Avenue (Block 977, p/o Lot 3) for Department of Sanitation salt and equipment storage, environmental education activities and additional space as needed for the combined sewer overflow (CSO) control facility, Borough of Brooklyn, Community District 6.

C 200320 MMK (L.U. No. 886)

City Planning Commission decision approving an application submitted by the New York City Department of Sanitation, the New York City Department of Environmental Protection and The New York City Department of Citywide Administrative Services, pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- 1) the elimination of 5th Street between 2nd Avenue and the Gowanus Canal;
- 2) the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. X-2758 dated May 3, 2021 and signed by the Borough President.

C 200321 PSK (L.U. No. 887)

City Planning Commission decision approving an application submitted by the New York City Department Environmental Protection, the Department of Sanitation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection of property located at 2 2nd Avenue (Block 977, Lot 3) for use as a combined sewer overflow (CSO) control facility.

INTENT

To approve the site selection and acquisition of real property by the City for salt and equipment storage, environmental education activities and additional space as needed for the CSO control facility; amend the City Map and included acquisition or disposition for the elimination of Fifth Street between Second Avenue and the Gowanus Canal; and approve the site selection of real property by the City to facilitate new CSO infrastructure.

PUBLIC HEARING

DATE: October 12, 2021

Witnesses in Favor: Thirty-nine

Witnesses Against: Forty-six

SUBCOMMITTEE RECOMMENDATION

DATE: November 10, 2021

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 885 through 887.

In Favor:

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

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: November 10, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz Sr., Moya, Rivera, Riley, Brooks-Powers, Feliz, Borelli.

Against:

None

Abstain:

None.

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

Res. No. 1791

Resolution approving the decision of the City Planning Commission on ULURP No. C 200319 PCK (L.U. No. 885), a site selection and acquisition of property located at 110 5th Street (Block 990, Lot 21), 122 5th Street (Block 990, Lot 16), 22 2nd Avenue (Block 990, Lot 1), 5th Street (Block 977 p/o Lot 1) and 2 2nd Avenue (Block 977, p/o Lot 3), for Department of Sanitation salt and equipment storage, environmental education activities and additional space as needed for the combined sewer overflow (CSO) control facility, Borough of Brooklyn, Community District 6.

By Council Members Salamanca and Moya.

WHEREAS, Department of Sanitation, the Department of Environmental Protection (DEP) and the Department of Citywide Administrative Services (DCAS), filed an application pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of property located at 110 5th Street (Block 990, Lot 21), 122 5th Street (Block 990, Lot 16), 22 2nd Avenue (Block 990, Lot 1), 5th Street (Block 977 p/o Lot 1) and 2 2nd Avenue (Block 977, p/o Lot 3), for Department of Sanitation salt and equipment storage, environmental education activities and additional space as needed for the combined sewer overflow (CSO) control facility, which in conjunction with the related action would facilitate the construction of CSO control facilities and the onsite relocation of a DSNY salt and equipment storage facility in the Gowanus neighborhood of Brooklyn, Community District 6 (ULURP No. C 200319 PCK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on October 8, 2021 its decision dated October 6, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to applications C 200320 MMK (L.U. No. 886), a city map amendment for the elimination of Fifth Street between Second Avenue and the Gowanus Canal, C 200321 PSK (L.U. No. 887), a site selection of real property by the City to facilitate new CSO infrastructure, and C180039 MMK, a city map amendment;

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 12, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued March 1st, 2017 (CEQR No. 17DEP040K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on February 1, 2018, which identified significant adverse impacts with respect to historic and cultural resources (architectural and archeological) and potential temporary significant adverse noise impacts during the construction period. The impacts to historic and cultural resources would be mitigated to the maximum extent practicable through additional analyses, archaeological monitoring, or an alternative method developed in consultation with the New York State Historic Preservation Office (SHPO) and the New York City Landmarks Preservation Commission (LPC). The Council also considered the Technical Memorandum dated April 23, 2021 (the “Technical Memorandum”) which concludes that the application would not result in any significant adverse impacts that were not already identified in the FEIS.

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those project components related to the environment and mitigation measures that were identified as practicable.

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

Pursuant to 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 200319 PCK, incorporated by reference herein, and the record before the Council, the Council approves the Decision for the site selection and acquisition of the Site for Department of Sanitation salt and equipment storage, environmental education activities and additional space as needed for the combined sewer overflow (CSO) control facility.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeager, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 886 & Res. No. 1792

Report of the Committee on Land Use in favor of approving Application No. C 200320 MMK (Gowanus Canal CSO Facility) submitted by the New York City Department of Environmental Protection pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving: the elimination of 5th Street between 2nd Avenue and the Gowanus Canal; the adjustment of grades and block dimensions necessitated thereby; including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. X-2758 dated May 3, 2021 and signed by the Borough President, Borough of Brooklyn, Council District 39, Community District 6.

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2021 (Minutes, page 2654) and laid over on November 10, 2021 (Minutes, page 2978); 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. 885 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1792

Resolution approving the decision of the City Planning Commission on ULURP No. C 200320 MMK, an amendment to the City Map (L.U. No. 886).

By Council Members Salamanca and Moya.

WHEREAS, New York City Department of City Planning, filed an application pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- 1) the elimination of 5th Street between 2nd Avenue and the Gowanus Canal;
- 2) the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. X-2758 dated May 3, 2021 and signed by the Borough President, which in conjunction with the related actions would facilitate the construction of combined sewer overflow (CSO) control facilities and the onsite relocation of a DSNY salt and equipment storage facility in the Gowanus neighborhood of Brooklyn, Community District 6 (ULURP No. C 200320 MMK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on October 8, 2021 its decision dated October 6, 2021 (the "Decision"), on the Application;

WHEREAS, the Application is related to applications C 200319 PCK (L.U. No. 885), a site selection and acquisition of real property by the City for salt and equipment storage, environmental education activities

and additional space as needed for the CSO control facility; C 200321 PSK (L.U. No. 887), a site selection of real property by the City to facilitate new CSO infrastructure and C190039 MMK (L.U. No. 844), a city map amendment;

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 12, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued March 1st, 2017 (CEQR No. 17DEP040K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on February 1, 2018, which identified significant adverse impacts with respect to historic and cultural resources (architectural and archeological) and potential temporary significant adverse noise impacts during the construction period. The impacts to historic and cultural resources would be mitigated to the maximum extent practicable through additional analyses, archaeological monitoring, or an alternative method developed in consultation with the New York State Historic Preservation Office (SHPO) and the New York City Landmarks Preservation Commission (LPC). The Council also considered the Technical Memorandum dated April 23, 2021 (the “Technical Memorandum”) which concludes that the application would not result in any significant adverse impacts that were not already identified in the FEIS.

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those project components related to the environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 199 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 200320 MMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision for an amendment to the City Map involving:

- 1) the elimination of 5th Street between 2nd Avenue and the Gowanus Canal;
- 2) the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. X-2758 dated May 3, 2021 and signed by the Borough President.

All such approvals being subject to the following conditions:

- b. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. X-2758 dated May 3, 2021 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeager, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 887 & Res. No. 1793

Report of the Committee on Land Use in favor of approving Application No. C 200321 PSK (Gowanus Canal CSO Facility) submitted by the New York City Department of Environmental Protection, the New York City Department of Sanitation and the New York City Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection of property located at 2 2nd Avenue (Block 977, Lot 3) for use as a combined sewer overflow (CSO) control facility, Borough of Brooklyn, Council District 39, Community District 6.

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2021 (Minutes, page 2654) and laid over on November 10, 2021 (Minutes, page 2980); 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. 885 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1793

Resolution approving the decision of the City Planning Commission on ULURP No. C 200321 PSK (L.U. No. 887), for the site selection of property located at 2 2nd Avenue (Block 977, Lot 3) for use as a combined sewer overflow (CSO) control facility, Borough of Brooklyn, Community District 6.

By Council Members Salamanca and Moya.

WHEREAS, New York City Department Environmental Protection, Department of Sanitation and Department of Citywide Administrative Services, filed an application pursuant to Section 197-c of the New York City Charter for the site selection of property located at 2 2nd Avenue (Block 977, Lot 3) for use as a combined sewer overflow (CSO) control facility, which in conjunction with the related actions would facilitate the construction of a combined sewer overflow (CSO) control facility in the Gowanus neighborhood of Brooklyn, Community District 6 (ULURP No. C 200321 PSK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on October 8, 2021 its decision dated October 6, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to applications C 200319 PCK (L.U. No. 885), a site selection and acquisition of real property by the City for salt and equipment storage, environmental education activities and additional space as needed for the CSO control facility; C C 180039 MMK (L.U. No. 884), a city map amendment, and C 200320 MMK (L.U. No. 886), a city map amendment for the elimination of Fifth Street between Second Avenue and the Gowanus Canal;

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 12, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued March 1st, 2017 (CEQR No. 17DEP040K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on February 1, 2018, which identified significant adverse impacts with respect to historic and cultural resources (architectural and archeological) and potential temporary significant adverse noise impacts during the construction period. The impacts to historic and cultural resources would be mitigated to the maximum extent practicable through additional analyses, archaeological monitoring, or an alternative method developed in consultation with the New York State Historic Preservation Office (SHPO) and the New York City Landmarks Preservation Commission (LPC) and the Technical Memorandum dated April 23, 2021 (the “Technical Memorandum”).

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those project components related to the environment and mitigation measures that were identified as practicable.

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

Pursuant to 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 200321 PCK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, approving the application by the New York City Department of Sanitation and the Department of Citywide Administrative Services for the site selection of property located at 2 2nd Avenue (Block 977, Lot 3), Borough of Brooklyn, for use as a combined sewer overflow (CSO) control facility.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeager, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 888 & Res. No. 1794

Report of the Committee on Land Use in favor of approving Application No. 20225005 HAK (Gowanus Mercy Home UDAAP Amendment) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 694 of the General Municipal Law requesting approval of an amendment to an Urban Development Action Areas Project previously approved by the Council by Resolution No. 510 for the year 2002, Borough of Brooklyn, Council District 39, Community District 6.

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2021 (Minutes, page 2655) and laid over on November 10, 2021 (Minutes, page 2982); 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. 869 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1794

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 485-487 4th Avenue (Block 1028, Lot 7), Borough of Brooklyn, Community District 6 (L.U. No. 888; 20225005 HAK).

By Council Members Salamanca and Moya.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council September 21, 2021 its request dated September 21, 2021, 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 485-487 4th Avenue (Block 1028, Lot 7), Community District 6, 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.510 (L.U. No. 271) dated September 25, 2002 (the "Original Resolution");

WHEREAS, upon due notice, the Council held a public hearing on the Amended Project on October 12, 2021; 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 September 21, 2021, a copy of which is attached hereto.

ATTACHMENT:

PROJECT SUMMARY

- | | | | |
|---------------------------------------|--|------------|--------------------------------|
| 1. PROGRAM: | NEIGHBORHOOD CONSTRUCTION PROGRAM | | |
| 2. PROJECT: | Mercy Home | | |
| 3. LOCATION: | | | |
| a. BOROUGH: | Brooklyn | | |
| b. COMMUNITY DISTRICT: | 6 | | |
| c. COUNCIL DISTRICT: | 39 | | |
| d. DISPOSITION AREA: | <u>BLOCK</u> | <u>LOT</u> | <u>ADDRESS</u> |
| | 1028 | 7 | 485-487 4 th Avenue |
| 4. BASIS OF DISPOSITION PRICE: | Nominal. Sponsor will pay one dollar 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 or the City's capital subsidy may 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:** 43 dwelling units, plus one super's unit
 8. **HOUSING TYPE:** Rental
 9. **ESTIMATE OF INITIAL RENTS** Rents will be affordable to families with incomes between 37% and 80% of area median income (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** Up to 80% of AMI
 11. **PROPOSED FACILITIES:** Approximately 2,154 square feet of commercial 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, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeager, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 848 & Res. No. 1811

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210253 ZMK (Glenmore Manor) submitted by New York City Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17c and 17d, changing from an R6 District to an R7A District, changing from an R6 District to an R7D District property, establishing within the proposed R7A District a C2-4 District, and establishing within the proposed R7D District a C2-4 District, for property bounded by Liberty Avenue, Christopher Avenue, Glenmore Avenue, and Mother Gaston Boulevard, Borough of Brooklyn, Community District 16, Council District 37.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2449) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB-16 – FOUR APPLICATIONS RELATED TO GLENMORE MANOR

C 210253 ZMK (L.U. No. 848)

City Planning Commission decision approving an application submitted by the New York City Housing Preservation and Development (HPD), pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17c and 17d:

1. changing from an R6 District to an R7A District property bounded by Liberty Avenue, Christopher Avenue, a line 100 feet northerly of Glenmore Avenue, and a line midway between Mother Gaston Boulevard and Christopher Avenue;
2. changing from an R6 District to an R7D District property bounded by a line 100 feet northerly of Glenmore Avenue, Christopher Avenue, Glenmore Avenue, and Mother Gaston Boulevard;
3. establishing within the proposed R7A District a C2-4 District bounded by Liberty Avenue, Christopher Avenue, a line 100 feet northerly of Glenmore Avenue, and a line midway between Mother Gaston Boulevard and Christopher Avenue; and,
4. establishing within the proposed R7D District a C2-4 District bounded by a line 100 feet northerly of Glenmore Avenue, Christopher Avenue, Glenmore Avenue, and Mother Gaston Boulevard;

as shown on a diagram (for illustrative purposes only) dated April 19, 2021.

N 210254 ZRK (L.U. No. 849)

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development (HPD), 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 210255 HAK (L.U. No. 850)

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 305-313 Mother Gaston Boulevard (Block 3692, Lots 1, 2, 3, and 4), 46-64 Christopher Avenue (Block 3692, Lots 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32), and 109-117 Glenmore Avenue (Block 3692, Lots 34, 35, and 37) 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 development of an 11-story mixed use development containing approximately 232 affordable housing units, commercial and community facility space.

C 210256 HUK (L.U. No. 851)

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the third amendment to the Brownsville II Urban Renewal Plan.

INTENT

To approve the amendment to rezone the Project Area from an R6 to R7D/C2-4 and R7A/C2-4; amend the zoning text to designate a Mandatory Inclusionary Housing (MIH) area; approve an urban development action area designation, project approval, and disposition of City-owned property located at 305-313 Mother Gaston Boulevard (Block 3692, Lots 1, 2, 3, and 4), 46-64 Christopher Avenue (Block 3692, Lots 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32), and 109-117 Glenmore Avenue (Block 3692, Lots 34, 35, and 37) to a developer selected by HPD; and approve the Third Amended Urban Renewal Plan for the Brownsville II Urban Renewal Plan to facilitate the development of a new approximately 204,000-square-foot mixed-use building with approximately 232 units of affordable housing, and 19,000 square feet of commercial and community facility space within a project area generally bounded by Mother Gaston Boulevard, Glenmore Avenue, Liberty Avenue and Christopher Avenue in Brownsville.

PUBLIC HEARING

DATE: October 13, 2021

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 26, 2021

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission and the HPD requests on L.U. Nos. 848, 850 and 851, and approve with modifications the decision of the City Planning Commission on L.U. No. 849.

In Favor:

Riley, Koo, Barron, Treyger.

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: November 10, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz Sr., Moya, Rivera, Riley, Brooks-Powers, Feliz, Borelli.

Against:

None

Abstain

None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated November 15, 2021, with the Council on November 22, 2021, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1811

Resolution approving the decision of the City Planning Commission on ULURP No. C 210253 ZMK, a Zoning Map amendment (L.U. No. 848).

By Council Members Salamanca and Riley.

WHEREAS, NYC Housing Preservation and Development, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 17c and 17d, by changing from an R6 District to an R7A District, changing from an R6 District to an R7D District, establishing within the proposed R7A District a C2-4 District, and establishing within the proposed R7D District a C2-4 District, which in conjunction with the related actions would facilitate the development of a new 204,000-square-foot mixed-use building with approximately 232 units of affordable housing and 19,000 square feet of commercial and community facility space within a project area generally bounded by Mother Gaston Boulevard, Glenmore Avenue, Liberty Avenue and Christopher Avenue in Brownsville, Brooklyn, Community District 16, (ULURP No. C 210253 ZMK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 24, 2021 its decision dated September 22, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to applications N 210254 ZRK (L.U. No. 849), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area; C 210255 HAK (L.U. No. 850), an urban development action area designation, project approval, and disposition of City-owned property to a developer selected by HPD; and C 210256 HUK (L.U. No. 851), an amendment to the Brownsville II Urban Renewal Plan;

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 13, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued on January 27th, 2021 (CEQR No. 20HPD089K (the “Negative Declaration”).

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210253 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 17c and 17d:

1. changing from an R6 District to an R7A District property bounded by Liberty Avenue, Christopher Avenue, a line 100 feet northerly of Glenmore Avenue, and a line midway between Mother Gaston Boulevard and Christopher Avenue;
2. changing from an R6 District to an R7D District property bounded by a line 100 feet northerly of Glenmore Avenue, Christopher Avenue, Glenmore Avenue, and Mother Gaston Boulevard;
3. establishing within the proposed R7A District a C2-4 District bounded by Liberty Avenue, Christopher Avenue, a line 100 feet northerly of Glenmore Avenue, and a line midway between Mother Gaston Boulevard and Christopher Avenue; and,
4. establishing within the proposed R7D District a C2-4 District bounded by a line 100 feet northerly of Glenmore Avenue, Christopher Avenue, Glenmore Avenue, and Mother Gaston Boulevard

as shown on a diagram (for illustrative purposes only) dated April 19, 2021, Borough of Brooklyn, Community District 16.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 849 & Res. No. 1812

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210254 ZRK (Glenmore Manor) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 16, Council District 37.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2450) 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. 848 printed 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. 1812

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 210254 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 849).

By Council Members Salamanca and Riley.

WHEREAS, New York City Department of Housing Preservation and Development, 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 the development of a new approximately 204,000-square-foot mixed-use building with approximately 232 units of affordable housing and 19,000 square feet of commercial and community facility space within a project area generally bounded by Mother Gaston Boulevard, Glenmore Avenue, Liberty Avenue and Christopher Avenue in Brownsville, Brooklyn Community District 16 (ULURP No. N 210254 ZRK), (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 24, 2021, its decision dated September 22, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to applications C 210253 ZMK (L.U. No. 848), a zoning map amendment to rezone the project area from R6 to R7D/C2-4 and R7A/C2-4; C 210255 HAK (L.U. No. 850), an urban development action area designation, project approval, and disposition of City-owned property to a developer selected by HPD; and C 210256 HUK (L.U. No. 851), an amendment to the Brownsville II Urban Renewal Plan;

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 13, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued on January 27th, 2021 (CEQR No. 20HPD089K (the “Negative Declaration”).

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 210254 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

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

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

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

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

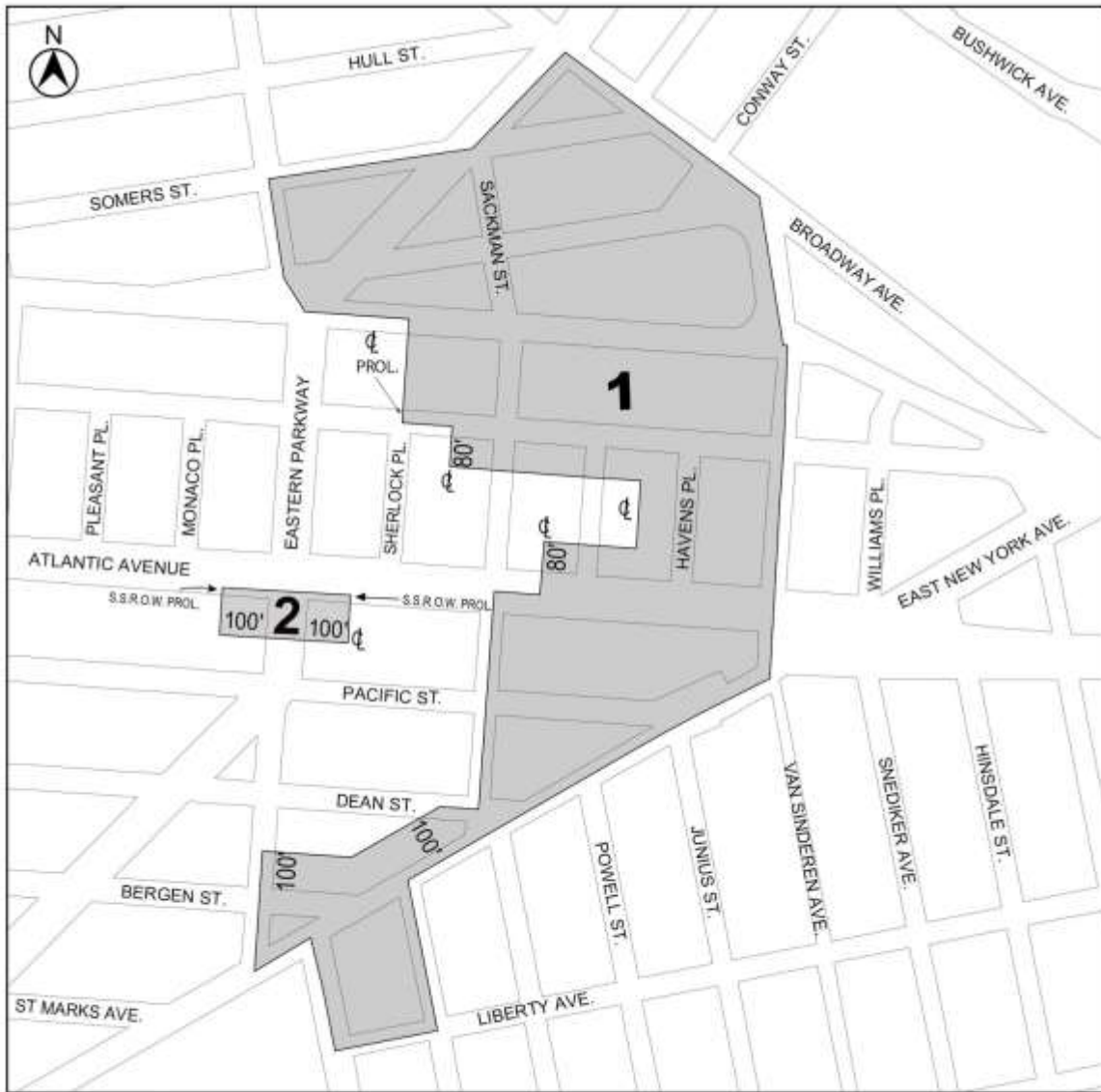
* * *

Brooklyn Community District 16

* * *

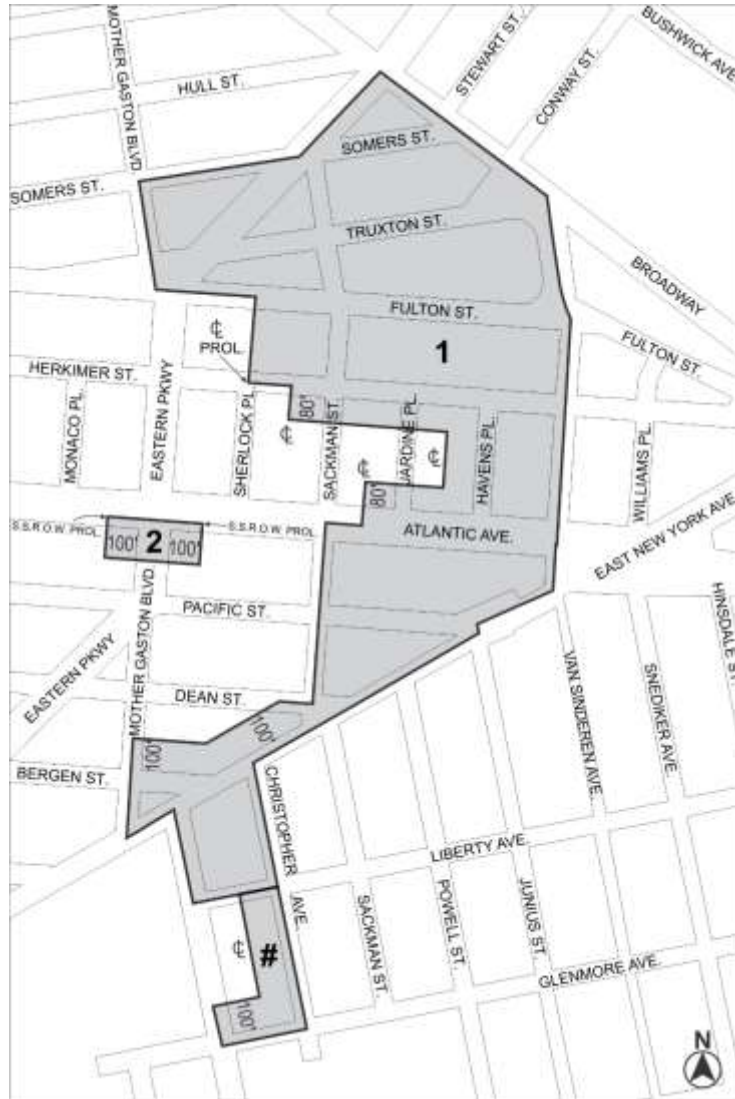
Map 1– (5/24/17) [date of adoption]

[EXISTING MAP]



- Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)
- Area 1 – 4/20/16 MIH Program Option 1 and Deep Affordability Option
- Area 2 – 5/24/17 MIH Program Option 1

[PROPOSED MAP]



- Mandatory Inclusionary Housing Program Area - *see Section 23-154(d)(3)*
 Area 1 — 4/20/16 — MIH Program Option 1 and Deep Affordability Option
 Area 2 — 5/24/17 — MIH Program Option 1
 Area # — [date of adoption] — MIH Program Option 1 and ~~Option 2~~ Deep Affordability Option

Portion of Community District 16, Brooklyn

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 850 & Res. No. 1813

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210255 HAK (Glenmore Manor) 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 approval of 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 305-309 Mother Gaston Boulevard (Block 3692, Lots 1, 2, 3 and 4), 46 – 64 Christopher Avenue (Block 3692, Lots 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32), 111-117 Glenmore Avenue (Block 3692, Lots 34, 35 and 37), Borough of Brooklyn, Community District 16, Council District 37.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2450) 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. 848 printed 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. 1813

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 210255 HAK, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of property located at 305-313 Mother Gaston Boulevard (Block 3692, Lots 1, 2, 3, and 4), 46-64 Christopher Avenue (Block 3692, Lots 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32), and 109-117 Glenmore Avenue (Block 3692, Lots 34, 35, and 37), Borough of Brooklyn, Community District 16, to a developer selected by HPD (L.U. No. 850; C 210255 HAK).

By Council Members Salamanca and Riley.

WHEREAS, the City Planning Commission filed with the Council on September 24, 2021 its decision dated September 22, 2021 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) regarding city-owned property located at 305-313 Mother Gaston Boulevard (Block 3692, Lots 1, 2, 3, and 4), 46-64 Christopher Avenue (Block 3692, Lots 23, 24, 25,

26, 27, 28, 29, 30, 31, and 32), and 109-117 Glenmore Avenue (Block 3692, Lots 34, 35, and 37), (the “Project Area”), approving:

- a) pursuant to Article 16 of the General Municipal Law of New York State the designation of Disposition Area as an Urban Development Action Area;
- d) 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
- e) 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 a new approximately 204,000-square-foot mixed-use building with approximately 232 units of affordable housing, and 19,000 square feet of commercial and community facility space within a project area generally bounded by Mother Gaston Boulevard, Glenmore Avenue, Liberty Avenue and Christopher Avenue in Brownsville, Brooklyn Community District 16 (ULURP No. C 210255 HAK) (the "Application");

WHEREAS, the Application is related to applications C 210253 ZMK (L.U. No. 848), a zoning map amendment to rezone the project area from R6 to R7D/C2-4 and R7A/C2-4; N 210254 ZRK (L.U. No. 849), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area; and C 210256 HUK (L.U. No. 851), an amendment to the Brownsville II Urban Renewal Plan;

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

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

WHEREAS, by letter dated September 21, 2021 and submitted to the Council on September 21, 2021, 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 13, 2021;

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 January 27th, 2021 (CEQR No. 20HPD089K (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 210255 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 the New York State, based on the environmental determination and the consideration described in the report C 210255 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 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: | EXTREMELY LOW AND LOW INCOME AFFORDABILITY PROGRAM | | |
| 2. PROJECT: | Glenmore Manor | | |
| 3. LOCATION: | | | |
| a. BOROUGH: | Brooklyn | | |
| b. COMMUNITY DISTRICT: | 16 | | |
| c. COUNCIL DISTRICT: | 37 | | |
| d. DISPOSITION AREA: | <u>BLOCK</u> | <u>LOTS</u> | <u>ADDRESSES</u> |
| | 3692 | 1 | 313 Mother Gaston Blvd |
| | 3692 | 2 | 311 Mother Gaston Blvd |
| | 3692 | 3 | 307 Mother Gaston Blvd |
| | 3692 | 4 | 305 Mother Gaston Blvd |
| | 3692 | 23 | 46 Christopher Avenue |
| | 3692 | 24 | 48 Christopher Avenue |
| | 3692 | 25 | 50 Christopher Avenue |
| | 3692 | 26 | 52 Christopher Avenue |
| | 3692 | 27 | 54 Christopher Avenue |
| | 3692 | 28 | 56 Christopher Avenue |
| | 3692 | 29 | 58 Christopher Avenue |
| | 3692 | 30 | 60 Christopher Avenue |
| | 3692 | 31 | 62 Christopher Avenue |

3692	32	64 Christopher Avenue
3692	34	117 Glenmore Avenue
3692	35	115 Glenmore Avenue
3692	37	109 Glenmore Avenue

- 4. **BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar 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 or the City’s capital subsidy may 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:** 232 dwelling units, plus one superintendent unit

- 8. **HOUSING TYPE:** Rental

- 9. **ESTIMATE OF INITIAL RENTS** Rents will be affordable to families earning from 30% - 80% of the area median income (“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** 30% to 80% of AMI

- 11. **PROPOSED FACILITIES:** Approximately 9,610 sf of commercial space
Approximately 15,757 sf of community facility space

- 12. **PROPOSED CODES/ORDINANCES:** None

- 13. **ENVIRONMENTAL STATUS:** Negative Declaration

- 14. **PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 851 & Res. No. 1814

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210256 HUK (Glenmore Manor) submitted by the Department of Housing Preservation and Development, pursuant to Section 505 of Article 15 of the General Municipal Law of New York State and Section 197-c of the New York City Charter, for the third amendment to the Brownsville II Urban Renewal Plan, Borough of Brooklyn, Community District 16, Council District 37.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2450) 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. 848 printed 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. 1814

Resolution approving the Third Amended Urban Renewal Plan for the Brownsville II Urban Renewal Area and approving the decision of the City Planning Commission on ULURP No. C 210256 HUK (L.U. No. 851).

By Council Members Salamanca and Riley.

WHEREAS, the City Planning Commission filed with the Council on September 24, 2021 its decision and report dated September 22, 2021 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 505 of Article 15 of the General Municipal Law of New York State and Section 197-c of the New York City Charter, for the Third Amendment to the Brownville II Urban Renewal Plan (URP), which in conjunction with the related actions would facilitate the development of a new 11-story 204,000-square-foot mixed-use building with approximately 232 affordable housing units, and 19,000 square feet of commercial and community facility space within a project area generally bounded by Mother Gaston Boulevard, Glenmore Avenue, Liberty Avenue and Christopher Avenue in Brownsville, Brooklyn Community District 16 (ULURP No. C 210256 HUK) (the "Application");

WHEREAS, the Application is related to applications C 210253 ZMK (L.U. No. 848), a zoning map amendment to rezone the project area from R6 to R7D/C2-4 and R7A/C2-4; N 210254 ZRK (L.U. No. 849), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area; and C 210255 HAK (L.U. No. 850), an urban development action area designation, project approval, and disposition of City-owned property to a developer selected by HPD;

WHEREAS, the New York City Department of Housing Preservation and Development submitted to the Council on September 24, 2021 its request for approval of the Third Amended Urban Renewal Plan for the Brownsville II Urban Renewal Area, dated September 24, 2021 (the "Plan");

WHEREAS, the City Planning Commission has certified that the Plan for the Area is an appropriate plan for the Area and complies with provisions of Article 15 of the General Municipal Law and conforms to the comprehensive community plan for the development of the municipality as a whole and is consistent with local objectives;

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

WHEREAS, the Plan is subject to review and action by the Council pursuant to Section 505 of the General Municipal Law;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 13, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued on January 27th, 2021 (CEQR No. 20HPD089K (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 the report, C 210256 HUK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Council finds that the Area is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area, and tends to impair or arrest the sound growth and development of the municipality;

The Council finds that the financial aid to be provided to the municipality is necessary to enable the project to be undertaken in accordance with the Plan;

The Council finds that the Plan affords maximum opportunity to private enterprise, consistent with the sound needs of the municipality as a whole, for the undertaking of an urban renewal program;

The Council finds that the Plan conforms to a comprehensive community plan for the development of the municipality as a whole;

The Council finds that there is a feasible method for the relocation of families and individuals displaced from the Area into decent, safe and sanitary dwellings, which are or will be provided in the Area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities, at rents or prices within the financial means of such families or individuals, and reasonably accessible to their places of employment;

The Council finds that the undertaking and carrying out of the urban renewal activities in stages is in the best public interest and will not cause any additional or increased hardship to the residents of the Area;

The Council approves the designation of the Area pursuant to Section 504 of the General Municipal Law; and

The Council approves the amendment of the Plan pursuant to Section 505 of the General Municipal Law and Section 197-d of the Charter.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 864 & Res. No. 1815

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210351 ZMM (New York Blood Center) submitted by New York Blood Center, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c, changing from an R8B District to a C2-7 District and changing from a C1-9 District to a C2-8 District, for property located between East 66th Street and East 67th Street in the vicinity of Second Avenue, Borough of Manhattan, Community District 8, Council District 5.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2454) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB-8 – THREE APPLICATIONS RELATED TO NEW YORK BLOOD CENTER

C 210351 ZMM (L.U. No. 864)

City Planning Commission decision approving an application submitted by New York Blood Center Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c:

1. changing from an R8B District to a C2-7 District property bounded by East 67th Street, a line 325 feet easterly of Second Avenue, East 66th Street and a line 100 feet easterly of Second Avenue; and
2. changing from a C1-9 District to a C2-8 District property bounded by East 67th Street, a line 100 feet easterly of Second Avenue, East 66th Street, Second Avenue, East 66th Street, and a line 100 feet westerly of Second Avenue;

as shown on a diagram (for illustrative purposes only) dated April 19, 2021, and subject to the conditions of CEQR Declaration E-612.

N 210352 ZRM (L.U. No. 865)

City Planning Commission decision approving an application submitted by New York Blood 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 VII, Chapter 4, for the purpose of allowing scientific research facilities in C2-7 Districts and allowing related use and bulk modifications, and modifying APPENDIX F, for the purpose of establishing a Mandatory Inclusionary Housing area.

C 210353 ZSM (L.U. No. 866)

City Planning Commission decision approving an application submitted by New York Blood Center, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-48 of the Zoning Resolution as follows:

1. to allow a scientific research and development facility as a commercial use;
2. to allow the floor area ratio regulations, up to the maximum floor area ratio permitted for community facility uses for the District, to apply to the scientific research and development facility use;
3. to modify the height and setback regulations of Section 33-432 (In other Commercial Districts), and the required yard equivalents regulations of Section 33-283 (Required rear yard equivalents); and,
4. to modify the signage regulations of Section 32-641 (Total surface area of signs), Section 32-642 (Non-illuminated signs), Section 32-643 (Illuminated non-flashing signs), Section 32-655 (Permitted Projections or Height of Signs), and Section 32-67 (Special Provisions Applying Along District Boundaries);

to facilitate a proposed 16-story building on property located at 310 East 67th Street (Block 1441, Lot 40), in a C2-7 District.

INTENT

To approve the amendment to rezone the Project Area from an R8B District to a C2-7 District and to change a C1-9 District to a C2-8 District; amend zoning text to allow scientific research and development facilities in C2-7 Districts and allow related use and bulk modifications, and to designate a Mandatory Inclusionary Housing (MIH) area; and grant an approval of the special permit pursuant to Section 74-48 of the Zoning Resolution to allow a scientific research and development facility and to allow modification of the height and setback regulations of Section 33-432 to facilitate the development of a new, modern headquarters for the New York Blood Center and a commercial life sciences hub located at 310 East 67th Street (Block 1441, Lot 40) in the Upper East Side of Manhattan, Community District 8.

PUBLIC HEARING

DATE: October 20, 2021

Witnesses in Favor: Twenty-four

Witnesses Against: Eighty-one

SUBCOMMITTEE RECOMMENDATION**DATE:** November 10, 2021

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 864 and 865 and approve with modifications the decision of the City Planning Commission on L.U. No. 866.

In Favor:

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

Against:

Grodenschik

Abstain:

None.

COMMITTEE ACTION**DATE:** November 10, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Levin, Miller, Reynoso, Treyger, Adams, Ayala, Moya, Rivera, Riley, Brooks-Powers, Feliz, Borelli.

Against:Grodenschik
R. Diaz Sr.**Abstain:**

Koo

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated November 17, 2021, with the Council on November 22, 2021, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1815

Resolution approving the decision of the City Planning Commission on ULURP No. C 210351 ZMM, a Zoning Map amendment (L.U. No. 864).

By Council Members Salamanca and Moya.

WHEREAS, New York Blood Center, 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. 8c, by changing from an R8B District to a C2-7 District and changing from a C1-9 District to a C2-8 District, which in conjunction with the related action would facilitate the development of a new, modern headquarters for the New York Blood Center and a commercial life sciences hub located at 310 East 67th Street (Block 1441, Lot 40) in the Upper East Side of Manhattan, Community District 8 (ULURP No. C 210351 ZMM) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 27, 2021 its decision dated September 22, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 210352 ZRM (L.U. No. 865), a zoning text amendment to allow scientific research and development facilities in C2-7 Districts and allow related use and bulk modifications, and to designate a Mandatory Inclusionary Housing (MIH) area; and C 210353 ZSM (L.U. No. 866), a zoning special permit pursuant to Section 74-48 of the Zoning Resolution to allow a scientific research and development facility and to allow modification of the height and setback regulations of Section 33-432;

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 20, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued November 13th, 2020 (CEQR No. 21DCP080M) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 10, 2021, in which significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of (E) designations (E-612) on the project sites. To ensure the implementation of the PCREs the applicant will enter into a Restrictive Declaration at the time of the approval of land use-related actions and prior to issuance of any permits. The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to shadows and construction (noise) and to ensure the implementation of the mitigation measures identified in the FEIS, they are included in the Restrictive Declaration. The Council has also considered the Technical Memorandum dated November 16, 2021 (the "Technical Memorandum").

RESOLVED:

Having considered the FEIS and Technical Memorandum 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) From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- 3) The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210351 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. 8c:

1. changing from an R8B District to a C2-7 District property bounded by East 67th Street, a line 325 feet easterly of Second Avenue, East 66th Street and a line 100 feet easterly of Second Avenue; and
2. changing from a C1-9 District to a C2-8 District property bounded by East 67th Street, a line 100 feet easterly of Second Avenue, East 66th Street, Second Avenue, East 66th Street, and a line 100 feet westerly of Second Avenue;

as shown on a diagram (for illustrative purposes only) dated April 19, 2021, and subject to the conditions of CEQR Declaration E-612, Borough of Manhattan, Community District 8.

RAFAEL SALAMANCA, Jr., *Chairperson*; STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 865 & Res. No. 1816

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 201352 ZRM (New York Blood Center) submitted by New York Blood 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 VII, Chapter 4, for the purpose of allowing scientific research and development facilities in C2-7 Districts and allowing related use and bulk modifications, and modifying APPENDIX F, for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Manhattan, Community District 8, Council District 5.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2454) 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. 864 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1816

Resolution approving the decision of the City Planning Commission on Application No. N 210352 ZRM, for an amendment of the text of the Zoning Resolution (L.U. No. 865).

By Council Members Salamanca and Moya.

WHEREAS, New York Blood Center 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 Article VII, Chapter 4 for the purpose of allowing scientific research facilities in C2-7 Districts and allowing related use and bulk modifications, and modifying APPENDIX F, for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the development of a new, modern headquarters for the New York Blood Center and a commercial life sciences hub located at 310 East 67th Street (Block 1441, Lot 40) in the Upper East Side of Manhattan, Community District 8 (ULURP No. N 210352 ZRM), (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 27, 2021, its decision dated September 22, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application C 210351 ZMM (L.U. No. 864), a zoning map amendment to change an R8B District to a C2-7 District and to change a C1-9 District to a C2-8 District; and C 210353 ZSM (L.U. No. 866), a zoning special permit pursuant to Section 74-48 of the Zoning Resolution to allow a scientific research and development facility and to allow modification of the height and setback regulations of Section 33-432;

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 20, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued November 13th, 2020 (CEQR No. 21DCP080M) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 10, 2021, in which significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of (E) designations (E-612) on the project sites. To ensure the implementation of the PCREs the applicant will enter into a Restrictive Declaration at the time of the approval of land use-related actions and prior to issuance of any permits. The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to shadows and construction (noise) and to ensure the implementation of the mitigation measures identified in the FEIS, they are included in the Restrictive Declaration. The Council has also considered the Technical Memorandum dated November 16, 2021 (the "Technical Memorandum").

RESOLVED:

Having considered the FEIS and Technical Memorandum 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) From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- 3) The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 210352 ZRM, 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 III
 COMMERCIAL DISTRICT REGULATIONS**

**Chapter 2
 Use Regulations**

* * *

**32-30
 USES PERMITTED BY SPECIAL PERMIT**

**32-32
 By the City Planning Commission**

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4, or as otherwise indicated in this Section.

* * *

C1 C2 C3 C4 C5 C6 C7 C8
 Railroad passenger stations

C2-7 C6
 Research and development facility, scientific, in C2-7 Districts within Community District 8 in the Borough of Manhattan, and in C6 Districts

C1 C2 C3 C4 C5 C6 C7 C8
 Seaplane bases

* * *

**ARTICLE VII
Administration**

* * *

**Chapter 4
Special Permits by the City Planning Commission**

**74-40
USE PERMITS**

* * *

**74-48
Scientific Research and Development Facility**

In C2-7 Districts within Community District 8 in the Borough of Manhattan, and in C6 Districts, the City Planning Commission may permit a scientific research and development facility ~~containing~~ as a ~~commercial use~~, where such facility contains laboratories for medical, biotechnological, chemical or genetic research, including space for production, storage and distribution of scientific products generated through research and ~~may modify height and setback regulations for the facility.~~ Such facility shall conform to the performance standards applicable to M1 Districts and occupy a ~~zoning lot~~ that either contains a minimum ~~lot area~~ of 40,000 square feet or comprises an entire ~~block~~. No ~~residential use~~ is to be located anywhere on a ~~zoning lot~~ containing such a facility, in conjunction with such facility, may allow the modifications set forth in paragraph (a) of this Section. For a special permit to be granted, applications shall comply with conditions in paragraph (b) and the findings of paragraph (c) of this Section. Additional requirements are set forth in paragraph (d).

(a) Additional modifications

For such scientific research and development facility, the Commission may modify the following:

- (1) height and setback regulations; and
- (2) where such facility is located within C2-7 Districts:
 - (i) sign regulations;
 - (ii) floor area ratio regulations, up to the maximum floor area ratio permitted for community facility uses for the District; and
 - (iii) yard regulations.

(b) Conditions

As a condition for granting a special permit, such facility shall:

- (1) conform to the performance standards applicable to M1 Districts;

(2) occupy a #zoning lot# that either contains a minimum #lot area# of 40,000 square feet or comprises an entire #block#; and

(3) occupy a #zoning lot# containing no #residential use#.

(c) Findings

As a condition for granting a special permit, the Commission shall find that the scientific research and development facility:

~~(a)~~(1) will not unduly affect the essential character or impair the future use and development of the surrounding area;

~~(b)~~(2) will be located so as to draw a minimum of vehicular traffic to and through local #streets#;

~~(c)~~(3) provides fully enclosed storage space for all raw materials, finished products, by-products and waste materials including debris, refuse and garbage; and

~~(d)~~(4) that the modification of such height and setback to any applicable #bulk# regulations will not unduly obstruct the access of light and air to adjoining properties or public #streets#.

(5) with regard to #sign# modifications:

(i) a signage plan has been submitted showing the location, size, height, and illumination of all #signs# on the #zoning lot#;

(ii) the modifications are consistent with the amount and location of commercial life sciences laboratories that the Commission finds appropriate on the #zoning lot#; and

(iii) #illuminated signs#, if provided:

(a) utilize an illumination type, and are located and oriented in a manner so as to minimize any negative effects on nearby residences; and

(b) do not alter the essential character of the adjacent area.

(d) Additional requirements

(1) To minimize traffic congestion in the area, the Commission shall require the provision of off-street loading berths conforming to the requirements set forth in Section 36-62 (Required Accessory Off-street Loading Berths) for #commercial uses#.

