

THE COUNCIL

Minutes of the Proceedings for the
STATED MEETING
of
Thursday, September 7, 2017, 2:31 p.m.

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

Council Members

Melissa Mark-Viverito, *Speaker*

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

Absent: Council Members Koslowitz, Mealy, and Rosenthal.

Medical Leave: Council Member Cumbo.

There is presently a vacant seat on the Council (28th District, Queens)

The Public Advocate (Ms. James) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these proceedings.

After consulting with the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the Public Advocate (Ms. James).

There were 46 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y.

INVOCATION

The Invocation was delivered by Pastor Sharmine F. Byrd Sr., Pastor Greater Mt. Carmel Cathedral & Worship Ctr., 1585 Fulton Street, Brooklyn, N.Y. 11213.

Let us first have a moment of silent for all the families of 9/11 and those who were lost in the hurricane at this time.

[a moment of silence was observed]

Let us pray.

Eternal Father and our God, you are our help of ages past.
 You are the God of Israel, the God of Isaac, the God of Abraham, the God of Moses.
 We come to you today just to say thank you for one more day.
 Let as we come together in this time, oh, God,
 I pray as we remember those who have lost their life, oh, God,
 to the 9/11 attack and as we reflect, oh, God,
 I pray that you will give us the strength knowing, Lord, that we will overcome.
 Lord, those families who are facing, oh, God,
 deep challenges, oh, God, during the hurricane, oh, God
 all over the country and all over the world today.
 I pray that you will grant mercies.
 Lord, remember those that are less fortunate and today.
 Lord, remember our immigrants, brothers and sisters
 who travel from all over the world to be here,
 those who serve as responders, Oh, God
 those who help in the time of crisis.
 I pray your mercies. Lord, strengthen, oh, God, our Council today.
 I pray for our leaders. I pray that you will grant, oh, God,
 wisdom, knowledge and understanding.
 Lord, I pray that you will give us strength.
 Lord, remember our city.
 Protect, Oh, God, those who war serving law enforcement.
 Keep us, oh, God, from all acts of terrorism,
 and I pray that you will guide us and that you will protect us.
 Lord, bind us together as Jews and Gentiles, Greeks, Barbarians,
 rich and poor, young and old and let us stay together as Churchill said,
 oh, God speak and said that the enemy is about us,
 and if we come together, the enemy would have a harder task with all of us together,
 but if not, the enemy would have us separately.
 Bind us together in the spirit of oneness
 and, Lord, we give you praise, we give you honor, and we give you glory.
 In your name we pray Amen and Amen.

Thank you.

At this point, the Speaker (Council Member Mark-Viverito) asked for everyone to file out of the Chambers into the first floor Rotunda in an orderly fashion until it was secure to return.

***Editor's Note:** Shortly after the reading of the Invocation, a brief recess was called and the Council Chambers was cleared in response to a suspicious package being found outside City Hall on Park Row. After further investigation, it was ascertained that the area was safe and secure and those assembled were allowed to return to the Chambers. The Council proceedings were called back into order and the Stated Meeting resumed.*

After the Meeting was called back into order, Council Member Williams moved to spread the Invocation in full upon the record on behalf of Council Member Mealy.

During the Communication from the Speaker segment of this Meeting, the Speaker asked for a Moment of Silence in memory of Assembly Member Michael Simanowitz (27th AD, Queens) who passed away on September 2, 2017 at the age of 46. The Speaker (Council Member Mark-Viverito) yielded the floor to Council Member Barry Grodenchik who spoke in honorable memory of his departed colleague and friend. Assembly Member Simanowitz leaves behind his wife, his children, his parents, and an extended family.

ADOPTION OF MINUTES

Council Member Deutsch moved that the Minutes of the Stated Meeting of July 20, 2017 be adopted as printed.

MESSAGES AND PAPERS FROM THE MAYOR

M-542

Communication from the Mayor – Returning Introduction 1648-A to Council pursuant to recall.

August 30, 2017

Honorable Melissa Mark-Viverito
Speaker of the Council
City Hall
New York, New York 10007

Dear Speaker Mark-Viverito,

On behalf of Mayor de Blasio, I hereby return Introduction Number 1648-A which has been recalled by the City Council.

Sincerely,

Jon Paul Lupo

Referred to the Committee on Consumer Affairs.

M-543

Communication from the Mayor - Withdrawing the nomination of Mario Gooden (M 538) from the City Council for its advice and consent concerning his appointment to the Landmarks Preservation Commission.

September 1, 2017

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

Dear Speaker Mark-Viverito:

Regarding the August 21st letters sent to you for the purpose of recommending Anne Holford-Smith and Mario Gooden for appointment to the Landmarks Preservation Commission, I hereby ask the City Council to withdraw their names from consideration at this time.

Thank you for your cooperation.

Sincerely,

Bill de Blasio
Mayor

BDB:tf

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

Received, Ordered, Printed and Filed.

M-544

Communication from the Mayor - Withdrawing the nomination of Anne Holford-Smith (M 539) from the City Council for its advice and consent concerning her appointment to the Landmarks Preservation Commission.

September 1, 2017

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

Dear Speaker Mark-Viverito:

Regarding the August 21st letters sent to you for the purpose of recommending Anne Holford-Smith and Mario Gooden for appointment to the Landmarks Preservation Commission, I hereby ask the City Council to withdraw their names from consideration at this time.

Thank you for your cooperation.

Sincerely,

Bill de Blasio
Mayor

BDB:tf

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

Received, Ordered, Printed and Filed.

LAND USE CALL-UPS

M-545

By the Chair of the Land Use Committee Council Member Greenfield:

Pursuant to Rule 11.20(c) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Uniform Land Use Review Procedure application nos. C 170314 PPX and C 170315 ZSX shall be subject to Council review. These items are related to application nos. C 170311 ZMX and N 170314 PPX which are subject to Council review pursuant to Section 197-d(b)(1) of the New York City Charter.

Coupled on Call-Up Vote.

M-546

By Council Member Johnson:

Pursuant to Rule 11.20(b) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Uniform Land Use Review Procedure application no. C 170382 ZSM shall be subject to Council review.

Coupled on Call-Up Vote.

The Public Advocate (Ms. James) put the question whether the Council would agree with and adopt such motions which were decided in the **affirmative** by the following vote:

Affirmative – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Deutsch, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Mendez, Miller, Palma, Perkins, Reynoso, Richards, Rodriguez, Rose, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **46**.

At this point, the Public Advocate (Ms. James) declared the aforementioned items **adopted** and referred these items to the Committee on Land Use and to the appropriate Land Use subcommittee.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Housing and Buildings

Report for Int. No. 1550-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 harassment in private dwellings.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on April 5, 2017 (Minutes, page 1010), respectfully

REPORTS:

On September 6, 2017, the Committee on Housing and Buildings, chaired by Council Member Jumaane D. Williams, will hold a hearing for the purposes of conducting a vote on Proposed Int. No. 1550-A.

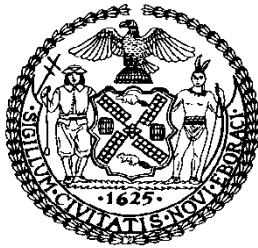
The Committee previously heard Int. No. 1550 on April 19, 2017 and received testimony from representatives of the Department of Buildings (DOB), the Department of Housing Preservation and Development (HPD), housing advocates, legal service providers, members of the real estate industry and other interested members of the public. More information about these bills is available with the materials for that hearing, which can be accessed online at <https://goo.gl/hxY4hQ>

Proposed Int. No. 1550-A

Tenants residing in private 1- and 2-family dwellings are not covered by the harassment statute. This legislation would expand the current harassment statute to provide harassment protections to tenants in 1- and 2-family dwellings.

This legislation takes effect 120 days after it becomes law.

(The following is the text of the Fiscal Impact Statement for Int. No. 1550-A:)



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

PROPOSED INTRO. NO: 1550-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to harassment in private dwellings

SPONSORS: Council Members Rosenthal, Levine, Menchaca, Levin and Kallos

SUMMARY OF LEGISLATION: Proposed Intro. No. 1550-A would expand current tenant harassment laws to provide protections to tenants of 1- and 2- family private dwellings.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

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

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Sarah Gastelum, Principal Legislative Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head
Nathan Toth, Deputy Director
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on April 5, 2017 as Intro. No. 1550 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on April 19, 2017, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 1550-A, will be considered by the Committee on September 6, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on September 7, 2017.

DATE PREPARED: August 31, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1550-A:)

Int. No. 1550-A

By Council Members Rosenthal, Levine, Menchaca, Levin, Kallos and Gentile.

A Local Law to amend the administrative code of the city of New York, in relation to harassment in private dwellings

Be it enacted by the Council as follows:

Section 1. The opening paragraph of paragraph 48 of subdivision a of section 27-2004 of the administrative code of the city of New York, as amended by a local law for the year 2017 amending the administrative code of the city of New York relating to creating a rebuttable presumption regarding harassment, as proposed in introduction number 1530-A, is amended to read as follows:

48. Except where otherwise provided, the term “harassment” shall mean any act or omission by or on behalf of an owner that (i) causes or is intended to cause any person lawfully entitled to occupancy of a dwelling unit to vacate such dwelling unit or to surrender or waive any rights in relation to such occupancy, and (ii) includes one or more of the following acts or omissions, provided that there shall be a rebuttable presumption that such acts or omissions were intended to cause such person to vacate such dwelling unit or to surrender or waive any rights in relation to such occupancy, *except that such presumption shall not apply to such acts or omissions with respect to a private dwelling, as defined in paragraph six of subdivision a of section 27-2004:*

§ 2. Subdivision n of section 27-2115 of the administrative code of the city of New York, as added by local law number 7 for the year 2008, is amended to read as follows:

n. The provisions of subdivision d of section 27-2005 of this chapter, subdivision m of this section and subdivision b of section 27-2120 of this chapter shall not apply where a shareholder of record on a proprietary lease for a dwelling unit, the owner of record of a dwelling unit owned as a condominium, or those lawfully entitled to reside with such shareholder or record owner, resides in the dwelling unit for which the proprietary lease authorizes residency or in such condominium unit, as is applicable[, or to private dwellings].

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

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, September 6, 2017.

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

Reports of the Committee on Immigration

Report for Int. No. 1566-A

Report of the Committee on Immigration in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to expanding the office of immigrant affairs.

The Committee on Immigration, to which the annexed proposed amended local law was referred on April 25, 2017 (Minutes, page 1138), respectfully

REPORTS:

INTRODUCTION

On April 26, 2017, the Committee on Immigration, chaired by Council Member Carlos Menchaca, held a hearing on the following legislation:

- **Int. No. 1566:** A Local Law in relation to expanding the office of immigrant affairs.
 - The bill would enhance the Mayor’s Office of Immigrant Affairs’ (MOIA) capabilities and expands its mission.
- **Int. No. 1578:** A Local Law in relation to an immigrant affairs task force.
 - The bill would create an inter-agency task force led by MOIA to bring together the heads of city agencies and mayoral offices to coordinate City services.

At that hearing, the Committee heard testimony from the Mayor’s Office of Immigrant Affairs (“MOIA”), community-based advocates, social and legal services providers, and members of the immigrant community. On Wednesday, September 6, 2017, the Committee on Immigration will hold a vote on Proposed Introductory Bill 1566-A (Prop. Int. No. 1566-A), a Local Law to amend the New York city charter, in relation to expanding the office of immigrant affairs, as well as Proposed Introductory Bill 1578-A (Prop. Int. No. 1578-A), a Local Law to amend the New York city charter, in relation to an immigrant affairs task force.

BACKGROUND

According to the New York City Department of City Planning, as of 2013, foreign-born individuals accounted for roughly 37% of the City’s total population.¹ New York State is estimated to have anywhere between 775,000 to 850,000 undocumented immigrants, with the New York City-Newark-Jersey City metro area home to approximately 1.15 million.² Moreover, the roots of immigrant communities in the City run deep. It is believed that approximately six-in-ten New Yorkers are either immigrants or the children of immigrants.³ Nationwide, approximately two thirds of the adult undocumented immigrant population had lived in the U.S. for at least ten years.⁴

President Donald J. Trump identified immigration as one of his top policy concerns during the 2016 presidential campaign, often setting himself apart from the large pool of Republican candidates by taking a harsh anti-immigrant stance.⁵ Since taking office, President Trump has repeatedly pointed to immigration, both lawful and unlawful, as a cause of low wages for, and high unemployment rate among, native-born American citizens.⁶ In addition, the President often cites crimes committed by undocumented individuals.⁷ President Trump’s Administration began to act on many of his campaign promises relating to immigration—including the construction of a wall along the United States-Mexico border and increased enforcement efforts—within days of taking office. Specifically, the President issued a series of Executive Orders purportedly designed to increase immigration enforcement both internally and at the southern border. With a sizable immigrant population, New York City residents, government, and service providers face new challenges as the federal government continues to rapidly implement its immigration agenda and upend long-standing policies.⁸

¹ N.Y.C. Department of City Planning, *The Newest New Yorkers: Characteristics of the City’s Foreign-born Population* (2013), available https://www1.nyc.gov/assets/planning/download/pdf/data-maps/nyc-population/nyy2013/nyy_2013.pdf.

² Migration Policy Institute, Profile of the Unauthorized Population: New York, <http://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/NY> (last accessed Mar. 13, 2017); Pew Research Center, Estimated unauthorized immigrant population, by state, 2014, Nov. 3, 2016, <http://www.pewhispanic.org/interactives/unauthorized-immigrants/>.

³ *Id.*

⁴ Pew Research Center, *5 Facts About Illegal Immigration in the U.S.*, Nov. 3, 2016, <http://www.pewresearch.org/fact-tank/2016/11/03/5-facts-about-illegal-immigration-in-the-u-s/>.

⁵ Bob Davis, *GOP Primary Voters Conflicted on Immigration, Raising Questions for Trump’s Stance*, WALL STREET JOURNAL, Mar. 17, 2016, available at <https://www.wsj.com/articles/gop-primary-voters-conflicted-on-immigration-raising-questions-for-trumps-stance-1458167995>.

⁶ Philip Bump, *Here’s everything Donald Trump said about immigration in his speech to Congress*, WASHINGTON POST, Mar. 1, 2017, available at https://www.washingtonpost.com/news/politics/wp/2017/03/01/heres-everything-donald-trump-said-about-immigration-in-his-speech-to-congress/?utm_term=.b4f4dce13512.

⁷ *Id.*

⁸ N.Y.C. Department of City Planning, *supra* note 1.

Federal Immigration Law and Enforcement

The Constitution grants Congress the power to “establish a uniform rule of naturalization.”⁹ Combined with the inherent power of the U.S., as a sovereign, to exclusively conduct relations with foreign nations, the power to regulate immigration lies firmly within the purview of the federal government.¹⁰ This authority has long been recognized by the Supreme Court, which has affirmed its powers to determine what non-citizens may be admitted into the country, the period in which they may remain, the regulation of their conduct before naturalization, and the terms and conditions of their naturalization.¹¹ Congress has regularly exercised its authority in this realm throughout our nation’s history; however, for the sake of brevity, this section will focus on more recent developments.

The Immigration Reform and Control Act (IRCA), passed in 1986 in response to a perceived “large-scale influx of undocumented aliens,” consists of a series of reforms to the Immigration and Nationality Act (INA) designed to prevent the unauthorized employment of non-citizens.¹² The IRCA prohibited employers from knowingly hiring or recruiting undocumented immigrants; required employers to verify the employment eligibility of non-citizen job applicants; and provided a path to legal status for undocumented non-citizens that had been in the U.S. since at least 1982.¹³ Further, Congress made the deportation of ‘aliens’ with certain criminal convictions a formal enforcement priority and directed the federal government to start deportation proceedings “as expeditiously as possible” after conviction for a deportable offense.¹⁴

Prior to 2003, the Immigration and Naturalization Service (INS) conducted federal immigration enforcement as an agency of the U.S. Department of Justice. After the 2001 terrorist attacks, Congress passed a law consolidating a number of agencies and offices—including the INS—into the newly formed Department of Homeland Security (DHS), with Immigration and Customs Enforcement (ICE) taking over many of INS’s responsibilities.¹⁵ The years following the creation of ICE would see a massive increase in the size of the agency and its resources.

In his last year in office, President George W. Bush launched Secure Communities, a program designed to utilize the criminal justice system to quickly identify immigrants who might be deportable. The Secure Communities program is contained within the Criminal Alien Program (CAP)—an umbrella for various ICE initiatives and programs directed at identifying, arresting, and removing priority aliens.¹⁶ One of CAP’s oldest and most effective techniques is the screening of jail and prison booking records, allowing ICE to find potential matches in DHS databases and identify individuals for removal.¹⁷ The establishment of Secure Communities comported with a 2007 Congressional directive to ICE to develop a plan to “identify every criminal alien, at the prison, jail, or correctional institution in which they are held” and establish a process to remove those judged deportable using a methodology that prioritizes noncitizens convicted of “violent crimes.”¹⁸

Generally, at the time of arrest, an arrestee’s fingerprints are sent to the FBI for statistical and criminal justice purposes. Under Secure Communities, those fingerprints are also sent to DHS, where information relating to the arrestee’s immigration history is used to assess whether the arrestee may be deportable. If DHS suspects deportability, the agency sends the local authority a request to detain that individual for an additional

⁹ U.S. Const., Art. I, § 8, cl. 4.

¹⁰ *United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304, 318 (1936); *Toll v. Moreno*, 458 U.S. 1, 10 (1982).

¹¹ *Id.*; *Arizona v. United States*, 132 S. Ct. 2492, 2498 (2012); *Takahashi v. Fish and Game Commission*, 334 U.S. 410, 419 (1948); and *Hines v. Davidowitz*, 312 U.S. 52, 66 (1941) (“the regulation of aliens is so intimately blended and intertwined with responsibilities of the national government” that federal policy in this area always takes precedence over state policy).

¹² Pub.L. 99–603; Marisa S. Cianciarulo, *The “Arizonification” of Immigration Law: Implications of Chamber of Commerce v. Whiting for State and Local Immigration Legislation*, 15 Harv. Latino L. Rev. 85, 96 (2012) citing H.R. Rep. 99-682(I), at 5650 (1986).

¹³ Pub.L. 99–603.

¹⁴ *Id.* at § 701.

¹⁵ Homeland Security Act, P.L. 107-296, 116 Stat. 2135.

¹⁶ U.S. Immigration and Customs Enforcement, Criminal Alien Program, <https://www.ice.gov/criminal-alien-program> (last accessed Feb. 13, 2017).

¹⁷ American Immigration Council, *Enforcement Overdrive: A Comprehensive Assessment of ICE’s Criminal Alien Program* 6 (Nov. 2015), available at

https://www.americanimmigrationcouncil.org/sites/default/files/research/enforcement_overdrive_a_comprehensive_assessment_of_ices_criminal_alien_program_final.pdf.

¹⁸ Consolidated Appropriations Act of 2008, Pub. L. No. 110-161, 121 Stat. 1844, 2050-51 (2007).

48 hours past the time they would have been released from custody. This extended detention gives ICE additional time to take custody of the arrestee, presumably to initiate deportation proceedings or commence the repatriation process. Participation in the Secure Communities program was voluntary until DHS made participation mandatory starting in 2013.¹⁹ To date, ICE has issued nearly one million detainer requests nationally, with thousands issued to authorities in New York City.²⁰

In the program's infancy, there was no clear framework for determining which classes of potentially deportable individuals ICE should target. The authorizing legislation set forth the goal of improving and modernizing "efforts to identify aliens convicted of a crime, sentenced to imprisonment, and who may be deportable, and remove them." In furtherance of that goal, ICE was further directed to develop a methodology "to identify and prioritize for removal criminal aliens convicted of violent crimes."²¹ Thus, Secure Communities was intended to serve as a guide for ICE's efforts under CAP by establishing priorities for removal.²²

Following the launch of Secure Communities, ICE's efforts were marked by a scattershot approach to removals—in fiscal 2008, just 31% of individuals removed had been convicted of a crime, only rising to 35% the following year.²³ In 2010, ICE began to move toward a more focused approach following the establishment of civil immigration enforcement priorities.²⁴ "Aliens who pose a danger to national security or a risk to public safety" were listed as the highest priority, including, but not limited to, individuals:

- engaged in or suspected of terrorism;
- convicted of crimes, "with a particular emphasis on violent criminals, felons, and repeat offenders;"
- over age 15 who "participated in organized criminal gangs;"
- with outstanding criminal warrants; and
- who "otherwise pose a serious risk to public safety."²⁵

Three levels of offenders were established, with levels 1 and 2 to receive "principal attention" when prioritizing the removal of those convicted of crimes.²⁶ Level 1 offenders were defined as those convicted of an aggregated felony, or two or more felonies, with those convicted of any felon and three or more misdemeanors classified as level 2 offenders.²⁷ Recent "illegal entrants" were priority two, with fugitives and those "intentionally obstruct immigration controls" priority three.²⁸

The establishment of priorities did increase the percentage of deportees with criminal convictions, yet the incumbent use of overall numeric goals—not those tied to particular categories—arguably negated some of the progress sought by removing incentives for officers to pursue those with higher level charges.²⁹

The End of Secure Communities

In November 2014, DHS announced that the "Secure Communities program, as we know it, will be discontinued," citing the fact that "the program has attracted a great deal of criticism, is widely misunderstood,

¹⁹ American Immigration Council, *ICE Releases Memo Outlining Justification for Making Secure Communities Mandatory*, Jan. 13, 2012, <http://immigrationimpact.com/2012/01/13/ice-releases-memo-outlining-justification-for-making-secure-communities-mandatory/>.

²⁰ Ming H. Chen, *Trust in Immigration Enforcement: State Noncooperation and Sanctuary Cities After Secure Communities*, 91 Chi.-Kent L. Rev. 13, 23 (2016).

²¹ Consolidated Appropriations Act of 2008, Pub. L. No. 110-61 (2007), 121 Stat. 1844.

²² Congressional Research Service, *Interior Immigration Enforcement: Criminal Alien Program* 9 (Sept. 2016), R44267, available at <https://fas.org/sgp/crs/homsec/R44267.pdf>.

²³ U.S. Immigration and Customs Enforcement, *Fiscal Year 2016 ICE Enforcement and Removal Operations Report* 4 (Dec. 2016), available at <https://www.ice.gov/sites/default/files/documents/Report2016/removal-stats-2016.pdf>.

²⁴ U.S. Immigration and Customs Enforcement, Memorandum regarding Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens, Mar. 2, 2011, available at <https://www.ice.gov/doclib/news/releases/2011/110302washingtondc.pdf>.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ American Immigration Council, *supra* note 19.

and is embroiled in litigation.”³⁰ Most legal challenges to the program focused on the constitutionality of extending the period of detention pursuant to a detainer request and in the absence of a judicial warrant establishing probable cause. At the time of the announcement, then-Secretary Jeh Johnson wrote that, per the recommendation of the Homeland Security Advisory Council Task Force, Secure Communities “must be implemented in a way that supports community policing and sustains the trust of all elements of the community in working with local law enforcement.”³¹

Secure Communities’ replacement, the Priority Enforcement Program (PEP) took effect in July 2015 and primarily differed from its predecessor in two ways: enforcement priorities and policies on the use of detainers.³² Most significantly, the revised PEP priorities placed a larger emphasis on removing individuals with more serious criminal convictions, repeat offenders, and recent entrants.³³ PEP carried on many of the features of Secure Communities, most notably, that it “continued to rely on fingerprint-based biometric data submitted during booking by state and local law enforcement agencies to the [FBI] for criminal background checks.”³⁴ It is worth emphasizing that this statement, from no less than the Secretary of Homeland Security, acknowledged both that the federal government is at least partially dependent on products of state and local government resources collected and the products of local resources are shared for a wholly purpose.³⁵

The establishment of new enforcement priorities did somewhat positively impact ICE removals. During fiscal 2016, 83% of removals were classified as priority 1 and 13% as priority 2.³⁶ However, still only 58% of removed individuals had been convicted of a crime.³⁷ The fact that more than 70% of removals occurred at the border could account for this discrepancy, as those apprehended at the border attempting to unlawfully enter fall under priority 1.³⁸ In addition to new enforcement priorities, PEP instructed ICE to replace requests for detainer with requests for notification which ask a local authority to notify ICE of a pending release date for individuals still in their custody.³⁹

The shift in priorities and detainer policies under PEP has not resulted in decreased resistance by localities—between January 2014 and September 2016, there were 21,205 detainer requests refused by 567 counties, from 48 states and the District of Columbia.⁴⁰ During this period, the number of declined detainers dropped dramatically—from 8,542 in fiscal 2015 to 1,970 in fiscal 2016, which ICE attributed to “increased local law enforcement agency cooperation as a result of PEP, and more selective and targeted issuance of detainers that align more closely with prioritized populations.”⁴¹ However, ICE did not release the total number of detainers issued in its annual enforcement and removals operations report, nor did it provide statistics for its increased use of notification requests, making the drop in declined detainers a poor metric by which to judge cooperation with local authorities.

City Laws Concerning Detainers

In response to growing concerns regarding CAP and the presence of ICE agents at DOC facilities, the Council enacted Local Law 62 of 2011 to ensure that DOC’s cooperation with ICE was limited to facilitating the detention and removal of individuals with criminal records, prior immigration violations, or who posed public safety or national security threats.⁴² Specifically, the law established guidelines for DOC to follow in

³⁰ U.S. Department of Homeland Security, Memorandum regarding Secure Communities, Nov. 20, 2014, available at https://www.dhs.gov/sites/default/files/publications/14_1120_memo_secure_communities.pdf.

³¹ *Id.*

³² U.S. Department of Homeland Security, Memorandum regarding Policies for the Apprehension, Detention and Removal of Undocumented Immigrants, Nov. 20, 2014, available at https://www.dhs.gov/sites/default/files/publications/14_1120_memo_prosecutorial_discretion.pdf; U.S. Immigration and Customs Enforcement, *ICE Enforcement and Removal Operations Report – Fiscal Year 2015 5* (Dec. 2015), available at <https://www.ice.gov/sites/default/files/documents/Report/2016/fy2015removalStats.pdf>.

³³ U.S. Department of Homeland Security, *supra* note 32.

³⁴ *Id.* at 2.

³⁵ *Id.*

³⁶ U.S. Immigration and Customs Enforcement, *supra* note 32, at 3.

³⁷ *Id.* at 4.

³⁸ *Id.* at 11; U.S. Department of Homeland Security, *supra* note 32, at 3.

³⁹ U.S. Department of Homeland Security, *supra* note 30, at 2.

⁴⁰ U.S. Immigration and Customs Enforcement, *supra* note 32, at 9.

⁴¹ *Id.*

⁴² Int. No. 656, L.L. 62-2011, codified at N.Y.C. Admin. Code § 9-131.

determining whether to honor immigration detainers, providing that, among other things, a detainer would not be honored on an individual who had no criminal record.⁴³ Pursuant to Local Law 62, between March 9 and September 20, 2012, DOC did not honor 267 detainers, which accounted for 20% of the detainers received by DOC from ICE.⁴⁴

On May 15, 2012, ICE activated Secure Communities in New York City, resulting in detainers being lodged more quickly against deportable individuals, often while those individuals were still in the custody of the NYPD. Moreover, after the implementation of Local Law 62, research by Council staff, along with advocates and legal practitioners, as well as additional guidance from ICE,⁴⁵ led to the conclusion that fewer detainers than originally contemplated by Local Law 62 needed to be honored. To address these concerns, the Council expanded the universe of detainers that could not be honored by the NYPD and DOC by eliminating detainers lodged against those with open misdemeanor cases and those with misdemeanor convictions that were more than ten years old.⁴⁶

Despite these changes, in 2013 DOC held 3,070 people past their scheduled release date to accommodate ICE.⁴⁷ Less than .5% of individuals held pursuant to a detainer had a felony conviction, and only 27% had a misdemeanor conviction.⁴⁸ Between October 1, 2013 and September 30, 2014, the agency transferred 2,061 individuals to ICE pursuant to an immigration detainer, while NYPD received 2,635 immigration detainers; transferred three individuals to ICE; and did not honor 179 requests.⁴⁹

In 2014, the Council again strengthened its detainer laws in response to the federal government's increased reliance on local authorities to enforce immigration policy by limiting the City's cooperation with federal immigration authorities except where there are public safety concerns. Local Laws 58 and 59 of 2014 provide that DOC and NYPD may not honor a federal detainer request for an individual unless: (1) ICE presents a judicial warrant as to probable cause; and (2) the individual in question has been convicted of a violent or serious felony within the last five years or is a possible match on the terrorist watch list.⁵⁰ Additionally, the laws ended ICE presence at the Rikers Island detention facility.⁵¹

Recent changes in immigration enforcement priorities

On January 25, 2017, President Trump issued two Executive Orders addressing immigration enforcement, one focused on enforcement at the southern border and the other on the interior region, which eliminated PEP and brought significant changes to ICE's enforcement priorities, as well as raised the specter of potential cuts in federal funding jurisdictions deemed to be "sanctuary cities."⁵²

The Executive Order titled "Border Security and Immigration Enforcement Improvements" provides for the construction of a wall along the southern border of the United States; encourages detaining individuals "on suspicion" of violating the law, including immigration law; and calls for the construction of more immigration detention facilities near the border.⁵³ Additionally, the order directs DHS to increase use of so-called "287(g)" agreements under which ICE delegates authority to state and local law enforcement agencies in order to allow

⁴³ *Id.*

⁴⁴ N.Y.C. Council Committee on Immigration, Testimony of Lewis Finkelman, First Deputy Commissioner, Department of Correction, Jan. 25, 2013.

⁴⁵ On December 21, 2012, ICE issued a new national detainer policy to ensure that ICE's enforcement resources are dedicated to individuals whose removal promotes public safety and national security, among other things. U.S. Immigration and Customs Enforcement, Memorandum regarding Civil Immigration Enforcement: Guidance on the Use of Detainers in the Federal, State, Local, and Tribal Criminal Justice Systems, Dec. 21, 2012, available at <http://www.ice.gov/doclib/detention-reform/pdf/detainer-policy.pdf>.

⁴⁶ Int. No. 928, L.L. 2013/021, codified at N.Y.C. Admin. Code § 14-154; Int. No. 989, L.L. 2013/022, codified at N.Y.C. Admin. Code § 9-131.

⁴⁷ N.Y.C. Department of Corrections, *Summary of Discharges of Inmates with Federal Immigration and Customs Enforcement (ICE) Detainers for Discharges October 1, 2012 – September 30, 2013*, available at http://www.nyc.gov/html/doc/html/about/ICE_Report_2013.pdf.

⁴⁸ *Id.*

⁴⁹ N.Y.C. Department of Correction, *Summary of Discharges of Inmates with Federal Immigration and Customs Enforcement (ICE) Detainers for Discharges October 1, 2013 – September 30, 2014*, available at https://www1.nyc.gov/assets/doc/downloads/pdf/ICE_report_101414.pdf; Information provided by N.Y.P.D.

⁵⁰ Int. No. 468, L.L. 2014/058, codified at N.Y.C. Admin. Code § 9-131; Int. No. 487, L.L. 2014/059, codified at N.Y.C. Admin. Code § 14-154.

⁵¹ *Id.*

⁵² Exec. Order No. 13767, 82 Fed. Reg. 8793 (Jan. 25, 2017) and Exec. Order No. 13768, 82 Fed. Reg. 8799 (Jan. 25, 2017).

⁵³ *Id.*

these agencies to perform the functions of immigration officers.⁵⁴ Currently, ICE has 287(g) agreements with 38 law enforcement agencies in 16 states.⁵⁵

The Executive Order titled “Enhancing Public Safety in the Interior of the United States,” focused on enforcing immigration actions against the undocumented immigrant population outside of the border regions.⁵⁶

The Order includes provisions that defund so-called “sanctuary cities,” direct agencies to use “all lawful means” to enforce immigration laws, and prioritizes removing undocumented immigrants who have:

- been convicted of any criminal offense,
- charged with any criminal offense not resolved,
- abused any public benefits program,
- engaged in willful misrepresentation or fraud with any official matter or application before a governmental agency, or
- who, “in the judgment of an immigration officer,” pose a risk to public safety or national security.⁵⁷

A memorandum by DHS on implementation of the Order now requires use of expedited removal—which expands the discretion of ICE and CBP agents to administratively arrest and deport removable immigrants—effectively passing traditional removal proceedings before an immigration judge entirely.⁵⁸ Notably, the expanded use of expedited removal applies to individuals regardless of whether they have criminal history and extends beyond the border into significant areas within interior of the U.S.⁵⁹ Previously, ICE and CBP limited the use expedited removal for immigrants apprehended within 100 miles of the border and within two weeks of entering the U.S.⁶⁰ Under the order, immigrants may be subject to expedited removal if they are unable to prove, to the satisfaction of the ICE or CBP agent, that they were continuously present in the U.S. for the two years before being apprehended. Importantly, the implementation memorandum makes clear that while ICE is reviving the Secure Communities program, there will no longer be any classes or categories of undocumented immigrants exempt from potential deportation enforcement.⁶¹ Thus, it is questionable whether there are in fact, true enforcement priorities moving forward given the significant increase in discretion afforded to individual ICE and CBP agents.

While both Executive Orders emphasize the potential risks to public safety and national security, claims that immigrants pose a significant and disproportionately higher threat than native-born individuals are inaccurate. Overall, the crime rate in the U.S., particularly for violent crime, has steadily declined since the early 1990s.⁶² In general, immigrants, regardless of legal status, are less likely to commit crimes than native-born individuals.⁶³ A 2015 report by the American Immigration Council found that while the undocumented immigration population tripled from 3.5 million to 11.2 million from 1990 to 2013, the overall violent crime across the country rate fell 48% during that time, while property crime rate fell 41%.⁶⁴ In 2007, a paper published from the National Bureau of Economic Research found that immigrants had incarceration rates

⁵⁴ *Id.*: 8 U.S.C. § 1357(g).

⁵⁵ U.S. Immigration and Customs Enforcement, Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act, <https://www.ice.gov/factsheets/287g> (last accessed Mar. 13, 2017).

⁵⁶ Exec. Order No. 13768, 82 Fed. Reg. 8799 (Jan. 25, 2017).

⁵⁷ *Id.*

⁵⁸ U.S. Department of Homeland Security, Memorandum Implementing the President’s Border Security and Immigration Enforcement Improvements Policies, Feb. 20, 2017, https://www.dhs.gov/sites/default/files/publications/17_0220_S1_Implementing-the-Presidents-Border-Security-Immigration-Enforcement-Improvement-Policies.pdf.

⁵⁹ *Id.* at 5.

⁶⁰ Tai Kopan, *DHS memos describe aggressive new immigration, border enforcement policies*, CNN, Feb. 20, 2017, <http://www.cnn.com/2017/02/18/politics/kelly-guidance-on-immigration-and-border-security/index.html>.

⁶¹ *Id.*

⁶² Politifact, *Crime and illegal immigration are at decades-long lows, says Barack Obama*, Jul. 28, 2016, <http://www.politifact.com/truth-o-meter/statements/2016/jul/28/barack-obama/crime-and-illegal-immigration-are-decades-long-low/>.

⁶³ CATO Institute, *Immigration and Crime – What the Research Says*, Jul. 14, 2015, <https://www.cato.org/blog/immigration-crime-what-research-says>; Julia Dahl, *How big a problem is crime committed by immigrants*, CBS NEWS, Jan. 27, 2017, <http://www.cbsnews.com/news/illegal-immigrants-and-crime-how-big-a-problem-is-crime-committed-by-immigrants/>.

⁶⁴ American Immigration Council, *The Criminalization of Immigration In The United States* 5 (Jul. 2015), https://www.americanimmigrationcouncil.org/sites/default/files/research/the_criminalization_of_immigration_in_the_united_states.pdf.

about one-fifth that of native-born residents.⁶⁵ These trends track with a 2010 survey conducted by the American Immigration Council, which found that 1.6% of immigrant males from age 18-39 were incarcerated versus 3.3% of the native-born population of that same demographic.⁶⁶

Further, recent reports demonstrate that sanctuary cities, rather than being more dangerous, are safer and more productive. According to the Center for American Progress and the National Immigration Law Center, from a sample of 2,492 counties taken from an ICE dataset, there were 35.5 fewer violent and property crimes per 10,000 people in sanctuary counties vs. non-sanctuary counties.⁶⁷ Large metropolitan areas have seen an even greater contrast, with 65.4 fewer crimes per 10,000 people.⁶⁸ Sanctuary counties also had better economic conditions. For example, on average, they had higher median incomes, lower poverty rates, and slightly lower rates of unemployment.⁶⁹ Other reports also suggest that sanctuary laws actually make cities safer by improving trust between local law enforcement and immigrants and by attracting more immigrants.⁷⁰

ANALYSIS OF INTRODUCTIONS

Prop. Int. No. 1566-A (A Local Law in relation to expanding the office of immigrant affairs)

Section one of Prop. Int. No. 1566-A would amend section 18 of the New York City Charter, which established MOIA. Language setting forth the legislative intent for the section in subdivision a would be amended by replacing the word “aliens” with “immigrants” in subdivision a to better reflect the section’s inclusionary tone.

Subdivision b would be amended by expanding the mandate to make city services accessible to immigrants by adding a mandate to make sure that city programs and benefits also be made accessible to immigrants by establishing outreach programs in conjunction with other city agencies.

Subdivision c would be amended by replacing the word “aliens” with “immigrants,” again, to bring the section’s tone in line with its inclusionary intent.

A new subdivision d would be added and would outline new, additional duties and powers for MOIA, including:

1. conducting research and advising the Mayor and Council on challenges faced by immigrants and foreign-language speakers, including, but not limited to, obstacles to accessing City programs, benefits, and services and socioeconomic trends;
2. establishing, a state and federal affairs unit to monitor and conduct analysis on state and federal laws, policies, enforcement tactics, and case law regarding issues that impact immigrant affairs, including potential strategies for addressing such developments;
3. consulting with relevant agencies on the implementation of sections of the charter and administrative code that are relevant to immigrants;
4. consulting with and advising the Civil Justice Coordinator and relevant City agencies in determining and responding to the legal service needs of immigrants and the availability of free and low-cost legal services to meet such needs, in accordance with Charter § 13-b; and
5. participating in interagency efforts, as appropriate, relating to the handling of confidential information about individuals held by City agencies and those contracting with the city;
6. soliciting community and stakeholder input regarding MOIA’s activities, including but not limited to consultations with relevant agencies on implementation of sections of City law that are relevant to immigrants; and
7. working with relevant City agencies, along with the Mayor’s Office to Combat Domestic Violence, the Mayor’s Office of Criminal Justice, and other agencies or offices selected by the Mayor, on addressing the

⁶⁵ The National Bureau of Economic Research, *Why are Immigrants’ Incarceration Rates so Low? Evidence on Selective Immigration, Deterrence, and Deportation* (Jul. 2007), available at <http://www.nber.org/papers/w13229>.

⁶⁶ American Immigration Council, *supra* note 62, at 6.

⁶⁷ Center for American Progress, *The Effects of Sanctuary Policies on Crime and the Economy* (Jan. 2017), available at <https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy/>.

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ Josh Harkinson, *Actually, Sanctuary Cities Are Safer*, MOTHER JONES, Jul. 10, 2015, available at <http://www.motherjones.com/politics/2015/07/sanctuary-cities-public-safety-kate-steinle-san-francisco>.

unique needs of immigrant crime victims and witnesses, including agency standards and protocols for issuing law enforcement certifications required in order to apply for T and U visas.

New subdivision e would require all City agencies to cooperate with MOIA and provide information and assistance as requested, unless prohibited by law or if the disclosure would interfere with a law enforcement investigation.

New subdivision f would require annual reporting on the City's immigrant population and MOIA's activities beginning March 15, 2018, and every March 15 thereafter, including:

1. the size and composition of such population, including but not limited to, demographic information, socio-economic markers, and estimates of immigration status;
2. information regarding the needs of immigrants, including but not limited to social services, legal services, housing, public benefits, education, and workforce development needs;
3. information regarding barriers faced by immigrants in accessing such services and recommendations on how the city could address such barriers;

New subdivision f would also require that MOIA provide:

1. information and metrics relating to each programmatic initiative of the office, including initiatives that are conducted in partnership with other offices or agencies, including but not limited to:

- (a) total program capacity, disaggregated by service type;
- (b) number of intakes or program eligibility screenings conducted;
- (c) number of individuals served, disaggregated by service type;
- (d) number of matters handled, and aggregate data on the outcomes achieved, disaggregated by service type; and
- (e) with respect to legal services initiatives, number of cases accepted for legal advice and full representation, as well as the number of cases referred to other legal services providers, disaggregated by service and case type, and aggregate data on the outcomes achieved in cases accepted for full representation during the reporting window.

2. for relevant agencies, information regarding requests for law enforcement certifications for T and U visas, including, but not limited to, number of requests for certification received, request processing times, number of certifications issued, number of certification requests denied and information as to why, and number of request appeals and outcomes, disaggregated by agency;

3. the efforts of MOIA to monitor agency efficacy in conducting outreach and serving the immigrant population, including efforts of the task force established pursuant to subdivision g of this section; and

4. the efforts of MOIA, or another office or agency designated by the Mayor, in carrying out the new duties specified in subdivision d.

Section two states that the local law takes effect in 60 days after it becomes law.

Prop. Int. No. 1578-A (A Local Law in relation to an immigrant affairs task force)

Section one of Prop. Int. No. 1578-A would create a task force on immigrant affairs led by MOIA that would work to improve interagency communication and coordination on issues relating to immigration, review and make recommendations to relevant agencies regarding the implementation of relevant local laws, and assess legal and policy developments on the state and federal levels. The task force would also be responsible for reviewing and making recommendations to address obstacles to accessing City programs, benefits, and services.

The task force would be allowed to review and make recommendations addressing the unique needs of certain vulnerable immigrant populations, including but not limited to, victims of crime, domestic violence, and human trafficking; individuals who are lesbian, gay, bisexual, transgender, queer, or intersex; individuals involved in the criminal justice system, and minors.

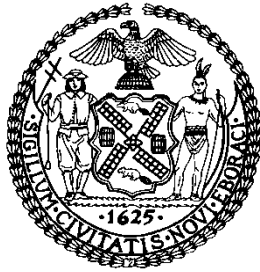
The task force would also review MOIA's solicitation and consideration of input received from community and stakeholders.

Task force members would include representatives from the NYPD, Department of Correction, Department of Probation, Department of Social Services, Department of Youth and Community Development, Department for the Aging, Administration for Children's Services, Department of Health and Mental Hygiene, Department of Homeless Services, the Department of Education, and the Office of Civil Justice. Additionally,

the Mayor could designate any additional representatives from any other agencies or offices to participate in the task force.

Section two states that the local law would take effect in 60 days after it becomes law.

