

## **THE COUNCIL**

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*Minutes of the Proceedings for the*  
**STATED MEETING**  
*of*  
Tuesday, June 21, 2016, 2:20 p.m.

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

### Council Members

Melissa Mark-Viverito, *Speaker*

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

Absent: Council Members Rodriguez.

Medical Leave: Council Member Wills.

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

### INVOCATION

The Invocation was delivered by: Muhammad Shamsi Ali, Spiritual Leader of Jamaica Muslim Center, 84-42 Chapin Parkway, Jamaica, N.Y. 11432.

Let's pray.

In the name of God, most gracious, most merciful.

Praise be to God the cherisher and the sustainer of the world.

Oh, God, whose glory is found in, yes,

in majestic forms far beyond our reach,

but also any of the imperfection of the human family.

Help us to approach this hour, this day and yes everyday

in the way and many years to come,

as a gift from you full of glorious possibilities

as well as holy expectations.

Loving God, look with compassion on the whole human family.

Help us to build bridges of understanding and cooperation,

break down the walls that separate us,

and unite us in bonds of love,

and work through our struggles

to accomplish your purpose on earth that in your good time

all peoples of all races and creeds

may obtain joy and happiness, justice and prosperity

and may all live in peace and harmony.

May all of us learn to honor and enjoy our diversity

and differences as people

even as we more deeply touch our fundamental unity.

May we as people undergo a transformation

that will draw forth individuals

to lead our city and our nation

who embody courage, compassion and a higher vision.

God, guide our leaders to inspire us

with their commitment, honesty

and their ability to put harmony and partnership

over conflicts and divisions.

Enable us to inspire one another with our potentials,

both as individuals, as a group that a new spirit

of caring and sharing, love and compassion be born in our world.

Let the wounds of separation and division be healed

by opening our hearts to listen to the truth on all sides,

allowing us to find a higher truth that includes all.

May we collectively move with clear directed purpose to take our place within the community of diverse grounds to help build a better future for our society and our world, and may God continue to bless our great city of New York and bless the United States of America.  
Amen.

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

### **ADOPTION OF MINUTES**

Council Member Constantinides moved that the Minutes of the Stated Meeting of May 25, 2016 be adopted as printed.

### **REPORTS OF THE STANDING COMMITTEES**

#### **Report of the Committee on Consumer Affairs**

Report for Int. No. 1149-A

**Report of the Committee on Consumer Affairs in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, a Local Law to amend the administrative code of the city of New York, in relation to licensing ticket sellers.**

The Committee on Consumer Affairs, to which the annexed proposed amended local law was referred on April 7, 2016 (Minutes, page 905), respectfully

#### **REPORTS:**

##### **INTRODUCTION**

On June 20, 2016, the Committee on Consumer Affairs, chaired by Council Member Rafael Espinal, will hold its second hearing on Proposed Int. No. 1149-A, a local law in relation to licensing ticket sellers. The first hearing on this bill was held on April 12, 2016, at which time the Committee heard testimony from the New York City Department of Consumer Affairs (DCA) and other interested stakeholders.

##### **BACKGROUND**

The New York City Administrative Code defines any person selling “goods or services” as a general vendor.<sup>1</sup> General vendors may not hawk, peddle, sell, or offer goods or services without first obtaining a license.<sup>2</sup> In 2011, the New York City Police Department (NYPD) began ticketing ticket sellers in the area

<sup>1</sup> N.Y.C. Admin. Code § 20-452(b).

<sup>2</sup> *Id.* at § 20-453.

surrounding the Empire State Building following complaints by building owners and community members that the sellers were aggressive and were harassing pedestrians.<sup>3</sup> Later that year, NY Skyline—a company offering a flight simulation amusement ride located inside the Empire State Building—challenged the City’s interpretation of the general vending laws as requiring their ticket sellers to be licensed.<sup>4</sup> A New York State appellate court determined that tickets do not constitute goods or services and therefore a general vending license is not required to sell tickets on the City’s sidewalks.<sup>5</sup> As such, ticket sellers are not subject to any licensing requirements or specific locational restrictions that apply to others that vend products or food on sidewalks.

Concerns regarding ticket sellers have once again grown in Manhattan, particularly in Times Square and Battery Park. Following an increase in the number of incidents involving costumed characters aggressively soliciting donations in exchange for taking photographs with tourists and the growth in the number of individuals posing for photographs in the Times Square pedestrian plaza, the City convened a task force to discuss quality of life issues in the plaza.<sup>6</sup> The City’s task force on Times Square released recommendations to address a number of issues related to quality of life in the area, noting—in part—that ticket sellers “currently overwhelm areas of Times Square.”<sup>7</sup> A survey conducted by the Times Square Alliance found that 40 percent of those surveyed said they had an “unpleasant interaction” with ticket sellers.<sup>8</sup> In order to help curb issues concerning these sellers, the task force’s recommendations called for a law to “create a new category of vendors to include ticket sellers....”<sup>9</sup>

While there are no official statistics available on the number or types of tickets sold on New York City sidewalks, 75 to 100 individuals selling sight-seeing bus and comedy club tickets can regularly be found in the areas surrounding Times Square.<sup>10</sup> Comedy clubs in Times Square tend to use daily workers from “street teams,” to hawk tickets on the streets.<sup>11</sup> Some of these individuals have been accused of misleading potential buyers by promising that the shows will feature prominent comedians or be part of a television taping in order to secure a purchase, even though they know such information to be untrue.<sup>12</sup>

Areas of lower Manhattan surrounding the Staten Island ferry terminal currently can see dozens of individuals selling tickets for helicopter rides, cruises, and other tours.<sup>13</sup> The area began to see a notable uptick in ticket selling activity following the temporary closure of Ellis and Liberty Island due to damage from Superstorm Sandy.<sup>14</sup> Prior to the storm, cruise tours provided by the sole, official provider of ferry services for the Liberty Island to the Statue of Liberty—Statue Cruises—dominated the market. However, once service to

<sup>3</sup> Jill Colvin, *Locals Fed Up With Aggressive Empire State Building Ticket Hawkers*, Jun. 27, 2010, DNAINFO, <http://www.dnainfo.com/2011/06/27/midtown/locals-want-renewed-police-crackdown-on-empire-state-building-ticket-hawkers>.

<sup>4</sup> *Id.*

<sup>5</sup> *New York Skyline, Inc. v. City of New York*, 94 A.D.3d 23, 26-29 (2012).

<sup>6</sup> Press Release, City of New York, *Mayor de Blasio Announces City Task Force to Curb Topless Individuals, Costumed Characters in Times Square*, Aug. 20, 2015, available at <http://www1.nyc.gov/office-of-the-mayor/news/570-15/mayor-de-blasio-city-task-force-curb-topless-individuals-costumed-characters-times>.

<sup>7</sup> Press Release, City of New York, *City Task Force on Times Square Announces Recommendations*, Oct. 1, 2015, available at <http://www1.nyc.gov/office-of-the-mayor/news/668-15/city-task-force-times-square-recommendations>.

<sup>8</sup> Michael Wilson, *Ticket Sellers Promise Marquee Names, but the Comics Rarely Show*, Feb. 21, 2016, N.Y. TIMES, available at <http://www.nytimes.com/2016/02/22/nyregion/ticket-sellers-promise-marquee-names-but-the-comics-rarely-show.html>.

<sup>9</sup> City of New York, *supra*, note 7.

<sup>10</sup> Lisa Fickenscher, *In Battery Park, a cruise ship tour de farce*, Apr. 28, 2014, CRAIN’S NEW YORK, available at <http://www.crainsnewyork.com/article/20140428/HOSPITALITY TOURISM/304279992/in-battery-park-a-cruise-ship-tour-de-farce>; Daniel Prendergast and Bruce Golding, *NYPD targets Battery Park hustlers who prey on tourists*, Mar. 3, 2016, N.Y. POST, available at <http://nypost.com/2016/03/03/nypd-targets-battery-park-hustlers-who-prey-on-tourists/>; Email from Times Square Alliance, Mar. 8, 2016, on file with Council staff.

<sup>11</sup> *Id.*

<sup>12</sup> Wilson, *supra*, note 8.

<sup>13</sup> Irene Plagianos, *Aggressive Vendors Cause ‘Chaos’ Downtown, Ferry Company Says*, Feb. 21, 2016, DNAINFO, available at <https://www.dnainfo.com/new-york/2016/02/21/financial-district/aggressive-vendors-cause-chaos-downtown-ferry-company-says>; Email from Downtown Alliance, Mar. 14, 2016, on file with Council staff.

<sup>14</sup> Fickenscher, *supra*, note 10.

the Statue of Liberty was suspended, other providers moved into the market, as they could now offer a comparable service.<sup>15</sup> Employees of Statue Cruises have been attacked and threatened by ticket sellers and the company now uses private security guards in an attempt to maintain order and deter aggressive solicitation.<sup>16</sup> Other incidents of violence have been directed at potential buyers, most notably when a ticket seller attacked a man who refused to buy a cruise tour ticket, resulting in the man's hospitalization for a fractured skull.<sup>17</sup>

Proposed Int. No. 1149-A would require that anyone selling tickets for events, tours, transportation, or other forms of amusement in a public space have a ticket seller license issued by DCA. In addition, the proposed local law would prohibit aggressive solicitation, fraud or misrepresentation relating to sales, and would prohibit venues and businesses from giving tickets to unlicensed ticket sellers.

### **ANALYSIS OF PROPOSED INT. NO. 1109-A**

Proposed Int. No. 1149-A would add a new subchapter 34 to chapter 2 of title 20 of the Administrative Code, with new sections 20-550 through 20-559, relating to the licensure of ticket sellers. Section 20-550 would set forth the definitions for the new subchapter. "Guide" would have the same meaning as in section 20-242, which defines a guide as "any person who engages in the business of guiding or directing people to any place or point of public interest or who, in connection with any sightseeing trip or tour, describes, explains or lectures concerning any place or point of public interest to any person within the City or obtains the patronage of any person for such trip." That definition does not include any person or persons who describes, explains, or lectures concerning any place or point of public interest while aboard a sightseeing boat or vessel regularly engaged in scheduled trips around Manhattan. "Mode of transportation" would mean any device used to transport people or property on street, highway, body of water, or in the air, including both motorized and non-motorized devices. "Place of entertainment" would mean any entertainment facility, such as a theater, stadium, arena, racetrack, museum, amusement park, observatory, or other place where attractions, performances, concerts, exhibits, sports, or contests are held, for which an entry fee is charged. "Public space" would mean all publicly owned property that is between the property lines on a street, as such property lines are shown on the City Record, including but not limited to, a park, plaza, pedestrian plaza, roadway, shoulder, tree space, sidewalk, or parking space, as well as publicly owned or leased land, buildings, piers, wharfs, stadiums, and terminals. "Guided tour" would mean any event with a guide. "Ticket" would mean any evidence of the right to enter or participate in any place of entertain, mode of transportation, or guided tour. "Ticket seller" would mean a person who: (1) vends tickets in a public space; or (2) provides tickets to another person for vending in a public place. Ticket sellers would not include places of entertainment, modes of transportation, guided tours, or those vending tickets for a mode of transportation operating on behalf of the City or pursuant to a contract with the City. "Vend" would mean the retail hawking, peddling, selling, leasing, or offering to sell or lease tickets. "Vend in an aggressive manner" would mean: (1) approaching or speaking to a person, or following a person before, during or after vending, if that conduct is intended or is likely to cause a reasonable person to fear bodily harm, damage to or loss of property, or the commission of any offense defined in New York State Penal Law § 10, or to be intimidated into giving money or something else of value; (2) intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle while vending by any means; (3) intentionally touching or causing physical contact with another person without their consent while vending, or intentionally touching or causing physical contact with a person in the company of another being vended to without their consent; or (4) using violent or threatening gestures while vending.

<sup>15</sup> *Id.*

<sup>16</sup> Plagianos, *supra*, note 13; U.S. National Park Service, Statue of Liberty: Plan Your Visit, <http://www.nps.gov/stli/planyourvisit/index.htm> (last accessed Mar. 7, 2016).

<sup>17</sup> Rocco Parascandola, Kerry Burke, Thomas Tracy, *Ex-con accused of attacking tourist who refused to buy Statue of Liberty tickets arrested*, Feb. 18, 2016, N.Y. DAILY NEWS, available at <http://www.nydailynews.com/new-york/manhattan/ex-con-accused-attacking-tourist-battery-park-arrested-article-1.2534383>.

Section 20-551 would require ticket sellers to have a license issued by DCA. It would also make it illegal to sell, give, or otherwise transfer any tickets that would be sold in a public place to an unlicensed ticket seller. Ticket seller licenses would be valid for no more than a year and expire on July 31 of each year. The fee for a new license or renewal would be \$45, prorated to the effective date of the license.

Any applicant for a ticket seller license would be required to file an application, as prescribed by DCA. The application would require, at a minimum: (1) the applicant's name and at least one piece of valid photo identification issued by a government; (2) the address of any person on whose behalf the applicant vends, if any, or the applicant's home address; (3) a recent full-face photograph of the applicant; and (4) if the applicant is not a resident of the City, the name and address of a registered agent within New York City, or a designation of DCA as their agent. If any information on the application changes, the licensee would be required to notify DCA within 10 days.

Once an application is approved, DCA would be required to issue a license, which would not be transferable. Licenses would include the licensee's name and photograph, as well as their license number. DCA would be permitted to promulgate rules exempting non-profits from compliance with licensing requirements.

Section 20-552 would provide for the denial of a license in certain circumstances. DCA could refuse to issue or renew a license: (1) if the applicant has pending any unanswered summons, unsatisfied fines, or penalties for violations related to a ticket seller license or any general DCA licensing provisions; or (2) for any cause related to a ticket seller license or any general DCA licensing provisions that is set forth as a ground for suspension, or revocation, or non-renewal. DCA must refuse to issue or renew a license if they become aware that an applicant: (1) is convicted of a misdemeanor for aggressive vending; (2) has failed to answer or appear for a summons, or pay a penalty for violations related to a ticket seller license or any general DCA licensing provisions two or more times within a year; or (3) has been convicted of a crime while acting as a ticket seller.

Section 20-553 would provide that, unless otherwise specifically provided, notice and hearings regarding the denial, suspension, or revocation of a ticket seller license or the imposition of penalties would be in accordance with chapter one of title 20—which sets forth general provisions related to DCA license enforcement—and any rules promulgated pursuant to that chapter.

Section 20-554 would require that ticket sellers display their license and wear certain identifying apparel. Ticket sellers would be required to wear their license conspicuously at all times while engaged in vending and to exhibit their license upon demand to any police officer or other authorized City employee. In any civil or criminal action or proceeding for a violation related to ticket selling, failure by a ticket seller to exhibit their license would be presumptive evidence that such person is not licensed.

Ticket sellers would be also be required to wear a jacket, vest, or other apparel on their upper body as the outermost garment while vending. The apparel must include the seller's license number and the name of any business on whose behalf they are vending, if any, in a font that is readable from at least ten feet away.

Section 20-555 would require ticket sellers to keep written records as prescribed by DCA and to make such records available for inspection by an authorized City employee. Ticket sellers would be required to allow inspection of their records and to provide information relating to the tickets, including the name and address of the each business whose tickets are being vended.