(2) The Commission may also require the provision of #accessory# off-street parking facilities to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#. The size and location of such parking, bicycle parking, and loading facilities shall comply with the applicable provisions of Section 36-00, inclusive.

(3) All applications for the grant of a special permit pursuant to this Section shall be referred to the Commissioner of Health of the City of New York or its successor for a report and recommendations on matters relating to health, safety and general welfare of the public with regard to the proposed facility. If the report is received within 45 days from the date of referral, the Commission shall, in its determination, give due consideration to the report and its

recommendations. If such agency does not report within 45 days, the Commission may make a final determination without reference thereto.

In order to promote and protect the public health, safety and general welfare, the City Planning Commission may impose additional conditions and safeguards and more restrictive performance standards where necessary.

* * *

**APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

* * *

MANHATTAN

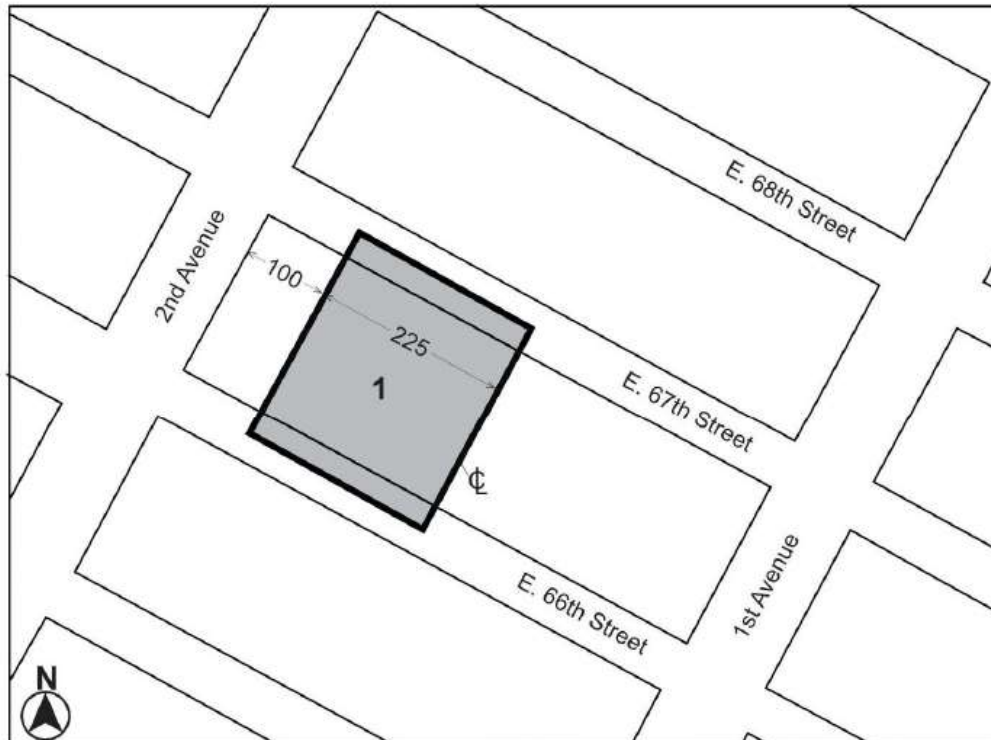
* * *

Manhattan Community District 8

* * *

Map 1 [date of adoption]

[PROPOSED MAP]



Mandatory Inclusionary Housing Area *(see Section 23-154(d)(3))*
Area 1 - [date of adoption] - MIH Program Option 1 and Option 2

Portion of Community District 8, Manhattan

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 866 & Res. No. 1817

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 201353 ZSM (New York Blood Center) submitted by New York Blood Center, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-48 of the Zoning Resolution to allow a scientific research and development facility as a commercial use, to allow the floor area ratio regulations, up to the maximum floor area ratio permitted for community facility uses for the District, to apply to the scientific research and development facility use3, to modify the height and setback regulations of Section 33-432 (In other Commercial Districts), and the required yard equivalents regulations of Section 33-283 (Required rear yard equivalents), and to modify the signage regulations of Section 32-641 (Total surface area of signs), Section 32-642 (Non-illuminated signs), Section 32-643 (Illuminated non-flashing signs), Section 32-655 (Permitted Projections or Height of Signs), and Section 32-67 (Special Provisions Applying Along District Boundaries), to facilitate a proposed 16-story building on property located at 310 East 67th Street (Block 1441, Lot 40), Borough of Manhattan, Community District 8, Council District 5.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2454) 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. 864 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1817

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 210353 ZSM, for the grant of a special permit (L.U. No. 866).

By Council Members Salamanca and Moya.

WHEREAS, New York Blood Center 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 74-48 of the Zoning Resolution to allow a scientific research and development facility as a commercial use; to allow the floor area ratio regulations, up to the maximum floor area ratio permitted for community facility uses for the District, to apply to the scientific research and development facility use; to modify the height and setback regulations of Section 33-432 (In other Commercial Districts), and the required yard equivalents regulations of Section 33-283 (Required rear yard equivalents); and to modify the signage regulations of Section 32-641 (Total surface area of signs), Section 32-642 (Non-illuminated signs), Section 32-643 (Illuminated non-flashing signs), Section 32-655 (Permitted Projections or Height of Signs), and Section 32-67 (Special Provisions Applying Along District Boundaries); which in conjunction with the related actions would facilitate the development of a new, modern headquarters for the New York Blood Center and a commercial life sciences hub located at 310 East 67th Street (Block 1441, Lot 40) in the Upper East Side of Manhattan, Community District 8 (ULURP No. C 210353 ZSM) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 27, 2021, its decision dated September 22, 2021 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications C 210351 ZMM (L.U. No. 864), a zoning map amendment to change an R8B District to a C2-7 District and to change a C1-9 District to a C2-8 District; and N 210352 ZRM (L.U. No. 865), a zoning text amendment to allow scientific research and development facilities in C2-7 Districts and allow related use and bulk modifications, and 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 74-48 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 October 20, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued November 13th, 2020 (CEQR No. 21DCP080M) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 10, 2021, in which significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of (E) designations (E-612) on the project sites. To ensure the implementation of the PCREs the applicant will enter into a Restrictive Declaration at the time of the approval of land use-related actions and prior to issuance of any permits. The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to shadows and construction (noise) and to ensure the implementation of the mitigation measures identified in the FEIS, they are included in the Restrictive Declaration. The Council has also considered the Technical Memorandum dated November 16, 2021 (the “Technical Memorandum”).

RESOLVED:

Having considered the FEIS and Technical Memorandum 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) The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action[s] that are set forth in this report; and
- 3) Consistent with social, economic and other essential considerations, from among the reasonable alternatives provided in the application, the action[s] is [are] one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- 4) The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration dated September 20, 2021, those project components related to the environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210353 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 210353 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 Don Weinreich, Ennead Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Revised Date</u>
Z-02	Zoning Analysis	4/6/2020 <u>11/17/2021</u>
Z-03	Zoning Lot Site Plan	3/17/2021 <u>11/17/2021</u>
Z-04	Waiver Plan	3/17/2021 <u>11/17/2021</u>
Z-05	Waiver North-South Section	3/17/2021 <u>11/17/2021</u>
Z-06	Waiver East-West Section	3/17/2021 <u>11/17/2021</u>
Z-07	Signage Waiver Elevations and Calculations	3/17/2021 <u>11/17/2021</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. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated September 20, 2021, executed by New York Blood Center, Inc., the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure or breach of any of the conditions as stated above, may constitute grounds for the City Planning Commission or City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted or of the attached restrictive declaration.
7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 867 & Res. No. 1818

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 20210369 ZSM (343 Madison Avenue – MTA/HQ) submitted by BP 347 Madison Associates, LLC and Metropolitan Transportation Authority pursuant to Sections 197-c and 201 of the New York City Charter for, in conjunction with the grant of a special permit pursuant to 81-633 of the Zoning Resolution (Special permit for Grand Central public realm improvements), the grant of a special permit pursuant to Section 81-634 to modify the street wall requirements of Sections 81-43 (Street Wall Continuity along Designated Streets) and 81-671 (Special Street Wall Requirements); the height and setback requirements of Section 81-27 (Alternative Height and Setback Regulations - Daylight Evaluation); and the mandatory district plan elements of Section 81-42 (Retail Continuity Along Designated Streets), Section 81-45 (Pedestrian Circulation Space), Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), Sections 81-47 (Major Building Entrances), Section 81-674 (Ground floor use provisions), Section 81-44 (Curb Cut Restrictions), and Section 81-675 (Curb cut restrictions and loading berth requirements), in connection with a proposed commercial development, on property located at 343 Madison Avenue (Block 1279, Lots 23, 24, 25 & 48), in a C5-3 District, within the Special Midtown District (Vanderbilt Corridor Subarea), Borough of Manhattan, Community District 5, Council District 4.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2455) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

**MANHATTAN CB-5 – TWO APPLICATIONS RELATED TO 343 MADISON AVENUE-
MTA/HQ**

C 210369 ZSM (L.U. No. 867)

City Planning Commission decision approving an application submitted by BP 347 Madison Associates, LLC and Metropolitan Transportation Authority, pursuant to Sections 197-c and 201 of the New York City Charter for, in conjunction with the grant of a special permit pursuant to 81-633 of the Zoning Resolution (Special permit for Grand Central public realm improvements), the grant of a special permit pursuant to Section 81-634 to modify the street wall requirements of Sections 81-43 (Street Wall Continuity along Designated Streets) and 81-671 (Special Street Wall Requirements), the height and setback requirements of Section 81-27 (Alternative Height and Setback Regulations - Daylight Evaluation); and the mandatory district plan elements of Section 81-42 (Retail Continuity Along Designated Streets), Section 81-45 (Pedestrian Circulation Space), Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), Sections 81-47 (Major Building Entrances), Section 81-674 (Ground floor use provisions), Section 81-44 (Curb Cut Restrictions), and Section 81-675 (Curb cut restrictions and loading berth requirements); in connection with a proposed commercial development, on property located at 343 Madison Avenue (Block 1279, Lots 23, 24, 25 & 48), in a C5-3 District, within the Special Midtown District (Vanderbilt Corridor Subarea).

C 210370 ZSM (L.U. No. 868)

City Planning Commission decision approving an application submitted by BP 347 Madison Associates, LLC and the Metropolitan Transportation Authority, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-633 of the Zoning Resolution to allow an increase in floor area in excess of the basic maximum floor area ratio established in the Table in Section 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea) up to a maximum floor area as set forth in such Table, in connection with a proposed commercial development, on property located at 343 Madison Avenue (Block 1279, Lots 23, 24, 25 & 48), in a C5-3 District, within the Special Midtown District (Vanderbilt Corridor Subarea).

INTENT

To grant an approval of the special permit pursuant to ZR Section 81-634 to modify certain district plan elements, street wall, height and setback, loading and curb cut regulations and grant an approval of the zoning special permit pursuant to ZR Section 81-633 granting additional floor area for the provisions of public realm improvements to allow for the development of a commercial building on the property at 317-341 Madison Avenue (Block 1279, Lots 23, 24, 25 & 48) in the East Midtown neighborhood of Manhattan Community District 5.

PUBLIC HEARING**DATE:** October 12, 2021**Witnesses in Favor:** Seven**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** November 10, 2021

The Subcommittee recommends that the Land Use Committee approve with modifications the decisions of the City Planning Commission on L.U. Nos. 867 and 868.

In Favor:

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

Against:

None

Abstain:

None.

COMMITTEE ACTION**DATE:** November 10, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz Sr., Moya, Rivera, Riley, Brooks-Powers, Feliz, Borelli.

Against:

None

Abstain:

None.

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated November 17, 2021, with the Council on November 22, 2021, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1818

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 210369 ZSM, for the grant of a special permit (L.U. No. 867).

By Council Members Salamanca and Moya.

WHEREAS, BP 347 Madison Associates, LLC and Metropolitan Transportation Authority, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for, in conjunction with the grant of a special permit pursuant to Section 81-633 of the Zoning Resolution (Special permit for Grand Central public realm improvements), the grant of a special permit pursuant to Section 81-634 to modify the street wall requirements of Sections 81-43 (Street Wall Continuity along Designated Streets) and 81-671 (Special Street Wall Requirements), the height and setback requirements of Section 81-27 (Alternative Height and Setback Regulations - Daylight Evaluation); and the mandatory district plan elements of Section 81-42 (Retail Continuity Along Designated Streets), Section 81-45 (Pedestrian Circulation Space), Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), Sections 81-47 (Major Building Entrances), Section 81-674 (Ground floor use provisions), Section 81-44 (Curb Cut Restrictions), and Section 81-675 (Curb cut restrictions and loading berth requirements); in connection with a proposed commercial development, on property located at 343 Madison Avenue (Block 1279, Lots 23, 24, 25 & 48), in a C5-3 District, which in conjunction with the related action would allow for the development of a commercial building on the property at 317-341 Madison Avenue (Block 1279, Lots 23, 24, 25 & 48) in the East Midtown neighborhood of Manhattan Community District 5 (ULURP No. C 210369 ZSM) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 27, 2021, its decision dated September 22, 2021 (the “Decision”) on the Application;

WHEREAS, the Application is related to application C 210370 ZSM (L.U. No. 868), a Zoning Special Permit pursuant to ZR Section 81-633 granting additional floor area for the provision of public realm improvements;

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 81-634 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 12, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued July 23rd, 2020 (CEQR No. 21DCP020M) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 10, 2021, which the significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of an (E) designation (E-584) on the Development Site. The Proposed Development as analyzed in the FEIS identified significant adverse impacts with respect to transportation (traffic, transit and pedestrians) and the mitigation measures are included in the Restrictive Declaration. The Council has also considered the Technical Memorandum dated November 16, 2021.

RESOLVED:

Having considered the FEIS and Technical Memorandum 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) The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; 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 pursuant to the Restrictive Declaration, attached as Exhibit A hereto, all as acceptable to Counsel to the Department, is executed by BP 347 Madison Associates LLC and the Metropolitan Transit Authority, or its successors, and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York, those project components related to the environmental and mitigation measures that were identified as practicable and the placement of (E) designations (E-584) for Hazardous Materials, Air Quality, and Noise, which form part of the action.
- 4) No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached as Exhibit A, as same may be modified with any necessary administrative or technical changes, all as acceptable to Counsel to the Department of City Planning, is executed by BP 347 Madison Associates, LLC, or its successor, and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210369 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 210369 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following approved plans, prepared by Kohn, Pedersen, Fox Associates, PC and Stantec, filed with this application and incorporated into this resolution:

Drawing No.	Title	Last Date Revised
Z-101	Zoning Calculations	9/20/2021 11/16/2021
Z-102	Zoning Lot Site Plan	9/20/2021
Z-103	Waiver Plan	9/20/2021 11/16/2021
Z-104	Ground Floor Waiver Plan	12/15/2020
Z-105	Pedestrian Circulation Space Plan	12/15/2020
Z-200	Building Sections	9/20/2021 11/16/2021
Z-300	Daylight Evaluation Analysis	9/20/2021
Z-301	Daylight Evaluation Analysis	9/20/2021
Z-302	Daylight Evaluation Analysis – VP1	9/20/2021
Z-303	Daylight Evaluation Analysis – VP2	9/20/2021
Z-304	Daylight Evaluation Analysis – VP3	9/20/2021
Z-305	Daylight Evaluation Analysis – VP4	9/20/2021

Z-306	Daylight Evaluation Analysis – VP5	9/20/2021
Z-307	Daylight Evaluation Analysis – VP6	9/20/2021
KP-1	Key Plan Street Level	12/9/2020
KP-2	Key Plan ESA Concourse & Lexington Line Platform Level	12/9/2020
KP-3	Key Plan Flushing Line Platform & Passageway Level	12/9/2020
PM-1	On-site Ground Level	12/9/2020
PM-2	On-Site Cellar 1 Level 1	12/9/2020
PM-3	On Site ESA Concourse Level	12/9/2020
PM-4	On-Site Sections 1 of 2	12/9/2020
PM-5	On-Site Section 2 of 2	12/9/2020
XE-1	Off-Site East End Existing Flushing Line Platform Level	12/9/2020
XE-2	Off-Site East End Existing Sections	12/9/2020
XC-1	Off-Site Center Core Existing Flushing Line Passageway Level	12/9/2020
XC-2	Off-Site Center Core Existing Flushing Line Platform Level	12/9/2020
XC-3	Off-Site Center Core Existing Sections	12/9/2020
XU-1	Off-Site “U” Stairs Existing Lexington Line Platform Level	12/9/2020
XU-2	Off-Site “U” Stairs Existing Flushing Line Passageway Level	12/9/2020
XU-3	Off-Site “U” Stairs Existing Sections	12/9/2020
PE-1	Off-Site East End Proposed Flushing Line Platform Level	12/9/2020
PE-2	Off-Site East End Proposed Sections	12/9/2020
PC-1	Off-Site Center Core Proposed Flushing Line Passageway Level	12/9/2020
PC-2	Off-Site Center Core Proposed Flushing Line Platform Level	12/9/2020
PC-3	Off-Site Center Core Proposed Sections	12/9/2020
PU-1	Off-Site “U” Stairs Proposed Lexington Line Platform Level	12/9/2020
PU-2	Off-Site “U” Stairs Proposed Flushing Line Passageway Level	12/9/2020
PU-3	Off-Site “U” Stairs Proposed Sections	12/9/2020

2. Such development shall conform to all applicable provisions of the Zoning Resolution except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation, and maintenance.
4. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached herein as Exhibit A to this report, 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 City

- Register, New York County. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
5. The Development shall include those mitigation measures listed in the Final Environmental Impact Statement (CEQR No. 21DCP020M) issued on September 10, 2021 and identified as practicable.
 6. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee, or occupant.
 7. Upon 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, agreement, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
 8. Neither the City of New York nor its employees or agents shall have any liability for money damage by reason of the City's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeager, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 868 & Res. No. 1819

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 20210370 ZSM (343 Madison Avenue – MTA/HQ) submitted by BP 347 Madison Associates, LLC and Metropolitan Transportation Authority pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-633 of the Zoning Resolution to allow an increase in floor area in excess of the basic maximum floor area ratio established in the Table in Section 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea) up to a maximum floor area as set forth in such Table, in connection with a proposed commercial development, on property located at 343 Madison Avenue (Block 1279, Lots 23, 24, 25 & 48), in a C5-3 District, within the Special Midtown District (Vanderbilt Corridor Subarea), Borough of Manhattan, Community District 5, Council District 4.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2455) 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. 867 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1819

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 210370 ZSM, for the grant of a special permit (L.U. No. 868).

By Council Members Salamanca and Moya.

WHEREAS, BP 347 Madison Associates, LLC and Metropolitan Transportation Authority, 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 81-633 of the Zoning Resolution to allow an increase in floor area in excess of the basic maximum floor area ratio established in the Table in Section 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea) up to a maximum floor area as set forth in such Table, in connection with a proposed commercial development, on property located at 343 Madison Avenue (Block 1279, Lots 23, 24, 25 & 48), in a C5-3 District, within the Special Midtown District (Vanderbilt Corridor Subarea), which in conjunction with related action would enable the development of a commercial building on the property at 317-341 Madison Avenue (Block 1279, Lots 23, 24, 25 and 48), in the East Midtown neighborhood of Manhattan Community District 5 (ULURP No. C 210370 ZSM) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 27, 2021, its decision dated September 22, 2021 (the “Decision”) on the Application;

WHEREAS, the Application is related to application C 210369 ZSM (L.U. No. 867), a Zoning special permit pursuant to ZR Section 81-634 to modify certain district plan elements, street wall, height and setback, loading and curb cut regulations;

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 81-633 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 October 12, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued July 23rd, 2020 (CEQR No. 21DCP020M) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 10, 2021, which the significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of an (E) designation (E-584) on the Development Site. The Proposed Development as analyzed in the FEIS identified significant adverse impacts with respect to transportation (traffic, transit and pedestrians) and the mitigation

measures are included in the Restrictive Declaration. The Council has also considered the Technical Memorandum dated November 16, 2021.

RESOLVED:

Having considered the FEIS and Technical Memorandum 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) The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; 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 pursuant to the Restrictive Declaration, attached as Exhibit A hereto, all as acceptable to Counsel to the Department, is executed by BP 347 Madison Associates LLC and the Metropolitan Transit Authority, or its successors, and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York, those project components related to the environmental and mitigation measures that were identified as practicable and the placement of (E) designations (E-584) for Hazardous Materials, Air Quality, and Noise, which form part of the action.
- 4) No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached as Exhibit A, as same may be modified with any necessary administrative or technical changes, all as acceptable to Counsel to the Department of City Planning, is executed by BP 347 Madison Associates, LLC, or its successor, and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210370 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 210370 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following approved plans, prepared by Kohn, Pedersen, Fox Associates, PC and Stantec, filed with this application and incorporated into this resolution:

Drawing No.	Title	Last Date Revised
Z-101	Zoning Calculations	9/20/2021 <u>11/16/2021</u>

Z-102	Zoning Lot Site Plan	9/20/2021
Z-103	Waiver Plan	9/20/2021 <u>11/16/2021</u>
Z-104	Ground Floor Waiver Plan	12/15/2020
Z-105	Pedestrian Circulation Space Plan	12/15/2020
Z-200	Building Sections	9/20/2021 <u>11/16/2021</u>
Z-300	Daylight Evaluation Analysis	9/20/2021
Z-301	Daylight Evaluation Analysis	9/20/2021
Z-302	Daylight Evaluation Analysis – VP1	9/20/2021
Z-303	Daylight Evaluation Analysis – VP2	9/20/2021
Z-304	Daylight Evaluation Analysis – VP3	9/20/2021
Z-305	Daylight Evaluation Analysis – VP4	9/20/2021
Z-306	Daylight Evaluation Analysis – VP5	9/20/2021
Z-307	Daylight Evaluation Analysis – VP6	9/20/2021
KP-1	Key Plan Street Level	12/9/2020
KP-2	Key Plan ESA Concourse & Lexington Line Platform Level	12/9/2020
KP-3	Key Plan Flushing Line Platform & Passageway Level	12/9/2020
PM-1	On-site Ground Level	12/9/2020
PM-2	On-Site Cellar 1 Level 1	12/9/2020
PM-3	On Site ESA Concourse Level	12/9/2020
PM-4	On-Site Sections 1 of 2	12/9/2020
PM-5	On-Site Section 2 of 2	12/9/2020
XE-1	Off-Site East End Existing Flushing Line Platform Level	12/9/2020
XE-2	Off-Site East End Existing Sections	12/9/2020
XC-1	Off-Site Center Core Existing Flushing Passageway Level	12/9/2020
XC-2	Off-Site Center Core Existing Flushing Platform Level	12/9/2020
XC-3	Off-Site Center Core Existing Sections	12/9/2020
XU-1	Off-Site “U” Stairs Existing Lexington Platform Level	12/9/2020
XU-2	Off-Site “U” Stairs Existing Flushing Passageway Level	12/9/2020
XU-3	Off-Site “U” Stairs Existing Sections	12/9/2020
PE-1	Off-Site East End Proposed Flushing Line Platform Level	12/9/2020
PE-2	Off-Site East End Proposed Sections	12/9/2020
PC-1	Off-Site Center Core Proposed Flushing Passageway Level	12/9/2020
PC-2	Off-Site Center Core Proposed Flushing Platform Level	12/9/2020
PC-3	Off-Site Center Core Proposed Sections	12/9/2020
PU-1	Off-Site “U” Stairs Proposed Lexington Platform Level	12/9/2020
PU-2	Off-Site “U” Stairs Proposed Flushing Passageway Level	12/9/2020
PU-3	Off-Site “U” Stairs Proposed Sections	12/9/2020

2. Such development shall conform to all applicable provisions of the Zoning Resolution except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation, and maintenance.
4. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached herein as Exhibit A to this report, 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 City Register, New York County. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
5. The Development shall include those mitigation measures listed in the Final Environmental Impact Statement (CEQR No. 21DCP020M) issued on September 10, 2021 and identified as practicable.
6. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee, or occupant.
7. Upon 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, agreement, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
8. Neither the City of New York nor its employees or agents shall have any liability for money damage by reason of the City's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 869 & Res. No. 1820

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210177 ZMK (Gowanus Neighborhood Plan) submitted by the New York City Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 16c and 16d eliminating from within an existing R8A District a C2-4 District, eliminating a Special Enhanced Commercial District (EC-1), changing from an R6B District to an R6A District, changing from an R6 District to an R6B District, changing from an R8A District to a C4-4D District, changing from an C8-2 District to a C4-4D District, changing from an M1-2 District to a C4-4D District, changing from an C8-2 District to an M1-4 District, changing from an M1-1 District to an M1-4 District, changing from an M2-1 District to an M1-4 District, changing from an M3-1 District to an M1-4 District, changing from an R6 District to an M1-4/R6A District, changing from an M1-1 District to an M1-4/R6A District, changing from an M1-2 District to a M1-4/R6A District, changing from an M2-1 District to an M1-4/R6A District, changing from an C8-2 District to an M1-4/R6B District, changing from an M1-1 District to an M1-4/R6B District, changing from an M1-2 District to an M1-4/R6B District, changing from an M2-1 District to an M1-4/R6B District, changing from an M2-1 District to an M1-4/R7-2 District, changing from an M3-1 District to an M1-4/R7-2 District, changing from an M1-2 District to an M1-4/R7A District, changing from an R6 District to an M1-4/R7X District, changing from an C8-2 District to an M1-4/R7X District, changing from an M1-2 District to an M1-4/R7X District, changing from an M2-1 District to an M1-4/R7X District, and establishing a Special Gowanus Mixed Use District (G), for property located in the Borough of Brooklyn, Community Districts 2 and 6, Council Districts 33 and 39.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2455) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BROOKLYN CBs-2 and 6 – SEVEN APPLICATIONS RELATED TO GOWANUS NEIGHBORHOOD PLAN****C 210177 ZMK (L.U. No. 869)**

City Planning Commission decision approving an application submitted by the New York City Department of City Planning (DCP) pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 16c and 16d:

1. eliminating from within an existing R8A District a C2-4 District bounded by:
 - a. Pacific Street, a line 100 feet southeasterly of 4th Avenue, President Street, a line 150 feet southeasterly of 4th Avenue, 3rd Street, 4th Avenue, Douglass Street, and a line 100 feet northwesterly of 4th Avenue; and
 - b. a line 210 feet northeasterly of 5th Street, a line 100 feet southeasterly of 4th Avenue, 7th Street, 4th Avenue, 9th Street, a line 100 feet southeasterly of 4th Avenue, 13th Street, 4th Avenue, 14th Street, a line 100 feet southeasterly of 4th Avenue, 15th Street, a line 100 feet northwesterly of 4th Avenue, 6th Street, and 4th Avenue;
2. eliminating a Special Enhanced Commercial District (EC-1) bounded by Pacific Street, a line 100 feet

- southeasterly of 4th Avenue, President Street, a line 150 feet southeasterly of 4th Avenue, 3rd Street, a line 100 feet southeasterly of 4th Avenue, 15th Street, a line 100 feet northwesterly of 4th Avenue, 6th Street, 4th Avenue, Douglass Street, and a line 100 feet northwesterly of 4th Avenue;
3. changing from an R6B District to an R6A District property bounded by Carroll Street, Bond Street, 1st Street, and a line 350 feet southeasterly of Hoyt Street;
 4. changing from an R6 District to an R6B District property bounded by Warren Street, Nevins Street, a line midway between Warren Street and Baltic Street, and a line 100 feet southeasterly of Bond Street;
 5. changing from an R8A District to a C4-4D District property bounded by Pacific Street, a line 100 feet southeasterly of 4th Avenue, President Street, a line 150 feet southeasterly of 4th Avenue, 3rd Street, a line 100 feet southeasterly of 4th Avenue, 15th Street, a line 100 feet northwesterly of 4th Avenue, 6th Street, 4th Avenue, Douglass Street, and a line 100 feet northwesterly of 4th Avenue;
 6. changing from an C8-2 District to a C4-4D District property bounded by 3rd Street, 4th Avenue, 6th Street, and a line 100 feet northwesterly of 4th Avenue;
 7. changing from an M1-2 District to a C4-4D District property bounded by Douglass Street, 4th Avenue, 1st Street, a line 100 feet northwesterly of 4th Avenue;
 8. changing from an C8-2 District to an M1-4 District property bounded by 3rd Street, a line 100 feet northwesterly of 4th Avenue, a line midway between 6th Street and 7th Street, a line 100 feet southeasterly of 3rd Avenue, 7th Street, 3rd Avenue, a line 305 feet southwesterly of 3rd Street, and a line 285 feet southeasterly of 3rd Avenue;
 9. changing from an M1-1 District to an M1-4 District property bounded by:
 - a. a line midway between 4th Street and 5th Street, a line perpendicular to the northeasterly street line of 5th Street distant 220 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 5th Street and the northwesterly street line of Hoyt Street, 5th Street, and a line perpendicular to the northeasterly street line of 5th Street distant 390 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 5th Street and the northwesterly street line of Hoyt Street; and
 - b. 3rd Street, Bond Street, 4th Street, and Hoyt Street;
 10. changing from an M1-2 District to an M1-4 District property bounded by:
 - a. a line midway between Baltic Street and Butler Street, Nevins Street, Butler Street and a line 360 feet northwesterly of Nevins Street;
 - b. a line midway between Baltic Street and Butler Street, a line 100 feet northwesterly of 4th Avenue, a line midway between Sackett Street and Union Street, a line 100 feet southeasterly of 3rd Avenue, Degraw Street, a line 200 feet southeasterly of 3rd Avenue, Douglass Street, and a line 100 feet southeasterly of 3rd Avenue; and
 - c. a line midway between Union Street and President Street, a line 180 feet northwesterly of 4th Avenue, President Street, a line 250 feet northwesterly of 4th Avenue, Carroll Street, and a line 100 feet southeasterly of 3rd Avenue;
 11. changing from an M2-1 District to an M1-4 District property bounded by 3rd Street, a line 270 feet southeasterly of Bond Street, the centerline of the Gowanus Canal, and Bond Street and its southwesterly

- centerline prolongation;
12. changing from an M3-1 District to an M1-4 District property bounded by 4th Street, Bond Street and its southwesterly centerline prolongation, the centerline of the Gowanus Canal, a line 160 feet northwesterly of Bond Street and its southwesterly prolongation, a line 120 feet southwesterly of 4th Street, Hoyt Street, 5th Street, and a line perpendicular to the northeasterly street line of 5th Street distant 220 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 5th Street and the northwesterly street line of Hoyt Street;
 13. changing from an R6 District to an M1-4/R6A District property bounded by Warren Street, a line 100 feet southeasterly of Bond Street, Baltic Street and Bond Street;
 14. changing from an M1-1 District to an M1-4/R6A District property bounded by a line midway between 3rd Street and 4th Street, Hoyt Street, 4th Street, and a line perpendicular to the northeasterly street line of 4th Street distant 365 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 4th Street and the northwesterly street line of Hoyt Street;
 15. changing from an M1-2 District to a M1-4/R6A District property bounded by:
 - a. a line midway between Warren Street and Baltic Street, a line 100 feet northwesterly of Nevins Street, a line midway between Baltic Street and Butler Street, a line 100 feet southeasterly of Bond Street, Douglass Street, Bond Street, Baltic Street, and a line 100 feet southeasterly of Bond Street;
 - b. a line midway between Baltic Street and Butler Street, a line 100 feet northwesterly of 3rd Avenue, a line midway between Butler Street and Douglass Street, a line 100 feet southeasterly of Nevins Street, Butler Street, a line 325 feet northwesterly of 3rd Avenue;
 - c. Baltic Street, a line 100 feet northwesterly of 4th Avenue, a line midway between Baltic Street and Butler Street, and a line 100 feet southeasterly of 3rd Avenue;
 - d. a line midway between Degraw Street and Sackett Street, a line 100 feet northwesterly of 3rd Avenue, a line midway between Sackett Street and Union Street, a line 100 feet southeasterly of Nevins Street, a line midway between Union Street and President Street, a line 190 feet northwesterly of 3rd Avenue, President Street, a line 100 feet southeasterly of Nevins Street, Carroll Street, Nevins Street, Sackett Street, and a line 100 feet southeasterly of Nevins Street; and
 - e. Union Street, a line 270 feet southeasterly of 3rd Avenue, a line midway between Union Street and President Street, and a line 170 feet northwesterly of 3rd Avenue;
 16. changing from an M2-1 District to an M1-4/R6A District property bounded by a line midway between Butler Street and Douglass Street, a line 200 feet southeasterly of Bond Street, Douglass Street, and a line 100 feet southeasterly of Bond Street;
 17. changing from an C8-2 District to an M1-4/R6B District property bounded by a line midway between 6th Street and 7th Street, a line 360 feet southeasterly of 3rd Avenue, 7th Street, and a line 100 feet southeasterly of 3rd Avenue;
 18. changing from an M1-1 District to an M1-4/R6B District property bounded by a line midway between 4th Street and 5th Street, a line perpendicular to the northeasterly street line of 5th Street distant 390 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 5th Street and the northwesterly street line of Hoyt Street, 5th Street, and Smith Street;

19. changing from an M1-2 District to an M1-4/R6B District property bounded by:
 - a. a line midway between Baltic Street and Butler Street, a line 360 feet northwesterly of Nevins Street, Butler Street, and a line 100 feet southeasterly of Bond Street; and
 - b. a line midway between Union Street and President Street, a line 100 feet southeasterly of 3rd Avenue, Carroll Street, a line 250 feet northwesterly of 4th Avenue, President Street, a line 100 feet northwesterly of 4th Avenue, 1st Street, 3rd Avenue, Carroll Street, a line 100 feet southeasterly of Nevins Street, President Street, and a line 190 feet northwesterly of 3rd Avenue;
20. changing from an M2-1 District to an M1-4/R6B District property bounded by:
 - a. Butler Street, a line 200 feet southeasterly of Bond Street, a line midway between Butler Street and Douglass Street, and a line 100 feet southeasterly of Bond Street; and
 - b. Carroll Street, 3rd Avenue, a line perpendicular to the northwesterly street line of 3rd Avenue distant 160 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 3rd Avenue and the southwesterly street line of Carroll Street, a line 100 feet northwesterly of 3rd Avenue, the northwesterly centerline prolongation of 1st Street, and a line perpendicular to the southwesterly street line of Carroll Street distant 425 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Carroll Street and the northwesterly street line of 3rd Avenue;
21. changing from an M2-1 District to an M1-4/R7-2 District property bounded by:
 - a. Douglass Street and its southeasterly centerline prolongation, the centerline of the Gowanus Canal, Degraw Street and its northwesterly centerline prolongation, Nevins Street, Carroll Street, a line perpendicular to the southwesterly street line of Carroll Street distant 425 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Carroll Street and the northwesterly street line of 3rd Avenue, the northwesterly centerline prolongation of 1st Street, the centerline of the Gowanus Canal, Carroll Street and its southeasterly centerline prolongation, and Bond Street; and
 - b. 2nd Street, a line 210 feet northwesterly of 3rd Avenue, 3rd Street and its northwesterly centerline prolongation, the centerline of the Gowanus Canal, a line 270 feet southeasterly of Bond Street and its southwesterly prolongation, 3rd Street, and Bond Street;
22. changing from an M3-1 District to an M1-4/R7-2 District property bounded by 5th Street, Hoyt Street, a line 120 feet southwesterly of 4th Street, a line 160 feet northwesterly of Bond Street and its southwesterly prolongation, the centerline of the Gowanus Canal, Huntington Street and its southeasterly prolongation, and Smith Street;
23. changing from an M1-2 District to an M1-4/R7A District property bounded by Sackett Street, a line 100 feet southeasterly of 3rd Avenue, a line midway between Sackett Street and Union Street, a line 100 feet northwesterly of 4th Avenue, President Street, a line 180 feet northwesterly of 4th Avenue, a line midway between Union Street and President Street, a line 270 feet southeasterly of 3rd Avenue, Union Street, a line 170 feet northwesterly of 3rd Avenue, a line midway between Union Street and President Street, a line 100 feet southeasterly of Nevins Street, a line midway between Sackett Street and Union Street, and a line 100 feet northwesterly of 3rd Avenue;
24. changing from an R6 District to an M1-4/R7X District property bounded by a line midway between Warren Street and Baltic Street, Nevins Street, Baltic Street, and a line 75 feet northwesterly of Nevins

Street;

25. changing from an C8-2 District to an M1-4/R7X District property bounded 3rd Street, a line 285 feet southeasterly of 3rd Avenue, a line 305 feet southwesterly of 3rd Street, and 3rd Avenue;
26. changing from an M1-2 District to an M1-4/R7X District property bounded by:
 - a. a line midway between Warren Street and Baltic Street, a line 75 feet northwesterly of Nevins Street, Baltic Street, Nevins Street, a line midway between Baltic Street and Butler Street, and a line 100 feet northwesterly of Nevins Street;
 - b. Baltic Street, a line 100 feet southeasterly of 3rd Avenue, Douglass Street, a line 200 feet southeasterly of 3rd Avenue, Degraw Street, a line 100 feet southeasterly of 3rd Avenue, Sackett Street, a line 100 feet northwesterly of 3rd Avenue, a line midway between Degraw Street and Sackett Street, a line 100 feet southeasterly of Nevins Street, Sackett Street, Nevins Street, Butler Street, a line 100 feet southeasterly of Nevins Street, a line midway between Butler Street and Douglass Street, a line 100 feet northwesterly of 3rd Avenue, a line midway between Baltic Street and Butler Street, and a line 325 feet northwesterly of 3rd Avenue;
27. changing from an M2-1 District to an M1-4/R7X District property bounded by a line perpendicular to the northwesterly street line of 3rd Avenue distant 160 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 3rd Avenue and the southwesterly street line of Carroll Street, 3rd Avenue, 3rd Street, a line 210 feet northwesterly of 3rd Avenue, the northwesterly centerline prolongation of 1st Street, and a line 100 feet northwesterly of 3rd Avenue, and
28. establishing a Special Gowanus Mixed Use District (G) bounded by Pacific Street, a line 100 feet southeasterly of 4th Avenue, President Street, a line 150 feet southeasterly of 4th Avenue, 3rd Street, a line 100 feet southeasterly of 4th Avenue, 15th Street, a line 100 feet northwesterly of 4th Avenue, a line midway between 6th Street and 7th Street, a line 360 feet southeasterly of 3rd Avenue, 7th Street, 3rd Avenue, 3rd Street and its northwesterly centerline prolongation, the centerline of the Gowanus Canal, Huntington Street and its southeasterly centerline prolongation, Smith Street, a line midway between 4th Street and 5th Street, a line perpendicular to the northeasterly street line of 5th Street distant 220 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 5th Street and the northwesterly street line of Hoyt Street, 4th Street, a line perpendicular to the northeasterly street line of 4th Street distant 365 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 4th Street and the northwesterly street line of Hoyt Street, a line midway between 3rd Street and 4th Street, Hoyt Street, 3rd Street, Bond Street, Warren Street, a line 100 feet southeasterly of Bond Street, a line midway between Warren Street and Baltic Street, Nevins Street, Butler Street, a line 325 feet northwesterly of 3rd Avenue, Baltic Street, and a line 100 feet northwesterly of 4th Avenue; and excluding the areas bounded by:
 - i. Butler Street, Nevins Street, Degraw Street and its northwesterly centerline prolongation, the center line of the Gowanus Canal, Douglass Street and its southeasterly centerline prolongation, and a line 200 feet southeasterly of Bond Street; and
 - ii. 1st Street, 4th Avenue, 3rd Street, and 3rd Avenue;

as shown on a diagram (for illustrative purposes only) dated April 19, 2021, and subject to the conditions of CEQR Declaration E-601.

N 210178 ZRK (L.U. No. 870)

City Planning Commission decision approving an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing the Special Gowanus Mixed Use District (Article XIII, Chapter 9) and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area and modifying related Sections.

C 210179 MMK (L.U. No. 871)

City Planning Commission decision approving an application submitted by The New York City Department of City Planning pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- 3) the establishment of Hoyt Street between 5th Street and Nelson Street;
- 4) the establishment of Luquer Street and Nelson Street between Smith Street and the Gowanus Canal;
- 5) the elimination, of a 7th Street between Smith Street and The Gowanus Canal;
- 6) the elimination of Public Place;
- 7) the establishment of legal grades;
- 8) 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-2754 dated December 7, 2020 and signed by the Borough President.

C 210180 MMK (L.U. No. 872)

City Planning Commission decision approving an application submitted by the New York City Department of City Planning and the New York City Department of Parks and Recreation pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- 1) the establishment of Park within the area bounded by Huntington Street, Smith Street, Nelson Street, Hoyt Street, 4th Street, Bond Street and The Gowanus Canal;
- 2) 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 Nos. X-2755 and X-2756 dated December 7, 2020 and signed by the Borough President.

C 210053 PPK (L.U. No. 873)

City Planning Commission decision approving an application submitted by the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City

Charter, for the disposition of city-owned property, located at 276 4th Avenue (Block 456, Lot 29), pursuant to zoning.

C 210052 HAK (L.U. No. 874)

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 5th Street and 431 Hoyt Street (Block 471, Lots 1 and 100) as an Urban Development Action Area; and
 - b. 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 mixed-use development with approximately 950 housing units, community facility and commercial space.

20225005 HAK (L.U. No. 888)

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 694 of the General Municipal Law requesting approval of an amendment to an Urban Development Action Areas Project previously approved by the Council by Resolution No. 510 for the year 2002, Borough of Brooklyn, Community District 6, Council District 39.

INTENT

To approve the amendment to rezone the Project Area from an R6, R6B, R8A, R8A/C2-4, C8-2, M1-1, M1-2, M2-1, and M3-1 districts to R6B, R6A, M1-4/R6B, M1-4/R6A, M1-4/R7A, M1-4/R7-2, M1-4/R7X, C4-4D, and M1-4 districts, eliminate commercial overlays, establish the Special Gowanus Mixed Use District, and replace a Special Enhanced Commercial District (EC-1); amend zoning text to establish the Special Gowanus Mixed-Use District, Gowanus Waterfront Access Plan, establish a Mandatory Inclusionary Housing (MIH) area, and replace the EC-1 within the rezoning area; amend the City Map and included acquisition or disposition to facilitate the establishment of streets, the elimination of street segments, and removal of a “Public Place” designation; amend the City Map and included acquisition or disposition involving the mapping of parkland; approve the disposition of the City-owned property; approve the urban development action area project designation; and amend to an urban development action areas project previously approved by the Council by Resolution No. 510 for the year 2002 to facilitate land use changes for 82 full or partial blocks in the Gowanus neighborhood of Brooklyn, Community Districts 2 and 6.

PUBLIC HEARING

DATE: October 12, 2021

Witnesses in Favor: Thirty-nine

Witnesses Against: Forty-six

SUBCOMMITTEE RECOMMENDATION**DATE:** November 10, 2021

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 869, 871 through 874, and 888 and approve with modifications the decision of the City Planning Commission on L.U. No. 870.

In Favor:

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

Against:

None

Abstain:

None.

COMMITTEE ACTION**DATE:** November 10, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz Sr., Moya, Rivera, Riley, Brooks-Powers, Feliz, Borelli.

Against:

None

Abstain:

None.

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated November 17, 2021, with the Council on November 22, 2021, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1820

Resolution approving the decision of the City Planning Commission on ULURP No. C 210177 ZMK, a Zoning Map amendment (L.U. No. 869).

By Council Members Salamanca and Moya.

WHEREAS, the New York City Department of City Planning (DCP), filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 16c and 16d, by eliminating from within an existing R8A District, eliminating a Special Enhanced Commercial District (EC-1), changing from an R6B District to an R6A District, changing from an R6 District to an R6B District, changing from an R8A District to a C4-4D District, changing from an C8-2 District to a C4-4D District,

changing from an M1-2 District to a C4-4D District, changing from an C8-2 District to an M1-4 District, changing from an M1-1 District to an M1-4 District, changing from an M1-2 District to an M1-4 District, changing from an M2-1 District to an M1-4 District, changing from an M3-1 District to an M1-4 District, changing from an R6 District to an M1-4/R6A District, changing from an M1-1 District to an M1-4/R6A District, changing from an M1-2 District to a M1-4/R6A District, changing from an M2-1 District to an M1-4/R6A District, changing from an C8-2 District to an M1-4/R6B District, changing from an M1-1 District to an M1-4/R6B District, changing from an M1-2 District to an M1-4/R6B District, changing from an M2-1 District to an M1-4/R6B District, changing from an M2-1 District to an M1-4/R7-2 District, changing from an M3-1 District to an M1-4/R7-2 District, changing from an M1-2 District to an M1-4/R7A District, changing from an R6 District to an M1-4/R7X District, changing from an C8-2 District to an M1-4/R7X District, changing from an M1-2 District to an M1-4/R7X District, changing from an M2-1 District to an M1-4/R7X District, and establishing a Special Gowanus Mixed Use District (G), which in conjunction with the related action to facilitate land use changes for 82 full or partial blocks associated with the Gowanus Neighborhood Plan, Community Districts 2 and 6, (ULURP No. C 210177 ZMK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on October 22, 2021 its decision dated October 20, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to applications N 210178 ZRK (L.U. No. 870), a zoning text amendment to establish the Special Gowanus Mixed-Use District, Gowanus Waterfront Access Plan, establish a Mandatory Inclusionary Housing (MIH) area, and replace the EC-1 within the rezoning area; C 210179 MMK (L.U. No. 871), a the establishment of streets, the elimination of street segments, and removal of a "Public Place" designation; C 210180 MMK (L.U. No. 872), a city map amendment involving the mapping of parkland; C 210053 PPK (L.U. No. 873), a disposition of City-owned property; and C 210052 HAK (L.U. No. 874), a disposition approval, UDAA and UDAAP designation;

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 12, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued March 22nd, 2019 (CEQR No. 19DCP157K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 10, 2021, which identified significant adverse impacts related to hazardous materials, air quality, and noise, which would be avoided through the placement of (E) designations (E-601) on selected projected and potential development sites; and significant adverse impacts with respect to community facilities (publicly funded child care services), active open space, shadows (Douglass & Degraw Pool and Our Lady of Peace stained glass windows), historic and cultural resources (architectural and archaeological), transportation (traffic, transit, and pedestrians), air quality (mobile source), and construction activities related to noise and historic and cultural resources; and the proposed mitigation measures summarized in Chapter 21, Mitigation, of the FEIS, and the Technical Memoranda dated September 21, 2021 and November 16, 2021 (the "Technical Memoranda").