(The following is the text of the Fiscal Impact Statement for Int. No. 1566-A:)



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

**PROPOSED INTRO. NO: 1566-A
COMMITTEE: Immigration**

TITLE: A Local Law to amend the New York city charter, in relation to expanding the office of immigrant affairs
SPONSORS: Council Members Dromm, Rodriguez, and the Speaker (Council Member Mark-Viverito)

SUMMARY OF LEGISLATION: Proposed Intro. 1566-A would expand the roles and scope of the Mayor’s Office of Immigrant Affairs (MOIA). This bill would require MOIA to carry out the following additional duties: conduct research and advise the Mayor and the Council on challenges that immigrants face; establish a state and federal affairs unit to analyze changes in law or policy that impact immigrant affairs; consult with relevant City agencies and the Office of Civil Justice (OCJ) to respond to legal needs of immigrants; participate in interagency efforts related to the handling of confidential information about individuals held by city agencies and contractors; and consult with, and advise, city agencies on U and T visa certification standards and protocols. Additionally, this bill would require MOIA to report annually to the Council and post online a report regarding the City’s immigrant population and the activities of the office during the previous calendar year. Such report would include, but not be limited to, the following: the size and composition of the City’s immigrant population; the needs of immigrant population, including legal, social services, housing, public benefits, education, and workforce development; information about barriers to accessing such services; information and metrics for MOIA’s programmatic initiatives, disaggregated by program and service type; and information regarding the number of requests for U and T visa certifications received, request processing times, and number of certifications issues, disaggregated by agency.

EFFECTIVE DATE: This local law would take effect 60 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: It is anticipated that there would be no impact on revenues as a result of this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures as a result of this legislation because existing resources would be used to implement the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Legislative Affairs

ESTIMATE PREPARED BY: Jin Lee, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Crilhien Francisco, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on April 25, 2017 as Intro. No. 1566 and referred to the Committee on Immigration. A hearing was held jointly by the Committee on Immigration, the Committee on Education, and the Committee on Public Safety on April 26, 2017 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1566-A, will be voted on by the Committee on Immigration at a hearing on September 6, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1566-A will be submitted to the full Council for a vote on September 7, 2017.

DATE PREPARED: September 5, 2017.

(For text of Int. No. 1578-A and its Fiscal Impact Statement, please see the Report of the Committee on Immigration for Int. No. 1578-A printed in these Minutes; for text of Int. No. 1566-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 1566-A and 1578-A.

(The following is the text of Int. No. 1566-A:)

Proposed Int. No. 1566-A

By Council Members Dromm, Rodriguez, The Speaker (Council Member Mark-Viverito), Levin, Kallos, Koslowitz, Gibson, Gentile, Menchaca, Rosenthal, Koo and Espinal.

A Local Law to amend the New York city charter, in relation to expanding the office of immigrant affairs

Be it enacted by the Council as follows:

Section 1. Section 18 of the New York city charter, as added by vote of the electors on November 6, 2001, subdivision b as amended by local law number 30 for the year 2017, is amended to read as follows:

§ 18 Office of immigrant affairs.

a. The city recognizes that a large percentage of its inhabitants were born abroad or are the children of parents who were born abroad and that the well-being and safety of the city is put in jeopardy if the people of the city do not seek medical treatment for illnesses that may be contagious, do not cooperate with the police

when they witness a crime or do not avail themselves of city services to educate themselves and their children. It is therefore desirable that the city promote the utilization of city services by all its residents, including foreign-born inhabitants, speakers of foreign languages and undocumented [aliens] *immigrants*.

b. In furtherance of the policies stated in subdivision a of this section, there shall be established in the executive office of the mayor an office of immigrant affairs. The office shall be headed by a director, who shall be appointed by the mayor. The director of the office of immigrant affairs shall have the power and the duty to:

1. advise and assist the mayor and the council in developing and implementing policies designed to assist immigrants and speakers of languages other than English in the city, in consultation with the office of the language services coordinator with respect to language accessibility;

2. enhance the accessibility of city *programs, benefits, and services* to immigrants and speakers of languages other than English by establishing *outreach programs in conjunction with other city agencies and the council* to inform and educate immigrants and speakers of languages other than English of [such] *relevant city programs, benefits, and services*;

3. perform policy analysis and make recommendations concerning immigrant affairs; and

4. perform such other duties and functions as may be appropriate to pursue the policies set forth in [subdivision a of] this section.

c. Any service provided by a city agency shall be made available to all [aliens] *immigrants* who are otherwise eligible for such service to the same extent such service is made available to citizens unless such agency is required by law to deny eligibility for such service [to aliens].

d. *The director, or such other office or agency as the mayor may designate, shall have the power and the duty to:*

1. *conduct research and advise the mayor and council on challenges faced by immigrants and speakers of languages other than English, including, but not limited to, obstacles to accessing city programs, benefits, and services, and on socioeconomic trends related to such persons;*

2. *establish a state and federal affairs unit within the office to monitor and conduct analysis on state and federal laws, policies, enforcement tactics, and case law regarding issues relating to and impacting immigrant affairs, including potential strategies for addressing such developments;*

3. *consult with relevant agencies on implementation of sections of the charter and the administrative code that are relevant to immigrants;*

4. *consult with and provide information and advice to the office of civil justice and relevant city agencies in determining and responding to the legal service needs of immigrants and the availability of free and low-cost civil legal services to meet such needs, in accordance with section 13-b;*

5. *participate in interagency efforts, as appropriate, relating to the handling of confidential information about individuals held by city agencies and those contracting with city agencies;*

6. *solicit community and stakeholder input regarding the activities of the office, including but not limited to the office's consultations with relevant agencies on implementation of sections of the charter and the administrative code that are relevant to immigrants; and*

7. *consult with and provide information and advice to relevant city agencies, in coordination, as appropriate, with the office to combat domestic violence, the office of criminal justice, and other agencies or offices as the mayor may designate, on addressing the unique needs of immigrant crime victims and witnesses, including agency standards and protocols for issuing law enforcement certifications required in order to apply for nonimmigrant status under subparagraphs (T) and (U) of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States code, or successor statutes.*

e. *All city agencies shall cooperate with the office and provide information and assistance as requested; provided, however, no information that is otherwise required to be provided pursuant to this section shall be disclosed in a manner that would violate any applicable provision of federal, state, or local law relating to the privacy of information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.*

f. *No later than March 15, 2018, and each March 15 thereafter, the office shall provide to the speaker of the council and post on the office's website a report regarding the city's immigrant population and the activities of the office during the previous calendar year, including, but not limited to the following information, where such information is available:*

1. *the size and composition of such population, including, but not limited to demographic information, socio-economic markers, and estimates of the immigration status held by members of such population, if any;*
 2. *information regarding the needs of such population including, but not limited to, social services, legal services, housing, public benefits, education, and workforce development needs;*
 3. *information regarding barriers faced by such population in accessing such services, and recommendations on how the city could address such barriers;*
 4. *information and metrics relating to each programmatic initiative of the office, including initiatives that are conducted in partnership with other offices or agencies, including but not limited to:*
 - (a) *total program capacity, disaggregated by service type;*
 - (b) *number of intakes or program eligibility screenings conducted;*
 - (c) *number of individuals served, disaggregated by service type;*
 - (d) *number of matters handled, and aggregate data on the outcomes achieved, disaggregated by service type; and*
 - (e) *with respect to legal services initiatives, number of cases accepted for legal advice and full representation, as well as the number of cases referred to other legal services providers, disaggregated by service and case type, and aggregate data on the outcomes achieved in cases accepted for full representation during the reporting window.*
 5. *for relevant agencies, information regarding requests for law enforcement certifications required in order to apply for nonimmigrant status under subparagraphs (T) and (U) of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States code, or successor statutes, including, but not limited to, number of requests for certification received, request processing times, number of certifications issued, number of certification requests denied and information as to why, and number of request appeals and outcomes, disaggregated by agency;*
 6. *the efforts of the office to monitor agency efficacy in conducting outreach and serving the immigrant population, including the efforts of the task force established pursuant to subdivision g of this section; and*
 7. *the efforts of the director, or such other office or agency as designated by the mayor, in fulfilling the duties set forth in subdivision d of this section.*
- § 2. This local law takes effect 60 days after it becomes law.

CARLOS MENCHACA, *Chairperson*; DANIEL DROMM, PETER A. KOO, RAFAEL L. ESPINAL, Jr.; Committee on Immigration, September 6, 2017. *Other Council Members Attending: Council Member Rodriguez.*

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

Report for Int. No.1578-A

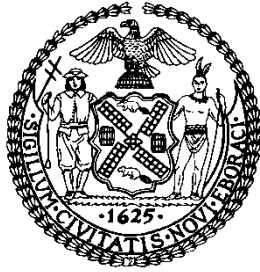
Report of the Committee on Immigration in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to an immigrant affairs task force.

The Committee on Immigration, to which the annexed proposed amended local law was referred on April 25, 2017 (Minutes, page 1152), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Immigration for Int. No. 1578-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1578-A:



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

PROPOSED INTRO. NO: 1578-A
COMMITTEE: Immigration

TITLE: A Local Law to amend the New York city charter, in relation to the creation of an immigrant affairs task force.

SPONSORS: Council Members Menchaca, Dromm, Williams, and the Speaker (Council Member Mark-Viverito)

SUMMARY OF LEGISLATION: Proposed Intro. 1578-A would create an interagency task force led by the Mayor’s Office of Immigrant Affairs (MOIA) to review the needs of the City’s immigrant community and provide agencies with recommendations and best practices. The task force would meet regularly to ensure interagency communication and coordination for immigrants, particularly vulnerable immigrant populations, including victims of crime and human trafficking; individuals who are lesbian, gay, bisexual, transgender, queer or intersex; individuals involved in the criminal justice system; and minors and youth. The other agencies required for this task force are as follows: the Administration for Children’s Services (ACS); Department of Social Services (DSS); Department of Homeless Services (DHS); Department of Health and Mental Hygiene (DOHMH); Department of Youth and Community Development (DYCD); Department for the Aging (DFTA); the New York Police Department (NYPD); Department of Correction (DOC); Department of Probation (DOP); Chancellor of the Department of Education (DOE); Coordinator of the Office of Civil Justice (OCJ); and representatives of other agencies or offices that the Mayor may designate.

EFFECTIVE DATE: This local law would take effect 60 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: It is anticipated that there would be no impact on revenues as a result of this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures as a result of this legislation because existing resources would be used to implement the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council
New York City Legislative Affairs

ESTIMATE PREPARED BY: Jin Lee, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Cirilhen Francisco, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on April 25, 2017 as Intro. No. 1578 and referred to the Committee on Immigration. A hearing was held jointly by the Committee on Immigration, the Committee on Education, and the Committee on Public Safety on April 26, 2017 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1578-A, will be voted on by the Committee on Immigration at a hearing on September 6, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1578-A will be submitted to the full Council for a vote on September 7, 2017.

DATE PREPARED: September 5, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1578-A:)

Proposed Int. No. 1578-A

By Council Members Menchaca, Dromm, Williams, The Speaker (Council Member Mark-Viverito), Levin, Kallos, Chin, Gibson, Gentile, Rosenthal, Koo and Espinal.

A Local Law to amend the New York city charter, in relation to an immigrant affairs task force

Be it enacted by the Council as follows:

Section 1. Section 18 of the New York city charter is amended by adding a new subdivision g to read as follows:

g. 1. There is hereby established an interagency task force on immigrant affairs to ensure interagency communication and coordination on issues relating to and impacting immigrant affairs. Such task force shall:

(i) review and make recommendations to relevant agencies on implementation of sections of the charter and the administrative code that are relevant to immigrants;

(ii) review legal and policy developments presented by the state and federal affairs unit in the office and their potential impact on city agencies;

(iii) review and make recommendations to address obstacles to accessing city programs, benefits, and services;

(iv) review and make recommendations to address the unique needs of particularly vulnerable immigrant populations, including, but not limited to, victims of crime, domestic violence, and human trafficking; individuals who are lesbian, gay, bisexual, transgender, queer, or intersex; individuals involved in the criminal justice system; and minors;

(v) review the solicitation and consideration of community and stakeholder input received by the office pursuant to paragraph 6 of subdivision d of this section; and

(vi) perform such other functions as may be appropriate in furtherance of the policies set forth in this chapter.

2. Such task force shall be led by the director, or by the head of such other officer or agency as the mayor may designate, and shall include at a minimum:

(a) the commissioners of the following agencies or offices or such commissioners' designees:

- (1) the administration for children's services;
- (2) department of social services;
- (3) department of homeless services;
- (4) department of health and mental hygiene;
- (5) department of youth and community development;
- (6) department for the aging;
- (7) police department;
- (8) department of correction; and
- (9) department of probation;

(b) the chancellor of the city school district, or their designee;

(c) the coordinator of the office of civil justice, or their designee; and

(d) representatives of other such agencies or offices as the mayor may designate.

3. Such task force shall meet regularly in furtherance of its functions and at any other time at the request of the director or other designated task force leader.

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

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, September 6, 2017.

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

Report of the Committee on Land Use

Report for L.U. No. 730

Report of the Committee on Land Use in favor of approving Application No. C 170029 ZMK submitted by Institute for Community Living pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, changing from a C6-1 District to a C6-4 District property bounded by Schermerhorn Street, Nevins Street, a line midway between Schermerhorn Street and State Street, and a line 100 feet northwesterly of Nevins Street, Borough of Brooklyn, Community District 2, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on August 9, 2017 (Minutes, page 2736) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 2

C 170029 ZMK

City Planning Commission decision approving an application submitted by the Institute for Community Living pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, by changing from a C6-1 District to a C6-4 District property bounded by Schermerhorn Street, Nevins Street, a line midway between Schermerhorn Street and State Street, and a line

100 feet northwesterly of Nevins Street, subject to the conditions of CEQR Declaration E-421.

INTENT

To approve an amendment to the Zoning Map, Section 16c, which in conjunction with the related action would facilitate the enlargement of an existing building to a 10-story, 95-012 square foot building with approximately 128 units of affordable and supportive housing in the Downtown Brooklyn neighborhood of Community District 2,

PUBLIC HEARING

DATE: August 21, 2017

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 5, 2017

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

In Favor:

Richards, Garodnick, Torres, Grodenchik .

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: September 6, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

None

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res. No. 1641

Resolution approving the decision of the City Planning Commission on ULURP No. C 170029 ZMX, a Zoning Map amendment (L.U. No. 730).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on July 28, 2017 its decision dated July 26, 2017 (the "Decision"), on the application submitted by the Institute for Community Living, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 16c, changing from a C6-1 District to a C6-4 District. This amendment in conjunction with the related action would facilitate the enlargement of an existing building to a 10-story, 95,012 square foot building with approximately 128 units of affordable and supportive housing in the Downtown Brooklyn neighborhood in Community District 2, (ULURP No. C 170029 ZMK), Community District 2, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to application N 170030 ZRK (L.U. No. 731), 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(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on August 21, 2017;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued April 3, 2017 (CEQR No. 17DCP117K), which includes (E) designations to avoid the potential for significant adverse impacts related to hazardous materials, air quality and noise (E-421), (the "Negative Declaration");

RESOLVED:

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

Pursuant to Section 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 170029 ZMK, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 16c, by changing from a C6-1 District to a C6-4 District property bounded by Schermerhorn Street, Nevins Street, a line midway between Schermerhorn Street and State Street, and a line 100 feet northwesterly of Nevins Street, as shown on a diagram (for illustrative purposes only) dated April 3, 2017, and subject to the conditions of CEQR Declaration E-421, Community District 2, Borough of Brooklyn.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, September 6, 2017.

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

Report for L.U. No. 731

Report of the Committee on Land Use in favor of approving Application No. N 170030 ZRK submitted by the Institute for Community Living 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 2, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on August 9, 2017 (Minutes, page 2737) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BROOKLYN CB - 2****N 170030 ZRK**

City Planning Commission decision approving an application submitted by the Institute for Community Living (ICL) pursuant to Section 201 of the New York City Charter, for an amendment to 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.

INTENT

To approve an amendment to the Zoning Resolution, which in conjunction with the related action would facilitate the enlargement of an existing building to a 10-story, 95-012 square foot building with approximately 128 units of affordable and supportive housing in the Downtown Brooklyn neighborhood of Community District 2.

PUBLIC HEARING**DATE:** August 21, 2017**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** September 5, 2017

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

In Favor:

Richards, Garodnick, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** September 6, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

None.

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res. No. 1642

Resolution approving the decision of the City Planning Commission on Application No. N 170030 ZRK, 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, within Community District 2, Borough of Brooklyn (L.U. No. 731).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on July 28, 2017 its decision dated July 26, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Institute for Community Living, for an amendment to 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 on the northeast corner of the intersection of Schermerhorn Street and Nevins Street (Block 172, Lot 37, part of Lots 43, 44, 45). This amendment in conjunction with the related action would facilitate the enlargement of an existing building to a 10-story, 95-012 square foot building with approximately 128 units of affordable and supportive housing in the Downtown neighborhood of Brooklyn Community District 2, (Application No. N 170030 ZRK), Community District 2, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to application C 170029 ZMK (L.U. No. 730), a zoning map amendment to change a C6-1 district to a C6-4 district;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on August 21, 2017;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued April 3, 2017 (CEQR No. 17DCP117K), which includes (E) designations to avoid the potential for significant adverse impacts related to hazardous materials, air quality and noise (E-421), (the "Negative Declaration");

RESOLVED:

The Council finds that the action described herein would 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 170030 ZRK, incorporated by reference herein, the Council approves the Decision.

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 X
SPECIAL PURPOSE DISTRICTS**

**Chapter 1
Special Downtown Brooklyn District**

* * *

**101-02
General Provisions**

* * *

**101-021
Applicability of Inclusionary Housing program**

In #Mandatory Inclusionary Housing areas#, as specified in APPENDIX F of this Resolution, the provisions of Sections 23-154 (Inclusionary Housing) and 23-90 (INCLUSIONARY HOUSING), shall apply, except as superseded, supplemented or modified by the provisions of this Chapter.

* * *

**APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

* * *

BROOKLYN

* * *

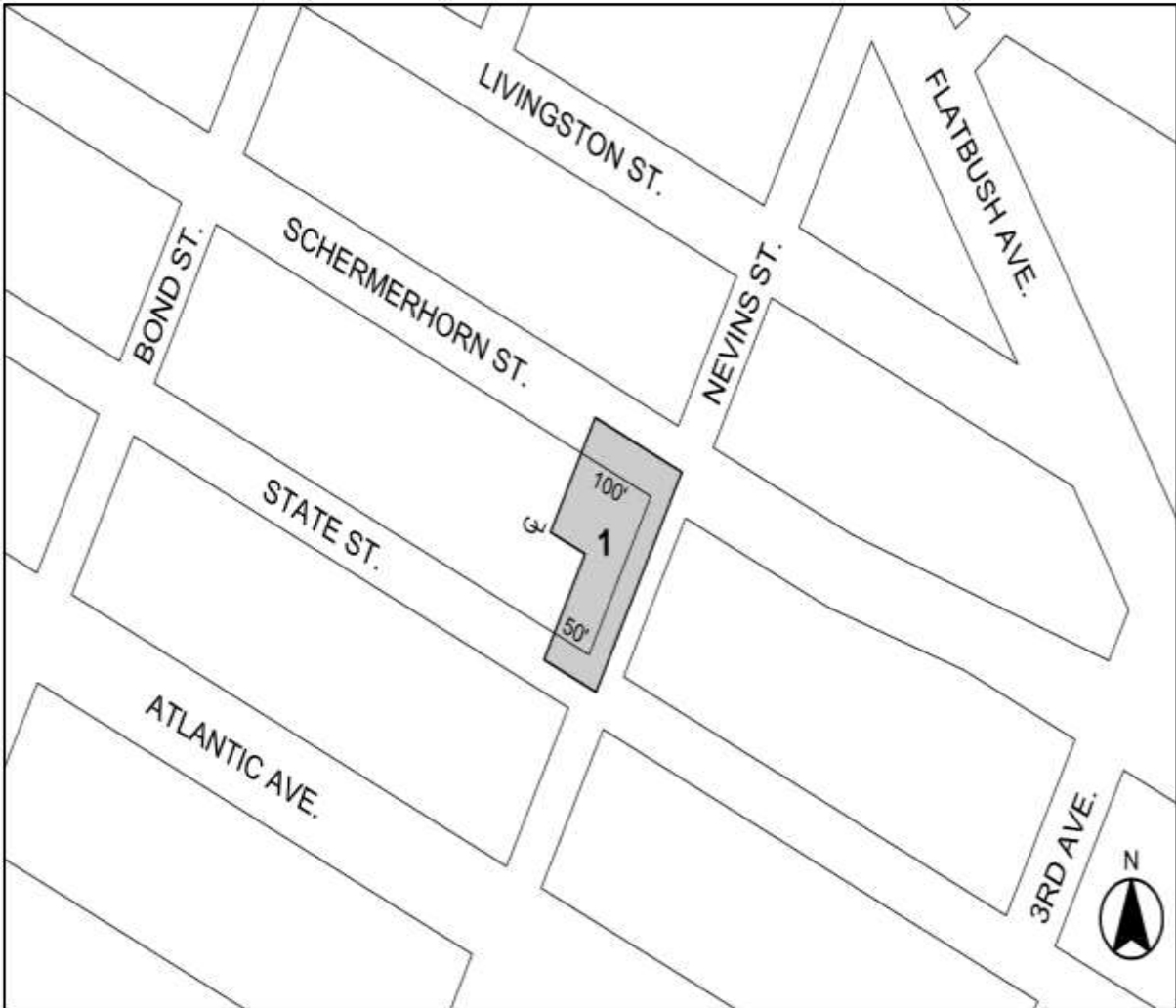
Brooklyn Community District 2

* * *

In portions of the #Special Downtown Brooklyn District# in the R6B and C6-4 (R10 equivalent) Districts within the areas shown on the following Map 6:

Map 6 - [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 2, Brooklyn

* * *

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN

KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, September 6, 2017.

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

Report for L.U. No. 732

Report of the Committee on Land Use in favor of approving Application No. C 160349 ZSM submitted by 40 Wooster Restoration, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 42-10 to allow residential use on the cellar through 6th floor and retail use in the cellar and on the ground floor of an existing six-story building on property located at 40 Wooster Street (Block 475, Lot 34), Borough of Manhattan, Community District 2, Council District 1. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

The Committee on Land Use, to which the annexed Land Use item was referred on August 9, 2017 (Minutes, page 2737) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

C 160349 ZSM

City Planning Commission decision approving an application submitted by 40 Wooster Restoration, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution of the City of New York to modify the use regulations of Section 42-10 to allow residential uses (Use Group 2 uses) on portions of the cellar and ground floor, the 2nd - 6th floors and the proposed 1-story penthouse, and the use regulations of Section 42-14(D)(2)(b) to allow retail uses (Use Group 6 uses) on portions of the ground floor and cellar of an existing 6-story building, on property located at 40 Wooster Street (Block 475, Lot 34), in an M1-5B District.

INTENT

To approve the special permit pursuant to Section 74-711 of the Zoning Resolution in order to allow Use Group 2 residential uses on portions of the cellar and ground floor, 2nd through 6th floors and the proposed 1-story rooftop addition; and allow Use Group 6 retail uses on portion of the ground floor and cellar in an existing 6-story building at 40 Wooster Street (Block 475, Lot 34) within the SoHo neighborhood of Manhattan Community District 2.

PUBLIC HEARING

DATE: August 21, 2017

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 5, 2017

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

In Favor:

Richards, Garodnick, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: September 6, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

Williams

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res. No. 1643

Resolution approving the decision of the City Planning Commission on ULURP No. C 160349 ZSM (L.U. No. 732), for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution of the City of New York to modify the use regulations of Section 42-10 to allow residential uses (Use Group 2 uses) on portions of the cellar and ground floor, the 2nd - 6th floors and the proposed 1-story penthouse, and the use regulations of Section 42-14(D)(2)(b) to allow retail uses (Use Group 6 uses) on portions of the ground floor and cellar of an existing 6-story building, on property located at 40 Wooster Street (Block 475, Lot 34), in an M1-5B District, Community District 2, Borough of Manhattan.

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on July 28, 2017 its decision dated July 26, 2017 (the "Decision"), on the application submitted by 40 Wooster Restoration, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution of the City of New York to modify the use regulations of Section 42-10 to allow residential uses (Use Group 2 uses) on portions of the cellar and ground floor, the 2nd - 6th floors and the

proposed 1-story penthouse, and the use regulations of Section 42-14(D)(2)(b) to allow retail uses (Use Group 6 uses) on portions of the ground floor and cellar of an existing 6-story building, on property located at 40 Wooster Street (Block 475, Lot 34), in an M1-5B District, in the SoHo neighborhood of Manhattan (ULURP No. C 160349 ZSM), Community District 2, Borough of Manhattan (the "Application");

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-711 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 August 21, 2017;

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 March 6, 2017 (CEQR No. 17DCP113M), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality (E-416), (the "Negative Declaration");

RESOLVED:

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 160349 ZSM), incorporated by reference herein, the Council approves the Decision of the City Planning Commission subject to the following conditions:

1. The property that is the subject of this application (C 160349 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 Melamed Architect PC, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
CPC-2	Zoning Analysis	01.23.2017
CPC-3	Site Plan	01.23.2017
CPC-4	Proposed Cellar Floor Plan	01.23.2017
CPC-5	Proposed First Floor Plan	01.23.2017
CPC-6	Proposed Second Floor Plan	01.23.2017
CPC-7	Proposed Third Floor Plan	01.23.2017
CPC-8	Proposed Fourth Floor Plan	01.23.2017
CPC-9	Proposed Fifth Floor Plan	01.23.2017
CPC-10	Proposed Sixth Floor Plan	01.23.2017
CPC-11	Proposed Roof Floor Plan	01.23.2017
CPC-15	Waiver Section: Section A-A	01.23.2017

CPC-16

Waiver Section: Section B-B

01.23.2017

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. 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 resolution and the restrictive declaration described below and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
6. Development pursuant to this resolution shall be allowed only after the restrictive declaration dated July 19, 2017, executed by Wooster Street Restoration, LLC, 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, New York County.
7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the attached restrictive declaration 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 the 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.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, September 6, 2017.

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

Report for L.U. No. 733

Report of the Committee on Land Use in favor of approving Application No. C 170275 ZMM submitted by the New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6b, changing from an M1-2 District to an C6-3 District property bounded by East 127th Street, First Avenue, East 126th Street, and Second Avenue, in the Borough of Manhattan, Community District 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on August 9, 2017 (Minutes, page 2737), respectfully

REPORTS:**SUBJECT****MANHATTAN CB - 11****C 170275 ZMM**

City Planning Commission decision approving an application submitted by the New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6b, changing from an M1-2 District to an C6-3 District property bounded by East 127th Street, First Avenue, East 126th Street, and Second Avenue.

INTENT

To approve an amendment to the Zoning Map, which in conjunction with the related actions would facilitate a new mixed-use, mixed-income development comprising approximately 730 residential units with ground floor retail space, community facility space and a memorial to commemorate the Harlem African Burial Ground, which comprises a portion of the proposed project site which is located in the East Harlem neighborhood of Manhattan's Community District 11.

PUBLIC HEARING**DATE:** August 21, 2017**Witnesses in Favor:** Four**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** September 5, 2017

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

In Favor:

Salamanca, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** September 6, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

None

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, September 6, 2017.

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

Report for L.U. No. 734

Report of the Committee on Land Use in favor of approving Application No. N 170276 ZRM submitted by the New York City Economic Development Corporation, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F, for the purpose of establishing a Mandatory Inclusionary Housing area, in the Borough of Manhattan, Community District 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on August 9, 2017 (Minutes, page 2737), respectfully

REPORTS:**SUBJECT****MANHATTAN CB - 11****N 170276 ZRM**

City Planning Commission decision approving an application submitted by the New York City Economic Development Corporation, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F, for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To approve the amendment to the text of the Zoning Resolution, which in conjunction with the related actions would facilitate a new mixed-use, mixed-income development comprising approximately 730 residential units with ground floor retail space, community facility space and a memorial to commemorate the Harlem African Burial Ground, which comprises a portion of the proposed project site which is located in the East Harlem neighborhood of Manhattan's Community District 11.

PUBLIC HEARING

DATE: August 21, 2017

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 5, 2017

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

In Favor:

Salamanca, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: September 6, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

None

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, September 6, 2017.

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

Report for L.U. No. 735

Report of the Committee on Land Use in favor of approving Application No. C 170093 MMM submitted by The New York City Economic Development Corporation pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving: the elimination, discontinuance and closing of a portion of Second Avenue between East 126th Street and East 127th Street and the delineation of a sidewalk easement in the Borough of Manhattan, Community District 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on August 9, 2017 (Minutes, page 2738), respectfully

REPORTS:**SUBJECT****MANHATTAN CB - 11****C 170093 MMM**

City Planning Commission decision approving an application submitted by the New York City Economic Development Corporation pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of a portion of Second Avenue between East 126th Street and East 127th Street;
- the delineation of a sidewalk easement;
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto in Community District 11, Borough of Manhattan, in accordance with Map No. 30251 dated February 17, 2017 and signed by the Borough President.

INTENT

To approve the amendment to the City Map, which in conjunction with the related actions would facilitate a new mixed-use, mixed-income development comprising approximately 730 residential units with ground floor retail space, community facility space and a memorial to commemorate the Harlem African Burial Ground, which comprises a portion of the proposed project site which is located in the East Harlem neighborhood of Manhattan's Community District 11.

PUBLIC HEARING**DATE:** August 21, 2017**Witnesses in Favor:** Four**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** September 5, 2017

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

In Favor:

Salamanca, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: September 6, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

None

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, September 6, 2017.

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

Report for L.U. No. 736

Report of the Committee on Land Use in favor of approving Application No. C170278 PPM submitted by the Department of Citywide Administrative Services (DCAS) pursuant to Section 197-c of the New York City Charter, for the disposition of one city-owned property located at 2460 Second Avenue (Block 1803, Lot 1), pursuant to zoning, Borough of Manhattan, Community District 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on August 9, 2017 (Minutes, page 2738), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 11

C 170278 PPM

City Planning Commission decision approving an application submitted by the Department of

Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the disposition of one City-owned property located at 2460 Second Avenue (Block 1803, Lot 1), pursuant to zoning.

INTENT

To approve the disposition of Block 1803, Lot 1, which in conjunction with the related actions would facilitate a new mixed-use, mixed-income development comprising approximately 730 residential units with ground floor retail space, community facility space and a memorial to commemorate the Harlem African Burial Ground, which comprises a portion of the proposed project site which is located in the East Harlem neighborhood of Manhattan's Community District 11.

PUBLIC HEARING

DATE: August 21, 2017

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 5, 2017

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

In Favor:

Salamanca, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: September 6, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger Grodenchik, Salamanca.

Against:

None

Abstain:

None

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, September 6, 2017.

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

Report for L.U. No. 743

Report of the Committee on Land Use in favor of approving, with modifications, Application No. 20175504 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Carnival Latin Bistro Corp., d/b/a Altus Cafe, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 4325-4327 Broadway (at the corner of West 184th Street), Borough of Manhattan, Community Board 12, Council District 10. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item was referred on August 24, 2017 (Minutes, page 2979) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 12

20175504 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York concerning the petition of Carnival Latin Bistro Corp., d/b/a Altus Café, for a new revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 4325 Broadway.

INTENT

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

PUBLIC HEARING

DATE: September 5, 2017

Witnesses in Favor: None

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** September 5, 2017

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

In Favor:

Richards, Garodnick, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** September 6, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

None

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res. No. 1657

Resolution approving with modifications the petition for a new revocable consent for an unenclosed sidewalk café located at 4325 Broadway, Borough of Manhattan (Non-ULURP No. 20175504 TCM; L.U. No. 743).

By Council Members Greenfield and Richards.

WHEREAS, the Department of Consumer Affairs filed with the Council on August 4, 2017 its approval dated August 3, 2017 of the petition of Carnival Latin Bistro Corp., d/b/a Altus Café, for a new revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 4325 Broadway, Community District 12, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on September 5, 2017; and

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

RESOLVED:

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

Such sidewalk café shall consist of no more than ten (10) tables and twenty (20) chairs, and the hours of operation of such sidewalk café shall be limited to noon until 10 p.m. Sunday through Thursday, and to noon until midnight on Fridays and Saturdays.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, September 6, 2017.

Approved with Modifications and coupled on the General Order Calendar.

Report for L.U. No. 744

Report of the Committee on Land Use in favor of approving Application No. N 170374 ZRR submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article XII, Chapter 7 (Special Coastal Risk District) to establish the Special Coastal Risk District in the Borough of Staten Island, Community Districts 2 and 3, Council District 50.

The Committee on Land Use, to which the annexed Land Use item was referred on August 24, 2017 (Minutes, page 2980) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT**

STATEN ISLAND CBs - 2 and 3

N 170374 ZRR

City Planning Commission decision approving an application submitted by NYC Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article XIII, Chapter 7 (Special Coastal Risk District) to establish the Special Coastal Risk District.

INTENT

To approve the amendment to the Zoning Resolution, which in conjunction with the related action would facilitate establishment of the East Shore subdistrict of the Special Coastal Risk District.

PUBLIC HEARING**DATE:** September 5, 2017**Witnesses in Favor:** Four**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** September 5, 2017

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

In Favor:

Richards, Garodnick, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** September 6, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

None

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res No. 1644

Resolution approving the decision of the City Planning Commission on Application No. N 170374 ZRR, for an amendment of the Zoning Resolution of the City of New York, relating to Article XIII, Chapter 7 (Special Coastal Risk District) to establish the Special Coastal Risk District in Community Districts 2 and 3), Borough of Staten Island (L.U. No. 744).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on August 11, 2017 its decision dated August 9, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of City Planning, for an amendment to the text of the Zoning Resolution of the City of New York, relating to Article XIII, Chapter 7 (Special Coastal Risk District) to establish the Special Coastal Risk District. This action, in conjunction with the related action would

facilitate establishment of the East Shore subdistrict of the Special Coastal Risk District, (Application No. N 170374 ZRR), Community Districts 2 and 3, Borough of Staten Island (the "Application");

WHEREAS, the Application is related to application C 170373 ZMR (L.U. No. 745), an amendment to the Zoning Map to rezone all or portions of 69 blocks;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 5, 2017;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued April 24, 2017 (CEQR No. 17DCP150R), (the "Negative Declaration");

RESOLVED:

The Council finds that the action described herein would 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 170374 ZRR, incorporated by reference herein, the Council approves the Decision.

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 I
GENERAL PROVISIONS**

**Chapter 1
Title, Establishment of Controls and Interpretation of Regulations**

* * *

**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 Clinton District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 6, the #Special Clinton District# is hereby established.

Establishment of the Special Coastal Risk District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 7, the #Special Coastal Risk District# is hereby established.

Establishment of the Special College Point District

* * *

**Chapter 2
Construction of Language and Definitions**

**12-10
DEFINITIONS**

* * *

Special Clinton District

The “Special Clinton District” is a Special Purpose District designated by the letters “CL” in which special regulations set forth in Article IX, Chapter 6, apply.

Special Coastal Risk District

The “Special Coastal Risk District” is a Special Purpose District designated by the letters “CR” in which special regulations set forth in Article XIII, Chapter 7, apply.

Special College Point District

* * *

**ARTICLE VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

**Chapter 4
Special Regulations Applying in Flood Hazard Areas**

* * *

**Appendix A
Special Regulations for Neighborhood Recovery**

* * *

**64-A83
Neighborhood Recovery Areas in Staten Island**

In Staten Island, any areas ~~designated by New York State as part of the NYS Enhanced Buyout Area Program~~ located within #Special Coastal Risk District# 1, as established in the Appendix to Article XIII, Chapter 7, are excluded from a Neighborhood Recovery Area.

* * *

**ARTICLE XIII
SPECIAL PURPOSE DISTRICTS**

* * *

Chapter 7
Special Coastal Risk District

137-00
GENERAL PURPOSES

The “Special Coastal Risk District” established in this Resolution is designed to promote and protect public health, safety and general welfare in coastal areas that are currently at exceptional risk from flooding, and may face greater risk in the future. These general goals include, among others, the following specific purposes:

- (a) limit the population in areas that are vulnerable to frequent flooding, including those areas exceptionally at risk from projected future tidal flooding;
- (b) reduce the potential for property damage and disruption from regular flood events and support the City’s capacity to provide infrastructure and services;
- (c) promote consistency with planned improvements, neighborhood plans, and other measures to promote drainage, coastal protection, open space and other public purposes;
- (d) provide sound planning in areas that have historically been occupied by wetlands and, where plans exist, for such areas to be maintained as open space; and
- (e) promote the most desirable use of land and thus conserve the value of land and buildings, and thereby protect the City’s tax revenue.

137-10
GENERAL PROVISIONS

The provisions of this Chapter shall apply within the #Special Coastal Risk District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented, or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, including the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas) the provisions of this Chapter shall control.

137-11
District Plan and Map

The District Map is located within the Appendix to this Chapter and is hereby incorporated and made part of this Resolution. It is incorporated for the purpose of specifying location where special regulations and requirements set forth in this Chapter apply.

The following #Special Coastal Risk Districts# are shown on the Maps in the Appendix to this Chapter:

Map 1 - #Special Coastal Risk District# 1 (CR-3), encompassing New York State Enhanced Buyout Areas in Graham Beach and Ocean Breeze, Community District 2, Borough of Staten Island

Map 2 - #Special Coastal Risk District# 1 (CR-3), encompassing New York State Enhanced Buyout Areas in Oakwood Beach, Community District 3, Borough of Staten Island

137-12
Applicability of Special Regulations

The special #use# and #bulk# regulations of this Chapter shall apply in the #Special Coastal Risk District# as set forth in the following table.

Special Regulations for the #Special Coastal Risk District#

<u>#Special Coastal Risk District#</u>	<u>#Residential Use# (137-21)</u>	<u>#Community Facility Use# (137-22)</u>	<u>Modifications to Article V (137-41)</u>	<u>Special Requirements (137-51)</u>
<u>CR-3 (buyout areas, Staten Island)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

137-20
SPECIAL USE REGULATIONS

The special #use# regulations of this Section, inclusive, shall apply in the #Special Coastal Risk District# as set forth in the table in Section 137-12 (Applicability of Special Regulations).

137-21
Residential Use

In #Special Coastal Risk District# 1, #residential uses# shall be limited to #single-family detached residences# and #accessory uses# as set forth in Section 22-11 (Use Group 1).

137-22
Community Facility Use

In the #Special Coastal Risk District#, #community facility uses# with sleeping accommodations shall not be permitted.

In #lower density growth management areas# in #Special Coastal Risk District# 1, the regulations for #community facility uses# of the underlying districts shall be modified as follows:

- (a) ambulatory diagnostic or treatment health care facilities shall be limited on any #zoning lot# to 1,500 square feet of #floor area#, including #cellar# space; and
- (b) all #community facility uses# shall be subject to the maximum #floor area ratio#, and special #floor area# limitations, applicable to R3-2 Districts set forth in Section 24-162 (Maximum floor area ratios and special floor area limitations for zoning lots containing residential and community facility uses in certain districts).

137-40**SPECIAL APPLICABILITY OF ARTICLE V**

In #Special Coastal Risk District# 1, the provisions of Article V, Chapter 2 (Non-conforming Uses) shall be modified as set forth in this Section.

#Non-conforming uses# may not be #enlarged# or #extended#. Furthermore, should 50 percent or more of the #floor area# of a #building# containing a #non-conforming use# be damaged or destroyed after [date of adoption], the #building# may be repaired, #incidentally altered# or reconstructed only for a #conforming use#.

However, the provisions of this Section shall not apply to any #building# that was damaged to the extent of 50 percent or more due to the effects of #Hurricane Sandy#, as that term is defined in Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas). The special regulations for #non-conforming buildings# of Section 64-70 shall apply to such #buildings#.

137-50**SPECIAL REQUIREMENTS FOR DEVELOPMENTS AND ENLARGEMENTS**

In #Special Coastal Risk District# 1, no #development# or horizontal #enlargement# shall occur, except where authorized by the City Planning Commission pursuant to Sections 137-51 (Authorization for Development of Single Buildings and Enlargements) or 137-52 (Authorization for Development of Multiple Buildings), as applicable.

For the purposes of determining which authorization shall be applicable, the #zoning lot# upon which the #development# shall occur shall be considered to be a tract of land that existed under separate ownership from all adjoining tracts of land on [date of referral].

For the purposes of such authorizations, the alteration of any existing #building# resulting in the removal of more than 75 percent of the #floor area# and more than 25 percent of the perimeter walls of such existing #building#, and the replacement of any amount of #floor area#, shall be considered a #development#.

The provisions of this Section, inclusive, shall not apply to the reconstruction of any #building# that was damaged to the extent of 50 percent or more due to the effects of #Hurricane Sandy#, as that term is defined in Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or to the reconstruction of a garage #accessory# to a #single-family residence# or #two-family residence#.

The provisions of Section 64-92 (Special Permit for Modification of Certain Zoning Regulations) shall be inapplicable to a #building# that is #developed# pursuant to this Section, inclusive.

137-51**Authorization for Development of Single Buildings and Enlargements**

The City Planning Commission may authorize a horizontal #enlargement#, or a #development# consisting of no more than one #building# containing a non-#accessory# use, on one or more #zoning lots#, and may modify the #bulk# regulations of the underlying district, except #floor area ratio# regulations, provided that:

- (a) the site plan, to the extent practicable, minimizes the need for new paving and impervious surfaces upon the #zoning lot#;
- (b) the site plan provides access to the new or #enlarged building# using #streets# that were improved and open to traffic on the date of application for an authorization, and which serve other occupied #buildings#;
- (c) the site plan, to the extent practicable, minimizes adverse effects on wetlands, planned open space, drainage, or other functions in the surrounding area;
- (d) the resulting #building# and other site improvements would not impair the essential ecological character of the surrounding area for its future use as open space;
- (e) the site plan and resulting #building# incorporate such measures as are reasonable to minimize risks to public safety from natural hazards such as flooding and wildfires; and
- (f) where the Commission is modifying #bulk# regulations, such modifications are the minimum necessary to protect, or provide buffering from, wetlands or wetland-adjacent areas.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

137-52**Authorization for Development of Multiple Buildings**

The City Planning Commission may authorize a #development# consisting of more than one #building# on one or more #zoning lots#, and may modify the #bulk# regulations of the underlying district, except #floor area ratio# regulations, provided that:

- (a) all #zoning lots# comprising such #development# together provide a minimum of 9,500 square feet of #lot area# per #building#, where no portion of such #lot area# shall contain delineated wetland on a wetland survey reviewed by the New York State Department of Environmental Conservation (NYSDEC). Such review by the NYSDEC shall have occurred no more than two years prior to the date of application for this authorization;
- (b) the #development# satisfies the findings of paragraphs (a) through (e) of Section 137-51 (Authorization for Development of Single Buildings and Enlargements);
- (c) where the Commission is modifying #bulk# regulations, such modifications shall:
 - (1) facilitate the configuration of #buildings# in order to protect, or provide buffering from, adjacent wetlands, open space and natural resources;

- (2) facilitate, to the extent practicable, the configuration of #buildings# in proximity to the location of existing #buildings# within the area;
- (3) limit the need for new paving and impermeable surfaces; and
- (4) are consistent with the scale and character of the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

APPENDIX
Special Coastal Risk District Plan

Map 1. #Special Coastal Risk District# 1 (CR-3), encompassing New York State Enhanced Buyout Areas in Graham Beach and Ocean Breeze, Community District 2, Borough of Staten Island



Map 2. #Special Coastal Risk District# 1 (CR-3), encompassing New York State Enhanced Buyout Areas in Oakwood Beach, Community District 3, Borough of Staten Island



* * *

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, September 6, 2017.