Section 20-556 would set forth restrictions on ticket sellers. Ticket sellers would be prohibiting from:

- (1) vending in an aggressive manner;
- (2) vending within at a bus stop, unless vending on behalf of a business that is authorized to operate at the stop;
- (3) vending within a taxi stand, within the portion of the sidewalk abutting any 'no standing' zone adjacent to a hospital, within 10 feet of any driveway, within 20 feet of any subway entrance or exit, or within 10 feet any corner;
- (4) vending in the bed of a road or restricting the continued maintenance of a clear passageway for pedestrians or vehicles;

(6) vending on the median strip of a divided roadway, unless the strip is intended for use as a pedestrian mall;

(7) vending in a park without written authorization from the Department of Parks and Recreation;

(8) vending on any street in the area bounded by Broadway on the east, Liberty Street on the south, West Street on the west, and Vesey Street on the north;

(8) using equipment, stands, vehicles, racks, or displays in connection with vending that is not carried at all times, except as necessary to accommodate a disability; or

(9) making fraudulent, misrepresentative, or false statements related to vending tickets.

Ticket sellers would be permitted to vend in a pedestrian plaza pursuant to Department of Transportation rules. Where exigent circumstances exist and a police officer or City employee tells a ticket seller to temporarily move from any location, a ticket seller would be required to comply. For purposes of this subdivision, exigent circumstances would include, but not be limited to, unusually heavy pedestrian or vehicular traffic, existence of any obstructions in the public space, an accident, fire or other emergency situation, a parade, demonstration, or other such event or occurrence at or near such location.

Section 20-557 would address suspensions and revocations of ticket seller licenses. Any ticket seller license could be suspended or revoked for any of the following causes:

(1) fraud, misrepresentation, or false statements contained in the application for the license or any renewal application;

(2) fraud, misrepresentation, or false statements made in connection with ticket selling;

(3) violation of any laws or rules related to general DCA license enforcement; and

(4) four or more violations of any laws or rules related to ticket selling issued on different days within a two-year period.

DCA must revoke a ticket seller's license if they become aware that an applicant: (1) is convicted of a misdemeanor for aggressive vending; (2) has failed to answer or appear for a summons, or pay a penalty for violations related to a ticket seller license or any general DCA licensing provisions two or more times within a year; or (3) has been convicted of a crime while acting as a ticket seller. DCA would also be authorized to revoke the license of a seller if they determine that continued licensure would pose an exigent danger to the public.

Section 20-558 would allow authorized DCA employees, NYPD, and any agency designated by DCA, the power to enforce any laws and rules related to ticket selling. Police officers would also be authorized to seize tickets sold by an unlicensed seller.

Section 20-559 would set forth the penalties for violations of laws and rules related to ticket selling. Any person who vends without a ticket seller license or who vends aggressively, or who causes another person to commit such violations, would be guilty of a misdemeanor punishable by a fine of \$250 to \$1,000, or by imprisonment of up to 90 days, or by both such fine and imprisonment. In addition, any person who violates any law or rule relating to ticket selling, or who causes another person to commit such violations, would face the following fines:

(1) for the first violation, a fine of \$25 to \$50;

(2) for the second violation issued for the same offense within a year, a fine of \$50 to \$100;

(3) for the third violation within two years, a fine of \$100 to \$250; and

(4) for any subsequent violations within two years, a fine of not more than \$500.

In addition, any person who violates any law or rule relating to ticket selling, or who causes another person to commit such violations, would face the following civil penalties, in addition to any fines levied:

(1) for the first violation, a civil penalty of \$25 to \$50;

(2) for the second violation issued for the same offense within a year, a civil penalty of \$50 to \$100;

(3) for the third violation within two years, a civil penalty of \$100 to \$250; and

(4) for any subsequent violations within two years, a civil penalty of not more than \$500.

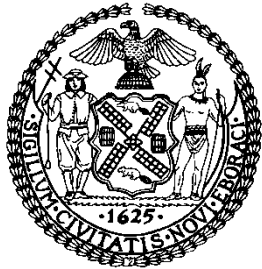
There would be a rebuttable presumption that any violation of a law or rule related to ticket selling was caused by the business whose ticket is vended and/or the person on whose behalf the ticket is vended. A proceeding to recover any civil penalty would be commenced by service of a notice of violation returnable to the Office of Administrative Trials and Hearings.

Section two of Proposed Int. No. 1149-A would require that DCA begin a study of pedestrian mobility and safety in location where ticket sellers vend by September 1, 2016. No later than February 1, 2017, DCA, in consultation with the Department of Transportation and NYPD, must issue to the Mayor and the Council recommendations on whether it is advisable to restrict the portions of the sidewalk where ticket sellers may vend, limit such vending to the portion of the sidewalk that is at or near the curb, limit the number of ticket seller licenses, and/or limit the locations in which ticket sellers may vend in order to improve pedestrian mobility and public safety.

Section three of Proposed Int. 1149-A would provide that if any clause, sentence, paragraph, section or part of the proposed local law is found to be invalid, such judgment would not affect, impair or invalidate the remainder of the law.

Section four of Proposed Int. 1149-A states that the proposed local law would take effect on August 15, 2016, except that DCA may take all actions necessary for its implementation, including the promulgation of rules and processing of applications, prior to such effective date.

**(The following is the text of the Fiscal Impact Statement for Int No. 1149-A:)**



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

**PROPOSED INTRO. NO.: 1149-A  
COMMITTEE: Consumer Affairs**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to licensing ticket sellers **Sponsor:** By Council Members Garodnick, Chin and Cohen

**SUMMARY OF LEGISLATION:** Proposed Intro. 1149-A would require that anyone selling tickets for any place of entertainment, mode of transportation, or guided tour in a public space have a ticket seller license issued by the Department of Consumer Affairs. The legislation would also set forth the rules and regulations that must be followed by licensed ticket sellers and impose civil penalties for violations of those rules and regulations. In addition, the legislation would require the Department of Consumer Affairs to conduct a pedestrian safety and mobility study to recommend whether it would be advisable to restrict the portions of the sidewalk or locations where ticket sellers may vend or the number of available ticket seller licenses.



**EFFECTIVE DATE:** This local law would take effect August 1, 2016; except that the Commissioner of the Department of Consumer Affairs would take all actions necessary for its implementation, including the promulgation of rules and the processing of applications prior to such effective date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** FISCAL 2018

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY17</b>
<b>Revenues (+)</b>	<b>\$45,000</b>	<b>\$45,000</b>	<b>\$45,000</b>
<b>Expenditures (-)</b>	<b>\$110,000</b>	<b>\$45,000</b>	<b>\$110,000</b>
<b>Net</b>	<b>\$65,000</b>	<b>\$0</b>	<b>\$65,000</b>

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**IMPACT ON REVENUES:** It is estimated that there would be an impact on revenue as a result of this legislation; however the exact impact is unknown at this time. While it is anticipated that there would be no impact on revenues from the collection of civil penalties as full compliance is expected, revenues would be impacted by the collection the license fees. However, the amount that would be collected would be based on the number of licenses issued and renewed and the number of ticket sellers in New York City who would seek such a license is currently unknown. Unofficial estimates of the number of ticket sellers in the areas where they most frequently vend (crowded tourist areas like Battery Park, the World Trade Center site, and Times Square) lead Council Finance to believe there may be less than 1,000 licenses issued and renewed annually. It is believed that Times Square has fewer than 200 ticket sellers at the peak period of Saturday evening, while Lower Manhattan has about 80 ticket sellers at its peak of Saturday afternoon. Revenues will largely be offset by the expense of processing the licenses. While the exact demand for licenses is unknown, for the purposes of this fiscal impact it is estimated that 1,000 licenses will be issued annually.

**IMPACT ON EXPENDITURES:** It is estimated that there would be some impact on expenditures resulting from the enactment of this legislation, but such expenditures would also depend on the number of ticket seller licenses issued and enforced. Such expenditures would involve hiring of additional compliance officers, but would likely largely be offset by the revenues derived from the license fees. Based on expected demand for licenses, it is expected that at most one new full time hire would be needed to implement this legislation. As a result, the ongoing net financial impact to the City's budget is expected to be zero. However, in there will be one-time costs associated with the implementation of this legislation, including \$15,000 to design and publish informational materials about the new law, and \$50,000 to complete the pedestrian mobility and safety study, for a net expense cost of \$65,000 in the first fiscal year.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** NYC Council Finance Division  
Alliance for Downtown New York Testimony before the Committee on  
Consumer Affairs on April 12, 2016

Time Square Alliance Testimony before the Committee on Consumer Affairs on April 12, 2016

**ESTIMATE PREPARED BY:** Aliya Ali, Senior Legislative Financial Analyst, New York City Council Finance Division

**ESTIMATE REVIEWED BY:** Rebecca Chasan, Counsel, New York City Council Finance Division  
Emre Edev, Assistant Director, New York City Council Finance Division  
Nathan Toth, Deputy Director, New York City Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced as Intro. No. 1149 by the Council on April 7, 2016 and referred to the Committee on Consumer Affairs. A hearing was held by the Committee on April 12, 2016 and the legislation was laid over. Intro. 1149 was subsequently amended, and the amended version, Proposed Intro. No. 1149-A, will be considered by the Committee on Consumer Affairs on June 20, 2016. Upon a successful vote by the Committee, Proposed Intro. 1149-A will be submitted to the full Council for a vote on June 21, 2016.

**DATE PREPARED:** June 17, 2016

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int No. 1149-A:)**

Int. No. 1149-A

By Council Members Garodnick, Chin, Cohen, Kallos and Menchaca.

**A Local Law to amend the administrative code of the city of New York, in relation to licensing ticket sellers**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 34 to read as follows:

*Subchapter 34  
Ticket Sellers*

*§ 20-550 Definitions. For purposes of this subchapter, the following terms have the following meanings:*

*Guide. The term “guide” has the same meaning as in section 20-242 of the code.*

*Mode of transportation. The term “mode of transportation” means every device in, upon, or by which any person or property is or may be transported or drawn upon a street, highway, body of water, or through the air, including motorized and non-motorized devices.*

*Place of entertainment.* The term “place of entertainment” means any privately or publicly owned and operated entertainment facility, such as a theater, stadium, arena, racetrack, museum, amusement park, observatory, or other place where attractions, performances, concerts, exhibits, athletic games, or contests are held for which an entry fee is charged.

*Public space.* The term “public space” means all publicly owned property between the property lines on a street as such property lines are shown on the City Record, including, but not limited to, a park, plaza, pedestrian plaza, roadway, shoulder, tree space, sidewalk, or parking space between such property lines. It shall also include, but not be limited to, publicly owned or leased land, buildings, piers, wharfs, stadiums, and terminals.

*Guided tour.* The term “guided tour” means any event during which a person acts as a guide.

*Ticket.* The term “ticket” means any evidence of, or anything purported to be evidence of, the right to enter or participate in any place of entertainment, mode of transportation, or guided tour.

*Ticket seller.* The term “ticket seller” means a person who:

(1) vends tickets in a public space, unless such person is vending tickets on behalf of a mode of transportation operating pursuant to a contract with the city of New York or an entity authorized to act on the city of New York’s behalf; or

(2) sells, gives, or otherwise transfers, for vending in a public space, any ticket to another person, unless such person is a place of entertainment, mode of transportation, or guided tour.

*Ticket seller license.* The term “ticket seller license” means a license issued by the commissioner to a ticket seller.

*Vend.* The term “vend” means to hawk, peddle, sell, lease, offer to sell or lease, at retail, tickets.

*Vend in an aggressive manner.* The term “vend in an aggressive manner” means:

(1) approaching or speaking to a person, or following a person before, during, or after vending, if that conduct is intended or is likely to cause a reasonable person to (i) fear bodily harm to oneself or to another, damage to or loss of property, or the commission of any offense as defined in section ten of the penal law upon oneself or another; (ii) otherwise be intimidated into giving money or other thing of value; or (iii) suffer unreasonable inconvenience, annoyance, or alarm;

(2) intentionally touching or causing physical contact with another person, or an occupied vehicle without such person’s or vehicle occupant’s consent in the course of vending, or intentionally touching or causing physical contact with another person in the company of the person being vended to without such person’s consent in the course of vending;

(3) intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle in the course of vending by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact; or

(4) using violent or threatening gestures in the course of vending.

§ 20-551 Ticket seller licenses. a. 1. It shall be unlawful for any person required to be licensed pursuant to this subchapter to act as a ticket seller without having first obtained a ticket seller license in accordance with this subchapter.

2. It shall be unlawful for any person to knowingly sell, give, or otherwise transfer, for vending in a public space, any tickets, to an unlicensed ticket seller.

b. All ticket seller licenses shall be valid for no more than one year and expire on July 31 each year unless suspended or revoked. The annual fee for such license or renewal thereof shall be \$45 or shall be a portion of \$45 prorated to the effective period of the license, and shall be paid unless the applicant is exempted by article four of the general business law.

c. 1. Each person applying for a ticket seller license or renewal thereof shall file an application in such form and detail as the commissioner may prescribe and shall pay the fee required by this subchapter.

2. An application for a ticket seller license shall include, but need not be limited to, the following information:

(i) the name of the applicant and at least one piece of current valid photo identification issued by a government agency of any jurisdiction that may be used to establish proof of identity;

(ii) the name and address of each person on whose behalf the applicant vends, or intends to vend, or if the applicant is not vending on behalf of another person, the home address of the applicant;

(iii) one print of a full-face photograph of the applicant taken not more than 30 days prior to the date of the application; and

(iv) if an applicant is a non-resident of the city, the name and address of a registered agent within the city or designation of the commissioner as their agent upon whom process or other notification may be served.

d. Upon the approval of an application, the commissioner shall issue a ticket seller license to the applicant. Such licenses shall not be transferrable.

e. A ticket seller license shall contain the licensee's name, license number, and a non-removable photograph of the licensee.

f. Whenever any information provided on the application for a ticket seller license or renewal thereof has changed, such licensee shall notify the commissioner within 10 days of such change.

g. The commissioner may promulgate rules exempting any non-profit association including, but not limited to, a government agency, charitable, educational, religious, or other such organization from compliance with this subchapter.

§ 20-552 Denial of license or renewal. a. In addition to any of the powers that may be exercised by the commissioner pursuant to this subchapter or chapter one of this title, or any rules promulgated pursuant to such subchapter or chapter, the commissioner may refuse to issue or renew a ticket seller license:

1. if an applicant has pending any unanswered summons, unsatisfied fines, or penalties for violation of this subchapter or chapter one of this title, or any rules promulgated pursuant to such subchapter or chapter; or

2. for any cause set forth in chapter one of this title or elsewhere in this subchapter as a ground for suspension, or revocation, or non-renewal.

b. Notwithstanding subdivision a of this section, the commissioner shall refuse to renew a ticket seller license if the commissioner becomes aware of any of the following:

1. an applicant has been convicted of a misdemeanor pursuant to subdivision a of section 20-556;

2. an applicant has failed to answer a summons or notice of violation, appear for a civil or criminal summons, or pay a fine or civil penalty imposed pursuant to the provisions of this subchapter or chapter one of this title, or any rules promulgated pursuant to such subchapter or chapter, two or more times within any one year period; or

3. an applicant has been convicted of a crime while acting as a ticket seller.