RESOLVED:

Having considered the FEIS and Technical Memoranda 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) The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
- (3) Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable;

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

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210177 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 16c and 16d:

1. eliminating from within an existing R8A District a C2-4 District bounded by:
 - a. Pacific Street, a line 100 feet southeasterly of 4th Avenue, President Street, a line 150 feet southeasterly of 4th Avenue, 3rd Street, 4th Avenue, Douglass Street, and a line 100 feet northwesterly of 4th Avenue; and
 - b. a line 210 feet northeasterly of 5th Street, a line 100 feet southeasterly of 4th Avenue, 7th Street, 4th Avenue, 9th Street, a line 100 feet southeasterly of 4th Avenue, 13th Street, 4th Avenue, 14th Street, a line 100 feet southeasterly of 4th Avenue, 15th Street, a line 100 feet northwesterly of 4th Avenue, 6th Street, and 4th Avenue;
2. eliminating a Special Enhanced Commercial District (EC-1) bounded by Pacific Street, a line 100 feet southeasterly of 4th Avenue, President Street, a line 150 feet southeasterly of 4th Avenue, 3rd Street, a line 100 feet southeasterly of 4th Avenue, 15th Street, a line 100 feet northwesterly of 4th Avenue, 6th Street, 4th Avenue, Douglass Street, and a line 100 feet northwesterly of 4th Avenue;
3. changing from an R6B District to an R6A District property bounded by Carroll Street, Bond Street, 1st Street, and a line 350 feet southeasterly of Hoyt Street;
4. changing from an R6 District to an R6B District property bounded by Warren Street, Nevins Street, a line midway between Warren Street and Baltic Street, and a line 100 feet southeasterly of Bond Street;
5. changing from an R8A District to a C4-4D District property bounded by Pacific Street, a line 100 feet southeasterly of 4th Avenue, President Street, a line 150 feet southeasterly of 4th Avenue, 3rd Street, a line 100 feet southeasterly of 4th Avenue, 15th Street, a line 100 feet northwesterly of 4th Avenue, 6th Street, 4th Avenue, Douglass Street, and a line 100 feet northwesterly of 4th Avenue;
6. changing from an C8-2 District to a C4-4D District property bounded by 3rd Street, 4th Avenue, 6th Street, and a line 100 feet northwesterly of 4th Avenue;

7. changing from an M1-2 District to a C4-4D District property bounded by Douglass Street, 4th Avenue, 1st Street, a line 100 feet northwesterly of 4th Avenue;
8. changing from an C8-2 District to an M1-4 District property bounded by 3rd Street, a line 100 feet northwesterly of 4th Avenue, a line midway between 6th Street and 7th Street, a line 100 feet southeasterly of 3rd Avenue, 7th Street, 3rd Avenue, a line 305 feet southwesterly of 3rd Street, and a line 285 feet southeasterly of 3rd Avenue;
9. changing from an M1-1 District to an M1-4 District property bounded by:
 - a. a line midway between 4th Street and 5th Street, a line perpendicular to the northeasterly street line of 5th Street distant 220 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 5th Street and the northwesterly street line of Hoyt Street, 5th Street, and a line perpendicular to the northeasterly street line of 5th Street distant 390 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 5th Street and the northwesterly street line of Hoyt Street; and
 - b. 3rd Street, Bond Street, 4th Street, and Hoyt Street;
10. changing from an M1-2 District to an M1-4 District property bounded by:
 - a. a line midway between Baltic Street and Butler Street, Nevins Street, Butler Street and a line 360 feet northwesterly of Nevins Street;
 - b. a line midway between Baltic Street and Butler Street, a line 100 feet northwesterly of 4th Avenue, a line midway between Sackett Street and Union Street, a line 100 feet southeasterly of 3rd Avenue, Degraw Street, a line 200 feet southeasterly of 3rd Avenue, Douglass Street, and a line 100 feet southeasterly of 3rd Avenue; and
 - c. a line midway between Union Street and President Street, a line 180 feet northwesterly of 4th Avenue, President Street, a line 250 feet northwesterly of 4th Avenue, Carroll Street, and a line 100 feet southeasterly of 3rd Avenue;
11. changing from an M2-1 District to an M1-4 District property bounded by 3rd Street, a line 270 feet southeasterly of Bond Street, the centerline of the Gowanus Canal, and Bond Street and its southwesterly centerline prolongation;
12. changing from an M3-1 District to an M1-4 District property bounded by 4th Street, Bond Street and its southwesterly centerline prolongation, the centerline of the Gowanus Canal, a line 160 feet northwesterly of Bond Street and its southwesterly prolongation, a line 120 feet southwesterly of 4th Street, Hoyt Street, 5th Street, and a line perpendicular to the northeasterly street line of 5th Street distant 220 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 5th Street and the northwesterly street line of Hoyt Street;
13. changing from an R6 District to an M1-4/R6A District property bounded by Warren Street, a line 100 feet southeasterly of Bond Street, Baltic Street and Bond Street;
14. changing from an M1-1 District to an M1-4/R6A District property bounded by a line midway between 3rd Street and 4th Street, Hoyt Street, 4th Street, and a line perpendicular to the northeasterly street line of 4th Street distant 365 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 4th Street and the northwesterly street line of Hoyt Street;
15. changing from an M1-2 District to a M1-4/R6A District property bounded by:

- a. a line midway between Warren Street and Baltic Street, a line 100 feet northwesterly of Nevins Street, a line midway between Baltic Street and Butler Street, a line 100 feet southeasterly of Bond Street, Douglass Street, Bond Street, Baltic Street, and a line 100 feet southeasterly of Bond Street;
 - b. a line midway between Baltic Street and Butler Street, a line 100 feet northwesterly of 3rd Avenue, a line midway between Butler Street and Douglass Street, a line 100 feet southeasterly of Nevins Street, Butler Street, a line 325 feet northwesterly of 3rd Avenue;
 - c. Baltic Street, a line 100 feet northwesterly of 4th Avenue, a line midway between Baltic Street and Butler Street, and a line 100 feet southeasterly of 3rd Avenue;
 - d. a line midway between Degraw Street and Sackett Street, a line 100 feet northwesterly of 3rd Avenue, a line midway between Sackett Street and Union Street, a line 100 feet southeasterly of Nevins Street, a line midway between Union Street and President Street, a line 190 feet northwesterly of 3rd Avenue, President Street, a line 100 feet southeasterly of Nevins Street, Carroll Street, Nevins Street, Sackett Street, and a line 100 feet southeasterly of Nevins Street; and
 - e. Union Street, a line 270 feet southeasterly of 3rd Avenue, a line midway between Union Street and President Street, and a line 170 feet northwesterly of 3rd Avenue;
16. changing from an M2-1 District to an M1-4/R6A District property bounded by a line midway between Butler Street and Douglass Street, a line 200 feet southeasterly of Bond Street, Douglass Street, and a line 100 feet southeasterly of Bond Street;
 17. changing from an C8-2 District to an M1-4/R6B District property bounded by a line midway between 6th Street and 7th Street, a line 360 feet southeasterly of 3rd Avenue, 7th Street, and a line 100 feet southeasterly of 3rd Avenue;
 18. changing from an M1-1 District to an M1-4/R6B District property bounded by a line midway between 4th Street and 5th Street, a line perpendicular to the northeasterly street line of 5th Street distant 390 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 5th Street and the northwesterly street line of Hoyt Street, 5th Street, and Smith Street;
 19. changing from an M1-2 District to an M1-4/R6B District property bounded by:
 - a. a line midway between Baltic Street and Butler Street, a line 360 feet northwesterly of Nevins Street, Butler Street, and a line 100 feet southeasterly of Bond Street; and
 - b. a line midway between Union Street and President Street, a line 100 feet southeasterly of 3rd Avenue, Carroll Street, a line 250 feet northwesterly of 4th Avenue, President Street, a line 100 feet northwesterly of 4th Avenue, 1st Street, 3rd Avenue, Carroll Street, a line 100 feet southeasterly of Nevins Street, President Street, and a line 190 feet northwesterly of 3rd Avenue;
 20. changing from an M2-1 District to an M1-4/R6B District property bounded by:
 - a. Butler Street, a line 200 feet southeasterly of Bond Street, a line midway between Butler Street and Douglass Street, and a line 100 feet southeasterly of Bond Street; and
 - b. Carroll Street, 3rd Avenue, a line perpendicular to the northwesterly street line of 3rd Avenue distant 160 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 3rd Avenue and the southwesterly street line of Carroll Street,

a line 100 feet northwesterly of 3rd Avenue, the northwesterly centerline prolongation of 1st Street, and a line perpendicular to the southwesterly street line of Carroll Street distant 425 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Carroll Street and the northwesterly street line of 3rd Avenue;

21. changing from an M2-1 District to an M1-4/R7-2 District property bounded by:
 - a. Douglass Street and its southeasterly centerline prolongation, the centerline of the Gowanus Canal, Degraw Street and its northwesterly centerline prolongation, Nevins Street, Carroll Street, a line perpendicular to the southwesterly street line of Carroll Street distant 425 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Carroll Street and the northwesterly street line of 3rd Avenue, the northwesterly centerline prolongation of 1st Street, the centerline of the Gowanus Canal, Carroll Street and its southeasterly centerline prolongation, and Bond Street; and
 - b. 2nd Street, a line 210 feet northwesterly of 3rd Avenue, 3rd Street and its northwesterly centerline prolongation, the centerline of the Gowanus Canal, a line 270 feet southeasterly of Bond Street and its southwesterly prolongation, 3rd Street, and Bond Street;
22. changing from an M3-1 District to an M1-4/R7-2 District property bounded by 5th Street, Hoyt Street, a line 120 feet southwesterly of 4th Street, a line 160 feet northwesterly of Bond Street and its southwesterly prolongation, the centerline of the Gowanus Canal, Huntington Street and its southeasterly prolongation, and Smith Street;
23. changing from an M1-2 District to an M1-4/R7A District property bounded by Sackett Street, a line 100 feet southeasterly of 3rd Avenue, a line midway between Sackett Street and Union Street, a line 100 feet northwesterly of 4th Avenue, President Street, a line 180 feet northwesterly of 4th Avenue, a line midway between Union Street and President Street, a line 270 feet southeasterly of 3rd Avenue, Union Street, a line 170 feet northwesterly of 3rd Avenue, a line midway between Union Street and President Street, a line 100 feet southeasterly of Nevins Street, a line midway between Sackett Street and Union Street, and a line 100 feet northwesterly of 3rd Avenue;
24. changing from an R6 District to an M1-4/R7X District property bounded by a line midway between Warren Street and Baltic Street, Nevins Street, Baltic Street, and a line 75 feet northwesterly of Nevins Street;
25. changing from an C8-2 District to an M1-4/R7X District property bounded 3rd Street, a line 285 feet southeasterly of 3rd Avenue, a line 305 feet southwesterly of 3rd Street, and 3rd Avenue;
26. changing from an M1-2 District to an M1-4/R7X District property bounded by:
 - a. a line midway between Warren Street and Baltic Street, a line 75 feet northwesterly of Nevins Street, Baltic Street, Nevins Street, a line midway between Baltic Street and Butler Street, and a line 100 feet northwesterly of Nevins Street;
 - b. Baltic Street, a line 100 feet southeasterly of 3rd Avenue, Douglass Street, a line 200 feet southeasterly of 3rd Avenue, Degraw Street, a line 100 feet southeasterly of 3rd Avenue, Sackett Street, a line 100 feet northwesterly of 3rd Avenue, a line midway between Degraw Street and Sackett Street, a line 100 feet southeasterly of Nevins Street, Sackett Street, Nevins Street, Butler Street, a line 100 feet southeasterly of Nevins Street, a line midway between Butler Street and Douglass Street, a line 100 feet northwesterly of 3rd Avenue, a line midway between Baltic Street and Butler Street, and a line 325 feet northwesterly of 3rd Avenue;

27. changing from an M2-1 District to an M1-4/R7X District property bounded by a line perpendicular to the northwesterly street line of 3rd Avenue distant 160 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 3rd Avenue and the southwesterly street line of Carroll Street, 3rd Avenue, 3rd Street, a line 210 feet northwesterly of 3rd Avenue, the northwesterly centerline prolongation of 1st Street, and a line 100 feet northwesterly of 3rd Avenue, and
28. establishing a Special Gowanus Mixed Use District (G) bounded by Pacific Street, a line 100 feet southeasterly of 4th Avenue, President Street, a line 150 feet southeasterly of 4th Avenue, 3rd Street, a line 100 feet southeasterly of 4th Avenue, 15th Street, a line 100 feet northwesterly of 4th Avenue, a line midway between 6th Street and 7th Street, a line 360 feet southeasterly of 3rd Avenue, 7th Street, 3rd Avenue, 3rd Street and its northwesterly centerline prolongation, the centerline of the Gowanus Canal, Huntington Street and its southeasterly centerline prolongation, Smith Street, a line midway between 4th Street and 5th Street, a line perpendicular to the northeasterly street line of 5th Street distant 220 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 5th Street and the northwesterly street line of Hoyt Street, 4th Street, a line perpendicular to the northeasterly street line of 4th Street distant 365 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 4th Street and the northwesterly street line of Hoyt Street, a line midway between 3rd Street and 4th Street, Hoyt Street, 3rd Street, Bond Street, Warren Street, a line 100 feet southeasterly of Bond Street, a line midway between Warren Street and Baltic Street, Nevins Street, Butler Street, a line 325 feet northwesterly of 3rd Avenue, Baltic Street, and a line 100 feet northwesterly of 4th Avenue; and excluding the areas bounded by:
- i. Butler Street, Nevins Street, Degraw Street and its northwesterly centerline prolongation, the center line of the Gowanus Canal, Douglass Street and its southeasterly centerline prolongation, and a line 200 feet southeasterly of Bond Street; and
 - ii. 1st Street, 4th Avenue, 3rd Street, and 3rd Avenue;

as shown on a diagram (for illustrative purposes only) dated April 19, 2021, and subject to the conditions of CEQR Declaration E-601, Borough of the Brooklyn, Community Districts 2 and 6.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornejo, Yeger, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 870 & Res. No. 1821

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210178 ZRK (Gowanus Neighborhood Plan) submitted by the New York City Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing the Special Gowanus Mixed Use District (Article XIII, Chapter 9) and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, and modifying related Sections, for property located in the Borough of Brooklyn, Community Districts 2 and 6, Council Districts 33 and 39.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2456) 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. 869 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1821

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 210178 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 870).

By Council Members Salamanca and Moya.

WHEREAS, New York City Department of City Planning, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, establishing the Special Gowanus Mixed Use District (Article XIII, Chapter 9) and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area and modifying related Sections, which in conjunction with the related actions would facilitate land use changes for 82 full or partial blocks in the Gowanus neighborhood of Brooklyn, Community Districts 2 and 6 (ULURP No. N 210178 ZRK), (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 24, 2021, its decision dated September 22, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to applications C 210177 ZMK (L.U. No. 869), an amendment to the Zoning Map to change R6, R6B, R8A, R8A/C2-4, C8-2, M1-1, M1-2, M2-1, and M3-1 districts to R6B, R6A, M1-4/R6B, M1-4/R6A, M1-4/R7A, M1-4/R7-2, M1-4/R7X, C4-4D, and M1-4 districts, eliminate commercial overlays, establish the Special Gowanus Mixed Use District, and replace a Special Enhanced Commercial District (EC-1); C 210179 MMK (L.U. No. 871), a the establishment of streets, the elimination of street segments, and removal of a “Public Place” designation; C 210180 MMK (L.U. No. 872), a city Map Amendment involving the mapping of parkland; C 210053 PPK (L.U. No. 873), a disposition of City-owned property; and C 210052 HAK (L.U. No. 874), a disposition approval, UDAA and UDAAP designation;

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 12, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued March 22nd, 2019 (CEQR No. 19DCP157K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 10, 2021, which identified significant adverse impacts related to hazardous materials, air quality, and noise, which would be avoided through the placement of (E) designations (E-601) on selected projected and potential development sites; and significant adverse impacts with respect to community facilities (publicly funded child care services), active open space, shadows (Douglass

& Degraw Pool and Our Lady of Peace stained glass windows), historic and cultural resources (architectural and archaeological), transportation (traffic, transit, and pedestrians), air quality (mobile source), and construction activities related to noise and historic and cultural resources; and the proposed mitigation measures summarized in Chapter 21, Mitigation, of the FEIS, and the Technical Memoranda dated September 21, 2021 and November 16, 2021 (the “Technical Memoranda”).

RESOLVED:

Having considered the FEIS and Technical Memoranda 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) The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
- (3) Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable;

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 210178 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;
 Matter ~~struck out~~ is to be deleted;
 Matter within # # is defined in Section 12-10;
 * * * indicates where unchanged text appears in the Zoning Resolution.

Matter ~~double struck out~~ is old, deleted by the City Council;
 Matter double-underlined is new, added by the City Council

**ARTICLE I
 GENERAL PROVISIONS**

**Chapter 1
 Title, Establishment of Controls and Interpretation of Regulations**

* * *

**11-12
 Establishment of Districts**

* * *

**11-122
 Districts established**

In order to carry out the purposes and provisions of this Resolution, the following districts are hereby established:

* * *

Special Purpose Districts

* * *

Establishment of the Special Governors Island District

In order to carry out the special purposes of this Resolution, as set forth in Article XIII, Chapter 4, the #Special Governors Island District# is hereby established.

Establishment of the Special Gowanus Mixed Use District

In order to carry out the special purposes of this Resolution, as set forth in Article XIII, Chapter 9, the #Special Gowanus Mixed Use District# is hereby established.

Establishment of the Special Grand Concourse Preservation District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 2, the #Special Grand Concourse Preservation District# is hereby established.

* * *

Chapter 2

* * *

**12-10
DEFINITIONS**

* * *

Special Governors Island District

The “Special Governors Island District” is a Special Purpose District designated by the letters “GI” in which the special regulations set forth in Article XIII, Chapter 4, apply.

Special Gowanus Mixed Use District [date of adoption]

The “Special Gowanus Mixed Use District” is a Special Purpose District designated by the letter “G” in which special regulations set forth in Article XIII, Chapter 9, apply.

Special Grand Concourse Preservation District

The "Special Grand Concourse Preservation District" is a Special Purpose District designated by the letter "C" in which special regulations set forth in Article XII, Chapter 2, apply.

* * *

Waterfront area (4/22/09)

The "waterfront area" is the geographical area comprising all #blocks# between the pierhead line and a line 800 feet landward from the #shoreline#. Where such line intersects a #block#, the entire #block# shall be included and the #waterfront area# boundary shall coincide with the centerline of the landward boundary #street# or other #block# boundary. Notwithstanding the above, any #zoning lot#, the boundaries of which were established prior to November 1, 1993, and which is not closer than 1,200 feet from the #shoreline# at any point and which does not #abut# a waterfront public park, shall not be included in the #waterfront area#.

[The struckout provisions of this paragraph have been moved to 139-021]

For the purposes of this definition, only #blocks# along waterways that have a minimum width of 100 feet between opposite #shores#, with no portion downstream less than 100 feet in width, shall be included within the #waterfront area#. However, #blocks# bounding ~~the Gowanus Canal north of Hamilton Avenue, as shown on the City Map,~~ Dutch Kills and the portion of the Bronx River located south of the prolongation of East 172nd Street, shall be included within the #waterfront area#.

* * *

**Chapter 4
Sidewalk Cafe Regulations**

* * *

**14-44
Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted**

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

* * *

Brooklyn	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Bay Ridge District	Yes	Yes
Coney Island District	No	Yes
Coney Island Mixed Use District	Yes	Yes
Downtown Brooklyn District	Yes	Yes
Enhanced Commercial District 1 (Fourth Avenue)	No	Yes
Enhanced Commercial District 4 (Broadway, Bedford-Stuyvesant)	No	Yes
<u>Gowanus Mixed Use District</u>	<u>No</u>	<u>Yes</u>

Mixed Use District-8 (Greenpoint-Williamsburg)	Yes	Yes
Ocean Parkway District ¹	Yes	Yes
Sheepshead Bay District	No	Yes

¹ #Sidewalk cafes# are not allowed on Ocean Parkway

* * *

**ARTICLE II
RESIDENCE DISTRICT REGULATIONS**

**Chapter 3
Residential Bulk Regulations in Residence Districts**

**23-00
APPLICABILITY AND GENERAL PURPOSES**

**23-01
Applicability of This Chapter**

* * *

**23-011
Quality Housing Program**

* * *

(c) In the districts indicated without a letter suffix, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to paragraph (b) of this Section, shall not apply to:

* * *

(2) Special Purpose Districts

However, such optional Quality Housing #bulk# regulations are permitted as an alternative to apply in the following Special Purpose Districts:

#Special 125th Street District#;

#Special Downtown Brooklyn District#;

#Special Downtown Far Rockaway District#;

#Special Downtown Jamaica District#;

#Special East Harlem Corridors District#;

#Special Flushing Waterfront District#;

#Special Gowanus Mixed Use District#;

#Special Grand Concourse Preservation District#;

* * *

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

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

* * *

**62-10
GENERAL PROVISIONS**

**62-11
Definitions**

* * *

Waterfront block or waterfront zoning lot

A “waterfront block” or “waterfront zoning lot” is a #block# or #zoning lot# in the #waterfront area# having a boundary at grade coincident with or seaward of the #shoreline#. For the purposes of this Chapter:

- (a) a #block# within the #waterfront area# shall include the land within a #street# that is not improved or open to the public, and such #street# shall not form the boundary of a #block#;
- (b) a #block# within the #waterfront area# that #abuts# a #public park# along the waterfront shall be deemed to be part of a #waterfront block#; and
- (c) a #zoning lot# shall include the land within any #street# that is not improved or open to the public and which is in the same ownership as that of any contiguous land.

[NOTE: The provisions of this paragraph have been moved to Section 139-021]

~~However, any #block# or #zoning lot# in the #waterfront area# having a boundary within or coincident with the boundaries of the Gowanus Canal, as shown on the City Map, shall be a #waterfront block# or #waterfront zoning lot#, respectively.~~

Any #zoning lot#, the boundaries of which were established prior to November 1, 1993, and which is not closer than 1,200 feet from the #shoreline# at any point and which does not #abut# a #public park# along the waterfront, shall be deemed outside of the #waterfront block#.

* * *

**62-13
Applicability of District Regulations**

* * *

The regulations of this Chapter shall apply in the following Special Purpose Districts except as specifically modified within the Special Purpose District provisions:

#Special Flushing Waterfront District#

#Special Gowanus Mixed Use District#

#Special Inwood District#

#Special St. George District#.

* * *

62-90

WATERFRONT ACCESS PLANS

* * *

62-93

Borough of Brooklyn

The following Waterfront Access Plans are hereby established within the Borough of Brooklyn. All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

BK-1: Greenpoint-Williamsburg, as set forth in Section 62-931

BK-2: Gowanus Canal, in the #Special Gowanus Mixed Use District#, as set forth in Section 139-50 (GOWANUS CANAL WATERFRONT ACCESS PLAN).

* * *

**ARTICLE XIII
SPECIAL PURPOSE DISTRICTS**

Chapter 2

Special Enhanced Commercial District

* * *

132-11

Special Enhanced Commercial Districts Specified

The #Special Enhanced Commercial District# is mapped in the following areas:

(a) #Special Enhanced Commercial District# 1

The #Special Enhanced Commercial District# 1 (EC-1) is established on November 29, 2011, on the following #designated commercial streets# as indicated on #zoning maps# 16c and 16d:

(1) Fourth Avenue, in the Borough of Brooklyn, generally between 24th Street and 15th Street and Pacific Street and Atlantic Avenue.

- (b) #Special Enhanced Commercial District# 2

* * *

ARTICLE XIII
SPECIAL PURPOSE DISTRICTS

Chapter 9
Special Gowanus Mixed Use District

139-00
GENERAL PURPOSES

The “Special Gowanus Mixed Use District” established in this Resolution is designed to promote and protect the public health, safety and general welfare of the Gowanus neighborhood and the greater community. These general goals include, among others, the following specific purposes:

- (a) To recognize and enhance the vitality and character of an existing mixed use neighborhood;
- (b) Encourage stability and growth in the Gowanus neighborhood by permitting compatible light manufacturing and residential uses to coexist;
- (c) To encourage investment in a mixed use neighborhood by permitting the expansion and new development of a wide variety of uses in a manner that ensures the health and safety of residents and employees;
- (d) To improve the physical appearance of the streetscape by providing and coordinating harmonious open space, sidewalk amenities and landscaping within a consistent urban design;
- (e) To promote and enhance visual and physical access to and around the Gowanus Canal;
- (f) To enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes;
- (g) To expand local employment opportunities and to promote the opportunity for workers to live in the vicinity of their work; and
- (h) To promote the most desirable use of land and thus conserve the value of land and buildings and thereby protect the City’s tax revenues.

139-01
Definitions

Definitions specifically applicable to this Chapter are set forth in this Section. Other defined terms are set forth in Sections 12-10 (DEFINITIONS), 37-311 (Definitions), and 62-11 (Definitions). The definition of #development# shall be as set forth in Section 12-10, except where otherwise specified.

Gowanus mix uses

“Gowanus mix uses” are #community facility#, #commercial#, and #manufacturing uses# set forth in Section 139-12 (Gowanus Mix Uses).

Gowanus retail and entertainment uses

“Gowanus retail and entertainment uses” are #community facility# and #commercial uses# set forth in Section 139-13 (Gowanus Retail and Entertainment Uses).

Mixed use district

In the #Special Gowanus Mixed Use District#, a “mixed use district” shall be any M1 District paired with a #Residence District#, as indicated on the #zoning maps#. For the purposes of applying provisions of districts adjacent to a #mixed use district#, a #mixed use district# shall be considered a #Manufacturing District#.

Select community facility uses

For the purposes of this Chapter, the following #community facility uses# shall also be considered “select community facility uses”:

~~#Schools#;~~

Houses of worship, rectories or parish houses;

Health facilities requiring approval under Article 28 of the Public Health Law of the State of New York that, prior to July 10, 1974, have received approval of Part I of the required application from the Commissioner of Health; and

~~Non-profit, voluntary, or proprietary hospitals.~~

139-02**General Provisions**

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Gowanus Mixed Use District#, the regulations of this Chapter shall apply within the #Special Gowanus Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

139-021**Applicability of regulations to the Gowanus Canal**

[NOTE: Some of these provisions have been relocated here from Sections 12-10 and 62-11]

In the #Special Gowanus Mixed Use District#, all #blocks# bounding the Gowanus Canal shall be considered #waterfront blocks# within the #waterfront area#, and the provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), as modified by the provisions of this Chapter, shall apply.

All #zoning lots# having a boundary within or coincident with the boundaries of the Gowanus Canal, shall be considered #waterfront zoning lots#. All portions of such a #zoning lot# shall be included as part of the #upland lot# and deemed to be #lot area#, regardless of the location of the #shoreline#.

For the purposes of this Chapter, the boundaries of the Gowanus Canal shall be as shown on the City Map, and shall include the First Street Basin.

139-022

Applicability of the Inclusionary Housing Program

For the purposes of applying the Inclusionary Housing Program provisions set forth in Sections 23-154 and 23-90 (INCLUSIONARY HOUSING), #Mandatory Inclusionary Housing areas# within the #Special Gowanus Mixed Use District# are shown on the maps in APPENDIX F (Inclusionary Housing Areas and Mandatory Inclusionary Housing Areas) of this Resolution. Such provisions are modified by the provisions of this Chapter.

139-023

Applicability of the Quality Housing Program

In the #Special Gowanus Mixed Use District#, all #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 (The Quality Housing Program) shall apply. Such #buildings# shall be considered #Quality Housing buildings#

139-024

Applicability of Article VI, Chapter 4

In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

[The following section refers to text approved by the City Planning Commission on September 1, 2021 as part of N 210270 ZRY “Zoning for Accessibility”.]

135-025

Applicability of Article VI, Chapter 6

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

139-026

Applicability of Article XII, Chapter 3

In #Mixed Use Districts#, the special #use#, #bulk#, and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use Districts) shall apply, except where modified by the provisions of this Chapter, and shall supplement or supersede the provisions of the designated #Residence# or M1 District, as applicable.

Notwithstanding the provisions of Section 123-10, in the event of a conflict between the provisions of this Chapter and the provisions of Article XII, Chapter 3, the provisions of this Chapter shall control.

139-03

District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Gowanus Mixed Use District# Plan. The district plan includes the following maps in the Appendices to this Chapter:

Appendix A – Special Gowanus Mixed Use District

<u>Map 1</u>	<u>Subdistricts</u>
<u>Map 2</u>	<u>Subareas</u>
<u>Map 3</u>	<u>Ground Floor Use Requirements</u>
<u>Map 4</u>	<u>Sidewalk Widening Lines</u>

Appendix B – Special Gowanus Canal Waterfront Access Plan

<u>Map 1</u>	<u>Parcel Designation</u>
<u>Map 2</u>	<u>Public Access Elements</u>
<u>Map 3</u>	<u>Designated Visual Corridors</u>

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

139-04

Subdistricts

In order to carry out the purposes and provisions of this Chapter, five subdistricts are established within the #Special Gowanus Mixed Use District#. In addition, subareas are established within Subdistricts B and D.

Subdistrict A – Fourth Avenue Subdistrict
Subdistrict B – Upland Blocks Subdistrict
 Subarea B1
 Subarea B2

Subdistrict C – North Canal Corridor Subdistrict
Subdistrict D – South Canal Corridor Subdistrict
 Subarea D1
 Subarea D2
 Subarea D3
 Subarea D4
 Subarea D5
 Subarea D6

Subdistrict E – First Street Subdistrict

The boundaries of the subdistricts are shown on Map 1 and the boundaries of the subareas are shown on Map 2 in Appendix A of this Chapter.

139-10
SPECIAL USE REGULATIONS

In Subdistricts A, B, C, and D the underlying #use# regulations shall be modified by the provisions of this Section, inclusive. In Subdistrict E, the underlying district regulations shall apply.

139-11
Permitted Uses

In all #Manufacturing Districts# and #Mixed Use Districts#, in addition to the #uses# specified in Article IV, Chapter 2 and Article XII, Chapter 3, respectively, the following #uses# shall also be permitted:

- ~~(a) all #uses# listed in Use Group 3, as set forth in Section 22-13;~~
- ~~(b) all #uses# listed in Use Group 4, as set forth in Section 22-14;~~
- ~~(c) food stores, including supermarkets, grocery stores or delicatessen stores, as specified in Section 32-15 (Use Group 6), without limitation as to #floor area# per establishment;~~
- ~~(d) all uses in Use Group 10A, as specified in Section 32-19;~~
- ~~(e) all uses in Use Group 17B, as specified in Section 42-14; and~~
- ~~(f) the manufacture of alcoholic beverages and breweries, as specified in Section 42-15 (Use Group 18), without limitation on size. Where provided, the provisions of Section 42-27 (Performance Standards Regulating Fire and Explosive Hazards) shall not apply to such #use#.~~

139-111
Permitted Uses in Manufacturing Districts

In all #Manufacturing Districts# in addition to the #uses# specified in Article IV, Chapter 2, the following #uses# shall also be permitted:

- (a) colleges or universities, including professional schools but excluding business colleges or trade schools, libraries, museums, or non-commercial art galleries, and #schools# listed in Use Group 3, as set forth in Section 22-13;
- (b) community centers or settlement houses, non-commercial recreation centers, philanthropic or non-profit institutions without sleeping accommodations, hospitals, and agricultural #uses# listed in Use Group 4, as set forth in Section 22-14;
- (c) food stores, including supermarkets, grocery stores or delicatessen stores, as set forth in Section 32-15 (Use Group 6), without limitation as to #floor area# per establishment;
- (d) the manufacture of alcoholic beverages and breweries, as set forth in Section 42-15 (Use Group 18), without limitation as to #floor area# per establishment. The provisions of Section 42-27 (Performance Standards Regulating Fire and Explosive Hazards) shall not apply to such #use#.

139-112**Permitted Uses in Mixed Use Districts**

In all #Mixed Use Districts#, in addition to the #uses# specified in Article XII, Chapter 3, the following #uses# shall also be permitted:

- (a) food stores, including supermarkets, grocery stores or delicatessen stores, as set forth in Section 32-15 (Use Group 6), without limitation as to #floor area# per establishment;
- (b) all uses in Use Group 10A, as specified in Section 32-19, limited to 25,000 square feet of #lot area# per establishment;
- (c) the manufacture of alcoholic beverages and breweries, as set forth in Section 42-15 (Use Group 18), without limitation as to #floor area# per establishment. The provisions of Section 42-27 (Performance Standards Regulating Fire and Explosive Hazards) shall not apply to such #use#.

139-12**Gowanus Mix Uses**

For the purposes of applying the special #bulk# regulations of Section 139-212 (Gowanus mix), the following #community facility#, #commercial#, and #manufacturing uses# shall also be considered #Gowanus mix uses#:

From Use Group 3, as set forth in Section 22-13:

~~#schools#, colleges or universities,~~ libraries, museums, and non-commercial art galleries, as listed in Use Group 3A;

From Use Group 4, as set forth in Section 22-14:

~~all #uses# in Use Group 4A, except ambulatory diagnostic and treatment health care facilities;~~

community centers or settlement houses and non-profit institutions without sleeping accommodations as listed in Use Group 4A;

agriculture, including greenhouses, nurseries, and truck gardens as listed in use Group 4B;

From Use Group 6, as set forth in Section 32-15:

custom tailoring, as listed in Use Group 6A;

From Use Group 7, as set forth in Section 32-16:

~~all #uses#~~ bike rental or repair, sailmaking stores, sign painting shops, and taxidermy shops as listed in Use Group 7B;

~~electric vehicle charging stations and automotive battery swapping facilities as listed in Use Group 7D;~~

From Use Group 8: as set forth in Section 32-17:

~~all #uses#~~ lumber stores and home appliance repair shops as listed in Use Group 8B;

From Use Group 9, as set forth in Section 32-18:

blueprinting; ~~business schools or colleges;~~ costume rental; ~~medical or dental laboratories;~~ instrument repair; printing establishments; studios, art, music, dancing or theatrical; trade schools for adults; and umbrella repair shops as listed in Use Group 9A;

photographic printing or developing as listed in Use Group 9B;

From Use Group 10, as set forth in Section 32-19:

photographic or motion picture production studios; radio or television studios;

From Use Group 11, as set forth in Section 32-20:

all #uses# listed in Use Groups 11A;

~~From Use Group 12, as set forth in Section 32-21:~~

~~commercial art galleries, jewelry and art metal craft shops, as listed in Use Group 12B;~~

From Use Group 14, as set forth in Section 32-23:

bicycle rental or repair, and boat storage, repair, and painting, as listed in Use Group 14A;

From Use Group 16, as set forth in Section 32-25:

blacksmith shops; carpentry or custom woodworking; custom furniture making; building contractor supply stores; fuel, ice, oil, coal, wood sales; household and office equipment or machinery repair shops; machinery rental or sales establishments; mirror silvering or glass cutting shops; and tool, die, and pattern making shops as listed in Use Group 16A;

From Use Group 17, as set forth in Section 42-14:

~~food product manufacturing, as all #uses# listed in Use Group 17B;~~

From Use Group 18, as set forth in Section 42-15:

breweries and alcoholic beverage manufacturing.

139-13

Gowanus Retail and Entertainment Uses

For the purposes of applying the basic #floor area ratio# regulations of Section 139-21, the following #community facility# and #commercial uses# shall also be considered #Gowanus retail and entertainment uses#:

From Use Group 3, as set forth in Section 22-13:

non-commercial art galleries;

From Use Group 6, as set forth in Section 32-15:

all #uses# listed in Use Group 6A, 6C, and 6E;

From Use Group 8, as set forth in Section 32-17:

all #uses# listed in Use Group 8A;

From Use Group 9, as set forth in Section 32-18

automobile, motorcycle, trailer, or boat showrooms or sales, banquet halls, catering establishments, gymnasiums, #physical culture or health establishments#;

From Use Group 10, as set forth in Section 32-19:

all #uses# listed in Use Group 10A;

From Use Group 12, as set forth in Section 32-21:

all #uses# listed in Use Groups 12A and 12B;

From Use Group 13, as set forth in Section 32-22:

all #uses# in Use Group 13A and 13B;

From Use Group 14, as set forth in Section 32-23:

bicycle sales; candy or ice cream stores; and non-commercial clubs without restrictions on activities or facilities except for any activity or #use# listed within the definitions of #adult physical culture establishments# in Section 12-10 (DEFINITIONS).

139-14

Supplementary Use Regulations

139-141

Location of commercial uses in mixed buildings

(a) Commercial Districts

In #Commercial Districts#, the underlying provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified, for #mixed buildings# that are #developed# or #enlarged# after [date of adoption], to permit #dwelling units# on the same #story# as a #commercial use#, provided no access exists between such #uses# at any level containing #dwelling units# and provided no #commercial uses# are located directly over any #dwelling units#. However, such #commercial uses# may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial uses# exists within the #building#.

(b) Mixed Use Districts

In #Mixed Use Districts#, the provisions of paragraph (c)(2) of Section 123-31 (Provisions Regulating Location of Uses in Mixed Use Buildings) shall be modified to allow #commercial# and #manufacturing uses# to be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from such #uses# exists within the #building#.

139-142

Enclosure of uses

In #Manufacturing Districts#, the underlying regulations of Section 42-40 (SUPPLEMENTARY USE REGULATIONS AND SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) shall apply, except that all storage of materials or products shall be located within #completely enclosed buildings# regardless of distance from a #Residence District#.

139-15

Special Sign Regulations

In the #Special Gowanus Mixed Use District#, the underlying #sign# regulations shall apply, except that:

- (a) in #Manufacturing Districts#, the #sign# regulations of a C6-1 District, as set forth in Section 32-60, shall apply;
- (b) any #accessory signs# that are provided adjacent to a #shore public walkway# shall be governed by the provisions of Section 139-55 (Special Signage Regulations).

139-16

Physical Culture Establishments

In all districts, #physical culture or health establishments# shall be permitted as-of-right. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9A #use#.

139-17

Transient Hotels

In all districts, the #development# of a #transient hotel#; a change of #use# or #conversion# to a #transient hotel#, or an #enlargement#, containing a #transient hotel#, of a #building# that, as of [date of adoption], did not contain such #use#; or an #enlargement# or #extension# of a #transient hotel# that existed prior to [date of adoption] that increases the #floor area# of such #use# by 20 percent or more, shall be permitted only by special permit of the City Planning Commission pursuant to the provisions of this Section.

In order to permit such a #transient hotel#, the Commission shall find that such #transient hotel# is so located as not to impair the essential character of, or the future use or development of, the surrounding area.

Any #transient hotel# existing prior to [date of adoption] shall be considered a conforming #use# and may be continued, structurally altered, #extended# or #enlarged# subject to the limitations set forth in this Section, and

subject to the applicable district #bulk# regulations. However, if for a continuous period of two years such #transient hotel# is discontinued, or the active operation of substantially all the #uses# in the #building or other structure# is discontinued, the space allocated to such #transient hotel# shall thereafter be used only for a conforming #use#, or may be #used# for a #transient hotel# only if the Commission grants a special permit for such #use# in accordance with the provisions of this Section. In addition, in the event a casualty damages or destroys a #transient hotel#, that was in such #use# as of [date of adoption], such #building# may be reconstructed and used as a #transient hotel# without obtaining a special permit. A #non-complying building# may be reconstructed pursuant to Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS).

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

139-20

SPECIAL BULK REGULATIONS

In Subdistricts A, B, C and D, the #bulk# regulations of the applicable underlying districts shall be modified by the provisions of this Section, inclusive. In Subdistrict E, the underlying regulations shall apply.

In Subdistrict A, the provisions of Section 34-112 (Residential bulk regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) and paragraph (b) of Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5, or C6 Districts) shall be modified so that, in C4-4D Districts, the applicable #Residence District# shall be an R9A District, as modified by the provisions of this Chapter.

139-21

Floor Area Regulations

Basic #floor area# regulations are established in Section 139-211. Such regulations may be modified by the provisions of this Section, inclusive.

The basic maximum #floor area ratios# may be increased for certain #zoning lots# pursuant to Sections 139-212 (Gowanus mix) and 139-213 (Special floor area provisions for transit improvements).

Special regulations for #community facility floor area# on #zoning lots# containing #schools# are set forth in Section 139-214 (Special provisions for zoning lots containing schools).

Special regulations for certain #zoning lots# are set forth in Section 139-215 (Special floor area provisions for zoning lots containing comfort stations) and 139-216 (Special provisions for street improvements).

For the purposes of applying the provisions of Section 64-322, #primary street frontages# shall be the locations designated on Map 3 in the Appendix to this Chapter.

139-211

Basic floor area regulations

The maximum #floor area# regulations for each district in the #Special Gowanus Mixed Use District# shall be as set forth in the table in this Section.

Row A establishes the maximum #residential floor area ratio# for #MIH sites# where either #affordable floor area# is provided in accordance with the provisions of paragraphs (d)(3)(i) through (d)(3)(iv) or paragraph (d)(5) of Section 23-154 (Inclusionary Housing), or where a contribution to the #affordable housing fund# is made in accordance with paragraph (d)(3)(v) of such Section. For #zoning lots# subject to the provisions of paragraph (d)(4) of Section 23-154, the maximum #floor area ratio# shall be as set forth in Section 23-153 (For Quality Housing buildings)

Row B establishes a maximum #floor area ratio# for #community facility uses#, other than #select community facility uses#. Row C sets forth the maximum #floor area ratio# for #select community facility uses# only. In addition, special regulations for #schools# are set forth in Section 139-213.

Row D establishes a maximum #floor area ratio# for #Gowanus retail and entertainment uses# only.

Row E establishes a maximum #floor area ratio# for all #commercial uses#, inclusive of #Gowanus retail and entertainment uses#.

Row F sets forth the maximum #floor area ratio# for #manufacturing# uses.

MAXIMUM FLOOR AREA RATIO

	C4-4D	M1-4		M1-4 / R6B	M1-4 / R6A	M1-4 / R7A	M1-4 / R7-2	M1-4 / R7X
		Subare a B1	Subare a B2					
A	8.5	-	-	2.2	3.6	4.6	4.4	5.6 5.4
B	6.5	4.0 3.6	3.0 2.7	2.0	3.0	4.0	4.0	5.0
C	6.5	4.8	4.8	2.0	3.0	4.0	4.0	5.0
D	3.4	2.0	2.0	2.0	2.0	2.0	2.0	2.0
E	3.4	4.0 3.6 ¹	3.0 2.7 ²	2.0	3.0	3.0	3.0	4.0
F	-	4.0 3.6 ¹	3.0 2.7 ²	2.0	3.0	3.0	3.0	4.0

1 In #Manufacturing Districts# within Subarea B1, #commercial# and #manufacturing uses# which are also #Gowanus mix uses# shall have a maximum #floor area ratio# of 4.0.

2 In #Manufacturing Districts# within Subarea B2, #commercial# and #manufacturing uses# which are also #Gowanus mix uses# shall have a maximum #floor area ratio# of 3.0.

139-212

Gowanus mix

In M1 Districts paired with R7-2 or R7X Districts, the provisions of this Section may be utilized to increase the maximum #floor area ratio# set forth Section 139-211 (Basic floor area regulations).