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

Report for L.U. No. 745

Report of the Committee on Land Use in favor of approving Application No. C 170373 ZMR submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Sections Nos. 27b, 27d, and 34a to rezone all or portions of 69 blocks establishing a Special Coastal Risk District in the Borough of Staten Island, Community Districts 2 and 3, Council District 50.

The Committee on Land Use, to which the annexed Land Use item was referred on August 24, 2017 (Minutes, page 2980) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****STATEN ISLAND CBs - 2 and 3****C 170373 ZMR**

City Planning Commission decision approving an application submitted by NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 27b, 27d, and 34a.

INTENT

To approve the amendment of the Zoning Map, which in conjunction with the related action would facilitate establishment of the East Shore subdistrict of the Special Coastal Risk District.

PUBLIC HEARING**DATE:** September 5, 2017**Witnesses in Favor:** Four**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** September 5, 2017

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

In Favor:

Richards, Garodnick, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** September 6, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

None

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res. No. 1645

Resolution approving the decision of the City Planning Commission on ULURP No. C 170373 ZMR, a Zoning Map amendment (L.U. No. 745).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on August 11, 2017 its decision dated August 9, 2017 (the "Decision"), on the application submitted by the New York City Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section Nos. 27b, 27d, and 34a, to eliminate from within an existing R3-2 District a C1-1 District, establish within an existing R3-2 District a C1-3 District and establish the Special Coastal Risk District. This action in conjunction with the related action would facilitate establishment of the East Shore subdistrict of the Special Coastal Risk District, (ULURP No. C 170373 ZMR), Community Districts 2 and 3, Borough of Staten Island (the "Application");

WHEREAS, the Application is related to application N 170374 ZRR (L.U. No. 744), a zoning text amendment to establish the East Shore subdistrict of the Special Coastal Risk District;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 5, 2017;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued April 24, 2017 (CEQR No. 17DCP150R), (the "Negative Declaration");

RESOLVED:

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

Pursuant to Section 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 170373 ZMR, incorporated by reference herein, the Council approves the Decision.

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. 27b, 27d, and 34a:

1. eliminating from within an existing R3-2 District a C1-1 District bounded by Quincy Avenue, Slater Boulevard, and Father Capodanno Boulevard, and Graham Boulevard;
2. establishing within an existing R3-2 District a C1-3 District bounded by a line 210 feet southeasterly of Quincy Avenue, a line 60 feet southwesterly of Sioux Street, a line 240 feet southeasterly of Quincy Avenue, Iona Street, a line 270 feet southeasterly of Quincy Avenue, Slater Boulevard, Father Capodanno Boulevard, and Graham Boulevard; and
3. establishing a Special Coastal Risk District bounded by:
 - a. Olympia Boulevard, Slater Boulevard, a line 370 feet southeasterly of Patterson Avenue, Naughton Avenue, a line 200 feet northwesterly of Quincy Avenue, Dongan Hills Avenue, Quincy Avenue, a line 100 feet southwesterly of Liberty Avenue, a line 40 feet northwesterly of Quincy Avenue, Liberty Avenue, a line 90 feet northwesterly of Quincy Avenue, Seaview Avenue and its southeasterly centerline prolongation, the northwesterly boundary line of a park, Slater Boulevard and its southeasterly centerline prolongation, a line 270 feet southeasterly of Quincy Avenue, Iona Street, a line 240 feet southeasterly of Quincy Avenue, a line 60 feet southwesterly of Sioux Street, a line 210 feet southeasterly of Quincy Avenue, Graham Boulevard, Father Capodanno Boulevard, a line 40 feet southwesterly of Jefferson Avenue, a line 105 feet southeasterly of Jay Street, a line 180 feet southwesterly of Jefferson Avenue, Father Capodanno Boulevard, a line 140 feet northeasterly of Hunter Avenue, Jay Street, a line 175 feet northeasterly of Hunter Avenue, Baden Place, and Jefferson Avenue; and
 - b. Riga Street, Dugdale Street, a line 100 feet northwesterly of Riga Street, a line 250 feet southwesterly of Aviston Street, Amherst Avenue, a line 100 feet southwesterly of Aviston Street, Riga Street, Aviston Street, Mill Road, Old Mill Road, a line 85 feet northeasterly of Kissam Avenue and its southeasterly prolongation, the northwesterly, southwesterly, northwesterly and northeasterly boundary lines of Great Kills Park, the northeasterly prolongation of a northwesterly boundary line of Great Kills Park, Emmet Avenue, Cedar Grove Avenue, the southwesterly and southerly street line of Delwit Avenue, the southeasterly terminus of Emmet Avenue and its northeasterly prolongation, and Emmet Avenue;

as shown on a diagram (for illustrative purposes only) dated April 24, 2017, and subject to the conditions of CEQR Declaration E-423, Community Districts 2 and 3, Borough of Staten Island.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, September 6, 2017.

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

Report of the Committee on Mental Health Developmental Disability, Alcoholism, Substance Abuse and Disability Services

Report for Int. No. 1236-A

Report of the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services 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 autism spectrum disorder reporting

The Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services, to which the annexed proposed amended local law was referred on August 16, 2016 (Minutes, page 2750), respectfully

REPORTS:

INTRODUCTION

On Wednesday, September 6, 2017, the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services chaired by Council Member Andrew Cohen held a hearing on Int. No. 1236-A, to amend the administrative code of the city of New York, in relation to autism spectrum disorder reporting and Int. No. 1424-A, to amend the administrative code of the city of New York, in relation to disability classification reporting from the department of education. On Monday, June 5, 2017, the Committee, held a hearing on the original versions of these bills. Representatives of the Department of Health and Mental Hygiene (DOHMH), the Department of Education (DOE), service providers, and advocates testified at the first hearing.

BACKGROUND

Autism Spectrum Disorder (ASD) is a developmental disability that is caused by differences in how the brain functions.¹ People with ASD may communicate, interact, behave, and learn in different ways.² Signs of ASD begin during early childhood and usually last throughout a person's life.³

The Center for Disease Control and Prevention estimates that 1 in 68 children in the United States have been identified with ASD.⁴ ASD can sometimes be detected at 18 months or younger.⁵ A diagnosis of ASD by an experienced professional can be considered very reliable by age 2.⁶ Despite this, many children do not receive a final diagnosis until they are significantly older.⁷ This delay means that children with ASD might not get the early help they need.⁸

¹ *Center for Disease Control and Prevention* "What Is Autism Spectrum Disorder?" <http://www.cdc.gov/ncbddd/autism/documents/comm-report-autism-what-is.pdf>

² *Id.*

³ *Id.*

⁴ *Center for Disease Control and Prevention* "Key Findings from the ADDM Network: A Snapshot of Autism Spectrum Disorder" <http://www.cdc.gov/features/new-autism-data/community-report-autism-key-findings.pdf> 2016.

⁵ *Center for Disease Control and Prevention* "Facts About ASD" <http://www.cdc.gov/ncbddd/autism/facts.html>

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

ANALYSIS

Int. No. 1236-A

Section one of Int. No. 1236-A would amend the Administrative Code of the City of New York to add a new section 17-199.6. The bill would mandate that DOHMH report on the number of individuals receiving services for autism spectrum disorder from DOHMH or from programs administered by DOHMH. The bill would further require that the data and subsequent report comply with applicable federal and state privacy laws, the report be posted on DOHMH's website, and that the data collected be disaggregated by zip code.

Section two of Int. No. 1236-A would establish that this local law take effect immediately.

Int. No. 1424-A

Section one of Int. No. 1424-A would amend paragraph 8 of subdivision b of section 21-955 of the administrative code of the city of New York and add subparagraphs (i) and (ii) to such subdivision. The bill would require DOE to add the total number of students within each disability classification on students' individualized education plan (IEP) to DOE's existing special education report to the Mayor and Speaker of the City Council. This bill would further require such data, as of June 30 of the reported academic period, to be disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, recommended language of instruction, and grade level;

Section two of Int. 1424-A would establish that this local law takes effect immediately, provided that it applies to reports due November 1, 2018 and after.

SIGNIFICANT AMENDMENTS

Int. No. 1236-A

This new bill no longer requires the data to be reported as part of the annual community health survey. Additionally, the report will now include the number of individuals receiving services for autism spectrum disorders from DOHMH or programs administered by DOHMH, disaggregated by zip code instead of the instances of diagnosis of ASD, disaggregated by council district.

Int. No. 1424-A

The report mandated by this bill was updated to include reporting on all thirteen IEP disability classifications instead of only autism diagnoses.

UPDATE

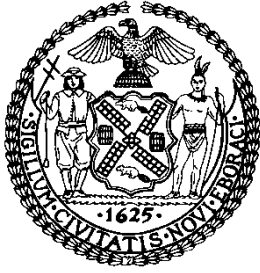
Int. No. 1236-A

On September 6, 2017, the Committee on Mental Health, Developmental Disabilities, Alcoholism, Drug Abuse, and Disability Services adopted this legislation by a vote of five in the affirmative, none in the negative and no abstentions. Accordingly, the Committee recommends its adoption.

Int. No. 1424-A

On September 6, 2017, the Committee on Mental Health, Developmental Disabilities, Alcoholism, Drug Abuse, and Disability Services adopted this legislation by a vote of five in the affirmative, none in the negative and no abstentions. Accordingly, the Committee recommends its adoption.

(The following is the text of the Fiscal Impact Statement for Int. No. 1236-A:)



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

PROPOSED INTRO. NO: 1236-A

**COMMITTEE: Mental Health, Developmental Disability,
Alcoholism, Substance Abuse and
Disability Services**

TITLE: A local law to amend the administrative code of the city of New York, relation to requiring autism spectrum disorder reporting

SPONSOR(S): Council Members Borelli, Johnson, Williams, Espinal, Ulrich, Koo, Treyger, Barron, Rose, Maisel, Cohen, Palma, Gentile, Salamanca, Cabrera, Deutsch, Vacca, Koslowitz, Grodenchik, Van Bramer, Chin, Torres, Garodnick, Kallos, Vallone, Levine, Greenfield, Cumbo, Richards, Gibson, Menchaca, Rosenthal and Matteo

SUMMARY OF LEGISLATION: The proposed legislation would require the Department of Health and Mental Hygiene (Department) to submit to the Mayor and the Speaker of the Council data on the number of individuals receiving services for autism spectrum disorders from the Department (or programs administered by the Department), by zip code, and to post this data on its website. This information would be submitted no later than April 1 of each year.

EFFECTIVE DATE: This legislation would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY 19	Full Fiscal Impact FY 18
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is anticipated that this legislation would not have an impact on revenues.

IMPACT ON EXPENDITURES: It is estimated that this bill would not have an impact on expenditures because the relevant agencies would use existing resources to implement the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Jeanette Merrill, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director, NYC Council Finance Division
Cirlhien R. Francisco, Unit Head, NYC Council Finance Division
Rebecca Chasan, Counsel, NYC Council Finance Division
Eric Bernstein, Counsel, NYC Council Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on August 16, 2016 and was referred to the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and

Disability Services (Committee). The Council re-referred the legislation to the Committee on May 15, 2017. The Committee held a hearing on June 5, 2017, and the bill was laid over. The bill was subsequently amended, and the Committee will vote on the amended legislation, Proposed Int. No. 1236-A, at a hearing on September 6, 2017. Upon successful vote by the Committee, the full Council will vote on the legislation on September 7, 2017.

DATE PREPARED: September 5, 2017.

(For text of Int. No. 1424-A and its Fiscal Impact Statement, please see the Report of the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services for Int. No. 1424-A printed in these Minutes; for text of Int No. 1236-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 1236-A and 1424-A.

(The following is the text of Int. No. 1236-A:)

Int. No. 1236-A

By Council Members Borelli, Johnson, Williams, Espinal, Ulrich, Koo, Treyger, Barron, Rose, Maisel, Cohen, Palma, Gentile, Salamanca, Cabrera, Deutsch, Vacca, Koslowitz, Grodenchik, Van Bramer, Chin, Torres, Garodnick, Kallos, Vallone, Levine, Greenfield, Cumbo, Richards, Gibson, Menchaca, Rosenthal, Eugene, Miller and Matteo.

A Local Law to amend the administrative code of the city of New York, in relation to autism spectrum disorder reporting

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new section 17-199.6 to read as follows:

§ 17-199.6 Report of autism spectrum disorder services. a. No later than April 1 of each year, the department shall submit to the mayor and the speaker of the city council and post on its website, the number of individuals receiving services for autism spectrum disorders from the department or programs administered by the department, disaggregated by zip code.

b. Information required to be reported pursuant to this section shall be reported in a manner that does not violate any applicable provision of federal, state or local law relating to the privacy of information. Any category required to be reported that contains between 1 and 9 individuals, or allows another category to be narrowed to between 1 and 9 individuals, shall be reported with a symbol.

§ 2. This local law takes effect immediately.

ANDREW COHEN, *Chairperson*; ELIZABETH S. CROWLEY, PAUL A. VALLONE, BARRY S. GRODENCHIK, JOSEPH C. BORELLI; Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services, September 6, 2017.

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

Report for Int. No. 1424-A

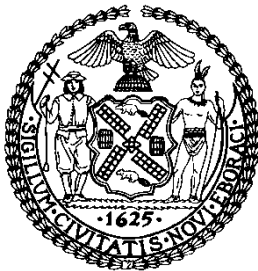
Report of the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to disability classification reporting from the department of education.

The Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services, to which the annexed proposed amended local law was referred on January 18, 2017 (Minutes, page 173), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services for Int. No. 1236-A printed above in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1424-A:



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

PROPOSED INTRO. NO: 1424-A

COMMITTEE: Mental Health, Developmental Disability,
Alcoholism, Substance Abuse and
Disability Services

TITLE: A local law to amend the administrative code of the city of New York, in relation to disability classification reporting from the department of education

SPONSOR(S): Council Members Cohen, Borelli, Crowley, Salamanca, Gentile, Cornegy, Chin, Menchaca, Johnson, and Ulrich

SUMMARY OF LEGISLATION: The proposed legislation would require the Department of Education to report on the total number of students within each IEP disability classification disaggregated by district, eligibility for the free and reduced lunch program, race/ethnicity, gender, English Language Learner status, recommended language of instruction, and grade level.

EFFECTIVE DATE: This local law would take effect immediately, and would apply to reports due November 1, 2018 and after.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: It is anticipated that this legislation would not have an impact on revenues.

IMPACT ON EXPENDITURES: It is estimated that this bill would not have an impact on expenditures because the Department of Education would use existing resources to implement the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Jeanette Merrill, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director, NYC Council Finance Division
 Crilhien R. Francisco, Unit Head, NYC Council Finance Division
 Rebecca Chasan, Counsel, NYC Council Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on January 18, 2017 as Int. No. 1424 and was referred to the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services (Committee). The Committee held a hearing on June 5, 2017 and the bill was laid over. The bill was subsequently amended, and the Committee will vote on the amended legislation, Proposed Int. No. 1424-A, at a hearing on September 6, 2017. Upon successful vote by the Committee, the full Council will vote on Proposed Int. No. 1424-A on September 7, 2017.

DATE PREPARED: September 5, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1424-A:)

Int. No. 1424-A

By Council Members Cohen, Borelli, Crowley, Salamanca, Gentile, Cornegy, Chin, Menchaca, Johnson, Kallos, Rosenthal and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to disability classification reporting from the department of education

Be it enacted by the Council as follows:

Section 1. Paragraph 8 of subdivision b of section 21-955 of the administrative code of the city of New York, as added by local law 27 for the year 2015, is amended to read as follows:

8. (i) the total number of students who have an IEP as of June 30 of the reported academic period, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, recommended language of instruction, grade level, and disability classification; *and*

(ii) *the total number of students within each disability classification referenced in subparagraph (i) as of June 30 of the reported academic period, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, recommended language of instruction, and grade level;*

§ 2. This local law takes effect immediately, provided that it applies to reports due November 1, 2018 and after.

ANDREW COHEN, *Chairperson*; ELIZABETH S. CROWLEY, PAUL A. VALLONE, BARRY S. GRODENCHIK, JOSEPH C. BORELLI; Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services, September 6, 2017.

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

Report of the Committee on Parks and Recreation

Report for Int. No. 629-A

Report of the Committee on Parks and Recreation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the length of the season for city beaches and pools.

The Committee on Parks and Recreation, to which the annexed proposed amended local law was referred on January 22, 2015 (Minutes, page 342), respectfully

REPORTS:

INTRODUCTION

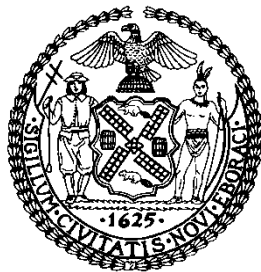
On September 6, 2017, the Committee on Parks and Recreation, chaired by Council Member Mark Levine, will hold a hearing to vote on Proposed Int. No. 629-A. More information on Proposed Int. No. 629-A can be accessed online at <https://goo.gl/oL37JT>.

BACKGROUND

Proposed Int. No. 629-A

Proposed Int. No. 629-A would require the Department of Parks and Recreation (DPR) to extend the length of the beach and pool season to one week past Labor Day to accommodate for warmer temperatures in September. It would also allow DPR to limit the season for public safety or extreme weather concerns.

(The following is the text of the Fiscal Impact Statement for Int. No. 629-A:)



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

PROPOSED INTRO. NO. 629-A

COMMITTEE: Parks & Recreation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the length of the season for city beaches and pools.

Sponsor: By Council Members Levine, Cabrera, Richards, Rose, Rodriguez, Eugene, King, Palma, Treyger, Gibson, Rosenthal, Dromm, Espinal, Cohen and the Public Advocate (Ms. James)

SUMMARY OF LEGISLATION: Proposed Intro. 629–A would require the Department of Parks and Recreation (DPR) to extend the length of the beach and pool season to one week past Labor Day to accommodate for warmer temperatures in September. It would also allow DPR to limit the season for public safety or extreme weather concerns.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$1,700,000	\$1,700,000
Net	\$0	\$1,700,000	\$1,700,000

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

IMPACT ON EXPENDITURES: To implement this legislation, DPR would need to extend seasonal staff such as lifeguards and cleanup crews for an additional week each year. The additional personnel services costs is estimated to be \$1.7 million each year.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

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

ESTIMATE PREPARED BY: Kenneth Grace, Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No. 629 on January 22, 2015 and referred to the Committee on Parks and Recreation. A hearing was held by the Committee on Parks and Recreation on April 22, 2015 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 629-A, will be considered by the Committee on Parks and Recreation on September 6, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 629-A will be submitted to the full Council for a vote on September 7, 2017.

DATE PREPARED: August 30, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 629-A:)

Int. No. 629-A

By Council Members Levine, Cabrera, Richards, Rose, Rodriguez, Eugene, King, Palma, Treyger, Gibson, Rosenthal, Dromm, Espinal, Cohen, Kallos, Deutsch, Menchaca and the Public Advocate (Ms. James).

A Local Law to amend the administrative code of the city of New York, in relation to the length of the season for city beaches and pools

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding new section 18-154 to read as follows:

§ 18-154 Bathing season for beaches and pools. a. The commissioner shall ensure that (i) the bathing season of each year for beaches and pools under the jurisdiction of the department ends on the Sunday following Labor Day and (ii) during such season, each such bathing beach and pool remains open to the public each day, at a minimum, from the hours of 10:00 a.m. to 6:00 p.m.

b. Notwithstanding subdivision a of this section, the commissioner may limit the bathing season for extreme weather conditions, staffing level requirements for beaches or particular facilities, and the safety of the public.

§ 2. This local law takes effect immediately.

MARK LEVINE, *Chairperson*; FERNANDO CABRERA, JAMES G. VAN BRAMER, ANDREW COHEN, ALAN N. MAISEL, MARK TREYGER; Committee on Parks and Recreation, September 6, 2017.

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

Report of the Committee on Transportation

Report for Int. No. 401-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law in relation to requiring the department of transportation and the department of parks and recreation to study the installation of bike share near parks.

The Committee on Transportation, to which the annexed proposed amended local law was referred on June 26, 2014 (Minutes, page 2785), respectfully

REPORTS:

INTRODUCTION

On September 6, 2017, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, will hold a hearing on Proposed Int. No. 401-A, a Local Law in relation to requiring the department of transportation and the department of parks and recreation to study the installation of bike share near parks.

This is the second hearing on this item. The first hearing was held on November 15, 2016, at which the Committee heard testimony from the New York City Department of Transportation (“DOT”) and other interested stakeholders.

BACKGROUND

In May 2013, DOT launched the City’s first bike share program, known as “Citi Bike”.¹ While Citi Bike is managed by DOT, the day-to-day operations are handled by Citi Bike, which is owned by Motivate International, Inc.² In addition to Citi Bike, Motivate operates bike sharing programs across the country.³ Currently, there are 608 stations in the City, over 8,000 bicycles, and over 130,000 members.⁴ Citi Bike, which currently serves much of Manhattan and parts of Brooklyn and Queens, is expected to expand to neighborhoods including Harlem and Morningside Heights in Manhattan, Prospect Heights, Crown Heights, and Prospect-Lefferts Gardens in Brooklyn, and Astoria in Queens by the end of this year.⁵

In New York City, Citi Bike stations are located on the perimeter of numerous City parks, such as Central Park, Washington Square Park, Battery Park, and Prospect Park.⁶ It does not appear that any Citi Bike stations are located within any park.

ANALYSIS OF PROPOSED INT. NO. 401-A

Proposed Int. No. 401-A would require DOT and the Department of Parks and Recreation to study the potential installation of bike share near parks.

Subdivision a of section one of Proposed Int. No. 401-A sets forth the following definitions:

- Bike share: the term “bike share” means a 24-hour transportation network of self-service bicycles for shared use within the city of New York under a contract between the city of New York and an operator that provides for automated payment for the use of such bicycles.
- Parks: the term “parks” means all parks under the jurisdiction of the Department of Parks and Recreation equal to or greater than one acre that include an active recreational or athletic amenity.

Subdivision b of section one of Proposed Int. No. 401-A would require the Department of Transportation and Department of Parks and Recreation to produce a report, on or before June 30, 2018, on the possible installation of bike share near parks. The report would include, but not be limited to, the examination of the regulatory and contractual barriers to such installation and the potential usage of bike share near parks.

Section two of Proposed Int. No. 401-A states that the local law would take effect immediately and remain in effect until the submission of the report required by subdivision b of section one.

(The following is the text of the Fiscal Impact Statement for Int. No. 401-A:)

¹ Press Release, N.Y.C. Department of Transportation, *NYC DOT, NYC Bike Share Announce March 2013 Citi Bike Launch*, Aug. 16, 2012, available at http://www.nyc.gov/html/dot/html/pr2012/pr12_42.shtml.

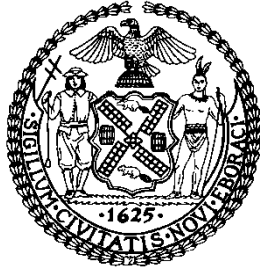
² Citi Bike, About Citi Bike, <https://www.citibikenyc.com/about>

³ *Id.*

⁴ Citi Bike, *Monthly Operating Reports 3* (June 2017), available at <https://d21xlh2maitm24.cloudfront.net/nyc/June-2017-Citi-Bike-Monthly-Report.pdf?mtime=20170719094633>

⁵ N.Y.C. Department of Transportation Presentation to Queens Community Board 1 Transportation Committee, April 4, 2017, available at http://a841-tfpweb.nyc.gov/bikeshare/files/2017/04/QN1_Draft-Plan-Presentation_2017-04-04.pdf

⁶ Citi Bike, Citi Bike Station Map, <https://member.citibikenyc.com/map/>



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
 LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 401-A
COMMITTEE: Transportation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation and the department of parks and recreation to study the installation of bike share near parks

SPONSORS: Council Members Menchaca, Koo, Mendez, Rose, Rodriguez, Kallos and Rosenthal

SUMMARY OF LEGISLATION: Proposed Intro. No. 401-A would require the Department of Transportation (DOT) and the Department of Parks and Recreation (DPR) to produce and submit to the Mayor and the Speaker of the Council a report on the potential installation of bike share near parks on or before June 30, 2018. Such report would also be posted on DOT's website upon completion.

EFFECTIVE DATE: The local law would take effect immediately after its enactment into law, and would remain in effect until the submission of the required report, when it would be deemed repealed.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$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: Because existing resources would be used by the Departments to comply with this local law, it is estimated that this legislation would have no impact on expenditures.

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: Chima Obichere, Unit Head

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

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No. 401 on June 26, 2014 and was referred to the Committee on Transportation. A hearing was held by the Committee on Transportation

on November 15, 2016, and the legislation was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 401-A, will be considered by the Committee on Transportation on September 6, 2017. Upon a successful vote by the Committee on Transportation, Proposed Intro. No. 401-A will be submitted to the full Council for a vote on September 7, 2017.

DATE PREPARED: August 30, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 401-A:)

Int. No. 401-A

By Council Members Menchaca, Koo, Mendez, Rose, Rodriguez, Kallos, Rosenthal, Van Bramer and Constantinides.

A Local Law in relation to requiring the department of transportation and the department of parks and recreation to study the installation of bike share near parks

Be it enacted by the Council as follows:

Section 1. Study of bike share near parks. a. Definitions. For the purposes of this local law, the following terms shall have the following meanings:

Bike share. The term “bike share” means a 24-hour transportation network of self-service bicycles for shared use within the city of New York under a contract between the city of New York and an operator that provides for automated payment for the use of such bicycles.

Parks. The term “parks” means all parks under the jurisdiction of the department of parks and recreation equal to or greater than one acre that include an active recreational or athletic amenity.

b. On or before June 30, 2018, the department of transportation, in conjunction with the department of parks and recreation, shall produce a report on the possible installation of bike share near parks. Such report shall include, but not be limited to, the examination of regulatory and contractual barriers to such installation and the potential usage of bike share near parks. The report shall be presented to the mayor and the speaker of the council and posted on the department of transportation’s website upon completion.

§ 2. This local law takes effect immediately and remains in effect until the submission of the report required by subdivision b of section 1 of this local law, when it is deemed repealed.

YDANIS A. RODRIGUEZ, *Chairperson*; DANIEL R. GARODNICK, JAMES VACCA, STEPHEN T. LEVIN, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, COSTA G. CONSTANTINIDES, CARLOS MENCHACA, I. DANEEK MILLER, DONOVAN J. RICHARDS; Committee on Transportation, September 6, 2017.

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

GENERAL ORDER CALENDAR

Report for L.U. No. 716 & Res. No. 1646

Report of the Committee on Land Use in favor of approving Application No. C 170192 ZSM submitted by 462BDWY LAND, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(b) to allow Use Group 6 uses (retail uses) on property located at 462 Broadway (Block 473, Lot 1), Borough of Manhattan, Community District 2, Council District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on July 20, 2017 (Minutes, page 2455) and which was previously brought before the Council at the August 24, 2017 Stated Meeting (Minutes, page 2860) and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

C 170192 ZSM

City Planning Commission decision approving an application submitted by 462BDWY LAND, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(b) to allow Use Group 6 (retail uses) on portions of the ground floor and cellar of an existing 6-story building on property located at 462 Broadway (Block 473, Lot 1), in an M1-5B District, within the SoHo Cast-Iron Historic District.

INTENT

To approve the special permit in order to allow Use Group 6 retail uses on portions of the ground floor and cellar of a six-story building at 462 Broadway in an M1-5B District in the SoHo Cast Iron Historic District of Manhattan Community District 2.

PUBLIC HEARING

DATE: July 27, 2017

Witnesses in Favor: Four

Witnesses Against: Fourteen

SUBCOMMITTEE RECOMMENDATION

DATE: August 21, 2017

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

In Favor:

Richards, Gentile, Williams, Reynoso, Torres.

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: August 22, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Mendez, Rodriguez, Koo, Lander, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres Treyger.

Against: **Abstain:**
None None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on August 23, 2017. The City Planning Commission filed a letter dated September 5, 2017, with the Council on September 6, 2017, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res. No. 1646

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 170192 ZSM (L.U. No. 716), for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution of the City of New York to modify the use regulations of Section 42-14D(2)(b) to allow Use Group 6 (retail uses) on portions of the ground floor and the cellar of an existing 6-story building on property located at 462 Broadway (Block 473, Lot 1), in an M1-5B District, within the SoHo Cast-Iron Historic District, Community District 2, Borough of Manhattan.

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on July 14, 2017 its decision dated July 12, 2017 (the "Decision"), on the application submitted by 462BDWY LAND, L.P., pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution of the City of New York to modify the use regulations of Section 42-14D(2)(b) to allow Use Group 6 (retail uses) on portions of the ground floor and the cellar of an existing 6-story building on property located at 462 Broadway (Block 473, Lot 1), in an M1-5B District, within the SoHo Cast-Iron Historic District. This action, in conjunction with the related action would facilitate the establishment of a large retail store over 10,000 square feet (Use Group 6 and/or 10A), (ULURP No. C 170192 ZSM), Community District 2, Borough of Manhattan (the "Application");

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-781 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on July 27, 2017;

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 March 6, 2017 (CEQR No. 17DCP097M), (the “Negative Declaration”);

RESOLVED:

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 170192 ZSM), incorporated by reference herein, and the public record, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter in double ~~strikeout~~ is old, deleted by the City Council;
 Matter in double underline is new, added by the City Council;

1. The property that is the subject of this application (C 170192 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 Peter F. Farinella Architect, P.C. filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
1	Zoning Analysis	<u>8/31/17</u> 12/14/16
2	Zoning Lot Site Plan	<u>8/31/17</u> 7/5/17
3	Ground Floor Site Plan	<u>8/31/17</u> 7/5/17
4	Cellar Plan	<u>8/31/17</u> 12/14/16
8	Building Section 1	<u>8/31/17</u> 12/14/16
9	Building Section 2	<u>8/31/17</u> 12/14/16
10	Building Section 3	<u>8/31/17</u> 12/14/16

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK; Committee on Land Use, August 22, 2017.

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

Report for L.U. No. 718 & Res No. 1647

Report of the Committee on Land Use in favor of approving Application No. C 170189 ZMK submitted by Brownsville Linden Plaza LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 17d, changing an existing M1-1 district to R7A/C2-4 and R7D/C2-4 districts for property located North of Hegeman Avenue between Mother Gaston Boulevard and Powell Street, Borough of Brooklyn, Community District 16, Council District 42.

The Committee on Land Use, to which the annexed Land Use item was referred on July 20, 2017 (Minutes, page 2456) and which was previously brought before the Council at the August 24, 2017 Stated Meeting (Minutes, page 2864) and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 16

C 170189 ZMK

City Planning Commission decision approving an application submitted by Brownsville Linden Plaza LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 17d.

INTENT

To approve the amendment to the Zoning Map, which in conjunction with the related action would facilitate the development of two new 11-story mixed-use buildings containing approximately 531 affordable dwelling units in the Brownsville neighborhood of Brooklyn, Community District 16.

PUBLIC HEARING

DATE: July 27, 2017

Witnesses in Favor: Six

Witnesses Against: One

SUBCOMMITTEE RECOMMENDATION

DATE: August 21, 2017

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

In Favor:

Richards, Gentile, Williams, Reynoso, Torres.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: August 22, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Mendez, Rodriguez, Koo, Lander, Rose, Williams, Richards, Barron, Kallos, Reynoso, Torres, Treyger.

Against:

None

Abstain:

Cohen

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on August 23, 2017. The City Planning Commission filed a letter dated September 5, 2017, with the Council on September 6, 2017, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res. No. 1647

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 170189 ZMK, a Zoning Map amendment (L.U. No. 718).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on July 14, 2017 its decision dated July 12, 2017 (the "Decision"), on the application submitted by Brownsville Linden Plaza, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 17d, which in conjunction with the related action would facilitate the development of two new 11-story mixed-use buildings containing approximately 531 affordable dwelling units in the Brownsville neighborhood of Brooklyn, (ULURP No. C 170189 ZMK), Community District 16, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to application N 170190 ZRK (L.U. No. 719), 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(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on July 27, 2017;

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

WHEREAS, the Council has considered the relevant environmental issues, including the revised negative declaration issued July 10, 2017 (CEQR No. 17DCP088K), which includes an (E) designations to avoid the potential for significant adverse impacts related to hazardous materials, air quality and noise (E-419) (the "Revised Negative Declaration");

RESOLVED:

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

Pursuant to Section 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 170189 ZMK, incorporated by reference herein, the Council approves the Decision with the following modification:

Matter in ~~strikeout~~ is old, to be deleted by the City Council;
Matter underline is new, to be added by the City Council.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 17d:

1. changing from an M1-1 District to an R7A District property bounded by New Lots Avenue, Powell Street, a line 150 feet northerly of Hegeman Avenue, Sackman Street, a line 100 feet northerly of Hegeman Avenue, and Christopher Avenue, ~~Hegeman Avenue, and Mother Gaston Boulevard~~;
2. changing from an M1-1 District to an R7D District property bounded by a line 100 feet northerly of Hegeman Avenue, Sackman Street, a line 150 feet northerly of Hegeman Avenue, Powell

Street, Hegeman Avenue, and Christopher Avenue;

3. establishing within a proposed R7A District a C2-4 District bounded by New Lots Avenue, Powell Street, a line 150 feet northerly of Hegeman Avenue, Sackman Street, a line 100 feet northerly of Hegeman Avenue, and Christopher Avenue, ~~Hegeman Avenue, and Mother Gaston Boulevard~~; and
4. establishing within a proposed R7D District a C2-4 District bounded by a line 100 feet northerly of Hegeman Avenue, Sackman Street, a line 150 feet northerly of Hegeman Avenue, Powell Street, Hegeman Avenue, and Christopher Avenue;

as shown on a diagram (for illustrative purposes only) dated March 20, 2017, and subject to the conditions of CEQR Declaration E-419, Community District 16, Borough of Brooklyn.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK; Committee on Land Use, August 22, 2017.

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

Report for L.U. No. 719 & Res. No. 1648

Report of the Committee on Land Use in favor of approving Application No. N 170190 ZRK submitted by Brownsville Linden Plaza, 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 16, Council District 42.

The Committee on Land Use, to which the annexed Land Use item was referred on July 20, 2017 (Minutes, page 2456) and which was previously brought before the Council at the August 24, 2017 Stated Meeting (Minutes, page 2866) and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 16

N 170190 ZRK

City Planning Commission decision approving an application submitted by Brownsville Linden Plaza, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To approve an amendment to the text of the Zoning Resolution which in conjunction with the related action would facilitate the development of two new 11-story mixed-use buildings containing approximately 531 affordable dwelling units in the Brownsville neighborhood of Brooklyn, Community District 16.

PUBLIC HEARING

DATE: July 27, 2017

Witnesses in Favor: Six

Witnesses Against: One

SUBCOMMITTEE RECOMMENDATION

DATE: August 21, 2017

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

In Favor:

Richards, Gentile, Williams, Reynoso, Torres.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: August 22, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Mendez, Rodriguez, Koo, Lander, Rose, Williams, Richards, Barron, Kallos, Reynoso, Torres, Treyger.

Against:

None

Abstain:

Cohen

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on August 23, 2017. The City Planning Commission filed a letter dated September 5, 2017, with the Council on September 6, 2017, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res. No. 1648

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 170190 ZRK, 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 Community District 16, Borough of Brooklyn (L.U. No. 719).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on July 14, 2017 its decision dated July 12, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Brownsville Linden Plaza, 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, which in conjunction with the related action would facilitate the development of two new 11-story mixed-use buildings containing approximately 531 affordable dwelling units in the Brownsville neighborhood of Brooklyn, (Application No. N 170190 ZRK), Community District 16, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to application C 170189 ZMK (L.U. No. 718), a zoning map amendment to change an M1-1 zoning district to an R7A/C2-4 District and R7D/C2-4 zoning districts;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on July 27, 2017;

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

WHEREAS, the Council has considered the relevant environmental issues, including the revised negative declaration issued July 10, 2017 (CEQR No. 17DCP088K), which includes an (E) designations to avoid the potential for significant adverse impacts related to hazardous materials, air quality and noise (E-419) (the "Revised Negative Declaration");

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 170190 ZRK, incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter underlined is new, to be added;

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

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

Matter in double ~~strikeout~~ is old, deleted by the City Council;

Matter in double underline is new, added by the City Council.

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Housing Designated Areas

* * *

Brooklyn

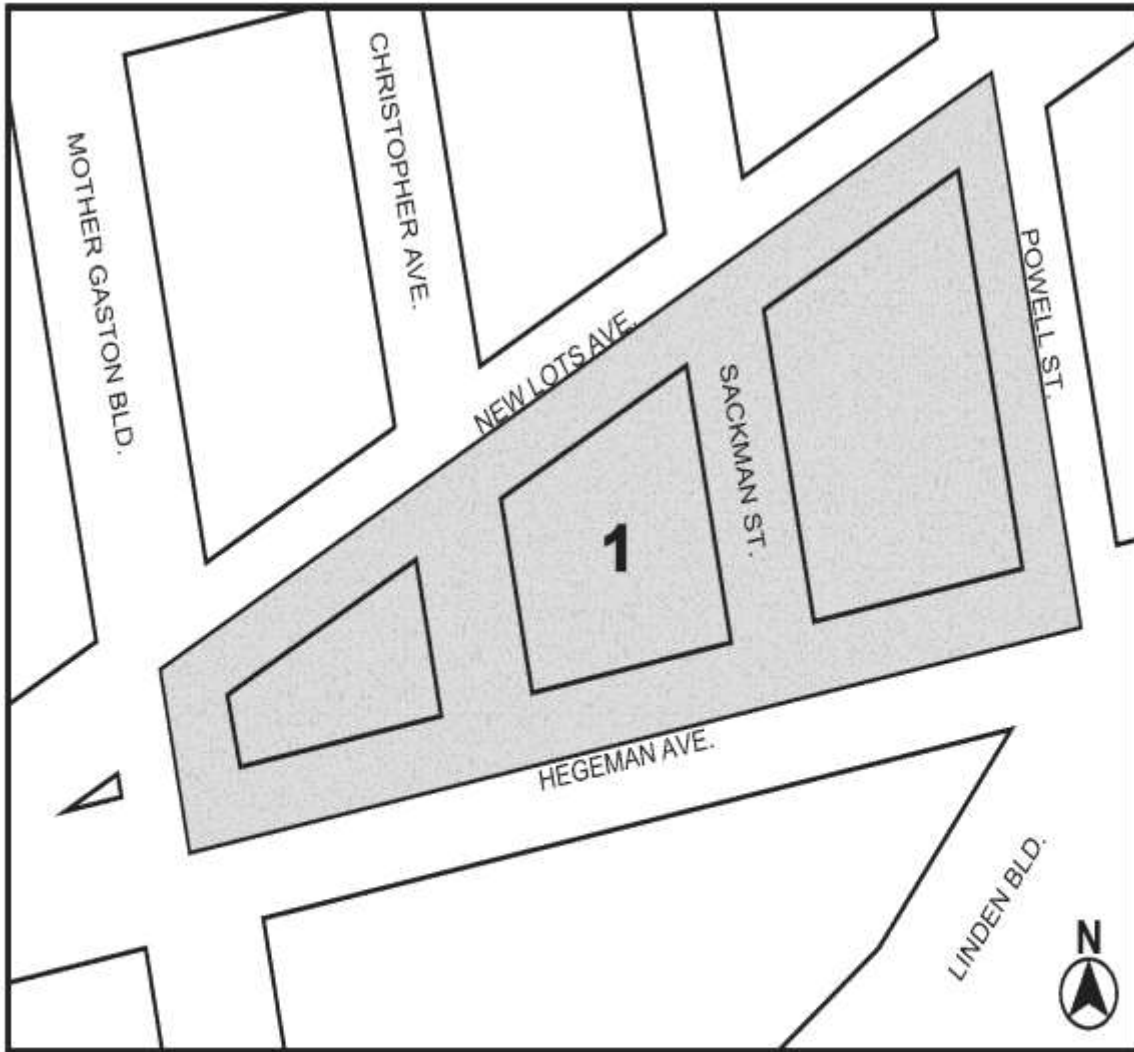
* * *


Brooklyn Community District 16

* * *

In the R7A and R7D Districts within the area shown on the following Map 2: Map 2
– [date of adoption]

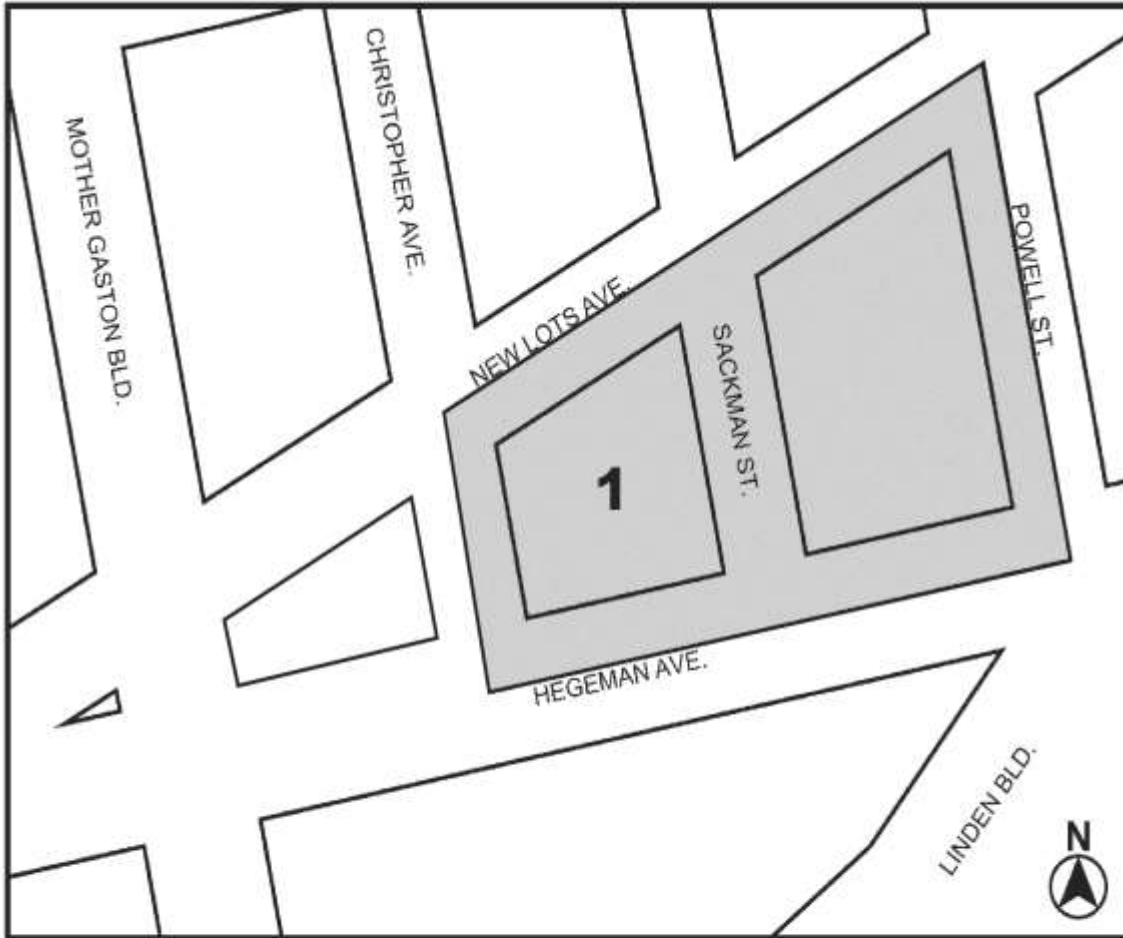
[CITY PLANNING COMMISSION PROPOSED MAP]



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

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

[COUNCIL MODIFIED MAP]



■ Mandatory Inclusionary Housing Area (MIHA) see Section 23-154(d)(3)

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

Portion of Community District 16, Brooklyn

* * *

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK; Committee on Land Use, August 22, 2017.