§ 20-553 Hearings. Unless otherwise specifically provided, notice and hearings upon the denial, suspension, or revocation of a ticket seller license or the imposition of penalties provided in this subchapter shall be in accordance with chapter one of this title and any rules promulgated pursuant to such chapter.

§ 20-554 Display of license and required apparel. a. Each ticket seller shall wear their ticket seller license conspicuously at all times while engaged in vending and shall exhibit such license upon demand to any police officer, peace officer, or other authorized officer or employee of the department or other city agency.

b. In any civil or criminal action or proceeding for any violation of this subchapter or any rules promulgated pursuant to such subchapter, failure by a ticket seller required to be licensed pursuant to this subchapter to exhibit upon demand a ticket seller license in accordance with this subchapter to any police officer, peace officer, or other authorized officer or employee of the department or other city agency shall be presumptive evidence that such person is not duly licensed.

c. Each ticket seller shall wear a jacket, vest, or other wearing apparel on the upper part of their body as the outermost garment at all times while engaged in vending. Such apparel shall indicate that the ticket seller is licensed under this subchapter; the ticket seller's license number; and, if the ticket seller is employed by or vends on behalf of a place of entertainment, mode of transportation, or guided tour, the name of such place of

*entertainment, mode of transportation, or guided tour. Such information shall be in lettering and numerals at least one inch in height so as to be plainly readable at a distance of at least ten feet.*

*§ 20-555 Duties of ticket sellers. a. Each ticket seller shall keep such written records as the commissioner may prescribe by rule and shall make such records available for inspection by an authorized officer or employee of any city agency.*

*b. Each ticket seller shall permit inspections by the department or any authorized city agency of any tickets intended for vending in a public space by such licensee and shall provide information regarding such tickets, including the address and name of each person whose tickets are being vended.*

*§ 20-556 Restrictions on ticket sellers. a. No ticket seller shall vend in an aggressive manner.*

*b. No ticket seller shall vend within any bus stop, except that a ticket seller employed by or authorized to act on behalf of a mode of transportation or guided tour may vend such person's tickets at a bus stop designated for the use of such mode of transportation or, guided tour by the commissioner of the department of transportation where such bus stop is not within a geographical area under the control of the department of parks and recreation, unless written authorization therefor has been obtained from the commissioner of the department of parks and recreation pursuant to subdivision g of this section.*

*c. No ticket seller shall vend within any taxi stand, within the portion of the sidewalk abutting any no standing zone adjacent to a hospital as defined in subdivision one of section 2801 of the public health law, within 10 feet of any driveway, within 20 feet of subway entrance or exit, or within 10 feet of any corner. For purposes of this subdivision, 10 feet from any corner shall be measured from a point where the property line on the nearest intersecting block face, when extended, meets the curb.*

*d. No ticket seller shall vend in the bed of a road and in no case shall such licensee vend so as to restrict the continued maintenance of a clear passageway for pedestrians or vehicles.*

*e. A ticket seller may vend in a pedestrian plaza pursuant to rules of the department of transportation.*

*f. No ticket seller shall vend on the median strip of a divided roadway unless such strip is intended for use as a pedestrian mall.*

*g. No ticket seller shall vend within the geographical areas under the jurisdiction or control of the department of parks and recreation unless written authorization therefor has been obtained from the commissioner of parks and recreation.*

*h. No ticket seller shall vend on any street which is in the area including and bounded on the east by the easterly side of Broadway, on the south by the southerly side of Liberty Street, on the west by the westerly side of West Street, and on the north by the northerly side of Vesey Street, except as otherwise authorized pursuant to this section.*

*i. Where exigent circumstances exist and a police officer or other authorized officer, or employee of any city agency, gives notice to a ticket seller to temporarily move from any location such ticket seller shall not vend from such location. For purposes of this subdivision, exigent circumstances shall include, but not be limited to, unusually heavy pedestrian or vehicular traffic; the existence of any obstructions in the public space; an accident, fire, or other emergency situation; a parade; demonstration; or other such event or occurrence at or near such location.*

*j. No ticket seller shall use equipment, stands, vehicles, racks, or displays in connection with vending in a public space except: (1) as necessary to accommodate a disability, as that term is defined by subdivision 16 of section 8-102; or (2) equipment that is at all times carried on the person of the ticket seller.*

*k. No ticket seller shall make fraudulent, misrepresentative, or false statements in connection with vending.*

*§ 20-557 Suspension and revocation of license. a. Any ticket seller license may be suspended or revoked upon notice and an opportunity to be heard for any of the following causes:*

*1. fraud, misrepresentation, or false statements contained in the application for such license or any renewal application;*

*2. fraud, misrepresentation, or false statements made in connection with the vending of tickets;*

3. violation of chapter one or subchapter one of chapter five of this title, or any rules promulgated pursuant to such chapter or subchapter; provided, however, that in the event of a conflict between such chapter and subchapter and this subchapter, this subchapter shall prevail;

4. four or more violations of any provision of this subchapter or any rules promulgated pursuant to such subchapter that are issued on different calendar days and within a two-year period.

b. Notwithstanding subdivision a of this section, the commissioner shall revoke a ticket seller license if the commissioner becomes aware of any of the following:

1. a licensee has been convicted of a misdemeanor pursuant to subdivision a of section 20-566 of this subchapter;

2. a licensee has failed to answer a summons or notice of violation, appear for a civil or criminal summons, or pay a fine or civil penalty imposed pursuant to the provisions of this subchapter or chapter one of this title, or any rules promulgated pursuant to such subchapter or chapter, two or more times within a one year period; or

3. a licensee has been convicted of a crime while acting as a ticket seller.

c. Notwithstanding subdivisions a and b of this section, upon the occurrence of any of the conditions set forth in subdivision a or b of this section, if the commissioner determines that the continued possession by the ticket seller of a ticket seller license would pose an exigent danger to the public, the commissioner may immediately suspend such ticket seller license, subject to a prompt post-suspension hearing.

§ 20-558 Enforcement and rules. a. Authorized officers and employees of the department, and any department designated by the commissioner, as well as any police or peace officer, shall have the power to enforce any provision of this subchapter or any rule promulgated pursuant to this subchapter. This provision shall in no way restrict any other power granted by law to an officer or employee of any city agency.

b. Any police officer may seize from an unlicensed ticket seller tickets to be vended and devices used to vend by an unlicensed ticket seller.

§ 20-559 Penalties. a. Any person who violates, or causes another person to violate, any provision of subdivision a of section 20-551 or subdivision a of section 20-556, or any rules promulgated pursuant to such subdivisions, shall be guilty of a misdemeanor punishable by a fine of not less than \$250 nor more than \$1,000, or by imprisonment for not more than 90 days or by both such fine and imprisonment.

b. Except as provided in subdivision a of this section, any person who violates, or causes another person to violate, a provision of this subchapter or any rule promulgated pursuant to such subchapter, shall be guilty of an offense punishable as follows:

1. for the first violation, a fine of not less than \$25 nor more than \$50;

2. for the second violation issued for the same offense within a period of two years of the date of the first violation, a fine of not less than \$50 nor more than \$100;

3. for the third violation within a period of two years of the date of the first violation, a fine of not less than \$100 nor more than \$250; and

4. for the fourth and any subsequent violations within a period of two years of the date of the first violation, a fine of not more than \$500.

c. In addition to the fines set forth in subdivisions a and b of this section, any person who violates, or causes another person to violate, any provision of this subchapter or any rules promulgated pursuant to such subchapter shall be subject to a civil penalty as follows:

1. for the first violation, a civil penalty of not less than \$25 nor more than \$50;

2. for the second violation issued for the same offense within a period of two years of the date of the first violation, a civil penalty of not less than \$50 nor more than \$100;

3. for the third violation within a period of two years of the date of the first violation, a civil penalty of not less than \$100 nor more than \$250; and

4. for the fourth and any subsequent violations within a period of two years of the date of the first violation, a civil penalty of not more than \$500.

*d. For the purposes of this subchapter, there shall be a rebuttable presumption that any violation of any provision of this subchapter or any rules promulgated pursuant to such subchapter by a ticket seller was caused by:*

- 1. the place of entertainment, mode of transportation, or guided tour whose ticket is vended; and/or*
- 2. the person on whose behalf the ticket is vended.*

*A proceeding to recover any civil penalty pursuant to this section shall be commenced by the service of a summons or notice of violation which shall be returnable to the office of administrative trials and hearings.*

§ 2. Pedestrian mobility and safety; study and regulations. No later than September 1, 2016, the department shall begin a study of pedestrian mobility and safety in locations where ticket sellers vend. No later than February 1, 2017, the commissioner, in consultation with the commissioners of the department of transportation and the police department, shall issue to the mayor and to the council recommendations regarding whether it is advisable to restrict the portions of the sidewalk where ticket sellers may vend, limit such vending to the portion of the sidewalk that is at or near the curb, limit the number of ticket seller licenses, and/or limit the locations in which ticket sellers may vend in order to improve pedestrian mobility and public safety.

§ 3. Effect of invalidity; severability. If any section, subsection, sentence, clause, phrase or clause, sentence, paragraph, section or part other portion of this local law is, for any reason, declared invalid, in whole or in part, shall be adjudged by any court of competent jurisdiction to be invalid, such portion shall be deemed severable, and such invalidity shall not affect, impair or invalidate the validity of the remaining portions of this local law, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law that was adjudged to be invalid, which remaining portions shall continue to be in full force and effect.

§ 4. This local law takes effect August 1, 2016; except that the commissioner shall take all actions necessary for its implementation, including the promulgation of rules and the processing of applications pursuant to section 20-551, as added by section one of this local law, prior to such effective date.

RAFAEL L. ESPINAL, Jr., Chairperson; JULISSA FERRERAS-COPELAND, KAREN KOSLOWITZ;  
Committee on Consumer Affairs, June 20, 2016.

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

### **Report of the Committee on Finance**

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

Report for LU No. 402

**Report of the Committee on Finance in favor of approving Story Avenue West, Block 3623, Lot 10; Bronx, Community District No. 9, Council District No. 17.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 21, 2016 and which same Land Use item was coupled with the resolution shown below, respectfully

### **REPORTS:**

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

June 21, 2016

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

FROM: Rebecca Chasan, Counsel, Finance Division

RE: Finance Committee Agenda of June 21, 2016 - Resolution approving a tax exemption for eleven Land Use items (Council Districts 8, 11, 17, 27, 31, and 35)

**Item 1: 603 Pontiac Place**

603 Pontiac Place is a new construction project that will consist of 1 building with 25 units of rental housing. The units will be a mix of one- and two-bedroom units, and the building, which will be constructed on what is now a vacant lot, will also include approximately 6,046 square feet of community facility and/or commercial space and 1,561 square feet of tenant storage space.

The project is being constructed under the Department of Housing Preservation and Development's ("HPD") Neighborhood Construction Program which sponsors purchase City-owned or privately owned land or vacant buildings and construct multifamily buildings in order to create up to 30 units of affordable rental housing on infill sites. Construction and permanent financing is provided through loans from private institutional lenders and from public sources including HPD, the State of New York, and the federal government. Additional funding may also be provided from the syndication of low-income housing tax credits. The newly constructed buildings provide rental housing to low-, moderate-, and middle-income families.

Under the proposed project, the property will be owned by HP Jackson Avenue Housing Development Fund Company, Inc. ("HDFC") as legal and fee owner and 603 Pontiac Associates, LLC as beneficial owner. The LLC will construct on the property. The HDFC and the LLC will enter into a regulatory agreement with HPD establishing that all units must be rented to households whose incomes do not exceed 90% of Area Median Income ("AMI"). In 2015, 90% of AMI was as follows:

AMI	Family of Four	Family of Three	Family of Two	Individual
90%	\$77,670	\$69,930	\$62,190	\$54,450

In order to facilitate the project, HPD is requesting that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, a full, 40-year property tax exemption that will be coterminous with the term of the regulatory agreement.

**Summary:**

- Council District – 8



- Council Member – the Speaker
- Council Member approval – Yes
- Borough – the Bronx
- Block/Lot – 2623/213
- Number of Buildings – 1
- Number of Units – 25
- Type of Exemption – Article XI, full, 40-year
- Population Served – Rentals for low-income households
- Sponsor/Developer – Galaxy Construction, HP Jackson Avenue HDFC
- Purpose – new construction
- Cost to the City – \$2.8M
- Housing Code Violations – none
- Income Limitation – all units will be rented to households earning up to 90% of AMI with rents set as affordable to those earning 80% of AMI

### **Item 2: Norwood Gardens**

Norwood Gardens is a new construction project that will consist of 1 building with 118 units of rental housing. In addition, there will be approximately 10,890 square feet of community facility/commercial space, and approximately 2,480 square feet of recreational space. The project is being developed under HPD's Mixed Income Program through which sponsors purchase City-owned or privately owned land or vacant buildings and construct multifamily buildings in order to create affordable rental housing units with a range of affordability in which at least half of the units are affordable to low-income households earning up to 60% of AMI and the remaining units are affordable to other low-income households.

On May 25, 2016, the Council approved Resolution 1082 (the “Prior Resolution”) granting the property a full, 40-year exemption from real property taxes. In exchange, the HDFC agreed to enter into a regulatory agreement with HPD requiring that the housing units remain affordable for at least 40 years.

In granting the tax exemption, the Prior Resolution did not explicitly set forth the uses of the community facility portion of the project which would qualify for an exemption. Specifically, those uses would include a job counseling or training service provider, pre-kindergarten or day care, senior center, or federally qualified health center. Therefore, HPD is requesting that the Council amend the Prior Resolution to so clarify.

#### **Summary:**

- Council District – 11
- Council Member – Cohen
- Council Member approval – Yes
- Borough – the Bronx
- Block/Lot – 3330/52
- Number of Buildings – 1
- Number of Units – 118
- Type of Exemption – Article XI, full, 40-year
- Population Served – Rentals for low- and moderate-income households
- Sponsor/Developer – Stagg Group, HP Norwood Gardens HDFC, Norwood Gardens LLC

- Purpose – Amend the Prior Resolution to explicitly set forth the uses of the community facility portion of the project which would qualify for an exemption.

### **Item 3: Story Avenue West**

Story Avenue West is a new construction project that will consist of 1 building with 223 units of rental housing. The project is the second part of a two-phase, mixed-use project located in the Soundview neighborhood in the Bronx. Both phases of the project will be constructed on the northern end of the existing Lafayette-Boynton complex, a former Mitchell-Lama development that consists of four 19-story residential towers. The first phase of the project, Story Avenue East, will include a 12-story building on the northeastern end of the site, where there is currently a parking lot.

The project is being developed under HPD's Mixed Income Program through which sponsors purchase City-owned or privately owned land or vacant buildings and construct multifamily buildings in order to create affordable rental housing units with a range of affordability in which at least half of the units are affordable to low-income households earning up to 60% of AMI and the remaining units are affordable to other low-income households.

Under the proposed project, which will be financed with funds provided by HPD and HDC and low-income housing tax credits, HP Story Avenue HDFC will acquire the property and Story Avenue West Residential LLC will be the beneficial owner and will operate the property. The HDFC and the LLC will construct the building.