PERMITTED INCREASE IN FLOOR AREA RATIO

		<u>M1-4/ R7X</u>	<u>M1-4/ R7-2</u>
<u>A</u>	<u>Increase pursuant to paragraph (a)</u>	<u>0.2</u>	<u>0.3</u>
<u>B</u>	<u>Increase pursuant to paragraph (b)</u>	<u>0.2</u>	<u>0.3</u>
<u>C</u>	<u>Combined increase when utilizing paragraphs (a) and (b)</u>	<u>0.4</u>	<u>0.6</u>

~~(a) Inclusion of non-residential uses~~

~~For #zoning lots# with #buildings# containing both #residential uses# and any non #residential use#, the maximum #floor area ratio# may be increased by the amount listed in Row A of the table in this Section~~

~~(b) Inclusion of #Gowanus mix uses#~~

~~For #zoning lots# with #buildings# containing both #residential uses# and #Gowanus mix uses#, the maximum #floor area ratio# may be increased by the amount listed in Row B of the table in this Section~~

~~The provisions of both paragraphs (a) and (b) of this Section may be utilized, as applicable, so that the total maximum #floor area ratio# of the #zoning lot# is increased by the total amount listed in Row C of the table in this Section~~

~~The amount of #floor area# allocated to such a #use# must be equal to or greater than the amount of #floor area# by which the maximum #floor area ratio# is being increased, and #floor area# provided to satisfy the requirements of one paragraph of this Section may not be utilized to satisfy the requirements of the other. However, #Gowanus mix uses# in excess of the #floor area ratio# listed in Row A may be used to satisfy the requirements of paragraph (a) above.~~

(a) Inclusion of #Gowanus mix uses#

For #zoning lots# with #buildings# containing both #residential# #uses# and #Gowanus mix uses#, the maximum #floor area ratio# may be increased by the amount of #Gowanus mix uses# provided on the #zoning lot#, up to a #floor area ratio# of 0.3.

(b) Inclusion of both #Gowanus mix uses# and non-#residential# #uses#

For #zoning lots# utilizing the provisions of paragraph (a), the maximum #floor area ratio# may be further increased by the amount of non-#residential# #uses# provided on the #zoning lot#, up to a #floor area ratio# of 0.3.

(c) Compliance and recordation

A Notice of Restrictions, the form and content of which shall be satisfactory to the Commission, for a property subject to inclusion of #Gowanus mix uses# pursuant to this Section, shall be recorded against the subject tax lot in the Office of the City Register.

The filing and recordation of such Notice of Restrictions shall be a precondition to the issuance of any new building permit utilizing the provisions set forth in this Section. The recording information shall be referenced on the first certificate of occupancy to be issued after such notice is recorded, as well as all subsequent certificates of occupancy, for as long as the restrictions remain in effect.

(d) Annual reporting for #Gowanus mix uses#

No later than June 30 of each year, beginning in the first calendar year following the calendar year in which the first temporary or final certificate of occupancy was issued for issued for a #building# utilizing the provisions of subdivision b of this section, the #building# owner shall submit annually to the Chairperson of the City Planning Commission, Speaker of the City Council, and Brooklyn Community Board 6, a report on the existing conditions of #floor area# designated for #Gowanus mix uses# and include the information specified below:

- (1) the date of the most recent update of this information;
- (2) total floor area of the #Gowanus mix uses# pursuant to 139-212 (b) in the development;
- (3) the name of each establishment occupying floor area reserved for #Gowanus mix uses#. Such establishment name shall include that name by which the establishment does business and is known to the public. For each establishment, the amount of floor area, the Use Group, subgroup and specific use as listed in this Resolution shall also be included;
- (4) contact information, including the name of the owner of the building and the building management entity, if different, the name of the person designated to manage the building, and the street address, current telephone number and e-mail address of the management office. Such names shall include the names by which the owner and manager, if different, do business and are known to the public; and
- (5) all prior periodic notification information required pursuant to the provisions of this paragraph.

The report shall be submitted by any method, including e-mail or other electronic means, acceptable to the Chairperson of the City Planning Commission.

In addition, #Floor area# provided to satisfy the requirements of Section 139-41 (Ground Floor Level Requirements) may not be utilized to satisfy the requirements of this Section.

139-213

Special floor area provisions for transit improvements

In #Commercial Districts#, the #floor area ratios# set forth in Section 139-211 (Basic floor area regulations) may be increased by up to 20 percent, pursuant to the provisions of Section 139-46 (Certification for transit improvements). Where the #residential floor area ratio# is increased, such additional #floor area# shall be exempt from the requirements of paragraph (d) of Section 23-154.

139-214

Special floor area provisions for zoning lots containing schools

(a) As-of-right provisions

The provisions of this Section paragraph (a) shall apply to #zoning lots# with a #lot area# greater than 30,000 square feet, and which contain #schools# constructed in whole or in part pursuant to an agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education.

On such #zoning lots#, up to 60,000 square feet of floor space within such #school# or, in Subarea D4 up to 100,000 square feet of floor space within such #school#, shall be exempt from the definition of #floor area#.

(b) Special permit provisions

In #Manufacturing Districts# within Subareas B1 or B2, the Board of Standards and Appeals may permit the allowable #community facility# #floor area ratio# for #schools# to be increased to 4.8, provided that the Board finds that the distribution of #bulk# on the #zoning lot# will not unduly obstruct the access of light and air in and to adjoining properties or public #streets#, and will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

139-215**Special floor area provisions for zoning lots containing comfort stations**

For #zoning lots# containing a comfort station provided in accordance with the provisions of paragraph (c)(2) of Section 139-51 (Area-Wide Modifications), an area equal to 200 percent of the floor space within such comfort station may be exempted from the definition of #floor area#.

139-216**Special floor area provisions for street improvements**

In Subareas D4, D5, and D6, for #zoning lots# containing mapped #streets#, where such mapped #streets# will be improved and opened to the public, the provisions of this Section may apply.

(a) Street area

The #lot area# of a #zoning lot# adjacent to newly-improved #street# may be considered to be increased by an amount equal to the area contained within the bed of such #street#, as measured from the centerline of such #street# to the #street line# adjoining the #zoning lot#.

(b) Transfer of #floor area#

#Residential floor area# may be transferred from a granting site to a receiving site located directly across the newly-improved #street#, and may exceed the maximum #floor area ratio# permitted on the receiving site, provided that:

- (1) the owners of the granting site and the receiving site shall jointly notify the Department of City Planning, in writing, of their intent to transfer #residential floor area#. Such notification shall

include a site plan showing the conditions and #floor area# calculations for the granting site and the receiving site, before and after the transfer;

- (2) no building permit shall be issued by the Department of Buildings for a #building# on a receiving site containing any such transferred #residential floor area# until the Chairperson of the City Planning Commission has certified to the Department of Buildings that plans submitted to the Department of City Planning comply with the requirements of this Section; and
- (3) no certificate of occupancy shall be issued by the Department of Buildings for any portion of a #building# utilizing the transferred #residential floor area# until the Chairperson of the City Planning Commission certifies to the Department of Buildings that such #building# has been constructed in accordance with the plan certified by the Chairperson pursuant to paragraph (b)(2) of this Section.

Notices of restrictions shall be filed by the owners of the granting site and the receiving site in the Office of the Register of the City of New York, indexed against the granting site and the receiving site(s), certified copies of which shall be submitted to the Department of City Planning. Notice by the Department of City Planning of its receipt of certified copies thereof shall be a condition to issuance of a building permit for a #building# on the receiving site containing any such transferred #residential floor area#.

The transfer of #residential floor area#, once completed, shall irrevocably reduce the maximum #residential floor area# permitted on the granting site. Any #building# on a receiving site that uses the #residential floor area# so transferred shall comply with all other applicable #bulk# regulations of this Chapter.

139-22

Special Yard Regulations

The underlying #yard# and #rear yard equivalent# regulations shall apply, as modified by the provisions of this Section, inclusive.

139-221

Permitted obstructions in required yards

In all #Commercial#, #Manufacturing#, and #Mixed Use Districts#, the permitted obstruction provisions of paragraph (b)(3) of Section 33-23 and paragraph (b)(1) of Section 43-23 shall be modified such that, in any #rear yard#, any #building# or portion of a #building# used for any permitted non-#residential use# (except any #building# portion containing rooms used for living or sleeping purposes) shall be a permitted obstruction, provided that the height of such #building#, or portion thereof, shall not exceed two #stories#, excluding #basements#, nor in any event 30 feet above #curb level#.

139-222

Rear yards and rear yard equivalents

In all #Manufacturing Districts#, the provisions of 43-26 (Minimum Required Rear Yards) and 43-261 (Beyond one hundred feet of a street line) shall not apply. In lieu thereof, a #rear yard# shall be provided at the minimum

depth set forth in the table below for the applicable height above the #base plane#, at every #rear lot line# on any #zoning lot#.

REQUIRED DEPTH OF REAR YARD

<u>Height above #base plane#</u>	<u>Required depth</u>
<u>Below 65 feet</u>	<u>10</u>
<u>Above 65 feet and below 125 feet</u>	<u>15</u>
<u>Above 125 feet</u>	<u>20</u>

In addition, in all #Manufacturing# and #Mixed Use Districts#, the provisions of Section 43-28 (Special Provisions for Through Lots) shall be modified such that no #rear yard equivalent# shall be required on any #through lot# or #through lot# portion of a #zoning lot#.

139-223

Required yards along district boundaries

In #Manufacturing# and #Mixed Use Districts#, the provisions of Section 43-304 (Required front yards along district boundary located in a street) shall not apply.

In #Commercial#, #Manufacturing#, and #Mixed Use Districts#, the underlying yard requirements applying along district boundaries of Sections 33-292 (Required yards along district boundary coincident with rear lot lines of two adjoining zoning lots), 33-293 (Required yards along district boundary coincident with side lot line of zoning lot in a Commercial District), 43-302 (Required yards along district boundary coincident with rear lot lines of two adjoining zoning lots) and 43-303 (Required yards along district boundary coincident with side lot line of zoning lot in a Manufacturing District), shall be superseded by the provisions of this Section as follows:

- (a) When #side# or #rear lot lines# coincide with a #side lot line# of a #zoning lot# in an adjoining #Residence District#, an open area not higher than #curb level#, and at least eight feet in depth, shall be provided; and
- (b) Where #side# or #rear lot lines# coincide with the #rear lot line# of a #zoning lot# in an adjoining #Residence District#, an open area not higher than 30 feet above #base plane# and at least 20 feet in depth, shall be provided.

139-224

Waterfront yards

The provisions of Section 62-33 (Special Yard Regulations on Waterfront Blocks) shall be modified such that a #waterfront yard# shall be provided in accordance with the provisions of Section 62-332 (Rear yards and waterfront yards) on all #waterfront zoning lots#, as that term is defined in Section 62-11, regardless of #use#.

The depth of the #waterfront yard# shall be measured from the #zoning lot line# adjoining the Gowanus Canal, or where the provisions of paragraph (f) of Section 139-51 (Area-Wide Modifications) are utilized, from the bulkhead. The depth of the #waterfront yard# may be reduced as set forth in Section 62-332.

139-23**Special Height and Setback Regulations**

The height and setback regulations of the applicable underlying districts are modified as follows:

- (a) In #Commercial Districts#, the height and setback regulations of Section 35-60 (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS) shall apply to all #buildings#, as modified by the provisions of this Section, inclusive.
- (b) In #Mixed Use Districts#, the height and setback regulations of Section 123-60 (SPECIAL BULK REGULATIONS) shall apply, as modified by the provisions of this Section, inclusive.
- (c) In #Manufacturing Districts#, the underlying height and setback regulations of Sections 43-43 (Maximum Height of Front Wall and Required Front Setbacks), 43-44 (Alternate Front Setbacks), and 43-45 (Tower Regulations) shall not apply. In lieu thereof, minimum and maximum base heights and maximum heights for #buildings or other structures# shall be as set forth in this Section, inclusive. The other underlying regulations of Article IV, Chapter 3 (Bulk Regulations) shall apply, as modified by the provisions of this Section, inclusive.
- (d) The special #bulk# regulations applicable in the #waterfront area# of Section 62-30 (SPECIAL BULK REGULATIONS) shall not apply. In lieu thereof, the height and setback regulations of this Section, inclusive, shall control.

The height of all #buildings or other structures# shall be measured from the #base plane#.

139-231**General provisions**

For the purposes of applying the applicable #bulk# regulations, the boundaries of #waterfront public access areas#, as well as #lot lines# abutting #public parks#, shall be considered #narrow street lines#.

Where a continuous sidewalk widening is provided along the entire frontage of a #zoning lot#, the interior boundary of such widening shall be considered a #street line# for the purpose of applying the height and setback regulations of this Chapter, except that where a sidewalk widening is provided pursuant to Section 139-43 (Sidewalk Widening Requirements), any setback required by this Section may be reduced by one foot for each foot by which the sidewalk is widened, provided that no setback shall be less than seven feet in depth.

Where a provision of this Chapter allows a modification to the maximum #building# height, and multiple modifications apply to a #building#, such modifications shall be applied cumulatively.

139-232**Permitted obstructions**

In all districts, the underlying permitted obstruction regulations shall be modified by this Section.

- (a) Solar energy systems

The underlying permitted obstruction regulations shall be modified to permit solar energy systems as a permitted obstruction up to a #lot coverage# of 100 percent of the #lot coverage# of the roof.

(b) Balconies

Unenclosed balconies complying with the provisions of Section 23-132 (Balconies in R6 through R10 Districts) may encroach into any required open area on the #zoning lot#. However, balconies that encroach into #waterfront public access areas# shall be regulated by the provisions of paragraph (a)(1) Section 139-51 (Area-Wide Modifications).

(c) Dormers

Above the maximum base height, dormers shall be permitted to encroach into a required setback area, except setback areas adjoining tower portions of #buildings# and setback areas facing #waterfront public access areas#, provided that:

- (1) The aggregate width of all dormers does not exceed 50 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height;
- (2) The aggregate width of all dormers with a depth exceeding seven feet does not exceed 30 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height.

Such dormers need not decrease in width as the height above the maximum base height increases.

139-233

Special height and setback regulations in Subdistrict A

In Subdistrict A, the underlying district regulations shall be modified by the provisions of this Section.

(a) Street wall location

The #street wall# location requirements of paragraph (b) of Section 35-651 (Street wall location) shall apply to all #buildings#.

(b) Base heights and setback requirements

The maximum height of #buildings or other structures# shall be as set forth in Sections 35-652 (Maximum height of buildings and setback regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable.

In addition, for all #non-residential buildings#, the provisions of paragraph (b)(1) of Section 35-652 shall be modified such that the minimum and maximum base height, maximum #building# height, and maximum number of #stories# for #Quality Housing buildings# with #qualifying ground floors# shall be as set forth in paragraph (b) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors).

139-234
Special height and setback regulations in Subdistrict B

In Subdistrict B, the underlying district regulations shall be modified by the provisions of this Section.

(a) Street wall location

In #Manufacturing Districts#, 30 percent of the #street wall# shall be located within eight feet of the #street line# and shall extend to at least the minimum #base height# specified in paragraph (b) of this Section, or the height of the #building#, whichever is lower.

In #Mixed Use Districts#, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and extend to at least the minimum #base height# specified in paragraph (b) of this Section or the height of the #building#, whichever is lower. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an outer court.

(b) Minimum and maximum base heights

In all districts, #street walls# shall rise without setback to a minimum base height set forth in this paragraph (b) or the height of the #building#, whichever is less, and may rise to a maximum base height as set forth in this paragraph (b). In #Manufacturing Districts#, minimum and maximum base heights and maximum heights of #buildings or other structures# shall be as set forth in Table 1 below. In #Mixed Use Districts#, such regulations shall be as set forth in Table 2.

Table 1
MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT, AND MAXIMUM BUILDING HEIGHT
– FOR M1-4 DISTRICTS
 (in feet)

	<u>Minimum base height</u>	<u>Maximum base height</u>	<u>Maximum #building# height</u>
<u>in Subarea B1</u>	<u>15</u>	<u>95</u>	<u>115</u>
<u>in Subarea B2</u>	<u>15</u>	<u>65</u>	<u>85</u>

Table 2
MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT, AND MAXIMUM BUILDING HEIGHT
– FOR MIXED USE DISTRICTS
 (in feet)

	<u>Minimum base height</u>	<u>Maximum base height</u>	<u>Maximum #building# height</u>
<u>M1-4/R6B</u>	<u>30</u>	<u>45</u>	<u>55</u>
<u>M1-4/R6A</u>	<u>40</u>	<u>65</u>	<u>85</u>
<u>M1-4/R7A</u>	<u>40</u>	<u>75</u>	<u>95</u>
<u>M1-4/R7X</u>	<u>60</u>	<u>105</u>	<u>145</u>

However, fFor #zoning lots# with a #lot area# greater than or equal to 20,000 square feet, and located in a #Manufacturing District#, a #building# containing non-#residential uses# may exceed the maximum #building# heights established in Table 1 ~~and 2~~, as applicable, by 30 feet.

For #zoning lots# adjoining the portion of Degraw Street located between Nevins Street and Third Avenue, the heights listed in Table 2 are modified so that within 100 feet of Degraw Street, the maximum base height is 95 feet, and the maximum #building# height is 125 feet.

(c) Setback requirements

At a height not lower than the minimum base height or higher than the maximum base height, a setback shall be provided which complies with the requirements of paragraph (c) of Section 23-662.

139-235

Special height and setback regulations in Subdistrict C

(a) Street wall location

At least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least the minimum base height specified in paragraph (b) of this Section, or the height of the #building#, whichever is lower. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an outer court. However, no #street wall# location requirement shall apply to the #street walls# facing a #shore public walkway#.

(b) Minimum and maximum base heights

Except as otherwise specified in this paragraph (b), #street walls# shall rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, and may rise to a maximum base height as set forth in this paragraph (b). However, no minimum base height shall be required for #street walls# facing a #shore public walkway#.

(1) Along Bond Street, the minimum base height shall be 30 feet, and the maximum base height shall be 55 feet. No portion of a #building# located within 65 feet of Bond Street may rise above a height of 65 feet.

(2) Along Union Street, between Nevins Street and the Gowanus Canal, the maximum base height shall be 85 feet.

(3) Along Degraw Street, between Nevins Street and the Gowanus Canal, the maximum base height shall be 85 feet.

(4) Along all other #streets#, as well as along the Gowanus Canal, the maximum base height shall be 65 feet.

(c) Setback requirements

At a height not lower than the minimum base height or higher than the maximum base height, a setback with a minimum depth of 15 feet shall be provided. Such setback shall also comply with the requirements of paragraph (c) of Section 23-662.

(d) Tower regulations

Where #waterfront public access areas# are considered #streets#, such #streets# shall be considered the boundaries of #blocks# for the purposes of this paragraph.

(1) Tower location

Any portion of a #building# located above a height of 85 feet shall be considered a “tower”. No portion of a tower may be located:

- (i) within 30 feet of the #street line# of Nevins Street;
- (ii) within 65 feet of Bond Street;
- (iii) for #buildings# with only one tower portion, south of the centerline of the #block#; or
- (iv) within 30 feet of a #waterfront yard#.

[new paragraph] However, for #zoning lots# located south of Carroll Street, ~~no portion of a tower shall be permitted within~~ any tower may be located south of the centerline of the #block#, and within 30 feet of the #waterfront yard# adjoining the First Street Basin, provided such tower portion is located at least 10 feet ~~of~~ from the #waterfront yard# adjoining the First Street Basin.

(2) Tower width

The #street wall# of any tower facing a #shore public walkway# shall not exceed 100 feet in width. Where multiple towers are provided, the combined #street wall# width of all such towers shall not exceed 130 feet.

However, for #zoning lots# located south of Carroll Street, the combined #street wall# width of all towers located west of the required #visual corridor# shall not exceed 150 feet.

(3) Tower coverage

Above a height of 175 feet, any tower shall set back such that it occupies a #lot coverage# no greater than 80 percent of the #story# located immediately below.

(4) Tower height

The maximum height of a tower shall be 225 feet.

(5) Regulations for multiple towers

For #buildings# with two tower portions, there shall be a difference in height between such towers of at least 50 feet. The taller of the two towers shall be located north of the centerline of the #block#, except that:

- (i) for #zoning lots# located south of Carroll Street, the taller of the two towers shall be located west of the required #visual corridor#. The shorter of the two towers shall be located east of the required #visual corridor#, and no less than 65 feet from Carroll Street; and

- (ii) for the #zoning lot# adjoining the intersection of Degraw Street and Nevins Street, for any #building# located north of Sackett Street, the shorter of the two towers shall be located north of the centerline of the #block#, and shall not exceed a height of 125 feet.

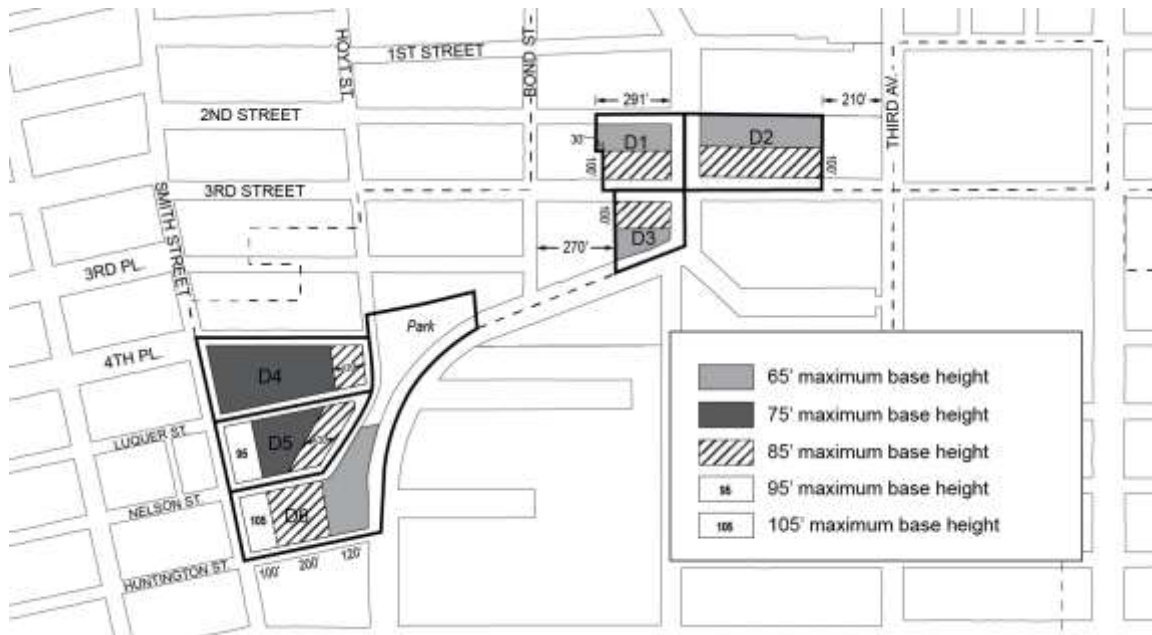
139-236
Special height and setback regulations in Subdistrict D

(a) Street wall location

At least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and extend to at least the minimum #base height# specified in paragraph (b) of this Section, or the height of the #building#, whichever is lower. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an outer court. However, no #street wall# location requirement shall apply to the #street walls# facing a #shore public walkway#.

(b) Minimum and maximum base heights

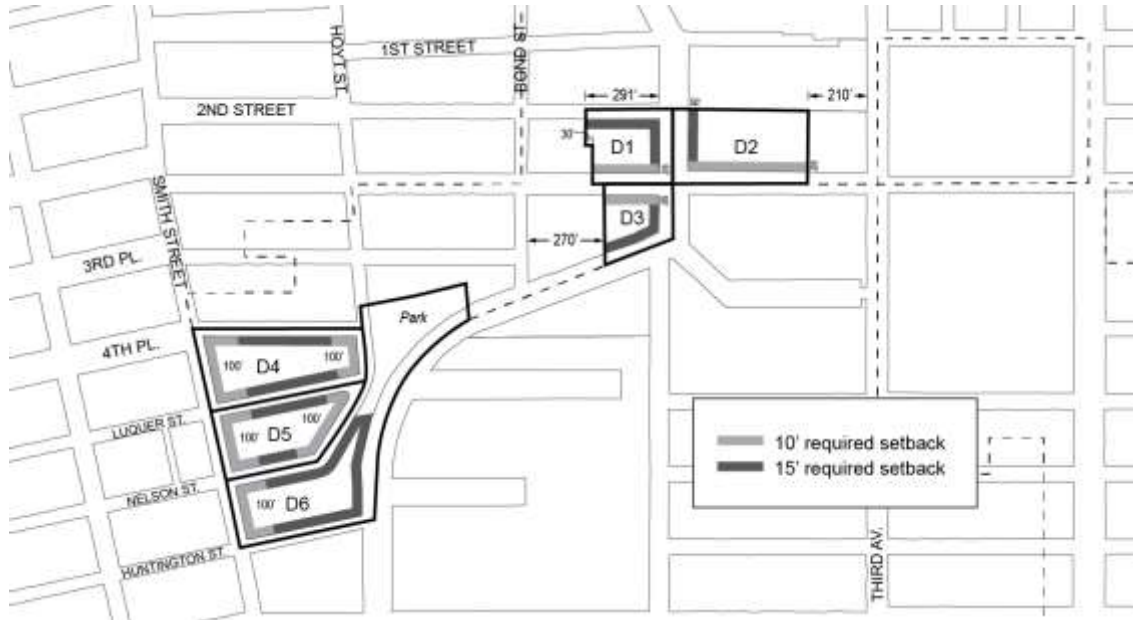
For #zoning lots# in Subareas D1 through D6, #street walls# shall rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, and may rise to a maximum base height as set forth in the map in this paragraph (b). However, this requirement shall not apply to the #aggregate width of street walls# facing a #shore public walkway#.



(c) Setback requirements

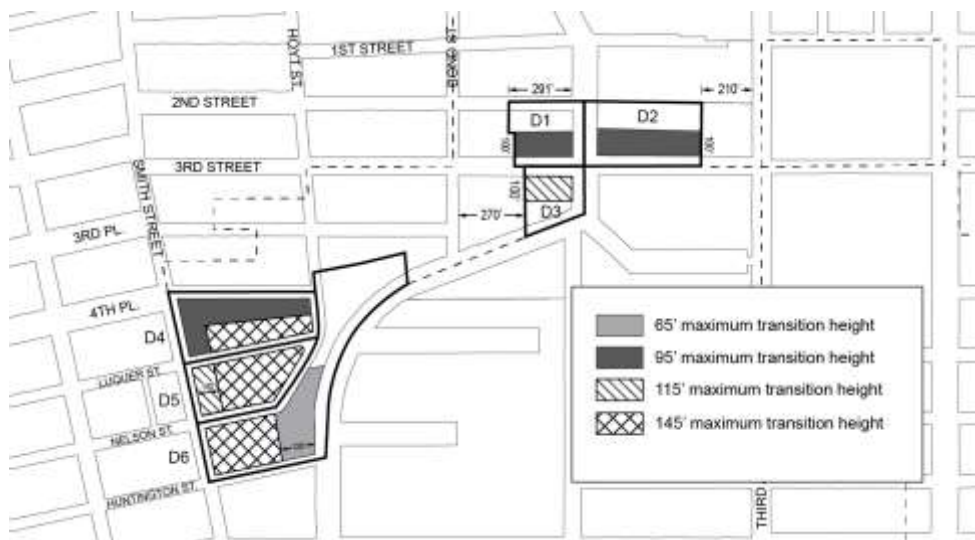
At a height not lower than the minimum base height or higher than the maximum base height, setbacks shall be provided with a minimum depth as set forth in the map in this paragraph (c).

Such setbacks shall also comply with the provisions of paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations).



(d) Transition heights

Any portion of a #building# located above the setback required by paragraph (c) of this Section shall be permitted to rise to a maximum “transition height” as set forth in this paragraph (d). Any portion of a #building# located above the maximum transition height shall be considered a “tower” and shall comply with the provisions of paragraph (e) of this Section. Except as otherwise set forth in the map in this paragraph (d), such maximum transition height shall be 85 feet.



(e) Tower regulations(1) Tower location

Any portion of a #building# located above the maximum transition height set forth in paragraph (d) shall be considered a "tower". No portion of a tower may be located:

- (i) in Subarea D4, within 150 feet of Smith Street or within 150 feet of Hoyt Street;
- (ii) in Subarea D5, within 80 feet of Smith Street or within 200 feet of Smith Street north of the mid-#block# line; or
- (iii) within 30 feet of a #waterfront yard#.

(2) Tower width

The #street wall# of any tower facing a #shore public walkway# shall not exceed 100 feet in width. Where multiple towers are provided, the combined #street wall# width of all such towers shall not exceed 130 feet.

However, in Subarea D4, where multiple towers are provided, the combined #street wall# width of all such towers shall not exceed 170 feet.

(3) Tower coverage

In Subareas D1, D2, and D3, above a height of 175 feet, any tower shall set back such that it occupies a #lot coverage# no greater than 80 percent of the #story# located immediately below.

In Subareas D5 and D6, the portion of any tower containing the top four #stories# of such tower shall set back such that it occupies a # lot coverage# no greater than 80 percent of the #story# located immediately below.

(4) Tower height

Except as otherwise specified in this paragraph (e)(4), the maximum height of a tower shall be 225 feet.

- (i) In Subarea D4, towers shall be permitted to rise to a height of 285 feet.
- (ii) In Subarea D5, towers shall be permitted to rise to a height of 245 feet.
- (iii) In Subarea D6, towers shall be permitted to rise to a height of 305 feet.

(5) Regulations for multiple towers

- (i) In Subareas D1 and D2, no more than two towers shall be permitted on a #zoning lot#.
- (ii) In Subareas D4 and D5, no more than two towers shall be permitted in each subarea.
- (iii) In Subareas D3 and D6, no more than one tower shall be permitted in the subarea.
- (iv) Wherever two towers are provided on the same #zoning lot#, there shall be a difference in height between such towers of at least 50 feet.

In addition, in Subarea D1, the taller of the two towers shall be located within 100 feet of Third Street.

139-237

Special street wall articulation requirements

In all subdistricts, for #street walls# with widths exceeding 200 feet, a minimum of 20 percent and no more than 50 percent of the surface area of such #street walls# above the level of the second #story#, or a height of 30 feet, whichever is lower, shall either recess or project a minimum of three feet from the remaining surface of the #street wall#. Any such recess or projection shall be considered a permitted obstruction into a required setback, and the depth of such recess or projection shall not exceed three feet.

In addition, in Subdistrict D, the underlying dormer provisions of paragraph (c) of Section 23-621 shall be modified for portions of #buildings# facing Third Street, so that above the maximum base height, dormers shall be permitted only within 75 feet of the intersection of two #streets#.

139-238

Special height regulations for zoning lots containing schools

In Subdistrict C, and in Subareas D1, D2, and D3, for #zoning lots# containing #schools# regulated by Section 139-213 (Special provisions for zoning lots containing schools), the maximum tower height specified by the regulations in this Section, inclusive, may be increased as-of-right by 40 feet. This allowance may be further modified by the provisions of Section 139-47 (Authorization for sites containing schools).

139-30

SPECIAL PARKING REGULATIONS

In Subdistricts A, B, C, and D, the underlying parking and loading regulations shall be modified by the provisions of this Section. On #waterfront blocks#, the provisions of Section 62-40 shall not apply. In Subdistrict E, the underlying regulations shall apply.

139-31

Special Accessory Off-Street Parking Regulations

139-311

Reduction of parking requirements for residences

In all districts, for the purposes of applying the provisions of Sections 36-33 and 123-72, the provisions of Section 25-23 shall be modified to require that #accessory# off-street parking spaces be provided for at least 20 percent of #residences# on a #zoning lot#.

For the purposes of applying waivers, the provisions of of Section 25-26 shall be modified so that the maximum number of #accessory# off-street parking spaces for which requirements are waived is 20 spaces.

Notwithstanding the above, in Subarea D4, and in Subarea D5 north of the mid-#block# line, no #accessory# off-street parking spaces for #residences# shall be required.

139-312

Elimination of parking requirements for non-residential uses

In all districts, no #accessory# off-street parking spaces shall be required for #manufacturing#, #commercial#, or #community facility uses#.

139-313

Off-site parking facilities

For #residences# in #Commercial# and #Mixed Use Districts#, the provisions of Sections 25-51 and 36-42 (Off-site Spaces for Residences) shall be modified to allow the #zoning lot# containing required #accessory# off-street parking spaces for #residences# to be located in any zoning district, as well as anywhere within the #Special Gowanus Mixed Use District#.

139-314

Joint facilities

For #residences# in #Commercial# and #Mixed Use Districts#, the provisions of Sections 25-541 and 36-441 (Joint facilities) shall not apply. In lieu thereof, the provisions of this Section shall apply.

Required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that the number of spaces in such joint facilities shall be not less than that required for the combined number of #dwelling units# in such #buildings# or #zoning lots#, and provided that the design and layout of such joint facilities meets the standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

139-315

Use of parking facilities for car sharing vehicles

The underlying regulations regarding the occupation of #accessory# or required off-street parking spaces by #car sharing vehicles# shall modified so that, in all districts, the number of spaces occupied by #car sharing vehicles# shall not exceed 20 percent of all spaces in a #group parking facility#.

139-316

Use of parking facilities for public parking

All #accessory# off-street parking spaces may be made available for public use. However, parking spaces #accessory# to #residences# shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request is made to the landlord.

139-32

Special Permitted Off-Street Parking Regulations

For portions of an #automated parking facility#, as that term is defined in Section 13-02, each tray upon which a vehicle is stored shall be considered one parking space, regardless of its size. In addition, at a height in excess of 23 feet above #curb level# each parking tray shall be considered #floor area# in an amount of 153 square feet or the size of such lifted tray, whichever is greater.

139-33

Special Loading Regulations

In all districts, the loading regulations of an M1-5 District shall apply, and shall be further modified as follows:

- (a) the requirements of Section 44-50 (GENERAL PURPOSES), inclusive, shall not apply to changes of #uses#;
- (b) the provisions of Section 44-53 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements), and Sections 36-64 and 44-54 (Wholesale, Manufacturing, or Storage Uses Combined With Other Uses), shall not apply; and
- (c) the minimum length requirements for loading berths #accessory# to #commercial uses#, other than funeral establishments, set forth in Section 44-581 (Size of required loading berths) shall be increased to 37 feet.

139-34

Special Curb Cut Regulations

For #zoning lots# existing on or after [date of adoption], with frontage along both a #primary street frontage# and a #secondary street frontage#, as set forth in Section 139-41 (Ground Floor Level Requirements), curb cuts accessing off-street parking spaces and loading berths shall not be permitted along the #primary street frontage#. In addition, no curb cut shall be permitted within 40 feet of a #waterfront public access area#.

Curb cuts prohibited by this Section may be authorized by the City Planning Commission provided the Commission finds that a curb cut at such a location:

- (a) is not hazardous to traffic safety;
- (b) will not create or contribute to serious traffic congestion, or unduly inhibit vehicular movement;
- (c) will not adversely affect pedestrian movement;
- (d) will not interfere with the efficient functioning of bus lanes, specially designated streets or public transit facilities; and

- (e) will not be inconsistent with the character of the existing streetscape.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

139-40 **DISTRICT PLAN ELEMENTS**

In all Subdistricts, the provisions of this Section shall apply to all #zoning lots#, as specified below.

139-41 **Ground Floor Level Requirements**

For the purposes of applying the special #ground floor level# streetscape provisions set forth in Section 37-30 to this Chapter, the portion of a #ground floor level street# frontage considered a #primary street frontage# shall be as shown on Map 3 (Ground Floor Use Requirements) in Appendix A of this Chapter. A #ground floor level street# frontage along any other #street# shall be considered a #secondary street frontage#.

The provisions of this Section shall apply to #developments# or #ground floor level enlargements#.

- (a) Along #primary street frontages#

- (1) Type 1 #primary street frontages#

For #buildings#, or portions thereof, with Type 1 #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to #Gowanus retail and entertainment uses#, except for Type 1 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). Group parking facilities located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). #Ground floor level street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

- (2) Type 2 #primary street frontages#

For #buildings#, or portions thereof, with Type 2 #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32, shall be limited to non-#residential uses#, except for Type 1 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33. Group parking facilities located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35. #Ground floor level street walls# shall be glazed in accordance with the provisions set forth in Section 37-34.

- (b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any off-street parking

spaces on the #ground floor level# shall be wrapped or screened in accordance with Section 37-35. Entrances and exits to accessory parking facilities shall be subject to the provisions of paragraph (b) of Section 37-33.

(c) For blank walls

In all districts, any #street wall# width exceeding 50 feet with no transparent elements on the #ground floor level# shall provide visual mitigation elements in accordance with the provisions of Section 37-36 (Special Requirements for Blank Walls).

139-42

Street Tree Requirements

In all districts, all #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more, shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting).

In addition, for #zoning lots# with over 100 feet of street frontage, wherever two required #street# tree pits will be separated by less than 25 feet, such tree pits shall be combined and designed as a single continuous tree pit.

139-43

Sidewalk Widening Requirements

For #developments# along the portions of #streets# designated on Map 4 (Sidewalk Widening Lines) in Appendix A of this Chapter, a sidewalk widening shall be required, providing a total sidewalk width of:

- (a) 17 feet along Third Avenue;
- (b) 15 feet along Nevins Street; and
- (c) 13 feet along Fifth Street.

The total sidewalk width shall be measured perpendicular from the #street line#. Such sidewalk shall be improved to Department of Transportation standards and shall be provided at the same level as the adjoining public sidewalk and be accessible to the public at all times.

Awnings and canopies shall be considered permitted obstructions within a sidewalk widening provided that no structural posts or supports may be located within any portion of the sidewalk or such widening.

139-44

Bridge Connection Requirements

For all #zoning lots# abutting bridge structures supporting #streets# which cross the Gowanus Canal at Union Street, Carroll Street, and Third Street, and are subject to #waterfront public access area# requirements, such #waterfront public access area# shall be designed to provide pedestrian connection to the #street# adjacent to the terminus of the bridge structure.

The requirements of this Section may be waived where the Commissioner of the Department of Buildings determines, in consultation with the Department of Transportation, that such a pedestrian connection to the #street# would result in a hazard to pedestrian or traffic safety.

139-45

Waterfront Public Access Area Requirements

For all #waterfront zoning lots#, the exemptions from #waterfront public access area# requirements listed in paragraph (a) of Section 62-52 shall not apply.

(a) Reduced requirement for certain manufacturing uses

For #zoning lots# with #developments#, #enlargements#, or #conversions# comprised of #predominantly# Use Group 18 #uses#, as listed in Section 42-15, the reduced design requirements of Section 62-58 (Requirements for Water-Dependent Uses and Other Developments) shall apply to #waterfront public access areas#.

(b) Authorization for incompatible uses

For #zoning lots# comprised #predominantly# of Use Group 16, 17, or 18 #uses#, the City Planning Commission may authorize the waiver of #waterfront public access area# requirements, provided the Commission finds that:

- (1) such #uses# produce objectionable effects on its surroundings such that the #uses# are incompatible with a waterfront public access requirement; or
- (2) such #uses# have demonstrable operational requirements which would be incompatible with waterfront public access requirements; and
- (3) such waiver is the least necessary to accommodate the proposed #uses#.

Such waivers shall be in effect for as long as the proposed #use# remains on the #zoning lot#. Upon #development# of the #zoning lot# following cessation of the #use# for a period of more than two years, full compliance with #waterfront public access area# requirements, as may be modified by future approvals, is required.

139-46

Certification for Transit Improvements

(a) In #Commercial Districts# with a residential equivalent of an R9 District, for #developments# on #zoning lots# that are located within 500 feet of the Union Street subway station, the Chairperson of the City Planning Commission may, by certification to the Commissioner of Buildings, allow a #development# to:

- (1) receive a #floor area# bonus not to exceed 20 percent of the maximum #floor area ratio# permitted by Section 139-211 (Basic floor area regulations); and

- (2) further modify additional height permitted pursuant to paragraph (c) of Section 66-235 (Special height and setback regulations) provided the total combined modification does not exceed 30 feet;

where a major improvement to the Union Street subway station consisting of one new off-street station entrance with an accessible route for persons with physical disabilities between two levels servicing the southbound platform is provided.

- (b) Prior to issuing such a certification, the following requirements shall be met.

- (1) To the extent required by the #transit agency#, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; establish a program for maintenance and capital maintenance; and establish that such improvements shall be accessible to the public during the hours of operation of the station or as otherwise approved by the #transit agency#. Where the #transit agency# deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the #transit agency#.
- (2) Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvement and setting forth the obligations of the owner as agreed upon with the #transit agency# pursuant to the requirements of paragraph (b)(1) of this Section, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.
- (3) No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# authorized pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, acting in consultation with the #transit agency#, where applicable, and such improvements are usable by the public. Such portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson, acting in consultation with the #transit agency#, where applicable.

139-47

Authorization for sites containing schools

For #zoning lots# containing #schools# regulated by the provisions of Section 139-214 (Special provisions for zoning lots containing schools), the City Planning Commission may authorize the modification of any #bulk# regulation, including the amount of floor space exempted from the definition of #floor area# by Section 139-214, in order to better accommodate a #school# upon such #zoning lot#.

- (a) Conditions

- (1) No modification to the maximum #building# height shall exceed 30 feet; and

- (2) No modification to the amount of floor space exempted from the definition of #floor area# shall exceed an additional 60,000 square feet of floor space.

(b) Findings

In determining such modifications, the Commission shall find:

- (1) such modification is the least modification required to achieve the purpose for which it is granted;
- (2) the proposed modification does not impair the essential character of the surrounding area; and
- (3) the proposed modification will not have adverse effects upon light, air, and privacy of adjacent properties and of any existing #buildings# on the #zoning lot#.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

139-48

Authorization for Large Mixed-use Sites

In Subdistrict B, for #developments# on #zoning lots# located in a #Mixed-Use District#, on a #zoning lot# greater than 40,000 square feet in #lot area#, the City Planning Commission may authorize the modifications set forth in paragraph (a) of this Section, provided that the conditions in paragraph (b) and findings in paragraph (c) are met. ~~of the regulations set forth in paragraph (a) of this Section to facilitate a #development# that will result in a mix of #uses# on the #zoning lot# where the predominant amount of #floor area# is associated with non #residential# #uses#, provided that the findings set forth in paragraph (b) of this Section are met.~~

(a) Modifications

The Commission may modify the following regulations:

- (1) the #use# regulations of this Chapter, limited to ground floor #use# regulations and supplemental #use# regulations;
- (2) the #bulk# regulations of this Chapter, except #floor area ratio# regulations, provided that any modifications to height and setback regulations do not exceed the heights permitted in an M1-4 District as set forth in Section 43-43; and
- (3) the parking regulations related to the number of required #accessory# off-street parking spaces and the location and spacing of curb cuts.

(b) Conditions

As conditions for the granting of an authorization pursuant to this Section:

- (1) the #development# shall result in a mix of #uses# on the #zoning lot# where the predominant amount of #floor area# is associated with non #residential# #uses#; or

- (2) the #development# shall:
- (i) result in a mix of #uses# on the #zoning lot# where at least 20 percent of the #floor area# is associated with #Gowanus mix uses#;
 - (ii) not exceed 300 feet in height; and
 - (iii) be located on a #zoning lot# where existing #buildings# will occupy at least 20 percent of the #lot coverage#.

(c) Findings

In order to grant such authorization, the Commission shall find that:

- (1) where modifying #bulk# regulations, such modifications shall result in a superior configuration of non-#residential# #uses# on the #zoning lot# ~~within the #building#~~ than would be feasible by applying the #Special Gowanus Mixed Use District# regulations;
- (2) where modifying ground floor #use# regulations, the advantages of an off-street loading and access outweigh the disadvantages incurred by the interruption of retail continuity; and
- (3) where modifying supplemental #use# and parking regulations, that such modifications would present a limited interruption and would not create serious vehicular traffic congestion that would adversely affect the surrounding area.

Upon completion of the #development#, the #zoning lot# shall ~~remain occupied by #predominantly# non-#residential# #uses#~~ remain in compliance with the conditions set forth in paragraph (b) of this Section. Such requirements shall be reflected in a notice of restrictions recorded against all tax lots comprising such #zoning lot#, and a copy of such notice shall be provided to the Department of Buildings.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

139-50
GOWANUS CANAL WATERFRONT ACCESS PLAN

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), shall apply, except as superseded, supplemented or modified by the provisions of this Section, inclusive.

The boundaries of the area comprising the Gowanus Canal Waterfront Access Plan, and the location of certain features mandated or permitted by the Plan, are shown on the maps in Appendix B of this Chapter.