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

Report for L.U. No. 720 & Res. No. 1649

Report of the Committee on Land Use in favor of approving Application No. C 170158 ZSM submitted by the New York City Department of Small Business Services and the New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-66 of the Zoning Resolution to allow continued operation of a heliport on property generally located between the U.S. Pierhead Line of the East River and the north-bound service road of the Franklin D. Roosevelt Drive, south of East 34th Street, (Block 962, part of Lot 50) in an M2-3 District, Borough of Manhattan, Community District 6, Council District 4.

The Committee on Land Use, to which the annexed Land Use item was referred on July 20, 2017 (Minutes, page 2456) and which was previously brought before the Council at the August 24, 2017 Stated Meeting (Minutes, page 2867) and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 6

C 170158 ZSM

City Planning Commission decision approving an application submitted by the NYC Department of Small Business Services and the NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-66 of the Zoning Resolution to allow a heliport on property generally located between the U.S. Pierhead Line of the East River and the north-bound service road of the Franklin D. Roosevelt Drive, south of East 34th Street, (Block 962, part of Lot 50) in an M2-3 District.

INTENT

To approve the special permit which would allow for the continued operation of the heliport at 499 East 34th Street for a ten-year term.

PUBLIC HEARING

DATE: July 27, 2017

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** August 21, 2017

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

In Favor:

Richards, Gentile, Williams, Reynoso, Torres.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** August 22, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Mendez, Rodriguez, Koo, Lander, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

Against:

None

Abstain:

None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on August 23, 2017. The City Planning Commission filed a letter dated September 6, 2017, with the Council on September 6, 2017, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res. No. 1649

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 170158 ZSM (L.U. No. 720), for the grant of a special permit pursuant to Section 74-66 of the Zoning Resolution of the City of New York to allow a heliport on property generally located between the U.S. Pierhead Line of the East River and the north-bound service road of the Franklin D. Roosevelt Drive, south of East 34th Street, (Block 962, part of Lot 50) in an M2-3 District, Community District 6, Borough of Manhattan.

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on July 7, 2017 its decision dated June 21, 2017 (the "Decision"), on the application submitted by the New York City Department of Small

Business Services and New York City Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit, for a term of ten years, pursuant to Section 74-66 of the Zoning Resolution of the City of New York to allow a heliport on property generally located between the U.S. Pierhead Line of the East River and the north-bound service road of the Franklin D. Roosevelt Drive, south of East 34th Street, (Block 962, part of Lot 50), in an M2-3 District, (ULURP No. C 170158 ZSM), Community District 6, Borough of Manhattan (the "Application");

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-66 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 August 9, 2017;

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

WHEREAS, it was determined by the New York City Department of Small Business Services to be a Type II action on November 29, 2016, requiring no further review under CEQR (CEQR No. 17SBS003M) (the "Type II Determination").

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 170158 ZSM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter in double ~~strikeout~~ is old, deleted by the City Council;

Matter in double underline is new, added by the City Council.

1. The property that is the subject of this application (C 170158 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 Stantec Consulting Services Inc., filed with this application and incorporated in this resolution:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-01	Site Plan	<u>August 30, 2017</u> December 13, 2016

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. The applicants shall incorporate certain terms and conditions of the special permit into the management contract. Such terms and conditions may constitute the basis for termination of the management contract and revocation of the special permit pursuant to Section 11-62 of the Zoning Resolution include:
 - a. The hours of weekday operations shall be limited to 8 AM to 8 PM;
 - b. There shall be no weekend operations;
 - c. There shall be a maximum limit of 28,800 annual flight operations;
 - d. There shall be no tour (sightseeing) operations; and
 - e. The operator selected to manage the heliport shall provide good maintenance to the terminal buildings and the environment under control of the City.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
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 of 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; and
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.
8. The Special Permit is approved for a term of 10 years. Notwithstanding the foregoing, operation of the heliport pursuant to an operating permit(s) shall continue for a period of no more than 5 years unless, prior to the expiration of such 5 year period, the Economic Development Corporation conducts a performance review of the heliport operator and, following such review, EDC elects at its discretion to continue operation of the heliport pursuant to such operating permit. Operation of the heliport may be continued for no more than an additional 5 years. Such performance review shall include, without limitation, a review of the operator's record regarding noise, cleanliness, and response to complaints and compliance with all applicable laws and regulations. The review shall be in writing and shall be submitted to the local Community Board, Council Member, Manhattan Borough President and City Planning Commission prior to any election to continue operation of the heliport pursuant to an operating permit beyond 5 years.

In addition, the following shall be provided by EDC to the local community board and Manhattan Borough President:

- (i) Quarterly data on the East 34th Street Heliport, including:
 - a. the number of flights per month operating out of the East 34th Street Heliport;
 - b. the number of variances granted for flights before or after set hours of operation, per month; and
 - c. a list of helicopter/heliport complaints filed with 311 for the previous quarter within Community Board 6. Complaint information will include the time, date and place of the complaint (if provided), the nature of the complaint (including specific details if provided) and the response.
- (ii) Biannual (every six months) updates on any planned maintenance and improvement plans for the East 34th Street Heliport site.
- (iii) Inclusion of the Community Board and Manhattan Borough President on a monthly report currently submitted to the New York City Council that includes a summary of 311 helicopter complaints across the City.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK; Committee on Land Use, August 22, 2017.

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

Report for L.U. No. 721 & Res. No. 1650

Report of the Committee on Land Use in favor of approving Application No. C 170243(A) ZMQ submitted by New York City Economic Development Corporation pursuant to Section 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 25b and 31a, to change existing R5, R5/C1-2, R5/C2-2, C4-2, C8-1 and M1-1 districts to R5, R5/C2-4, and R7-1/C2-4 districts and establish the Special Downtown Far Rockaway District, Borough of Queens, Community District 14, Council District 31.

The Committee on Land Use, to which the annexed Land Use item was referred on July 20, 2017 (Minutes, page 2456) and which was previously brought before the Council at the August 24, 2017 Stated Meeting (Minutes, page 2869) and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

QUEENS CB - 14

C 170243(A) ZMQ

City Planning Commission decision approving an application submitted by the New York City Economic Development Corporation pursuant to Section 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure for an amendment of the Zoning Map, Section Nos. 25b and 31a.

INTENT

To approve the amendment to the Zoning Map, which in conjunction with the related actions would facilitate the Downtown Far Rockaway Development Plan, a comprehensive planning, zoning, and redevelopment strategy aimed at supporting Downtown Far Rockaway's growth and vitality by fostering a vibrant mix of residential, commercial, and community facility uses on vacant and underutilized sites near mass transit resources and along the area's primary corridors.

PUBLIC HEARING

DATE: July 27, 2017

Witnesses in Favor: Twenty

Witnesses Against: Five

SUBCOMMITTEE RECOMMENDATION

DATE: August 21, 2017

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

In Favor:

Richards, Gentile, Williams, Reynoso, Torres.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: August 22, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Mendez, Rodriguez, Koo, Lander, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

Against:

None

Abstain:

None

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res. No. 1650

Resolution approving the decision of the City Planning Commission on ULURP No. C 170243(A) ZMQ, a Zoning Map amendment (L.U. No. 721).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on July 10, 2017 its decision dated July 10, 2017 (the "Decision"), on the application submitted by New York City Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section Nos. 25b and 31a, which in conjunction with the related actions would facilitate the Downtown Far Rockaway Development Plan, a comprehensive planning, zoning, and redevelopment strategy aimed at supporting Downtown Far Rockaway's growth and vitality by fostering a vibrant mix of residential, commercial, and community facility uses on vacant and underutilized sites near mass transit resources and along the area's primary corridors, (ULURP No. C 170243(A) ZMQ), Community District 14, Borough of Queens (the "Application");

WHEREAS, the Application is related to applications N 170244 (A) ZRQ (L.U. No. 722), a zoning text amendment as modified; N 170245 HGQ (L.U. No. 723), designation of the Downtown Far Rockaway Urban Renewal Area; C 170246 HUQ (L.U. No. 724), Downtown Far Rockaway Urban Renewal Plan; C 170247 HDQ (L.U. No. 725), disposition of City-owned property within the Downtown Far Rockaway Urban Renewal Area; and C 170248 PPQ (L.U. No. 726), disposition of City-owned property;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on July 27, 2017;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 29, 2017 (CEQR No. 16DME010Q), which identified significant adverse impacts with respect to hazardous materials, air quality and noise which would be avoided through the placement of (E) designations (E-415) and the Technical Memoranda dated April 26, 2017, and August 31, 2017, (the "Technical Memoranda");

RESOLVED:

Having considered the FEIS and the 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 mitigation measures that were identified as practicable; and

- (4) The Decision, together with the FEIS and the Technical Memorandum, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Section 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 170243(A) ZMQ, incorporated by reference herein, the Council approves the Decision as follows:

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. 25b and 31a:

1. eliminating from within an existing R3X District a C1-2 District bounded by a line perpendicular to the northeasterly street line of Nameoke Street distant 150 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Nameoke Street and the southeasterly street line of Central Avenue, a line 150 feet southeasterly of Central Avenue, and Nameoke Street;
2. eliminating from within an existing R5 District a C1-2 District bounded by:
 - a. Dix Avenue, Redfern Avenue, Mott Avenue, Beach 22nd Street, a line 200 feet southwesterly of Mott Avenue, a line 200 feet southerly of Mott Avenue, and a line 200 feet westerly of Beach Channel Drive and its southerly prolongation; and
 - b. a line midway between Augustina Avenue and Central Avenue, Neilson Street and its northwesterly centerline prolongation, a line 150 feet southeasterly of Central Avenue, a line perpendicular to the northeasterly street line of Nameoke Street distant 150 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Nameoke Street and the southeasterly street line of Central Avenue, and Nameoke Avenue and its southeasterly centerline prolongation;
3. eliminating from within an existing R5 District a C2-2 District bounded by Mott Avenue, Beach 18th Street, a line 200 feet northeasterly of Mott Avenue, a line 100 feet southwesterly of Nameoke Street, Cornaga Avenue, Mott Avenue, Gateway Boulevard, a line 100 feet southwesterly of Mott Avenue, a line 100 feet southeasterly of Cornaga Avenue, Beach 19th Street, Cornaga Avenue, and a line midway between Beach 20th Street and Beach 19th Street;
4. changing from a C4-2 District to an R5 District property bounded by a line 100 feet southerly of Cornaga Avenue, the southerly centerline prolongation of Beach 19th Street, a line 200 feet southerly of Cornaga Avenue, and the southerly centerline prolongation of Beach 21st Street;
5. changing from an R5 District to an R6 District property bounded by
 - a. a line 150 feet southerly of Dix Avenue, Beach Channel Drive, a line 115 feet southerly of Dix Avenue, Redfern Avenue, Mott Avenue, Beach 22nd Street, a line 200 feet southwesterly of Mott Avenue, a line 200 feet southerly of Mott Avenue, and a line 200 feet westerly of Beach Channel Drive and its southerly prolongation;
 - b. Augustina Avenue, Neilson Street and its northwesterly centerline prolongation, the southwesterly prolongation of a line 200 feet southeasterly of Central Avenue, a line perpendicular to the northeasterly street line of Nameoke Street distant 150 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Nameoke Street and the southeasterly street line of Central Avenue, Nameoke Avenue and its southeasterly centerline prolongation;

- c. Mott Avenue, Beach 18th Street, a line 200 feet northeasterly of Mott Avenue, a line 100 feet southwesterly of Nameoke Street, Cornaga Avenue, the southeasterly centerline prolongation of Nameoke Street, a line 125 feet northeasterly of Mott Avenue, Gateway Boulevard, Mott Avenue, a line 110 feet northwesterly of Caffrey Avenue, a line 100 feet southwesterly of Mott Avenue, Gateway Boulevard, a line 150 feet southwesterly of Mott Avenue, a line 100 feet southeasterly of Cornaga Avenue, Beach 19th Street, a line 100 feet southerly of Cornaga Avenue, the southerly centerline prolongation of Beach 19th Street, Cornaga Avenue, and a line midway between Beach 20th Street and Beach 19th Street; and
- d. a line perpendicular to the easterly street line of Beach 22nd Street distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Beach 22nd Street and the southeasterly street line of Beach 22nd Street, a line midway between Beach 22nd Street and Beach 21st Street, Cornaga Avenue, and a line 100 feet easterly of Beach 22nd Street; and
6. changing from a C4-2 District to an R6 District property bounded by Mott Avenue, Central Avenue, Bayport Place, a line 150 feet southeasterly of Central Avenue, Foam Place, Beach 18th Street, Mott Avenue, a line midway between Beach 20th Street and Beach 19th Street, Cornaga Avenue, the southerly centerline prolongation of Beach 19th Street, a line 100 feet southerly of Cornaga Avenue, and Beach 21st Street and its southerly centerline prolongation;
7. changing from a C8-1 District to an R6 District property bounded by
 - a. Central Avenue, the southeasterly centerline prolongation of Nameoke Avenue, Nameoke Street, a line 150 feet southeasterly of Central Avenue, and Bayport Place; and
 - b. Beach 22nd Street, Mott Avenue, Beach 21st Street, Cornaga Avenue, a line midway between Beach 22nd Street and Beach 21st Street, and a line perpendicular to the easterly street line of Beach 22nd Street distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Beach 22nd Street and the southeasterly street line of Beach 22nd Street;
8. changing from an M1-1 District to an R6 District property bounded by Redfern Avenue, a line 150 feet northeasterly of Nameoke Avenue, Brunswick Avenue, and Nameoke Avenue;
9. changing from a C4-2 District to an R7-1 District property bounded by the centerline of the Long Island Rail Road Right-Of-Way (Far Rockaway Branch), Bayport Place and its northwesterly centerline prolongation, Central Avenue, and Mott Avenue;
10. changing from a C8-1 District to an R7-1 District property bounded by Redfern Avenue, Nameoke Avenue, Central Avenue, Bayport Place and its northwesterly centerline prolongation, the centerline of the Long Island Rail Road Right-Of-Way (Far Rockaway Branch), and Mott Avenue;
11. establishing within an existing R5 District a C2-4 District bounded by Dix Avenue, a line 50 feet easterly of Beach Channel Drive, a line 115 feet southerly of Dix Avenue, Beach Channel Drive, a line 150 feet southerly of Dix Avenue, and a line 200 feet westerly of Beach Channel Drive;
12. establishing within a proposed R5 District a C2-4 District bounded by a line 100 feet southerly of Cornaga Avenue, the southerly centerline prolongation of Beach 19th Street, a line 200 feet southerly of Cornaga Avenue, the southerly centerline prolongation of Beach 21st Street;
13. establishing within a proposed R6 District a C2-4 District bounded by:

- a. a line 150 feet southerly of Dix Avenue, Beach Channel Drive, a line 115 feet southerly of Dix Avenue, Redfern Avenue, Mott Avenue, Central Avenue, Nameoke Avenue, Augustina Avenue, the northwesterly centerline prolongation of Neilson Street, Central Avenue, Nameoke Street, a line 150 feet southeasterly of Central Avenue, Foam Place, Beach 18th Street, a line 200 feet northeasterly of Mott Avenue, a line 100 feet southwestwesterly of Nameoke Street, Cornaga Avenue, Mott Avenue, Gateway Boulevard, a line 100 feet southwestwesterly of Mott Avenue, a line 100 feet southeasterly of Cornaga Avenue, Beach 19th Street, a line 100 feet southerly of Cornaga Avenue, the southerly centerline prolongation of Beach 21st Street, Cornaga Avenue, a line 100 feet easterly of Beach 22nd Street, a line perpendicular to the easterly street line of Beach 22nd Street distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Beach 22nd Street and the southeasterly street line of Beach 22nd Street, Beach 22nd Street, a line 200 feet southwestwesterly of Mott Avenue, a line 200 feet southerly of Mott Avenue, and a line 200 feet westerly of Beach Channel Drive and its southerly prolongation;
 - b. Redfern Avenue, a line 150 feet northeasterly of Nameoke Avenue, a line 125 feet southeasterly of Redfern Avenue, and Nameoke Avenue; and
 - c. a line 75 feet northwesterly of Brunswick Avenue, a line 150 feet northeasterly of Nameoke Avenue, Brunswick Avenue, and Nameoke Avenue;
14. establishing within a proposed R7-1 District a C2-4 District bounded by Redfern Avenue, Nameoke Avenue, Central Avenue, and Mott Avenue; and
 15. establishing a Special Downtown Far Rockaway District bounded by Dix Avenue, a line 50 feet easterly of Beach Channel Drive, a line 115 feet southerly of Dix Avenue, Redfern Avenue, a line 150 feet northeasterly of Nameoke Avenue, Brunswick Avenue, Nameoke Avenue, Augustina Avenue, Neilson Avenue and its northwesterly centerline prolongation, a line 200 feet southeasterly of Central Avenue, a line perpendicular to the northeasterly street line of Nameoke Street distant 150 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Nameoke Street and the southeasterly street line of Central Avenue, Nameoke Street, a line 150 feet southeasterly of Central Avenue, Foam Place, Beach 18th Street, a line 200 feet northeasterly of Mott Avenue, a line 100 feet southwestwesterly of Nameoke Street, Cornaga Avenue, the southeasterly centerline prolongation of Nameoke Street, a line 125 feet northeasterly of Mott Avenue, Gateway Boulevard, Mott Avenue, a line 110 feet northwesterly of Caffrey Avenue, a line 100 feet southwestwesterly of Mott Avenue, Gateway Boulevard, a line 150 feet southwestwesterly of Mott Avenue, a line 100 feet southeasterly of Cornaga Avenue, Beach 19th Street, a line 100 feet southerly of Cornaga Avenue, the southerly centerline prolongation of Beach 19th Street, a line 200 feet southerly of Cornaga Avenue, the southerly centerline prolongation of Beach 21st Street, Cornaga Avenue, a line 100 feet easterly of Beach 22nd Street, a line perpendicular to the easterly street line of Beach 22nd Street distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Beach 22nd Street and the southeasterly street line of Beach 22nd Street, Beach 22nd Street, a line 200 feet southwestwesterly of Mott Avenue, a line 200 feet southerly of Mott Avenue, and a line 200 feet westerly of Beach Channel Drive and its southerly prolongation;

as shown on a diagram (for illustrative purposes only) dated April 26, 2017, and subject to the conditions of CEQR Declaration E-415, Community District 14, Borough of Queens.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK; Committee on Land Use, August 22, 2017.

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

Report for L.U. No. 722 & Res. No. 1651

Report of the Committee on Land Use in favor of approving Application no. N 170244(A) ZRQ submitted by the New York City Economic Development Corporation pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article XIII, Chapter 6 (Special Far Rockaway District) to establish the Special Downtown Far Rockaway District and establish a Mandatory Inclusionary Housing area, Borough of Queens, Community District 14, Council District 31.

The Committee on Land Use, to which the annexed Land Use item was referred on July 20, 2017 (Minutes, page 2457) and which was previously brought before the Council at the August 24, 2017 Stated Meeting (Minutes, page 2870) and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

QUEENS CB - 14

N 170244(A) ZRQ

City Planning Commission decision approving an application submitted by the New York City Economic Development Corporation pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article XIII, Chapter 6 (Special Far Rockaway District) to establish the Special Downtown Far Rockaway District and establish a Mandatory Inclusionary Housing area.

INTENT

To approve an amendment to the text of the Zoning Resolution, which in conjunction with the related actions would facilitate the Downtown Far Rockaway Development Plan, a comprehensive planning, zoning, and redevelopment strategy aimed at supporting Downtown Far Rockaway's growth and vitality by fostering a vibrant mix of residential, commercial, and community facility uses on vacant and underutilized sites near mass transit resources and along the area's primary corridors.

PUBLIC HEARING

DATE: July 27, 2017

Witnesses in Favor: Twenty

Witnesses Against: Five

SUBCOMMITTEE RECOMMENDATION**DATE:** August 21, 2017

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

In Favor:

Richards, Gentile, Williams, Reynoso, Torres.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** August 22, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Mendez, Rodriguez, Koo, Lander, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

Against:

None

Abstain:

None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on August 23, 2017. The City Planning Commission filed a letter dated September 5, 2017, with the Council on September 6, 2017, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res. No. 1651

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 170244(A) ZRQ, for an amendment of the Zoning Resolution of the City of New York, relating to Article XIII, Chapter 6 (Special Far Rockaway District) to establish the Special Downtown Far Rockaway District and establish a Mandatory Inclusionary Housing area, within Community District 14, Borough of Queens (L.U. No. 722).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on July 10, 2017 its decision dated July 10, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Economic Development Corporation, for an amendment of the text of the Zoning Resolution of the City of New York, relating to Article XIII, Chapter 6 (Special Far

Rockaway District) to establish the Special Downtown Far Rockaway District and establish a Mandatory Inclusionary Housing area. This amendment in conjunction with the related actions would facilitate the Downtown Far Rockaway Development Plan, a comprehensive planning, zoning, and redevelopment strategy aimed at supporting Downtown Far Rockaway's growth and vitality by fostering a vibrant mix of residential, commercial, and community facility uses on vacant and underutilized sites near mass transit resources and along the area's primary corridors, (Application No. N 170244(A) ZRQ), Community District 14, Borough of Queens (the "Application");

WHEREAS, the Application is related to applications C 170243 (A) ZMQ (L.U. No. 721), a zoning map amendment, as modified; N 170245 HGQ (L.U. No. 723), designation of the Downtown Far Rockaway Urban Renewal Area; C 170246 HUQ (L.U. No. 724), Downtown Far Rockaway Urban Renewal Plan; C 170247 HDQ (L.U. No. 725), disposition of City-owned property within the Downtown Far Rockaway Urban Renewal Area; and C 170248 PPQ (L.U. No. 726), disposition of City-owned property;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on July 27, 2017;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 29, 2017 (CEQR No. 16DME010Q), which identified significant adverse impacts with respect to hazardous materials, air quality and noise which would be avoided through the placement of (E) designations (E-415) and the Technical Memoranda dated April 26, 2017, and August 31, 2017, (the "Technical Memoranda");

RESOLVED:

Having considered the FEIS and the 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) 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 mitigation measures that were identified as practicable; and
- (4) The Decision, together with the FEIS and the Technical Memorandum, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 170244(A) ZRQ, incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter with # # is defined in Section 12-10 or 81-613;

Matter in double ~~strikeout~~ is old, deleted by the City Council;

Matter in double underline is new, added by the City Council;

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

Article I: GENERAL PROVISIONS

Chapter 1 - Title, Establishment of Controls and Interpretation of Regulations

11-122

Districts established

* * *

* * *

Special Purpose Districts

* * *

Establishment of the Special Downtown Brooklyn District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 1, the #Special Downtown Brooklyn District# is hereby established.

Establishment of the Special Downtown Far Rockaway District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 6, the #Special Downtown Far Rockaway District# is hereby established.

Establishment of the Special Downtown Jamaica District

* * *

Chapter 2 – Construction of Language and Definitions

* * *

**12-10
DEFINITIONS**

* * *

Special Downtown Brooklyn District

The “Special Downtown Brooklyn District” is a Special Purpose District designated by the letters “DB” in which special regulations set forth in Article X, Chapter 1, apply.

Special Downtown Far Rockaway District

The “Special Downtown Far Rockaway District” is a Special Purpose District designated by the letters “DFR” in which special regulations set forth in Article XIII, Chapter 6, apply.

Special Downtown Jamaica District

* * *

Chapter 4 – Sidewalk Café 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).

* * *

Queens	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
<u>Downtown Far Rockaway District</u>	<u>No</u>	<u>Yes</u>
Downtown Jamaica District	No	Yes
Forest Hills District ¹	No	Yes
Long Island City Mixed Use District ²	No	Yes
Southern Hunters Point District	No	Yes
Willetts Point District	No	Yes

¹ #Sidewalk cafes# are not allowed on Austin Street

² See Appendix A in Article XI, Chapter 7

* * *

Article II: RESIDENCE DISTRICT REGULATIONS

Chapter 3 – Residential Bulk Regulations in Residence Districts

* * *

**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 Downtown Brooklyn District#;

#Special Downtown Far Rockaway District#;

#Special Downtown Jamaica District#;

* * *

23-03

Street Tree Planting in Residence Districts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

- (a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, #street# trees shall not be required for #enlargements# of #single-# or #two-family residences#, except as provided in paragraphs (b) and (c) of this Section;
- (b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

* * *

#Special Downtown Brooklyn District#;

#Special Downtown Far Rockaway District#;

#Special Downtown Jamaica District#;

* * *

23-10

OPEN SPACE AND FLOOR AREA REGULATIONS

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

* * *

23-15

Open Space and Floor Area Regulations in R6 through R10 Districts

R6 R7 R8 R9 R10

* * *

23-153

For Quality Housing buildings

R6 R7 R8 R9 R10

In the districts indicated, for #Quality Housing buildings#, the maximum #floor area ratio# and maximum #residential lot coverage# for #interior lots# or #through lots# shall be as set forth in the table in this Section. The maximum #residential lot coverage# for a #corner lot# shall be 100 percent.

MAXIMUM LOT COVERAGE AND FLOOR AREA RATIO

FOR QUALITY HOUSING BUILDINGS

District	Maximum #Lot Coverage# for an #Interior Lot# or #Through Lot# (in percent)	Maximum #Floor Area Ratio#
R6	60	2.20
R6 ²	60	2.43
R6 ^{1,3} R6A		
R7B	65	3.00
R6B	60	2.00

R7	65	3.44
R7 ¹ R7A	65	4.00
* * *		
R8 ¹	70	7.20
* * *		

¹ for #zoning lots#, or portions thereof, located within 100 feet of a #wide street# in R6, R7 or R8 Districts without a letter suffix outside the #Manhattan Core#

² for #zoning lots# in an R6 District inside the #Manhattan Core# located within 100 feet of a #wide street#

³ for #zoning lots# in an R6 District without a letter suffix the maximum #lot coverage# for any #MIH development# utilizing the height and setback provisions of paragraph (c) of Section 23-664 in: Mandatory Inclusionary Housing Area 1, as of May 24, 2017 in Community District 9 in the Borough of the Bronx and in Mandatory Inclusionary Housing Area 2, as of [date of adoption], in Community District 14 in the Borough of Queens. ~~the maximum #lot coverage# for #zoning lots# in Mandatory Inclusionary Housing Program Area 1, as of May 24, 2017, in an R6 District without a letter suffix in Community District 9 in the Borough of the Bronx, utilizing the height and setback provisions of paragraph (c) of Section 23-664~~

**23-154
Inclusionary Housing**

* * *

(d) Special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas#

For #zoning lots# in #Mandatory Inclusionary Housing areas#, the following provisions shall apply:

* * *

(2) Maximum #floor area ratio#

The maximum #floor area ratio# for the applicable zoning district in #Inclusionary Housing designated areas# set forth in paragraph (b) of this Section shall apply to any #MIH development#, except:

~~However, in an R7-3 or R7X District, the maximum #floor area ratio# for any #MIH development# shall be 6.0; and in Mandatory Inclusionary Housing Program Area 1, as of May 24, 2017, in in Community District 9 in the Borough of the Bronx, it shall be 3.6.~~

(i) in an R6 District without a letter suffix the maximum #floor area ratio# for any #MIH development# shall be 3.6 in the following areas:

(aa) Mandatory Inclusionary Housing Area 1, as of May 24, 2017, in Community District 9 in the Borough of the Bronx; and

(bb) Mandatory Inclusionary Housing Area 2, as of [date of adoption], in Community District 14 in the Borough of Queens.

(ii) in an R7-1 District the maximum #floor area ratio# for any #MIH development# shall be 4.6;

(iii) in an R7-3 or R7X District, the maximum #floor area ratio# for any #MIH development# shall be 6.0.

In addition, in R6, R7-1, R7-2, R8 and R9 Districts without a letter suffix, where the basic height and setback requirements are utilized pursuant to paragraph (c) of Section 23-952, the maximum #floor area ratio# shall be determined in accordance with the provisions of Section 23-151 (Basic regulations for R6 through R9 Districts).

For any #development#, #enlargement# or #conversion# from non-#residential# to #residential use# that is subject to the provisions of paragraph (d)(4) of this Section, the maximum #floor area ratio# for the applicable district outside of #Inclusionary Housing designated areas# or #Mandatory Inclusionary Housing areas# shall apply.

* * *

33-03

Street Tree Planting in Commercial Districts

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

- (a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, #street# trees shall not be required for #enlargements# of #single-# or #two-family residences#, except as provided in paragraphs (b) and (c) of this Section;
- (b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

* * *

#Special Downtown Brooklyn District#;

#Special Downtown Far Rockaway District#;

#Special Downtown Jamaica District#;

* * *

Article XIII - Special Purpose Districts

Chapter 6

Special Downtown Far Rockaway District

136-00**GENERAL PURPOSES**

The “Special Downtown Far Rockaway District” established in this Resolution is designed to promote and protect the public health, safety and general welfare of the Downtown Far Rockaway community. These general goals include, among others, the following specific purposes:

- (a) strengthen the commercial core of Downtown Far Rockaway by improving the working and living environments;
- (b) support the development of vacant and underutilized parcels in Downtown Far Rockaway with a mix of residential, commercial and community facility uses;
- (c) encourage the design of new buildings to blend into the existing neighborhood fabric by providing a transition in height between the downtown commercial core and the lower-scale residential communities;
- (d) establish a center to the downtown with lively new gathering and civic spaces along Mott Avenue that complement and strengthen the existing neighborhood;
- (e) encourage the development of affordable housing;
- (f) expand the retail, entertainment and commercial character of areas around transit nodes to enhance the area’s role as a local transportation hub;
- (g) integrate new roadways into an improved pedestrian and vehicular network with key north-south and east-west connections;
- (h) ensure the provision of adequate accessory parking that reflects both the automobile ownership patterns of the neighborhood and public transit access;
- (i) enhance the pedestrian environment by relieving sidewalk congestion and providing pedestrian amenities; and
- (j) promote the most desirable use of land and building development and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

136-01**General Provisions**

The regulations of this Chapter shall apply within the #Special Downtown Far Rockaway 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.

136-02**Definitions**

Definitions specifically applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS).

Open Space A

“Open Space A” shall be a publicly accessible open space designed and constructed pursuant to the provisions of Section 136-324 (Publicly accessible open space requirements) and located within the area designated as “Flexible Open Space A Location” on Map 7 (Mandatory Street Walls and Public Open Spaces) in the Appendix to this Chapter.

Open Space B

“Open Space B” shall be a publicly accessible open space designed and constructed pursuant to the provisions of Section 136-324 (Publicly accessible open space requirements) and located within the area designated as “Flexible Open Space B Location” on Map 7 (Mandatory Street Walls and Public Open Spaces) in the Appendix to this Chapter.

136-03**District Plan and Maps**

The regulations of this Chapter implement the #Special Downtown Far Rockaway District# Plan.

The District Plan includes the following maps in the Appendix to this Chapter:

Map 1 - Special Downtown Far Rockaway District and Subdistrict

Map 2 - Commercial Core

Map 3 - Ground Floor Use and Transparency Requirements

Map 4 - Maximum Building Height

Map 5 - Maximum Building Height Within Subdistrict A

Map 6 - Publicly Accessible Private Streets

Map 7 - Mandatory Street Walls and Public Open Spaces

Map 8 - Sidewalk Widening

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 this Chapter apply.

136-04**Subdistricts**

In order to carry out the purposes and provisions of this Chapter, Subdistrict A is established. The location of the Subdistrict is shown on Map 1 in the Appendix to this Chapter.

136-05**Applicability of District Regulations****136-051****Applicability of the Quality Housing Program**

R6 R7-1

In the districts indicated, and in C2 Commercial Districts mapped within such districts, any #building# containing #residences#, #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations that is constructed in accordance with the #bulk# regulations of this Chapter shall be considered a #Quality Housing building#, and shall comply with the provisions of Article II, Chapter 8 (The Quality Housing Program) of this Resolution.

136-052**Applicability of the Mandatory Inclusionary Housing Program**

R6 R7-1

In the districts indicated, and in C2 Commercial Districts mapped within such districts, the regulations for a #Mandatory Inclusionary Housing area# shall apply. The locations of such #Mandatory Inclusionary Housing areas# are shown on the maps in Appendix F of this Resolution.

136-06**Private Streets and Publicly Accessible Open Spaces**

Except as otherwise provided herein, private streets that are provided in accordance with the provisions of this Chapter within the locations shown on Map 6 (Publicly Accessible Private Streets) in Appendix A of this Chapter, and publicly accessible open spaces that are provided in accordance with the provisions of this Chapter within the locations shown on Map 7 (Mandatory Street Walls and Public Open Spaces) in Appendix A of this Chapter shall be considered #streets# for the purposes of establishing the #use#, #bulk# and parking regulations of this Resolution. However, for the purposes of #floor area# regulations, such private streets and publicly accessible open spaces shall be considered part of a #zoning lot#. Furthermore, for the purpose of determining minimum and maximum base heights and minimum setback depth pursuant to paragraph (a) of

Section 136-313 (Minimum and maximum base height), private streets and publicly accessible open spaces shall be distinguished from #streets#.

136-10

SPECIAL USE REGULATIONS

The #use# regulations of the underlying district shall apply except as modified in this Section, inclusive.

136-11

Location Within Buildings

Within locations shown on Map 2 (Commercial Core) in the Appendix to this Chapter, the provisions of Section 32-421 (Limitation on floors occupied by commercial uses) shall not apply. In lieu thereof, the provisions of Section 32-422 (Location of floors occupied by commercial uses) shall apply.

136-12

Use Groups 10A and 12 in C2 Districts

Within locations shown on Map 2 (Commercial Core) in the Appendix to this Chapter, the provisions of Sections 32-19 (Use Group 10) and 32-21 (Use Group 12) shall be modified to allow Use Groups 10A and 12 in C2 Districts.

136-13

Ground Floor Use Regulations

The special ground floor #use# provisions of this Section shall apply to any portion of a #building#:

- (a) fronting on a designated #street#, as shown on Map 3 (Ground Floor Use and Transparency Requirements); or
- (b) located within 175 feet of Mott Avenue and fronting on #Open Space A#.

#Uses# within #stories# on the ground floor or with a floor level within five feet of the level of the adjoining sidewalk, shall be limited to non-#residential uses#. A #building's street# frontage shall be allocated exclusively to such #uses#, except for Type 1 lobby space, entrances and exits to #accessory# off-street parking facilities, and entryways or entrances to subway stations in accordance with Section 37-33 (Maximum Width of Certain Uses). Such non-#residential uses# shall comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses).

136-14**Transparency and Parking Wrap Requirements**

The provisions of this Section shall apply to #buildings developed# or #enlarged# after [date of adoption], where the ground floor of such #development# or #enlarged# portion of the #building# fronts upon designated #streets# as shown on Map 3 (Ground Floor Use and Transparency Requirements) in the Appendix to this Chapter. These provisions shall also apply to the frontage of #buildings# located along #Open Space A#. The ground floor #street wall# of such #building# or portion thereof shall be glazed in accordance with Section 37-34 (Minimum Transparency Requirements).

The provisions of Section 37-35 (Parking Wrap and Screening Requirements) shall apply along designated #streets# as shown on Map 3 and along #Open Space A#. In addition, the screening requirements of paragraph (b) of Section 37-35 shall apply along intersecting #streets# within 50 feet of designated #streets#, and along intersecting #streets# or private streets within 50 feet of #Open Space A#.

136-15**Special Use Regulations Within Subdistrict A**

The following additional special #use# provisions of this Section, inclusive, shall apply within Subdistrict A, as shown on Map 1 (Special Downtown Far Rockaway District and Subdistrict) in the Appendix to this Chapter.

136-151**Modification of Supplemental Use Provisions**

For #mixed buildings#, the underlying provisions of Section 32-421 (Limitation on floors occupied by non-residential uses) shall not apply. In lieu thereof, Use Groups 6, 7, 8, 9 or 14, other than offices listed in Use Group 6B, shall not be located above the level of the second #story# ceiling. Offices shall be permitted above the level of the second #story#, provided that where any floor space allocated to such offices is located on the same #story# as a #dwelling unit#, no access exists between such #uses#, and further provided that no floor space allocated to such offices is located directly over #dwelling units#.

136-152**Location of entrances**

(a) Non-#residential# entrances

Within Subdistrict A, on designated #streets#, as shown on Map 3 (Ground Floor Use and Transparency Requirements) in the Appendix to this Chapter, the requirements of this paragraph (a) shall apply to any #building or other structure# fronting on such #streets#. These provisions shall also apply to the frontage of #buildings# along #Open Space A#. Access to each ground floor #commercial# or #community facility# establishment shall be provided directly from a #street# or from #Open Space A#.

(b) #Residential# entrances

Eighty percent of all ground floor #dwelling units# with frontage only on Redfern Avenue shall have a #primary entrance# directly accessible from Redfern Avenue.

136-20

SPECIAL BULK REGULATIONS

The #bulk# regulations of the underlying district shall apply except as modified in this Section, inclusive.

136-21

Lot Coverage

The #residential# portion of a #building# shall comply with the maximum #lot coverage# provisions of the underlying district applicable to #Quality Housing buildings#.

136-22

Height and Setback Regulations

For #residential buildings#, #mixed buildings# and #commercial buildings#, the height and setback regulations of the underlying district shall be modified by the regulations of this Section, inclusive. The provisions of Section 23-952 (Height and setback in Mandatory Inclusionary Housing areas) and Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall not apply within the #Special Downtown Far Rockaway District#.

All heights shall be measured from the #base plane#.

136-221

Street wall location

In C2 Districts, the #street wall# location regulations of the underlying district shall apply except as modified in this Section.

- (a) In C2 Districts mapped within R6 and R7-1 Districts, 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 Section 136-222 (Minimum and maximum base height), or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than ten feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#. For #zoning lots# bounded by more than one #street line#, these #street wall# location requirements shall be mandatory on only one #street line#.
- (b) In C2 Districts mapped within R5 Districts, 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 a height of 30 feet, or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls#

may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than ten feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#. For #zoning lots# bounded by more than one #street line#, these #street wall# location requirements shall be mandatory on only one #street line#.

- (c) Below a height of 15 feet or the height of the second #story# floor, whichever is lower, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except recesses that do not exceed a depth of 12 inches.

The underlying allowances for #street wall# articulation, set forth in paragraph (e) of Section 35-651 (Street wall location) shall be permitted to project or recess beyond the #street wall# locations established in paragraphs (a) and (b) of this Section.

Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet, without regard to the #street wall# location requirements of this Section.

136-222
Minimum and maximum base height

R6 R7-1

In the districts indicated, and in C2 Commercial Districts mapped within such districts, the minimum and maximum heights before setback of a #street wall# required pursuant to Section 136-221 (Street wall location), shall be as set forth in the following table:

<u>District</u>	<u>Minimum Base Height (feet)</u>	<u>Maximum Base Height (feet)</u>
<u>R6</u>	<u>30</u>	<u>55</u>
<u>R7-1</u>	<u>40</u>	<u>55</u>

At a height not lower than the minimum base height nor higher than the maximum base height specified for the applicable district in this Section, a setback with a depth of at least ten feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#. The underlying provisions of paragraphs (c)(2) through (c)(4) of Section 23-662 (Maximum height of buildings and setback regulations) shall apply to such setbacks.

136-223
Maximum building height

R6 R7-1

In the districts indicated, and in C2 Commercial Districts mapped within such districts, the height of a #building or other structure# shall not exceed the maximum height or the maximum number of #stories#, whichever is less, as shown for such location on Map 4 (Maximum Building Height) in the Appendix to this Chapter.

136-30**SPECIAL REGULATIONS WITHIN SUBDISTRICT A**

The regulations of this Section, inclusive, shall apply within the area labeled “Subdistrict A”, as shown on Map 1 (Special Downtown Far Rockaway District and Subdistrict) in the Appendix to this Chapter. The regulations of the #Special Downtown Far Rockaway District# shall apply, except as modified by the regulations of this Section, inclusive.

136-31**Special Height and Setback Regulations Within Subdistrict A****136-311****Street wall location**

The provisions of Section 136-221 (Street wall location) shall apply within Subdistrict A, except as provided in this Section.

- (a) For portions of #buildings# or #building segments# with frontage on Redfern Avenue located between the prolongation of the northerly #street line# of Dix Avenue and a line 150 feet south of and parallel to Nameoke Street, the street wall location rules of Section 136-221 shall not apply. In lieu thereof, paragraph (b) of Section 23-661 (Street wall location) shall apply.
- (b) For “Street Wall A” and “Street Wall B”, as shown on Map 7 (Mandatory Street Walls and Public Open Spaces) in the Appendix to this Chapter, the provisions of Section 136-231 (Street wall location) shall not apply. In lieu thereof, the provisions of this Section shall apply.
 - (1) “Street Wall A”

#Buildings# on the west side of #Open Space A# shall have a #street wall# located along the required sidewalk widening on Mott Avenue, shown as a line designated “A1” on Map 7, except that #street wall# articulation set forth in paragraph (e) of Section 35-651 (Street wall location) shall be permitted. Beyond 112 feet of Redfern Avenue, the #street wall# shall be located no closer to Central Avenue than the line designated “A2” as shown on Map 7.
 - (2) “Street Wall B”

#Street walls# fronting #Open Space A# shall be located no closer to Redfern Avenue than as shown as a line designated “B1” on Map 7. The #street walls# of #buildings# on the east side of #Open Space A# with frontage on Mott Avenue shall be located no closer to Mott Avenue than as shown as lines designated “B2” and “B3” on Map 7 for. Portions of #street walls# with frontage on Mott Avenue, located so that a line drawn perpendicular to the line designated “B3” intersects such #street walls#, shall be located no further than 30 feet from “B3.” #Street walls# fronting Central Avenue shall be located no closer to Central Avenue than as shown for the line designated “B4” on Map 7, and shall be located no further than 30 feet from “B4.”