The HDFC and the LLC will enter into a regulatory agreement with HPD establishing that all units must be rented to households whose incomes do not exceed 30%, 50%, 60%, 90%, or 125% of AMI. In 2015, those AMIs were as follows:

<b>AMI</b>	<b>Family of Four</b>	<b>Family of Three</b>	<b>Family of Two</b>	<b>Individual</b>
125%	\$107,875	\$97,125	\$86,375	\$75,625
90%	\$77,670	\$69,930	\$62,190	\$54,450
60%	\$51,780	\$46,620	\$41,460	\$36,300
50%	\$45,300	\$40,800	\$36,250	\$31,750
30%	\$25,890	\$23,310	\$20,730	\$18,150

In order to facilitate the project, HPD is requesting that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, a full, 40-year property tax exemption that will be coterminous with the term of the regulatory agreement.

#### **Summary:**

- Council District – 17
- Council Member – Salamanca
- Council Member approval – Yes
- Borough – the Bronx
- Block/Lot – 3623/10
- Number of Buildings – 1
- Number of Units – 223

- Type of Exemption – Article XI, full, 40-year
- Population Served – Rentals for low- and moderate-income households
- Sponsor/Developer – L&M Development Partners, Inc., HP Story Avenue HDFC, Story Avenue West Residential LLC
- Purpose – new construction
- Cost to the City – \$15.3M
- Housing Code Violations – none
- Income Limitation –
  - 20 of the units will be available to households earning up to 30% of AMI with rents set as affordable to those earning 27% of AMI;
  - 20 of the units will be available to households earning up to 50% of AMI with rents set as affordable to those earning 47% of AMI;
  - 72 of the units will be available to households earning up to 60% of AMI with rents set as affordable to those earning 57% of AMI;
  - 67 units will be available to households earning up to 90% of AMI with rents set as affordable to those earning 80% of AMI; and
  - 44 units will be available to households earning up to 125% of AMI with rents set as affordable to those earning up to 95% of AMI

#### **Item 4: Montauk Apartments**

Montauk Apartments is a preservation project consisting of 3 building with 128 units of rental housing and 1 superintendent's unit. Under the proposed project, HP Montauk Apartments HDFC, will acquire the fee interest in the property and Montauk Housing, LLC will acquire the beneficial interest and will operate the property. The HDFC and the LLC will finance the acquisition of the property with a private loan. Eligible tenants will continue to receive project-based Section 8 rent subsidies.

The HDFC and the LLC will enter into a regulatory agreement with HPD establishing that all units must be rented to households whose incomes do not exceed 50% of AMI. In 2015, 50% of AMI was as follows:

<b>AMI</b>	<b>Family of Four</b>	<b>Family of Three</b>	<b>Family of Two</b>	<b>Individual</b>
50%	\$45,300	\$40,800	\$36,250	\$31,750

In order ensure affordability of the property, HPD is requesting that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, a partial, 40-year property tax exemption that will be coterminous with the term of the regulatory agreement.

#### **Summary:**

- Council District – 27
- Council Member – Miller
- Council Member approval – Yes
- Borough – Queens
- Block/Lot – 12457/2; 12458/5, 421
- Number of Buildings – 3
- Number of Units – 129
- Type of Exemption – Article XI, partial, 40-year

- Population Served – rentals for low-income households
- Sponsor/Developer – Black Spruce LLC, HP Montauk Apartments HDFC, Montauk Housing LLC
- Purpose – preservation
- Cost to the City – \$4.4M
- Housing Code Violations – none
- Income Limitation – all units will be sold to households earning up to 50% of AMI with rents set as affordable to those earning 30% of AMI

### **Item 5: Seagirt Housing**

Seagirt Housing consists of 1 building with 151 units of rental housing for low-income senior citizens. Seagirt Housing Development Fund Corporation (“HDFC”) developed the project under the Section 202 Supportive Housing Program for the Elderly, with financing and operating subsidies from the United States Department of Housing and Urban Development (“HUD”) and a tax exemption from the City.

On March 23, 2009, in order to facilitate the refinancing of the property’s HUD mortgage in order to fund needed repairs and decrease debt service, the Council approved Resolution 1967 (the “Prior Resolution”) granting the property a partial, 30-year exemption from real property taxes. In exchange, the HDFC agreed to enter into a regulatory agreement with HPD requiring that the housing units remain affordable to low-income seniors for at least 30 years.

In granting the tax exemption, the Prior Resolution incorrectly referenced Section 577 of the Real Property Tax Law rather than Section 577 of the Private Housing Finance Law. HPD is now requesting that the Council make a technical correction to the Prior Resolution in order to reference the appropriate section of law.

#### **Summary:**

- Council District – 31
- Council Member – Richards
- Council Member approval – Yes
- Borough – Queens
- Block/Lot – 15810/30
- Number of Buildings – 1
- Number of Units – 151
- Type of Exemption – Article XI, partial, 30-year between 2009-2039
- Population Served – Rentals for low-income seniors
- Sponsor/Developer – Seagirt HDFC
- Purpose – Make a technical amendment to the Prior Resolution in order to reference the appropriate section of law.

### **Item 6: 480 St. Marks Avenue**

480 St. Marks Avenue is a preservation project consisting of 1 building with 71 units of rental housing. 480 St. Marks Avenue is one building in the Alma Realty Corp. Brooklyn Portfolio, otherwise known as the Apartments at Prospect Place. The portfolio is an adaptive reuse project of the Brooklyn Jewish Hospital, which was constructed in the early 20th Century, and is comprised of 540 residential units and a grocery store in 7 buildings. Alma applied for J-51 real estate tax abatements for the rehabilitation work to convert the

property to residences, and proactively issued rent-stabilized leases to tenants in anticipation of receiving the tax benefit. However, when the project was not granted the tax benefit, Alma subsequently provided tenants with market-rate leases upon lease renewal and stopped registering the rents with the State Division of Housing and Community Renewal as rent-stabilized apartments.

In response to requests from elected officials, the tenants, and HPD, Alma Realty Corp. has agreed to keep the properties affordable in exchange for receiving partial, 30-year Article XI exemptions for each property, with varying shelter rent payments by property.

Under the proposed project, 480 St. Marks Avenue LLC will convey the fee interest in the property to 480 St. Marks Avenue HDFC. The LLC will remain the beneficial owner and will continue to operate the property. The HDFC and the LLC will enter into a regulatory agreement with HPD establishing that all units must be rented to households whose incomes do not exceed 120% of AMI. In 2015, 120% of AMI was follows:

<b>AMI</b>	<b>Family of Four</b>	<b>Family of Three</b>	<b>Family of Two</b>	<b>Individual</b>
120%	\$103,560	\$93,240	\$82,920	\$72,600

In order to facilitate the project, HPD is requesting that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, a partial, 30-year property tax exemption that will be coterminous with the term of the regulatory agreement.

Summary:

- Council District – 35
- Council Member – Cumbo
- Council Member approval – Yes
- Borough – Brooklyn
- Block/Lot – 1156/15
- Number of Buildings – 1
- Number of Units – 71
- Type of Exemption – Article XI, partial, 30-year
- Population Served – Rentals for moderate-income households
- Sponsor/Developer – Alma Realty Corp., 480 St. Marks Avenue LLC, 480 St. Marks HDFC
- Purpose – preservation
- Cost to the City – \$2.5M
- Housing Code Violations – 2 Class A, 20 Class B, 5 Class C which will be resolved during the rehabilitation (this is the violation count for all 6 buildings in the Apartments at Prospect Place complex)
- Income Limitation – all units will be rented to households earning up to 120% of AMI with rents set as affordable to those earning 100% of AMI

**Item 7: 500 St. Marks Avenue**

500 St. Marks Avenue is a preservation project consisting of 1 building with 65 units of rental housing. 500 St. Marks Avenue is one building in the Alma Realty Corp. Brooklyn Portfolio, otherwise known as the Apartments at Prospect Place. The portfolio is an adaptive reuse project of the Brooklyn Jewish Hospital, which was constructed in the early 20th Century, and is comprised of 540 residential units and a grocery store in 7 buildings. Alma applied for J-51 real estate tax abatements for the rehabilitation work to convert the property to residences, and proactively issued rent-stabilized leases to tenants in anticipation of receiving the tax benefit. However, when the project was not granted the tax benefit, Alma subsequently provided tenants with market-rate leases upon lease renewal and stopped registering the rents with the State Division of Housing and Community Renewal as rent-stabilized apartments.

In response to requests from elected officials, the tenants, and HPD, Alma Realty Corp. has agreed to keep the properties affordable in exchange for receiving partial, 30-year Article XI exemptions for each property, with varying shelter rent payments by property.

Under the proposed project, 500 St. Marks Avenue LLC will convey the fee interest in the property to 500 St. Marks Avenue HDFC. The LLC will remain the beneficial owner and will continue to operate the property. The HDFC and the LLC will enter into a regulatory agreement with HPD establishing that all units must be rented to households whose incomes do not exceed 150% of AMI. In 2015, 150% of AMI was follows:

<b>AMI</b>	<b>Family of Four</b>	<b>Family of Three</b>	<b>Family of Two</b>	<b>Individual</b>
150%	\$129,450	\$116,550	\$103,650	\$90,750

In order to facilitate the project, HPD is requesting that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, a partial, 30-year property tax exemption that will be coterminous with the term of the regulatory agreement.

**Summary:**

- Council District – 35
- Council Member – Cumbo
- Council Member approval – Yes
- Borough – Brooklyn
- Block/Lot – 1156/25
- Number of Buildings – 1
- Number of Units – 65
- Type of Exemption – Article XI, partial, 30-year
- Population Served – Rentals for moderate-income households
- Sponsor/Developer – Alma Realty Corp., 500 St. Marks Avenue LLC, 500 St. Marks HDFC
- Purpose – preservation
- Cost to the City – \$3.7M
- Housing Code Violations – 2 Class A, 20 Class B, 5 Class C which will be resolved during the rehabilitation (this is the violation count for all 6 buildings in the Apartments at Prospect Place complex)
- Income Limitation – all units will be rented to households earning up to 150% of AMI with rents set as affordable to those earning 120% of AMI

**Item 8: 523 Prospect Place**

523 Prospect Place is a preservation project consisting of 1 building with 83 units of rental housing. 523 Prospect Place is one building in the Alma Realty Corp. Brooklyn Portfolio, otherwise known as the Apartments at Prospect Place. The portfolio is an adaptive reuse project of the Brooklyn Jewish Hospital, which was constructed in the early 20th Century, and is comprised of 540 residential units and a grocery store in 7 buildings. Alma applied for J-51 real estate tax abatements for the rehabilitation work to convert the property to residences, and proactively issued rent-stabilized leases to tenants in anticipation of receiving the tax benefit. However, when the project was not granted the tax benefit, Alma subsequently provided tenants with market-rate leases upon lease renewal and stopped registering the rents with the State Division of Housing and Community Renewal as rent-stabilized apartments.

In response to requests from elected officials, the tenants, and HPD, Alma Realty Corp. has agreed to keep the properties affordable in exchange for receiving partial, 30-year Article XI exemptions for each property, with varying shelter rent payments by property.

Under the proposed project, 523 Prospect Place LLC will convey the fee interest in the property to 523 Prospect Place HDFC. The LLC will remain the beneficial owner and will continue to operate the property. The HDFC and the LLC will enter into a regulatory agreement with HPD establishing that all units must be rented to households whose incomes do not exceed 150% of AMI. In 2015, 150% of AMI was follows:

AMI	Family of Four	Family of Three	Family of Two	Individual
150%	\$129,450	\$116,550	\$103,650	\$90,750

In order to facilitate the project, HPD is requesting that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, a partial, 30-year property tax exemption that will be coterminous with the term of the regulatory agreement.

**Summary:**

- Council District – 35
- Council Member – Cumbo
- Council Member approval – Yes
- Borough – Brooklyn
- Block/Lot – 1156/90
- Number of Buildings – 1
- Number of Units – 83
- Type of Exemption – Article XI, partial, 30-year
- Population Served – Rentals for moderate-income households
- Sponsor/Developer – Alma Realty Corp., 523 Prospect Place LLC, 523 Prospect Place HDFC
- Purpose – preservation
- Cost to the City – \$3.6M
- Housing Code Violations – 2 Class A, 20 Class B, 5 Class C which will be resolved during the rehabilitation (this is the violation count for all 6 buildings in the Apartments at Prospect Place complex)

- Income Limitation – all units will be rented to households earning up to 150% of AMI with rents set as affordable to those earning 120% of AMI

### **Item 9: 545 Prospect Place**

545 Prospect Place is a preservation project consisting of 1 building with 159 units of rental housing. 545 Prospect Place is one building in the Alma Realty Corp. Brooklyn Portfolio, otherwise known as the Apartments at Prospect Place. The portfolio is an adaptive reuse project of the Brooklyn Jewish Hospital, which was constructed in the early 20th Century, and is comprised of 540 residential units and a grocery store in 7 buildings. Alma applied for J-51 real estate tax abatements for the rehabilitation work to convert the property to residences, and proactively issued rent-stabilized leases to tenants in anticipation of receiving the tax benefit. However, when the project was not granted the tax benefit, Alma subsequently provided tenants with market-rate leases upon lease renewal and stopped registering the rents with the State Division of Housing and Community Renewal as rent-stabilized apartments.

In response to requests from elected officials, the tenants, and HPD, Alma Realty Corp. has agreed to keep the properties affordable in exchange for receiving partial, 30-year Article XI exemptions for each property, with varying shelter rent payments by property.

Under the proposed project, 545 Prospect Place LLC will convey the fee interest in the property to 545 Prospect Place HDFC. The LLC will remain the beneficial owner and will continue to operate the property. The HDFC and the LLC will enter into a regulatory agreement with HPD establishing that all units must be rented to households whose incomes do not exceed 150% of AMI. In 2015, 150% of AMI was follows:

<b>AMI</b>	<b>Family of Four</b>	<b>Family of Three</b>	<b>Family of Two</b>	<b>Individual</b>
150%	\$129,450	\$116,550	\$103,650	\$90,750

In order to facilitate the project, HPD is requesting that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, a partial, 30-year property tax exemption that will be coterminous with the term of the regulatory agreement.

#### **Summary:**

- Council District – 35
- Council Member – Cumbo
- Council Member approval – Yes
- Borough – Brooklyn
- Block/Lot – 1156/80
- Number of Buildings – 1
- Number of Units – 159
- Type of Exemption – Article XI, partial, 30-year
- Population Served – Rentals for moderate-income households
- Sponsor/Developer – Alma Realty Corp., 545 Prospect Place LLC, 545 Prospect Place HDFC
- Purpose – preservation
- Cost to the City – \$10.1M



- Housing Code Violations – 2 Class A, 20 Class B, 5 Class C which will be resolved during the rehabilitation (this is the violation count for all 6 buildings in the Apartments at Prospect Place complex)
- Income Limitation – all units will be rented to households earning up to 150% of AMI with rents set as affordable to those earning 120% of AMI

### **Item 10: 565 Prospect Place**

565 Prospect Place is a preservation project consisting of 1 building with 86 units of rental housing. 565 Prospect Place is one building in the Alma Realty Corp. Brooklyn Portfolio, otherwise known as the Apartments at Prospect Place. The portfolio is an adaptive reuse project of the Brooklyn Jewish Hospital, which was constructed in the early 20th Century, and is comprised of 540 residential units and a grocery store in 7 buildings. Alma applied for J-51 real estate tax abatements for the rehabilitation work to convert the property to residences, and proactively issued rent-stabilized leases to tenants in anticipation of receiving the tax benefit. However, when the project was not granted the tax benefit, Alma subsequently provided tenants with market-rate leases upon lease renewal and stopped registering the rents with the State Division of Housing and Community Renewal as rent-stabilized apartments.