The waterfront access plan has been divided into Parcels as shown on Map 1 of Appendix B of this Chapter, consisting of tax #blocks# and lots existing on [date of referral], as follows:

- Parcel 1: Block 417, Lots 1, 10, 14, 21
- Parcel 2: Block 424, Lots 1, 20
- Parcel 3: Block 431, Lots 1, 2, 5, 6, 7, 12, 17, 43
- Parcel 4: Block 425, Lot 1

	<u>Block 432, Lots 15, 25, 7501</u>
<u>Parcel 5:</u>	<u>Block 439, Lot 1</u>
<u>Parcel 6a:</u>	<u>Block 438, Lot 7</u>
<u>Parcel 6b:</u>	<u>Block 438, Lots 1, 2, 3</u>
	<u>Block 445, Lots 1, 7, 8, 11, 20, 50</u>
<u>Parcel 7:</u>	<u>Block 452, Lots 1, 5, 19</u>
	<u>Block 458, Lot 1</u>
<u>Parcel 8a:</u>	<u>Block 453, Lots 1, 21</u>
<u>Parcel 8b:</u>	<u>Block 453, Lot 26</u>
<u>Parcel 8c:</u>	<u>Block 453, Lots 30, 31, 32, 33, 35, 36, 38, 39, 41, 42, 43, 44, 44, 45, 46, 48, 49, 50, 51</u>
<u>Parcel 8d:</u>	<u>Block 453, Lot 54</u>
<u>Parcel 9:</u>	<u>Block 967, Lot 1</u>
<u>Parcel 10:</u>	<u>Block 967, Lot 24</u>
<u>Parcel 11:</u>	<u>Block 972, Lots 1, 43, 58</u>
<u>Parcel 12a:</u>	<u>Block 462, Lots 12, 14</u>
<u>Parcel 12b:</u>	<u>Block 462, Lots 6, 8, 9, 42, 44</u>
<u>Parcel 12c:</u>	<u>Block 462, Lots 1, 3, 4, 5, 50, 51</u>
<u>Parcel 13:</u>	<u>Block 466, Lot 19</u>
<u>Parcel 14a:</u>	<u>Block 466, Lots 17, 60</u>
<u>Parcel 14b:</u>	<u>Block 466: Lot 1</u>
<u>Parcel 14c:</u>	<u>Block 466, Lot 46</u>
<u>Parcel 15a:</u>	<u>Block 471, Lot 125</u>
<u>Parcel 15b:</u>	<u>Block 471, Lot 104, 110, 114, 116</u>
<u>Parcel 16:</u>	<u>Block 471, Lots 1,100</u>
<u>Parcel 17:</u>	<u>Block 471, Lot 200</u>

For the purposes of this Section, inclusive, the definition of #development# shall be as set forth in Section 62-11 (Definitions).

139-51

Area-Wide Modifications

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall be modified in the area comprising the Gowanus Canal Waterfront Access Plan by the provisions of this Section.

(a) All #waterfront public access areas#

(1) Balconies

Balconies complying with the provisions of Section 23-132 (Balconies in R6 through R10 Districts) shall be permitted obstructions in #waterfront public access areas#, provided the depth of obstruction is limited to four feet, and provided they are located at or above the floor level of the third #story# above grade of the #building#.

(2) Sun control devices

Awnings and other sun control devices shall be permitted obstructions in #waterfront public access areas#. However, when located at a level higher than the first #story#, excluding a #basement#, all such devices:

- (i) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and
- (ii) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project.

(3) Kiosks

Where a #supplemental public access area# exceeds 15,000 square feet, a kiosk shall be a permitted obstruction in such #supplemental public access area# with an area up to 400 square feet, including roofed areas.

(b) #Shore public walkways#

(1) Width of circulation paths

#Shore public walkways# shall provide a required circulation path with a minimum clear width of 10 feet. Secondary paths, where provided, shall have a minimum clear width of at least 4.5 feet.

(2) Level of circulation paths

At least 80 percent of a required circulation path shall be located at a level no less than six feet above the #shoreline#. However, up to 40 percent of such required circulation path may be provided below such level when providing access to a “get-down” located no more than two feet above the level of the #shoreline#.

(3) Access to circulation paths

The provisions of paragraph (a)(1) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) shall apply, except that where a #shore public walkway# is on a #zoning lot# that is adjacent to a #zoning lot# which has not been improved with a #shore public walkway#, the portion of the circulation path that terminates at the common #zoning lot line# may be located within 40 feet of the shoreline.

In addition, for #zoning lots# adjoining #streets# containing bridge structures, the required connection of circulation paths to such a #street# may be waived by certification by the Department of Transportation, pursuant to Section 139-44 (Bridge Connection Requirements).

(4) Grading

The provisions of paragraph (d)(2) of Section 62-61 (General Provisions Applying to Waterfront Public Access Areas) shall be modified so that within five feet of the edge of any planting area, the grade level of such planting area shall be no more than 36 inches higher or lower than the adjoining level of the pedestrian circulation path.

(c) #Supplemental public access areas#

(1) Required Area

The provisions of Section 62-57 (Requirements for Supplemental Public Access Areas) are modified so that, in #mixed use districts#, a total waterfront public access area equivalent to 20 percent of the #lot area# is required.

(2) Lawns

The provisions of paragraph (c)(1) of Section 62-62 shall be modified so that a lawn shall only be required where a #supplemental public access area# is greater than 15,000 square feet. The Commission may authorize use of artificial turf within a lawn pursuant to Section 62-822 (Modification of waterfront public access areas and visual corridor requirements).

Where required, a lawn may be substituted for an athletic field of equivalent size, which may be unplanted, and shall be suitable for active recreational use.

(3) Comfort stations

Where a publicly-accessible comfort station is provided as part of a #development#, the amount of #supplemental public access area# may be reduced by an amount equal to the size of the comfort station, provided that:

- (i) the comfort station has an entrance fronting upon a #waterfront public access area#; and
- (ii) a restrictive declaration, acceptable to the Department of City Planning and Department of Parks and Recreation, shall be executed and recorded, binding the owners, successors and assigns to provide and maintain such comfort station for the life of the #development#.

(d) Screening

Wherever a screening buffer is required to be provided, the minimum width of such buffer shall be four feet.

In addition to the waiver allowances of paragraph (c)(2)(iii) of Section 62-62, no screening buffer shall be required along the upland boundary, or portion thereof, which is adjacent to an unenclosed seating area #accessory# to a #Gowanus retail and entertainment use#. Where a screening buffer is so waived, design features shall be utilized to demarcate the #shore public walkway# or #supplemental public access area# from the non-publicly accessible area, which may include, but shall not be limited to, railings, fences, planting boxes, and distinct paving materials.

(e) #Street# treatment

For #streets#, or portions thereof, located within the Gowanus Canal Waterfront Access Plan, the portion of the #street# that is adjacent to a #shore public walkway# shall be improved as upland access, for a depth equivalent to the adjacent #shore public walkway#. This upland access area shall be designed to include, at a minimum, the following design elements:

- (1) a foot path with a minimum clear width of ten feet, providing a connection to both the sidewalk located in the #street# as well as to the adjacent #zoning lot#;
- (2) eight linear feet of seating complying with Section 62-652 (Seating) for every 30 feet of #shoreline# upon which the #street# fronts; and

- (3) planted areas, containing planting or trees complying with Section 62-655 (Planting and trees) and occupying no less than 25 percent of the continuation area.

The provisions of this paragraph (e) shall not apply to portions of #streets# which will be improved pursuant to a site plan approved prior to [date of adoption].

(f) Bulkheads

Wherever the United States Environmental Protection Agency requires the installation of a bulkhead in a location seaward of the #zoning lot line#, the area located between the #lot line# and bulkhead may be utilized for the purposes of satisfying the #waterfront public access area# requirements of the #zoning lot#. Where the provisions of this paragraph (f) are utilized, the location of the bulkhead shall be considered the #shoreline# for the purposes of providing the required #waterfront public access areas#.

(g) Issuance of foundation permits

Notwithstanding the provisions of Section 62-811 (Waterfront public access and visual corridors), within 18 months of [date of adoption], a foundation permit may be issued for any #development# within the Waterfront Access Plan, upon certification by the Chairperson of the City Planning Commission to the Department of Buildings or Department of Business Services, as applicable, that:

- (1) a remedial action plan has been submitted to the Office of Environmental Remediation or the New York State Department of Environmental Conservation, which includes the #zoning lot# containing the #development#; and
- (2) a site plan has been submitted to the Department of City Planning, depicting that the proposed foundation will not conflict with the basic dimensional requirements of any required #waterfront public access area# or #visual corridor#, and, in addition, that the proposed foundation shall not conflict with any of the site-specific provisions below, based on the applicable Parcel number and Type:

(i) Type 1

For #developments# on Parcels 1, 2, 3, and 9, the site plan shall additionally designate all other potential locations where a #supplemental public access area# could be located, including:

- (a) adjoining each #street# abutting the #shore public walkway#; and
- (b) adjoining the #shore public walkway#.

In addition, for all #developments# on #zoning lots# which are not coterminous with the Parcel boundary, the #waterfront public access area# requirement for the depicted #zoning lot# shall be based on the combined #lot area# of the entire Parcel.

(ii) Type 2

For #developments# on Parcels 4, 5, and 12a, the site plan shall additionally designate any area located landward of the #shore public walkway# as necessary to achieve a 50-foot buffer from the #shoreline#.

(iii) Type 3

For #developments# on Parcels 6a, 6b, 8a, 8b, 8d, 11, 13, 14, 15, and 17, where the #developments# are on #zoning lots# which are not coterminous with the Parcel boundary, the #waterfront public access area# requirement for the depicted #zoning lot# shall be based on the combined #lot area# of the entire Parcel.

An application made pursuant to this paragraph (g) shall include a survey of the #zoning lot# and additional documentation set forth Section 62-80 (SPECIAL REVIEW PROVISIONS), inclusive. Except for excavation and foundation permits permitted by this paragraph (g), no other building permits shall be issued except pursuant to Section 62-811.

139-52

Special Public Access Provisions

The provisions of Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS) are modified at the following designated locations which are shown on Map 1 in Appendix B of this Chapter.

139-521

Parcels 4, 5, 13, 14 and 15

On Parcels 4, 5, 13, 14 and 15, where a #shore public walkway# is required, such #shore public walkway# shall have a minimum width of 30 feet. The required minimum depth of a #waterfront yard# shall be 30 feet.

139-522

Parcel 8

On Parcels 8a, 8b, and 8d, where a #shore public walkway# is required, such #shore public walkway# shall have a minimum width of 30 feet, except that for #shore public walkways# adjoining the First Street Basin, the minimum width shall be 20 feet. The required minimum depth of a #waterfront yard# shall be 30 feet, except that for #waterfront yards# adjoining the First Street Basin, the minimum depth shall be 20 feet. An area equal to at least 25 percent of the area of the #shore public walkway# shall be planted, and one linear foot of seating shall be provided for every 125 feet of frontage along the Gowanus Canal.

139-523

Parcel 12

On Parcel 12, where a #supplemental public access area# adjoining an #upland connection# or #street# is provided, such #supplemental public access area# shall be permitted to be provided with a maximum width to depth ratio of 3:1, and the longest side shall be permitted to adjoin the #street#.

139-524
Parcel 14

On Parcel 14a, a #supplemental public access area# shall be provided along the entire length of the #lot line# adjoining Parcel 13, connecting the #street# to the #shore public walkway#, and shall comply with the design reference standards applicable to a Type 1 #upland connection# set forth in Section 62-64 (Design Requirements for Upland Connections). Such #supplemental public access area# may coincide with a #visual corridor# required pursuant to Section 139-53 (Special Visual Corridor Provisions).

139-525
Parcel 17

On Parcel 17, the total #lot area# utilized in the calculation of required #supplemental public access area# shall include all #zoning lot# portions located within Parcel 17, including portions of a #zoning lot# located within a #street#.

139-53
Special Visual Corridor Provisions

The provisions of Sections 62-512 (Dimension of visual corridors) and 64-82 (Modification of Waterfront Regulations Relating to Level of Yards, Visual Corridors and the Ground Floor) shall be modified by the provisions of this Section.

The lowest level of a #visual corridor# shall be determined by establishing a plane connecting the two points along the #street lines# from which the #visual corridor# emanates at an elevation five feet above #curb level# with the two points where the prolonged #street lines# intersect the #shoreline#, stabilized natural shore, bulkhead, upland edge of a #waterfront yard# raised pursuant to the provisions of paragraph (a) of Section 62-512, or the #base plane# of a #pier# or #platform#, whichever intersection occurs first. Such plane shall then continue horizontally seaward from the line of intersection. #Visual corridors# that are not prolongations of mapped #streets# shall be determined by establishing a plane connecting an elevation five feet above #curb level# at the two points along the #lot line# from which the #visual corridor# emanates with the two points of intersection at the #shoreline#, stabilized natural shore, bulkhead, upland edge of a #waterfront yard# raised pursuant to the provisions of paragraph (a) of Section 62-512, or the #base plane# of a #pier# or #platform#, whichever intersection occurs first.

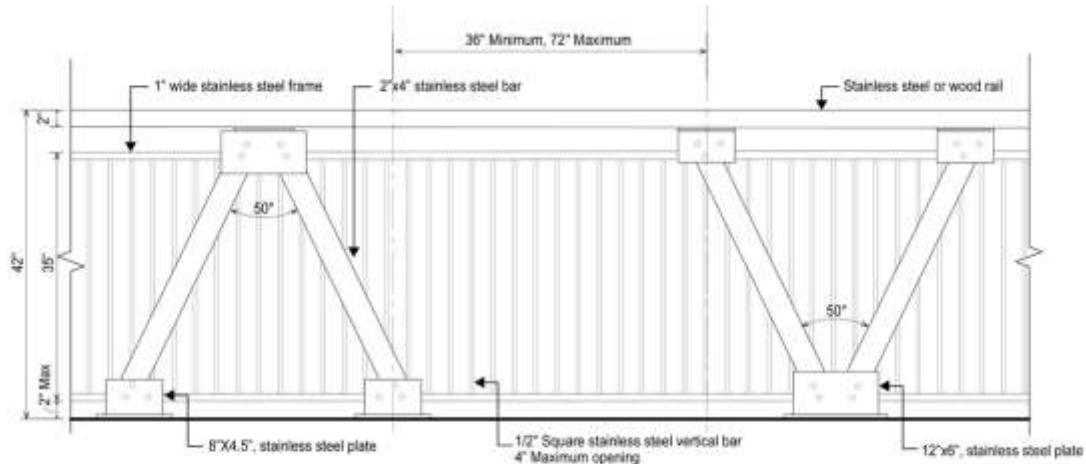
139-54
Special Design Standards

The design requirements of Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS) are modified by the provisions of this Section, inclusive.

139-541
Special design standards for guardrails

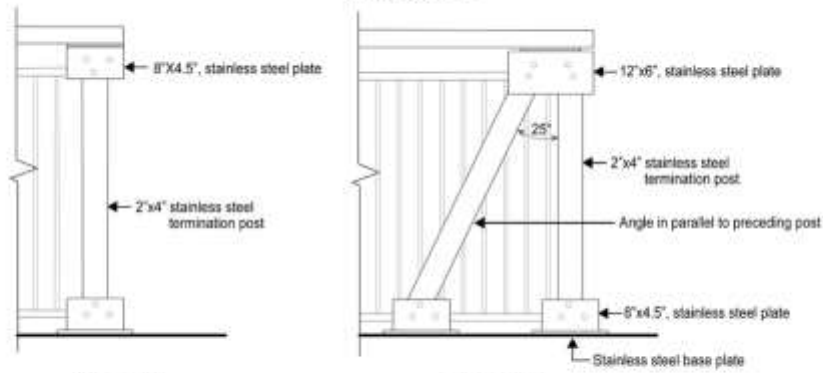
In addition to the provisions of paragraph (a) of Section 62-651 (Guardrails, gates and other protective barriers), guardrails shall comply with the illustrations provided in either paragraph (a) or (b) of this Section, or shall be of a comparable design which is the minimum modification needed. Where modification is sought, it shall be deemed suitable by the Chair of the City Planning Commission in consultation with the NYC Department of Parks and Recreation (DPR).

(a) Option 1: vertical bar guardrail



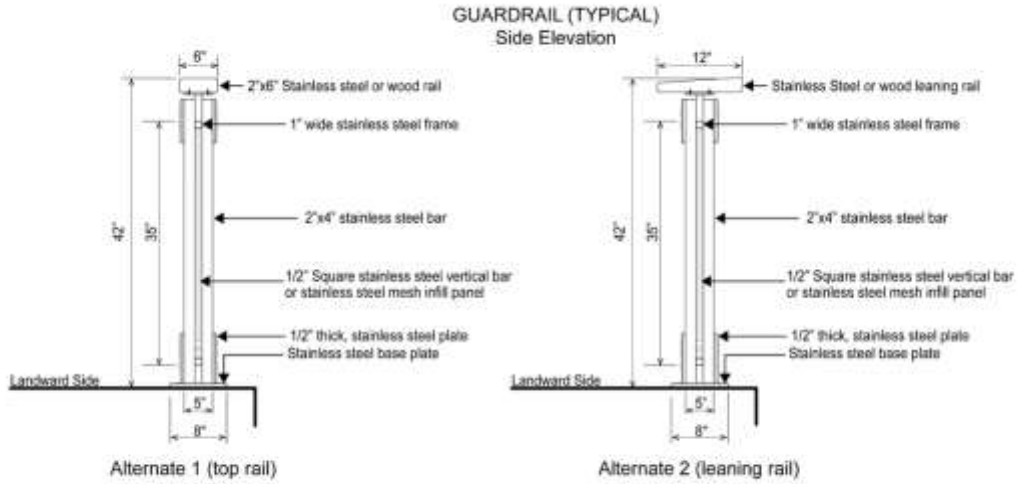
GUARDRAIL (TYPICAL)
Front Elevation

GUARDRAIL TERMINATION
Front Elevation

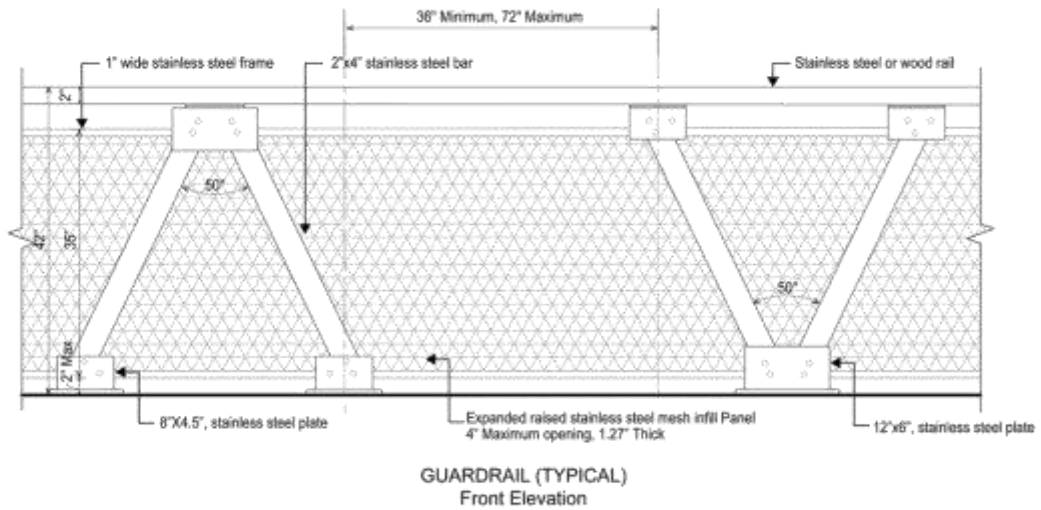


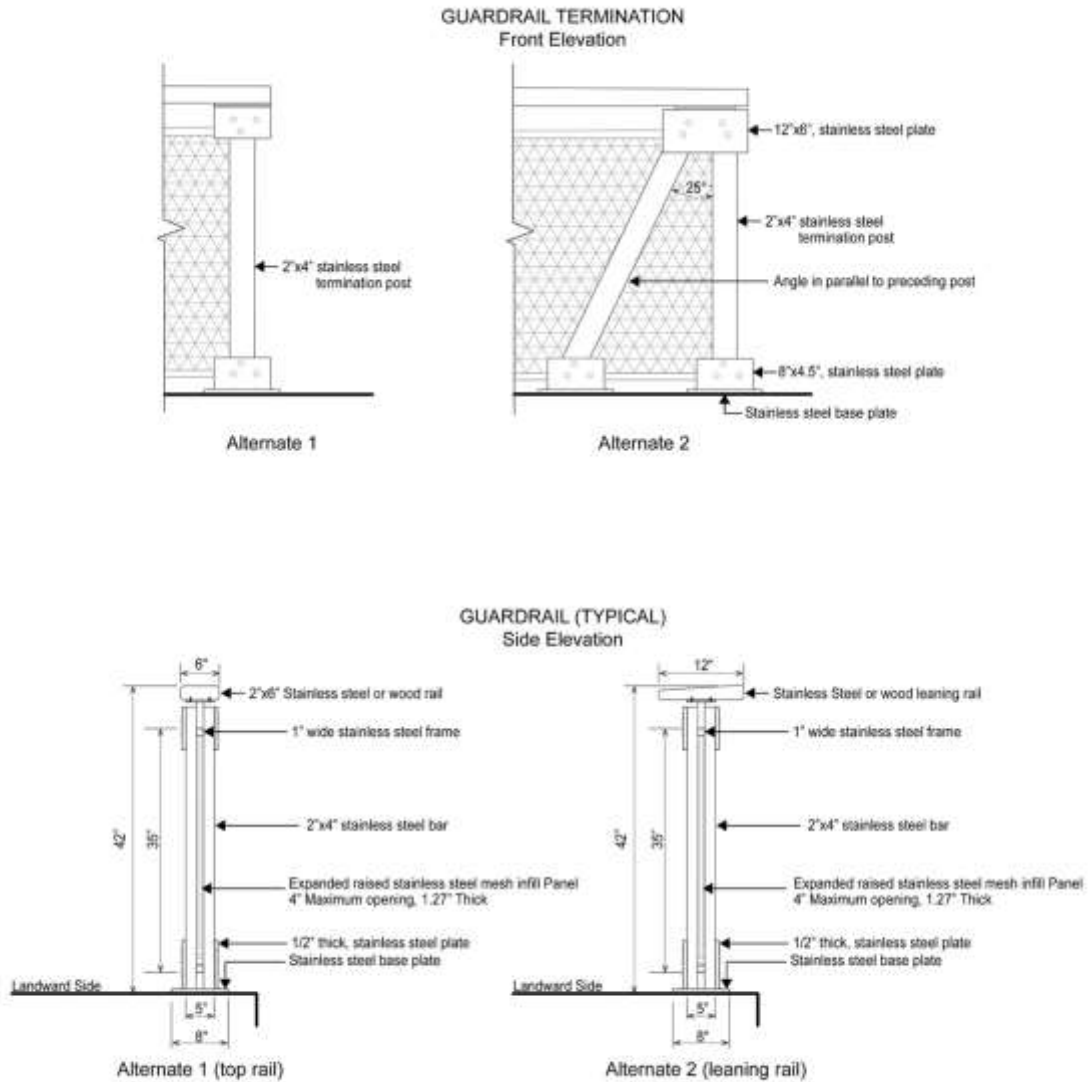
Alternate 1

Alternate 2



(b) Option 2: mesh guardrail





All guardrail components and hardware shall be in unpainted stainless steel and shall conform to any additional standards set forth by DPR.

139-542
Special design standards for seating

The design requirements of paragraph (b) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) and the design reference standards of 62-652 (Seating) shall be modified as follows:

- (a) Design feature seating

Planter ledges, seating walls, and seating steps may be provided, and shall be limited to 50 percent of the required seating. Walls and planter ledges shall be flat and smooth with at least one inch radius rounded edges.

(b) Seating depth

For all #waterfront public access areas#, the minimum seat depth requirement of paragraph (b) of Section 62-652 shall be modified to 16 inches.

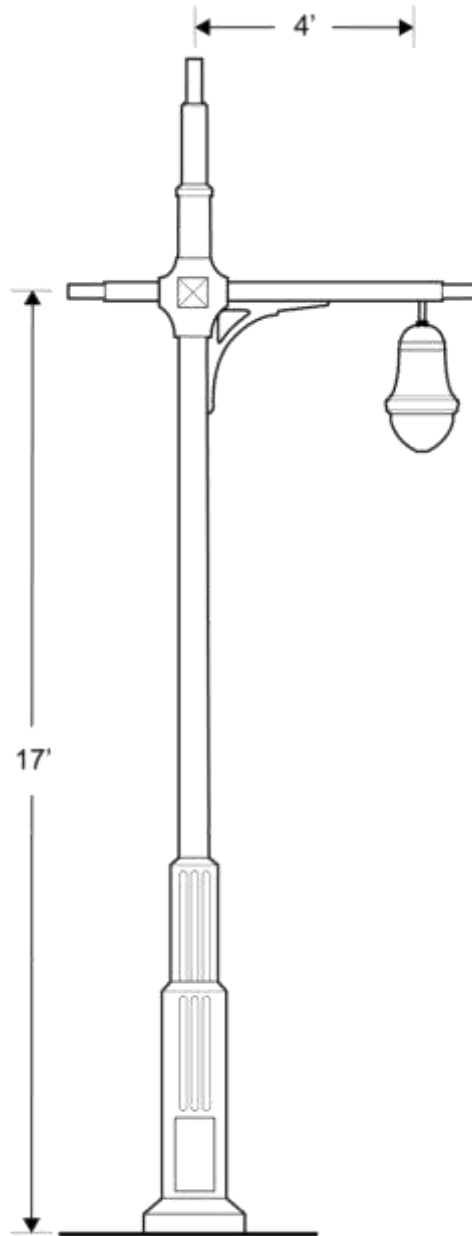
139-543

Special design standards for lighting

The lighting requirements of 62-653 (Lighting) shall be modified such that an average maintained level of illumination not less than 0.5 horizontal foot candle (lumens per foot) shall be provided throughout all walkable areas, and the average illumination to minimum foot candle uniformity ratio shall be no greater than 6:1 within any #waterfront public access area#.

In addition, fixtures providing the required lighting along any public access area shall comply with the lightpost illustration in this Section, or shall be of a comparable design which is the minimum modification needed. Where modification is sought, it shall be deemed suitable by the Chair of the City Planning Commission in consultation with the by the New York City Department of Transportation (DOT).

Fixtures providing supplemental lighting beyond the requirements of this Section need not comply with this illustration.



LIGHTPOST
Side Elevation

The lightpost shall conform to the street lighting standard drawings for a 17 foot "TBTA" short pole with "Tear Drop Luminaire" set forth by the DOT.

139-544

Special design standards for planting

The design requirements of paragraph (c)(1) of Section 62-62(c)(1) (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) and the design reference standards of Section 62-655 (Planting and trees) shall be modified as follows:

(a) Reduction in planting requirement

An area equal to at least 35 percent of the area of the #shore public walkway# and #supplemental public access area# shall be planted. Such planting area may be reduced to 30 percent if an amenity is provided in accordance with the following tables:

TABLE 1

<u>Amenity</u>	<u>Reduction per feature (in square feet)</u>
<u>Picnic tables</u>	<u>22 square feet</u>
<u>Historic interpretation elements</u>	<u>20 square feet</u>
<u>Public art pieces</u>	<u>100 square feet</u>
<u>Fountains and water features</u>	<u>150 square feet</u>

TABLE 2

<u>Amenity</u>	<u>Ratio of reduction to size of feature (in square feet)</u>
<u>Active recreation courts</u>	<u>1:1</u>
<u>Tot-lots and playgrounds</u>	<u>1:1</u>
<u>Dog runs</u>	<u>1:1</u>
<u>Boat or kayak launches</u>	<u>1:1.5</u>
<u>Interactive water features</u>	<u>1:1.5</u>

(b) Shade tree substitution

Where shade trees are required, no more than one required shade tree may be substituted by a shading element covering at least 450 square feet, when viewed in plan.

139-545

Special design standards for paving

The design reference standards of Section 62-656 (Paving) shall be modified as follows:

(a) #Upland connections#

Paving for driveways and pedestrian paths located within Type 2 #upland connections# shall be subject to the “shared street” standards of the New York City Department of Transportation for roadbeds and sidewalks.

In addition, where a Type 2 #upland connection# is provided with a vehicular turnaround, the paved area of the vehicular turnaround shall be designed with at least two different paving materials, or a single material with at least two different unit paver or slab sizes.

(b) Dimensional requirements

The maximum sizes for unit pavers or concrete slabs shall not apply.

139-55

Special Signage Regulations

Any #accessory sign# that is provided adjacent to any #waterfront public access area# shall be limited to a single non-illuminated #sign#, indicating only the name or address of the #building# or commercial establishment to which it is #accessory#, not exceeding 16 inches in height.

139-56

Special Maintenance and Operation Regulations

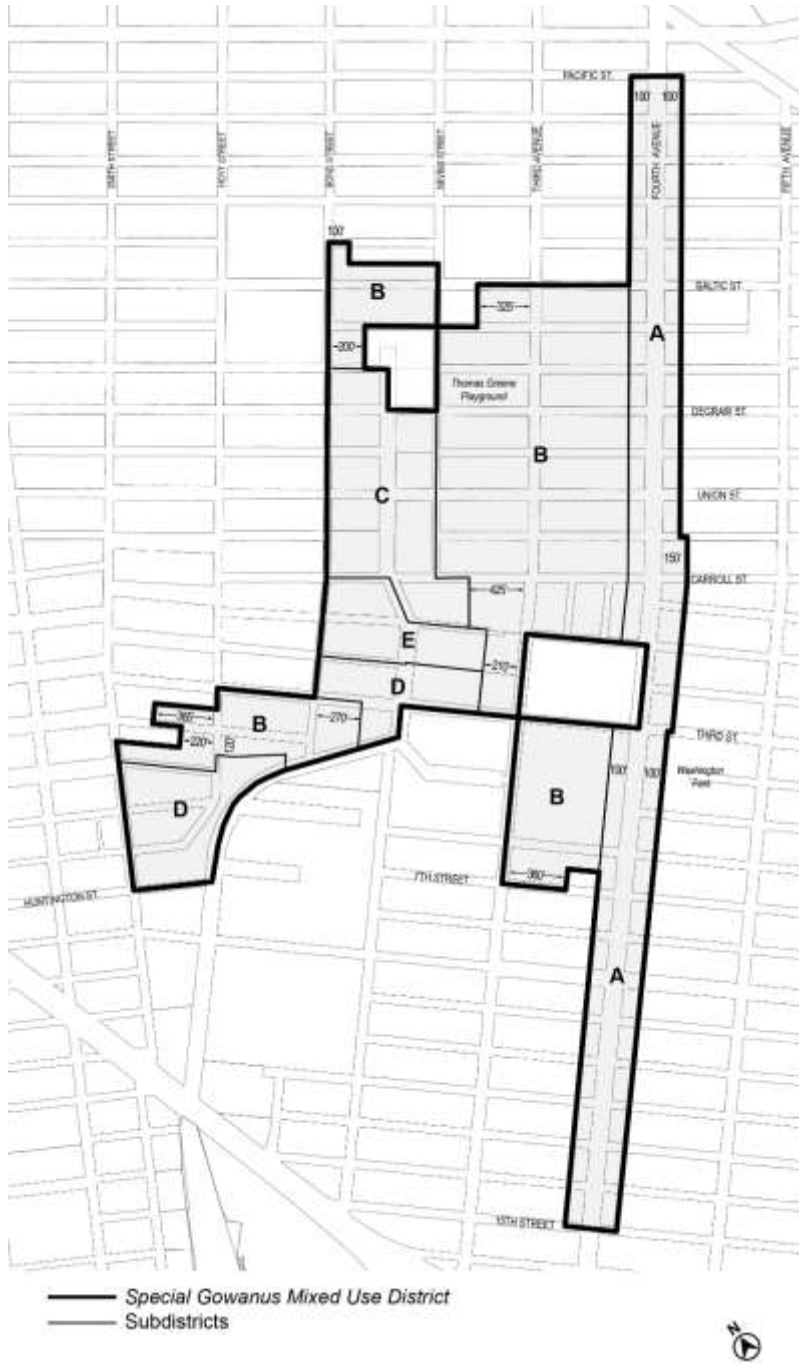
The owners of two or more parcels may, either for purposes of certification pursuant to Section 62-811 or at any time thereafter, submit an alternate plan to the Chairperson for the joint maintenance and operation of #waterfront public access areas# on such parcels, through an association or other entity established for this purpose or by other method. Such plan may include, in addition to provisions for maintenance and operation, alternate provisions with respect to security, liability and any other matters set forth in Section 62-72 (Performance and Maintenance Requirements), as well as special provisions for reporting and monitoring of compliance with obligations for maintenance and operation of the #waterfront public access areas#. Such plan and any instruments as are necessary for its implementation may be approved by the Chairperson and the Commissioner of Parks and Recreation upon a determination that:

- (1) implementation of the plan would enhance maintenance and operation of the waterfront public access areas consistent with the purposes of this Chapter; and
- (2) participation in the plan is available to owners of contiguous parcels identified in Gowanus Canal Waterfront Access Plan on an equal basis.

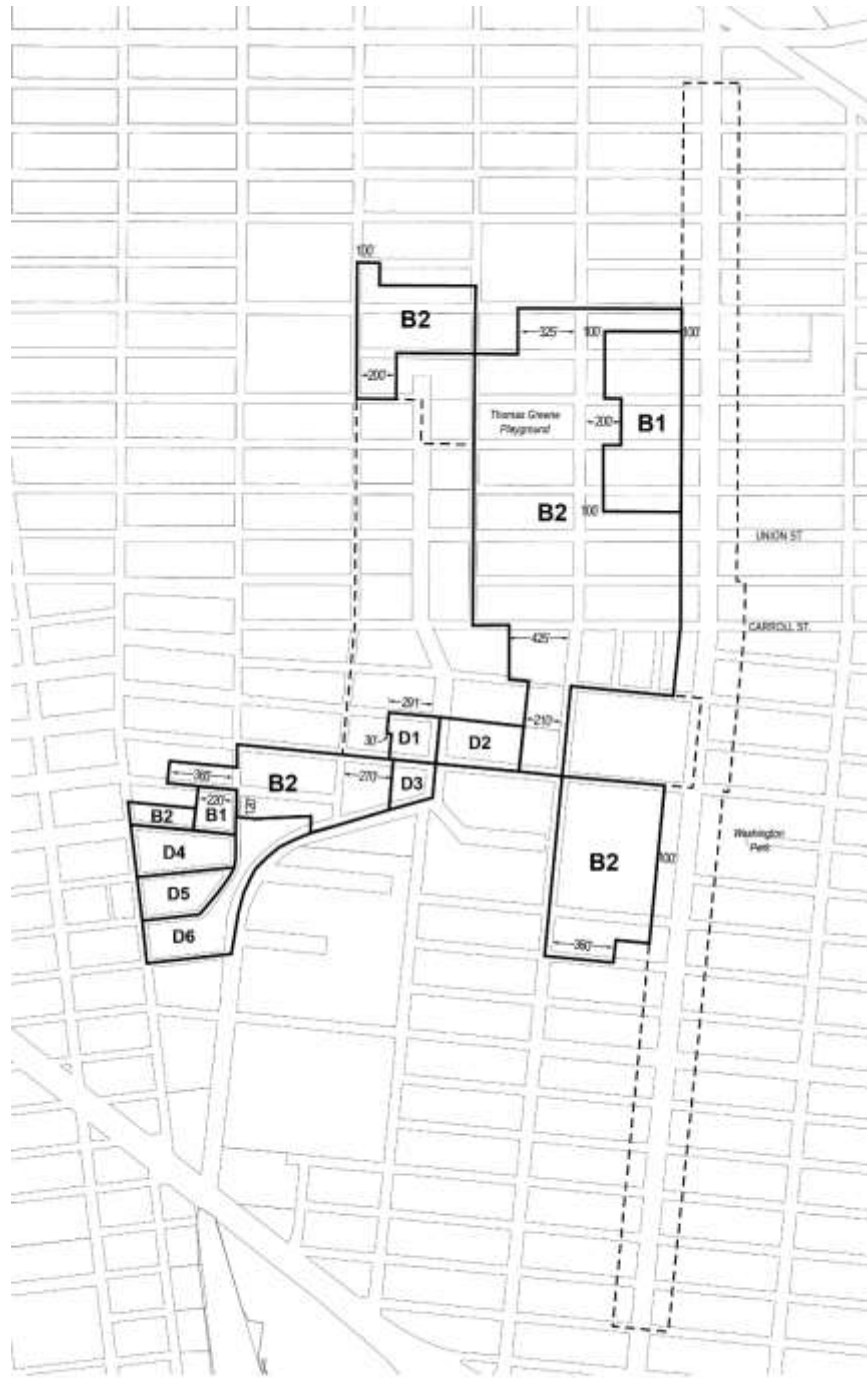
* * *

APPENDIX A
Special Gowanus Mixed Use District Plan

Map 1: Subdistricts



Map 2: Subareas



----- Special Gowanus Mixed Use District
—— Subareas



Map 3: Ground Floor Use Requirements



Map 4: Sidewalk Widening Lines

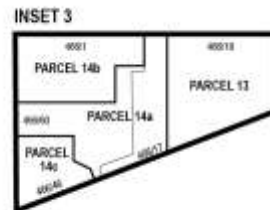


APPENDIX B
Gowanus Canal Waterfront Access Plan

Map 1: Parcel Designation



——— Waterfront Access Plan boundary
 ——— Parcel line
 45340 Tax block / lot number



——— Tax lot line
 45340 Tax block / lot number

Map 2: Public Access Elements



Map 3: Designated Visual Corridors



APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

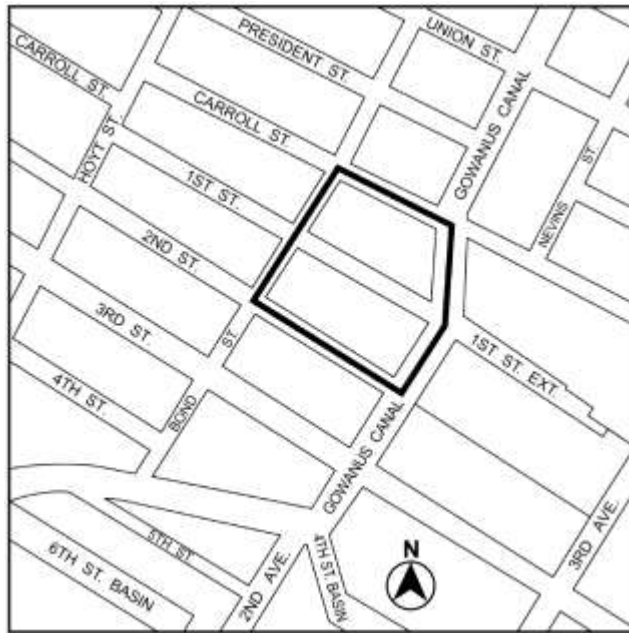
BROOKLYN

* * *

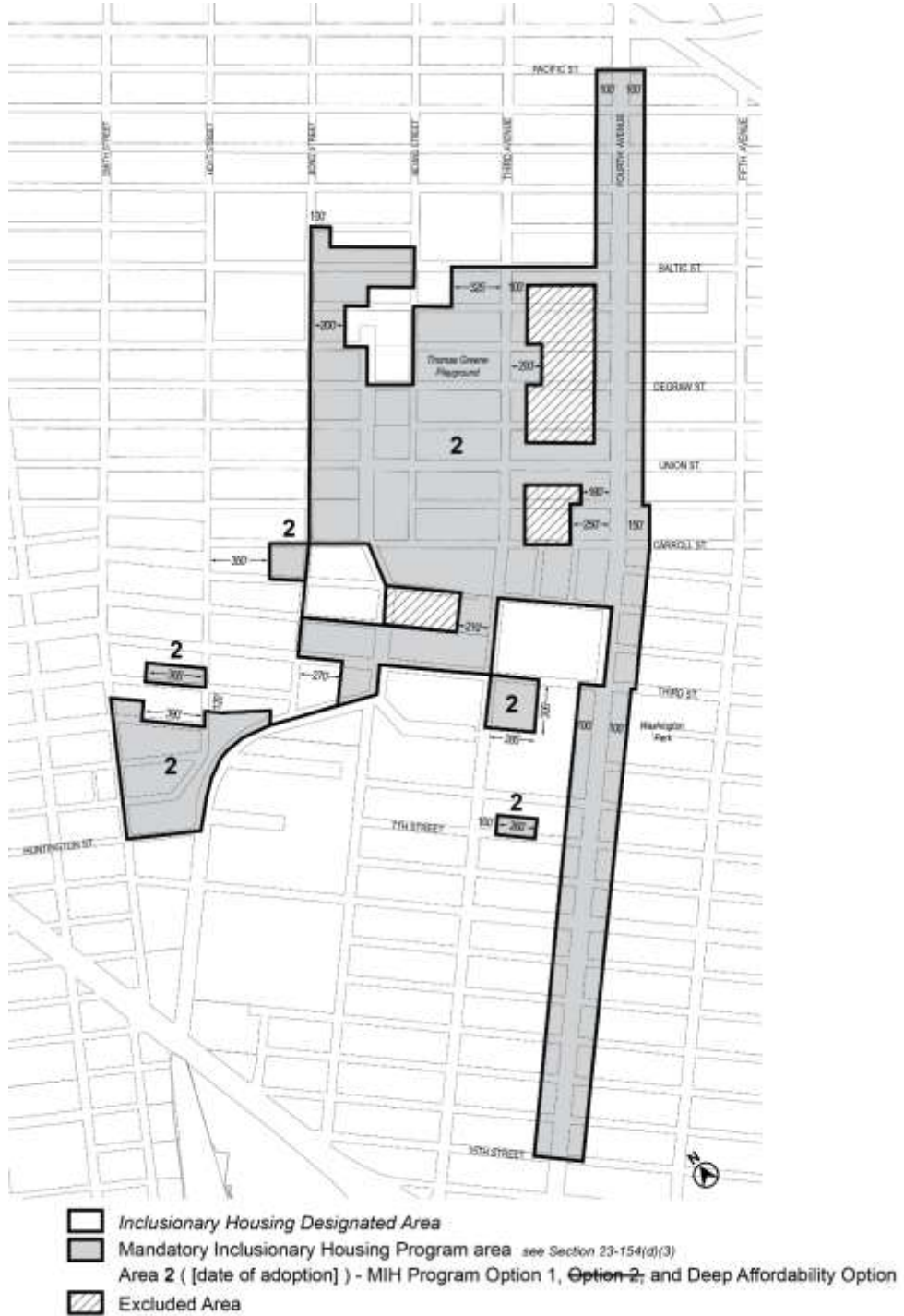
Brooklyn Community District 6

Map 1 - (3/11/09 [date of adoption])

[EXISTING MAP TO BE DELETED]



[NEW MAP TO BE ADDED]



Portion of Community District 6, Brooklyn

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 871 & Res. No. 1822

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210179 MMK (Gowanus Neighborhood Plan) submitted by the New York City Department of City Planning pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving the establishment of Hoyt Street between 5th Street and Nelson Street, the establishment of Luquer Street and Nelson Street between Smith Street and the Gowanus Canal, the elimination of a 7th Street between Smith Street and The Gowanus Canal, the elimination of Public Place, the establishment of legal grades, and 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-2754 dated December 7, 2020 and signed by the Borough President, Borough of Brooklyn, Community District 6, Council Districts 33 and 39.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2456) 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. 869 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1822

Resolution approving the decision of the City Planning Commission on ULURP No. C 210179 MMK, an amendment to the City Map (L.U. No. 871).

By Council Members Salamanca and Moya.

WHEREAS, New York City Department of City Planning, filed an application pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- 1) the establishment of Hoyt Street between 5th Street and Nelson Street;
- 2) the establishment of Luquer Street and Nelson Street between Smith Street and the Gowanus Canal;
- 3) the elimination, of a 7th Street between Smith Street and The Gowanus Canal;

- 4) the elimination of Public Place;
- 5) the establishment of legal grades;
- 6) 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-2754 dated December 7, 2020 and signed by the Borough President, which in conjunction with the related actions would facilitate land use changes for 82 full or partial blocks in the Gowanus neighborhood of Brooklyn, Community Districts 2 and 6 (ULURP No. C 210179 MMK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 24, 2021 its decision dated September 22, 2021 (the "Decision"), on the Application;

WHEREAS, the Application is related to applications C 210177 ZMK (L.U. No. 869), an amendment to the Zoning Map to change R6, R6B, R8A, R8A/C2-4, C8-2, M1-1, M1-2, M2-1, and M3-1 districts to R6B, R6A, M1-4/R6B, M1-4/R6A, M1-4/R7A, M1-4/R7-2, M1-4/R7X, C4-4D, and M1-4 districts, eliminate commercial overlays, establish the Special Gowanus Mixed Use District, and replace a Special Enhanced Commercial District (EC-1); N 210178 ZRK (L.U. No. 870), a zoning text amendment to establish the Special Gowanus Mixed-Use District, Gowanus Waterfront Access Plan, establish a Mandatory Inclusionary Housing (MIH) area, and replace the EC-1 within the rezoning area; C 210180 MMK (L.U. No. 872), a city map amendment involving the mapping of parkland; C 210053 PPK (L.U. No. 873), a disposition of City-owned property; and C 210052 HAK (L.U. No. 874), a disposition approval, UDAA and UDAAP designation;

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 12, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued March 22nd, 2019 (CEQR No. 19DCP157K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 10, 2021, which identified significant adverse impacts related to hazardous materials, air quality, and noise, which would be avoided through the placement of (E) designations (E-601) on selected projected and potential development sites; and significant adverse impacts with respect to community facilities (publicly funded child care services), active open space, shadows (Douglass & Degraw Pool and Our Lady of Peace stained glass windows), historic and cultural resources (architectural and archaeological), transportation (traffic, transit, and pedestrians), air quality (mobile source), and construction activities related to noise and historic and cultural resources; and the proposed mitigation measures summarized in Chapter 21, Mitigation, of the FEIS, and the Technical Memoranda dated September 21, 2021 and November 16, 2021 (the "Technical Memoranda").