(c) For #blocks# with a dimension of less than 100 feet between #streets# or private streets that are parallel or do not intersect, the provisions of Section 136-221 shall be modified to require a minimum of 40 percent of the #aggregate width of street walls# to be located within eight feet of the #street line# and to extend to at least the minimum base height specified in Section 136-222 (Minimum and maximum base height), or the height of the #building#, whichever is less.

All #street walls# governed by this Section shall extend to the minimum base height specified in Section 136-313 (Minimum and maximum base height), or the height of the #building#, whichever is less.

136-312
Street wall recesses

For each #building# within Subdistrict A, where the #aggregate width of street walls# is greater than 90 feet, a minimum of 20 percent of the surface area of #street walls# below the maximum base height and above the level of the first #story# shall be recessed beyond three feet of the #street line#. Portions of #street lines# with no #street walls# may be counted towards the recess requirements of this Section. No portion of such minimum recessed area shall be located within 30 feet of the intersection of two #street lines#. However, such minimum recessed area shall be permitted within 30 feet of Redfern Avenue, except at the intersection of Redfern Avenue and Mott Avenue.

136-313
Minimum and maximum base height

Within Subdistrict A, the provisions of Section 136-222 (Minimum and maximum base height) shall not apply. In lieu thereof, for #residential buildings#, #mixed buildings# and #commercial buildings#, the provisions of this Section shall apply. The #street wall# height and setback regulations of the underlying district shall apply except as modified in this Section.

(a) The minimum and maximum heights before setback of a #street wall# required pursuant to Section 136-221 (Street wall location), shall be as set forth in the following table:

<u>Condition</u>	<u>Minimum Base Height (feet)</u>	<u>Maximum Base Height (feet)</u>	<u>Minimum Setback Depth (feet)</u>
<u>Fronting on Redfern Avenue and greater than 75 feet from an intersecting #street#</u>	<u>30</u>	<u>45</u>	<u>10</u>
<u>Fronting on, or within 100 feet of, a #street#, other than a private street or publicly accessible open space</u>	<u>4040¹</u>	<u>65</u>	<u>10</u>
<u>Fronting on a private street or a publicly accessible open space and beyond 100 feet of a #street# that is not a private</u>	<u>40</u> 40 ¹	<u>85</u>	<u>7</u>

street or publicly accessible open space			
* Within 300 feet of Mott Avenue, the minimum base height shall be 20 feet.	<u>30¹</u>	<u>45²</u>	<u>10</u>
Fronting on Redfern Avenue			

¹ Within 300 feet of Mott Avenue, the minimum base height shall be 20 feet.

² The maximum base height for the portion of a building subject to the 65 foot or six story maximum height provisions of 136-314 shall be 65 feet.

(b) Dormers

The provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts) shall be modified to allow dormers as a permitted obstruction within the required front setback distance above a maximum base height, as follows:

- (1) Within 75 feet of intersecting #streets#, dormers shall be permitted without limitation on width.
- (2) Where dormers are provided pursuant to paragraph (b)(1) of this Section, and such dormers exceed the maximum width permitted pursuant to paragraph (c) of Section 23-621, for any portion of a #building# with an #aggregate width of street walls# greater than 75 feet, a setback shall be provided above the maximum base height between such dormer and any other dormer for a width of at least 20 feet, or the remaining width of such #street wall#, as applicable.
- (3) Beyond 75 feet of intersecting #streets#, the provisions of paragraph (c) of Section 23-621 shall apply. The width of any dormers provided pursuant to the provisions of paragraph (b)(1) of this Section shall be included in the aggregate width of all dormers.

However, the provisions of this paragraph (b) shall not apply to portions of #buildings# with frontage on Redfern Avenue, except that these provisions shall apply to portions of #buildings# with frontage on both Redfern Avenue and Mott Avenue.

136-314
Maximum building height

The height of a #building or other structure# shall not exceed the maximum building height or the maximum number of #stories#, whichever is less, as shown on Map 5 (Maximum Building Height Within Subdistrict A) in the Appendix to this Chapter. However, within 75 feet of the intersection of the southerly cross street with Redfern Avenue, and within 75 feet of the intersection of the northerly cross street with Redfern Avenue, the maximum height for #buildings or other structures# shall be ~~not exceed maximum height of~~ six #stories# or 65 feet, whichever is less. Any such 65 foot or six story maximum building height limit falling within 300 feet

of Mott Avenue shall only extend to a depth of 25 feet off of Redfern Avenue, after which the maximum building height and number of stories shown on Map 5 shall apply.

136-315

Maximum building height and horizontal dimension for tall buildings

Within the area labeled “Tower Location Area” on Map 5 (Maximum Building Height Within Subdistrict A) in the Appendix to this Chapter, the height of a #building# may exceed the height limits specified in Section 136-314 (Maximum building height) only as set forth in this Section. Any portion of a #building# above a height of 125 feet shall hereinafter be referred to as a “tower.”

(a) Towers shall be located within portions of #zoning lots# bounded by intersecting #street lines# and lines parallel to and 200 feet from each intersecting #street line#.

(b) Towers shall be separated from one another by a minimum distance of 60 feet, measured in all horizontal directions.

(c) The outermost walls of each #story# of a #building# located entirely above a height of 125 feet shall be measured in plan view and inscribed within a rectangle. The maximum length of ~~two sides of~~ such rectangle shall be 170 feet. The maximum length of ~~the two sides~~ any other side of such rectangle shall be 100 feet. For the purposes of this Section, #abutting# portions of #buildings# above a height of 125 feet shall be considered a single tower.

(d) To permit portions of a #building# to rise from grade to a tower portion without setback, the setback provisions of Section 136-313 (Minimum and maximum base height) shall not apply to any portion of a #building# located within 100 feet of intersecting #street lines#.

(e) The maximum height of a tower shall be 155 feet or 15 #stories#, whichever is lower.

(f) No more than two towers shall be permitted within Subdistrict A.

136-316

Maximum length of buildings

The outermost walls of each #story# of a #building# located entirely above a height of 95 feet shall be measured in plan view and inscribed within a rectangle. The maximum length of any side of such rectangle shall be 170 feet. For the purposes of this Section, #abutting-# portions of #buildings# ~~on~~ above a ~~single #zoning lot#~~ height of 95 feet shall be considered a single #building#.

136-32**Streets and public open spaces****136-321****Certification**

The requirements of this Section shall apply to #zoning lots# containing #developments# or #enlargements# within the current or former Downtown Far Rockaway Urban Renewal Area.

No building permit shall be issued for any #development# or #enlargement# until the Chairperson of the City Planning Commission certifies to the Department of Buildings that such #development# or #enlargement# complies with the provisions of this Section.

The Chairperson shall certify that:

(a) all publicly accessible open spaces adjacent to the proposed #development# or #enlargement# comply with the provisions of Section 136-324 (Publicly accessible open space requirements);

(b) the location of private streets adjacent to the proposed #development# or #enlargement# complies with the provisions of Section 136-323 (Private streets); and

(c) for any portion of Subdistrict A outside the area of the proposed #development# or #enlargement# for which a certification pursuant to this Section has not been obtained, the applicant has submitted sufficient documentation showing that the #development# or #enlargement# that is the subject of this certification, and any associated private streets and publicly accessible open spaces required to be constructed in conjunction with such #development# or #enlargement#, shall not preclude such undeveloped portions of Subdistrict A from complying with the provisions of Sections 136-323 and 136-324 under future certifications pursuant to this Section.

All required private streets and publicly accessible open spaces, once certified in accordance with the provisions of this Section, shall be duly recorded in the form of a signed declaration of restrictions, including provisions for the maintenance and operation of such private streets and publicly accessible open spaces, indexed against the property, binding the owners, successors and assigns to provide and maintain such private streets and publicly accessible open spaces in accordance with the plans certified by the Chairperson. Such declaration, or any maintenance and operation agreement with the City or its designee executed in connection therewith, shall require that adequate security be provided to ensure that the private streets and public access areas are maintained in accordance with the declaration and any related maintenance and operation agreement and are closed only at authorized times. The filing of such declaration in the Borough Office of the Register of the City of New York shall be a precondition for the issuance of a building permit.

In addition, the private streets and publicly accessible open spaces integral to the #development# or #enlargement# of a #building#, as indicated in the plans certified by the Chairperson, shall be recorded on the certificate of occupancy for such #building# by the Department of Buildings. The recording information of the declaration of restrictions shall be included on the certificate of occupancy for any #building#, or portion thereof, issued after the recording date.

The property owner shall be responsible for the construction and maintenance of all required private streets and publicly accessible open spaces on the #zoning lot#. No temporary or final certificate of occupancy shall

be issued for any #building# adjacent to such private street or publicly accessible open space until all required improvements are completed, except as set forth in a phasing plan that has been incorporated in a signed and duly recorded declaration of restrictions, and that has provided for interim improvements and access where these do not present conflicts with construction, staging, or public safety.

136-322

Sidewalk widening

For #buildings developed# or #enlarged# after [date of adoption], where the #development# or horizontal #enlargement# fronts upon designated #streets# as shown on Map 8 (Sidewalk Widening) in the Appendix to this Chapter, the provisions of this Section shall apply.

A sidewalk widening is a continuous, paved open area along the #street line# of a #zoning lot#, located within the #zoning lot#. A sidewalk widening shall be provided along #streets# as shown on Map 8, to the extent necessary, so that a minimum sidewalk width of 13 feet or 18 feet, as applicable, is achieved, including portions within and beyond the #zoning lot#. Such depth shall be measured perpendicular to the #street line#. Sidewalk widenings shall be improved as sidewalks to Department of Transportation standards, at the same level as the adjoining public sidewalk and shall be directly accessible to the public at all times. No #enlargement# shall be permitted to decrease the depth of such sidewalk widening to less than such minimum required depth.

Lighting shall be provided with a minimum level of illumination of not less than two horizontal foot candles throughout the entire mandatory sidewalk widening. Lighting fixtures installed by the Department of Transportation within the #street# adjacent to such sidewalk widening shall be included in the calculation of the required level of illumination.

Where a continuous sidewalk widening is provided on the #zoning lot#, along the entire #block# frontage of a #street#, the boundary of the sidewalk widening within the #zoning lot# shall be considered to be the #street line# for the purposes of Sections 136-22 (Height and Setback Regulations) and 136-31 (Special Height and Setback Regulations Within Subdistrict A).

136-323

Private streets

In Subdistrict A, private streets shall be accessible to the public at all times, except when required to be closed for repairs, and for no more than one day each year in order to preserve the private ownership of such area. Private streets shall have a minimum width of 60 feet. Private streets shall be constructed to Department of Transportation standards for public #streets#. Sidewalks shall have a minimum clear path of seven feet on each side of such private streets along their entire length. Such private streets shall be located as shown on Map 6 (Publicly Accessible Private Streets) in the Appendix to this Chapter. One street tree shall be planted for every 25 feet of curb length of each private street. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire length of the curb of the private street.

The private street network shall be established as follows.

(a) A central street shall connect #Open Space A# with Nameoke Ave. as shown on Map 6 (Publicly Accessible Private Streets). However, if the centerline of the new street is not within five feet of the extended centerline of Brunswick Avenue, then the easterly curb of the new street shall be greater than 50 feet from the extended line of the westerly curb of Brunswick Avenue.

(b) A southerly cross street shall connect Redfern Avenue with the central street, intersecting Redfern Avenue within the 170-foot wide area shown on Map 6. However, if the centerline of the new street is not within five feet of the extended centerline of Dix Avenue, then the northerly curb of the new street shall be greater than 50 feet from the extended line of the southerly curb of Dix Avenue.

(c) A northerly cross street shall connect Birdsall Avenue with Bayport Place, intersecting Redfern Avenue so that the centerline of the new street is within five feet of the extended centerline of Birdsall Avenue and within five feet of the centerline of Bayport Place.

136-324

Publicly accessible open space requirements

Publicly accessible open spaces shall be provided within the areas designated “Flexible Open Space A Location” and “Flexible Open Space B Location”, as applicable, as shown on Map 7 (Mandatory Street Walls and Public Open Spaces) in the Appendix to this Chapter. #Open Space A# shall contain a minimum of 23,000 square feet, and #Open Space B# shall contain a minimum of 7,000 square feet.

(a) A portion of the required publicly accessible open space located within #Open Space A# shall have a minimum width of 80 feet within 55 feet of Mott Avenue. #Open Space A# shall extend from Mott Avenue to the nearest private street required pursuant to Section 136-323 (Private streets), and shall maintain a minimum width of 60 feet.

(b) Publicly accessible open spaces shall comply with the provisions of Sections 37-725 (Steps), 37-726 (Permitted obstructions), 37-727 (Hours of access) 37-728 (Standards of accessibility for persons with disabilities), 37-73 (Kiosks and Open Air Cafes), 37-74 (Amenities) and 37-75 (Signs), except for the following modifications:

(1) Section 37-73 (Kiosks and Open Air Cafes) shall be modified as follows:

(i) Paragraph (a) of Section 37-73 shall be modified to permit a kiosk to occupy an area no greater than 400 square feet within #Open Space A#, provided that such kiosk has a maximum width, measured along the same axis as the minimum width of #Open Space A# pursuant to paragraph (a) of this Section, of 20 feet, and provided further that any canopies, awnings or other sun control devices extending from such kiosk shall be limited to a distance of five feet from such kiosk;

(ii) Paragraph (b) of Section 37-73 shall be modified to limit the aggregate area of open air cafes to no more than 40 percent of the publicly accessible open space, to allow open air cafes to occupy up to 50 percent

of #street# frontage along Mott Avenue, and to eliminate the requirement that open air cafes be located along the edge of the publicly accessible open space; and

(iii) Paragraphs (c) and (d) of Section 37-73 shall not apply to the certification of open air cafes in the Special District, and the filing of plans for open air cafes in the Borough Office of the City Register shall not be required;

(2) Section 37-741 (Seating) shall be modified as follows:

(i) the requirement for a minimum of one linear foot of required seating for every two linear feet of #street# frontage within 15 feet of the #street line# shall not apply;

(ii) the requirement of one linear foot of seating for each 30 square feet of #public plaza# area shall be modified to one linear foot of seating for each 60 square feet of publicly accessible open space; and

(iii) seating for open air cafes may count toward the seating requirement, in the category of moveable seating, provided that 50 percent of the linear seating capacity is provided through other seating types;

(3) For #Open Space A#, Section 37-742 (Planting and trees) shall be modified to require that at least 15 percent of the area of the publicly accessible open space shall be comprised of planting beds with a minimum dimension of two feet, exclusive of any bounding walls. For #Open Space B#, Section 37-742 (Planting and trees) shall be modified to eliminate the requirement for such planting beds;

(4) Section 37-743 (Lighting) shall be modified to provide that for publicly accessible open spaces fronting on Mott Avenue, the lighting fixtures installed by the Department of Transportation within the #street# shall be included in the calculation of the required level of illumination;

(5) Section 37-744 (Litter receptacles) shall be modified to require a minimum of one litter receptacle per ~~10,000~~ 5,000 square feet of publicly accessible open space;

(6) Entry plaques for publicly accessible open spaces shall be provided as described in paragraph (a) of Section 37-751 (Public space signage systems), except that the number of such plaques shall be provided so that one such plaque is located at each point of entry from a #street# to such publicly accessible open space. ~~Plaques pursuant to paragraphs (b) and (c) of Section 37-751 shall not be required;~~ and

(7) Section 37-753 (Accessory signs) shall be modified as follows:

(i) paragraphs (a), (c) and (d) shall not apply;

(ii) paragraph (b) shall be modified to permit non-illuminated or illuminated accessory signs, and the permitted surface area of such signs shall be as permitted by the underlying district, as if the publicly accessible open space was a street; and

(iii) paragraph (e) shall be modified to permit any number of accessory signs within the publicly accessible open space, subject to the remaining provisions of such paragraph (e).

136-40

SPECIAL OFF-STREET PARKING REGULATIONS

136-41

Parking Regulations

The off-street parking regulations shall be modified, as follows:

(a) The regulations of Section 25-027 (Applicability of regulations in Community District 14, Queens) shall not apply. In lieu thereof, the regulations of the applicable underlying district shall apply, as modified by the provisions of this Section.

(b) In a C2 Commercial District mapped within an R7-1 District, the regulations of Section 25-251 (Income-restricted housing units) shall be modified to require an accessory off-street parking requirement of 25 percent per income-restricted housing unit.

(c) For commercial uses in Parking Requirement Categories PRC-A, PRC-B, PRC-B1 and PRC-C, the provisions of Section 36-21 (General Provisions) shall be modified to require accessory off-street parking spaces at a rate of one parking space per 750 square feet of floor area.

For ambulatory diagnostic or treatment health care facilities listed in Use Group 4, the provisions of Sections 25-31 (General Provisions) and 36-21 shall be modified to require accessory off-street parking spaces at a rate of one parking space per 750 square feet of floor area.

(d) Within Subdistrict A, parking spaces provided on private streets shall count towards the number of accessory off-street parking spaces required by the provisions of Sections 36-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES) and 36-30 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES WHEN PERMITTED IN COMMERCIAL DISTRICTS). For such parking spaces located within private streets, the provisions of Section 28-40 (PARKING FOR QUALITY HOUSING) shall not apply.

136-50
AUTHORIZATIONS

136-51
Authorization to Modify Provisions for Publicly Accessible Open Spaces and Private Streets

The City Planning Commission may authorize modification of the provisions of Sections 136-323 (Private streets) and 136-324 (Publicly accessible open space requirements), provided that the Commission shall find that:

- (a) the usefulness and attractiveness of the publicly accessible open space will be improved by the proposed design and layout;
- (b) such modification to private street provisions will result in a private street network that will ensure pedestrian and vehicular mobility and safety and will be well integrated with the surrounding #streets#; and
- (c) such modification will result in a superior urban design relationship with surrounding #buildings# and open areas, including #streets# and private streets.

The Commission may prescribe appropriate conditions and controls to enhance the relationship of such publicly accessible open spaces and private streets to surrounding #buildings# and open areas.

136-52
Authorization to Modify Bulk Regulations for Income-Restricted Housing Units

~~The~~ For #developments# or #enlargements# containing only #income-restricted housing units#, #affordable independent residences for seniors#, or other government-assisted #dwelling units#, the City Planning Commission may authorize modifications of ~~height and setback regulations#;~~

- (a) #yard# regulations, ~~and~~
- (b) regulations governing the minimum required distance between #buildings# on the same #zoning lot#, provided that no waiver shall authorize a minimum distance of less than 40 feet, and
- (c) regulations governing the minimum required distance between #legally required windows# and walls or #lot lines#, provided that no waiver shall authorize a minimum of less than 20 feet between #legally required windows# and walls or #lot lines#;

~~provided that the maximum building heights established in Sections 136-314 (Maximum building height), 136-315 (Maximum building height and horizontal dimension for tall buildings) shall not be modified.~~

The Commission shall find that such modifications:

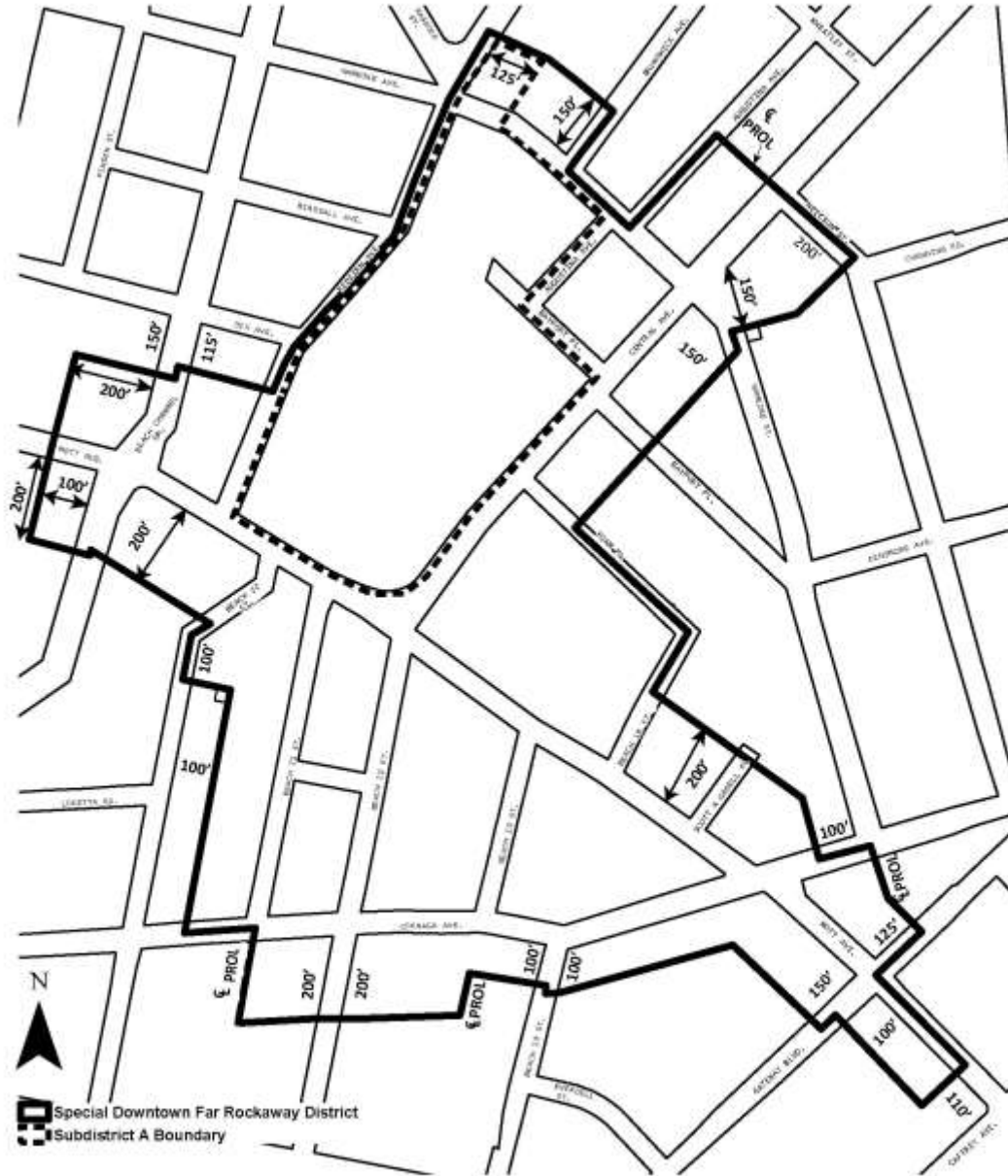
- (a) will aid in achieving the general purposes and intent of this Chapter as set forth in Section 136-00 (GENERAL PURPOSES);
- (b) will provide a better distribution of #bulk# on the #zoning lot#, resulting in a superior site plan, in which the #buildings# subject to this authorization and any associated open areas will relate harmoniously with one another and with adjacent #buildings# and open areas; and
- (c) will not unduly increase the #bulk# of any #building# or unduly obstruct access of adequate light and air to the detriment of the occupants or users of #buildings# on the #block# or nearby #blocks#, or of people using the public #streets# and other public spaces; and
- ~~(d) will not create traffic congestion in the surrounding area.~~

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

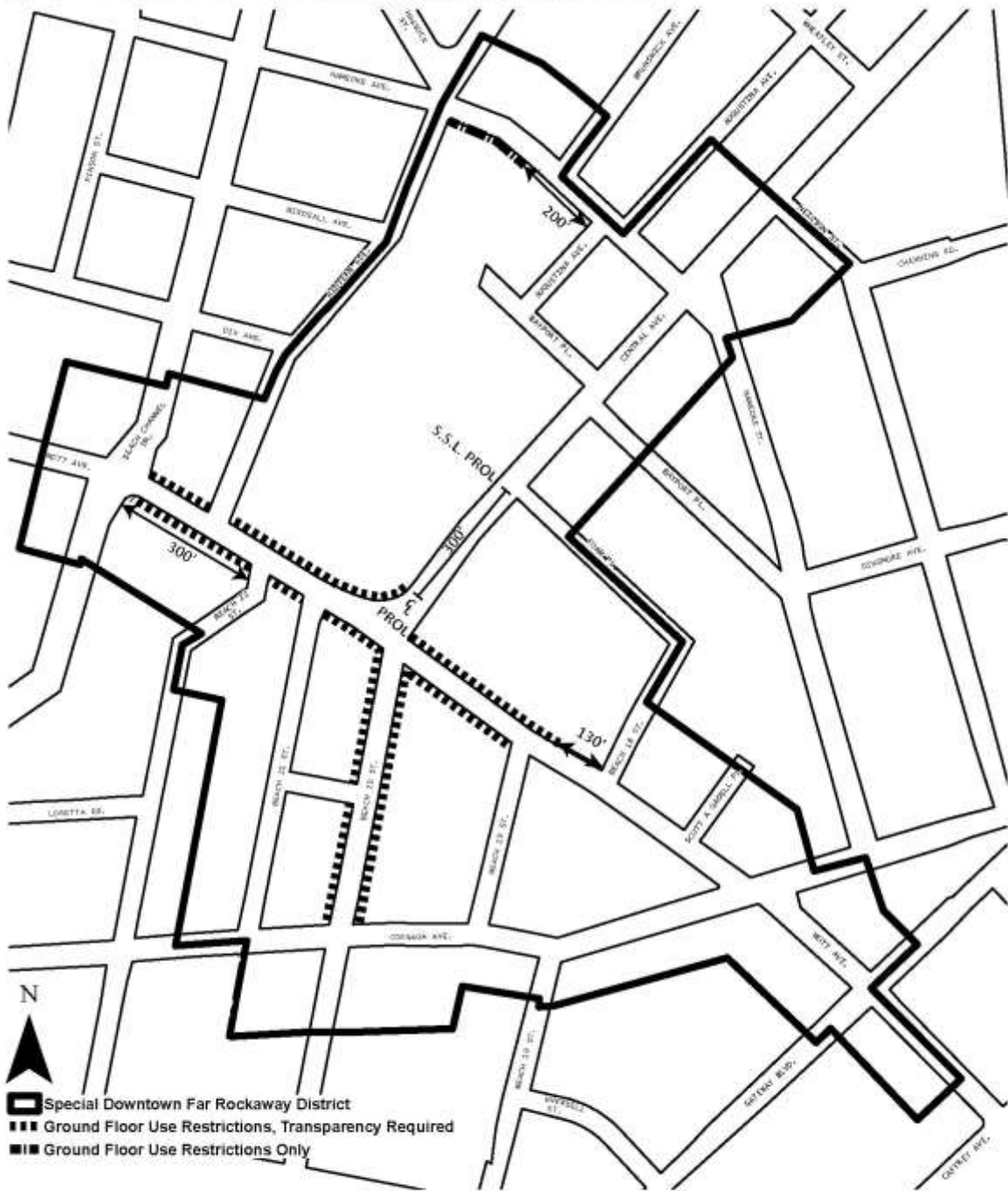
Appendix

Special Downtown Far Rockaway District Maps

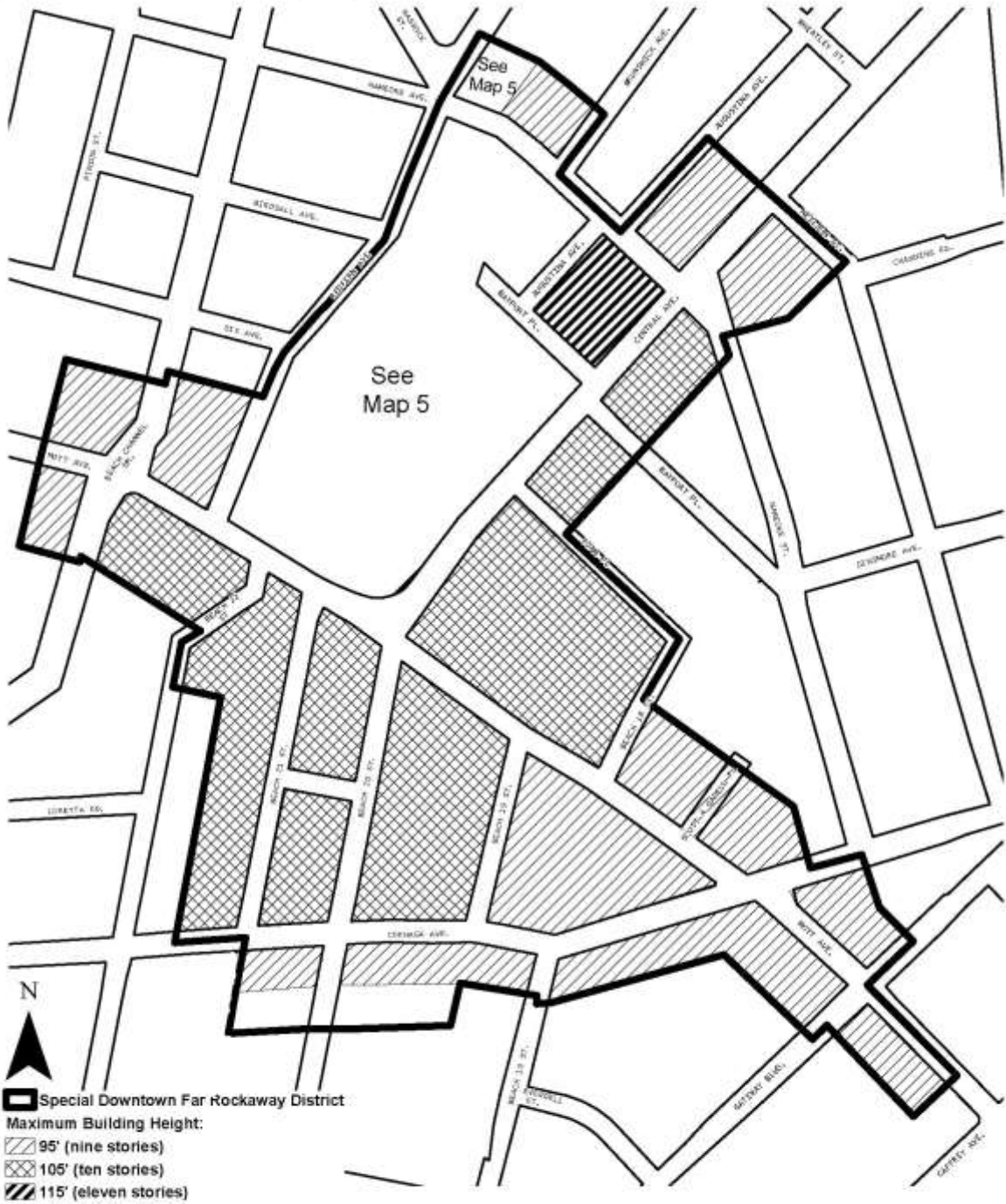
Map 1 - Special Downtown Far Rockaway District and Subdistrict



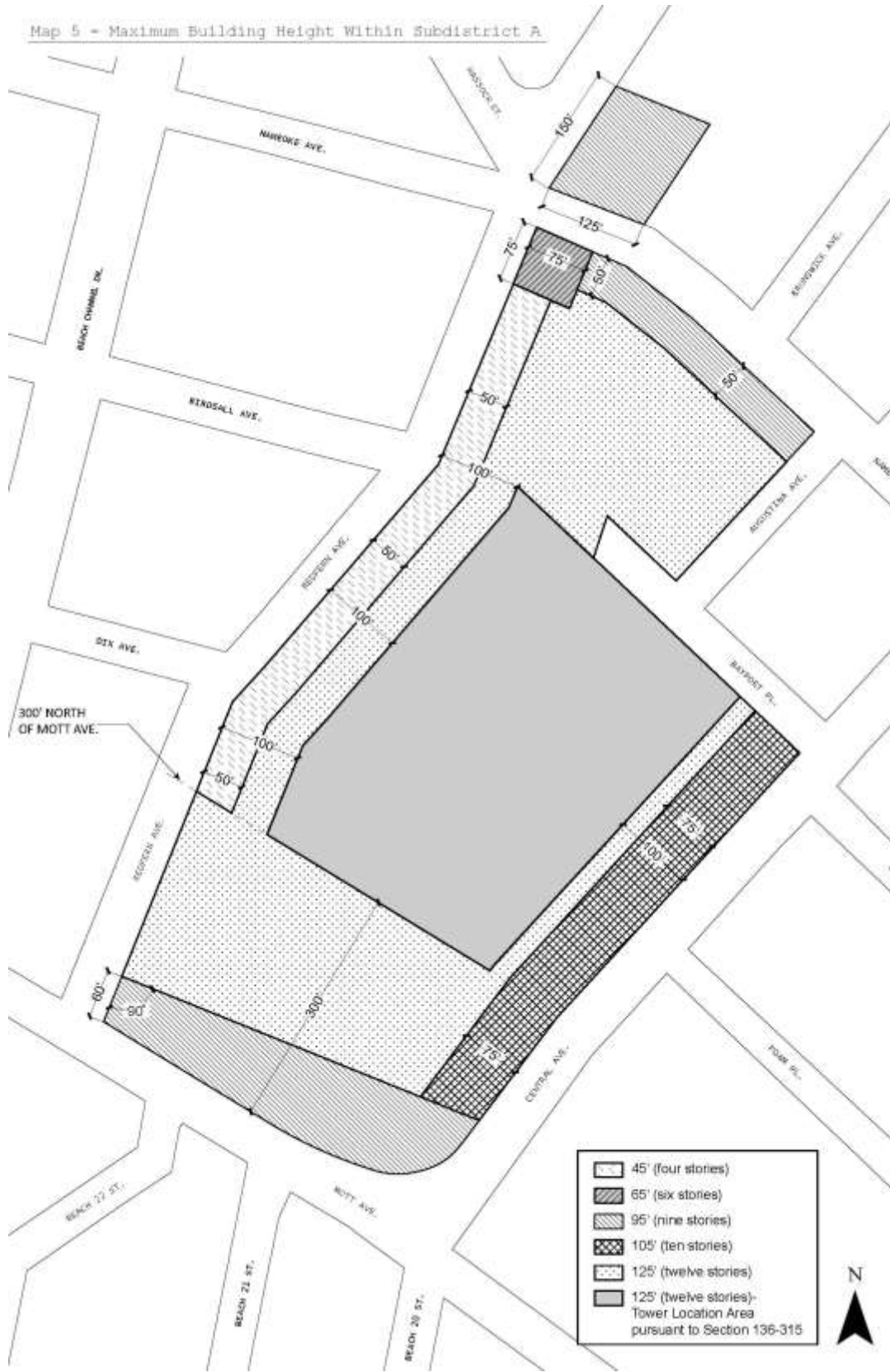
Map 3 - Ground Floor Use and Transparency Requirements



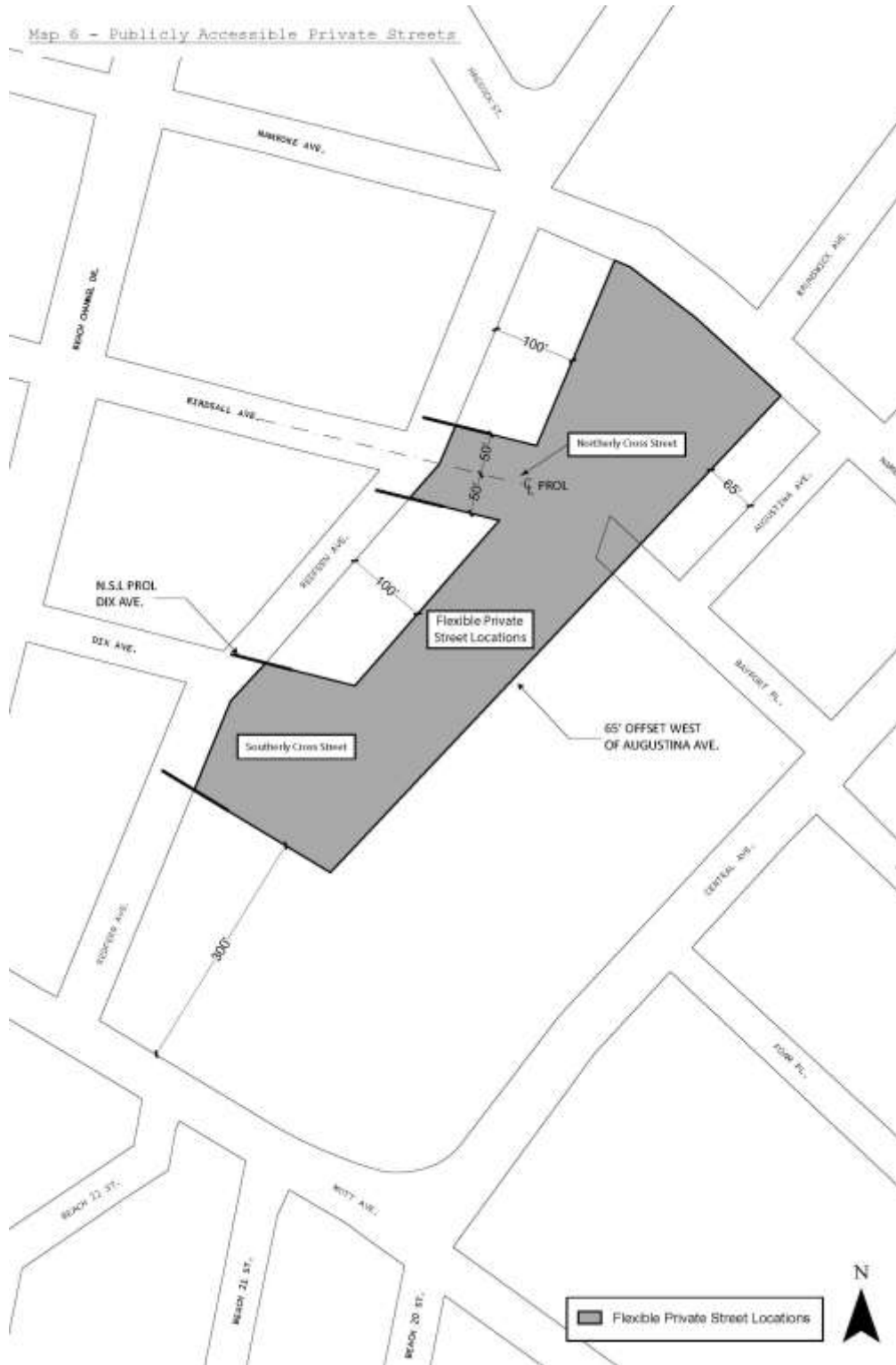
Map 4 - Maximum Building Height



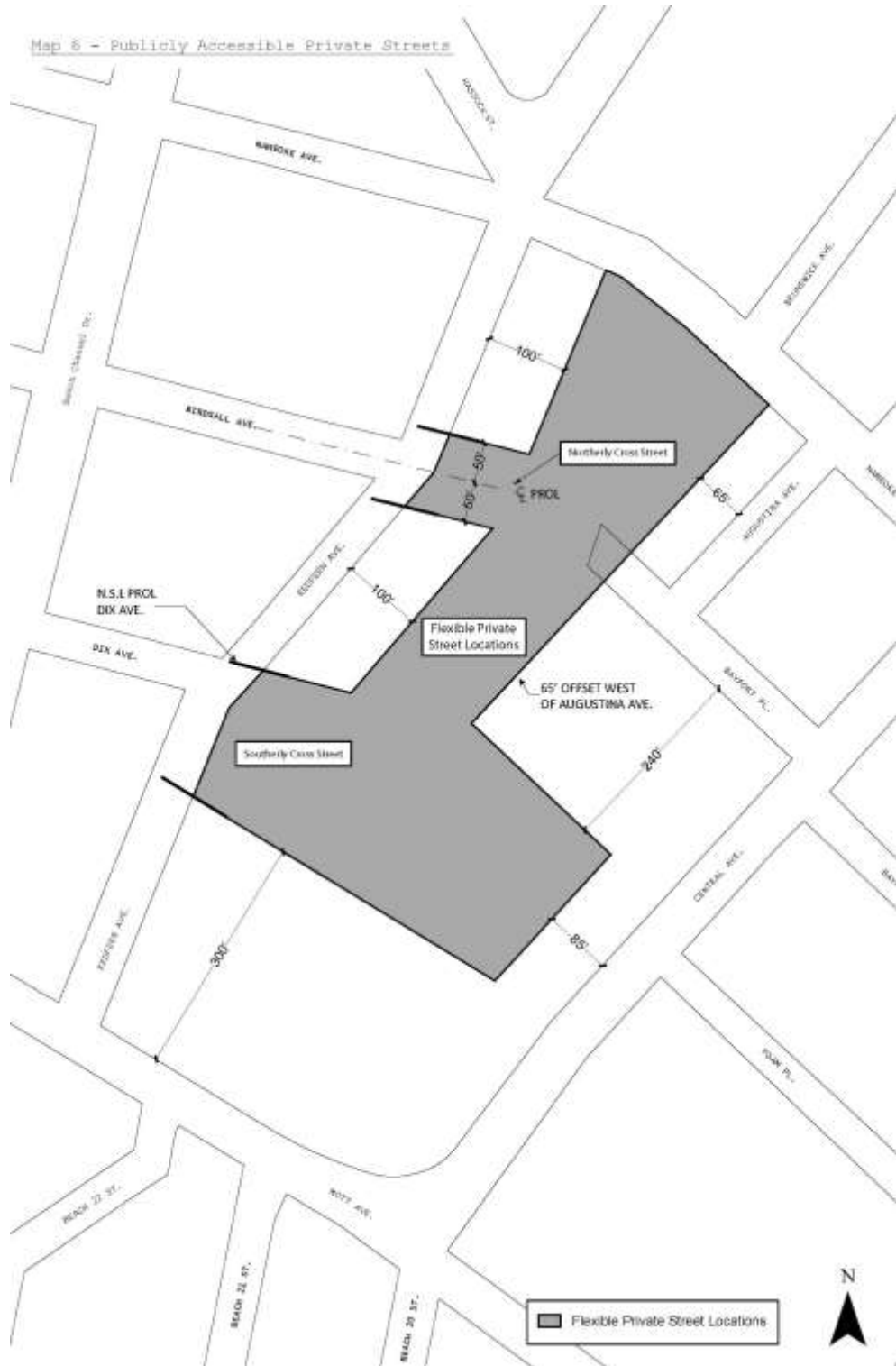
Map 5 - Maximum Building Height Within Subdistrict A



[City Planning Commission Proposed Map 6]