In response to requests from elected officials, the tenants, and HPD, Alma Realty Corp. has agreed to keep the properties affordable in exchange for receiving partial, 30-year Article XI exemptions for each property, with varying shelter rent payments by property.

Under the proposed project, 565 Prospect Place LLC will convey the fee interest in the property to 565 Prospect Place HDFC. The LLC will remain the beneficial owner and will continue to operate the property. The HDFC and the LLC will enter into a regulatory agreement with HPD establishing that all units must be rented to households whose incomes do not exceed 120% of AMI. In 2015, 120% of AMI was follows:

<b>AMI</b>	<b>Family of Four</b>	<b>Family of Three</b>	<b>Family of Two</b>	<b>Individual</b>
120%	\$103,560	\$93,240	\$82,920	\$72,600

In order to facilitate the project, HPD is requesting that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, a partial, 30-year property tax exemption that will be coterminous with the term of the regulatory agreement.

#### **Summary:**

- Council District – 35
- Council Member – Cumbo
- Council Member approval – Yes
- Borough – Brooklyn
- Block/Lot – 1156/70
- Number of Buildings – 1
- Number of Units – 86
- Type of Exemption – Article XI, partial, 30-year
- Population Served – Rentals for moderate-income households
- Sponsor/Developer – Alma Realty Corp., 565 Prospect Place LLC, 565 Prospect Place HDFC
- Purpose – preservation

- Cost to the City – \$3.3M
- Housing Code Violations – 2 Class A, 20 Class B, 5 Class C which will be resolved during the rehabilitation (this is the violation count for all 6 buildings in the Apartments at Prospect Place complex)
- Income Limitation – all units will be rented to households earning up to 120% of AMI with rents set as affordable to those earning 100% of AMI

### **Item 11: 713 Classon Avenue**

713 Classon Avenue is a preservation project consisting of 1 building with 76 units of rental housing. 713 Classon Avenue is one building in the Alma Realty Corp. Brooklyn Portfolio, otherwise known as the Apartments at Prospect Place. The portfolio is an adaptive reuse project of the Brooklyn Jewish Hospital, which was constructed in the early 20th Century, and is comprised of 540 residential units and a grocery store in 7 buildings. Alma applied for J-51 real estate tax abatements for the rehabilitation work to convert the property to residences, and proactively issued rent-stabilized leases to tenants in anticipation of receiving the tax benefit. However, when the project was not granted the tax benefit, Alma subsequently provided tenants with market-rate leases upon lease renewal and stopped registering the rents with the State Division of Housing and Community Renewal as rent-stabilized apartments.

In response to requests from elected officials, the tenants, and HPD, Alma Realty Corp. has agreed to keep the properties affordable in exchange for receiving partial, 30-year Article XI exemptions for each property, with varying shelter rent payments by property.

Under the proposed project, 713 Classon Avenue LLC will convey the fee interest in the property to 713 Classon Avenue HDFC. The LLC will remain the beneficial owner and will continue to operate the property. The HDFC and the LLC will enter into a regulatory agreement with HPD establishing that all units must be rented to households whose incomes do not exceed 150% of AMI. In 2015, 150% of AMI was follows:

<b>AMI</b>	<b>Family of Four</b>	<b>Family of Three</b>	<b>Family of Two</b>	<b>Individual</b>
150%	\$129,450	\$116,550	\$103,650	\$90,750

In order to facilitate the project, HPD is requesting that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, a partial, 30-year property tax exemption that will be coterminous with the term of the regulatory agreement.

#### **Summary:**

- Council District – 35
- Council Member – Cumbo
- Council Member approval – Yes
- Borough – Brooklyn
- Block/Lot – 1156/1
- Number of Buildings – 1
- Number of Units – 76
- Type of Exemption Article XI, partial, 30-year
- Population Served – Rentals for moderate-income households
- Sponsor/Developer – Alma Realty Corp., 713 Classon Avenue LLC, 713 Classon Avenue HDFC

- Purpose – preservation
- Cost to the City – \$3.1M
- Housing Code Violations – 2 Class A, 20 Class B, 5 Class C which will be resolved during the rehabilitation (this is the violation count for all 6 buildings in the Apartments at Prospect Place complex)
- Income Limitation – all units will be rented to households earning up to 150% of AMI with rents set as affordable to those earning 120% of AMI

**(For text of the coupled resolutions of LU Nos. 403 to 412, please see, respectively, the Reports of the Committee on Finance for LUs Nos. 403 to 412 printed in these Minutes; for text of the coupled resolution for LU No. 402, please see below)**

*Accordingly, this Committee recommends the adoption of LU Nos. 402 to 411.*

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

Res No. 1138

**Resolution approving an exemption from real property taxes for property located at (Block 3623, Lot 10) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 402).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated June 7, 2016 that the Council take the following action regarding a housing project located (Block 3623, Lot 10) the Bronx, ("Exemption Area"):

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

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

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

**RESOLVED:**

The Council hereby grants an exemption from real property taxes provided:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. "HDFC" shall mean HP Story Avenue Housing Development Fund Company, Inc.

- b. "HDC" shall mean New York City Housing Development Corporation.
  - c. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - d. "LLC" shall mean Story Avenue West Residential LLC or an affiliate.
  - e. "New Owner" shall mean the HDFC and the LLC or any future owner of the Exemption Area.
  - f. "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - g. "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD, HDC and the New Owner enter into the Regulatory Agreement in their respective sole discretion.
  - h. "Exemption Area" shall mean the real property located on the Tax Map of the City of New York in the Borough of the Bronx, City and State of New York, identified as Block 3623, Lot 10.
  - i. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned or leased by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - j. "Project" shall mean the construction of one multiple dwelling building on the Exemption Area containing approximately 223 rental dwelling units and 7,448 square feet of ground floor community space.
  - k. "Regulatory Agreement" shall mean the regulatory agreement between HPD, HDC and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any devoted to business or commercial use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon Expiration Date.
3. (a) Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder ("Exemption") shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written consent of HPD, or (v) the demolition or construction of any private or multiple dwelling on the Exemption Area has commenced without the prior written

consent of HPD. HPD shall deliver written notice of any such determination to the New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- (b) Nothing herein shall entitle the New Owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  - (c) The Exemption shall not apply to any building constructed on the Exemption Area which does not have a permanent or temporary certificate of occupancy by December 31, 2021, as such date may be extended in writing by HPD.
4. In consideration of the Exemption, the New Owner (i) shall execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

JULISSA FERRERAS-COPELAND, *Chairperson*; JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, June 21, 2016.

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

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

Report for LU No. 403

**Report of the Committee on Finance in favor of Seagirt Housing, Block 15810, Lot 30; Queens, Community District No. 14, Council District No. 31.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 21, 2016 and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

**(For text of Finance Memo, please see the Report of the Committee on Finance for LU No. 402 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res No. 1139

**Resolution approving an amendment to a previously approved exemption from real property taxes for property located at (Block 15810, Lot 30) Queens, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 403).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) requested that the Council amend a previously approved tax exemption for property located at (Block 15810, Lot 30) Queens (“Exemption Area”);

**WHEREAS**, HPD’s request for amendment is related to a previously approved Council Resolution adopted on May 6, 2009 (Res. 1967) (the “Prior Resolution”) granting the Exemption Area an exemption from real property taxation pursuant to Section 577 of the Real Property Tax Law;

**WHEREAS**, the exemption from real property taxation granted by Prior Resolution was intended to be granted pursuant to Section 577 of the Private Housing Finance Law, but due to a technical error the Prior Resolution referenced the Real Property Tax Law;

**RESOLVED:**

Pursuant to Section 577 of the Private Housing Finance Law, the Council approves the amendment to the Prior Resolution requested by HPD as follows:

- 1) The title of the Prior Resolution is deleted and replaced with the following title:

Resolution approving a partial exemption from real property taxes for property located at (Block 15810, Lot 30) Queens, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 1097)

- 2) The first “Whereas” clause of the Prior Resolution is deleted and replaced with the following clause:

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated March 23, 2009 that the Council take the following action regarding a housing project to be located at (Block 15810, Lot 30), Queens (“Exemption Area”):

Approve a partial exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the “Tax Exemption”);

JULISSA FERRERAS-COPELAND, *Chairperson*; JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, June 21, 2016.

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

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

Report for LU No. 404

**Report of the Committee on Finance in favor of approving Norwood Gardens, Block 3330, Lot 52; Bronx, Community District No. 7, Council District No. 11.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 21, 2016 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of Finance Memo, please see the Report of the Committee on Finance for LU No. 402 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res No. 1140

**Resolution approving an amendment to a previously approved exemption from real property taxes for property located at (Block 3330, Lot 52) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 404).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) requested that the Council amend a previously approved tax exemption for property located at (Block 3330, Lot 52) the Bronx (“Exemption Area”);

**WHEREAS**, HPD’s request for amendment is related to a previously approved Council Resolution adopted on May 25, 2016 (Res. 1082) (the “Prior Resolution”) granting the Exemption Area an exemption from real property taxation pursuant to Section 577 of the Real Property Tax Law;

**WHEREAS**, HPD is requesting that the Prior Resolution be clarified to explicitly set forth the uses of the community facility portion of the project which would qualify for an exemption;

**RESOLVED:**

Pursuant to Section 577 of the Private Housing Finance Law, the Council approves the amendment to the Prior Resolution requested by HPD as follows:

1) Paragraph 1 of the Prior Resolution is deleted and replaced with the following paragraph:

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

- a. "Community Facility Property" shall mean those portions of the Exemption Area that include approximately 6,565 square feet used as a job counseling or training area, pre-kindergarten, day care or early childhood education center, senior center, or federally qualified health center (FQHC) or FQHC Look Alike (FQHC LA) certified by the U.S. Department of Health and Human Services or its successor agency; which Community Facility Property must qualify as Use Group 3 or Use Group 4 under Section 22-13 or Section 22-14, as applicable, of the Zoning Resolution of the City of New York, as amended; provided, however, that such Community Facility Property shall not include a methadone clinic or drug rehabilitation center.
- b. "HDFC" shall mean HP Norwood Gardens Housing Development Fund Company, Inc.
- c. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- d. "LLC" shall mean Norwood Gardens LLC or an affiliate.
- e. "New Owner" shall mean, collectively, the HDFC and the LLC and any future owner of the Exemption Area.
- f. "Exemption" shall mean the exemption from real property taxation provided hereunder.
- g. "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the New Owner enter into the Regulatory Agreement.
- h. "Exemption Area" shall mean the real property located on the Tax Map of the City of New York in the Borough of the Bronx, City and State of New York, identified as Block 3330, Lot 52.
- i. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned or leased by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- j. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- k. "Residential Property" shall mean all of the real property, other than the Community Facility Property, included in the Exemption Area, excluding those portions, if any, devoted to business or commercial use.

2) Paragraph 2 of the Prior Resolution is deleted and replaced with the following paragraph:



2. All of the value of the Residential Property and the Community Facility Property in the Exemption Area, including both the land and any improvements, shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon Expiration Date.
  - Population Served – Rentals for moderate-income households
  - Sponsor/Developer – Alma Realty Corp., 565 Prospect Place LLC, 565 Prospect Place HDFC
  - Purpose – preservation
  - Cost to the City – \$3.3M
  - Housing Code Violations – 2 Class A, 20 Class B, 5 Class C which will be resolved during the rehabilitation (this is the violation count for all 6 buildings in the Apartments at Prospect Place complex)
  - Income Limitation – all units will be rented to households earning up to 120% of AMI with rents set as affordable to those earning 100% of AMI

JULISSA FERRERAS-COPELAND, *Chairperson*; JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, June 21, 2016.

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

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

Report for LU No. 405

**Report of the Committee on Finance in favor of Montauk Apartments, Block 12457, Lot 2; Block 12458, Lots 5 and 421; Queens, Community District No. 12, Council District No. 27.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 21, 2016 and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

**(For text of Finance Memo, please see the Report of the Committee on Finance for LU No. 402 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res No. 1141

**Resolution approving an exemption from real property taxes for property located at (Block 12457, Lot 2; Block 12458, Lots 5 and 421) Queens, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 405).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated February 29, 2016 that the Council take the following action regarding a housing project located (Block 12457, Lot 2; Block 12458, Lots 5 and 421) Queens, ("Exemption Area"):

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

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

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

**RESOLVED:**

The Council hereby grants an exemption from real property taxes provided:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. "Company" shall mean Montauk Housing LLC.
  - b. "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - c. "Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - d. "Exemption Area" shall mean the real property located in the Borough of Queens, City and State of New York, identified as Block 12457, Lot 2 and Block 12458, Lots 5 and 421 on the Tax Map of the City of New York.
  - e. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. "HDFC" shall mean HP Montauk Apartments Housing Development Fund Company, Inc.

- g. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - h. "Owner" shall mean the HDFC and the Company.
  - i. "Regulatory Agreement" shall mean a regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
  - j. "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat, and other utilities.
  - k. "Shelter Rent Tax" shall mean an amount equal to twelve percent (12%) of Shelter Rent.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
4. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings in the Exemption Area that exists on the Effective Date.

- c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.
5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

JULISSA FERRERAS-COPELAND, *Chairperson*; JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, June 21, 2016.

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

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

Report for LU No. 406

**Report of the Committee on Finance in favor of 523 Prospect Place, Block 1156, Lot 90; Brooklyn, Community District No. 8, Council District No. 35.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 21, 2016 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of Finance Memo, please see the Report of the Committee on Finance for LU No. 402 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

## Res No 1142

**Resolution approving an exemption from real property taxes for property located at (Block 1156, Lot 90) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 406).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated May 23, 2016 that the Council take the following action regarding a housing project located (Block 1156, Lot 90) Brooklyn, ("Exemption Area"):

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

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

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

**RESOLVED:**

The Council hereby grants an exemption from real property taxes provided:

1. For the purposes hereof, the following terms shall have the following meanings:
  1. "Company" shall mean 523 Prospect Place LLC.
  - a. "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the HPD Regulatory Agreement.
  - b. "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - c. "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1156, Lot 90 on the Tax Map of the City of New York.
  - d. "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the HPD Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - e. "HDFC" shall mean 523 Prospect Place Housing Development Fund Corporation, Inc.

- f. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - g. "HPD Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
  - h. "Owner" shall mean, collectively, the HDFC and the Company.
  - i. "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
  - j. "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to the business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule or regulation.
  4. Notwithstanding any provision hereof to the contrary:
    - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance law, (ii) the Exemption Area is not being operated in accordance with the requirements of the HPD Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
    - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
    - c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

JULISSA FERRERAS-COPELAND, *Chairperson*; JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, June 21, 2016.