RESOLVED:

Having considered the FEIS and Technical Memoranda 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) The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
- (3) Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable;

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

Pursuant to Sections 197-d and 199 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 210179 MMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision for an amendment to the City Map involving:

- 1) the establishment of Hoyt Street between 5th Street and Nelson Street;
- 2) the establishment of Luquer Street and Nelson Street between Smith Street and the Gowanus Canal;
- 3) the elimination, of a 7th Street between Smith Street and The Gowanus Canal;
- 4) the elimination of Public Place;
- 5) the establishment of legal grades;
- 6) 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-2754 dated December 7, 2020 and signed by the Borough President is approved;

All such approvals being subject to the following conditions:

- c. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. X-2754 dated December 7, 2020 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 872 & Res. No. 1823

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210180 MMK (Gowanus Neighborhood Plan) submitted by the New York City Department of City Planning and the New York City Department of Parks and Recreation pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving the establishment of Park within the area bounded by Huntington Street, Smith Street, Nelson Street, Hoyt Street, 4th Street, Bond Street and The Gowanus Canal, the adjustment of grades and block dimensions necessitated thereby, including authorization for any acquisition or disposition of real property related thereto, in accordance with Map Nos. X-2755 and X-2756 dated December 7, 2020 and signed by the Borough President, Borough of Brooklyn, Community District 6, Council Districts 33 and 39.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2457) 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. 869 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1823

Resolution approving the decision of the City Planning Commission on ULURP No. C 210180 MMK, an amendment to the City Map (L.U. No. 872).

By Council Members Salamanca and Moya.

WHEREAS, New York City Department of City Planning, filed an application pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- 3) the establishment of Park within the area bounded by Huntington Street, Smith Street, Nelson Street, Hoyt Street, 4th Street, Bond Street and The Gowanus Canal;
- 4) 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 Nos. X-2755 and X-2756 dated December 7, 2020 and signed by the Borough President, which in conjunction with the related actions would facilitate land use changes for 82 full or partial blocks in the Gowanus neighborhood of Brooklyn, Community Districts 2 and 6 (ULURP No. C 210180 MMK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 24, 2021 its decision dated September 22, 2021 (the "Decision"), on the Application;

WHEREAS, the Application is related to applications C 210177 ZMK (L.U. No. 869), an amendment to the Zoning Map to change R6, R6B, R8A, R8A/C2-4, C8-2, M1-1, M1-2, M2-1, and M3-1 districts to R6B, R6A, M1-4/R6B, M1-4/R6A, M1-4/R7A, M1-4/R7-2, M1-4/R7X, C4-4D, and M1-4 districts, eliminate commercial overlays, establish the Special Gowanus Mixed Use District, and replace a Special Enhanced Commercial District (EC-1); N 210178 ZRK (L.U. No. 870), a zoning text amendment to establish the Special Gowanus Mixed-Use District, Gowanus Waterfront Access Plan, establish a Mandatory Inclusionary Housing

(MIH) area, and replace the EC-1 within the rezoning area; C 210179 MMK (L.U. No. 871), a the establishment of streets, the elimination of street segments, and removal of a “Public Place” designation; C 210053 PPK (L.U. No. 873), a disposition of City-owned property; and C 210052 HAK (L.U. No. 874), a disposition approval, UDAA and UDAAP designation;

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 12, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued March 22nd, 2019 (CEQR No. 19DCP157K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 10, 2021, which identified significant adverse impacts related to hazardous materials, air quality, and noise, which would be avoided through the placement of (E) designations (E-601) on selected projected and potential development sites; and significant adverse impacts with respect to community facilities (publicly funded child care services), active open space, shadows (Douglass & Degraw Pool and Our Lady of Peace stained glass windows), historic and cultural resources (architectural and archaeological), transportation (traffic, transit, and pedestrians), air quality (mobile source), and construction activities related to noise and historic and cultural resources; and the proposed mitigation measures summarized in Chapter 21, Mitigation, of the FEIS, and the Technical Memoranda dated September 21, 2021 and November 16, 2021 (the “Technical Memoranda”).

RESOLVED:

Having considered the FEIS and Technical Memoranda 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) The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
- (3) Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable;

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

Pursuant to Sections 197-d and 199 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 210180 MMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision for an amendment to the City Map involving:

- 1) the establishment of Park within the area bounded by Huntington Street, Smith Street, Nelson Street, Hoyt Street, 4th Street, Bond Street and The Gowanus Canal;
- 2) 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 Nos. X-2755 and X-2756 dated December 7, 2020 and signed by the Borough President.

All such approvals being subject to the following conditions:

- d. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. X-2755 and X-2756 dated December 7, 2020 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 873 & Res. No. 1824

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210053 PPK (Gowanus Neighborhood Plan) submitted by the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the disposition pursuant to zoning of city-owned property, located at 276 4th Avenue (Block 456, Lot 29), Borough of Brooklyn, Community District 6, Council Districts 33 and 39.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2457) 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. 869 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1824

Resolution approving the decision of the City Planning Commission on Application No. C 210053 PPK, for the disposition of city-owned property, pursuant to zoning (L.U. No. 873).

By Council Members Salamanca and Moya.

WHEREAS, the New York City Department of Citywide Administrative Services (DCAS), filed an application pursuant to Section 197-c of the New York City Charter for the disposition of one city-owned

property located at 276 4th Avenue (Block 456, Lot 29), pursuant to zoning, which in conjunction with the related actions to facilitate the Gowanus Neighborhood Plan in Community District 6, Brooklyn (Application No. C 210053 PPK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 24, 2021, its decision dated September 22, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to applications C 210177 ZMK (L.U. No. 869), an amendment to the Zoning Map to change R6, R6B, R8A, R8A/C2-4, C8-2, M1-1, M1-2, M2-1, and M3-1 districts to R6B, R6A, M1-4/R6B, M1-4/R6A, M1-4/R7A, M1-4/R7-2, M1-4/R7X, C4-4D, and M1-4 districts, eliminate commercial overlays, establish the Special Gowanus Mixed Use District, and replace a Special Enhanced Commercial District (EC-1); N 210178 ZRK (L.U. No. 870), a zoning text amendment to establish the Special Gowanus Mixed-Use District, Gowanus Waterfront Access Plan, establish a Mandatory Inclusionary Housing (MIH) area, and replace the EC-1 within the rezoning area; C 210179 MMK (L.U. No. 871), a the establishment of streets, the elimination of street segments, and removal of a "Public Place" designation; C 210180 MMK (L.U. No. 872), a city map amendment involving the mapping of parkland; C 210052 HAK (L.U. No. 874), a disposition approval, UDAA and UDAAP designation;

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 12, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued March 22nd, 2019 (CEQR No. 19DCP157K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 10, 2021, which identified significant adverse impacts related to hazardous materials, air quality, and noise, which would be avoided through the placement of (E) designations (E-601) on selected projected and potential development sites; and significant adverse impacts with respect to community facilities (publicly funded child care services), active open space, shadows (Douglass & Degraw Pool and Our Lady of Peace stained glass windows), historic and cultural resources (architectural and archaeological), transportation (traffic, transit, and pedestrians), air quality (mobile source), and construction activities related to noise and historic and cultural resources; and the proposed mitigation measures summarized in Chapter 21, Mitigation, of the FEIS, and the Technical Memoranda dated September 21, 2021 and November 16, 2021 (the "Technical Memoranda").

RESOLVED:

Having considered the FEIS and Technical Memoranda 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) The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
- (3) Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable;

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

Pursuant to 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 210053 PPK, incorporated by reference herein, and the record before the Council, the Council approves the Decision for the disposition of the City-owned property located at 276 4th Avenue (Block 456, Lot 29), Borough of Brooklyn, pursuant to zoning.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeager, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 874 & Res. No. 1825

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210052 HAK (Gowanus Neighborhood Plan) 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 to facilitate an affordable mixed-use development with approximately 950 units, on property located at 5th Street and 431 Hoyt Street (Block 471, Lots 1 and 100), Borough of Brooklyn, Community District 6, Council Districts 33 and 39.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2457) 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. 869 printed in these Minutes)

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

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

Res. No. 1825

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 210052 HAK, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of property located at 42 5th Street (Block 471,

Lot 1) and 431 Hoyt Street (Block 471, Lot 100), Borough of Brooklyn, Community District 6, to a developer selected by HPD (L.U. No. 874; C 210052 HAK).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on September 24, 2021 its decision dated September 22, 2021 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development ("HPD") regarding city-owned property located at 42 5th Street (Block 471, Lot 1) and 431 Hoyt Street (Block 471, Lot 100), (the "Project Area"), approving:

- a) pursuant to Article 16 of the General Municipal Law of New York State the designation of 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 approximately 950 affordable housing units in approximately six new construction mixed-use residential buildings ranging between five and 28 stories in height. The Gowanus Green Development would also include a variety of non-residential uses, including ground-floor community facility, commercial, and retail spaces, and space for a potential future school in the Gowanus Neighborhood Plan in Brooklyn, Community District 6 (ULURP No. C 210052 HAK) (the "Application");

WHEREAS, the Application is related to applications C 210177 ZMK (L.U. No. 869), an amendment to the Zoning Map to change R6, R6B, R8A, R8A/C2-4, C8-2, M1-1, M1-2, M2-1, and M3-1 districts to R6B, R6A, M1-4/R6B, M1-4/R6A, M1-4/R7A, M1-4/R7-2, M1-4/R7X, C4-4D, and M1-4 districts, eliminate commercial overlays, establish the Special Gowanus Mixed Use District, and replace a Special Enhanced Commercial District (EC-1); N 210178 ZRK (L.U. No. 870), a zoning text amendment to establish the Special Gowanus Mixed-Use District, Gowanus Waterfront Access Plan, establish a Mandatory Inclusionary Housing (MIH) area, and replace the EC-1 within the rezoning area; C 210179 MMK (L.U. No. 871), a the establishment of streets, the elimination of street segments, and removal of a "Public Place" designation; C 210180 MMK (L.U. No. 872), a city map amendment involving the mapping of parkland; C 210053 PPK (L.U. No. 873), a disposition of City-owned property;

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

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

WHEREAS, by letter dated September 24, 2021 and submitted to the Council on September 24, 2021, 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 12, 2021;

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 March 22nd, 2019 (CEQR No. 19DCP157K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 10, 2021, which identified significant adverse impacts related to hazardous materials, air quality, and noise, which would be avoided through the placement of (E) designations (E-601) on selected projected and potential development sites; and significant adverse impacts with respect to community facilities (publicly funded child care services), active open space, shadows (Douglass & Degraw Pool and Our Lady of Peace stained glass windows), historic and cultural resources (architectural and archaeological), transportation (traffic, transit, and pedestrians), air quality (mobile source), and construction activities related to noise and historic and cultural resources; and the proposed mitigation measures summarized in Chapter 21, Mitigation, of the FEIS, and the Technical Memoranda dated September 21, 2021 and November 16, 2021 (the “Technical Memoranda”).

RESOLVED:

Having considered the FEIS and Technical Memoranda 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) The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
- (3) Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable;

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

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 210052 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 the New York State, based on the environmental determination and the consideration described in the report C 210052 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 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.

Buildings A, B, and C are proposed to be developed under HPD’s Multifamily New Construction Finance programs

ATTACHMENTS:

PROJECT SUMMARY

- | | | | |
|--|---|-------------|---------------------------|
| 1. PROGRAM: | MULTIFAMILY NEW CONSTRUCTION FINANCE | | |
| 2. PROJECT: | Gowanus Green | | |
| 3. LOCATION: | | | |
| a. BOROUGH: | Brooklyn | | |
| b. COMMUNITY DISTRICT: | 6 | | |
| c. COUNCIL DISTRICT: | 39 | | |
| d. DISPOSITION AREA: | <u>BLOCK</u> | <u>LOTS</u> | <u>ADDRESSES</u> |
| | 471 | 1 | 42 5 th Street |
| | 471 | 100 | 431 Hoyt Street |
| 4. BASIS OF DISPOSITION PRICE: | Nominal. Sponsor will pay one dollar 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 or the City’s capital subsidy may 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: | 3 | | |
| 7. APPROXIMATE NUMBER OF UNITS: | 695 dwelling units, plus three superintendent units | | |
| 8. HOUSING TYPE: | Rental | | |
| 9. ESTIMATE OF INITIAL RENTS | Rents will be affordable to families earning from 30% - 80% of the area median income (“AMI”) with up to | | |

50% of the units affordable to families with incomes between 80% and 120% 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

30% to 80% of AMI with up to 50% of the units targeted to incomes between 80% and 140% of AMI

11. PROPOSED FACILITIES:

Approximately 8,210 square feet of commercial space
Approximately 23,490 square feet reserved for a potential future public school use
Approximately 1.5 acres of open space (which may be completed as part of any building in the project)

12. PROPOSED CODES/ORDINANCES:

None

13. ENVIRONMENTAL STATUS:

Environmental Impact Statement

14. PROPOSED TIME SCHEDULE:

Approximately 36 months from closing to completion of construction for each phase

Building D

PROJECT SUMMARY

1. PROGRAM:

SUPPORTIVE HOUSING LOAN PROGRAM

2. PROJECT:

Gowanus Green

3. LOCATION:

a. BOROUGH:

Brooklyn

b. COMMUNITY DISTRICT:

6

c. COUNCIL DISTRICT:

39

d. DISPOSITION AREA:

<u>BLOCK</u>	<u>LOTS</u>	<u>ADDRESSES</u>
471	1	42 5 th Street
471	100	431 Hoyt Street

4. BASIS OF DISPOSITION PRICE:

Nominal. Sponsor will pay one dollar 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 or the City's capital subsidy may 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:** One Not-For-Profit Institution With Sleeping Accommodations
7. **APPROXIMATE NUMBER OF UNITS:** 73 dwelling units, plus one unit for a superintendent
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 60% of the area median income (AMI) on an annual basis. All units will be subject to rent stabilization.
10. **INCOME TARGETS** Up to 60% of AMI
11. **PROPOSED FACILITIES:** Community Room, Social Service Offices, Storefront Commercial 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

Building E

PROJECT SUMMARY

1. **PROGRAM:** SENIOR AFFORDABLE RENTAL APARTMENTS PROGRAM
2. **PROJECT:** Gowanus Green
3. **LOCATION:**
- a. **BOROUGH:** Brooklyn
- b. **COMMUNITY DISTRICT:** 6
- c. **COUNCIL DISTRICT:** 39
- d. **DISPOSITION AREA:**
- | <u>BLOCK</u> | <u>LOTS</u> | <u>ADDRESSES</u> |
|--------------|-------------|---------------------------|
| 471 | 1 | 42 5 th Street |
| 471 | 100 | 431 Hoyt Street |

- 4. BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar 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 or the City’s capital subsidy may 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:** 115 dwelling units, plus one unit for a superintendent
- 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 60% of the area median income (AMI) on an annual basis. All units will be subject to rent stabilization.
- 10. INCOME TARGETS** Up to 60% of AMI
- 11. PROPOSED FACILITIES:** Storefront Commercial 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

Building F

PROJECT SUMMARY

- 1. PROGRAM:** OPEN DOOR PROGRAM
- 2. PROJECT:** Gowanus Green
- 3. LOCATION:**
- a. BOROUGH:** Brooklyn

- b. **COMMUNITY DISTRICT:** 6
- c. **COUNCIL DISTRICT:** 39
- d. **DISPOSITION AREA:** BLOCK LOTS
471 1, 100
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”).
5. **TYPE OF PROJECT:** New Construction
6. **APPROXIMATE NUMBER OF BUILDINGS:** 1
7. **APPROXIMATE NUMBER OF UNITS:** 67
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 110% 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:** Approximately 2,149 square feet of community facility space
13. **PROPOSED CODES/ORDINANCES:** None
14. **ENVIRONMENTAL STATUS:** Environmental Impact Statement
15. **PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeager, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 882 & Res. No. 1826

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210192 ZMQ (185-17 Hillside Avenue Rezoning) submitted by 18517 Hillside LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 15b: changing from an R3X District to an R7A District; changing from an R6A District to an R7A District; establishing within a proposed R7A District a C2-4 District; and establishing a Special Downtown Jamaica District (DJ) bounded by a line 140 feet northerly of Hillside Avenue, a line 100 feet westerly of Chelsea Street, a line 100 feet northerly of Hillside Avenue, and Dalny Road, Borough of Queens, Council District 24, Community District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2021 (Minutes, page 2653) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CB-8 – TWO APPLICATIONS RELATED TO 185-17 HILLSIDE AVENUE REZONING

C 210192 ZMQ (L.U. No. 882)

City Planning Commission decision approving an application submitted by 18517 Hillside LLC, application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 15b:

1. changing from an R3X District to an R7A District property bounded by a line 140 feet northerly of Hillside Avenue, a line 100 feet westerly of Chelsea Street, a line 100 feet northerly of Hillside Avenue, and Dalny Road;
2. changing from an R6A District to an R7A District property bounded by a line 100 feet northerly of Hillside Avenue, Chelsea Street, Hillside Avenue, and Dalny Road;
3. establishing within a proposed R7A District a C2-4 District bounded by a line 140 feet northerly of Hillside Avenue, a line 100 feet westerly of Chelsea Street, a line 100 feet northerly of Hillside Avenue, and Dalny Road; and
4. establishing a Special Downtown Jamaica District (DJ) bounded by a line 140 feet northerly of Hillside Avenue, a line 100 feet westerly of Chelsea Street, a line 100 feet northerly of Hillside Avenue, and Dalny Road;

as shown on a diagram (for illustrative purposes only) dated May 3, 2021, and subject to the conditions of CEQR Declaration E-591, Community District 8, Borough of Queens.

N 210193 ZRQ (L.U. No. 883)

City Planning Commission decision approving an application submitted by 18517 Hillside LLC for an amendment of the text of the Zoning Resolution of the City of New York modifying Article XI, Chapter 5 (Special Downtown Jamaica District) and related Sections, and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area in the Jamaica Estates section of Queens, Community District 8.

INTENT

To approve the amendment to rezone the project area to change R3X and R6A/C2-4/DJ zoning districts to an R7A/C2-4/DJ zoning district and to approve the text amendment to modify Article XI, Chapter 5 (Special Downtown Jamaica District) and related Sections, and modify APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which would facilitate the development of a nine-story mixed-use building with residential and commercial uses located at 185-17 Hillside Avenue in the Jamaica Estates neighborhood of Queens, Community District 8.

PUBLIC HEARING

DATE: October 20, 2021

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 9, 2021

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 882 and approve with modifications the decision of the City Planning Commission on L.U. No. 883.

In Favor:

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

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: November 10, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz Sr., Moya, Rivera, Riley, Brooks-Powers, Feliz, Borelli.

Against:

None

Abstain:

None.

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated November 15, 2021, with the Council on November 22, 2021, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1826

Resolution approving the decision of the City Planning Commission on ULURP No. C 210192 ZMQ, a Zoning Map amendment (L.U. No. 882).

By Council Members Salamanca, Jr. and Moya.

WHEREAS, 18517 Hillside 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. 15b, changing from an R3X District to an R7A District, changing from an R6A District to an R7A District, establishing within a proposed R7A District a C2-4 District, and establishing a Special Downtown Jamaica District (DJ), which in conjunction with the related action would facilitate the development of a nine-story mixed-use building with residential and commercial uses located at 185-17 Hillside Avenue in the Jamaica Estates neighborhood of Queens, Community District 8 (ULURP No. C 210192 ZMQ) (the "Application");

WHEREAS the City Planning Commission filed with the Council on October 8, 2021, its decision dated October 6, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 210193 ZRQ (L.U. No. 883), a zoning text amendment to extend the boundaries of the Special Downtown Jamaica District (DJ), enable Mandatory Inclusionary Housing (MIH) provisions within DJ, and modify Appendix F to establish an 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 October 20, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued May 3, 2021 (CEQR No. 20DCP075Q) which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (the “E” Designation (E-591));

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-591).

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 210192 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. 15b:

1. changing from an R3X District to an R7A District property bounded by a line 140 feet northerly of Hillside Avenue, a line 100 feet westerly of Chelsea Street, a line 100 feet northerly of Hillside Avenue, and Dalny Road;
2. changing from an R6A District to an R7A District property bounded by a line 100 feet northerly of Hillside Avenue, Chelsea Street, Hillside Avenue, and Dalny Road;
3. establishing within a proposed R7A District a C2-4 District bounded by a line 140 feet northerly of Hillside Avenue, a line 100 feet westerly of Chelsea Street, a line 100 feet northerly of Hillside Avenue, and Dalny Road; and
4. establishing a Special Downtown Jamaica District (DJ) bounded by a line 140 feet northerly of Hillside Avenue, a line 100 feet westerly of Chelsea Street, a line 100 feet northerly of Hillside Avenue, and Dalny Road;

as shown on a diagram (for illustrative purposes only) dated May 3, 2021, and subject to the conditions of CEQR Declaration E-591, Community District 8, Borough of Queens.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 883 & Res. No. 1827

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210193 ZRQ (185-17 Hillside Avenue Rezoning) submitted by 18517 Hillside LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XI, Chapter 5 (Special Downtown Jamaica District) and related Sections, and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Council District 24, Community District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on August 26, 2021 (Minutes, page 2653) 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. 882 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1827

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 210193 ZRQ, for an amendment of the text of the Zoning Resolution (L.U. No. 883).

By Council Members Salamanca and Moya.

WHEREAS, 18517 Hillside 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 Article XI, Chapter 5 (Special Downtown Jamaica District) and related Sections, and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the development of a nine-story mixed-use building with residential and commercial uses located at 185-17 Hillside Avenue in the Jamaica Estates neighborhood of Queens, Community District 8 (Application No. N 210193 ZRQ) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on October 8, 2021, its decision dated October 6, 2021 (the “Decision”), on the Application;

WHEREAS, the Application is related to application C 210192 ZMQ (L.U. No. 882), a zoning map amendment to change R3X and R6A/C2-4/ DJ zoning districts to an R7A/C2-4/DJ zoning 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 October 20, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued May 3, 2021 (CEQR No. 20DCP075Q) which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (the “E” Designation (E-591));

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-591).

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 210193 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;
- * * * indicates where unchanged text appears in the Zoning Resolution
- Matter ~~double struck out~~ is old, deleted by the City Council;
- Matter double-underlined is new, added by the City Council

* * *

**ARTICLE XI
SPECIAL PURPOSE DISTRICTS**

**CHAPTER 5
SPECIAL DOWNTOWN JAMAICA DISTRICT**

* * *

**115-20
SPECIAL BULK REGULATIONS**

**115-21
Floor Area Ratio, Open Space and Lot Coverage**

* * *

(b)	Maximum #floor	area	ratio# for #zoning	lots# containing #residential	uses#
-----	----------------	------	--------------------	-------------------------------	-------

The maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed the #floor area ratio# set forth in Section 115-211 (Special regulations for Inclusionary Housing designated areas regulations) or Section 115-212 (Special regulations for Mandatory Inclusionary Housing Area), as applicable, for the applicable district.

* * *

115-211
Special ~~Inclusionary Housing~~ regulations for Inclusionary Housing designated areas

(a) Applicability

Locations in R7A, R7X, C4-4A, C4-5X, C6-2, C6-3 and C6-4 Districts designated on APPENDIX F of this Resolution within the #Special Downtown Jamaica District# shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified, within the Special District.

* * *

115-212
Special regulations for Mandatory Inclusionary Housing areas

(a) Applicability

For the purposes of applying the Inclusionary Housing Program provisions set forth in Sections 23-154 and 23-90, inclusive, #Mandatory Inclusionary Housing areas# within the #Special Downtown Jamaica District# are shown on the maps in APPENDIX F of this Resolution.

(b) Height and setback

The height and setback regulations of Sections 23-952 (Height and setback for Mandatory Inclusionary Housing areas) and 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall be modified by the special height and setback regulations of Section 115-23, inclusive.

* * *

115-50
SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

115-51
Parking and Loading Regulations

Within the #Special Downtown Jamaica District#, the underlying off-street parking and loading regulations shall be modified, as follows:

(a) #Commercial# and #manufacturing uses

#In C4, C6 and M1 Districts, the off-street parking and loading regulations of a C4-4 District shall apply, except as modified in this Section.

* * *

(4) Modification of Waiver of Parking Requirements

* * *

(iii) The provisions of Sections 36-342 (Reduced requirements in other C1 or C2 Districts or in C4, C5 or C6 Districts) and 36-344 (Waiver of requirements in other C1 or C2 Districts or in C4, C5 or C6 Districts) shall not apply in the #Special Downtown Jamaica District#.

(b) #Residential uses#

* * *

(2) The required #accessory# off-street parking space regulations of the underlying districts in the #Special Downtown Jamaica District# shall be modified as follows: The regulations set forth for an R6A District in Section 25-20 shall apply. The regulations set forth for an R6 District in Sections 25-50 (RESTRICTIONS ON LOCATION OF ACCESSORY OFF-STREET PARKING SPACES), inclusive, and 25-60 (ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES), inclusive, shall apply except as modified in paragraphs (b)(3) and (b)(4) of this Section.

(3) In all #Residence Districts#, the provisions of Section 25-26 (Waiver of Requirements for Small Number of Spaces) are modified, as follows:

(i) The provisions of Section 25-26 shall only apply to #zoning lots# existing both on September 10, 2007, and on the date of application for a building permit.

(ii) For all #developments# or #enlargements# containing #residences#, the maximum number of #accessory# off-street parking spaces for which requirements are waived shall be five spaces.

* * *

(c) #MIH sites#

For #residential uses# on #MIH sites#, the provisions of paragraphs (a)(4), (b)(2) and (b)(3) of this Section shall not apply. In lieu thereof, the underlying off-street parking provisions shall apply.

* * *

Article XI – Special Purpose Districts

* * *

**Chapter 5
Special Downtown Jamaica District**

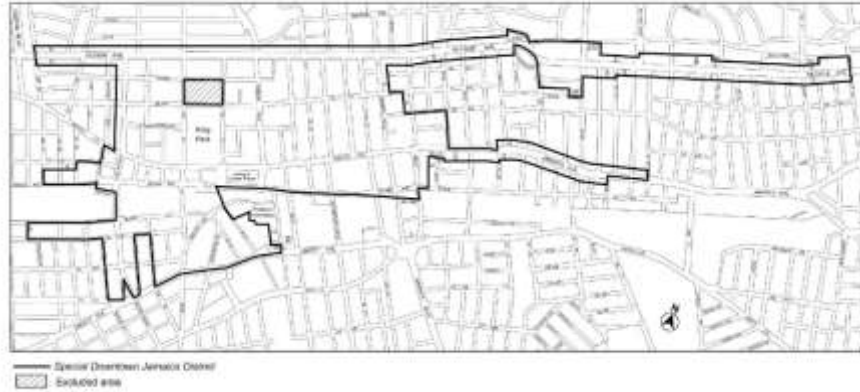
* * *

**APPENDIX A
Special Downtown Jamaica District Maps**

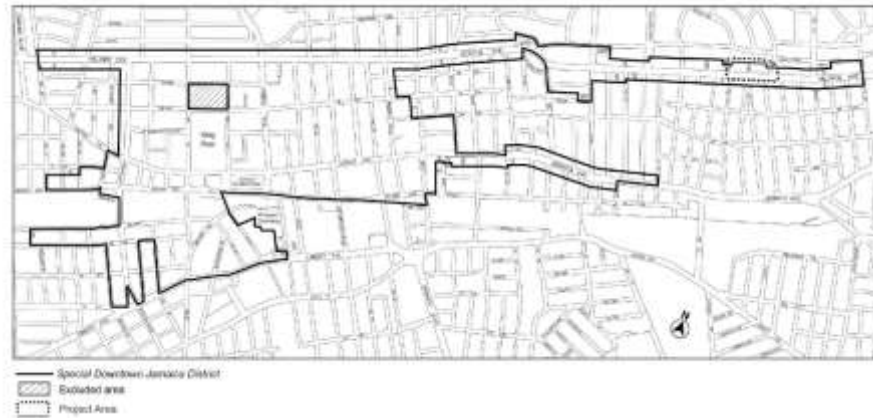
* * *

Map 1 – Special Downtown Jamaica District

[EXISTING]



[PROPOSED]



* * *

**APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

* * *

Queens

* * *

Queens Community District 8

* * *

Map 2– [date of adoption]



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

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

Portion of Community District 8, Queens

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 889 & Res. No. 1828

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210480 ZMK (Cooper Park Commons) submitted by Maspeth Manager, LLC and the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 13a and 13b, changing from an R6 District to an R7-2 District and establishing within the proposed R7-2 District a C2-4 District, Borough of Brooklyn, Council District 34, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2021 (Minutes, page 2655) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BROOKLYN CB-1 – FIVE APPLICATIONS RELATED TO COOPER PARK
COMMONS****C 210480 ZMK (L.U. No. 889)**

City Planning Commission decision approving an application submitted by Maspeth Manager, LLC and the New York City Department of Housing Preservation and Development (HPD), pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 13a and 13b:

1. changing from an R6 District to an R7-2 District property bounded by Jackson Street, Debevoise Avenue, Maspeth Avenue, and Kingsland Avenue; and
2. establishing within the proposed R7-2 District a C2-4 District bounded by a line 150 feet northerly of Maspeth Avenue, Debevoise Avenue, Maspeth Avenue, and Kingsland Avenue.

as shown on a diagram (for illustrative purposes only) dated June 21, 2021 and subject to the terms of CEQR Declaration E-629.

C 210481 ZSK (L.U. No. 890)

City Planning Commission decision approving an application submitted by Maspeth Manager, LLC and the New York City Department of Housing Preservation and Development (HPD), pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the requirements of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) and Section 23-711 (Standard minimum distance between buildings), in connection the development of two new buildings and the enlargement and conversion of two existing buildings, within a large-scale general development generally bounded by Jackson Avenue, Debevoise Avenue, Maspeth Avenue and Kingsland Avenue (Block 2885, Lots 1, 20, 23, 28 and 32), in R7-2 and R7-2/C2-4 Districts.

N 210482 ZRK (L.U. No. 891)

City Planning Commission decision approving an application submitted by Maspeth Manager, LLC and the New York City Department of Housing Preservation and Development (HPD), 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 210483 HAK (L.U. No. 892)

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 288 Jackson Avenue (Block 2885, Lot 1) 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 enlargement of two existing buildings and the construction of two new buildings containing 556 affordable and senior housing units, a 200-bed homeless shelter, community facility and commercial space.

C 210484 PPK (L.U. No. 893)

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of the New York City Charter, to modify the restriction limiting use of property located at 20 Kingsland Avenue (Block 2885, Lot 10) from a health care facility use to a general community facility use.

INTENT

To approve the amendment to rezone the Project Area from an R6 zoning district to R7-2 and R7-2/C2-4 zoning districts; grant an approval of the special permit pursuant to ZR Section 74-74 and 74-743(a)(2) to establish a Large-Scale General Development (LSGD); amend the zoning text to establish the Project Area as a Mandatory Inclusionary Housing (MIH) area; approval of an Urban Development Action Area (UDAA) designation, Urban Development Action Area Project (UDAAP) approval, and disposition of City-owned Development Site (Block 2885, Lot 1); and disposition approval on Block 2885, Lot 10 (formerly p/o of Lot 1), to change use restriction from a health care facility to a general community facility use to facilitate a mixed-use development comprised of two new residential buildings and of two renovated existing buildings containing a total of 556 units of affordable housing and replacement of the existing 200-bed homeless shelter, community facility, and commercial space in the East Williamsburg neighborhood of Brooklyn, Community District 1.

PUBLIC HEARING

DATE: October 13, 2021

Witnesses in Favor: Nine

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 26, 2021

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos 889, 892, and 893, and approve with modifications the decisions of the City Planning Commission on L.U. Nos. 890 and 891.

In Favor:

Riley, Koo, Barron, Treyger.

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: November 10, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz Sr., Moya, Rivera, Riley, Brooks-Powers, Feliz, Borelli.

Against:

None

Abstain:

None.

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated November 15, 2021, with the Council on November 22, 2021, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1828

Resolution approving the decision of the City Planning Commission on ULURP No. C 210480 ZMK, a Zoning Map amendment (L.U. No. 889).

By Council Members Salamanca and Moya.

WHEREAS, Maspeth Manager, LLC and the NYC Department of Housing Preservation and Development, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 13a and 13b, changing from an R6 District to an R7-2 District and establishing within the proposed R7-2 District a C2-4 District, which in conjunction with the related actions would facilitate the redevelopment of the former Greenpoint Hospital campus into a mixed-use development with two new buildings and the enlargement of two existing buildings containing 556 units of affordable housing, senior housing, replacement of a 200-bed homeless shelter, community facility uses, and light retail on the site located in the East Williamsburg neighborhood of Brooklyn, Community District 1 (ULURP No. C 210480 ZMK) (the "Application");

WHEREAS the City Planning Commission filed with the Council on October 8, 2021 its decision dated October 6, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to applications C 210481 ZSK (L.U. No. 890), a special permit to establish a Large-Scale General Development (LSGD) pursuant to Zoning Resolution (ZR) Sections 74-74 and 74-743(a)(2); N 210482 ZRK (L.U. No. 891), a zoning text amendment to Appendix F to establish the Project Area as a Mandatory Inclusionary Housing (MIH) Area; C 210483 HAK (L.U. No. 892), an Urban Development Action Area (UDAA) designation, Urban Development Action Area Project (UDAAP) approval, and disposition of City-owned property; and C 210484 PPK (L.U. No. 893), a disposition approval to change use restriction from a health care facility to a general community facility use;

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 13, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued June 18th, 2021 (CEQR No. 20HPD007K) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210480 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 13a and 13b:

1. changing from an R6 District to an R7-2 District property bounded by Jackson Street, Debevoise Avenue, Maspeth Avenue, and Kingsland Avenue; and
2. establishing within the proposed R7-2 District a C2-4 District bounded by a line 150 feet northerly of Maspeth Avenue, Debevoise Avenue, Maspeth Avenue, and Kingsland Avenue;

as shown on a diagram (for illustrative purposes only) dated June 21, 2021, and subject to the terms of CEQR Declaration E-629, Borough of Brooklyn, Community District 1.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 890 & Res. No. 1829

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210481 ZSK (Cooper Park Commons) submitted by Maspeth Manager, LLC and the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the requirements of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) and Section 23-711 (Standard minimum distance between buildings), in connection the development of two new buildings and the enlargement and conversion of two existing buildings, within a large-scale general development generally bounded by Jackson Street, Debevoise Avenue, Maspeth Avenue, and Kingsland Avenue/Grandparents Avenue (Block 2885, Lots 1, 20, 23, 28, and 32), in proposed R7-2* and R7-2/C2-4* Districts, Borough of Brooklyn, Council District 34, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2021 (Minutes, page 2655) 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. 889 printed in these Minutes)

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

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

Res. No. 1829

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 210481 ZSK, for the grant of a special permit (L.U. No. 890).

By Council Members Salamanca and Moya.

WHEREAS, Maspeth Manager, LLC and the NYC Department of Housing Preservation and Development, 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(a)(2) of the Zoning Resolution to modify the requirements of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) and Section 23-711 (Standard minimum distance between buildings), in connection the development of two new buildings and the enlargement and conversion of two existing buildings, within a large-scale general development generally bounded by Jackson Avenue, Debevoise Avenue, Maspeth Avenue and Kingsland Avenue (Block 2885, Lots 1, 20, 23, 28 and 32), in R7-2 and R7-2/C2-4 Districts, which in conjunction with the related actions would facilitate the redevelopment of the former Greenpoint Hospital campus into a mixed-use development with two new buildings and the enlargement of two existing buildings containing 556 units of affordable housing, senior housing, replacement of a 200-bed homeless shelter, community facility uses, and light retail on the site located in the East Williamsburg neighborhood of Brooklyn, Community District 1 (ULURP No. C 210481 ZSK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on October 8, 2021, its decision dated October 6, 2021 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications C 210480 ZMK (L.U. No. 889), a zoning map amendment to rezone the project area from an R6 zoning district to R7-2 and R7-2/C2-4 zoning districts; N 210482 ZRK (L.U. No. 891), a zoning text amendment to Appendix F to establish the project area as a Mandatory Inclusionary Housing (MIH) Area; C 210483 HAK (L.U. No. 892), an urban development action area (UDAA) designation, Urban Development Action Area Project (UDAAP) approval, and disposition of City-owned property; C 210484 PPK (L.U. No. 893), a disposition approval to change use restriction from a health care facility to a general community facility use;

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(a)(2) 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 October 13, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued June 18th, 2021 (CEQR No. 20HPD007K) (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 201 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210481 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 210481 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Magnusson Architecture & Planning PC, filed with this application, and incorporated in this resolution:

Dwg No. Title

Last Revised Date

Z-002.00 Zoning Analysis, Base Plane Calculations

~~06/07~~ 11/10/2021

Z-010.00 Zoning Lot Site Plan	06/07 <u>11/10/2021</u>
Z-030.00 Waiver Plan	06/07 <u>11/10/2021</u>
Z-040.00 West-East Section 1	06/07/2021
Z-041.00 West-East Section 2	06/07/2021
Z-042.00 West-East Section 3	06/07/2021
Z-043.00 North-South Section 1	06/07/2021
Z-044.00 North-South Section 2	06/07/2021
Z-045.00 North-South Section 3	06/07/2021
Z-054.00 Illustrative Axonometrics	04/30/2021
P-001.00 PAA Phasing Plan	06/07 <u>11/10/2021</u>
P-002.00 Publicly Accessible Area Plan	06/07 <u>11/10/2021</u>
L-001.00 Site Plan	06/07 <u>11/10/2021</u>
L-101.00 Open Area Plan	06/07 <u>11/10/2021</u>
L-201.00 Layout and Grading Plan	06/07 <u>11/10/2021</u>
L-301.00 Planting Plan	06/07 <u>11/10/2021</u>
L-401.00 Furniture and Fencing Plan	06/07 <u>11/10/2021</u>
L-501.00 Fence and Furnishing Details	06/07/2021
L-502.00 Planting Details	06/07/2021

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached as Exhibit A, as amended by the Council, as same may be modified with any necessary administrative or technical changes, all as acceptable to the Counsel of the Department of City Planning, is executed and recorded and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of Kings. Such Restrictive Declaration shall be deemed incorporated herein as a condition of this resolution.

6. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to this property.
7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit (C 210481 ZSK) hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure or breach of any of the conditions as stated above, may constitute grounds for the City Planning Commission or City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted or of the attached restrictive declaration.
8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the City's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornejo, Yeger, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 891 & Res. No. 1830

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210482 ZRK (Cooper Park Commons) submitted by Maspeth Manager, LLC and the New York City Department of Housing Preservation and Development, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Council District 34, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2021 (Minutes, page 2656) 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. 889 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1830

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 210482 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 891).

By Council Members Salamanca and Moya.

WHEREAS, Maspeth Manager, LLC and the NYC Department of Housing Preservation and Development, filed an application 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, which in conjunction with the related actions would facilitate the redevelopment of the former Greenpoint Hospital campus into a mixed-use development with two new buildings and the enlargement of two existing buildings containing 556 units of affordable housing, senior housing, replacement of a 200-bed homeless shelter, community facility uses, and light retail on the site located in the East Williamsburg neighborhood of Brooklyn, Community District 1 (Application No. N 210482 ZRK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on October 8, 2021, its decision dated October 6, 2021 (the “Decision”), on the Application;

WHEREAS, the Application is related to application C 210480 ZMK (L.U. No. 889), a zoning map amendment to rezone the project area from an R6 district to R7-2 and R7-2/C2-4 zoning district; C 210481 ZSK (L.U. No. 890), a special permit to establish a Large-Scale General Development (LSGD) pursuant to ZR Section 74-74 and 74-743(a)(2); C 210483 HAK (L.U. No. 892), an Urban Development Action Area (UDAA) designation, Urban Development Action Area Project (UDAAP) approval, and disposition of City-owned property; and C 210484 PPK (L.U. No. 893), a disposition approval to change use restriction from a health care facility to a general community facility use;

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 13, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued June 18th, 2021 (CEQR No. 20HPD007K) (the “Negative Declaration”).

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 210482 ZRK,

incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

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

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

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

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

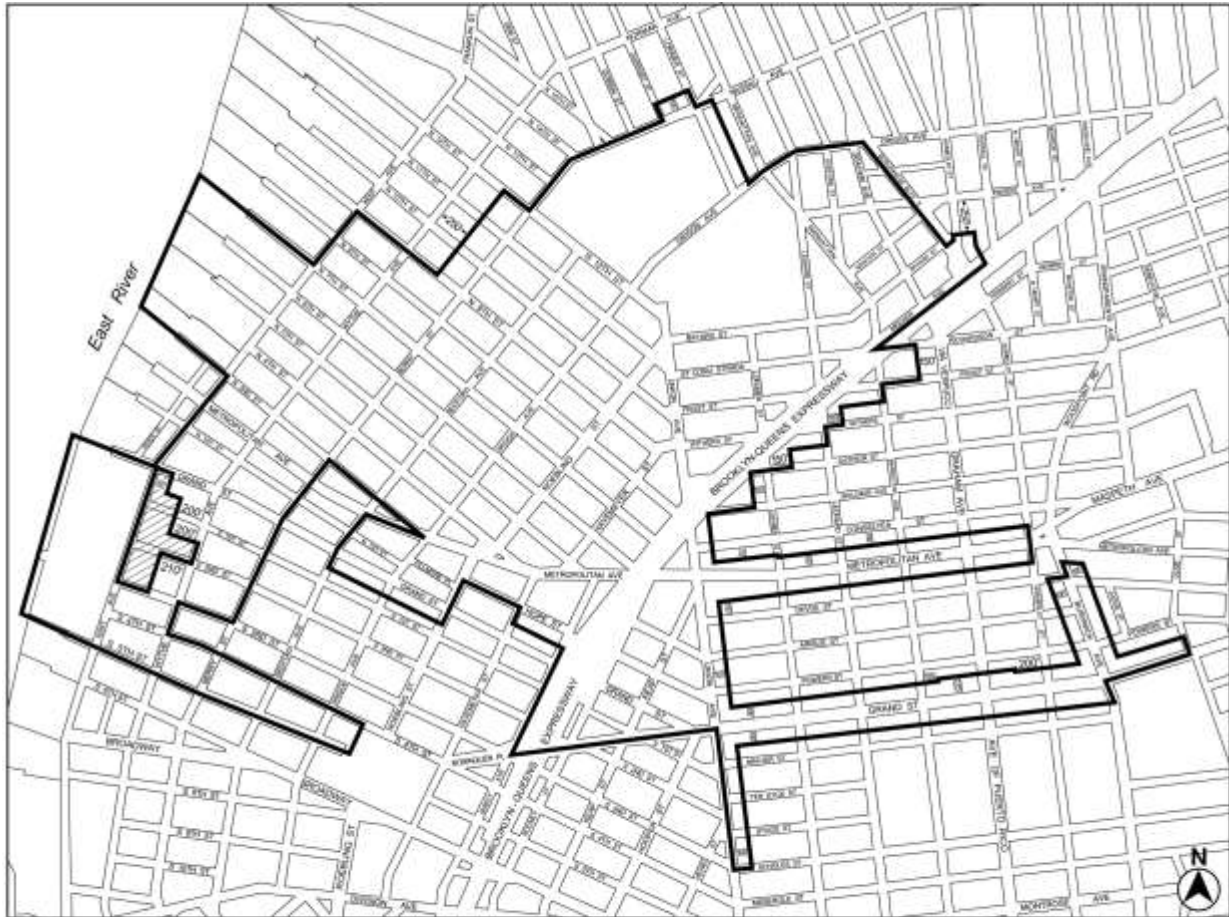
* * *

Brooklyn Community District 1

* * *

[EXISTING MAP]

Map 2 – (3/23/11)

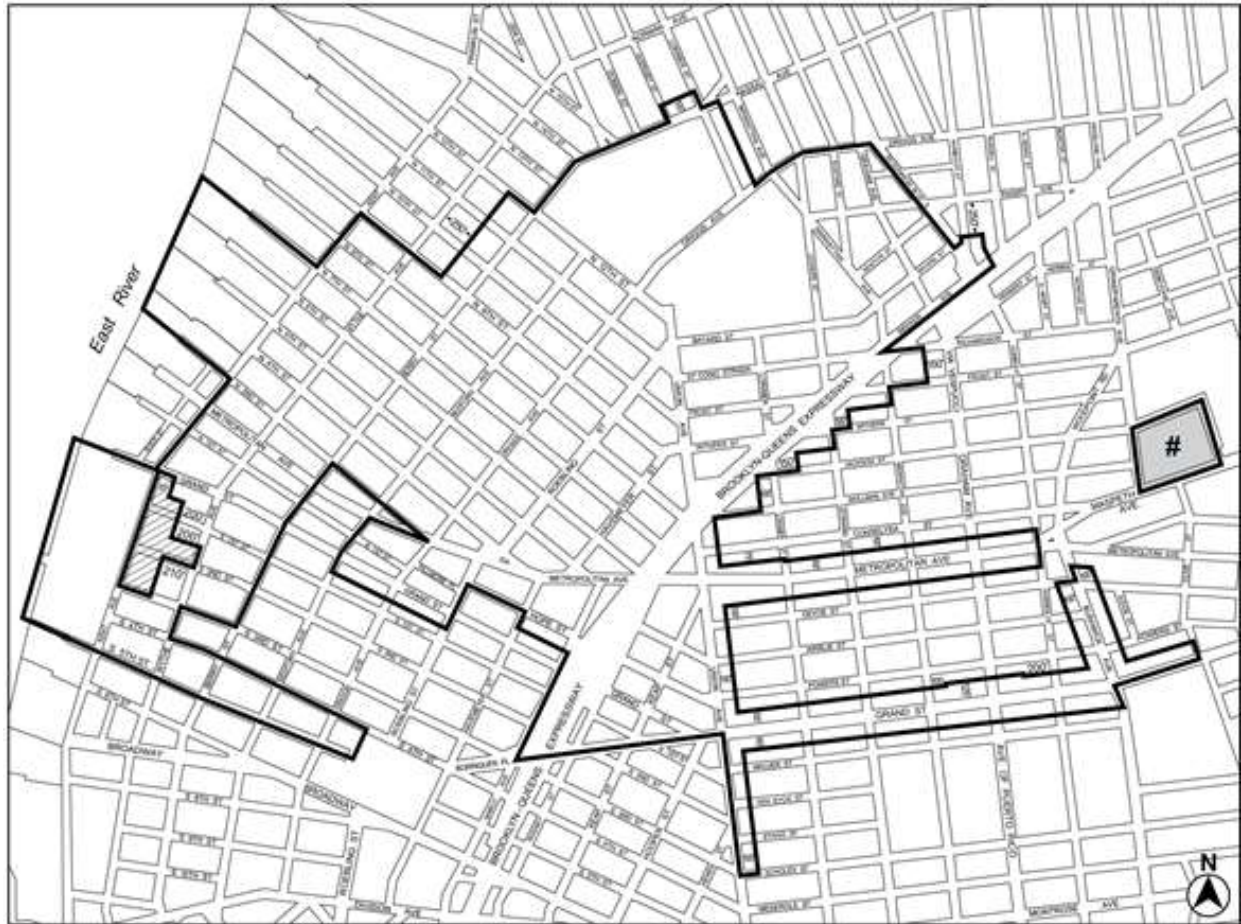





 Inclusionary Housing designated area

 Excluded Area

[PROPOSED MAP]

Map 2 – (date of adoption)



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

Area # — (date of adoption) — MIH Program Option 1 and ~~Option 2~~ Deep Affordability Option

Portion of Community District 1, Brooklyn

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S.

GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 892 & Res. No. 1831

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210483 HAK (Cooper Park Commons) submitted by the New York City Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State and Section 197-c of the New York City Charter for the designation of property located at 288 Jackson Avenue (Block 2885, Lot 1) as an Urban Development Action Area, approval of an Urban Development Action Area Project for such area, and the disposition of such property to a developer to be selected by HPD, Borough of Brooklyn, Council District 34, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2021 (Minutes, page 2656) 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. 889 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1831

Resolution approving the application submitted by the Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 210483 HAK, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of property located at 288 Jackson Avenue (Block 2885, Lot 1), Borough of Brooklyn, Community District 1, to a developer selected by HPD (L.U. No. 892; C 210483 HAK).

By Council Members Salamanca and Riley.

WHEREAS, the City Planning Commission filed with the Council on October 8, 2021 its decision dated October 6, 2021 (the "Decision") approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) for an Urban Development Action Area (“UDAA”), and Urban Development Action Area Project (“UDAAP”), and the disposition of property located at 288 Jackson Avenue (Block 2885, Lot 1), (the “Project Area” or “Disposition Area”), pursuant to Article 16 of the General Municipal Law of New York State and Section 197-c of the New York City Charter, which in conjunction with the related actions, would facilitate a mixed-use development comprised of two new residential buildings and of two renovated existing buildings containing 556 units of affordable housing and replacement of the existing 200-bed homeless shelter, community facility, and commercial space in the East Williamsburg neighborhood of Brooklyn, Community District 1 (ULURP No. C 210483 HAK) (the "Application");

WHEREAS, the Application is related to applications C 210480 ZMK (L.U. No. 889), a zoning map amendment to rezone the project area from an R6 zoning district to R7-2 and R7-2/C2-4 zoning districts; C 210481 ZSK (L.U. No. 890), a special permit to establish a Large-Scale General Development (LSGD) pursuant to Zoning Resolution (ZR) Sections 74-74 and 74-743(a)(2); N 210482 ZRK (L.U. No. 891), a zoning text amendment to Appendix F to establish the project area as a Mandatory Inclusionary Housing (MIH) Area; and C 210484 PPK (L.U. No. 893), a disposition approval to change use restriction from a health care facility to a general community facility use;

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

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

WHEREAS, by letter dated October 6, 2021 and submitted to the Council on October 6, 2021, 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 on October 13, 2021;

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 June 18th, 2021 (CEQR No. 20HPD007K) (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 210483 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 the New York State, based on the environmental determination and the consideration described in the report C 210483 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 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:** EXTREMELY LOW AND LOW INCOME AFFORDABILITY PROGRAM/SHELTER
2. **PROJECT:** Cooper Park Commons
3. **LOCATION:**
- a. **BOROUGH:** Brooklyn
- b. **COMMUNITY DISTRICT:** 1
- c. **COUNCIL DISTRICT:** 34
- d. **DISPOSITION AREA:**
- | <u>BLOCK</u> | <u>LOT</u> | <u>ADDRESSES</u> |
|--------------|------------|--------------------|
| 2885 | 1 | 288 Jackson Avenue |
4. **BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar 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 or the City's capital subsidy may 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, Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** 3
7. **APPROXIMATE NUMBER OF UNITS:** 447 dwelling units, plus 2 units for superintendents
200 transitional shelter beds
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS** **For permanent housing units:** Rents will be affordable to families earning from 30% - 80% of the area median income ("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** **For permanent housing units:** 30% to 80% of AMI
11. **PROPOSED FACILITIES:** Approximately 1,707 square feet of commercial space
Approximately 12,406 square feet of community facility space

Approximately 40,742 square feet of public open space

For transitional shelter: Central Dining Room, Community Room, Administrative Offices, Social Service Offices, Security Desk, Job Training Space

- 12. PROPOSED CODES/ORDINANCES:** None
- 13. ENVIRONMENTAL STATUS:** Negative Declaration
- 14. PROPOSED TIME SCHEDULE:** Approximately 36 months from closing to completion of construction of each phase

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 893 & Res. No. 1832

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210484 PPK (Cooper Park Commons) submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Sections 197-c of the New York City Charter, to modify the restriction limiting use of property located at 20 Kingsland Avenue (Block 2885, Lot 10) from a health care facility use to general community facility uses, Borough of Brooklyn, Council District 34, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2021 (Minutes, page 2656) 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. 889 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1832

Resolution approving the decision of the City Planning Commission on Application No. C 210484 PPK, for the disposition of city-owned property, pursuant to zoning (L.U. No. 893).

By Council Members Salamanca and Riley.

WHEREAS, NYC Department of Housing Preservation and Development (HPD), filed an application pursuant to Section 197-c of the New York City Charter for the disposition of one city-owned property located at 20 Kingsland Avenue (Block 2885, Lot 10), pursuant to zoning, which in conjunction with the related actions would facilitate the redevelopment of the former Greenpoint Hospital campus into a mixed-use development with two new buildings and the enlargement of two existing buildings containing 556 units of affordable housing, senior housing, replacement of a 200-bed homeless shelter, community facility uses, and light retail on the site located in the East Williamsburg neighborhood of Brooklyn, Community District 1 (Application No. C 210484 PPK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on October 8, 2021, its decision dated October 6, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to applications C 210480 ZMK (L.U. No. 889), a zoning map amendment to rezone the project area from an R6 zoning district to R7-2 and R7-2/C2-4 zoning districts; C 210481 ZSK (L.U. No. 890), a special permit to establish a Large-Scale General Development (LSGD) pursuant to Zoning Resolution (ZR) Sections 74-74 and 74-743(a)(2); N 210482 ZRK (L.U. No. 891), a zoning text amendment to Appendix F to establish the project area as a Mandatory Inclusionary Housing (MIH) Area; and C 210483 HAK (L.U. No. 892), an urban development action area (UDAA) designation, Urban Development Action Area Project (UDAAP) approval, and disposition of City-owned property;

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 13, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued June 18th, 2021 (CEQR No. 20HPD007K) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210484 PPK, incorporated by reference herein, and the record before the Council, the Council approves the Decision for the disposition of the City-owned property located at 20 Kingsland Avenue (Block 2885, Lot 10), pursuant to zoning, with a restriction for general community facility use.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C.

BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 894 & Res. No. 1833

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 200314 ZMK (824 Metropolitan Avenue) submitted by 824 Metropolitan Avenue Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b: changing from an R6B District to an R7A District; changing from a C8-2 District to an R7A District; and establishing within the proposed R7A District a C2-4 District, Borough of Brooklyn, Community District 1, Council District 34.

The Committee on Land Use, to which the annexed Land Use item was referred on October 21, 2021 (Minutes, page 2841) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB-1 – TWO APPLICATIONS RELATED TO 824 METROPOLITAN AVENUE REZONING

C 200314 ZMK (L.U. No. 894)

City Planning Commission decision approving an application submitted by 824 Metropolitan Avenue Owner LLC, application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b:

1. changing from an R6B District to an R7A District property bounded by Metropolitan Avenue, a line perpendicular to the southerly street line of Metropolitan Avenue of distant 215 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Metropolitan Avenue and the northeasterly street line of Bushwick Avenue, a line midway between Metropolitan Avenue and Devoe Street, and a line 150 feet northeasterly of Bushwick Avenue;
2. changing from a C8-2 District to an R7A District property bounded by Metropolitan Avenue, a line 150 feet northeasterly of Bushwick Avenue, a line midway between Metropolitan Avenue and Devoe Street, and Bushwick Avenue; and
3. establishing within the proposed R7A District a C2-4 District bounded by Metropolitan Avenue, a line 150 feet northeasterly of Bushwick Avenue, a line midway between Metropolitan Avenue and Devoe Street, and Bushwick Avenue;

Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only) dated May 17, 2021, and subject to the conditions of CEQR Declaration of E-618, Community District 1 Borough of Brooklyn.

N 200315 ZRK (L.U. No. 895)

City Planning Commission decision approving an application submitted by 824 Metropolitan Avenue Owner LLC 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 in the East Williamsburg section of Brooklyn, Community District 1.

INTENT

To approve the amendment to rezone the project area, changing from an R6B District to an R7A District, changing from a C8-2 District to an R7A District, and establishing within the proposed R7A District a C2-4 District and amending the zoning text to establish a Mandatory Inclusionary Housing area to facilitate the construction of an eight-story mixed-use building with 36 dwelling units, of which 11 units would be permanently affordable under MIH Options 1 and 2, at 824 Metropolitan Avenue (Block 2916, Lots 14 and 16), in the East Williamsburg section of Brooklyn, Community District 1.

PUBLIC HEARING

DATE: October 12, 2021

Witnesses in Favor: Two

Witnesses Against: One

SUBCOMMITTEE RECOMMENDATION

DATE: November 9, 2021

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 894 and approve with modifications the decision of the City Planning Commission on L.U. No. 895.

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 10, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz Sr., Moya, Rivera, Riley, Brooks-Powers, Feliz, Borelli.

Against:

None

Abstain:

None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated November 15, 2021, with the Council on November 22, 2021, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1833

Resolution approving the decision of the City Planning Commission on ULURP No. C 200314 ZMK, a Zoning Map amendment (L.U. No. 894).

By Council Members Salamanca, Jr. and Moya.

WHEREAS, 824 Metropolitan Avenue Owner 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. 13b, changing from an R6B District to an R7A District, changing from a C8-2 District to an R7A District, and establishing within the proposed R7A District a C2-4 District, which in conjunction with the related action would facilitate the construction of an eight-story mixed-use building with 36 dwelling units, of which 11 units would be permanently affordable under MIH Options 1 and 2, at 824 Metropolitan Avenue (Block 2916, Lots 14 and 16), in the East Williamsburg section of Community District 1, Brooklyn (ULURP No. C 200314 ZMK) (the "Application");

WHEREAS the City Planning Commission filed with the Council on October 8, 2021 its decision dated October 6, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 200315 ZRK (L.U. No. 895), 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 October 12, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Conditional Negative Declaration was issued on May 17, 2021. The Negative Declaration (CEQR No. 20DCP110K) included an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (the “E” designation (E-618));

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment.

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 200314 ZMK incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 13b:

1. changing from an R6B District to an R7A District property bounded by Metropolitan Avenue, a line perpendicular to the southerly street line of Metropolitan Avenue of distant 215 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Metropolitan Avenue and the northeasterly street line of Bushwick Avenue, a line midway between Metropolitan Avenue and Devoe Street, and a line 150 feet northeasterly of Bushwick Avenue;
2. changing from a C8-2 District to an R7A District property bounded by Metropolitan Avenue, a line 150 feet northeasterly of Bushwick Avenue, a line midway between Metropolitan Avenue and Devoe Street, and Bushwick Avenue; and
3. establishing within the proposed R7A District a C2-4 District bounded by Metropolitan Avenue, a line 150 feet northeasterly of Bushwick Avenue, a line midway between Metropolitan Avenue and Devoe Street, and Bushwick Avenue;

Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only) dated May 17, 2021, and subject to the conditions of CEQR Declaration of E-618, Community District 1 Borough of Brooklyn.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 895 & Res. No. 1834

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 200315 ZRK (824 Metropolitan Avenue) submitted by 824 Metropolitan Avenue Owner, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 1, Council District 34.

The Committee on Land Use, to which the annexed Land Use item was referred on October 21, 2021 (Minutes, page 2841) 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. 894 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1834

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 200315 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 895).

By Council Members Salamanca and Moya.

WHEREAS, 824 Metropolitan Avenue Owner LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the construction of an eight-story mixed-use building with 36 dwelling units, of which 11 units would be permanently affordable under MIH Options 1 and 2, at 824 Metropolitan Avenue (Block 2916, Lots 14 and 16), in the East Williamsburg section of Brooklyn, Community District 1 (Application No. N 200315 ZRK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on October 8, 2021, its decision dated October 6, 2021 (the “Decision”), on the Application;

WHEREAS, the Application is related to application C 200314 ZMK (L.U. No. 894), a zoning map amendment to change from a C8-2 District to an R7A District and establish within the proposed R7A District a C2-4 District;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 12, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Conditional Negative Declaration was issued on May 17, 2021. The Negative Declaration (CEQR No. 20DCP110K) included an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (the “E” designation (E-618));

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment.

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 200315 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

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

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

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

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

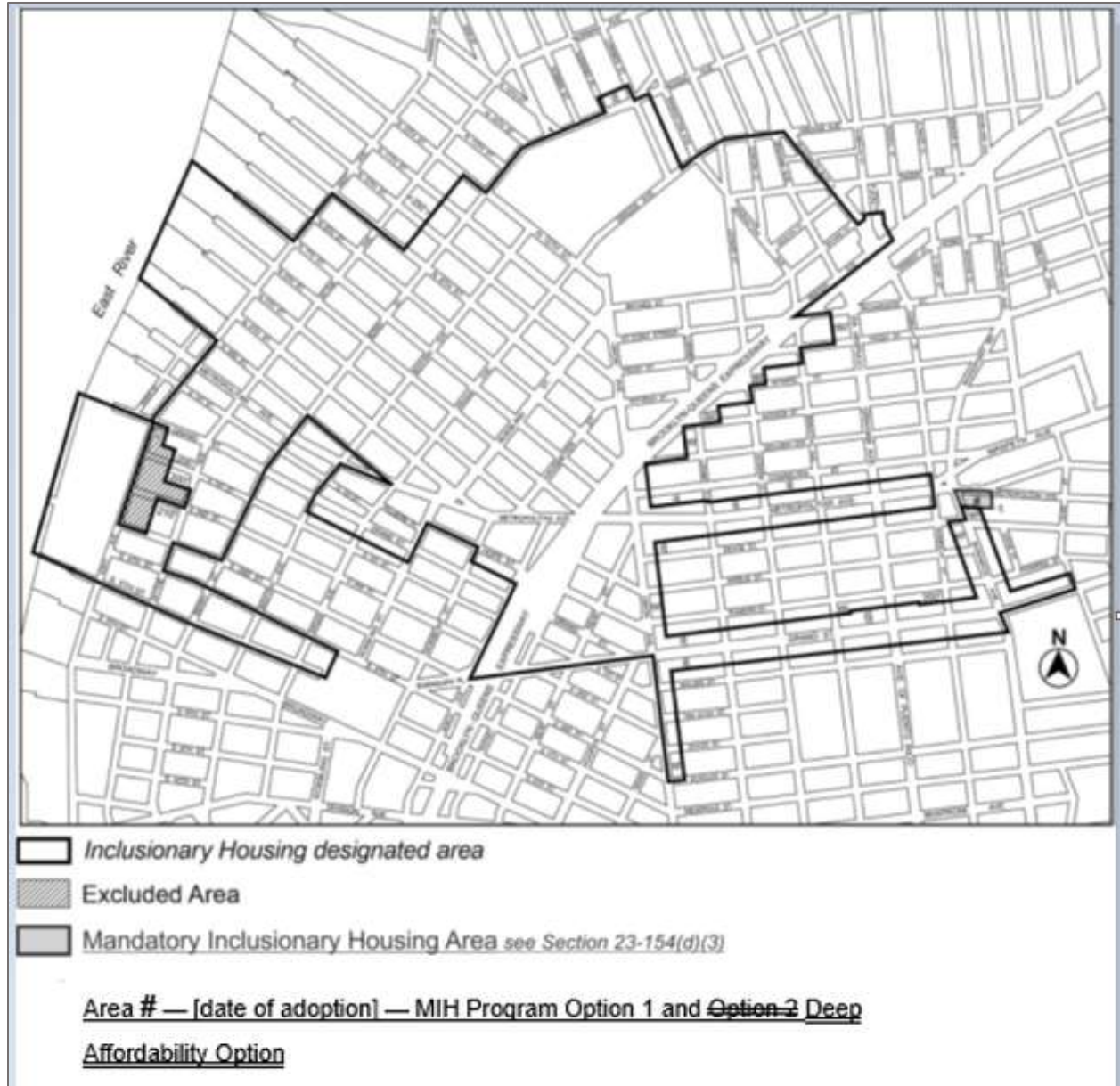
* * *

Brooklyn Community District 1

* * *

[PROPOSED]

Map 2 – (date of adoption)



Portion of Community District 1, Brooklyn

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeager, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 912 & Res. No. 1835

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210276 ZMK (1045 Atlantic Avenue) submitted by Atlantic Brooklyn, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, for an amendment of the Zoning Map, Section Nos. 16c & 17a, by changing property from an M1-1 District to a C6-3A District property; to facilitate a development at 1045 Atlantic Avenue in the Borough of Brooklyn, Community District 3, Council District 36.

The Committee on Land Use, to which the annexed Land Use item was referred on November 10, 2021 (Minutes, page 2995) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB-3 – TWO APPLICATIONS RELATED TO 1045 ATLANTIC AVENUE REZONING

C 210276 ZMK (Pre. L.U. No. 912)

City Planning Commission decision approving an application submitted by Atlantic Brooklyn LLC, application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c and 17a by changing from an M1-1 District to a C6-3A District property bounded by a line midway between Lefferts Place and Atlantic Avenue, a line perpendicular to the northeasterly street line of Atlantic Avenue distant 180 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Atlantic Avenue and the westerly street line of Franklin Avenue, the northeasterly boundary line of the Long Island Rail Road right-of-way (Atlantic Division), and a line perpendicular to the northeasterly street line of Atlantic Avenue distant 210 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Atlantic Avenue and the easterly street line of Classon Avenue, as shown on a diagram (for illustrative purposes only) dated June 21, 2021, and subject to the conditions of CEQR Declaration E-631, Borough of Brooklyn, Community District 3.

N 210277 ZRK (Pre. L.U. No. 913)

City Planning Commission decision approving an application submitted by Atlantic Brooklyn LLC 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 and to amend ZR Section 35-663 related to street wall regulations in the Borough of Brooklyn, Community District 3.

INTENT

To approve the amendment to rezone the project area to change from an M1-1 District to a C6-3A District and approve the zoning text amendment modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area and to amend ZR Section 35-663 related to street wall regulations, which

would facilitate the development of a 17-story mixed-use building with 426 dwelling units, and approximately 69,287 square feet of commercial space at 1045 Atlantic Avenue in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3.

PUBLIC HEARING

DATE: October 25, 2021

Witnesses in Favor: Ten

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 9, 2021

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on Pre. L.U. No. C 210276 ZMK and approve with modifications the decision of the City Planning Commission on Pre. L.U. No. N 210277 ZRK.

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 10, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz Sr., Moya, Rivera, Riley, Brooks-Powers, Feliz, Borelli.

Against:

None

Abstain:

None.

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated November 15, 2021, with the Council on November 22, 2021, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1835

Resolution approving the decision of the City Planning Commission on ULURP No. C 210276 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 912).

By Council Members Salamanca, Jr. and Moya.

WHEREAS, Atlantic Brooklyn 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. 16c and 17a, changing from an M1-1 District to a C6-3A District, which in conjunction with the related action would facilitate the development of a 17-story mixed-use building with 426 dwelling units, and approximately 69,287 square feet of commercial space at 1045 Atlantic Avenue in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3 (ULURP No. C 210276 ZMK) (the "Application");

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

WHEREAS, the Application is related to application N 210277 ZRK (Pre. L.U. No. 913), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and to amend Zoning Resolution (ZR) Section 35-663 related to street wall regulations;

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 25, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued June 21, 2021 (CEQR No. 21DCP168K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and noise (the "E" Designation (E-550));

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-550).

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 210276 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 16c and 17a, by changing from an M1-1 District to a C6-3A District property bounded by a line midway between Lefferts Place and Atlantic Avenue, a line perpendicular to the northeasterly street line of Atlantic Avenue distant 180 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Atlantic Avenue and the westerly street line of Franklin Avenue, the northeasterly boundary line of the Long Island

Rail Road right-of-way (Atlantic Division), and a line perpendicular to the northeasterly street line of Atlantic Avenue distant 210 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Atlantic Avenue and the easterly street line of Classon Avenue, as shown on a diagram (for illustrative purposes only) dated June 21, 2021, and subject to the conditions of CEQR Declaration E-631, Borough of Brooklyn, Community District 3.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeager, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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. 913 & Res. No. 1836

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210277 ZRK (1045 Atlantic Avenue) submitted by Atlantic Brooklyn, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article III Chapter 5 for the purpose of amending street wall location regulations and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area on property including property at 1045 Atlantic Avenue in Borough of Brooklyn, Community District 3, Council District 36.

The Committee on Land Use, to which the annexed Land Use item was referred on November 10, 2021 (Minutes, page 2997) 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. 912 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1836

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 210277 ZRK, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 913).

By Council Members Salamanca and Moya.

WHEREAS, Atlantic Brooklyn LLC, filed an application 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 and to amend ZR Section 35-663 related to street wall regulations, which in conjunction with the related action would facilitate the development of a

17-story mixed-use building with 426 dwelling units, and approximately 69,287 square feet of commercial space at 1045 Atlantic Avenue in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3 (Application No. N 210277 ZRK) (the “Application”);

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

WHEREAS, the Application is related to application C 210276 ZMK (Pre. L.U. No. 912), a zoning map amendment to change an M1-1 zoning district to a C6-3A zoning 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 October 25, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued June 21, 2021 (CEQR No. 21DCP168K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and noise (the “E” Designation (E-550));

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-550).

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 210277 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

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

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

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

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

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

* * *

ARTICLE III

COMMERCIAL DISTRICT REGULATIONS

* * *

Chapter 5

Bulk Regulations for Mixed Buildings in Commercial Districts

* * *

35-66

Special Height and Setback Provisions for Certain Areas

* * *

35-663

Special height and setback provisions in C6-3A Districts along Atlantic Avenue within Community District 3, Borough of Brooklyn

In C6-3A Districts in Community District 3, in the Borough of Brooklyn, for a #zoning lot# with frontage along Atlantic Avenue, the #street wall# provisions of paragraph (a) of Section 35-651 shall apply along the Atlantic Avenue #street# frontage, and shall also apply along #street# frontages intersecting Atlantic Avenue, within 50 feet of the intersection.

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

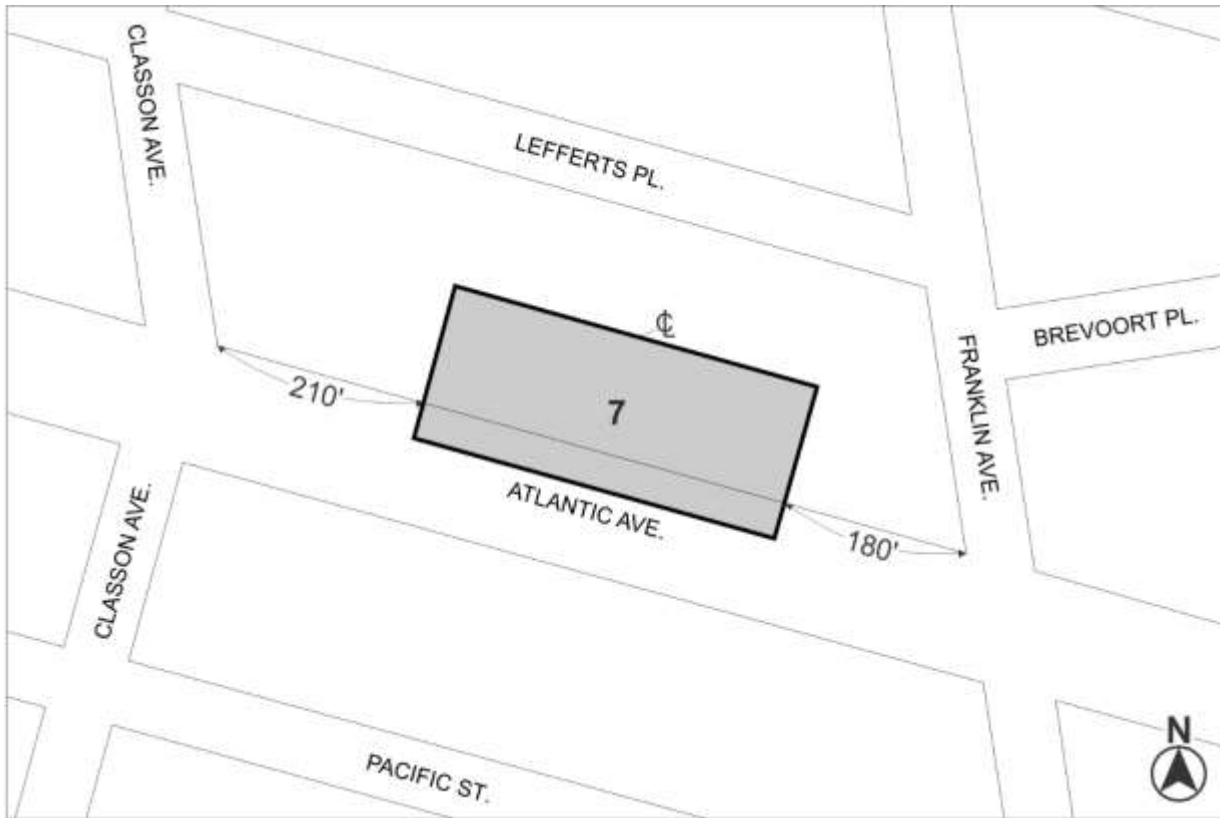
Brooklyn

* * *

Brooklyn Community District 3

* * *

Map 7. [date of adoption]



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

Area 7 — [date of adoption] MIH Program Option 2 ~~and Workforce~~

Portion of Community District 3, Brooklyn

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro, and Eugene.*

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 139-A -** Department of Education to report on student health services in correlation with student housing status for students in kindergarten through grade eight.
- (2) **Int 148-A -** Department of Social Services recognize time spent in foster care for the purpose of rental voucher eligibility.
- (3) **Int 150-A -** Task Force regarding the transportation of students in temporary housing.
- (4) **Int 167-B -** Certain agencies to be capable of issuing warnings.
- (5) **Int 903-A -** Funds remaining in commissary accounts when incarcerated individuals are released from custody.
- (6) **Int 1392-A -** District Attorneys to report on criminal prosecutions.
- (7) **Int 1487-A -** Studying population and housing changes in areas that have been the subject of neighborhood rezonings.
- (8) **Int 1635-A -** Display of artwork on temporary protective structures on construction sites.
- (9) **Int 1784-A -** Establishing an office of not-for-profit organization services.
- (10) **Int 1891-A -** Machines used to resurface ice.
- (11) **Int 2253-A -** Micro-distribution centers for distributing goods via sustainable modes of transportation.
- (12) **Int 2277-A -** Truck loading zones.
- (13) **Int 2279-A -** Expanding loading zones.
- (14) **Int 2312-A -** Limiting fees associated with vacating a premises.

- (15) **Int 2405-A -** Runaway and homeless youth eligibility for rental assistance.
- (16) **Int 2422-A -** Parking meters, and to repeal suspending the activation of parking meters on Sundays; parking at broken or missing meters or muni-meters; transfer of muni-meter time; deactivating muni-meters; new muni-meter installation; notification of changes relating to parking meters; failure to display a muni-meter receipt; and cancellation of certain tickets.
- (17) **Int 2448-A -** Paid time to employees who accompany a child to receive a COVID-19 vaccination injection or care for a child with COVID-19 vaccine side effects (**with a Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage**).
- (18) **Int 2456 -** Labor peace agreement for certain city economic development projects.
- (19) **Res 1803 -** New designation and changes in the designation of certain organizations to receive funding in the Expense Budget (**Transparency Resolution**).
- (20) **Res 1804 -** Increase in the amount to be expended annually for two business improvement districts and the setting of the date, time and place for the hearing of the local law increasing the annual expenditure for such districts.
- (21) **L.U. 848 & Res 1811 -** **App. C 210253 ZMK (Glenmore Manor)** Borough of Brooklyn, Community District 16, Council District 37.
- (22) **L.U. 849 & Res 1812 -** **App. N 210254 ZRK (Glenmore Manor)** Borough of Brooklyn, Community District 16, Council District 37.

- (23) L.U. 850 & Res 1813 - **App. C 210255 HAK (Glenmore Manor)** Borough of Brooklyn, Community District 16, Council District 37.
- (24) L.U. 851 & Res 1814 - **App. C 210256 HUK (Glenmore Manor)** Borough of Brooklyn, Community District 16, Council District 37.
- (25) L.U. 864 & Res 1815 - **App. C 210351 ZMM (New York Blood Center)** Borough of Manhattan, Community District 8, Council District 5.
- (26) L.U. 865 & Res 1816 - **App. N 201352 ZRM (New York Blood Center)** Borough of Manhattan, Community District 8, Council District 5.
- (27) L.U. 866 & Res 1817 - **App. N 201353 ZSM (New York Blood Center)** Borough of Manhattan, Community District 8, Council District 5.
- (28) L.U. 867 & Res 1818 - **App. C 20210369 ZSM (343 Madison Avenue – MTA/HQ)** Borough of Manhattan, Community District 5, Council District 4.
- (29) L.U. 868 & Res 1819 - **App. C 20210370 ZSM (343 Madison Avenue – MTA/HQ)** Borough of Manhattan, Community District 5, Council District 4.
- (30) L.U. 869 & Res 1820 - **App. C 210177 ZMK (Gowanus Neighborhood Plan)** Borough of Brooklyn, Community Districts 2 and 6, Council Districts 33 and 39.
- (31) L.U. 870 & Res 1821 - **App. N 210178 ZRK (Gowanus Neighborhood Plan)** Borough of Brooklyn, Community Districts 2 and 6, Council Districts 33 and 39.
- (32) L.U. 871 & Res 1822 - **App. C 210179 MMK (Gowanus Neighborhood Plan)** Borough of Brooklyn, Community District 6, Council Districts 33 and 39.
- (33) L.U. 872 & Res 1823 - **App. C 210180 MMK (Gowanus Neighborhood Plan)** Borough of

- Brooklyn, Community District 6,
Council Districts 33 and 39.
- (34) L.U. 873 & Res 1824 - **App. C 210053 PPK (Gowanus Neighborhood Plan)** Borough of Brooklyn, Community District 6, Council Districts 33 and 39.
- (35) L.U. 874 & Res 1825 - **App. C 210052 HAK (Gowanus Neighborhood Plan)** Borough of Brooklyn, Community District 6, Council Districts 33 and 39.
- (36) L.U. 881 & Res 1808 - **App. C 210428 PPM (Las Raices)** Borough of Manhattan, Council Districts 8 and 9, Community District 11.
- (37) L.U. 882 & Res 1826 - **App. C 210192 ZMQ (185-17 Hillside Avenue Rezoning)** Borough of Queens, Council District 24, Community District 8.
- (38) L.U. 883 & Res 1827 - **App. N 210193 ZRQ (185-17 Hillside Avenue Rezoning)** Borough of Queens, Council District 24, Community District 8.
- (39) L.U. 884 & Res 1790 - **App. C 180039 MMK (Gowanus Canal CSO Facility)** Borough of Brooklyn, Council District 33, Community District 6.
- (40) L.U. 885 & Res 1791 - **App. C 200319 PCK (Gowanus Canal CSO Facility)** Borough of Brooklyn, Council District 39, Community District 6.
- (41) L.U. 886 & Res 1792 - **App. C 200320 MMK (Gowanus Canal CSO Facility)** Borough of Brooklyn, Council District 39, Community District 6.
- (42) L.U. 887 & Res 1793 - **Application No. C 200321 PSK (Gowanus Canal CSO Facility)** Borough of Brooklyn, Council District 39, Community District 6.
- (43) L.U. 888 & Res 1794 - **App. 20225005 HAK (Gowanus Mercy Home UDAAP Amendment)** Borough of Brooklyn, Council District 39, Community District 6.

- (44) **L.U. 889 & Res 1828 - App. C 210480 ZMK (Cooper Park Commons)** Borough of Brooklyn, Council District 34, Community District 1.
- (45) **L.U. 890 & Res 1829 - App. C 210481 ZSK (Cooper Park Commons)** Borough of Brooklyn, Council District 34, Community District 1.
- (46) **L.U. 891 & Res 1830 - App. N 210482 ZRK (Cooper Park Commons)** ng area, Borough of Brooklyn, Council District 34, Community District 1.
- (47) **L.U. 892 & Res 1831 - App. C 210483 HAK (Cooper Park Commons)** of Brooklyn, Council District 34, Community District 1.
- (48) **L.U. 893 & Res 1832 - App. C 210484 PPK (Cooper Park Commons)** Borough of Brooklyn, Council District 34, Community District 1.
- (49) **L.U. 894 & Res 1833 - App. C 200314 ZMK (824 Metropolitan Avenue)** Borough of Brooklyn, Community District 1, Council District 34.
- (50) **L.U. 895 & Res 1834 - App. N 200315 ZRK (824 Metropolitan Avenue)** Borough of Brooklyn, Community District 1, Council District 34.
- (51) **L.U. 897 & Res 1809 - App. C 210398 ZSX (WIN Powers)** Borough of the Bronx, Community District 1, Council District 8.
- (52) **L.U. 898 & Res 1810 - App. C 210399 HAX (WIN Powers)** Borough of the Bronx, Community District 1, Council District 8.
- (53) **L.U. 912 & Res 1835 - App. C 210276 ZMK (1045 Atlantic Avenue)** Borough of Brooklyn, Community District 3, Council District 36.
- (54) **L.U. 913 & Res 1836 - App. N 210277 ZRK (1045 Atlantic Avenue)** Borough of Brooklyn, Community District 3, Council District 36.

- (55) **L.U. 927 & Res 1806** - 1018 East 163rd Street, Bronx, Community District No. 2, Council District No. 17.
- (56) **L.U. 928 & Res 1807** - 15 Stratford.GHPP.FY22, Brooklyn, Community District No. 14; Council District No. 40.

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

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Matteo, Menchaca, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **48**.

The General Order vote recorded for this Stated Meeting was 48-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int. No. 1392-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Chin, Cornegy, D. Diaz, Dinowitz, Dromm, Eugene, Gennaro, Gibson, Koo, Koslowitz, Lander, Levin, Levine, Louis, Menchaca, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **36**.

Negative – Cabrera, R. Diaz, Feliz, Gjonaj, Grodenchik, Holden, Kallos, Maisel, Matteo, Ulrich, Yeger, and the Minority Leader (Council Member Borelli) – **12**.

The following was the vote recorded for **Int. No. 1784-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **46**.

Negative – Matteo and the Minority Leader (Council Member Borelli) – **2**.

The following was the vote recorded for **Int. No. 2253-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Matteo, Menchaca, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **46**.

Negative – Miller and Yeger – **2**.

The following was the vote recorded for **Int. No. 2277-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Matteo, Menchaca, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **47**.

Negative – Yeger – **1**.

The following was the vote recorded for **Int. No. 2279-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dromm, Eugene, Feliz, Gennaro, Gibson, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **41**.

Negative – Brooks-Powers, Dinowitz, Gjonaj, Matteo, Miller, Yeger, and the Minority Leader (Council Member Borelli) – **7**.

The following was the vote recorded for **Int. No. 2312-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Matteo, Menchaca, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **46**.

Negative – Holden and the Minority Leader (Council Member Borelli) – **2**.

The following was the vote recorded for **Int. No. 2448-A with a Message of Necessity**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **46**.

Negative – Matteo and the Minority Leader (Council Member Borelli) – **2**.

The following was the vote recorded for **Preconsidered Int. No. 2456**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **47**.

Negative – Matteo – **1**.

The following was the vote recorded for **L.U. No. 864 & Res. No. 1815; L.U. No. 865 & Res. No. 1816; and L.U. No. 866 & Res. No. 1817**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Matteo, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **43**.

Negative – R. Diaz, Holden, Kallos, Menchaca, and Yeger – **5**.

The following was the vote recorded for **L.U. No. 869 & Res. No. 1820; L.U. No. 870 & Res. No. 1821; L.U. No. 871 & Res. No. 1822; L.U. No. 872 & Res. No. 1823; L.U. No. 873 & Res. No. 1824; and L.U. No. 874 & Res. No. 1825**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Matteo, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **47**.

Negative – Menchaca – **1**.

The following was the vote recorded for **L.U. No. 897 & Res. No. 1809 and L.U. No. 898 & Res. No. 1810**:

Affirmative – Adams, Ampry-Samuel, Ayala, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Matteo, Menchaca, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **47**.

Negative – Barron – **1**.

The following Introductions were sent to the Mayor for his consideration and approval:

Int. Nos. 139-A, 148-A, 150-A, 167-B, 903-A, 1392-A, 1487-A, 1635-A, 1784-A, 1891-A, 2253-A, 2277-A, 2279-A, 2312-A, 2405-A, 2422-A, 2448-A (passed under a Message of Necessity), and Preconsidered Int. No. 2456.

Editor's Note re: the position of Minority Leader: On November 16, 2021, Council Member Matteo announced his resignation as Minority Leader effective November 17, 2021 at 11 a.m. (see also M-354 of 2021 introduced at the December 9, 2021 Stated Meeting). On November 17, 2021, Council Member Borelli was designated and appointed as Minority Leader by the Minority (Republican) Delegation of the New York City Council (see also M-355 of 2021 introduced at the December 9, 2021 Stated Meeting).

INTRODUCTION AND READING OF BILLS

Preconsidered Int. No. 2456

By The Speaker (Council Member Johnson) and Council Members Kallos, Ayala and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to requiring labor peace agreement for certain city economic development projects

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-146 to read as follows:

§ 6-146 Labor peace agreements for certain city economic development projects. a. Definitions. For the purposes of this section, the following terms have the following meanings:

As-of-right assistance. The term “as-of-right assistance” means any financial assistance that is available to all persons who meet the criteria used to determine the allocation of such financial assistance, and any financial assistance provided to a person the amount of which is calculated based on an evaluation of the financial assistance that a person would have been eligible for under such a program. The term “as-of-right assistance” includes, but is not limited to, financial assistance that is limited by the availability of funds and is distributed on a first come, first serve basis or on any other non-discretionary basis.

Brooklyn navy yard entity. The term “Brooklyn navy yard entity” means any not-for-profit organization that contracts with the city to lease or operate the area encompassing block 2023, lots 1, 50 and 150 in Kings county, commonly known as the Brooklyn navy yard.

Building service employee. The term “building service employee” means any person, the majority of whose employment consists of performing work in connection with the care or maintenance of a building or other property, including but not limited to a watchperson, guard, doorman, building cleaner, porter, handyperson, janitor, gardener, groundskeeper, stationary fireman, elevator operator and starter, or window cleaner.

City economic development entity. The term “city economic development entity” means a not-for-profit organization that provides or administers economic development benefits on behalf of the city, as described by paragraph b of subdivision 1 of section 1301 of the charter, except that the term “city economic development entity” shall not include any Brooklyn navy yard entity.

City financial assistance. The term “city financial assistance” means financial assistance, other than as-of-right assistance, that is provided directly by the city or by a city economic development entity using funds provided in whole or in part by the city to a person for the improvement or development of property and that, at the time the city financial assistance recipient enters into a project agreement with the city or city economic development entity, is expected to have a total present financial value of at least \$ 500,000, which amount shall be adjusted on July 1 of each year commencing on July 1, 2022, based upon the 12-month percentage increases, if any, in the price index for the most recent 12-month period for which data is available. Where financial assistance takes the form of leasing property at below-market lease rates, for the purpose of determining whether such financial assistance constitutes city financial assistance, the value of the financial assistance shall be determined based on the difference in cost between the lease for the property and a market lease for a similar property. Where financial assistance takes the form of loans, bond financing or tax increment financing, for the purpose of determining whether such financial assistance constitutes city financial assistance, the value of the financial assistance shall be determined based on the difference between the financing costs to a borrower and the costs to a similar borrower who does not receive financial assistance from the city or a city economic development entity.

City financial assistance recipient. The term “financial assistance recipient” means any person that receives city financial assistance, except that the term “financial assistance recipient” shall include neither a city economic development entity nor a Brooklyn navy yard entity.

Comptroller. The term “comptroller” means the comptroller of the city.

Construction employee. The term “construction employee” means a person employed to perform labor of a type that the comptroller has identified in a published schedule as a classification of work performed by laborers, workmen or mechanics pursuant to section 220 of the labor law, regardless of whether such labor constitutes public work pursuant to such section.

Covered employee. The term “covered employee” means an employee, other than a building service employee or construction employee, working at a retail or food service establishment or a distribution center, provided that:

1. Such work involves the retail or food service establishment or distribution center’s regular business operations; and
2. Such retail or food establishment or distribution center is located on property within the city that has been improved or developed using city financial assistance.

Covered employer. The term “covered employer” means a person that employs covered employees and that is any of the following:

1. A city financial assistance recipient;
2. A tenant, subtenant, leaseholder or subleaseholder of a city financial assistance recipient who occupies property improved or developed with city financial assistance; or
3. A person performing services pursuant to a contract or subcontract:
 - (a) For a city financial assistance recipient or a tenant, subtenant, leaseholder or subleaseholder of a city financial assistance recipient;
 - (b) At a property that has been improved or developed with city financial assistance;
 - (c) For an amount in excess of \$500,000, which amount shall be adjusted on July 1 of each year commencing on July 1, 2022, based upon the twelve-month percentage increases, if any, in the price index, for the most recent twelve-month period for which data is available; and
 - (d) For a period of more than 90 days.

Distribution center. The term “distribution center” means a warehouse, distribution center, sortation facility, fulfillment center or any other building stocked with products or goods to be redistributed to retailers, to wholesalers, or directly to consumers and at which 20 or more employees are employed on the premises, except that the term “distribution center” shall not include any such facility used primarily for the storage or distribution of goods owned or manufactured by the person operating such facility or any affiliate of such person, provided that the business operations of such person and any affiliates within the city primarily involve the sale of goods owned or manufactured by such person or any affiliate.

Financial assistance. The term “financial assistance” means assistance provided to a person through an agreement with the city or a city economic development entity that consists of:

1. A cash payment or grant, including but not limited to a payment for costs associated with environmental remediation of or capital improvements to a property;
2. A loan, bond financing, or tax increment financing;
3. A tax abatement, credit, or exemption, including, but not limited to, an abatement or exemption from real property, mortgage recording, sales and use taxes, or the difference between a payment in lieu of taxes and the amount of real property or other taxes that would have been due if the property or taxpayer were not exempted from the payment of such taxes, provided that such tax abatement, credit, or exemption is provided in conjunction with a lease, grant, cash payment, loan, bond financing, or tax increment financing; or
4. A write-down in the market value of a building, land, or lease.

Hunts Point city property. The term “Hunts Point city property” means any city-owned property located in the blocks 2770, 2775, 2778, 2780, or 2781 in Bronx county.

Labor organization. The term “labor organization” has the same meaning as set forth in subdivision (5) of section 152 of title 29 of the United States code.