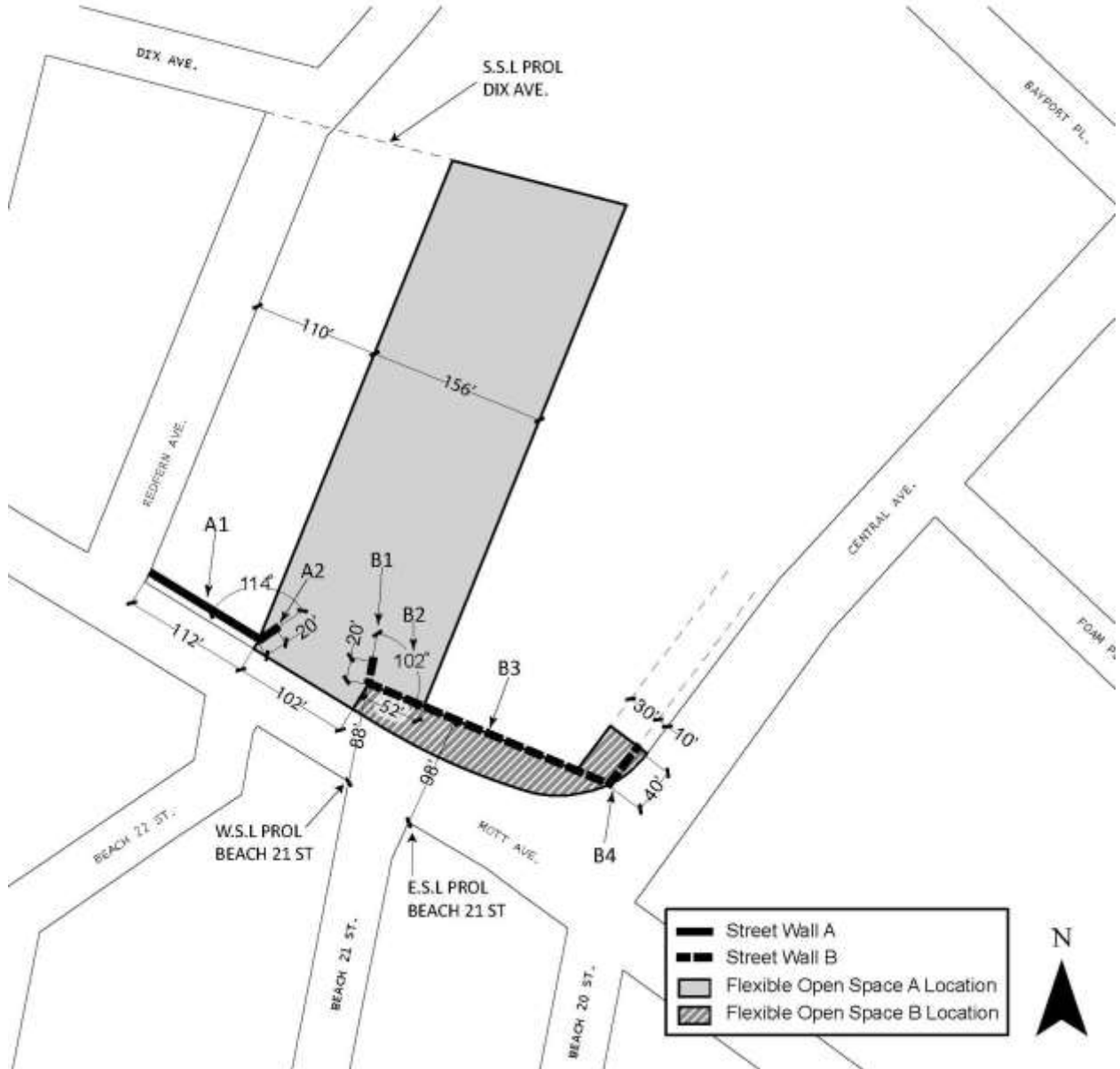


[Map 6 as Modified by City Council]



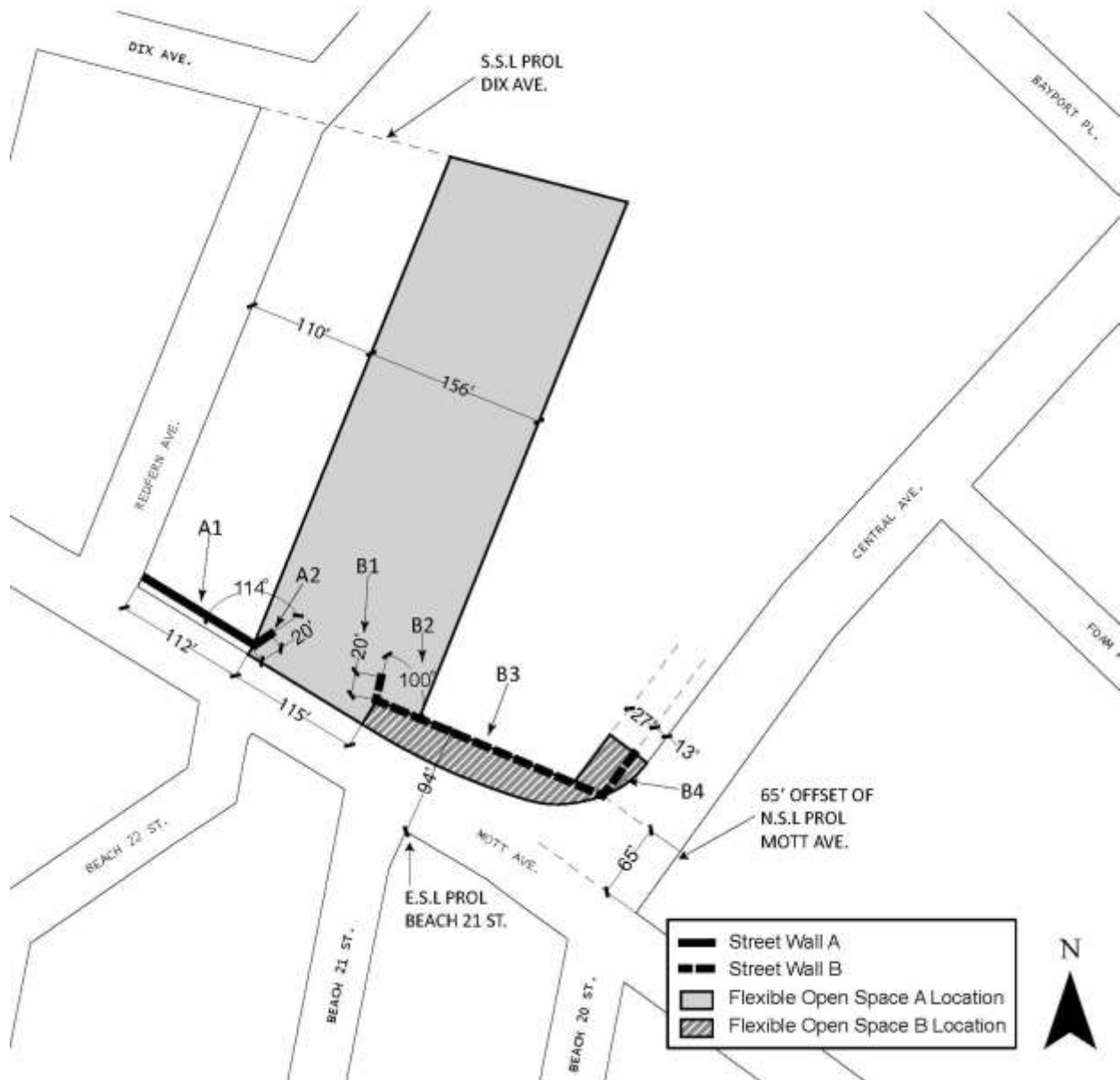
[City Planning Commission Proposed Map 7]

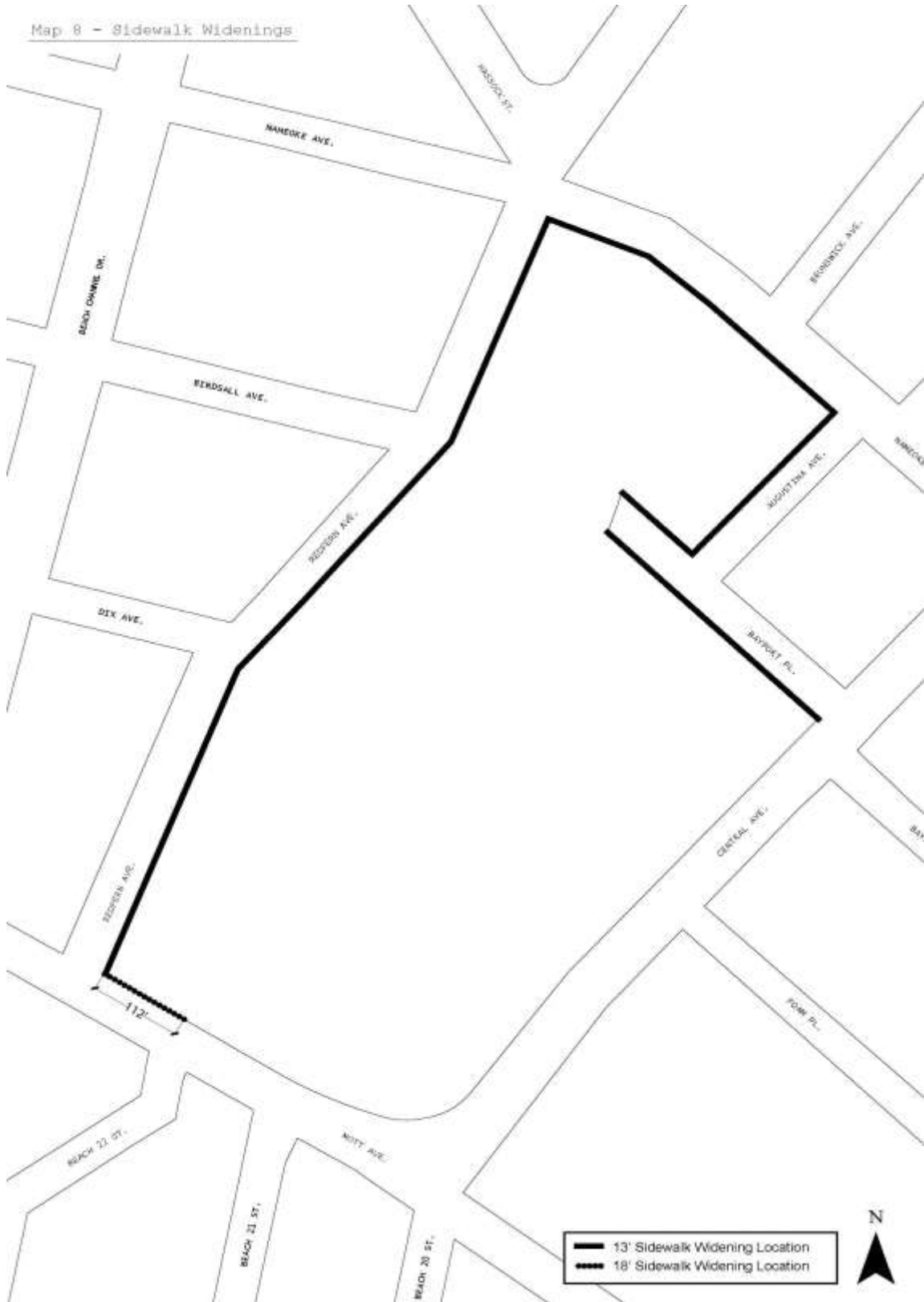
Map 7 - Mandatory Street Walls and Flexible Public Open Space Locations



[Map 7 as Modified by City Council]

Map 7 - Mandatory Street Walls and Flexible Public Open Space Locations





* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

Queens

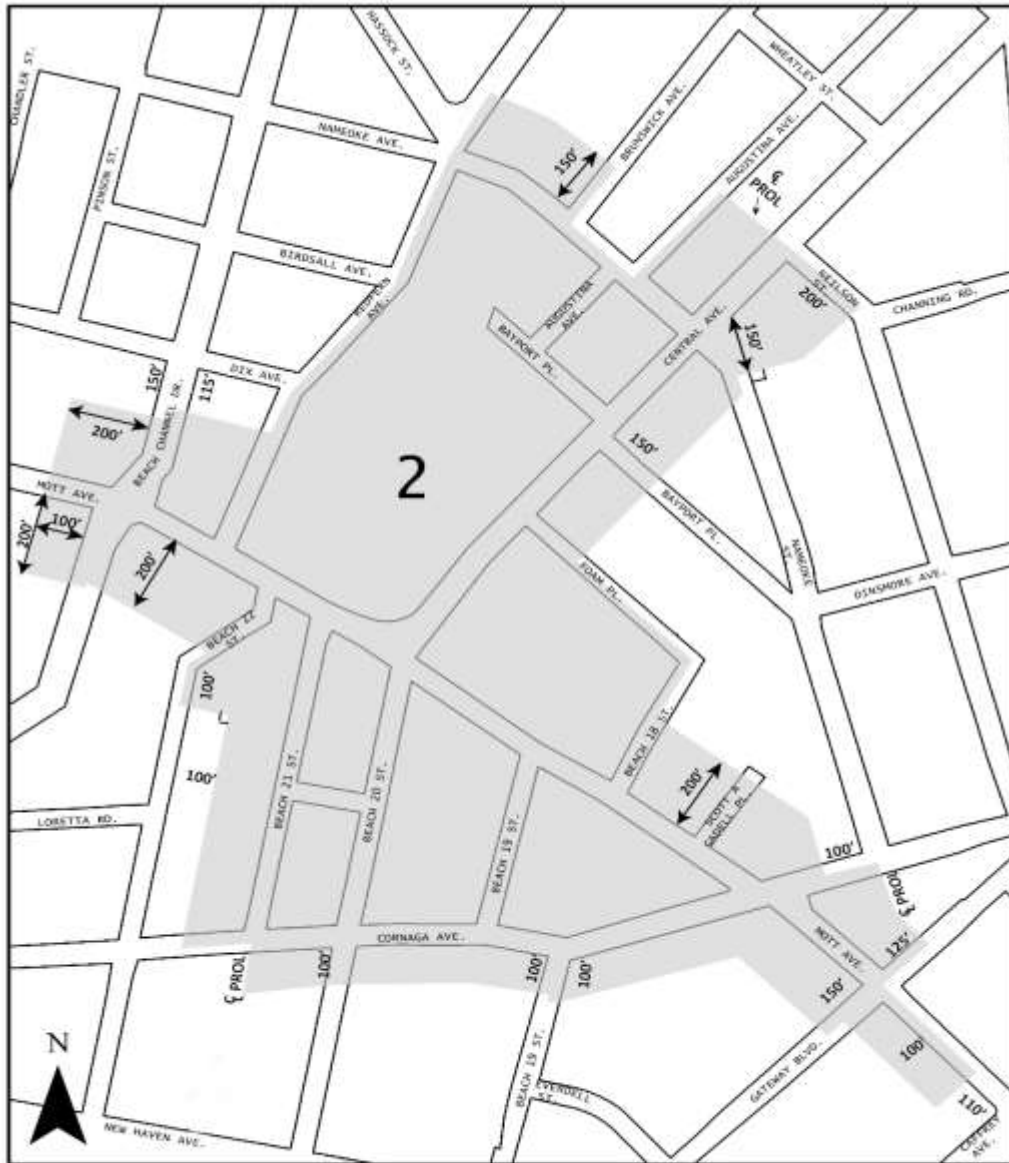
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Queens Community District 14

In portions of the #Special Downtown Far Rockaway District# and in the R6, R6A, and R7-1 Districts within the areas shown on the following Maps 1 and 2:

* * *

Map 2 – [date of adoption]



█ Mandatory Inclusionary Housing area see Section 23-154(d)(3)
Area 2 [date of adoption] – MIH Program Option 1, and Option 2, and Deep Affordability Option

Portion of Community District 14, Queens

* * *

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK; Committee on Land Use, August 22, 2017.

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

Report for L.U. No. 723 & Res. No. 1652

Report of the Committee on Land Use in favor of approving Application no. N 170245 HGQ submitted by the Department of Housing Preservation and Development for the designation of the Downtown Far Rockaway Urban Renewal Area, (Block 15529, Lots 9 and 10; and Block 15537, Lots p/o 1, 5, p/o 40, 46, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 63, 65, 71, 79, 89, 92, 94, 99, 100, 112, 128, and 130) as an area appropriate for urban renewal, pursuant to Section 504 of Article 15 of the General Municipal Law of New York State, Borough of Queens, Community District 14, Council District 31.

The Committee on Land Use, to which the annexed Land Use item was referred on July 20, 2017 (Minutes, page 2457) and which was previously brought before the Council at the August 24, 2017 Stated Meeting (Minutes, page 2871) and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

QUEENS CB - 14

N 170245 HGQ

City Planning Commission decision approving the designation of the Downtown Far Rockaway Urban Renewal Area, (Block 15529, Lots 9 and 10; and Block 15537, Lots p/o 1, 5, p/o 40, 46, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 63, 65, 71, 79, 89, 92, 94, 99, 100, 112, 128, and 130) as an area appropriate for urban renewal, pursuant to Section 504 of Article 15 of the General Municipal (Urban Renewal) Law of New York State.

INTENT

To approve the designation of the Downtown Far Rockaway Urban Renewal Area, which in conjunction with the related actions would facilitate the Downtown Far Rockaway Development Plan, a comprehensive planning, zoning, and redevelopment strategy aimed at supporting Downtown Far Rockaway's growth and vitality by fostering a vibrant mix of residential, commercial, and community facility uses on vacant and underutilized sites near mass transit resources and along the area's primary corridors.

PUBLIC HEARING

DATE: July 27, 2017

Witnesses in Favor: Twenty

Witnesses Against: Five

SUBCOMMITTEE RECOMMENDATION**DATE:** August 21, 2017

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

In Favor:

Richards, Gentile, Williams, Reynoso, Torres.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** August 22, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Mendez, Rodriguez, Koo, Lander, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso Torres, Treyger.

Against:

None

Abstain:

None

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res. No. 1652

Resolution approving the decision of the City Planning Commission on Non-ULURP No. N 170245 HGQ, the designation of the Downtown Far Rockaway Urban Renewal Area which consists of properties located at Block 15529, Lots 9 and 10; and Block 15537, Lots 1, 5, p/o 40, 46, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 63, 65, 71, 79, 89, 92, 94, 99, 100, 112, 128, and 130), Community District 14, Borough of Queens (L.U. No. 723).

By Council Members Greenfield and Richards.

WHEREAS, the New York City Department of Housing Preservation and Development submitted to the Council its request dated July 27th, 2017 (the "Area Designation"), pursuant to Section 504 of Article 15 of the General Municipal Law that the Council designate the following properties:

Block 15537, Lots:

1, 5, part of 40, 46, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 63, 65, 71, 79, 89, 92, 94, 99, 100, 112, 128, and 130

Block 15529, Lot 9 and 10

as described in the Downtown Far Rockaway Urban Renewal Plan, dated January, 2017, as the Downtown Far Rockaway Urban Renewal Area (the "Area");

WHEREAS, the City Planning Commission filed with the Council on July 10, 2017 its decision dated July 10, 2017 (the "Decision"), on the application submitted by New York City Department of Housing Preservation and Development, pursuant to Section 504 of Article 15 of the General Municipal Law (ULURP No. N 170245 HGQ, the "Application"), recommending the Area as appropriate for urban renewal, which in conjunction with the related actions would facilitate the Downtown Far Rockaway Development Plan, a comprehensive planning, zoning, and redevelopment strategy aimed at supporting Downtown Far Rockaway's growth and vitality by fostering a vibrant mix of residential, commercial, and community facility uses on vacant and underutilized sites near mass transit resources and along the area's primary corridors, Community District 14, Borough of Queens;

WHEREAS, the Application is related to applications C 170243 (A) ZMQ (L.U. No. 721), a zoning map amendment as modified; N 170244 (A) ZRQ (L.U. No. 722), a zoning text amendment as modified; C 170246 HUQ (L.U. No. 724), Downtown Far Rockaway Urban Renewal Plan; C 170247 HDQ (L.U. No. 725), disposition of City-owned property within the Downtown Far Rockaway Urban Renewal Area; and C 170248 PPQ (L.U. No. 726), disposition of City-owned property;

WHEREAS, the Area Designation is subject to review and action by the Council pursuant to Section 504 of Article 15 of the General Municipal Law of New York State;

WHEREAS, upon due notice, the Council held a public hearing on the Area Designation on July 27, 2017;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 29, 2017 (CEQR No. 16DME010Q), which identified significant adverse impacts with respect to hazardous materials, air quality and noise which would be avoided through the placement of (E) designations (E-415) and the Technical Memoranda dated April 26, 2017, and August 31, 2017, (the "Technical Memoranda");

RESOLVED:

Having considered the FEIS and the 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) 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 mitigation measures that were identified as practicable; and
- (4) The Decision, together with the FEIS and the Technical Memorandum, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

The Council finds that the Area is appropriate for urban renewal.

Pursuant to Section 504 of the General Municipal Law, the Council designates the Area as the Downtown Far Rockaway Urban Renewal Area.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK; Committee on Land Use, August 22, 2017.

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

Report for L.U. No. 724 & Res. No. 1653

Report of the Committee on Land Use in favor of approving Application no. C 170246 HUQ 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 approval of the Downtown Far Rockaway Urban Renewal Plan for the Downtown Far Rockaway Urban Renewal Area, Borough of Queens, Community District 14, Council District 31.

The Committee on Land Use, to which the annexed Land Use item was referred on July 20, 2017 (Minutes, page 2457) and which was previously brought before the Council at the August 24, 2017 Stated Meeting (Minutes, page 2873) and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

QUEENS CB - 14

C 170246 HUQ

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 Downtown Far Rockaway Urban Renewal Plan, for the Downtown Far Rockaway Urban Renewal Area.

INTENT

To approve the Downtown Far Rockaway Urban Renewal Plan, which in conjunction with the related actions would facilitate the Downtown Far Rockaway Development Plan, a comprehensive planning, zoning, and redevelopment strategy aimed at supporting Downtown Far Rockaway's growth and vitality by fostering a vibrant mix of residential, commercial, and community facility uses on vacant and underutilized sites near mass transit resources and along the area's primary corridors.

PUBLIC HEARING

DATE: July 27, 2017

Witnesses in Favor: Twenty

Witnesses Against: Five

SUBCOMMITTEE RECOMMENDATION**DATE:** August 21, 2017

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

In Favor:

Richards, Gentile, Williams, Reynoso, Torres.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** August 22, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Mendez, Rodriguez, Koo, Lander, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

Against:

None

Abstain:

None

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res. No. 1653

Resolution approving the Downtown Far Rockaway Urban Renewal Plan for the Downtown Far Rockaway Urban Renewal Area and approving the decision of the City Planning Commission on ULURP No. C 170246 HUQ (L.U. No. 724).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on July 10, 2017 its decision and report dated July 10, 2017 (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, regarding the proposed Downtown Far Rockaway Urban Plan for the Downtown Far Rockaway Urban Renewal Area (the "Area"). This action, in conjunction with the related actions would facilitate the Downtown Far Rockaway Development Plan, a comprehensive planning, zoning, and redevelopment strategy aimed at supporting Downtown Far Rockaway's growth and vitality by fostering a vibrant mix of residential, commercial, and community facility uses on vacant and underutilized sites near mass transit resources and along the area's primary corridors, (ULURP No. C 170246 HUQ), Community District 14, Borough of Queens (the "Application");

WHEREAS, the Application is related to applications C 170243 (A) ZMQ (L.U. No. 721), a zoning map amendment as modified; N 170244 (A) ZRQ (L.U. No. 722), a zoning text amendment as modified; N 170245 HGQ (L.U. No. 723), designation of the Downtown Far Rockaway Urban Renewal Area; C 170247 HDQ (L.U. No. 725), disposition of city-owned property within the Downtown Far Rockaway Urban Renewal Area; and C 170248 PPQ (L.U. No. 726), disposition of city-owned property;

WHEREAS, the New York City Department of Housing Preservation and Development submitted to the Council on July 27, 2017 its request for approval of the Downtown Far Rockaway Urban Renewal Plan, dated January, 2017 (the “Plan”);

WHEREAS, the City Planning Commission has certified that the Plan for the Area is an appropriate plan for the Area and conforms to the provisions of Section 502(7) and the finding set forth in Section 504, Article 15 of the General Municipal Law, and conforms to the comprehensive community plan for the development of the municipality as a whole;

WHEREAS, the City Planning Commission has certified its unqualified approval of the Plan pursuant to Section 505(2) of the General Municipal Law;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) 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 the Plan on July 27, 2017;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 29, 2017 (CEQR No. 16DME010Q), which identified significant adverse impacts with respect to hazardous materials, air quality and noise which would be avoided through the placement of (E) designations (E-415) and the Technical Memoranda dated April 26, 2017, and August 31, 2017, (the “Technical Memoranda”);

RESOLVED:

Having considered the FEIS and the 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) 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 mitigation measures that were identified as practicable; and

- (4) The Decision, together with the FEIS and the Technical Memorandum, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to 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 170246 HUQ, incorporated by reference herein, the Council approves the Decision.

Pursuant to Section 505(4) of the General Municipal Law, the Council finds that:

1. 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;
2. The financial aid to be provided to the municipality is necessary to enable the project to be undertaken in accordance with the Plan;
3. 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;
4. The Plan conforms to a comprehensive community plan for the development of the municipality as a whole;
5. 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; and
6. 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.

Pursuant to Section 505 of the General Municipal Law, the Council approves the Downtown Far Rockaway Urban Renewal Plan for the Downtown Far Rockaway Urban Renewal Area, dated January 2017.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK; Committee on Land Use, August 22, 2017.

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

Report for L.U. No. 725 & Res. No. 1654

Report of the Committee on Land Use in favor of approving Application no. C 170247 HDQ, submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter, for the disposition of City-owned property (Block 15529, Lots 9 and 10; and Block 15537, Lots p/o 1, 5, p/o 40, 46, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 63, 65, 71, 79, 89, 92, 94, 99,

100, 112, 128, and 130), within the Downtown Far Rockaway Urban Renewal Area, Borough of Queens, Community District 14, Council District 31.

The Committee on Land Use, to which the annexed Land Use item was referred on July 20, 2017 (Minutes, page 2457) and which was previously brought before the Council at the August 24, 2017 Stated Meeting (Minutes, page 2874) and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

QUEENS CB - 14

C 170247 HDQ

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of the New York City Charter, for the disposition of City-owned property (Block 15529, Lots 9 and 10; and Block 15537, Lots p/o 1, 5, p/o 40, 46, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 63, 65, 71, 79, 89, 92, 94, 99, 100, 112, 128, and 130), within the Downtown Far Rockaway Urban Renewal Area.

INTENT

To approve the disposition of the City-owned property within the Downtown Far Rockaway Urban Renewal Area, which in conjunction with the related actions would facilitate the Downtown Far Rockaway Development Plan, a comprehensive planning, zoning, and redevelopment strategy aimed at supporting Downtown Far Rockaway's growth and vitality by fostering a vibrant mix of residential, commercial, and community facility uses on vacant and underutilized sites near mass transit resources and along the area's primary corridors.

PUBLIC HEARING

DATE: July 27, 2017

Witnesses in Favor: Twenty

Witnesses Against: Five

SUBCOMMITTEE RECOMMENDATION

DATE: August 21, 2017

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

In Favor:

Richards, Gentile, Williams, Reynoso, Torres.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** August 22, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Mendez, Rodriguez, Koo, Lander, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torre, Treyger.

Against:

None

Abstain:

None

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res. No. 1654

Resolution approving the decision of the City Planning Commission on ULURP No. C 170247 HDQ, for the disposition of City owned properties located at Block 15529, Lots 9 and 10; and Block 15537, 1, 5, p/o 40, 46, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 63, 65, 71, 79, 89, 92, 94, 99, 100, 112, 128, and 130), Community District 14, Borough of Queens (L.U. No. 725).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on July 10, 2017 its decision dated July 10, 2017 (the "Decision"), on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Department of Housing Preservation and Development for the disposition of city-owned property comprising the sites in the Downtown Far Rockaway Urban Renewal Area. The properties are to be disposed to a developer selected by the Department of Housing Preservation and Development for redevelopment consist of the following:

Block 15537, Lots:

1, 5, part of 40, 46, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 63, 65, 71, 79, 89, 92, 94, 99, 100, 112, 128, and 130

Block 15529, Lot 9 and 10, Block 15537, Lot 79 and part of Lot 1

as described in the Downtown Far Rockaway Urban Renewal Plan, dated January, 2017 (the "Plan"), as the Downtown Far Rockaway Urban Renewal Area (the "Area");

WHEREAS, the Application is related to applications C 170243 (A) ZMQ (L.U. No. 721), a zoning map amendment as modified; N 170244 (A) ZRQ (L.U. No. 722), a zoning text amendment as modified; C 170246 HUQ (L.U. No. 724), Downtown Far Rockaway Urban Renewal Plan; N 170245 HGQ (L.U. No. 723) the designation of the Area as an Urban Renewal Area; and C 170248 PPQ (L.U. No. 726), the disposition of City-owned property;

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 on July 27, 2017;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 29, 2017 (CEQR No. 16DME010Q), which identified significant adverse impacts with respect to hazardous materials, air quality and noise which would be avoided through the placement of (E) designations (E-415) and the Technical Memoranda dated April 26, 2017, and August 31, 2017, (the “Technical Memoranda”);

RESOLVED:

Having considered the FEIS and the 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) 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 mitigation measures that were identified as practicable; and
- (4) The Decision, together with the FEIS and the Technical Memorandum, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Section 197-d of the City Charter and on the basis of the Application and the Decision, the Council approves the Decision.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK; Committee on Land Use, August 22, 2017.

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

Report for L.U. No. 726 & Res. No. 1655

Report of the Committee on Land Use in favor of approving Application no. C 170248 PPQ submitted by the New York City Department of Citywide Administrative Services, pursuant to Section 197-c of New York City Charter, for the disposition of two city-owned properties located on Beach 21st Street, south of Mott Avenue (Block 15705, Lots 59 and 69) and on the northwest corner of Augustina and Nameoke avenues (Block 15534, Lot 70), pursuant to zoning, Borough of Queens, Community District 14, Council District 31.

The Committee on Land Use, to which the annexed Land Use item was referred on July 20, 2017 (Minutes, page 2458) and which was previously brought before the Council at the August 24, 2017 Stated Meeting (Minutes, page 2876) and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

QUEENS CB - 14

C 170248 PPQ

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 New York City Charter, for the disposition of two city-owned properties located on Beach 21st Street, south of Mott Avenue (Block 15705, Lots 59 and 69) and on the northwest corner of Augustina and Nameoke avenues (Block 15534, Lot 70), pursuant to zoning.

INTENT

To approve the disposition of the City-owned properties, which in conjunction with the related actions would facilitate the Downtown Far Rockaway Development Plan, a comprehensive planning, zoning, and redevelopment strategy aimed at supporting Downtown Far Rockaway's growth and vitality by fostering a vibrant mix of residential, commercial, and community facility uses on vacant and underutilized sites near mass transit resources and along the area's primary corridors.

PUBLIC HEARING

DATE: July 27, 2017

Witnesses in Favor: Twenty

Witnesses Against: Five

SUBCOMMITTEE RECOMMENDATION

DATE: August 21, 2017

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

In Favor:

Richards, Gentile, Williams, Reynoso, Torres.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: August 22, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Mendez, Rodriguez, Koo, Lander, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

Against:

None

Abstain:

None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on August 23, 2017. The City Planning Commission filed a letter dated September 5, 2017, with the Council on September 6, 2017, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res. No. 1655

Resolution approving with modification the decision of the City Planning Commission on Application No. C 170248 PPQ, for the disposition of two city-owned properties located on Beach 21st Street, south of Mott Avenue (Block 15705, Lots 59 and 69) and on the northwest corner of Augustina and Nameoke avenues (Block 15534, Lot 70), pursuant to zoning, Community District 14, Borough of Queens (L.U. No. 726).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on July 10, 2017 its decision dated July 10, 2017 (the "Decision"), pursuant to Section 197-c of the New York City Charter, regarding an application submitted by the Department of Citywide Administrative Services, for the disposition of two city-owned properties located on Beach 21st Street, south of Mott Avenue (Block 15705, Lots 59 and 69) and on the northwest corner of Augustina and Nameoke avenues (Block 15534, Lot 70) (the "Disposition Area"), pursuant to zoning. This disposition, in conjunction with the related actions would facilitate the Downtown Far Rockaway Development Plan, a comprehensive planning, zoning, and redevelopment strategy aimed at supporting Downtown Far Rockaway's growth and vitality by fostering a vibrant mix of residential, commercial, and community facility uses on vacant and underutilized sites near mass transit resources and along the area's primary corridors, (Application No. C 170248 PPQ), Community District 14, Borough of Queens (the "Application");

WHEREAS, the Application is related to applications C 170243 (A) ZMQ (L.U. No. 721), a zoning map amendment as modified; N 170244 (A) ZRQ (L.U. No. 722), a zoning text amendment as modified; N 170245 HGQ (L.U. No. 723), designation of the Downtown Far Rockaway Urban Renewal Area; C 170246 HUQ (L.U. No. 724), Downtown Far Rockaway Urban Renewal Plan; and C 170247 HDQ (L.U. No. 725), disposition of City-owned property within the Downtown Far Rockaway Urban Renewal Area;

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 July 27, 2017;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 29, 2017 (CEQR No. 16DME010Q), which identified significant adverse impacts with respect to hazardous materials, air quality and noise which would be avoided through the placement of (E) designations (E-415) and the Technical Memoranda dated April 26, 2017, and August 31, 2017, (the “Technical Memoranda”);

RESOLVED:

Having considered the FEIS and the 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 mitigation measures that were identified as practicable; and
- (4) The Decision, together with the FEIS and the Technical Memorandum, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 170248 PPQ, incorporated by reference herein, the Council approves the Decision with a modification to remove Block 15534, Lot 70 from the Disposition Area and approve the disposition of Block 15705, Lots 59 and 69.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK; Committee on Land Use, August 22, 2017.

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

Report for L.U. No. 727 & Res. No. 1656

Report of the Committee on Land Use in favor of approving Application No. C 170269 PCM submitted by the Department of Sanitation, the Department of Housing Preservation and Development and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter, for the site selection acquisition of property located at 207/217 East 127th Street (Block 1792, Lots 5 and part of 28) to facilitate the relocation of Department of Sanitation Manhattan 11 District Garage and Lot Cleaning Unit Headquarters, Borough of Manhattan, Community District 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on July 20, 2017 (Minutes, page 2458) and which was previously brought before the Council at the August 24, 2017 Stated Meeting (Minutes, page 2877) and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 11

C 170269 PCM

City Planning Commission decision approving an application submitted by Department of Sanitation, the Department of Housing Preservation and Development and Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter, for the site selection acquisition of property located at 207/217 East 127th Street (Block 1792, Lots 5 and part of 28) to facilitate the relocation of Department of Sanitation Manhattan 11 District Garage and Lot Cleaning Unit Headquarters.

INTENT

To approve the selection and acquisition of the site in order to facilitate the relocation of the New York City Department of Sanitation Manhattan 11 District Garage and Lot Cleaning Unit Headquarters

PUBLIC HEARING

DATE: July 27, 2017

Witnesses in Favor: Four

Witnesses Against: One

SUBCOMMITTEE RECOMMENDATION

DATE: August 22, 2017

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

In Favor:

Koo, Palma, Mendez, Rose, Barron, Kallos.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** August 22, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Mendez, Rodriguez, Koo, Lander, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

Against:

None

Abstain:

None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on August 23, 2017. The City Planning Commission filed a letter dated September 5, 2017, with the Council on September 6, 2017, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res. No. 1656

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 170269 PCM (L.U. No. 727), a site selection and acquisition of property located at 207/217 East 127th Street (Block 1792, Lots 5 and part of 28), Community District 11, Borough of Manhattan, for use as the NYC Department of Sanitation Manhattan 11 District Garage and Lot Cleaning Unit Headquarters.

By Council Members Greenfield and Koo.

WHEREAS, the City Planning Commission filed with the Council on July 7, 2017 its decision dated June 21, 2017 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Department of Sanitation ("DOS"), the Department of Housing Preservation and Development and the New York City Department of Citywide Administrative Services for site selection and acquisition of property located at 207/217 East 127th Street (Block 1792, Lots 5 and part of 28), Community District 11, Borough of Manhattan (the "Site"), to facilitate the relocation of the NYC Department of Sanitation Manhattan 11 District Garage and Lot Cleaning Unit Headquarters (ULURP No. C 170269 PCM) (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 August 21, 2017;

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

WHEREAS, the Council has considered the relevant environmental issues including the negative declaration (CEQR No. 15DOS007M) issued August 3, 2016 (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 and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 170269 PCM, incorporated by reference herein, the Council approves the Decision for the site selection and acquisition of the Site for relocation of DOS Manhattan 11 District Garage

and Lot Cleaning Unit Headquarters with the following modifications:

Matter in double ~~strikeout~~ is old, deleted by the City Council;

Matter in double underline is new, added by the City Council;

The application for site selection and acquisition is approved for a term not exceeding twenty years.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK; Committee on Land Use, August 22, 2017.

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

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

Resolved, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

Approved New Applicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
Casey McCann	115 East 90th Street #8E New York, N.Y. 10128	4
Cassandra L. Fenkel	241 West 113th Street #5D New York, N.Y. 10026	9
Susan Beperet	2719 Laconia Avenue #1 Bronx, N.Y. 10469	13
Elmira Roberson	1865 University Avenue #2G Bronx, N.Y. 10453	14
Ashley Camacho	199 Surf Drive #8 Bronx, N.Y. 10473	18
Sarah M. Arriaga	92-10 92nd Avenue Woodhaven, N.Y. 11421	32
Julian Montijo	262 Taaffe Place #112 Brooklyn, N.Y. 11205	32
Victor Sostre	67 Manhattan Avenue #11J Brooklyn, N.Y. 11206	34
Richard R. Rathbun	297 Himrod Street #2R Brooklyn, N.Y. 11237	37
Quessie Parker	330 Hinsdale Street #315 Brooklyn, N.Y. 11207	42
Largime Mujovic	159 Buel Avenue Staten Island, N.Y. 10305	50

Christopher Glancy	104 Demopolis Avenue Staten Island, N.Y. 10308	51
Tracy Grieco	764 Stafford Avenue Staten Island, N.Y. 10309	51
Daniella M. Sapio	835 Carlton Blvd Staten Island, N.Y. 10312	51

Approved Reapplicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
Peter C. Deluca	199 Bleecker Street New York, N.Y. 10012	1
Jeffrey Douglas	100 Beekman Street #17F New York, N.Y. 10038	1
Bonny S. Wong	410 Grand Street #16E New York, N.Y. 10002	1
Brian Glasser	60 East 9th Street #615 New York, N.Y. 10003	2
Madlyn I. Solivan	747 10th Avenue #18F New York, N.Y. 10019	3
Diane Kay Krouse	301 East 78th Street #3E New York, N.Y. 10021	5
Alan Robert Bell	322 Central Park West #2B New York, N.Y. 10025	6
Laura Kastner	600 Columbus Avenue #7N New York, N.Y. 10024	6
Rowena Ingrain	502 West 143rd Street #5D New York, N.Y. 10031	7
Doris D. White	410 Central Park West #10C New York, N.Y. 10025	7
Sylvia Colon	324 East 108th Street #13B New York, N.Y. 10029	8
Diana Perez	715 Fox Street #1B Bronx, N.Y. 10455	8

Denise Perez	2075 3rd Avenue #13C Bronx, N.Y. 10029	8
Denise Crenshaw	101-125 West 147th Street #20B New York, N.Y. 10039	9
Shirley L. Guerrant	158 West 144th Street New York, N.Y. 10030	9
Mark D. Goret	474 West 238th Street #214 Bronx, N.Y. 10463	11
Mark McCormack	5790 Mosholu Avenue Bronx, N.Y. 10471	11
Bolanie B. Adcwole	1020 East 229th Street Bronx, N.Y. 10466	12
Alfredo Figueroa	1010 East 232nd Street Bronx, N.Y. 10466	12
Katerina Gervits	100 Dreiser Loop #21F Bronx, N.Y. 10475	12
Arnold E. Martin	100 Asch Loop #240 Bronx, N.Y. 10475	12
Dagny J. McDaniel	3317 Tiemann Avenue Bronx, N.Y. 10469	12
Doris Maranon	3121 Middletown Road #12N Bronx, N.Y. 10461	13
Destiny Torres	1749 Grand Concourse #13C Bronx, N.Y. 10453	14
Charlena Bunche	1624 Adams Street Bronx, N.Y. 10460	15
Ann M. Proglor	665 Thwaites Place #4J Bronx, N.Y. 10467	15
Angela I. Dunlop	209 East 165th Street #4D Bronx, N.Y. 10456	16
Isabel Ramos	1143 Woodycrest Avenue ABA Bronx, N.Y. 10452	16
Dahlia A. Williams	790 Concourse Village West #16M Bronx, N.Y. 10451	16

Samuel O. Oladeru	1831 Trafalgar Place Bronx, N.Y. 10460	17
Terrence T. Cannon	33-05 164th Street Flushing, N.Y. 11358	19
Gina DeGori	23-42 College Point Blvd College Point, N.Y. 11356	19
Bruce Gamill	47-15 212th Street Queens, N.Y. 11361	19
Kelly Molloy	2704 Parsons Blvd #2F Flushing, N.Y. 11354	20
Simone B. Eisenberg-Blaut	77-60 269th Street Queens, N.Y. 11040	23
Christine Fenton	223-15 65th Avenue Queens, N.Y. 11364	23
Dhyan Pal Singh	224-34 90th Avenue Queens, N.Y. 11426	23
Yenny C. Diaz	21-15 35th Avenue #5A Astoria, N.Y. 11106	26
Eshwarie D. Mahadeo	39-15 27th Street Queens, N.Y. 11101	26
Lisa O'Hara	51-01 39th Avenue #L42 Queens, N.Y. 11104	26
Esthel Francis	163-17 130th Avenue #12D Jamaica, N.Y. 11434	28
Melvin Geiger Sr.	163-35 130th Avenue #8G Jamaica, N.Y. 11434	28
Ismael Rodriguez Jr.	60-33 67th Avenue #2R Ridgewood, N.Y. 11385	30
Regina Bacote	136-27 220th Street #1 Laurelton, N.Y. 11413	31
Wayne Ruggiere	89-11 Jamaica Avenue Queens, N.Y. 11421	32
Gloria J. Scheuennann	161-36 99th Street Howard Beach, N.Y. 11414	32
Marlene N. Seara	149-49 114th Street Queens, N.Y. 11420	32

Dronmati Singh	104-41 103rd Street Queens, N.Y. 11417	32
Douglas W. Elliott	118 Pierrepont Street Brooklyn, N.Y. 11201	33
Victor Marshall Jr.	271 Cadman Plaza East #20-0735 Brooklyn, N.Y. 11202	33
Rashed Bakth	1720 Gates Avenue Queens, N.Y. 11385	34
Wilfredo Garcia	274 South 2nd Street #7 Brooklyn, N.Y. 11211	34
Audrey M. Baker	300 Clermont Avenue Brooklyn, N.Y. 11205	35
Abraham A. Brikrnan	679 Montgomery Street #3L Brooklyn, N.Y. 11213	35
Stephen H. Serota	217 Washington Avenue Brooklyn, N.Y. 11205	35
Cheryl Green	396A Monroe Street #3A Brooklyn, N.Y. 11221	36
Briseida J. Rodriguez	113 Truxton Street Brooklyn, N.Y. 11233	36
Jamal M. Asad	191 32nd Avenue Brooklyn, N.Y. 11232	37
Alexander Dorosh	609 Greenwood Avenue Brooklyn, N.Y. 11218	38
Evelyn Falcon	122 St. Marks Place Brooklyn, N.Y. 11217	39
Angel L. Rivera	568 Pacific Street #1C Brooklyn, N.Y. 11217	39
Zulma Rivera	558 Seventh Street #4B Brooklyn, N.Y. 11215	39
Dilsia Batista	117 Chestnut Street #2 Brooklyn, N.Y. 11208	41
Carolyn Nixon	903 Lenox Road #D10 Brooklyn, N.Y. 11203	41

Lloyd Roberts	123 East 92nd Street #B2 Brooklyn, N.Y. 11212	41
Gwendolyn Mattocks	861 Rockaway Avenue #2C Brooklyn, N.Y. 11212	42
Sonia Mendez	793 Logan Street Brooklyn, N.Y. 11208	42
Frank Cassara	7524 15th Avenue Brooklyn, N.Y. 11228	43
Lorraine Leader	1228 80th Street Brooklyn, N.Y. 11228	43
Ilene P. Sacco	290 Dahlgren Place Brooklyn, N.Y. 11228	43
Irma R. Kramer	1083 East 21st Street Brooklyn, N.Y. 11210	45
Ephraim Nierenberg	966 East 23rd Street Brooklyn, N.Y. 11210	45
Betti Altieri	2430 85th Street Brooklyn, N.Y. 11214	47
Lillian Benezra	2348 Knapp Street Brooklyn, N.Y. 11229	48
Rosemarie Gagliardi	2530 East 23rd Street Brooklyn, N.Y. 11235	48
Marie R. Lennon	2939 Avenue Y #4E Brooklyn, N.Y. 11235	48
Nataliia Petrychuk	2649 East 23rd Street #1A Brooklyn, N.Y. 11235	48
Jerry J. Cocozello	275 Pelton Avenue Staten Island, N.Y. 10310	49
Dorothy Raffo	20 Herkimer Street Staten Island, N.Y. 10301	49 49
Joan Baldwin	301 Humbert Street Staten Island, N.Y. 10305	50
Joanne Close	54 Bowling Green Place Staten Island, N.Y. 10314	50
Saralynn Halbreich	396 Hawthorne Avenue Staten Island, N.Y. 10314	50

Julie Moll	186 Arthur Avenue Staten Island, N.Y. 10305	50
Elizabeth Cardiello	160 Nicolosi Drive Staten Island, N.Y. 10312	51
Marietta M. Cirillo	496 Alverson Avenue Staten Island, N.Y. 10309	51
Diane Delorenzo	48 Fenway Circle Staten Island, N.Y. 10308	51
Robin Jacknow	17 Deborah Loop Staten Island, N.Y. 10312	51
Jenny Schwartzbaum	300 Loretto Street Staten Island, N.Y. 10307	51
Carmen G. Sherlock	45 Rally Court Staten Island, N.Y. 103012	51
Ingrid A. Sima	22 Ovas Court Staten Island, N.Y. 10312	51

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

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

- | | | |
|------|----------------------------------|---|
| (1) | Int 401-A - | Study the installation of bike share near parks. |
| (2) | Int 629-A - | The length of the season for city beaches and pools. |
| (3) | Int 1236-A - | Autism spectrum disorder reporting. |
| (4) | Int 1424-A - | Disability classification reporting from the Department of Education. |
| (5) | Int 1550-A - | Harassment in private dwellings. |
| (6) | Int 1566-A - | Expanding the Office of Immigrant Affairs. |
| (7) | Int 1578-A - | Immigrant Affairs Task Force. |
| (8) | L.U. 716 & Res 1646 - | App. C 170192 ZSM Manhattan, Community District 2, Council District 1. |
| (9) | L.U. 718 & Res 1647 - | App. C 170189 ZMK Brooklyn, Community District 16, Council District 42. |
| (10) | L.U. 719 & Res 1648 - | App. N 170190 ZRK Brooklyn, Community District 16, Council District 42. |
| (11) | L.U. 720 & Res 1649 - | App. C 170158 ZSM Manhattan, Community District 6, Council District 4. |
| (12) | L.U. 721 & Res 1650 - | App. C 170243(A) ZMQ Queens, Community District 14, Council District 31. |
| (13) | L.U. 722 & Res 1651 - | App. N 170244(A) ZRQ Queens, Community District 14, Council District 31. |
| (14) | L.U. 723 & Res 1652 - | App. N 170245 HGQ Queens, Community District 14, Council District 31. |
| (15) | L.U. 724 & Res 1653 - | App. C 170246 HUQ Queens, Community District 14, Council District 31. |

- (16) L.U. 725 & Res 1654 - App. C 170247 HDQ, Queens, Community District 14, Council District 31.
- (17) L.U. 726 & Res 1655 - App. C 170248 PPQ, Queens, Community District 14, Council District 31.
- (18) L.U. 727 & Res 1656 - App. C 170269 PCM Manhattan, Community District 11, Council District 8.
- (19) L.U. 730 & Res 1641 - App. C 170029 ZMK Brooklyn, Community District 2, Council District 33.
- (20) L.U. 731 & Res 1642 - App. N 170030 ZRK Brooklyn, Community District 2, Council District 33.
- (21) L.U. 732 & Res 1643 - App. C 160349 ZSM Manhattan, Community District 2, Council District 1.
- (22) L.U. 743 & Res 1657 – App. 20175504 TCM Manhattan, Community Board 12, Council District 10 (**Approved with Modifications**).
- (23) L.U. 744 & Res 1644 - App. N 170374 ZRR Staten Island, Community Districts 2 and 3, Council District 50.
- (24) L.U. 745 & Res 1645 - App. C 170373 ZMR Staten Island, Community Districts 2 and 3, Council District 50.
- (25) Resolution approving various persons Commissioners of Deeds.