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

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

Report for LU No. 407

**Report of the Committee on Finance in favor of approving 565 Prospect Place, Block 1156, Lot 70; Brooklyn, Community District No. 8, Council District No. 35.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 21, 2016 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of Finance Memo, please see the Report of the Committee on Finance for LU No. 402 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res No. 1143

**Resolution approving an exemption from real property taxes for property located at (Block 1156, Lot 70) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 407).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated May 23, 2016 that the Council take the following action regarding a housing project located (Block 1156, Lot 70) Brooklyn, ("Exemption Area"):

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

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

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

**RESOLVED:**

The Council hereby grants an exemption from real property taxes provided:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. "Company" shall mean 565 Prospect Place LLC.
  - b. "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the HPD Regulatory Agreement.
  - c. "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - d. "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1156, Lot 70 on the Tax Map of the City of New York.
  - e. "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the HPD Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. "HDFC" shall mean 565 Prospect Place Housing Development Fund Corporation, Inc.
  - g. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - h. "HPD Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
  - i. "Owner" shall mean, collectively, the HDFC and the Company.



- j. "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
  - k. "Shelter Rent Tax" shall mean an amount equal to eight percent (8%) of Shelter Rent.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to the business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule or regulation.
  4. Notwithstanding any provision hereof to the contrary:
    - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance law, (ii) the Exemption Area is not being operated in accordance with the requirements of the HPD Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
    - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
    - c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

JULISSA FERRERAS-COPELAND, *Chairperson*; JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, June 21, 2016.

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

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

Report for LU No. 408

**Report of the Committee on Finance in favor of approving 480 St. Marks Avenue, Block 1156, Lot 15; Brooklyn, Community District No. 8, Council District No. 35.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 21, 2016 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of Finance Memo, please see the Report of the Committee on Finance for LU No. 402 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res No. 1144

**Resolution approving an exemption from real property taxes for property located at (Block 1156, Lot 15) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 408).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated May 23, 2016 that the Council take the following action regarding a housing project located (Block 1156, Lot 15) Brooklyn, ("Exemption Area"):

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

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

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

**RESOLVED:**

The Council hereby grants an exemption from real property taxes provided:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. "Company" shall mean 480 St. Marks Avenue LLC.
  - b. "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the HPD Regulatory Agreement.
  - c. "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - d. "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1156, Lot 15 on the Tax Map of the City of New York.
  - e. "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the HPD Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. "HDFC" shall mean 480 St. Marks Avenue Housing Development Fund Corporation, Inc.
  - g. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - h. "HPD Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
  - i. "Owner" shall mean, collectively, the HDFC and the Company.
  - j. "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
  - k. "Shelter Rent Tax" shall mean an amount equal to nine percent (9%) of Shelter Rent.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to the business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule or regulation.
4. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance law, (ii) the Exemption Area is not being operated in accordance with the requirements of the HPD Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
  - c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

JULISSA FERRERAS-COPELAND, *Chairperson*; JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, June 21, 2016.

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

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

Report for LU No. 409

**Report of the Committee on Finance in favor of approving 713 Classon Avenue, Block 1156, Lot 1; Brooklyn, Community District No. 8, Council District No. 35.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 21, 2016 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of Finance Memo, please see the Report of the Committee on Finance for LU No. 402 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res No. 1145

**Resolution approving an exemption from real property taxes for property located at (Block 1156, Lot 1) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 409).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated May 23, 2016 that the Council take the following action regarding a housing project located (Block 1156, Lot 1) Brooklyn, ("Exemption Area"):

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

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

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

**RESOLVED:**

The Council hereby grants an exemption from real property taxes provided:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. "Company" shall mean 713 Classon Avenue Avenue LLC.
  - b. "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the HPD Regulatory Agreement.
  - c. "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - d. "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1156, Lot 1 on the Tax Map of the City of New York.
  - e. "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the HPD Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. "HDFC" shall mean 713 Classon Avenue Housing Development Fund Corporation, Inc.
  - g. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - h. "HPD Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
  - i. "Owner" shall mean, collectively, the HDFC and the Company.
  - j. "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
  - k. "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to the business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption

from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule or regulation.

4. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance law, (ii) the Exemption Area is not being operated in accordance with the requirements of the HPD Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
  - c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

JULISSA FERRERAS-COPELAND, *Chairperson*; JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, June 21, 2016.

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

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

Report for LU No. 410

**Report of the Committee on Finance in favor of approving 545 Prospect Place, Block 1156, Lot 80; Brooklyn, Community District No. 8, Council District No. 35.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 21, 2016 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of Finance Memo, please see the Report of the Committee on Finance for LU No. 402 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res No. 1146

**Resolution approving an exemption from real property taxes for property located at (Block 1156, Lot 80) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 410).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated May 23, 2016 that the Council take the following action regarding a housing project located (Block 1156, Lot 80) Brooklyn, ("Exemption Area"):

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

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

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

**RESOLVED:**

The Council hereby grants an exemption from real property taxes provided:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. "Company" shall mean 545 Prospect Place LLC.
  - b. "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the HPD Regulatory Agreement.
  - c. "Exemption" shall mean the exemption from real property taxation provided hereunder.



- d. "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1156, Lot 80 on the Tax Map of the City of New York.
  - e. "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the HPD Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. "HDFC" shall mean 545 Prospect Place Housing Development Fund Corporation, Inc.
  - g. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - h. "HPD Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
  - i. "Owner" shall mean, collectively, the HDFC and the Company.
  - j. "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
  - k. "Shelter Rent Tax" shall mean an amount equal to five percent (5%) of Shelter Rent.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to the business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule or regulation.
  4. Notwithstanding any provision hereof to the contrary:
    - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance law, (ii) the Exemption Area is not being operated in accordance with the requirements of the HPD Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the demolition of any private or multiple dwelling on

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

- b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
  - c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

JULISSA FERRERAS-COPELAND, *Chairperson*; JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, June 21, 2016.

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

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

Report for LU No. 411

**Report of the Committee on Finance in favor of approving 500 St. Marks Avenue, Block 1156, Lot 25; Brooklyn, Community District No. 8, Council District No. 35.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 21, 2016 and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

**(For text of Finance Memo, please see the Report of the Committee on Finance for LU No. 402 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res No. 1147

**Resolution approving an exemption from real property taxes for property located at (Block 1156, Lot 25) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 411).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated May 23, 2016 that the Council take the following action regarding a housing project located (Block 1156, Lot 25) Brooklyn, ("Exemption Area"):

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

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

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

**RESOLVED:**

The Council hereby grants an exemption from real property taxes provided:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. "Company" shall mean 500 St. Marks Avenue LLC.
  - b. "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the HPD Regulatory Agreement.
  - c. "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - d. "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1156, Lot 25 on the Tax Map of the City of New York.
  - e. "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the HPD Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. "HDFC" shall mean 500 St. Marks Avenue Housing Development Fund Corporation, Inc.

- g. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - h. "HPD Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
  - i. "Owner" shall mean, collectively, the HDFC and the Company.
  - j. "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
  - k. "Shelter Rent Tax" shall mean an amount equal to eight percent (8%) of Shelter Rent.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to the business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule or regulation.
  4. Notwithstanding any provision hereof to the contrary:
    - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance law, (ii) the Exemption Area is not being operated in accordance with the requirements of the HPD Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
    - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
    - c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

JULISSA FERRERAS-COPELAND, *Chairperson*; JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, June 21, 2016.

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

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

Report for LU No. 412

**Report of the Committee on Finance in favor of approving 603 Pontiac Place, Block 2623, Lot 213; Bronx, Community District No. 1, Council District No. 8.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 21, 2016 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of Finance Memo, please see the Report of the Committee on Finance for LU No. 402 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res No. 1148

**Resolution approving an exemption from real property taxes for property located at (Block 2623, Lot 213) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 412).**

By Council Member Ferreras-Copeland

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated May 23, 2016 that the Council take the following action regarding a housing project located (Block 2623, Lot 213) the Bronx, ("Exemption Area"):

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

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

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

**RESOLVED:**

The Council hereby grants an exemption from real property taxes provided:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. "HDFC" shall mean HP Jackson Avenue Housing Development Fund Company, Inc.
  - b. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - c. "LLC" shall mean 603 Pontiac Associates, LLC or an affiliate.
  - d. "New Owner" shall mean the HDFC and the LLC or any future owner of the Exemption Area.
  - e. "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - f. "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the New Owner enter into the Regulatory Agreement in their respective sole discretion.
  - g. "Exemption Area" shall mean the real property located on the Tax Map of the City of New York in the Borough of the Bronx, City and State of New York, identified as Block 2623, Lot 213.
  - h. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned or leased by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - i. "Project" shall mean the construction of one multiple dwelling building on the Exemption Area containing approximately 25 rental dwelling units.

- j. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any devoted to business or commercial use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon Expiration Date.
  3. (a) Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder (“Exemption”) shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written consent of HPD, or (v) the demolition or construction of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
    - (b) Nothing herein shall entitle the New Owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
    - (c) The Exemption shall not apply to any building constructed on the Exemption Area which does not have a permanent or temporary certificate of occupancy by June 30, 2021, as such date may be extended in writing by HPD.
  4. In consideration of the Exemption, the New Owner (i) shall execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

JULISSA FERRERAS-COPELAND, *Chairperson*; JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, June 21, 2016.

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

## **Report of the Committee on Housing and Buildings**

Report for Int. No. 871-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, a Local Law to amend the administrative code of the city of New York, the New York city plumbing code and the New York city building code, in relation to gender-neutral single-occupant bathrooms.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on August 13, 2015 (Minutes, page 3164), respectfully

### **REPORTS:**

#### **Introduction**

On June 20, 2016, the Committee on Housing and Buildings, chaired by Council Member Jumaane D. Williams held a hearing to consider Int. No. 871-A.

The Committee previously considered Int. No. 871-A at a hearing on January 14, 2016. The Committee received testimony from representatives of the New York City Commission on Human Rights, legal service providers, and other interested members of the public.

#### **Int. No. 871-A**

Int. No. 871-A would require single-occupant toilet rooms to be usable by persons of any gender.

Section one of Int. No. 871-A would amend article 315 of title 28 of the administrative code of the city of New York, which lays out certain retroactive requirements, to add a new section 28-315.9 which would require that single-occupant toilet rooms be usable by persons of any sex in accordance with section 403.2.1 of the New York city plumbing code by not later than January 1, 2017

Section two of Int. No. 871-A would amend section PC 202 of the New York city plumbing code, which contains definitions. The amendment would define single-occupant toilet rooms as rooms with no more than one water closet and no more than one urinal and provide an exception to the definition for toilet rooms with one urinal and a door to such room that is not securable from within.

Section three of Int. No. 871-A would amend note j of table 403.1 of the New York city plumbing code, which lays out the minimum number of required plumbing fixtures, to clarify certain instances where section 403.2.1 would be applicable and to change the term unisex to single occupant.

Section four of Int. No. 871-A would amend section 403.1 of the New York city plumbing code, which lays out the minimum number of required plumbing fixtures, by adding a new section 403.1.3. New section 403.1.3 would provide that fixtures located within single-occupant toilet rooms, other than those located within toilet rooms where egress is through a room permissibly restricted by sex, are permitted to be included in the number of fixtures required for either male or the female occupants.

Section five of Int. No. 871-A would amend section 403.2 of the New York city plumbing code, which requires code-mandated plumbing fixtures to be installed in facilities separated by sex, by adding a new section 403.2.1. New section 403.2.1 would require that single-occupant toilets rooms be usable by persons of any sex by January 1, 2017, except where access is possible through a room permissibly restricted by sex.

Section six of Int. No. 871-A would amend section 403.4 of the New York city plumbing code, requiring that mandatory public facilities be designated by a legible sign for each sex, to require that mandatory public



facilities which are single-occupant toilet rooms be designated by a legible sign for all sexes by January 1, 2017.

Section seven of Int. No. 871-A amends item 4 of section 1110.2 of the New York city building code, which requires directional signage to be posted at each sex-separated toilet and bathing room indicating the location the nearest accessible family or assisted-use toilet or bathing room. The legislation would require such signage to also be posted at each inaccessible single-occupant toilet room by January 1, 2017.

Section eight of Int. No. 871-A contains the enactment clause and provides that the local law take effect 120 days after enactment, except that the commissioner of buildings, commissioner of health and mental hygiene and commissioner of consumer affairs shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

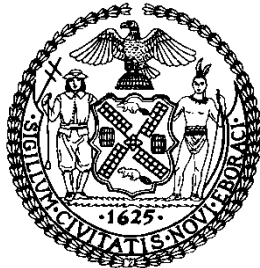
#### ***Changes to Int. No. 871-A***

All of the changes to Int. No. 871-A were technical edits.

#### **Update**

On June 20, 2016, the Committee adopted this legislation. Accordingly, the Committee recommends its adoption.

**(The following is the text of the Fiscal Impact Statement for Int No. 871-A:)**



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

**LATONIA MCKINNEY, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 871-A**

**COMMITTEE: Housing and Buildings**

**TITLE:** A Local Law to amend the administrative code of the city of New York, the New York city plumbing code and the New York city building code, in relation to gender-neutral single-occupant bathrooms

**SPONSOR(S):** Council Members Dromm, Johnson, Mendez, Menchaca, Constantinides, Richards, Rose, Cohen, Rosenthal, Lander, Levine, Rodriguez, Torres, Cornegy, Koslowitz, Van Bramer, Chin, Ferreras-Copeland, Palma, Levin, Crowley, Cumbo, Gentile, Barron, Grodenchik, Reynoso, Williams, Lancman and Vacca

**SUMMARY OF LEGISLATION:** The proposed legislation would require single-occupant toilet rooms to be usable by persons of any gender. Such single-occupant toilet rooms would be required to be designated for all sexes by a legible sign. Compliance would be required no later than January 1, 2017.

**EFFECTIVE DATE:** This legislation would take effect 120 days after it becomes law, except that the Departments of Buildings; Health and Mental Hygiene; and Consumer Affairs may take actions necessary for implementation, including the promulgation of rules, prior to its effective date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY17</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	De minimis*	\$0	De minimis*
<b>Net</b>	De minimis	\$0	De minimis

**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 minimal to no impact on expenditures resulting from the enactment of this legislation. Any expenditures would be related to bringing all City-owned buildings into compliance and that such expenditures would include materials and labor costs to update and affix new signage. However, at the time of this writing, the number of bathrooms that need to be updated are not yet known. It is estimated that the signage would be updated and affixed by existing staff. As compliance with this law would be required by January 1, 2017, all costs to comply with this law are expected to be a one-time cost in Fiscal 2017.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Sarah Gastelum, Senior Legislative Financial Analyst  
Emre Edev, Assistant Director

**ESTIMATE REVIEWED BY:** Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on August 13, 2015 as Intro. 871 and was referred to the Committee on Housing and Buildings. A hearing was held by the Committee on Housing and Buildings on January 14, 2016 and the bill was laid over. The legislation was amended, and the amended version, Proposed Intro. 871-A, will be considered by the Committee on Housing and Buildings on June 20, 2016. Following a successful Committee vote, the bill would be submitted to the full Council for a vote on June 21, 2016

**DATE PREPARED:** June 17, 2016

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int No. 871-A:)**

## Int. No. 871-A

By Council Members Dromm, Johnson, Mendez, Menchaca, Constantinides, Richards, Rose, Cohen, Rosenthal, Lander, Levine, Rodriguez, Torres, Cornegy, Koslowitz, Van Bramer, Chin, Ferreras-Copeland, Palma, Levin, Crowley, Cumbo, Gentile, Barron, Grodenchik, Reynoso, Williams, Lancman, Vacca, Garodnick and Kallos.