Labor peace agreement. The term “labor peace agreement” means an agreement between a covered employer and a labor organization that seeks to represent individuals who perform one or more classes of work at a distribution center or retail or food service establishment located on a property improved or developed with city financial assistance, where such agreement:

1. Requires that the covered employer and the labor organization and its members agree to the uninterrupted performance of work on the property improved or developed with city financial assistance and to refrain from actions intended to or having the effect of interrupting such work; and

2. Includes any other terms required by rules promulgated pursuant to subdivision g of this section.

Not-for-profit organization. The term “not-for-profit organization” means an entity that is either incorporated as a not-for-profit corporation under the laws of the state of its incorporation or exempt from federal income tax pursuant to subdivision c of section 501 of the United States internal revenue code.

Operational commencement date. The term “operational commencement date” means:

1. With respect to a city financial assistance recipient, the project commencement date; and
2. With respect to a covered employer that is not a city financial assistance recipient, the date upon which such covered employer commences business operations at a project, as further defined by a rule promulgated pursuant to subdivision g of this section.

Price index. The term “price index” means a price index published by the bureau of labor statistics of the United States department of labor and selected pursuant to a rule promulgated pursuant to subdivision g of this section.

Project. The term project means a development or improvement for which city financial assistance is provided.

Project agreement. The term “project agreement” means a written agreement between the city or a city economic development entity and a city financial assistance recipient through which city financial assistance is provided.

Project commencement date. The term “project commencement date” means the date on which a city financial assistance recipient commences operations at a project, as further defined by a rule promulgated pursuant to subdivision g of this section.

Property. The term “property” means real property and does not include personal property or any other intangible form of property.

Retail or food service establishment. The term “retail or food service establishment” means any retail store selling goods, any food services establishment, and any establishment that is required to have a license to sell liquor pursuant to the alcohol beverage control law, provided that:

1. Such store or establishment offers goods or services primarily to members of the general public; and
2. 10 or more employees are employed on the premises of such store or establishment.

Small business. The term “small business” means a firm that does not exceed the small business size standards established for its industry by the United States small business administration.

b. 1. No later than 90 days after the operational commencement date, a covered employer shall either:

(a) submit an attestation to the city or city economic development entity that provided the applicable city financial assistance, signed by one or more labor organizations, as applicable, stating that the covered employer has entered into or is negotiating one or more labor peace agreements, as applicable, with such labor organizations, and identify: (i) the classes of covered employees to whom the labor peace agreements apply, (ii) the classes of covered employees not currently represented by a labor organization and that no labor organization has sought to represent, and (iii) the classes of covered employees for which labor peace agreement negotiations have not yet concluded; or

(b) submit an attestation to the city or city economic development entity stating that the covered employer’s covered employees are not currently represented by a labor organization and that no labor organization has sought to represent such covered employees.

2. Where a labor organization seeks to represent the covered employees of a covered employer after the expiration of the 90-day period following the operational commencement date, or after the covered employer has submitted an attestation pursuant to paragraph 1 of this subdivision, whichever occurs first, and the labor organization has provided notice to the city or city economic development entity that provided the city financial assistance, as applicable, and the covered employer regarding such interest, the covered employer shall no later than 90 days after the date of notice submit an attestation signed by the labor organization to the city or city economic development entity, as applicable, stating that it has entered into a labor peace agreement with such labor organization or that labor peace agreement negotiations have not yet concluded.

3. The city or a city economic development entity, as applicable, may, pursuant to the terms of a project agreement, require a city financial assistance recipient to receive and transmit to the city or a city economic development entity any such attestations required to be made pursuant to this subdivision by covered employers operating on the project.

c. The requirements of subdivision b and paragraphs 1 through 3 of subdivision e of this section shall apply for the term of the project agreement or for 10 years, whichever is longer. Such 10 year period shall be calculated as starting at the project commencement date.

d. 1. The requirements established under paragraphs 1 and 2 of subdivision b and paragraph 2 of subdivision e of this section shall not apply to the following persons:

(a) Any firm that constituted a small business during the prior calendar year; or

(b) Any not-for-profit organization.

2. The requirements established under paragraphs 1 and 2 of subdivision b and paragraph 2 of subdivision e of this section shall not apply to:

(a) Any retail or food service establishment or distribution center operating at a project:

(1) in which residential units subject to a regulatory agreement with one or more federal, state, or local government agencies comprise more than 75% of the project area, and such regulatory agreement requires that no less than 75% of the residential units located at the project are affordable for households earning on average less than 125% of the area median income; or

(2) in which residential units comprise more than 75% of the project area, and all such residential units are subject to a regulatory agreement with one or more federal, state, or local government agencies the term of which govern the affordability of such residential units;

(b) Any retail or food service establishment or distribution center operating at the hunts point city property; or

(c) Any retail or food service establishment or distribution center operating at a project for which the principal industry conducted on the property is or will be manufacturing, as defined by the North American industry classification system.

e. 1. Each city financial assistance recipient shall provide to the comptroller and the city or city economic development entity that executed the project agreement an annual certification:

(a) confirming notification to all employers operating on the property improved or developed with city financial assistance that employers must comply with all requirements of this section, as applicable;

(b) providing the names, addresses and telephone numbers of such employers; and

(c) affirming the city financial assistance recipient's obligation to assist the city to investigate and to remedy non-compliance by any employers.

2. Prior to commencing work at a property improved or developed with city financial assistance, each covered employer not subject to an exemption pursuant to subdivision d of this section shall provide to the comptroller and the city or city economic development entity that executed the project agreement a statement agreeing to comply with the requirements of this section, provided that the city or city economic development may instead, pursuant to the terms of a project agreement, require a city financial assistance recipient to collect and transmit such statements for all covered employers operating on such project. All such statements shall be certified by the chief executive or chief financial officer of the covered employer, or the designee of any such person. A violation of any provision of such certified statements shall constitute a violation of this section.

3. A person who qualifies for an exemption pursuant to subdivision d of this section shall provide to the comptroller and the city or city economic development entity that executed the project agreement a certification indicating the exception that such person qualifies for and specifying the basis for that exemption. Such person shall update or withdraw such certification on a timely basis if such person's eligibility for the claimed exemption changes.

4. The comptroller and city or city economic development entity that executed the project agreement shall maintain each certification submitted pursuant to this subdivision and make such certifications available for public inspection until the sixth anniversary of the conclusion of the term of the project agreement.

f. 1. The comptroller shall monitor the city financial assistance recipients' and covered employers' compliance with the requirements of this section. Whenever the comptroller has reason to believe there has been a violation of this section, or upon a verified complaint in writing from an interested party, the comptroller shall conduct an investigation to determine the facts relating thereto. Based upon such investigation, hearing and findings, the comptroller shall report the results of such investigation and hearing to the mayor. Based on the comptroller's report or any other information available to the mayor, the mayor may, after providing the city financial assistance recipient or covered employer an opportunity to cure any violations, where appropriate, issue an order, determination or other disposition. Such disposition may:

- (a) Direct the filing of any records as required by this section;*
- (b) Direct the imposition of sanctions against the city financial assistance recipient or covered employer in accordance with rules promulgated pursuant to subdivision g;*
- (c) Direct the imposition of any contractual remedies available to the city or the city economic development entity under the applicable project agreement; or*
- (d) Declare the applicable city financial assistance recipient in default of the project agreement.*

In assessing an appropriate remedy, due consideration shall be given to the gravity of the violation, the history of previous violations, the good faith of the city financial assistance recipient or covered employer and the failure to comply with recordkeeping, reporting, or other requirements.

2. Before issuing an order, determination or any other disposition, the mayor shall give notice thereof, together with a copy of the complaint, which notice shall be served personally or by mail on any person affected thereby. The mayor may negotiate an agreed upon stipulation of settlement or refer the matter to the office of administrative trials and hearings for a hearing and recommended disposition. Such city financial assistance recipient's or covered employer shall be notified of a hearing date by the office of administrative trials and hearings, and shall have the opportunity to be heard in respect to such matters.

g. The mayor shall promulgate implementing rules and regulations, as appropriate and consistent with this section, and may delegate such authority to the comptroller.

§ 2. (a) This local law takes effect 120 days after it becomes law, provided that this local law shall not apply to any project for which the project agreement was entered into prior to the effective date of this local law or any tenancy, subtenancy, lease, sublease, contract or subcontract entered into prior to the effective date of this local law, and provided further that the mayor, or the mayor's delegee, may promulgate any rules necessary for implementation of this local law and take any other measures as are necessary for its implementation, prior to such date.

(b) For the purpose of this section, the terms "project" and "project agreement" shall be defined in accordance with the definitions in section 6-146 of the administrative code of the city of New York.

Adopted by the Council (preconsidered and approved by the Committee on Civil Service and Labor).

Int. No. 2457

By Council Members Adams and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of sanitation to photograph, report and remove unlawful dumping on collection routes and reporting in relation thereto

Be it enacted by the Council as follows:

Section 1. Section 16-119 of the administrative code of the city of New York is amended by adding a new subdivision i to read as follows:

i. Photograph, report and remove unlawful dumping on collection routes. 1. Each department collection truck shall photograph any unlawful dumping that is located on public property on its collection route and report such unlawful dumping to the commissioner who shall ensure the department removes such unlawful dumping. The commissioner shall promulgate any rules necessary and appropriate to the administration of this paragraph.

2. No later than 48 hours after a department collection truck completes its collection route, the commissioner shall publish on the department's website and update, as appropriate, information on each instance of unlawful dumping photographed and reported pursuant to paragraph 1 of this section. Such information shall include a table, disaggregated by community district, in which each separate row references a unique instance of unlawful dumping. Each such row shall include the following information about each unique instance of unlawful dumping, as well as any additional information the commissioner deems appropriate, set forth in separate columns:

- (a) The date that a department collection truck photographed and reported such unlawful dumping;*

- (b) *The location of such unlawful dumping;*
- (c) *A brief description of such unlawful dumping; and*
- (d) *Whether the department removed such unlawful dumping, and its date of removal, if applicable.*

3. *Beginning one year after the effective date of the local law that added this subdivision, and annually thereafter, the commissioner shall submit a report on the unique instances of unlawful dumping photographed and reported pursuant to paragraph 1 of this section, by month, to the mayor and the speaker of the council and shall post such report on the department's website. Such annual report shall include the following information, as well as any additional information the commissioner deems appropriate, for each community district:*

(a) *The number of unique instances of unlawful dumping that department collection trucks photographed and reported;*

(b) *The number and percent of such instances of unlawful dumping that the commissioner removed; and*

(c) *The average amount of time that the commissioner took to remove such instances of unlawful dumping, after a department collection truck photographed and reported such.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of sanitation 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 Sanitation and Solid Waste Management.

Int. No. 2458

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 two business improvement districts

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 25-428.1 of the administrative code of the city of New York, as amended by local law number 223 for the year 2018, 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 Lower East Side business improvement district beginning on July 1, [2018] 2021, 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 [one million three hundred thousand dollars (\$1,300,000)] *two million dollars (\$2,000,000)*.

§ 2. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-485.1 to read as follows:

§ 25-485.1 *Hudson Yards 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 Hudson Yards business improvement district beginning on July 1, 2021, 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 six million dollars (\$6,000,000).*

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 Hudson Yards business improvement district plan.*

§ 3. This local law takes effect immediately and is retroactive to and deemed to have been in effect as of July 1, 2021.

Referred to the Committee on Finance.

Preconsidered Res. No. 1803

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

By Council Member Dromm.

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

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

Whereas, On June 19, 2019 the Council adopted the expense budget for fiscal year 2020 with various programs and initiatives (the “Fiscal 2020 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022, Fiscal 2021, and Fiscal 2020 Expense Budgets by approving the new designation and the changes in the designation of certain organizations receiving local discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

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

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

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

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Speakers Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 3; and be it further

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

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

Resolved, That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 6; and be it further

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

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

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

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

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

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

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

Resolved, That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 14; and be it further

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

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Immigrant Health Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Community Housing Preservation Strategies Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Pandemic Support for Human Service Providers Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the change of designation of a certain organization receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Construction Site Safety Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving local discretionary funding pursuant in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council amends the description for the Description/Scope of Services of certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 22.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 1803 of 2021 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>).

Preconsidered Res. No. 1804

Resolution concerning the increase in the amount to be expended annually for two business improvement districts 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 Lower East Side and Hudson Yards Business Improvement Districts in the City of New York; and; 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 two Business Improvement Districts wish to increase the amount to be expended annually beginning on July 1, 2021 as follows: Lower East Side, \$2,000,000; and Hudson Yards, \$6,000,000; 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 December 9, 2021 is the date and the City Council Chambers, is the place and 10:00 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 two Business Improvement Districts; 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 Lower East Side and Hudson Yards Business Improvement Districts 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 two Business Improvement Districts.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Int. No. 2459

By Council Member Feliz (by request of the Mayor).

A Local Law to amend the New York city charter in relation to establishing an office of information privacy

Be it enacted by the Council as follows:

Section 1. Subdivision h of section 8 of the New York city charter, as added by local law number 245 for the year 2017, is amended to read as follows:

h. The mayor shall [designate the head of] *establish* an office of *information privacy*. *Such office may be established within the executive office of the mayor or as a separate office_or within any [of such] other agency or office headed by a mayoral appointee as the mayor may determine. [to act as] Such office shall be headed by the city's chief privacy officer, who shall be appointed by the mayor or by the head of such other agency or office.* For the purposes of this subdivision, identifying information has the same meaning as set forth in section 23-1201 of the administrative code. Consistent with the provisions of subdivision g of this section, such officer shall have the power and duty to:

1. promulgate, after receiving the recommendations of the committee established pursuant to section 23-1204 of the administrative code, policies, and protocols regarding the collection, retention, and disclosure of identifying information by agencies, contractors, and subcontractors, provided that particular policies and protocols may apply to all agencies, contractors, and subcontractors or to a subset thereof;

2. provide guidance and information to the city and every agency thereof on federal, state, and local laws, policies, and protocols related to the collection, retention, and disclosure of identifying information and direct agencies to make any changes necessary to achieve or maintain such compliance;

3. review, in collaboration with the committee established pursuant to section 23-1204 of the administrative code, agency identifying information reports submitted pursuant to section 23-1205 of the administrative code;

4. specify types of information, in addition to identifying information as defined in section 23-1201 of the administrative code, that shall be subject to protection by agencies, as required by such officer, based on the nature of such information and the circumstances of its collection or potential disclosure;

5. *advise the mayor and senior city officials and provide guidance to city agencies on issues related to privacy, and on strategies, legislative proposals, and city and agency policies and best practices for advancing privacy protections;*

6. *establish citywide privacy policies, standards, and requirements, and modify or expand them as necessary to meet the evolving privacy protection needs of the city and its agencies;*

7. *issue guidance to support city agency compliance with privacy laws, policies, and privacy best practice standards and requirements;*

8. *advise city agencies on the privacy aspects of suspected and known incidents involving the unauthorized collection, access, acquisition, use, or disclosure of identifying information, as such term is defined in section 23-1201 of the administrative code, working together with the office of cyber command and the department of information technology and telecommunications and other city officials responsible for managing the technical aspects of the city's incident investigation, response, and recovery processes;*

9. *in collaboration with the office of cyber command, department of information technology and telecommunications, the law department, relevant agency counsel, and other city agencies and officials as needed, advise on any necessary actions regarding identifying information in response to such actual and suspected incidents;*

10. *train or cause to be trained city employees and contractors on privacy laws, policies, and best practices;*

11. *advise city agencies on privacy strategies and required or appropriate privacy provisions for data sharing initiatives, and assist in the development of privacy policies and contract terms for data sharing agreements, in coordination with relevant agencies and the law department as appropriate; and*

12. *promulgate rules as necessary to carry out the powers and duties of the office.*

All city agencies shall cooperate with the office so as to ensure the efficient performance of its duties.

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 2460

By Council Member Gennaro.

A Local Law to amend the administrative code of the city of New York, in relation to enforcement of environmental remediation plans and rules of the office of environmental remediation

Be it enacted by the Council as follows:

Section 1. Section 24-907 of the administrative code of the city of New York, as added by local law number 27 for the year 2009, is amended to read as follows:

§ 24-907 [Civil Penalties] *Enforcement.* (a) Any applicant, enrollee, or recipient of a certificate of completion who misrepresents any material fact related to the investigation, remediation or site management of a local brownfield site; or any person or entity that violates any provision of a site management plan for a local brownfield site; or any person or entity that violates any provision of this chapter or the rules of the office of environmental remediation, shall be liable for a civil penalty of not more than twenty-five thousand dollars.

[Such] (b) A civil penalty may be recovered *in an action in a court of competent jurisdiction or in a proceeding before [the environmental control board. Such] an administrative tribunal within the jurisdiction of the office of administrative trials and hearings pursuant to section 1049-a of the charter, which proceeding shall be commenced by the service of an administrative summons or a notice of violation returnable before [the environmental control board] such tribunal.*

(c) *The director of the office of environmental remediation may designate other city agencies to issue such administrative summonses and notices of violation. Employees or designees of the office are authorized to enter private property to inspect for the violations described in this section.*

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Environmental Protection.

Int. No. 2461

By Council Member Gjonaj.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sharing of order-related information by third-party food delivery services

Be it enacted by the Council as follows:

Section 1. Subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-847.4 to read as follows:

§ 20-847.4 *Information sharing. a. Definitions. For purposes of this section, “order-related information” means any data collected by a third-party food delivery service relating to online orders placed through the third-party food delivery service for any restaurant located in the city and any analysis derived from such data.*

b. Except as otherwise required by law, it shall be unlawful for any third-party food delivery service to share, sell, rent, transmit or disclose any order-related information to any other party.

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Small Business.

Int. No. 2462

By Council Member Miller.

A Local Law in relation to renaming a park in the Borough of Queens, Archie Spigner Park, and to amend the official map of the city of New York accordingly

Be it enacted by the Council as follows:

Section 1. The following park name, in the Borough of Queens, is hereby renamed as hereafter indicated.

New Name	Present Name	Limits
Archie Spigner Park	St. Albans Park	An existing park area generally bounded by 169 Street, Sayres Avenue, Linden Boulevard, Marne Place, 111 Road and 172 Street

§2. The official map of the city of New York shall be amended in accordance with the provisions of section one of this local law.

§3. This local law shall take effect immediately.

Referred to the Committee on Committee on Parks and Recreation.

Int. No. 2463

By Council Member Moya.

A Local Law in relation to creating a task force to examine the role of women in nontraditional workplaces

Be it enacted by the Council as follows:

Section 1. a. There shall be a task force to conduct a study of the role of women in nontraditional workplaces and issues that women face in nontraditional careers, such as women working in the construction, utilities, maintenance, green, and transportation industries.

b. The task force shall consist of the following members:

1. The executive director of the commission on gender equity or such executive director’s designee;
2. The commissioner of consumer affairs or such commissioner’s designee;
3. A representative from the initiative established on June 20, 2018, known as the Women.NYC initiative, to provide resources for working women;
4. Five members appointed by the speaker of the council, two of whom shall represent advocacy organizations with relevant expertise and experience within the construction, utilities, maintenance, green, or transportation industries or fields where women are traditionally underrepresented and three members who identify as female and are currently employed in a nontraditional workplace; and
5. Five members appointed by the mayor representing each of the five boroughs, respectively, provided that each member shall have relevant expertise.

c. The task force shall conduct a comprehensive review of role of women in nontraditional workplaces, including issues that lead to challenges with recruitment and retention of women, sustained negative work

environments for women, issues impacting how these environments value of diversity, equity and inclusion, and other significant barriers to success for women in nontraditional workplaces. The task force shall also:

1. Make recommendations for how the city could establish a mechanism and build upon existing resources to support and empower women to pursue and succeed in careers in nontraditional fields; and

2. Host or co-host discussions, public programs and other educational initiatives related to supporting women in nontraditional workplaces.

d. The task force shall meet no less than once a quarter.

e. No later than 12 months after the effective date of this local law, the task force shall post online and submit a report that contains its findings, conclusions and recommendations, an overview of city resources and information available to women in underrepresented fields, any recommendations for policy or legislation, and copies of minutes taken at task force meetings, to the mayor and the speaker of the council.

f. The task force shall dissolve upon submission of its report as required by subdivision e of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Women and Gender Equity.

Int. No. 2464

By Council Member Powers.

A Local Law to amend the New York city fire code, in relation to outdoor gas fueled heating devices

Be it enacted by the Council as follows:

Section 1. Section 313.5.2.1 of the New York City fire code is amended to read as follows:

313.5.2.1 Portable [natural] gas heaters. Portable space heaters fueled by piped natural, or liquefied petroleum, gas may be stored, handled and used for outdoor use when designed, installed, operated and maintained in accordance with this code, including FC 313.6, the rules and the construction codes, including the Building Code.

§ 2. Section 313.6 of the New York City fire code is amended to read as follows:

313.6 Portable [natural] gas heaters. Portable space heaters fueled by piped natural, or liquefied petroleum, gas shall be designed, operated and maintained in accordance with FC 313.6.1 through [313.6.5] 313.6.7.

313.6.1 Clearance to buildings. Heaters shall be located outdoors and at least 5 feet (1524 mm) from any building or structure.

313.6.2 Clearance to combustible materials. Heaters shall not be located beneath, or closer than 5 feet (1524 mm) to combustible decorations and combustible overhangs, awnings, sun control devices or similar combustible attachments to buildings or structures.

313.6.3 Proximity to exits. Heaters shall not be located within 5 feet (1524 mm) of exits or exit discharges.

313.6.4 Tip-over switch. Heaters shall be equipped with a tilt or tip-over switch that automatically shuts off the flow of gas if the appliance is tilted more than 15 degrees (0.26 rad) from the vertical.

313.6.5 Guard against contact. The heating element or combustion chamber of heaters shall be permanently protected so as to prevent accidental contact by persons or material.

313.6.6 Installation and maintenance. Liquefied petroleum-fueled heaters shall be installed and maintained in accordance with the manufacturer's instructions.

313.6.7 Gas containers. Fuel gas containers for portable outdoor gas-fired heaters shall comply with FC 313.6.7.1 through 313.6.7.

313.6.7.1 Approved containers. Only approved DOTn or ASME gas containers shall be used.

313.6.7.2 Container replacement. Replacement of fuel gas containers in portable outdoor gas-fired heaters shall not be conducted while the public is present.

313.6.7.3 Container capacity. The maximum individual capacity of gas containers used in connection with portable outdoor gas-fired heating appliances shall not exceed 20 pounds (9 kg).

313.6.7.4 Indoor storage prohibited. Gas containers shall not be stored inside of buildings.

§ 3. Item 12 of section 3805.3 of the New York city fire code is amended to read as follows:

12. store, handle or use LPG for [space heating or] water heating, except as authorized by the commissioner.

§ 4. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Int. No. 2465

By Council Members Reynoso and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to notice requirements for certain transportation projects and the repeal of section 19-187 in relation thereto

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-101.2 of the administrative code of the city of New York, as added by local law 90 for the year 2009, is amended to read as follows:

a. *Definitions.* For the purposes of this section, the following terms [shall be defined as follows] *have the following meanings:*

[1. “[Affected council member(s) and community board(s)”. *The term “affected council member(s) and community board(s)” [shall mean] means the council member(s) and community board(s) in whose districts a proposed major transportation project is to be located, in whole or in part.*

Bicycle lane. *The term “bicycle lane” shall mean a portion of the roadway that has been marked off or separated for the preferential or exclusive use of bicycles.*

[2. “[Major transportation project”. *The term “major transportation project” [shall mean] means any project, including a project to add or remove a bicycle lane, that[,] after construction will alter four or more consecutive blocks, or 1,000 consecutive feet of street, whichever is less, involving a major realignment of the roadway, including either removal of a vehicular lane(s) or full time removal of a parking lane(s) or addition of vehicular travel lane(s).*

g. The department may implement its plan [fourteen or more days] after it sends an amended plan or notice that it will proceed with its original plan to the affected council member(s) and community board(s).

§ 2. Section 19-187 of the administrative code of the city of New York is REPEALED.

§ 3. This local law takes effect immediately.

Referred to the Committee on Transportation.

Preconsidered Res. No. 1805

Resolution calling upon the New York State Legislature to pass and the Governor to sign S.7381/A.8283, to require any public school located in a city with a population of one million or more to provide a remote learning option when community transmission of COVID-19 is at a substantial or high level.

By Council Members Treyger, Rivera and the Public Advocate (Mr. Williams).

Whereas, A new coronavirus, SARS-CoV-2, first emerged in late 2019 and spread rapidly around the world, with the World Health Organization declaring COVID-19, the disease caused by SARS-CoV-2, a public health emergency of international concern on January 30, 2020; and

Whereas, The first case of COVID-19 in New York City was confirmed on March 1, 2020 and spread quickly across the City in the following weeks; and

Whereas, In an effort to limit the spread of the virus, public schools across New York City and New York State were closed in mid-March and, on March 23, 2020, the New York City Department of Education (DOE) transitioned to remote learning for all students, providing online instruction to students at home for the remainder of the school year; and

Whereas, For the 2020-21 school year, in order to minimize potential exposure to COVID-19, the DOE offered students either a hybrid model, consisting of a combination of in-school instruction and remote learning for students, or a fully remote option; and

Whereas, When schools reopened in September 2020, only about one quarter of students attended in-person instruction due to concerns by many parents about the possible spread of COVID-19 in schools, according to an October 26, 2020 *Gothamist* article; and

Whereas, Subsequently, the DOE gave parents another chance to opt for in-person classes for the rest of the school year, but the number choosing to return to classes in person only increased to roughly a third of the City's public school students, according to a Nov 20, 2020, *Chalkbeat* article, leaving approximately two-thirds of students learning remotely all year; and

Whereas, Last May, when COVID-19 was on the wane in New York City and throughout the nation, Mayor de Blasio announced a full return to in-person learning for all students in September 2021, with no remote option; and

Whereas, However, starting in June and continuing throughout the summer months, the far more contagious Delta variant of COVID-19 was on the rise in the City, as well as nationally, prompting the Mayor to announce a mandate in late July that the entire city workforce, including DOE employees, would have to either get vaccinated by September 13th, the first day of school, or get tested for COVID-19 once a week; and

Whereas, As the threat from the Delta variant increased, on August 23rd the Mayor, Chancellor and Health Commissioner jointly announced a new mandate requiring all DOE employees, as well as DOE contractors who work in school-based settings, to provide proof of a first dose of vaccination by September 27th, without an alternative option for weekly testing; and

Whereas, Despite the vaccine mandate for school staff and other safety measures, many parents remained unconvinced that it was safe for students to return to classrooms and planned to boycott schools and keep their children home until the DOE offered a remote learning option, according to a September 10, 2021, *Chalkbeat* article; and

Whereas, While the DOE has declined to provide actual numbers of students attending school until sometime after their October 31st census date, the department posts daily attendance percentages on its website, with citywide attendance rates hovering around 85 percent since the start of the school year; and

Whereas, According to DOE's website, there are 1,094,138 students in the NYC school system, of which 138,648 are in charter schools, so an 85 percent attendance rate would mean that more than 140,000 students are absent on any given day, excluding charter schools, and it is unknown how many of those students are long-term absentees or have not attended since the start of the school year; and

Whereas, Currently, the DOE does not offer a remote instruction option for students, except for what is known as "home instruction" for students with medical conditions, according to DOE's September 2021 Homecoming Health and Safety Guide; and

Whereas, This means that any students who have not attended in-person since the start of the school year, but do not have a medical condition that qualifies them for home instruction, may have had no access to any formal instruction to date, and their parents risk being charged with educational neglect; and

Whereas, The concerns of some parents about potential exposure to COVID-19 in schools, whether because their children are not yet eligible for vaccination or due to immunocompromised family members or other risk factors, are not unfounded since there have been 5,386 confirmed COVID-19 cases in NYC public schools, including 3,998 students and 1,388 staff, as of October 19, 2021 according to DOE's website; and

Whereas, A remote learning option would significantly decrease the risk and possible spread of COVID-19 in schools and in the community at large; and

Whereas, S.7381, sponsored by Senator Liu, and its companion bill A.8283, sponsored by Assemblymember Fernandez, would require any public school located in a city with a population of one million or more to provide a remote learning option when such public school is located in a county where community transmission of COVID-19 is at a substantial or high level, as determined by the federal centers for disease control and prevention; and

Whereas, The legislation further stipulates that such remote learning option shall remain available until the federal centers for disease control and prevention determines that community transmission in such county is at a low or moderate level; and

Whereas, Companion bills S.7381 and A.8283 would ensure that a remote learning option is available in New York City public schools to protect students and their vulnerable family members due to continued risks related to the COVID-19 pandemic; 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 S.7381/A.8283, to require any public school located in a city with a population of one million or more to provide a remote learning option when community transmission of COVID-19 is at a substantial or high level.

Referred to the Committee on Education (preconsidered but laid over by the Committee on Education).

Preconsidered L.U. No. 927

By Council Member Dromm:

1018 East 163rd Street, Block 2723, p/o Lot 40 (Tentative Lot 1002); Bronx, Community District No. 2, Council District No. 17.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 928

By Council Member Dromm:

15 Stratford.GHPP.FY22, Block 5072, Lot 58; Brooklyn, Community District No. 14; Council District No. 40.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 929

By Council Member Salamanca:

Application No. C 220062 ZMK (River Ring) submitted by River Street Partners, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12c, changing from an M3-1 District to a C6-2 District and changing from an M3-1 District to an M1-4 District, Borough of Brooklyn, Community District 1, Council District 33.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 930

By Council Member Salamanca:

Application No. N 220063 ZRK (River Ring) submitted by River Street Partners, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York modifying Article VII, Chapter 4 (Special Permits by the City Planning Commission) for the purpose of modifying Large-scale General Development provisions, and modifying APPENDIX F, for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 1, Council District 33.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

L.U. No. 931

By Council Member Salamanca:

Application No. 20225008 HAR (Stapleton Beacon Article XI Disposition) submitted by the New York City Department of Housing Preservation and Development for approval of previously approved disposition area pursuant to Section 576-a(2) of the Private Housing Finance Law for property located at Block 487, Part of Lot 100, Borough of Staten Island, Community District 1, Council District 49.

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

L.U. No. 932

By Council Member Salamanca:

Application No. C 220061 MLK (River Ring) submitted by River Street Partners LLC pursuant to Section 197-c of the New York City Charter for a landfill of approximately 6,230 square feet located in the East River, in connection with a proposed mixed-use development, within a large-scale general

development, on property generally bounded by North 3rd Street, River Street, North 1st Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the U.S. Pierhead Line (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20 and 21; and Block 2376, Lot 50; and the demapped portions of Metropolitan Avenue and North 1st Street), in C6-2 District, Borough of Brooklyn, Community District 1, Council District 33.

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

L.U. No. 933

By Council Member Salamanca:

Application No. C220064 ZSK (River Ring) submitted by River Street Partners LLC pursuant to Sections 197-c and 201 of the New York City Charter for, for the grant of special permits pursuant Zoning Resolution Section 74-743(a)(2) to modify the height and setback, floor area distribution, maximum residential tower size, and maximum width of building walls facing a shoreline requirements of Section 62-341 (Developments on land and platforms); and Section 74-743(a)(13) to allow existing land projecting seaward of the bulkhead line to be replaced or reconstructed with new platforms and such platform be included as part of the upland lot, to allow such new piers and platforms to be considered lot area for the purposes of determining allowable floor area, dwelling units, and other bulk regulations of Section 62-31(b) & (c) (Bulk Computations on Waterfront Zoning Lots), and to waive the requirements of Sections 62-242 (Uses on new piers and platforms), 62-54 (Requirements for Public Access on Piers, and Section 62-63 (Design Requirements for Public Access on Piers and Floating Structures), in connection with a proposed mixed-use development, within a large-scale general development on property generally bounded by North 3rd Street, River Street, North 1st Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the U.S. Pierhead Line (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20 and 21; and Block 2376, Lot 50; and the demapped portions of Metropolitan Avenue and North 1st Street), in a C6-2 District, Borough of Brooklyn, Community District 1, Council District 33.

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

L.U. No. 934

By Council Member Salamanca:

Application No. N 220065 ZAK (River Ring) submitted by River Street Partners LLC for the grant of an authorization pursuant to Sections 62-822(a) and 62-132 of the Zoning Resolution to modify the requirements of Section 62-332 (Rear yards and waterfront yards) and Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), in connection with a mixed-use development, within a large-scale general development, on property generally bounded by North 3rd Street, River Street, North 1st Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the U.S. Pierhead Line (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20 and 21; and Block 2376, Lot 50; and the demapped portions of Metropolitan Avenue and North 1st Street), in a C6-2 District, Borough of Brooklyn, Community District 1.

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

L.U. No. 935

By Council Member Salamanca:

Application No. C 220070 ZSK (River Ring) submitted by River Street Partners LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to reduce the number of required accessory off-street parking spaces from 40 percent to 20 percent, for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, within a large-scale general development, on property generally bounded by North 3rd Street, River Street, North 1st Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the U.S. Pierhead Line (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20 and 21; and Block 2376, Lot 50; and the demapped portions of Metropolitan Avenue and North 1st Street), in C6-2 District, Borough of Brooklyn, Community District 1, Council District 33.

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

L.U. No. 936

By Council Member Salamanca:

Application No. C 210425 MMK (River Ring) submitted by River Street Partners LLC pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving the elimination, discontinuance and closing of Metropolitan Avenue between River Street and the United States Pierhead Line, the elimination, discontinuance and closing of a portion of North 1st Street from a point 200 feet west of River Street and the United States Pierhead Line, and the adjustment of grades and block dimensions necessitated thereby, including authorization for any acquisition or disposition of real property related thereto, Borough of Brooklyn, Community District 1, Council District 33.

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

L.U. No. 937

By Council Member Salamanca:

Application No. C 200299 ZMQ (Beach 79 Self Storage Rezoning) submitted by 79 Arverne Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 30c, by changing from an M1-1 District to an M1-2 District property bounded by the U.S. Pierhead and Bulkhead Line, a line 80 feet westerly of Beach 77th Street, Rockaway Freeway, and a line 200 feet easterly of Beach 80th Street, Borough of Queens, Community District 14, Council District 31.

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

L.U. No. 938

By Council Member Salamanca:

Application No. N 210232 ZRQ (160-05 Archer Avenue) submitted by Archer 1 LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XI, Chapter 5 (Special Downtown Jamaica District), Borough of Queens, Community District 12, Council District 27.

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

NEW YORK CITY COUNCIL

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

Monday, November 29, 2021

Committee on Governmental Operations

Fernando Cabrera, Chairperson

Oversight - Independent Expenditures in New York City Elections.

Int 1901 - By Council Members Lander, Miller, Cabrera, Kallos, Brannan, Levin and Yeger - **A Local Law** to amend the New York city charter, in relation to requiring disclosure of the identity of contributors to entities making independent expenditures in support of or in opposition to any municipal ballot proposal or referendum.

Int 1937 - By Council Members Dromm, Kallos and Rivera - **A Local Law** to amend the New York city charter, in relation to expanding the collection of certain demographic data by city agencies.

Int 2409 - By Council Members Miller, Ulrich, Gibson, Riley, Cornegy, Powers, Vallone, Kallos, Koslowitz, Adams, Holden, Koo, Yeger, Brooks-Powers, Dromm, Rivera, Rosenthal, Moya and Cumbo - **A Local Law** to amend the administrative code of the city of New York, in relation to the cleaning and maintenance of city property.

Int 2429 - By Council Members Yeger, Gjonaj, Miller, Borelli, Holden, Adams, Brannan, Salamanca, Grodenchik, D. Diaz, Feliz, Dinowitz, R. Diaz, Sr., Menchaca, Kallos, Maisel, Louis, Koslowitz, Eugene, Levin, Cabrera, Cornegy, Levine, Koo, Vallone, Ayala, Riley, Reynoso, Dromm and Matteo - **A Local Law** to amend the New York city charter, in relation to the budget of the campaign finance board.

Int 2438 - By Council Members Rosenthal, Brooks-Powers, Ampry-Samuel, Menchaca, D. Diaz and Dinowitz - **A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to video voter guides.

Int 2453 - By Council Members Lander and Yeger - **A Local Law** to amend the administrative code of the city of New York, in relation to increasing expenditure limits in response to independent expenditures exceeding certain thresholds.

Int 2459 - By Council Member Feliz (by request of the Mayor) - **A Local Law** to amend the New York city charter in relation to establishing an office of information privacy.

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

Committee on Women and Gender Equity jointly with the
Committee on General Welfare

Darma V. Diaz, Chairperson
Stephen Levin, Chairperson

Oversight - Update on HRA’s System of Domestic Violence Shelters.

Proposed Int 2372-A - By Council Members Rivera, Brooks-Powers, Yeger, Brannan, Dinowitz, Van Bramer, Koo, Kallos, Cumbo, Menchaca, Rosenthal, Ampry-Samuel, Adams, Ayala, Louis, Grodenchik, Gibson, Levine, D. Diaz, Cornegy, Rose, Lander, Chin, Koslowitz, Feliz, Powers, Salamanca and Reynoso - **A Local Law** to amend the administrative code of the city of New York, in relation to creating a two year look-back window to the gender-motivated violence act, and extending its statute of limitations.

Remote Hearing (Virtual Room 3).....10:30 a.m.

[Committee on Contracts](#)

Ben Kallos, Chairperson

Oversight - Evaluating Large Modifications to Emergency Procurements During the Pandemic.

Remote Hearing (Virtual Room 4).....1:00 p.m.

[Committee on Housing and Buildings](#)

Robert Cornegy, Jr., Chairperson

Oversight - Extending the J-51 Program.**Preconsidered Int ___** - By Council Members Yeger, Grodenchik, Cornegy and Vallone - **A Local Law** to amend the administrative code of the city of New York, in relation to exemption from taxation of alterations and improvements to multiple dwellings.

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

Thursday, November 30, 2021[Committee on Civil & Human Rights](#)

Mathieu Eugene, Chairperson

Proposed Int 1208-A - By Council Members Rosenthal, Brannan, Adams, Rose, Brooks-Powers and the Public Advocate (Mr. Williams) - A Local Law to amend the administrative code of the city of New York, in relation to prohibiting employers from posting job listings without minimum and maximum salary information.**Proposed Res 1039-A** - By Council Members Barron, Miller, Kallos, Cornegy, Van Bramer, Rosenthal, Adams, Cumbo and Levin - **Resolution** calling upon on the New York State Legislature to pass and the Governor sign A.2619A/ S.7215 in relation to establishing the New York State Community Commission on Reparations Remedies to examine the impacts of the institution of slavery, subsequently racial and economic discrimination against African-Americans, and recommend appropriate remedies.**Res 1040** - By Council Members Barron, Miller, Cornegy, Ampy-Samuel and Van Bramer - **Resolution** calling upon the United States Congress to pass and the President to Sign S.1083/ H.R. 40 in relation to establishing the Commission to Study and Develop Reparation Proposals for African-Americans to examine financial and other impacts of slavery and continued discrimination and recommend appropriate remedies.

Committee Room – City Hall.....10:00 a.m.

[Committee on Civil Service and Labor](#)

I. Daneek Miller, Chairperson

Int 2325 - By Council Members Miller and Kallos (by request of the Mayor) - **A Local Law** to amend the administrative code of the city of New York, in relation to protections for restaurant, food service and airport workers displaced due to the COVID-19 disaster emergency.**Int 2454** - By Council Members Miller and Yeger - **A Local Law** to amend the administrative code of the city of New York, in relation to the New York city collective bargaining law.

Council Chambers – City Hall.....10:00 a.m.

Thursday, December 2, 2021[Subcommittee on Zoning & Franchises](#)

Francisco Moya, Chairperson

See Land Use Calendar

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

[Committee on Veterans](#) jointly with the

Eric Dinowitz, Chairperson

[Committee on Small Business](#)

Mark Gjonaj, Chairperson

Oversight - Supporting Veteran Entrepreneurship.

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

Friday, December 3, 2021

[Committee on Hospitals](#) jointly with the Carlina Rivera, Chairperson
[Committee on Mental Health, Disabilities & Addiction](#) Farah N. Louis, Chairperson

Oversight - Access to Mental Health Services in New York City Hospitals.
Remote Hearing (Virtual Room 3).....10:00 a.m.

[Committee on Higher Education](#) Inez Barron, Chairperson

Oversight - The CUNY School of Medicine and Implicit Bias in Healthcare.
Remote Hearing (Virtual Room 2).....10:30 a.m.

[Committee on Aging](#) Margaret Chin, Chairperson

Oversight - Housing NYC’s Seniors.
Remote Hearing (Virtual Room 1).....11:00 a.m.

Monday, December 6, 2021

[Committee on Education](#) Mark Treyger, Chairperson

Oversight - Impact of the Covid 19 Pandemic on Arts Instruction, Extracurriculars, and School-Related Social Activities.
Remote Hearing (Virtual Room 1).....10:00 a.m.

[Committee on General Welfare](#) Stephen Levin, Chairperson

Oversight - State of Single Adult Homelessness in NYC.
Remote Hearing (Virtual Room 2).....10:00 a.m.

Tuesday, December 7, 2021

[Committee on Housing and Buildings](#) jointly with the Robert Cornegy, Jr., Chairperson
[Committee on Contracts](#) Ben Kallos, Chairperson

Oversight - Minority affordable housing development World.
Remote Hearing (Virtual Room 2).....10:00 a.m.

[Subcommittee on Landmarks, Public Sitings and Dispositions](#) Kevin C. Riley, Chairperson

See Land Use Calendar
Committee Room – 250 Broadway, 16th Floor.....1:00 p.m.

[Committee on Parks and Recreation](#) Peter Koo, Chairperson

Oversight - Access to recreational programs.
Remote Hearing (Virtual Room 3).....1:00 p.m.

Wednesday, December 8, 2021

[Committee on Land Use](#) Rafael Salamanca, Jr., Chairperson

All items reported out of the Subcommittees
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Council Chambers – City Hall.....11:00 a.m.

Thursday, December 9, 2021

Stated Council Meeting.....Agenda –1:30 p.m

The following comments were among the remarks made by the Speaker (Council Member Johnson) during the Communication from the Speaker segment of this meeting:

The Speaker (Council Member Johnson) wished a Happy Thanksgiving to everyone and their families for the upcoming holiday. The Speaker (Council Member Johnson) also wished a Happy Hanukkah to all those who celebrate the Festival of Lights which he noted would start on Sunday, November 28, 2021.

The Speaker (Council Member Johnson) acknowledged that Saturday, November 20, 2021 marked Transgender Day of Remembrance when those who were killed by hate were honored and commemorated. He noted that 2021 was the deadliest year on record for transgender people.

The Speaker (Council Member Johnson) acknowledged that World AIDS Day would be observed on Wednesday, December 1, 2021. He noted that since the start of the AIDS crisis, approximately 700,000 Americans had died from the disease. He related his personal experiences of living with the stress and anxiety of his 2004 HIV diagnosis. The Speaker (Council Member Johnson) noted that World AIDS Day commemorated those who had lost their lives as well as mourned for what might have been. On behalf of the Council, the Speaker (Council Member Johnson) sent his condolences to all who had lost someone to HIV and AIDS.

Shortly before the start of the Roll Call for General Orders, the Speaker (Council Member Johnson) acknowledged that these proceedings marked the final Stated Meeting for former Minority Leader Steven Matteo. Council Member Matteo had resigned his Minority Leadership position and had announced that he would be leaving the Council a month before the end of his term. The Speaker (Council Member Johnson) described him as a solid human being and a hard-working representative who cared about his community and borough as well as the City of New York. The Speaker (Council Member Johnson) praised the bipartisan work he was able to accomplish with Council Member Matteo. He noted that it was an honor to serve alongside him in their respective leadership roles in the Council. The Speaker (Council Member Johnson) asked for a standing ovation and a round of applause for his friend and colleague Council Member Matteo -- those assembled remotely and in the Chambers responded in kind with cheers and applause. At a later point in the meeting, Council Member Matteo spoke briefly to all assembled and thanked the Speaker (Council Member Johnson), his colleagues in the Council, and the entire Council staff.

Shortly before the adjournment of the meeting, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) offered her condolences with Council Member Barron to the Shabazz family in regard to the death of Malikah Shabazz. Ms. Shabazz was the daughter of Malik el-Shabazz (Malcolm X) and Betty Shabazz.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these hybrid proceedings to meet again for the Stated Meeting on Thursday, December 9, 2021.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Note re: the position of Minority Leader: On November 16, 2021, Council Member Matteo announced his resignation as Minority Leader effective November 17, 2021 at 11 a.m. (see also M-354 of 2021 introduced at the December 9, 2021 Stated Meeting). On November 17, 2021, Council Member Borelli was designated and appointed as Minority Leader by the Minority (Republican) Delegation of the New York City Council (see also M-355 of 2021 introduced at the December 9, 2021 Stated Meeting).

Editor's Local Law Note: Int. Nos. 499-A, 1145-A, 1712-A, 1716-A, 1717-A, 1719-A, 1727-A, 1729-A, 1919-A, 2259-A, 2321-A, 2373-A, and 2404-A, all adopted by the Council at the October 21, 2021 Stated Meeting, were returned unsigned by the Mayor on November 22, 2021. These items had become law on November 21, 2021 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 128 to 140 of 2021, respectively.