The Public Advocate (Ms. James) put the question whether the Council would agree with and adopt such reports which were decided in the **affirmative** by the following vote:

Affirmative – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Deutsch, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Mendez, Miller, Palma, Perkins, Reynoso, Richards, Rodriguez, Rose, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **46**.

The General Order vote recorded for this Stated Meeting was 46-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int. Nos. 1550-A**:

Affirmative – Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Mendez, Palma, Perkins, Reynoso, Richards, Rodriguez, Rose, Salamanca, Torres, Treyger, Ulrich, Vallone, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **41**.

Negative – Borelli, Miller, Vacca and Matteo - **4**.

Abstention – Deutsch – **1**.

The following was the vote recorded for **Int. Nos. 1566-A and 1578-A**:

Affirmative – Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Mendez, Miller, Palma, Perkins, Reynoso, Richards, Rodriguez, Rose, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **43**.

Negative – Borelli and Matteo – **2**.

Abstention – Deutsch – **1**.

The following was the vote recorded for **L.U. No. 718 & Res. No. 1647 and L.U. No. 719 & Res. No. 1648**:

Affirmative – Barron, Borelli, Cabrera, Chin, Constantinides, Cornegy, Crowley, Deutsch, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Mendez, Miller, Palma, Perkins, Reynoso, Richards, Rodriguez, Rose, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **45**.

Abstention – Cohen – **1**.

The following was the vote recorded for **L.U. No. 732 & Res. No. 1643**:

Affirmative – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Deutsch, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Mendez, Miller, Palma, Perkins, Reynoso, Richards, Rodriguez, Rose, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **45**.

Abstention – Williams – **1**.

The following Introductions were sent to the Mayor for his consideration and approval: Int. Nos. 401-A, 629-A, 1236-A, 1424-A, 1550-A, 1566-A, and 1578-A.

RESOLUTIONS

presented for voice-vote

The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:

At this point, the Speaker (Council Member Mark-Viverito) announced that the following items had been **preconsidered** by the Committee on General Welfare and had been favorably reported for adoption.

Report for voice-vote item Res. No. 1636

Report of the Committee on General Welfare in favor of approving, as amended, a Resolution urging Congress to reject proposed reforms to cut funding to SNAP and to reject efforts to convert the program into a block grant.

The Committee on General Welfare, to which the annexed preconsidered resolution was referred on September 7, 2017, respectfully

REPORTS:

Introduction

On September 6, 2017, the Committee on General Welfare, chaired by Council Member Stephen Levin, conducted a hearing and vote on Res. No. 1636, a resolution urging Congress to reject proposed reforms to cut funding to SNAP and to reject efforts to convert the program into a block grant. Representatives from the Administration, food advocacy organizations, public welfare organizations, and other interested parties were invited to testify. The resolution was voted out of Committee with six votes in the affirmative, none in the negative, and no abstentions.

Background

Food Insecurity

As poverty and unemployment are considered the main causes of domestic food insecurity and hunger, it is no surprise that hunger and food insecurity have soared citywide.¹ According to the most recent data from the United States Department of Agriculture (USDA), in 2015, 42.2 million Americans nationwide lived in food-insecure households, meaning at some point during the year they had difficulty providing enough food for all household members due to a lack of resources or insufficient money for food.² Furthermore, the estimated percentage of U.S. households that were food insecure declined significantly from 14.0 percent in 2014, to 12.7 percent (15.8 million households) in 2015, continuing a downward trend in food insecurity from a high of 14.9 percent in 2011.³ However, the 2015 prevalence of food insecurity was still above the 2007 pre-recessionary level of 11.1 percent.⁴

Despite the overall decline nationwide, food insecurity remains high in New York City. The USDA also reported that an estimated 1.37 million (16.4 percent) New Yorkers were food insecure in 2014, the latest data

¹ The New York City Coalition Against Hunger, “Food Secure NYC 2018” (July 2013) at 8, *available at* https://nyccah.org/files/Food%20Secure%20NYC%202018%20Plan_0.pdf.

² United States Department of Agriculture, “Household Food Security in the United States in 2015” (September 2016) at 6. *available at* <https://www.ers.usda.gov/webdocs/publications/79761/err-215.pdf?v=42636> (last visited Aug. 31, 2017).

³ *Id.* at v.

⁴ *Id.*

available.⁵ According to Feeding America, the nation's leading hunger-relief organization, New York City residents missed approximately 242 million meals in a single year, also known as "The Meal Gap."⁶ This means that children are hungry at school, parents who are working multiple jobs cannot provide for their loved ones, and that families must sometimes choose between putting food on the table and paying bills.⁷

The Supplemental Nutrition Assistance Program (SNAP)

SNAP, formerly known as the food stamps program, is the cornerstone of the nation's safety net and nutrition assistance program providing assistance to millions of eligible low-income people.⁸ Benefit levels for SNAP are based on criteria including, but not limited to, household size and income levels.⁹ SNAP recipients may be employed working in low-wage jobs, unemployed, or on fixed incomes, such as Social Security.¹⁰ On average, SNAP households currently receive an estimated \$255 a month.¹¹ The average SNAP benefits per person is about \$126 a month, which is an average of \$1.40 per person, per meal.¹²

The large majority of SNAP recipients are children, working parents, elderly Americans, and people with disabilities.¹³ In 2014, children made up 44 percent of all SNAP participants, and households with children received 67 percent of the total value of SNAP benefits.¹⁴ SNAP participants increasingly consist of working families whose incomes fall short of what is needed to ensure consistent and dependable access to food.¹⁵ Over the past 20 years, the overall share of SNAP recipient households with an earned income rose by 50 percent.¹⁶ Among recipient households with children, the share with a working adult has doubled since 1990 and stood at 52 percent in 2014, thus demonstrating the program's increasing importance for the working poor.¹⁷ SNAP provides assistance to recipients by offering monthly electronic benefits that can be used to purchase food at authorized stores.¹⁸ Therefore, SNAP benefits not only help low-income people purchase food, but they also provide an economic benefit to communities. According to research, each dollar of SNAP benefits spent generates \$1.79 in economic activity.¹⁹ SNAP can also help lift people out of poverty. SNAP benefits lifted at least 4.7 million people out of poverty in 2014, including 2.1 million children.²⁰ SNAP also lifted more than 1.3 million children out of deep poverty, or above 50 percent of the poverty line.²¹

Despite SNAP's positive impact, food insecurity remains a serious problem for millions of American households, including nearly one in five households with children.²² A growing body of evidence suggests that SNAP benefits are still too low to allow a family to afford an adequate, healthy meal.²³ One manifestation of

⁵ NYC Food Policy, "Food Metrics Report 2016" at 7 available at <http://www1.nyc.gov/assets/foodpolicy/downloads/pdf/2016-Food-Metrics-Report.pdf>; data based on 2014 estimates, (last visited Aug. 31, 2017).

⁶ *Id.*

⁷ Lilliam Barrios-Paoli, "City Has a Plan to Help More New Yorkers Afford Food, Eat Healthier" New York Daily News, (March 17, 2014) available at <http://www.nydailynews.com/new-york/deputy-mayor-lays-city-plan-tackle-food-insecurity-article-1.1725012> (last visited August 31, 2017).

⁸ Center on Budget and Policy and Policy Priorities, "SNAP is Effective and Efficient," available at <http://www.cbpp.org/research/snap-is-effective-and-efficient> (last visited Sept. 1, 2017).

⁹ Office of Temporary and Disability Assistance, "Supplemental Nutrition Assistance Program (SNAP)" available at <https://otda.ny.gov/programs/snap/> (last visited Sept. 1, 2017).

¹⁰ *Id.*

¹¹ Center on Budget and Policy and Policy Priorities, "A Quick Guide to SNAP Eligibility and Benefits," (Sept. 30, 2016) available at <http://www.cbpp.org/research/a-quick-guide-to-snap-eligibility-and-benefits> (last visited Sept. 1, 2017).

¹² *Id.*

¹³ Executive Office of the President, "Long-Term Benefits of the Supplemental Nutrition Assistance Program (December 2015) available at https://obamawhitehouse.archives.gov/sites/obamawhitehouse.archives.gov/files/documents/SNAP_report_final_nonembargo.pdf. (last visited Sept. 1, 2017).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Office of Temporary and Disability Assistance, *supra* note 10.

¹⁹ Food Research and Action Center, "August 2014 SNAP Caseloads Decrease Slightly Over Month, Down Over the Year," available at <http://frac.org/reports-and-resources/snapfood-stamp-monthly-participation-data/> (last visited Sept. 1, 2017).

²⁰ Executive Office of the President, *supra* note 14.

²¹ *Id.*

²² *Id.*

²³ *Id.*

this is the fact that the current level of benefits often cannot sustain families through the end of the month, causing children to go hungry and endangering their health, educational performance, and future life chances.²⁴

As of May 2017, 41,496,255 million people were receiving SNAP benefits in the U.S.;²⁵ 2,907,545 in New York State;²⁶ and as of July 2017, 1,670,141 in New York City.²⁷ SNAP participation in New York City has been declining. According to the New York City Independent Budget Office and the Human Resources Administration (HRA), these recent decreases in SNAP recipients likely reflect improvements in the local economy.²⁸ In addition, the federal government significantly cut SNAP benefits.²⁹ While Governor Andrew Cuomo was able to take executive action to ameliorate some of the federal cuts, much of the reduction was beyond the power of the State or the City.³⁰ In addition to this, the average SNAP benefit in New York City declined from \$162 per person per month in December 2012 to about \$148 per person per month September 2015.³¹ The combined impact of the lower average benefit size and the lower caseload decreased the annual federal SNAP spending in New York City from approximately \$3.5 billion in 2012 to \$3 billion in 2015, (an estimated 15 percent drop). In addition, food prices during that time period rose in the New York metropolitan area by more than five percent, higher than the overall rate of inflation during this time period, according to the federal Consumer Price Index (CPI), further reducing the food purchasing power of low-income New Yorkers.³² As a result, despite some marginal improvements in the economy, hunger and food insecurity are still significant problems New York City.³³

Emergency Food

HRA administers funding and coordinates the distribution of shelf-stable food to more than 500 food pantries and community kitchens citywide through the Emergency Food Assistance Program (EFAP).³⁴ Research has found that people no longer only access emergency food assistance for a short period as a temporary solution during exigent circumstances, but are relying on it as a long-term solution to deal with persistent hunger.³⁵ Emergency food assistance is an essential service that is often used to supplement SNAP benefits. According to the most recent data available by the Food Bank for New York City “(Food Bank”), almost 60 percent of emergency food recipients reported that they receive SNAP benefits.³⁶ Seventy-five percent of those surveyed also reported that SNAP benefits typically would only last three weeks into the month.³⁷ According to the most recent data from HRA, between October and December 2016, food pantries receiving EFAP served approximately 2,913,548 individuals and community kitchens served 763,365 meals; this represents a 4% increase and 2% decrease, respectively, from the previous quarter.³⁸

According a 2016 survey by Hunger Free America, New York City’s food pantries and soup kitchens faced an increased demand of nine percent in 2016, on top of an increased demand of five percent in 2015,

²⁴ *Id.*

²⁵ United States Department of Agriculture, Food and Nutrition Service Supplemental Nutrition Assistance Program: “Persons, Households, Benefits, and Average Monthly Benefit per Person & Household” (Data available as of Aug. 4, 2017) available at <https://www.fns.usda.gov/sites/default/files/pd/34SNAPmonthly.pdf> (last visited Sept. 1, 2017).

²⁶ *Id.*

²⁷ NYC Human Resources Administration, HRA Monthly Fact Sheet, (July 2017) available at https://www1.nyc.gov/assets/hra/downloads/pdf/facts/hra_facts/2017_07.pdf (last visited Sept. 1, 2017).

²⁸ Nidhi Prakash, “Advocates: Drop in food stamps about more than job growth,” Politico NY (Oct. 31, 2014) available at <http://www.politico.com/states/new-york/city-hall/story/2016/05/advocates-drop-in-food-stamps-about-more-than-job-growth-050688> (last visited Sept. 1, 2017).

²⁹ *Id.*

³⁰ *Id.*

³¹ Bautista, Camille, “Nearly Half of New Yorkers Who Can't Afford Food are Working, Report Says” DNA Info (Nov. 25, 2015) available at <https://www.dnainfo.com/new-york/20151125/bed-stuy/nearly-half-of-new-yorkers-who-cant-afford-food-are-working-report-says> (last visited Sept. 1, 2017).

³² *Supra*, note 29.

³³ *Id.*

³⁴ NYC Human Resources Administration, SNAP Benefits & Food Program, available at <http://www1.nyc.gov/site/hra/help/emergency-food-assistance-program.page> (last visited Sept. 1, 2017).

³⁵ Food Bank For New York City, “Hunger’s New Normal: Redefining Emergency in Post-Recession New York City (2013), at 3 available at <http://help.foodbanknyc.org/site/DocServer/FINALFINALDRAFTHSNParticipantrptNoEmb.pdf>.

³⁶ *Id.* at 12.

³⁷ *Id.* at 1.

³⁸ HRA NYC, Emergency Food Assistance Program Quarterly Report, (Apr. 4, 2017) available at https://www1.nyc.gov/assets/hra/downloads/pdf/facts/efap/efap_report.pdf (last visited Sept. 1, 2017).

seven percent in 2014, 10 percent in 2013, five percent in 2012, 12 percent in 2011, seven percent in 2010, and 20 percent in 2009.³⁹ In a 2016 Food Bank survey, four out of five (79 percent) food pantries and soup kitchens surveyed continued to report an increase in the number of visitors in September 2016, relative to September 2013.⁴⁰ Further, nearly half (49 percent) of food pantries and soup kitchens reported that they had run out of food, or particular types of food, needed to make adequate meals or pantry bags in September 2016,⁴¹ and as a result, nearly one third (29 percent) of food pantries and soup kitchens reported that they had turned people away during that time.⁴²

Conclusion

Res. No. 1636, a resolution urging Congress to reject proposed reforms to cut funding to SNAP and to reject efforts to convert the program into a block grant, is of utmost importance. A significant number of New Yorkers remain food insecure. Food banks and soup kitchens face extreme shortages as the number of New Yorkers accessing emergency food increases. Any reduction in SNAP benefits proves to be detrimental to many individuals and families who continue to be at risk for malnutrition and hunger.

Resolution Analysis

Res. No. 1636 would state that the Supplemental Nutrition Assistance Program (SNAP), formerly known as food stamps, provides critical food assistance to people struggling to make ends meet, and has contributed to the overall reduction in poverty nationwide. The resolution would indicate that several studies have found that SNAP benefits reduce food insecurity, which occurs when households lack consistent access to nutritious food because of limited resources. The resolution would also indicate that studies have also shown that access to SNAP can improve the health and educational outcomes of children. In addition, economists consider SNAP to be one of the most effective forms of economic stimulus because every dollar of SNAP benefits that is spent generates about \$1.79 in local economic activity, according to the Food Research and Action Center. The resolution would point out that despite improvements in the nation's economy since the Great Recession ended in 2009, hunger and food insecurity still remain high.

The resolution would indicate that in recent years there have been efforts to either cut SNAP funding or convert it into a block grant, and that many eligible SNAP recipients in New York City and across the nation rely on this essential program, especially at a time when many families are experiencing financial hardship, therefore, neither a reduction nor a conversion option is feasible. The resolution would note that according to the New York City Independent Budget Office (IBO), President Donald Trump's proposed 2018 budget would cut SNAP benefits nationwide by \$193 billion over 10 years by moving some of the grant costs to the states, which could potentially increase the state's burden for SNAP to 25 percent by 2023, along with program reductions and stricter eligibility requirements. Further, the IBO also indicates that such reductions would mean that New York State would have to contribute approximately \$1.2 billion a year by 2023, forcing State officials to either reduce benefits, cut other programs to maintain food stamp funding, raise taxes or other revenues, or shift costs to New York City and other localities. The resolution would indicate that under this proposal, reduced funds to SNAP would no longer guarantee that a family would be eligible for the same level of food assistance; and

The resolution would note that as of July 2017, nearly 1.7 million New York City residents receive SNAP benefits, according to the New York City Human Resources Administration. Furthermore, New York City residents make up more than half (57 percent) of all New York State participants in SNAP. According to the United States Department of Agriculture, an estimated 1.4 million (16 percent) New Yorkers were food insecure in 2015, the latest data available. In that same year, New Yorkers missed approximately 225 million meals, also known as "The Meal Gap," according to Feeding America, the nation's leading hunger-relief organization. The resolution would further provide that according to the Center on Budget and Policy

³⁹ Hunger Free America. New York City and State Hunger Report, 2016 "The State of the Working Hungry: Low Wages Chief Cause of Malnutrition," available at <http://www.hungerfreeamerica.org/sites/default/files/atoms/files/2016%20Annual%20Hunger%20Survey%20Report%20Final.pdf> (last visited Sept. 1, 2017).

⁴⁰ Food Bank for New York City, "Still Scaling the Hunger Cliff: Need at NYC Food Pantries & Soup Kitchens" at 2, (Research Brief 2016) available at <http://www.foodbanknyc.org/files/dmfile/HungerCliffNYC2015ResearchBrief.pdf> (last visited Sept. 1, 2017).

⁴¹ *Id.*

⁴² *Id.* at 3.

Priorities (CBPP), the average SNAP household nationwide receives about \$255 a month in SNAP benefits, which is an average of \$1.40 per person per meal. The CBPP also reported that nearly 80 percent of SNAP benefits are used within the first half of the month.

The resolution would point out that due to the fact that SNAP benefits are currently inadequate and run out before the end of the month, many families and individuals are left without enough food and often rely on emergency food assistance programs, such as food pantries and soup kitchens, to supplement their meals. The resolution would further point out that according to the Food Bank for New York City, nearly three in ten food pantries and soup kitchens surveyed in New York City reported that they had turned people away during the month of September 2016 because they had run out of food, or the particular types of food required to make adequate meals or pantry bags.

The resolution would note that cuts to SNAP would jeopardize the nation's primary food assistance safety net, especially at a time when food banks, and other hunger-relief groups are stretched to meet sustained high need. Furthermore, converting SNAP into a block grant would give each state fixed funding for the year, and consequently, states would be unable to automatically respond to any increased need, especially during an economic downturn. Such a harmful change to the structure of SNAP would result in a reduction or complete loss of benefits for millions of people at a time of elevated need, and would eliminate the program's ability to immediately respond to fluctuations in the economy and changes in need.

The resolution would indicate that the federal government should continue to support SNAP in order to promote opportunity and economic mobility, while also ensuring a strong safety net that protects individuals who are facing hard times. The United States Congress should make a commitment to ensure that SNAP remains fully funded, and that even additional funding is provided to significantly reduce hunger in New York City and across the nation. Finally, the resolution would assert that the Council of the City of New York urges Congress to reject proposed reforms to cut funding to SNAP and to reject efforts to convert the program into a block grant.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered resolution, please see the Introduction and Reading of Bills section printed in these Minutes)

STEPHEN T. LEVIN, *Chairperson*; FERNANDO CABRERA, VANESSA L. GIBSON, RITCHIE J. TORRES; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on General Welfare, September 6, 2017.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing those in favor, the Public Advocate (Ms. James) declared the Resolution to be adopted.

The following 2 Council Members formally noted their opposition to the passage of this item:
Council Members Borelli and Matteo.

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Preconsidered Res. No. 1636

Resolution urging Congress to reject proposed reforms to cut funding to SNAP and to reject efforts to convert the program into a block grant.

By The Speaker (Council Member Mark-Viverito) and Council Members Kallos and Levin.

Whereas, The Supplemental Nutrition Assistance Program (SNAP), formerly known as food stamps, provides critical food assistance to people struggling to make ends meet, and has contributed to the overall reduction in poverty nationwide; and

Whereas, Several studies have found that SNAP benefits reduce food insecurity, which occurs when households lack consistent access to nutritious food because of limited resources; and

Whereas, Studies have also shown that access to SNAP can improve the health and educational outcomes of children; and

Whereas, In addition, economists consider SNAP to be one of the most effective forms of economic stimulus because every dollar of SNAP benefits that is spent generates about \$1.79 in local economic activity, according to the Food Research and Action Center; and

Whereas, Despite improvements in the nation's economy since the Great Recession ended in 2009, hunger and food insecurity still remain high; and

Whereas, In recent years there have been efforts to either cut SNAP funding or convert it into a block grant; and

Whereas, Many eligible SNAP recipients in New York City and across the nation rely on this essential program, especially at a time when many families are experiencing financial hardship, therefore, neither a reduction nor a conversion option is feasible; and

Whereas, According to the New York City Independent Budget Office (IBO), President Donald Trump's proposed 2018 budget would cut SNAP benefits nationwide by \$193 billion over 10 years by moving some of the grant costs to the states, which could potentially increase the state's burden for SNAP to 25 percent by 2023, along with program reductions and stricter eligibility requirements; and

Whereas, The IBO also indicates that such reductions would mean that New York State would have to contribute approximately \$1.2 billion a year by 2023, forcing State officials to either reduce benefits, cut other programs to maintain food stamp funding, raise taxes or other revenues, or shift costs to New York City and other localities; and

Whereas, Under this proposal, reduced funds to SNAP would no longer guarantee that a family would be eligible for the same level of food assistance; and

Whereas, As of July 2017, nearly 1.7 million New York City residents receive SNAP benefits, according to the New York City Human Resources Administration; and

Whereas, Furthermore, New York City residents make up more than half (57 percent) of all New York State participants in SNAP; and

Whereas, According to the United States Department of Agriculture, an estimated 1.4 million (16 percent) New Yorkers were food insecure in 2015, the latest data available; and

Whereas, In that same year, New Yorkers missed approximately 225 million meals, also known as "The Meal Gap," according to Feeding America, the nation's leading hunger-relief organization; and

Whereas, According to the Center on Budget and Policy Priorities (CBPP), the average SNAP household nationwide receives about \$255 a month in SNAP benefits, which is an average of \$1.40 per person per meal; and

Whereas, The CBPP also reported that nearly 80 percent of SNAP benefits are used within the first half of the month; and

Whereas, Due to the fact that SNAP benefits are currently inadequate and run out before the end of the month, many families and individuals are left without enough food and often rely on emergency food assistance programs, such as food pantries and soup kitchens, to supplement their meals; and

Whereas, According to the Food Bank for New York City, nearly three in ten food pantries and soup kitchens surveyed in New York City reported that they had turned people away during the month of September 2016 because they had run out of food, or the particular types of food required to make adequate meals or pantry bags; and

Whereas, Cuts to SNAP would jeopardize the nation's primary food assistance safety net, especially at a time when food banks, and other hunger-relief groups are stretched to meet sustained high need; and

Whereas, Furthermore, converting SNAP into a block grant would give each state fixed funding for the year, and consequently, states would be unable to automatically respond to any increased need, especially during an economic downturn; and

Whereas, Such a harmful change to the structure of SNAP would result in a reduction or complete loss of benefits for millions of people at a time of elevated need, and would eliminate the program's ability to immediately respond to fluctuations in the economy and changes in need; and

Whereas, The federal government should continue to support SNAP in order to promote opportunity and economic mobility, while also ensuring a strong safety net that protects individuals who are facing hard times; and

Whereas, The United States Congress should make a commitment to ensure that SNAP remains fully funded, and that even additional funding is provided to significantly reduce hunger in New York City and across the nation; now, therefore, be it

Resolved, That the Council of the City of New York urges Congress to reject proposed reforms to cut funding to SNAP and to reject efforts to convert the program into a block grant.

Adopted by the Council *via* voice-vote (preconsidered and approved by the Committee on General Welfare).

Res. No. 1637

Resolution calling upon the U.S. House of Representatives and the Senate to introduce and pass legislation that will renew the Violence Against Women Act of 1994, and to maintain immigration relief for immigrant victims of domestic violence, egregious crimes, trafficking, and juvenile abuse, neglect or abandonment.

By the Speaker (Council Member Mark-Viverito) and Council Members Rosenthal, Menchaca and Salamanca.

Whereas, There are multiple federal laws that require renewal by 2018, which work in concert to protect vulnerable populations, and in particular various provisions of these laws directly impact immigrants; and,

Whereas, The current climate of xenophobia perpetuated by officials in the federal government puts all immigrants at risk, especially victims of domestic violence, human trafficking and other crimes; and,

Whereas, Title IV of the Violent Crime Control and Law Enforcement Act of 1994, entitled "The Violence Against Women Act of 1994," created a form of immigration relief based on humanitarian grounds, termed "VAWA Self-Petition," for immigrants abused by their spouse, adult child or close relative who is a United States ("U.S.") citizen or Legal Permanent Resident ("LPR"); and,

Whereas, VAWA Self-Petitions allow immigrant victims to apply for LPR status independent of their abusive family member; and,

Whereas, VAWA Self-Petition provides critical relief for immigrants from batterers who may use the consequences of U.S. immigration law to intimidate or retaliate against their victims; and,

Whereas, As of June 9, 2017, the U.S. Citizenship and Immigration Services reports that there are 9,578 pending VAWA Self-Petitions; and,

Whereas, Since the VAWA enactment in 1994, there has been a 53% decrease in instances of domestic violence against women and a 54% decrease in domestic violence against men, nationally; and,

Whereas, With the heightened awareness and victim protections resulting from actions such as VAWA, the Mayor's Office to Combat Domestic Violence reported a 142% rise in domestic violence incident reporting in the City of New York since 2007; and,

Whereas, The Violence Against Women Act of 1994 has been subsequently renewed under Division B of the Victims of Trafficking and Violence Protection Act of 2000, Title VIII of the Violence Against Women and Department of Justice Reauthorization Act of 2005, the Violence Against Women Reauthorization Act of 2013, and will expire at the end of 2017; and,

Whereas, The Victims of Trafficking and Violence Protection Act of 2000 created two nonimmigrant temporary statuses for immigrants found to be victims of crimes (“U-Visa”) and human trafficking (“T-Visa”), which allows for a victim to obtain LPR status if they cooperate with law enforcement in the investigation of these crimes; and,

Whereas, The Trafficking Victims Protection Reauthorization Act of 2013 reauthorized provisions for U- and T-visas and maintained nonimmigrant visa caps at 10,000 U-visas per year, and 5,000 T-Visas per year; and,

Whereas, There are currently 97,746 pending U-Visa cases, evidencing the prevalence of crimes committed against immigrants, including violent, sexual, obstruction of justice, or fraudulent labor crimes; and,

Whereas, There were 3,265 pending T-Visa cases at the end of the 2016 reporting period; and,

Whereas, Human trafficking is pervasive in the United States, with thousands of cases reported every year, and many more cases remaining undetected as human trafficking is often a “hidden crime;” and,

Whereas, The Federal Bureau of Investigations and the New York State Anti-Trafficking Network have designated New York City as a major trafficking hub; and,

Whereas, It is estimated that over 11,000 human trafficking victims interacted with private service providers in the New York City metropolitan area between 2000 and 2010; and,

Whereas, The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 clarified eligibility criteria for Special Immigrant Juvenile Status (“SIJS”) and provides immigration relief for children who can demonstrate parental abuse, neglect, or abandonment and the impossibility of returning home; and,

Whereas, SIJS has become a particularly important form of immigration relief in light of the 2014 unaccompanied immigrant children crisis; and,

Whereas, Between 2013 and 2015, the U.S. Department of Health and Human Services received 115,890 referrals of Unaccompanied Immigrant Children (“UIC”) from the Department of Homeland Security – an average 415% caseload increase; and,

Whereas, An estimated 3,800 UIC arrived in New York City between 2013 and 2015; and,

Whereas, the Council of the City of New York under Speaker Melissa Mark-Viverito’s leadership, funded the Unaccompanied Minors and Families Initiative which through the Immigrant Children Advocates’ Relief Effort, processed 1,131 UIC cases by 2016; and,

Whereas, The SIJS sets nonimmigrant visa caps at 10,000 per year for SIJS Visas, and there are currently 9,990 pending applications; and,

Whereas, No legislation has been introduced in the U.S. House of Representatives or the Senate reauthorizing the complete provisions of either the Violence Against Women Act of 1994 or the Trafficking Victims Protection Act of 2000; and,

Whereas, Failure to reauthorize nonimmigrant status programs would further destabilize current forms of lawful immigration relief in the U.S. for victims of domestic violence, egregious crime, or human trafficking; now, therefore, be it,

Resolved, That the Council of the City of New York calls upon the U.S. House of Representatives and the Senate to introduce and pass legislation that will renew the Violence Against Women Act of 1994, and to maintain immigration relief for immigrant victims of domestic violence, egregious crimes, trafficking, and juvenile abuse, neglect or abandonment.

Referred to the Committee on Immigration.

Res. No. 1638

Resolution calling upon the Secretary of State and the Secretary of the Department of Homeland Security to extend Temporary Protected Status designations for El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, Sudan, South Sudan, Syria, and Yemen, to provide temporary

immigration relief to eligible nationals in the wake of devastating environmental disasters, ongoing armed conflict, and extraordinary and temporary conditions that prevent its nationals from returning safely.

By the Speaker (Council Member Mark-Viverito) and Council Members Menchaca, Kallos and Koo.

Whereas, Temporary Protected Status (“TPS”) is a temporary immigration status granted to eligible nationals of TPS designated countries; and,

Whereas, During the temporary designation period, eligible nationals may remain in the United States and may not be detained by the Department of Homeland Security (“DHS”) based solely on immigration status, and may obtain employment and travel authorization; and,

Whereas, The Secretary of DHS has the authority to provide TPS to immigrants present in the United States who are unable to safely return to their home country due to an environmental disaster, an ongoing armed conflict, or other extraordinary and temporary conditions that prevent safe return; and,

Whereas, A country's TPS designation takes effect on the date the designation is published and may last between six and 18 months, with the possibility of an extension; and

Whereas, The TPS program is a hallmark of United States diplomacy, underscoring our leadership in ending extreme poverty and supporting self-reliant, legitimate governments through providing humanitarian relief for nationals already in the U.S.; and,

Whereas, There are currently over 320,000 TPS designation recipients in the U.S.; and,

Whereas, The Immigrant Legal Resource Center, the Center for Migration Research, and the Migration Policy Institute report high levels of labor force participation among TPS recipients, for example: Haitian TPS recipients fill a critical labor gap in elder and home health care; and,

Whereas, TPS recipients in the United States contribute hundreds of millions of dollars in federal, state and local tax revenue, and are critical participants in the U.S. economy, while supporting their national economies through remittances: billions of dollars upon which TPS designated countries rely; and,

Whereas, The City of New York has the highest foreign-born population in the United States, including the highest concentration of Sub-Saharan and Middle East and North African immigrants and the second highest Central American and Haitian population, and extending TPS designation can help maintain safety among the immigrant community and keep families intact; and,

Whereas, The cost of immediate removal and repatriation would cost taxpayers approximately \$3.5 billion, with additional associated costs such as fostering TPS recipient U.S.-born children left behind, and could likely jeopardize TPS-recipients’ path to lawful residence through other pending immigration status adjustment cases; and,

Whereas, The situations in TPS countries render them ill-equipped to reintegrate TPS-recipients after they have been relocated in the U.S., many for more than 10 years; and,

Whereas, Extending TPS designations would further demonstrate the United States' support for recipient countries and countries who may experience unequivocal crises in the future; and,

Whereas, There are currently 10 countries with TPS designation: El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, South Sudan, Sudan, Syria, and Yemen; and,

Whereas, Environmental disasters and outbreaks of infectious diseases have crippled the economies and national infrastructures of El Salvador, Haiti, Honduras, Nepal and Nicaragua; while ongoing armed conflicts have ravaged Somalia, Sudan, South Sudan, Syria and Yemen, contributing to unprecedented global human displacement; and,

Whereas, El Salvador was struck by a magnitude 7.6 earthquake in January, 2001, with 3,000 subsequent aftershocks and a magnitude 6.6 earthquake in February, 2001; and,

Whereas, The earthquakes displaced 17% of El Salvador’s population, and led to more than 10,000 casualties; and,

Whereas, recovery efforts in El Salvador remain stalled by subsequent environmental disasters, limited access to potable water and electricity, and a persistent housing shortage of approximately 630,000 houses; and,

Whereas, Further, violent gangs perpetuate an atmosphere of fear through extortion, exploiting nationals to the sum of \$756 million in 2014, reported by El Salvador's Central Bank and the United Nations Development Program; and,

Whereas, Haiti was struck by a magnitude 7.0 earthquake in January, 2010, displacing 1.5-2.3 million Haitian nationals; and,

Whereas, Haitian reconstruction efforts have been slowed by critical infrastructure damage aggravated by Hurricane Matthew in October 2016 and heavy rainfall that destroyed 80% of the Southern spring harvest in April 2017 leaving roughly one third of the Haitian population without secure access to food; and,

Whereas, Honduras and Nicaragua were struck by Hurricane Mitch in October 1998, displacing more than 1.1 million people in Honduras alone, and killing 8,702 persons, with overall damages to property due to landslides and floods estimated between \$6.3-6.5 billion; and

Whereas, Reconstruction efforts in Honduras and Nicaragua have been repeatedly stalled by subsequent natural disasters, political unrest and corruption, rendering them unable to adequately absorb returning nationals; and,

Whereas, Nepal was struck by a magnitude 7.8 earthquake in April, 2015, affecting approximately 25-33% the population, and reconstruction efforts have been significantly slowed by ensuing civil unrest and ongoing armed conflict at key humanitarian aid distribution junctions on the Nepal-India border; and,

Whereas, Somalia has been ravaged by ongoing armed conflict between government forces, clan militia, African Union troops, and al-Shabaab since 1986, internally displacing 1.1 million Somalians; and,

Whereas, Armed conflict aside, 1 million Somalians experience acute food insecurity aggravated by flooding and severe drought, 1.9 million Somalians are at risk of death by preventable diseases due to limited access to clean water, and 3.2 million Somalians have insufficient access to emergency health care services; and,

Whereas, Sudan and South Sudan have been embroiled in civil war and ongoing armed conflict since 1997, and there have been no signs of decreasing conflict; and,

Whereas, Instead, there remains an acute cycle of ethnic violence, human rights' atrocities and a humanitarian disaster of devastating scale, displacing 2.2 million Sudanese and South Sudanese persons and contributing to high malnutrition rates, limited access to clean water, food, and shelter; and,

Whereas, Syria remains embroiled in ongoing armed conflict since March 2011, as a result of citizens' demonstrations seeking greater political freedom, involving government forces, rebel militias and fundamentalist groups; and,

Whereas, The Syrian crisis, termed the "biggest humanitarian emergency of our era" by the former UNHCR Commissioner António Guterres, has displaced 11.3 million Syrians and led to a casualty toll of approximately 2 million persons; and,

Whereas, Ongoing armed conflict in Syria created and exacerbated extreme levels of food insecurity, limited access to clean water and medical care for 13.5 million people, and destroyed significant public and private infrastructure; and,

Whereas, Yemen has been engaged in an ongoing armed conflict since July 2014, displacing 3 million Yemeni nationals, triggering unprecedented levels of food insecurity for 14 million people, extensive shortages in operational health care facilities; and,

Whereas, The humanitarian crisis in Yemen has been compounded by a cholera outbreak and significant destruction of public and private infrastructure; and,

Whereas, Many elected officials such as U.S. Senators Kirsten Gillibrand, Robert Menendez, Edward Markey, Chris Hollen, Christopher Murphy, Tim Kaine, Cory Booker, Elizabeth Warren, Sherrod Brown, Catherine Masto, Al Franken, Mark Warner, Jeffrey Merkley, Patrick Leahy, Richard Blumenthal, Richard Durbin, Christopher Coons, Tammy Duckworth, Mazie Hirono, Michael Bennet, Ron Wyden, Kamala Harris, Patty Murray, Bernard Sanders, Charles Schumer, and Dianne Feinstein have called upon the Secretary of State at the State Department and the Secretary of the Department of Homeland Security to extend TPS designations that permit approximately 320,000 TPS recipients from ten countries to temporarily live and work lawfully in the United States; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Secretary of State and the Secretary of the Department of Homeland Security to extend Temporary Protected Status designations for El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, Sudan, South Sudan, Syria, and Yemen, to provide temporary

immigration relief to eligible nationals in the wake of devastating environmental disasters, ongoing armed conflict, and extraordinary and temporary conditions that prevent its nationals from returning safely.

Referred to the Committee on Immigration.

Int. No. 1697

By Council Members Barron and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the installation of a stop sign or traffic control signal at every intersection immediately adjacent to any school

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-188.1 to read as follows:

§ 19-188.1 *Traffic control devices near schools. a. Definitions. For purposes of this section, the following terms have the following meanings:*

Intersection. The term "intersection" has the meaning set forth in section 120 of the vehicle and traffic law.

School. The term "school" means any buildings, grounds, facilities, property, or portion thereof in which educational instruction is provided to at least 250 students at or below the twelfth grade level.

Traffic control device. The term "traffic control device" means a stop sign or traffic control signal.

Traffic control signal. The term "traffic control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

b. The department shall install stop signs or traffic control signals at all intersections immediately adjacent to any school in order to control motor vehicle traffic on streets that abut such schools. The department shall determine which type of traffic control device is appropriate at such intersection based upon the volume of motor vehicle traffic and the sight-lines of persons crossing at such intersection.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 1698

By Councils Member Ferreras-Copeland and Palma (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to in relation to authorizing an increase in the amount to be expended annually in eleven business improvement districts

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 25-422.1 of the administrative code of the city of New York, as amended by local law number 118 for the year 2013, 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 Times Square business improvement district beginning on July 1, [2013] 2017, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [twelve

million six hundred thirty-eight thousand nine hundred seventy-two dollars (\$12,638,972)] *fourteen million three hundred forty-seven thousand two hundred ninety-three dollars (\$14,347,293)*.