**A Local Law to amend the administrative code of the city of New York, the New York city plumbing code and the New York city building code, in relation to gender-neutral single-occupant bathrooms.**

*Be it enacted by the Council as follows:*

Section 1. Article 315 of title 28 of the administrative code of the city of New York is amended to add new section 28-315.9 to read as follows:

**§ 28-315.9 Single-occupant toilet rooms.** *Notwithstanding any other provision of law or rule requiring separate facilities for each sex, on and after January 1, 2017, all single-occupant toilet rooms shall be made available for use by persons of any sex in accordance with section 403.2.1 of the New York city plumbing code. Nothing in this section shall be construed to require physical alteration of a single-occupant toilet room except for the posting and maintenance of appropriate signage in accordance with section 403.4 of the New York city plumbing code.*

§ 2. Section PC 202 of the New York city plumbing code is amended by adding a definition of “SINGLE-OCCUPANT TOILET ROOM” in alphabetical order to read as follows:

**SINGLE-OCCUPANT TOILET ROOM.** *A toilet room with no more than one water closet and no more than one urinal.*

**Exception:** *A toilet room with one urinal and a door to such room that is not securable from within.*

§ 3. Note j of table 403.1 of the New York city plumbing code, as added by local law number 41 for the year 2012, is amended to read as follows:

j. The requirements for the number of water closets for a total occupancy of 150 persons or fewer shall not apply to bars except that, *subject to the requirements of Section 403.2.1,* there shall be at least one water closet for men and at least one water closet for women or at least two [unisex] *single-occupant* toilet rooms.

§ 4. Section 403.1 of the New York city plumbing code, as added by local law number 41 for the year 2012, is amended to add a new section 403.1.3 to read as follows:

**§ 403.1.3 Single-occupant toilet fixtures.** *Fixtures located within single-occupant toilet rooms are permitted to be included in the number of fixtures required by Section 403, or where applicable the 1968 Building Code, for either the male or the female occupants. Fixtures located within toilet rooms subject to the exception of Section 403.2.1 are permitted to be included in the number of fixtures required by Section 403, or where applicable the 1968 Building Code, only for that sex.*

§ 5. Section 403 of the New York city plumbing code is amended by adding a new section 403.2.1 to read as follows:

**§ 403.2.1 Single-occupant toilet rooms.** *All single-occupant toilet rooms shall be made available for use by persons of any sex. Existing toilet rooms shall comply with this section by no later than January 1, 2017. Nothing in this section shall be construed to affect or alter the number of toilet rooms in a building otherwise required pursuant to this code or where applicable the 1968 Building Code.*

**Exception:** *Where egress from a single-occupant toilet room is through a room permissibly restricted by sex.*

§ 6. Section 403.4 of the New York city plumbing code, as added by local law number 41 for the year 2012, is amended to read as follows:

**§ 403.4 Signage.** *Required public facilities shall be designated by a legible sign for each sex or, for a single-occupant toilet room, for all sexes. Signs shall be readily visible and located near the entrance to each toilet facility. Existing single-occupant toilet rooms shall comply with this requirement by January 1, 2017.*

§ 7. Item 4 of section 1110.2 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

4. At each separate-sex toilet and bathing room *and inaccessible single-occupant toilet room* indicating the location of the nearest accessible family or assisted-use toilet or bathing room where provided in accordance with Section 1109.2.1.

§ 8. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings, commissioner of health and mental hygiene and commissioner of consumer affairs may take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

JUMAANE D. WILLIAMS, *Chairperson*; YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ERIC A. ULRICH; Committee on Housing and Buildings, June 20, 2016. *Other Council Members Attending: Council Member Dromm.*

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 LU No. 361

**Report of the Committee on Land Use in favor of approving Application submitted by the Alliance for Downtown New York, the New York City Economic Development Corporation, and the New York City Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, amending Article IX, Chapter 1 (the Special Lower Manhattan District) to allow increased retail uses in existing public plazas and arcades; Borough of Manhattan, Community Board 1, Council District 1. (N 160166 ZRM).**

The Committee on Land Use, to which the annexed Land Use item was referred on May 5, 2016 (Minutes, page 1322), respectfully

**REPORTS:**

**(For text of updated report, please see the Report of the Committee on Land Use for LU No. 361 & Res No. 1154 printed in the General Order Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, with modifications.*

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, June 15, 2016.

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. 378

**Report of the Committee on Land Use in favor of approving Application No. C 160138 ZMQ submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10b, changing from a C4-2 District to a C4-5X District property located at Main Street and 41st Avenue, Borough of Queens, Community Board 7, Council District 20.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 25, 2016 (Minutes, page 1496), respectfully

**REPORTS:**

**(For text of updated report, please see the Report of the Committee on Land Use for LU No. 378 & Res No. 1155 printed in the General Order Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, with modifications.*

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, June 15, 2016.

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. 379

**Report of the Committee on Land Use in favor of approving Application No. N 160139 ZRQ submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to establish a Mandatory Inclusionary Housing area on property located at property located at Main Street and 41st Avenue, Borough of Queens, Community Board 7, Council District 20.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 25, 2016 (Minutes, page 1496), respectfully

**REPORTS:**

**(For text of updated report, please see the Report of the Committee on Land Use for LU No. 379 & Res No. 1156 printed in the General Order Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, with modifications.*

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, June 15, 2016.

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. 380

**Report of the Committee on Land Use in favor of approving Application No. C 160140 ZSQ submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 229 spaces on a portion of the ground floor and cellar level of a proposed mixed use development on property located at 133-45 41st Avenue (Block 5037, Lots 64 & 65), in a C4-5X District, Borough of Queens, Community Board 7, Council District 20. 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 May 25, 2016 (Minutes, page 1496), respectfully

**REPORTS:**

**(For text of updated report, please see the Report of the Committee on Land Use for LU No. 380 & Res No. 1157 printed in the General Order Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, with modifications.*

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, June 15, 2016.

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. 381

**Report of the Committee on Land Use in favor of approving Application No. C 160141 ZSQ submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area, in connection with a proposed mixed-use development on property located at 133-45 41st Avenue (Block 5037, Lots 64 & 65), in a C4-5X District, Borough of Queens, Community Board 7, Council District 20. 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 May 25, 2016 (Minutes, page 1497), respectfully

**REPORTS:**

**(For text of updated report, please see the Report of the Committee on Land Use for LU No. 381 & Res No. 1158 printed in the General Order Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, with modifications.*

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, June 15, 2016.

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. 382

**Report of the Committee on Land Use in favor of approving Application No. C 160143 HAQ submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law of New York State approval of an urban development action area designation and project, and pursuant to Section 197-c of the New York City Charter for approval of the disposition of property located at 133-45 41st Avenue (Block 5037, Lots 64 & 65), Borough of Queens, Community Board 7, Council District 20.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 25, 2016 (Minutes, page 1497), respectfully

**REPORTS:**

**(For text of updated report, please see the Report of the Committee on Land Use for LU No. 382 & Res No. 1159 printed in the General Order Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, with modifications,*

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, June 15, 2016.

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. 383

**Report of the Committee on Land Use in favor of approving Application No. 20165452 HKK (N 160255 HKK) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the East New York Savings Bank, Parkway Branch Building (Block 1390, Lot 44), as an historic landmark, Borough of Brooklyn, Community Board 8, Council District 37.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 25, 2016 (Minutes, page 1497) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****BROOKLYN - CB 8****20165452 HKK (N 160255 HKK)**



The proposed designation by the Landmarks Preservation Commission [DL-486/LP-2472] pursuant to Section 3020 of the New York City Charter of the landmark designation of the East New York Savings Bank, Parkway Branch Building located at 1117 Eastern Parkway (aka 1123A Eastern Parkway, 270-78 Utica Avenue) (Block 1390, Lot 44), as an historic landmark.

### **PUBLIC HEARING**

**DATE:** June 14, 2016

**Witnesses in Favor:** Two

**Witnesses Against:** None

### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 14, 2016

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

**In Favor:**

Koo, Palma, Mendez, Levin, Rose, Barron, Kallos.

### **COMMITTEE ACTION**

**DATE:** June 15, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Palma, Dickens, Garodnick, Mealy, Mendez, Koo (Chair), Lander, Levin, Rose, Williams, Richards, Barron, Kallos, Torres, Treyger.

**Against:**

None

**Abstain:**

None

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

Res No. 1149

**Resolution affirming the designation by the Landmarks Preservation Commission of the East New York Savings Bank, Parkway Branch Building, located at 1117 Eastern Parkway (aka 1123A Eastern Parkway, 270-78 Utica Avenue) (Block 1390, Lot 44), Borough of Brooklyn, Designation List No. 486, LP-2472 (L.U. No. 383; 20165452 HKK; N 160255 HKK).**

By Council Members Greenfield and Koo.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on March 16, 2016 a copy of its designation dated March 8, 2016 (the "Designation"), of the East New York Savings Bank, Parkway Branch Building, located at 1117 Eastern Parkway (aka 1123A Eastern Parkway, 270-78 Utica Avenue), Community District 8, Borough of Brooklyn as a landmark and Tax Map Block 1390, Lot 44, as its landmark site pursuant to Section 3020 of the New York City Charter;

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

**WHEREAS**, the City Planning Commission submitted to the Council on May 13, 2016, its report on the Designation dated May 11, 2016 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on June 14, 2016; and

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

**RESOLVED:**

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, June 15, 2016.

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. 388

**Report of the Committee on Land Use in favor of approving Application No. 20165592 HAX submitted by the New York City Department of Housing Preservation and Development for an exemption from real property taxation and termination of a prior tax exemption for property located at Block 3132, Lot 1; Block 3138, Lot 1; Block 3139, Lots 1 and 19; Block 3140, Lot 7; Borough of the Bronx, Community Board 1, Council District 15. This matter is subject to Council review and action at the request of HPD and pursuant to Sections 125(1)(a-3) and 577 of the Private Housing Finance Law.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 25, 2016 (Minutes, page 1499) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****BRONX - CB 6****20165592 HAX**

Application submitted by the New York City Department of Housing Preservation and Development for an exemption from real property taxation, termination of the prior tax exemption for property located at Block 3132, Lot 1; Block 3138, Lot 1; Block 3139, Lots 1 and 19; Block 3140, Lot 7; Borough of the Bronx, Community Board 1, Council District 15. This matter is subject to Council review and action at the request of HPD and pursuant to Sections 125(1)(a-3) and 577 of the Private Housing Finance Law.

**INTENT**

To approve the extension of a previously approved real property tax exemption pursuant to Article V of the Private Housing Finance Law, Section 125(1)(a-3) for a project, known as Lambert Houses, which when completed will provide rental housing for low income persons. The original exemption ("Original Exemption") expired on December 9, 2011.

**PUBLIC HEARING****DATE:** June 15, 2016**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** June 15, 2016

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

**In Favor:** Dickens, Rodriguez, Treyger.**Against:** None  
**Abstain:** None**COMMITTEE ACTION****DATE:** June 15, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Palma, Dickens, Garodnick, Mealy, Mendez, Koo (Chair), Lander, Levin, Rose, Williams, Richards, Barron, Kallos, Torres, Treyger.

**Against: Abstain:**

None None

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

Res No. 1150

**Resolution to approve an extension of a previously approved real property tax exemption pursuant to Section 125(1)(a-3) of the Private Housing Finance Law, and approve a new real property tax exemption pursuant to Section 577 of the Private Housing Finance Law, for property located at Block 3132, Lot 1; Block 3138, Lot 1; Block 3139, Lots 1 and 19; and Block 3140, Lot 7; Community District 6, Borough of the Bronx (L.U. No. 388; 20165592 HAX).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 18, 2016 its request dated May 16, 2016 that the Council approve an extension of a previously approved tax exemption pursuant to Section 125(1)(a-3) of the Private Housing Finance Law (the "Article V Exemption"), and approve a new tax exemption pursuant to Section 577 of the Private Housing Finance Law (the "Article XI Exemption") for properties located at Block 3132, Lot 1; Block 3138, Lot 1; Block 3139, Lots 1 and 19; and Block 3140, Lot 7; Community District 6, Borough of the Bronx (the "Exemption Area");

**WHEREAS**, the original project was approved by the Board of Estimate on December 3, 1970 (Cal. No. 10), (the "Original Exemption");

**WHEREAS**, HPD submitted to the Council on May 18, 2016 its request dated May 16, 2016 relating to the tax exemption for the Exemption Area;

**WHEREAS**, upon due notice, the Council held a public hearing on the Article V Exemption and the Article XI Exemption on June 15, 2016;

**WHEREAS**, the Council has considered the land use and financial implications and other policy issues relating to the Article V Exemption and the Article XI Exemption;

**RESOLVED:**

The Council approves the Article V Exemption and the Article XI Exemption pursuant to Section 125(1)(a-3) and Section 577 of the Private Housing Finance Law as follows:

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

(a) "Article V Effective Date" shall mean December 9, 2011.

- (b) “Article V Expiration Date” shall mean December 29, 2015.
  - (c) “Article V Exemption” shall mean the exemption from real property taxation pursuant to Section 125(1) (a-3) for the Exemption Area provided hereunder.
  - (d) “Article XI Effective Date” shall mean December 29, 2015.
  - (e) “Article XI Expiration Date” shall mean the earlier to occur of (i) a date which is twenty (20) years from the Article XI Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (f) “Article XI Exemption” shall mean the exemption from real property taxation pursuant to Section 577 of the Private Housing Finance Law for the Exemption Area provided hereunder.
  - (g) “Company” shall mean Lambert Houses Redevelopment Company.
  - (h) “Current Owner” shall mean Boston Tremont LLC.
  - (i) “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3132, Lot 1, Block 3138, Lot 1, Block 3139, Lots 1 & 19, and Block 3140, Lot 7 on the Tax Map of the City of New York.
  - (j) “HDFC” shall mean Boston Tremont Housing Development Fund Corporation.
  - (k) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - (l) “Regulatory Agreement” shall mean the regulatory agreement between the HDFC and HPD entered into on or after the Article XI Effective Date establishing certain controls upon the operation of the Exemption Area on and after the date of its execution.
2. Pursuant to Section 125(1)(a-3) of the Private Housing Finance Law, all of the value of the real property in the completed project in the Exemption Area that represented an increase over the assessed valuation of the real property, both land and improvements, at the time of its **acquisition by** the Company, shall be exempt from taxation for a period commencing upon the Article V Effective Date and terminating upon the Article V Expiration Date.
  3. Pursuant to Section 577 of the Private Housing Finance Law, all of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Article XI Effective Date and terminating upon the Article XI Expiration Date.
  4. Notwithstanding any provision hereof to the contrary:

- (a) The Article XI Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - (b) The Article XI Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Article XI Effective Date.
  - (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Article XI Effective Date.
5. In consideration of the Article V Exemption and the Article XI Exemption provided hereunder, (a) the Current Owner must convey the Exemption Area to the HDFC on or before December 29, 2016, (b) the HDFC must execute the Regulatory Agreement on or before December 29, 2016, and (c) the Current Owner must dissolve on or before December 30, 2016. If (a) the conveyance of the Exemption Area from the Current Owner to the HDFC does not occur on or before December 29, 2016, (b) the HDFC does not execute the Regulatory Agreement on or before December 29, 2016, or (c) the Current Owner does not dissolve on or before December 30, 2016, then all of the approvals and consents set forth above shall be null and void.
  6. In consideration of the Article XI Exemption, the owner of the Exemption Area, for so long as the Article XI Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, June 15, 2016.