§ 2. Subdivision a of section 25-423.1 of the administrative code of the city of New York, as amended by local law number 3 for the year 2015, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 34th Street business improvement district beginning on July 1, [2014] *2017*, 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 [ten million eight hundred eighty-five thousand dollars (\$10,885,000)] *twelve million six hundred forty thousand dollars (\$12,640,000)*.

§ 3. Subdivision a of section 25-426 of the administrative code of the city of New York, as amended by local law number 60 for the year 2008, 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 82nd Street business improvement district beginning on July 1, [2008] *2017*, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [two hundred twenty-four thousand four hundred fifty dollars (\$224,450)] *two hundred fifty-four thousand four hundred fifty (\$254,450)*.

§ 4. Subdivision a of section 25-435 of the administrative code of the city of New York, as amended by local law number 10 for the year 2004, 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 Flatbush Avenue business improvement district beginning on July 1, [2003] *2017*, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [three hundred fourteen thousand five hundred twenty (\$314,520)] *three hundred eighty-six thousand dollars (\$386,000)*.

§ 5. Subdivision a of section 25-442.2 of the administrative code of the city of New York, as amended by local law number 3 for the year 2013, 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 Downtown-Lower Manhattan business improvement district beginning on July 1, [2012] *2017*, 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 [fifteen million nine hundred thousand dollars (\$15,900,000)] *twenty million four hundred thousand dollars (\$20,400,000)*.

§ 6. Subdivision a of section 25-445 of the administrative code of the city of New York, as amended by local law number 3 for the year 2013, 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 Kings Highway business improvement district beginning on July 1, [2012] *2017*, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [two hundred ninety thousand dollars (\$290,000)] *four hundred thousand dollars (\$400,000)*.

§ 7. Section 25-447.2 of the administrative code of the city of New York, as added by local law number 135 for the year 2016, is amended by adding a section number and section heading to read as follows:

§ 25-447.2 *Madison Avenue business improvement district.*

§ 8. Subdivision a of section 25-451 of the administrative code of the city of New York, as amended by local law number 60 for the year 2008, 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

Church Avenue business improvement district beginning on July 1, [2008] 2017, 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 hundred eighty-eight thousand five hundred dollars (\$188,500)] *two hundred three thousand dollars (\$203,000)*.

§ 9. Subdivision a of section 25-458.1 of the administrative code of the city of New York, as amended by local law number 61 for the year 2007, 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 East Mid-Manhattan business improvement district beginning on July 1, [2007] 2017, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [two million two hundred thousand dollars (\$2,200,000)] *three million five hundred thousand dollars (\$3,500,000)*.

§ 10. Subdivision a of section 25-464.1 of the administrative code of the city of New York, as amended by local law number 68 for the year 2014, 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 Fordham Road business improvement district beginning on July 1, [2014] 2017, 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 hundred seventy thousand dollars (\$670,000)] *one million ten thousand dollars (\$1,010,000)*.

§ 11. Subdivision a of section 25-469.1 of the administrative code of the city of New York, as amended by local law number 25 for the year 2017, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the DUMBO business improvement district beginning on July 1, [2016] 2017, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [eight hundred thirty-five thousand dollars (\$835,000)] *one million two hundred fifty thousand dollars (\$1,250,000)*.

§ 12. Section 25-472.1 of the administrative code of the city of New York, as added by local law number 135 for the year 2016, is amended by adding a section number and section heading to read as follows:

§ 25-472.1 *Court-Livingston-Schermerhorn business improvement district.*

§ 13. Section 25-481.1 of the administrative code of the city of New York, as added by local law number 135 for the year 2016, is amended by adding a section number and section heading to read as follows:

§ 25-481.1 *Atlantic Avenue business improvement district.*

§ 14. The administrative code of the city of New York is amended by adding a new section 25-482.1 to read as follows:

§ 25-482.1 *SoHo business improvement district.*

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 SoHo business improvement district beginning on July 1, 2017, 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 nine hundred thousand dollars (\$900,000).*

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 SoHo business improvement district plan.*

§ 15. This local law takes effect immediately and is retroactive to and deemed to have been in full force and effect as of July 1, 2017.

Referred to the Committee on Finance.

Res. No. 1639

Resolution concerning the increase in the annual expenditure for the Times Square, 34th Street, 82nd Street, Flatbush Avenue, Downtown-Lower Manhattan, Kings Highway, Church Avenue, East Mid-Manhattan, Fordham Road, DUMBO, and SoHo 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 Ferreras-Copeland.

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 Times Square, 34th Street, 82nd Street, Flatbush Avenue, Downtown-Lower Manhattan, Kings Highway, Church Avenue, East Mid-Manhattan, Fordham Road, DUMBO and SoHo Business Improvement Districts, in the City of New York; and

Whereas, pursuant to Local Law No. 82 for the year of 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 eleven Business Improvement Districts wish to increase the amount to be expended annually beginning on July 1, 2017 as follows: Times Square, \$14,347,293; 34th Street, \$12,640,000; 82nd Street, \$254,450; Flatbush Avenue, \$386,000; Downtown-Lower Manhattan, \$20,400,000; Kings Highway, \$400,000; Church Avenue, \$203,000; East Mid-Manhattan, \$3,500,000; Fordham Road, \$1,010,000; DUMBO, \$1,250,000; and SoHo, \$900,000; 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 October 17, 2017 is the date and the City Council Committee Room, 2nd floor, City Hall, Manhattan is the place and 10:00a.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 eleven 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 Times Square, 34th Street, 82nd Street, Flatbush Avenue, Downtown-Lower Manhattan, Kings Highway, Church Avenue, East Mid-Manhattan, Fordham Road, DUMBO, and SoHo 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 increase in the amount to be expended annually in each of the eleven Business Improvement Districts.

Referred to the Committee on Finance.

Int. No. 1699

By Council Members Gibson, Johnson, Dromm, Menchaca, Mendez, Torres, Vacca, Van Bramer, Palma, Rosenthal, Levin, Salamanca, Espinal, Rose, Eugene, Reynoso and Levine.

A Local Law to the administrative code of the city of New York, in relation to time frames for runaway and homeless youth shelter services

Be it enacted by the Council as follows:

Section 1. Section 21-401 of the administrative code of the city of New York is amended to read as follows:

§ 21-401 Definitions. [Whenever used in] *For the purposes of this chapter the following [words] terms [shall] have the following meanings:*

[a. “Commissioner” shall mean] *Commissioner. The term “commissioner” means the commissioner of the department of youth and community development.*

[b. “Department” shall mean] *Department. The term “department” means the department of youth and community development.*

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 the purposes of this chapter, the term homeless youth shall also include homeless young adults.

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.

[c. “Runaway and homeless youth services” shall mean] *Runaway and homeless youth services. The term “runaway and homeless youth services” means department-administered street outreach and referral services, drop-in centers, runaway and homeless youth crisis [shelters] services programs, and transitional independent living [centers] support programs.*

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

[d. “Sexually exploited child” shall have] *Sexually exploited child. The term “sexually exploited child” has the same meaning as provided in subdivision one of section 447-a of the [New York State] social services law.*

Shelter services. The term “shelter services” means residential programs within runaway and homeless youth crisis services programs and transitional independent living support programs.

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.

[e. “Youth: shall mean] *Youth. The term “youth” means any person [under twenty-four] 24 years of age or younger.*

§ 2. Chapter 4 of title 21 of the administrative code of the city of New York is amended to add new section 21-404 to read as follows:

§ 21-404 *Time frames for runaway and homeless youth shelter services. a. The department shall require that runaway and homeless youth are provided with shelter services pursuant to the following time frames:*

1. Consistent with section 532-b of the executive law, a runaway youth aged 14 or older receiving shelter services in a residential runaway and homeless youth crisis services program shall be provided with shelter services in such program on a voluntary basis for up to 60 days, or up to 120 days if the runaway youth and such youth’s parent, guardian or custodian agree in writing that such youth may remain in such program, or consistent with section 420 of the executive law, beyond such time limits if the office of children and family services is notified in writing within 60 days.

2. Consistent with section 532-d of the executive law, a homeless youth receiving shelter services in a transitional independent living support program shall be provided with shelter services in such program for up to 24 months, or consistent with section 420 of the executive law, beyond 24 months limit if the homeless youth entered the transitional independent living support program under the age of 21 and the office of children and family services is notified in writing within 60 days.

§ 3. This local law takes effect on January 1, 2018.

Referred to the Committee on Youth Services.

Int. No. 1700

By Council Members Johnson, Torres, Dromm, Menchaca, Mendez, Vacca, Van Bramer, Palma, Rosenthal, Levin, Salamanca, Espinal, Rose, Eugene, Reynoso, Levine and Lander.

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

Be it enacted by the Council as follows:

Section 1. Section 21-401 of the administrative code of the city of New York is amended to read as follows:

§ 21-401 Definitions. [Whenever used in] *For the purposes of this chapter the following [words] terms [shall] have the following meanings:*

[a. “Commissioner” shall mean] *Commissioner. The term “commissioner” means the commissioner of the department of youth and community development.*

[b. “Department” shall mean] *Department. The term “department” means the department of youth and community development.*

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 the purposes of this chapter, the term homeless youth shall also include homeless young adults.

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.

[c. “Runaway and homeless youth services” shall mean] *Runaway and homeless youth services. The term “runaway and homeless youth services” means department-administered street outreach and referral services, drop-in centers, runaway and homeless youth crisis [shelters] services programs, and transitional independent living [centers] support programs.*

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

[d. “Sexually exploited child” shall have] *Sexually exploited child. The term “sexually exploited child” has the same meaning as provided in subdivision one of section 447-a of the [New York State] social services law.*

Shelter services. The term “shelter services” means residential programs within runaway and homeless youth crisis services programs and transitional independent living support programs.

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.

[e. “Youth: shall mean] *Youth. The term “youth” means any person [under twenty-four] 24 years of age or younger.*

Test Assessing Secondary Completion (TASC). The term “test assessing secondary completion (TASC)” means the New York state high school equivalency test which replaced the General Education Development (GED) as the primary pathway to a New York state high school equivalency diploma.

§ 2. Chapter 4 of title 21 of the administrative code of the city of New York is amended to add new section 21-404 to read as follows:

§ 21-404 *Runaway and homeless reporting. a. Not later than February 1, 2018, and on or before February 1 annually thereafter, the department shall submit to the speaker of the council and post on its website annual reports regarding runaway and homeless youth. Such reports shall include, but not be limited to, the following information:*

1. A description of the size and characteristics of the current population of runaway and homeless youth, to the extent known, including but not limited to gender identity and expression, sexual orientation, race, ethnicity, religion, disabilities, and sexual exploitation.

2. A description of the service needs of the current population of runaway and homeless youth, to the extent known, including but not limited to educational assistance, TASC preparation, medical services, mental health services, services for sexually exploited children, and temporary shelter.

3. A breakdown of the dispositions of runaway and homeless youth who exited the temporary shelter system in the previous calendar year disaggregated by categories including but not limited to transitioned

from a runaway and homeless youth crisis services program to a transitional independent living support program, reconnected with family, transitioned to a department of homeless services shelter, transitioned to a New York city housing authority apartment, transitioned to a private apartment, and exited to an unknown location.

4. A description of the public and private resources available to serve runaway and homeless youth including any new services established since the submission of the previous report required pursuant to this section and any existing services that will be expanded.

§ 3. Chapter 4 of title 21 of the administrative code of the city of New York is amended to add new section 21-405 to read as follows:

§ 21-405 Capacity. The department shall provide shelter services to all runaway and homeless youth who request such shelter from the department.

§ 4. This local law takes effect on January 1, 2018.

Referred to the Committee on Youth Services.

Int. No. 1701

By Council Member Lancman.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to obtain parental consent prior to a minor serving in an identification procedure.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-168 to read as follows:

§ 14-168. Use of minors in an identification procedure.

a. Definitions. As used in this section, the following terms have the following meanings:

Consent form. The term "consent form" means a written document that includes the following:

- 1. a description of the lineup procedure;*
- 2. the time, date, and location of the lineup;*
- 3. the name of the supervising officer;*
- 4. if the minor's image or likeness will be used in any other identification procedure; and*
- 5. a space for the signature of the minor's parent or legal guardian to provide consent to the procedure.*

Lineup. The term "lineup" means a department arranged identification procedure in which a criminal suspect is placed in a line with non-suspect participants for the purpose of identification by a witness.

3. Minor. The term "minor" means any person under the age of 18.

4. Non-suspect participant. The term "non-suspect participant" means a person who is not a suspect for the crime being investigated but is participating in a lineup as a filler.

b. Use of minors in an identification procedure. The department shall obtain a consent form prior to the participation of a minor as a non-suspect participant in a lineup. Such consent form shall be signed and dated by such minor's parent or legal guardian.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Res. No. 1640

Resolution calling upon the State Legislature to pass, and the Governor to sign, legislation that would grant a property tax deferment for persons sixty-five years of age or older with an income below \$58,400.

By Council Member Maisel.

Whereas, New York City homeowners have seen an increase in their property tax bills in recent years as the value of their properties has risen; and

Whereas, Senior citizens who own their homes in New York City find it difficult to afford these increases, especially when living on fixed incomes;

Whereas, Existing programs for property tax relief such as the Senior Citizen Homeowner Exemption (SCHE) are underutilized; and

Whereas, Even for those senior homeowners receiving SCHE or other property tax exemptions, property tax payments can represent a meaningful financial burden; and

Whereas, The Council has recently enacted legislation raising the maximum income for SCHE eligibility to \$58,400; and

Whereas, According to the AARP, twenty-eight states and the District of Columbia currently offer property tax deferral programs; and

Whereas, Legislation has previously been introduced in the New York State Assembly that would allow seniors to defer their annual property tax increase, making them responsible solely for the amount paid at the time of the legislation's enactment;

Whereas, Such legislation would allow the City to receive the difference in the annual increase, without interest, once the home is sold or when the senior resident passes away;

Whereas, Adopting such legislation would provide senior homeowners protection against rising property assessments and make it easier for them to afford to stay in their homes and communities; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the State Legislature to pass, and the Governor to sign, legislation that would grant a property tax deferral for persons sixty-five years of age or older with an annual income below \$58,400.

Referred to the Committee on Finance.

Int. No. 1702

By Council Members Maisel and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to requiring that law enforcement officers responding to noise complaints carry sound level meters

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-170 to read as follows:

§ 14-170 Sound level meters. a. Definitions. For the purposes of this section the following terms have the following meanings:

Dwelling. The term "dwelling" means any building lawfully occupied in whole or in part as the temporary or permanent residence of one or more natural persons.

Law enforcement officer. The term "law enforcement officer" a peace officer or police officer as defined in the Criminal Procedure Law who is employed by the city of New York or a special patrolman appointed by the police commissioner pursuant to section 14-106 of the administrative code.

Sound level meter. The term "sound level meter" means any instrument, including but not limited to a microphone, an amplifier, an output meter, and frequency weighting networks, for the measurement of noise and sound levels in a specified manner and which complies with standards established by the American National Standards Institute specifications for sound level meters S1.4-1971, as amended or S1.4-1983, as amended.

b. Law enforcement officers responding to noise complaints pursuant to chapter 2 of title 24, where the noise originates from a dwelling and enforcement of the applicable law may require the measurement of sound, shall be equipped with sound level meters and shall use such sound level meters where appropriate.

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

Referred to the Committee on Public Safety.

Int. No. 1703

By Council Member Maisel.

A Local Law to amend the administrative code of the city of New York, in relation to notification of changes to parking and traffic restrictions

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-175.2 of the administrative code of the city of New York is amended to read as follows:

§ 19-175.2 Notification of changes in parking restrictions. a. Following any permanent change in parking restrictions posted by the department, the department shall post notice, in the affected areas, indicating the effective date of such change. *Such notice shall contain the word “new” in capital letters, shall be on conventional signage and shall remain in place for at least 30 days. For purposes of this section, conventional signage is defined as a mounted metal sign.* An owner of a motor vehicle parked in the affected areas who receives a notice of a parking violation that occurred within [five] *seven* days of posting of the notice of the parking restriction change shall have an affirmative defense that the vehicle of the owner was parked in compliance with the applicable parking restriction that was in effect prior to such change. Within one business day of making a permanent change in parking restrictions, such change will be reflected on the website containing parking restrictions as required by section 19-175.1 [of the code]. *The department shall provide an option to receive email updates related to new parking restrictions on the email updates webpage on the department’s website.*

§ 2. 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 19-175.6 to read as follows:

§ 19-175.6 Notification of changes in traffic restrictions. a. *Following any permanent change in traffic restrictions adopted by the department, the department shall post notice in the affected areas. Such notice shall contain the word “new” in capital letters, shall be on conventional signage and shall remain in place for at least 30 days. For purposes of this section, conventional signage is defined as a mounted metal sign.*

b. The commissioner shall reflect new traffic restrictions on the departmental website containing parking restrictions as required by section 19-175.1.

c. The department shall provide an option to receive email updates related to new traffic restrictions on the email updates webpage on the department’s website.

§ 3. This local law takes effect 90 days after it becomes law; provided, however, the commissioner of transportation shall take all actions necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Transportation.

Int. No. 1704

By Council Members Rodriguez, Williams, Perkins and Rosenthal.

A Local Law in relation to establishing a freedom trail task force

Be it enacted by the Council as follows:

Section 1. Freedom trail task force. a. Definitions. For the purposes of this section, the term “freedom trail” means a walkable tour of historical sites in the City associated with the abolitionist movement and underground railroad that are linked through unifying signage, programs or maps.

b. There shall be a freedom trail task force consisting of the commissioners of cultural affairs, transportation, parks and recreation, and small business services; the chair of the landmarks preservation commission; five members to be appointed by the mayor; and three members to be appointed by the speaker of the council. Appointed members shall include representatives of institutions, organizations, corporations or associations that are organized or operated primarily for historical, cultural, educational, religious or charitable purposes. The mayor, after consultation with the speaker of the council, shall designate from among the ex officio members a chairperson of the task force. The ex officio members are the commissioners of cultural affairs, transportation, parks and recreation, and small business services, and the chair of the landmarks preservation commission.

c. Each member of the task force shall serve without compensation for a term of 12 months, to commence after the final member of the task force is appointed. All members shall be appointed within 60 days after the effective date of this local law.

d. No appointed member of the task force shall be removed except for cause by the appointing authority. In the event of a vacancy on the task force during the term of an appointed member, a successor shall be selected in the same manner as the original appointment to serve the balance of the unexpired term.

e. The ex officio members of the task force may designate a representative who shall be counted as a member for the purpose of determining the existence of a quorum and who may vote on behalf of such member, provided that such representative is an officer or employee from the same agency as the delegating member. The designation of a representative shall be made by a written notice of the ex officio member served upon the chairperson of the task force prior to the designee participating in any meeting of the task force, but such designation may be rescinded or revised by the member at any time.

f. The task force shall meet at least quarterly and shall hold at least two public meetings prior to submission of the report required pursuant to subdivision h of this section to solicit public comment on the establishment of a freedom trail.

g. The mayor may designate one or more agencies to provide staffing and other administrative support to the task force.

h. The task force 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. In formulating its recommendations, the task force shall consider the following:

1. The feasibility of establishing a freedom trail;
2. Potential sites along a freedom trail;
3. Methods or systems that would be necessary to link sites along a freedom trail;
4. The level of coordination among appropriate city agencies and other relevant organizations that would be necessary to the implementation and operation of a freedom trail;
5. Outreach and educational materials and efforts, including technological tools, that would be necessary to support the operation of a freedom trail.

i. The freedom trail task force shall dissolve upon submission of the report required pursuant to subdivision h of this section.

§ 2. This local law takes effect immediately.

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

Int. No. 1705

By Council Members Salamanca, Johnson, Dromm, Menchaca, Mendez, Torres, Vacca, Van Bramer, Rosenthal and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to runaway and homeless youth entering department of homeless services shelters

Be it enacted by the Council as follows:

Section 1. Section 21-401 of the administrative code of the city of New York is amended to read as follows:

§ 21-401 Definitions. [Whenever used in] *For the purposes of this chapter the following [words] terms [shall] have the following meanings:*

[a. “Commissioner” shall mean] *Commissioner. The term “commissioner” means the commissioner of the department of youth and community development.*

[b. “Department” shall mean] *Department. The term “department” means the department of youth and community development.*

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 the purposes of this chapter, the term homeless youth shall also include homeless young adults.

[c. “Runaway and homeless youth services” shall mean] *Runaway and homeless youth services. The term “runaway and homeless youth services” means department-administered street outreach and referral services, drop-in centers, runaway and homeless youth crisis [shelters] services programs, and transitional independent living [centers] support programs.*

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

[d. “Sexually exploited child” shall have] *Sexually exploited child. The term “sexually exploited child” has the same meaning as provided in subdivision one of section 447-a of the [New York State] social services 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.

[e. “Youth: shall mean] *Youth. The term “youth” means any person [under twenty-four] 24 years of age or younger.*

§ 2. Chapter 4 of title 21 of the administrative code of the city of New York is amended to add new section 21-404 to read as follows:

§ 21-404 *Intake and assessments of runaway and homeless youth. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Assessment shelter. The term “assessment shelter” means a means a facility operated by the department of homeless services or a provider under contract or similar agreement with the department of homeless services where individuals undergo assessments required to reside in the department of homeless services shelter system.

Intake and assessment. The term “intake and assessment” means the process for entry into a shelter operated by the department of homeless services or a provider under contract or similar agreement with the department of homeless services.

Intake center. The term “intake centers” means a facility operated by the department of homeless services or a provider under contract or similar agreement with the department of homeless services where individuals or families apply to enter the department of homeless services shelter system.

b. The department of homeless services and the department shall create and maintain an intake and assessment process for runaway youth and homeless youth seeking to transition from runaway and homeless youth services to a department of homeless services shelter. Such process shall not require runaway youth or homeless youth to enter an intake center or assessment shelter. Such process shall originate at a location where the department provides runaway and homeless youth services. The intake and assessment process

required pursuant to this section and any necessary information sharing between the department of homeless services and the department shall only occur with the consent of the youth.

§ 2. This local law takes effect immediately.

Referred to the Committee on Youth Services.

Int. No. 1706

By Council Members Torres, Johnson, Dromm, Menchaca, Mendez, Vacca, Van Bramer, Rosenthal and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to runaway and homeless youth services for homeless young adults

Be it enacted by the Council as follows:

Section 1. Section 21-401 of the administrative code of the city of New York is amended to read as follows:

§ 21-401 Definitions. [Whenever used in] *For the purposes of this chapter the following [words] terms [shall] have the following meanings:*

[a. “Commissioner” shall mean] *Commissioner. The term “commissioner” means the commissioner of the department of youth and community development.*

[b. “Department” shall mean] *Department. The term “department” means the department of youth and community development.*

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 the purposes of this chapter, the term homeless youth shall also include homeless young adults.

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.

[c. “Runaway and homeless youth services” shall mean] *Runaway and homeless youth services. The term “runaway and homeless youth services” means department-administered street outreach and referral services, drop-in centers, runaway and homeless youth crisis [shelters] services programs and transitional independent living [centers] support programs.*

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

[d. “Sexually exploited child” shall have] *Sexually exploited child. The term “sexually exploited child” has the same meaning as provided in subdivision one of section 447-a of the [New York State] social services law.*

Shelter services. The term “shelter services” means residential programs within runaway and homeless youth crisis services programs and transitional independent living support programs.

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.

[e. “Youth: shall mean] *Youth. The term “youth” means any person [under twenty-four] 24 years of age or younger.*

§ 2. Chapter 4 of title 21 of the administrative code of the city of New York is amended to add new section 21-404 to read as follows:

§ 21-404 *Services for homeless young adults. a. The department shall provide runaway and homeless youth services to homeless young adults in the same manner as such services are provided to runaway youth and homeless youth.*

§ 3. This local law takes effect on January 1, 2018.

Referred to the Committee on Youth Services.

Int. No. 1707

By Council Members Vacca and Rosenthal (by request of the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to amending open data standards

Be it enacted by the Council as follows:

Section 1. Section 23-505 of the administrative code of the city of New York, as amended by local law number 107 for the year 2015, is amended to add a new subdivision d to read as follows:

d. Every two years, the department shall review the technical standards manual and electronically submit to the mayor and the speaker of the council a report of this review, including any updates pursuant to the compliance plan required under 23-506. The department shall establish a method through which the public may comment on the technical standards manual.

§ 2. Subdivision a of section 23-506 of the administrative code of the city of New York, as added by local law number 11 for the year 2012, is amended to read as follows:

a. Within eighteen months of the effective date of this chapter, the department shall submit a compliance plan to the mayor and the council and shall make such plan available to the public on the web portal. Each agency shall cooperate with the department in its preparation of such plan. The plan shall include a summary description of public data sets under the control of each agency on or after the effective date of this chapter, and shall prioritize such public data sets for inclusion on the single web portal on or before December 31, [2018] 2021, in accordance with the standards promulgated by the department pursuant to section 23-505 and shall create a timeline for their inclusion on the single web portal. If a public data set or sets cannot be made available on the single web portal on or before December 31, [2018] 2021, the plan shall state the reasons why such set or sets cannot be made available, and, to the extent practicable, the date by which the agency that owns the data believes that it will be available on the single web portal.

§ 3. Subdivision c of section 23-506 of the administrative code of the city of New York, as added by local law number 11 for the year 2012, is amended to read as follows:

c. No later than [July] *September* fifteen, 2018, and every [July] *September* fifteen thereafter, the department shall submit and post on the web portal an update of the compliance plan to the mayor and the council until all public data sets have been made available through a single web portal in compliance with this chapter. Such update shall include the specific measures undertaken to make public data sets available on the single web portal since the immediately preceding update, specific measures that will be undertaken prior to the next update, an update to the list of public data sets, if necessary, any changes to the prioritization of public data sets and an update to the timeline for the inclusion of data sets on the single web portal, if necessary. If a public data set cannot be made available on the single web portal on or before December 31, [2018] 2021, the update shall state the reasons why it cannot and, to the extent practicable, the date by which the agency believes that such public data set will be available on the single web portal.

§ 4. The administrative code of the city of New York is amended by adding a new section 23-507 to read as follows:

§ 23-507 Agency open data coordinator. The head of each agency shall designate an employee of such agency to serve as the open data coordinator for such agency. Such coordinator shall be responsible for ensuring that such agency complies with the requirements of this chapter and for receiving and responding to feedback from the public regarding such agency's public data sets.

§ 5. The administrative code of the city of New York is amended by adding a new section 23-508 to read as follows:

§ 23-508 Web portal site analytics. The department shall collect, analyze and publish data on how users interact with the portal established pursuant to section 23-502. Such data shall include, but need not be limited to, page views, unique users and the location from which a user accesses such portal.

§ 6. This local law takes effect immediately.

Referred to the Committee on Technology.

L.U. No. 747

By Council Member Greenfield:

Application No. C 170311 ZMX submitted by New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6a, changing an M2-1 District to an R7-2 District, establishing within the proposed R7-2 District a C2-5 District 3, and establishing a Special Harlem River Waterfront District, Borough of the Bronx, Community District 4, Council District 8.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises [*Editor's Note: LU No. 747 was re-referred to the Subcommittee on Planning, Dispositions and Concessions on September 13, 2017*].

L.U. No. 748

By Council Member Greenfield:

Application No. N 170312 ZRX submitted by New York City Economic Development Corporation pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VIII, Chapter 7, for the purpose of establishing two subdistricts within the Special Harlem River Waterfront District and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community District 4, Council District 8.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises [*Editor's Note: LU No. 748 was re-referred to the Subcommittee on Planning, Dispositions and Concessions on September 13, 2017*].

L.U. No. 749

By Council Member Greenfield:

Application No. C 170314 PPX submitted by the New York City Department of Citywide Administrative Services pursuant to Section 197-c of New York City Charter, for the disposition of five city-owned properties located on Block 2356, Lots 2 and 72; Block 2539, Lots 1 and a p/o lots 2 and 3 and the demapped portion of the former East 150th Street between Exterior Street and the pierhead and bulkhead line, pursuant to zoning, Borough of the Bronx, Community District 4, Council District 8. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises [*Editor's Note: LU No. 749 was re-referred to the Subcommittee on Planning, Dispositions and Concessions on September 13, 2017*].

L.U. No. 750

By Council Member Greenfield:

Application No. 170315 ZSX submitted by NYC Economic Development Corporation 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 allow a waiver of the required number of accessory off-street parking spaces for dwelling units in a development located on the westerly side of Gateway Center Boulevard, northerly of East 149th Street (Block 2356, Lots 2 & 72, Block 2539, Lot 1 & p/o Lot 2, and the bed of demapped East 150th Street), within the Special Harlem River Waterfront District, Borough of the Bronx, Community District 4, Council District 8. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises [*Editor's Note: LU No. 750 was re-referred to the Subcommittee on Planning, Dispositions and Concessions on September 13, 2017*].

L.U. No. 751

By Council Member Greenfield:

Application No. C 170382 ZSM submitted by Broome Property Owner JV, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-45 and Section 13-451 of the Zoning Resolution to allow an automated accessory parking garage with a maximum capacity of 42 spaces in portions of a proposed mixed use building on property located at 100 Varick Street (Block 477, Lots 35, 42, 44, 46, 71-76 and 1001-1005), within the Special Hudson Square District, Borough of Manhattan, Community District 2, Council District 3. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

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

L.U. No. 752

By Council Member Greenfield:

Application No. C 170377 ZMX submitted by 1675 JV Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 3d, changing an R6 District to an R8A District and establishing within the proposed R8A District a C2-4 District on property located on Westchester Avenue between Metcalf and Fteley Avenues, Borough of the Bronx, Community District 9, Council District 18.

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

L.U. No. 753

By Council Member Greenfield:

Application No. N 170378 ZRX submitted by 1675 JV Associates, 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 the Bronx, Community District 9, Council District 18.

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

<http://legistar.council.nyc.gov/Calendar.aspx>

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

Tuesday, September 12, 2017

★ *Deferred*

[Committee on Education](#) 1:00 p.m.
~~**Int 1638** - By Council Members Kallos, Dromm, Cohen, Rosenthal and Gentile - **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 gay straight, or gender sexuality, alliance organizations.~~
~~**Res 1442** - By Council Members Dromm, Kallos, Rosenthal and Rodriguez - **Resolution** calling upon the New York City Department of Education to create and maintain a functional Gender Sexuality Alliance (GSA) in all middle and high schools in order to support and protect lesbian, gay, bisexual, transgender, questioning (LGBTQ) and other vulnerable students.~~
Council Chambers - City Hall Daniel Dromm, Chairperson

Wednesday, September 13, 2017

[Committee on Immigration](#) 10:00 a.m.
Oversight - Best Practices for NYC Agencies, Courts, and Law Enforcement Authorized to Certify Immigrant Victims for U and T visas.
Council Chambers - City Hall Carlos Menchaca, Chairperson

[Committee on Economic Development](#) jointly with the
[Committee on Contracts](#) and the
[Committee on Small Business](#) 1:00 p.m.
Proposed Int 705-A - By Council Members Crowley, Mealy, Chin, Palma, Rose, Koslowitz, Ferreras-Copeland, Mendez, Cumbo, Barron, Rosenthal, Gibson, Lancman, Cornegy, King, Espinal, Reynoso, Torres, Kallos, Maisel, Menchaca and Garodnick - **A Local Law** to amend the New York city charter, in relation to racial diversity in the workforce and leadership of city contractors.
Proposed Int 752-B - By The Public Advocate (Ms. James) and Council Members Rosenthal, Chin, Mendez, Miller and Menchaca - **A Local Law** to amend the administrative code of the city of New York, in relation to information regarding employees of city contractors.

Proposed Int 1382-A - By Council Members Cornegy, Miller, Cumbo, Salamanca, Richards, Torres, Barron, Menchaca and Chin - **A Local Law** to amend the administrative code of the city of New York, in relation to the reporting of information on the workforce of contractors performing construction work for the city.

Int 1400 - By Council Members Rosenthal and Chin - **A Local Law** to amend the administrative code of the city of New York, in relation to the participation of minority-and women-owned business enterprises in construction projects related to properties receiving tax benefits in accordance with the industrial and commercial abatement program.

Council Chambers – City Hall

Daniel Garodnick, Chairperson
Helen Rosenthal, Chairperson
Robert Cornegy, Chairperson

Thursday, September 14, 2017

★ Note Topic Deferred

Committee on Higher Education.....10:00 a.m.

Oversight - CUNY’s Efforts to Reduce Costs Associated with Rising Textbook Prices.

~~★ Preconsidered Res 1559~~ — By Council Member Barron — ~~Resolution~~ calling upon the New York State Legislature to pass and the Governor to sign A.6811/S.5120, an act to establish a private student loan refinance task force.

Committee Room – 250 Broadway, 16th Floor

Inez Barron, Chairperson

Committee on Housing and Buildings10:00 a.m.

Oversight - HPD Term Sheets.

Council Chambers – City Hall

Jumaane D. Williams, Chairperson

Committee on Consumer Affairs.....1:00 p.m.

Int 1652 - By Council Members Espinal, Reynoso, Levin, Rosenthal, Koslowitz, Johnson, Torres, Williams, Perkins, Dromm, Maisel, Mendez, Grodenchik, Menchaca and Treyger - **A Local Law** to amend the administrative code of the city of New York, in relation to repealing the cabaret law.

Council Chambers – City Hall

Rafael L. Espinal, Chairperson

Committee on Education1:00 p.m.

Int 1638 – By Council Members Kallos, Dromm, Cohen, Rosenthal, Gentile, Rodriguez and Menchaca - **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 gay straight, or gender sexuality, alliance organizations.

Res 1442 - By Council Members Dromm, Kallos, Rosenthal, Rodriguez and Menchaca - **Resolution** calling upon the New York City Department of Education to create and maintain a functional Gender-Sexuality Alliance (GSA) in all middle and high schools in order to support and protect lesbian, gay, bisexual, transgender, questioning (LGBTQ) and other vulnerable students.

Committee Room – City Hall

Daniel Dromm, Chairperson

Monday, September 18, 2017

★ Addition

Committee on Transportation.....10:00 a.m.

Int 231 - By Council Members Vacca, Gentile, Koo, Mendez and Menchaca - **A Local Law** to amend the administrative code of the city of New York, in relation to notifying sidewalk construction permit applicants if there will be a new tree planting during the next tree planting season.

Int 623 - By Council Members Gentile, Greenfield, Williams, Koo, Lancman, Constantinides, Deutsch and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to the curbs adjacent to a fire hydrant or bus stop.

Int 955 - By Council Members Garodnick, Constantinides, Koo, Mendez, Richards, Rose and Cohen - **A Local Law** to amend the administrative code of the city of New York, in relation to civil penalties for street construction, maintenance, repair, obstruction, and closure violations

Int 1251 - By Council Members Maisel, Cohen, Richards, Gentile, Koo, Koslowitz and Chin - **A Local Law** to amend the administrative code of the city of New York, in relation to repairing of ponding defects in streets.

Int 1457 - By Council Members Lancman, Salamanca, Crowley, Koslowitz, Menchaca, Grodenchik, Vallone, Levine, Gentile, Richards, Cabrera, Johnson and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring that the department of transportation maintain curb heights following street construction.

Council Chambers – City Hall

Ydanis Rodriguez, Chairperson

[Committee on Courts and Legal Services](#) 1:00 p.m.

Oversight - New York’s integrated domestic violence courts.

Committee Room – City Hall

Rory Lancman, Chairperson

[Committee on Parks and Recreation](#) jointly with the [Committee on Waterfronts](#) 1:00 p.m.

Oversight - The Role of the Parks Department in Regulating Recreational Waterfront Access.

Committee Room – 250 Broadway, 14th Floor

Mark Levine, Chairperson
Deborah Rose, Chairperson

[Committee on Sanitation and Solid Waste Management](#) 1:00 p.m.

Oversight - Getting to Zero Waste by 2030.

Council Chambers – City Hall

Antonio Reynoso, Chairperson

Wednesday, September 20, 2017

[Committee on Aging](#) 10:00 a.m.

Int 189 - By Council Members Dromm, Barron, Chin, Eugene, Ferreras-Copeland, Gentile, Koo, Mendez, Rose, Vallone, Koslowitz, Rosenthal, Rodriguez and Menchaca - **A Local Law** to amend the New York city charter, in relation to providing assistance to seniors with bed bugs in their homes.

Int 1185 - By Council Members Deutsch, Johnson, Grodenchik, Menchaca, Maisel, Gentile, Chin, Mendez, Salamanca and Torres - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department for the aging to provide certain information to households with users of life-sustaining equipment and individuals with a medical hardship.

Int 1616 - By Council Members Dromm, Constantinides, Gentile, Crowley, Menchaca and Rodriguez - **A Local Law** in relation to establishing a temporary task force on post-incarceration reentry for older adults.

Int 1684 - By Council Member Chin - **A Local Law** to amend the New York city charter, in relation to an interagency program coordinator for the aging.

Committee Room – City Hall

Margaret Chin, Chairperson

[Committee on Education](#) 10:00 a.m.

Oversight - Adult Education Programs and Adult Literacy.

Int 1195 - By Council Members Menchaca, Ferreras-Copeland, Reynoso, Cabrera, Cohen, Gibson, Eugene, Maisel, Chin, Miller, Mendez, Treyger, Rose, Espinal, Levine and Williams - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the mayor’s office of operations to report on adult literacy programs offered by the city or pursuant to a contract with the city.

Council Chambers – City Hall

Daniel Dromm, Chairperson

[Committee on Juvenile Justice](#).....10:00 a.m.
Oversight - Violence in New York City Secure Detention Facilities.
 Committee Room – 250 Broadway, 14th Floor Fernando Cabrera, Chairperson

[Committee on Cultural Affairs, Libraries & International Intergroup Relations](#).....1:00 p.m.
Oversight - Comprehensive Cultural Plan.
 Council Chambers – City Hall James Van Bramer, Chairperson

[Committee on Technology](#).....1:00 p.m.
Oversight - Annual Open Data Plan.
Int 1707 - By Council Member Vacca (by request of the Manhattan Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to amending open data standards.
 Committee Room – 250 Broadway, 14th Floor James Vacca, Chairperson

Monday, September 25, 2017

[Subcommittee on Zoning & Franchises](#).....9:30 a.m.
[See Land Use Calendar](#)
 Committee Room – 250 Broadway, 16th Floor Donovan Richards, Chairperson

[Subcommittee on Landmarks, Public Siting & Maritime Uses](#).....11:00 a.m.
[See Land Use Calendar](#)
 Committee Room – 250 Broadway, 16th Floor Peter Koo, Chairperson

[Committee on Environmental Protection](#)1:00 p.m.
Int 1300 - By Council Members Garodnick, Palma, Richards, Rosenthal, Vacca, Gentile, Chin and Rodriguez - **A Local Law** to amend the administrative code of the city of New York, in relation to public access to noise mitigation plans.
Int 1653 - By Council Members Kallos, Constantinides and Dromm - **A Local Law** to amend the administrative code of the city of New York, in relation to responses to noise complaints.
Res 1177 - By Council Members Constantinides, Dromm, Koo, Richards, Vallone, Cohen, Rosenthal, Vacca, Gentile, Koslowitz, Grodenchik, Chin, Van Bramer and Ulrich - **Resolution** calling on the United States Congress to pass and the President to sign legislation that would require the Federal Aviation Administration to reduce the threshold for what constitutes a significant noise impact under the Federal Aviation Regulation, Part 150, Airport Noise Compatibility Planning Program, from 65 Day-Night Decibels to 55 Day-Night Decibels.
 Council Chambers – City Hall Costa Constantinides, Chairperson

[Subcommittee on Planning, Dispositions & Concessions](#).....1:00 p.m.
[See Land Use Calendar](#)
 Committee Room – 250 Broadway, 16th Floor Rafael Salamanca, Chairperson

Tuesday, September 26, 2017

★ *Note Location Change*

Committee on Health 10:00 a.m.

Oversight - The Department of Health and Mental Hygiene’s Compliance with Local Law 37: Pesticide Use by City Agencies.

Int 800 - By Council Members Kallos, Rosenthal, Constantinides, Eugene, Koo, Mealy and Menchaca - **A Local Law** to amend the administrative code of the city of New York, in relation to the use of pesticides by City agencies.

Res 1588 - By Council Members Espinal and Ulrich - **Resolution** recognizing September as Prostate Cancer Awareness Month in New York City.

★ Council Chambers – City Hall Corey Johnson, Chairperson

Committee on Land Use11:00 a.m.

All items reported out of the Subcommittees

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall David G. Greenfield, Chairperson

Committee on Fire and Criminal Justice Services1:00 p.m.

Oversight - High Rise Fires And What New York City Can Learn From the London Tragedy.

Council Chambers – City Hall Elizabeth Crowley, Chairperson

Committee on Oversight and Investigations1:00 p.m.

Oversight - Backlog in City Employee Background Check.

Committee Room – City Hall Vincent J. Gentile, Chairperson

Committee on Recovery and Resiliency1:00 p.m.

Oversight - Build it Back Enrollment.

Committee Room – 250 Broadway, 14th Floor Mark Treyger, Chairperson

Wednesday, September 27, 2017

Committee on Finance.....,..... 10:00 a.m.

Res 1639 - By Council Member Ferreras-Copeland - **Resolution** concerning the increase in the annual expenditure for the Times Square, 34th Street, 82nd Street, Flatbush Avenue, Downtown-Lower Manhattan, Kings Highway, Church Avenue, East Mid-Manhattan, Fordham Road, DUMBO, and SoHo 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.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall Julissa Ferreras-Copeland, Chairperson

Stated Council Meeting.....*Ceremonial Tributes – 1:00 p.m.*

.....*Agenda – 1:30 p.m.*

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, September 27, 2017.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Preconsidered Int. Nos. 1677 and 1676, both adopted by the Council at the August 9, 2017 Stated Meeting, were signed into law by the Mayor on August 25, 2017 as, respectively, Local Law Nos. 139 and 140 of 2017.

Int. Nos. 484-A, 1131-B, 1471-A, 1532-A, 1544-B, 1547-A, and 1585-A, all adopted by the Council at the August 9, 2017 Stated Meeting, were signed into law by the Mayor on August 28, 2017 as, respectively, Local Law Nos. 141, 142, 143, 144, 145, 146, and 147 of 2017.

Int. Nos. 347-B, 918-A, 924-A 926-A, 930-A, 931-B, 936-A, 938-A, 939-A, 940-A, 944-A, 960-A, 1133-A, 1523-A, 1530-A, 1548-A, 1549-A, and 1556-A, all adopted by the Council at the August 9, 2017 Stated Meeting, were signed into law by the Mayor on August 30, 2017 as, respectively, Local Law Nos. 148 through 165 of 2017.