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

**Report of the Committee on Rules, Privileges and Elections**

Report for M-411

**Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Mayor of Larry Dais as a Commissioner of the New York City Civil Service Commission.**

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on June 8, 2016 (Minutes, page 1506) and which same communication was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-415 printed in these Minutes)**

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 813 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Larry Dais as a Commissioner of the New York City Civil Service Commission to serve for the remainder of a six-year term expiring on March 21, 2019.

The matter was referred to the Committee on June 9, 2016.

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

Res. No. 1151

**RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF LARRY DAIS AS A COMMISSIONER OF THE NEW YORK CITY CIVIL SERVICE COMMISSION.**

By Council Member Lander.

**RESOLVED**, that pursuant to §§ 31 and 813 of the *New York City Charter*, the Council does hereby approve the appointment by the Mayor of Larry Dais as a Commissioner of the New York City Civil Service Commission for the remainder of a six-year term expiring on March 21, 2019.

BRADFORD S. LANDER, *Chairperson*; INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, MARK LEVINE, STEVEN MATTEO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, June 21, 2016. *Other Council Members Attending: Ferreras-Copeland and Cohen.*

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 M- 412

**Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Mayor of Allen Cappelli as a Commissioner of the New York City Civil Service Commission.**

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on June 8, 2016 (Minutes, page 1507) and which same communication was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-415 printed in these Minutes)**

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 813 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Allen Cappelli as a Commissioner of the New York City Civil Service Commission to serve for the remainder of a six-year term expiring on March 21, 2021.

The matter was referred to the Committee on June 9, 2016

In connection herewith, Council Members Lander offered the following resolution:

Res. No.1152

**RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF ALLEN CAPPELLI AS A COMMISSIONER OF THE NEW YORK CITY CIVIL SERVICE COMMISSION.**

By Council Member Lander.

**RESOLVED**, that pursuant to §§ 31 and 813 of the *New York City Charter*, the Council does hereby approve the appointment by the Mayor of Allen Cappelli as a Commissioner of the New York City Civil Service Commission for the remainder of a six-year term expiring on March 21, 2021.

BRADFORD S. LANDER, *Chairperson*; INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, MARK LEVINE, STEVEN MATTEO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, June 21, 2016. *Other Council Members Attending: Ferreras-Copeland and Cohen.*

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 M-415

**Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment of Rosanna Vargas as the Bronx County Democratic Commissioner of Elections.**

The Committee on Rules, Privileges and Elections, to which the communication was referred on June 14, 2016 (Minutes, page 1560) and which same communication was coupled with the resolution shown below, respectfully

**REPORTS:**

**Topic 1: *New York City Board of Elections – (Candidates for appointment by the Democratic Members of the Council)***

- **Rosanna Vargas**

In a communication dated June 4, 2016, the Bronx County Democratic Committee formally submitted the name of Rosanna Vargas to the Council of the City of New York, nominating her for appointment to the New York City Board of Elections (“BOE”).

The BOE consists of ten commissioners, two from each of the City’s five counties, who are directly appointed by the New York City Council. Not more than two commissioners shall be registered voters of the same county. Each commissioner serves a term of four years or until a successor is appointed. Commissioners shall be registered voters from each of the major parties in the county for which they are appointed [*New York State Election Law* § 3-200(3)].

Party recommendations for election commissioner shall be made by the County Committee, or in such fashion as the rules of a party may provide. Each of the major political parties shall be eligible to recommend appointment of an equal number of commissioners [*New York State Election Law* § 3-200(2)]. The BOE and its commissioners are responsible for the maintenance and administration of voting records and elections. The BOE also exercises quasi-judicial powers by conducting hearings to validate nominating petitions of candidates for nomination to elective office. The BOE is required to make an annual report<sup>1</sup> of its affairs and proceedings to the New York City Council once every twelve months and no later than the last day of January in any year. A copy of said annual report shall be filed with the New York State Board of Elections [*New York State Election Law* § 3-212(4)(a)].

At least thirty days before the first day of January of any year on which an elections commissioner is to be appointed, the Chair or Secretary of the appropriate party County Committee shall file a *Certificate of Party Recommendation* with the Clerk of the appropriate local legislative body [*New York State Election Law* § 3-204(1)]. In New York City, the City Clerk serves as the Clerk of the Council. If the Council fails to appoint an individual recommended by a party for appointment as a Commissioner within thirty days after the filing of a *Certificate of Party Recommendation* with the Council, then members of the Council who are members of the political party that filed the certificate may appoint such person. If none of the persons named in any of the certificates filed by a party are appointed within sixty days of the filing of the designating certificate, then such party may file another certificate within thirty days after the expiration of any such sixty day period recommending a different person for such appointment. If the party fails to file a *Certificate of Party Recommendation* within the time prescribed, the members of the Council who are members of such party may appoint any eligible person to such office [*New York State Election Law* § 3-204(4)].

<sup>1</sup> The annual report shall include a detailed description of existing programs designed to enhance voter registration. The report shall also include a voter registration action plan to increase registration opportunities [*New York State Election Law* § 3-212(4)(b)].

If at any time a vacancy occurs in the office of any election commissioner other than by expiration of term of office, party recommendations to fill such vacancy shall be made by the county committee in such fashion as the rules of the party may provide.<sup>2</sup> *Certificates of Party Recommendation* to fill such vacancy shall be filed no later than forty-five days after the creation of a vacancy. Anyone who fills a vacancy shall hold such office during the remainder of the term of the commissioner in whose place he/she shall serve [*New York State Election Law* § 3-204(5)].

BOE elects a President and a Secretary who cannot belong to the same political party [*New York State Election Law* § 3-312(1)]. The commissioners receive a \$300 per-diem for each day's attendance at meetings of the BOE or any of its committees, with a maximum of \$30,000 per year [*New York State Election Law* § 3-208].

Should the Council appoint Ms. Vargas, she will fill a vacancy and serve the remainder of a four-year term that ends on December 31, 2016.

Copies of the Candidates' résumés and their answers to the pre-hearing questions are annexed to this briefing paper.

***Topic II: New York City Civil Service Commission – (Mayoral nominees for re-appointment upon advice and consent of the Council)***

- **Larry Dais [M-411]**
- **Allen Cappelli [M-412]**

In a letter dated June 3, 2016, the mayor formally submitted the names of Larry Dais, a resident of Manhattan, and Allen Cappelli, a resident of Staten Island, to the Council of the City of New York, for its advice and consent, regarding their nomination for appointment to the New York City Civil Service Commission ("CSC").

New York City Charter ("Charter") § 813 (d) provides for a Civil Service Commission to hear and determine appeals by any person aggrieved by an action of the Commissioner of the New York City Department of Citywide Administrative Services ("DCAS").<sup>[1]</sup> CSC may affirm, modify or reverse such action or determination. Any such appeal is taken by application in writing to CSC within thirty days after the action or determination appealed from. CSC is also vested with the powers and responsibilities of a municipal civil service commission under New York Civil Service Law § 26. Moreover, CSC is authorized to promulgate rules of procedure, including rules establishing time schedules, for authorized hearings and determinations.<sup>[2]</sup> CSC, upon its own initiative, or upon request of the Mayor, Council or DCAS Commissioner, has the power and duty to conduct reviews, studies or analyses of the administration of personnel in the city, including classification of titles by the DCAS Commissioner. Charter § 813(e). CSC is also required to prepare and transmit directly to the Mayor departmental estimates. The Mayor includes these

<sup>2</sup> According to *New York State Public Officers Law* § 5, every officer except a judicial officer, a notary public, a commissioner of deeds and an officer whose term is fixed by the Constitution, having duly entered on the duties of his office, shall unless the office shall terminate or be abolished, hold over and continue to discharge the duties of his office after the expiration of the term for which he shall have been chosen, until his successor shall be chosen and qualified; but after the expiration of such term, the office shall be deemed vacant for the purpose of choosing his successor.

<sup>[1]</sup> The Commissioner of DCAS is responsible for citywide personnel matters. [*Charter* § 811.]

<sup>[2]</sup> CSC has established rules of procedure, which appear in Chapter 2 of Title 60 of the Rules of the City of New York.

proposed appropriations for CSC as a separate agency in the preliminary and executive budgets to assure sufficient funding for CSC to fulfill the obligations assigned to it by the Charter or other law. Charter § 813 (b).

CSC consists of five members, not more than three of whom may be members of the same political party. The members of CSC are appointed by the Mayor from a list of nominations provided by a six member Screening Committee,<sup>[3]</sup> of whom four members are appointed by the Mayor and two by the Municipal Labor Committee. The Screening Committee submits the list of nominees upon the occurrence of a vacancy on CSC, or at least three months prior to the expiration of the term of an incumbent member. Charter § 813(b).

Members of CSC are appointed to six-year terms, and may be removed from office in the manner provided for the members of a municipal Civil Service Commission outlined in the New York State Civil Service Law. The Mayor designates a member of CSC as Chair and Vice Chair, respectively, for one-year terms. Members are reimbursed on a per-diem basis for attendance at regularly scheduled meetings and hearings of CSC. Charter § 813 (a). According to the New York City Payroll Management System, the Chair receives \$ 448.55 per-diem, while the Vice Chair and the remaining members each receive \$ 411.85 per-diem.

CSC appoints a Counsel, who may not be employed or retained by another City agency, and may appoint a Secretary and such other subordinates as may be necessary, within the appropriation therefor. Charter § 813(c).

If appointed, Mr. Dais will be eligible to complete the remainder of a six-year term, which expires on March 21, 2019 and Mr. Cappelli will be eligible to complete the remainder of a six-year term, which expires on March 21, 2021.

#### **PROJECT STAFF**

Jason A. Otaño, Managing Counsel, Office of the General Counsel  
 Charles W. Davis III, Director of Investigations  
 Diandra Johnson, Senior Legislative Investigator

*(After interviewing the candidates and reviewing the submitted material, this Committee recommends the appointment of the nominees. For nominees Larry Dais [M-411] and Allen Cappelli [M-412], please see, respectively, the Reports of the Committee on Rules, Privileges and Elections for M- 411 and 412; for nominee Rosanna Vargas [M-415], please see below)*

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 3-204 of the *New York State Election Law*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Council of Rosanna Vargas as the Bronx County Democratic Commissioner of Elections to serve the remainder of a four-year term that began on January 1, 2013 and ends December 31, 2016.

This matter was referred to the Committee on June 14, 2016

<sup>[3]</sup> The “list of nominees shall include persons with knowledge or experience of the civil service system, or personnel management, or compensation practices, from which the Mayor shall make appointments to the Civil Service Commission.” *Charter* § 813 (b).

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

Res. No. 1153

**RESOLUTION APPROVING THE APPOINTMENT BY THE COUNCIL OF ROSANNA VARGAS AS THE BRONX COUNTY DEMOCRATIC COMMISSIONER OF ELECTIONS.**

By Council Member Lander.

**RESOLVED**, that pursuant to § 3-204 of the *New York State Election Law*, the Council does hereby approve the appointment of Rosanna Vargas as the Bronx County Democratic Commissioner of Elections to serve for the remainder of a four-year term that began on January 1, 2013 and ends December 31, 2016.

BRADFORD S. LANDER, *Chairperson*; INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, MARK LEVINE, STEVEN MATTEO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, June 21, 2016. *Other Council Members Attending: Council Members Ferreras-Copeland and Cohen.*

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 Sanitation and Solid Waste Management**

At this point the Speaker (Council Member Mark-Viverito) announced that the following items had been **preconsidered** by the Committee on Sanitation and Solid Waste Management and had been favorably reported for adoption.

Report for Int. No. 1223

**Report of the Committee on Sanitation and Solid Waste Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, a Local Law to amend the administrative code of the city of New York, in relation to reducing the use of carryout bags.**

The Committee on Sanitation and Solid Waste Management, to which the annexed preconsidered proposed local law was referred on June 21, 2016, respectfully

**REPORTS:**

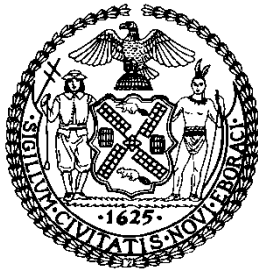
**I. Introduction**

On Monday, June 20, 2016, the Committee on Sanitation and Solid Waste Management, chaired by Council Member Antonio Reynoso, voted on Proposed Intro. 209-A, a Local Law to amend the administrative code of the city of New York, in relation to reducing the use of carryout bags. The bill passed by a vote of 3-1.

## **II. Preconsidered Int. No. 1223**

Preconsidered Int. No. 1223 would move the effective date of the Local Law 63-2016 from October 1, 2016, to February 15, 2017, and would move the six month period during which warnings would be given instead of fines for covered stores who don't comply with the law from the period beginning October 1, 2016 and ending March 31, 2016 to the period beginning February 15, 2017 and ending August 14, 2017. It would allow covered stores to give away reusable bags free of charge from February 15, 2017 to April 30, 2017, and would move the deadline for the study required in Section 16-495(e) from January 1, 2019 to March 1, 2019.

**(The following is the text of the Fiscal Impact Statement for Int No. 1223:)**



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

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PRECONSIDERED INTRO. NO. 1223**

**COMMITTEE: SANITATION AND  
SOLID WASTE MANAGEMENT**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to reducing the use of carryout bags.

**SPONSORS:** Council Members Lander, Chin, Reynoso and the Public Advocate (Ms. James)

**SUMMARY OF LEGISLATION:** This legislation would move the effective date imposing a fee on plastic bags from October 1, 2016, to February 15, 2017, and would move the six month period during which warnings would be given instead of fines for covered stores who do not comply with the law from October 1, 2016 through March 31, 2016, to February 15, 2017 through August 14, 2017. In addition, this legislation would allow covered stores to give away reusable bags free of charge from February 15, 2017 to April 30, 2017, and would move the deadline for the required study on the reduction of single-use plastic bag use from January 1, 2019 to March 1, 2019.

**EFFECTIVE DATE:** This local law would take effect on February 15, 2017, except for the section extending the effective date of the original plastic bag law which would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2018**

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because it merely makes technical adjustments to existing law.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

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

**ESTIMATE PREPARED BY:** Jonathan K. Seltzer, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Rebecca Chasan, Assistant Counsel, Finance Division

**LEGISLATIVE HISTORY:** This Preconsidered Intro. will be considered by the Committee on Sanitation and Solid Waste Management on June 20, 2016. Upon a successful vote by the Committee, Preconsidered Intro. will be submitted to the full Council for introduction and vote on June 21, 2016.

**DATE PREPARED:** June 16, 2016

*Accordingly, this Committee recommends its adoption.*

**(For text of the preconsidered bill, please see the Introduction and Reading of Bills section printed in these Minutes)**

ANTONIO REYNOSO, Chairperson; ANDY L. KING, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES; Committee on Sanitation and Solid Waste Management, June 20, 2016.

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

## **Report of the Committee on Small Business**

Report for Int. No. 851-B

### **Report of the Committee on Small Business in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to curtailing harassment of small businesses and other non-residential tenants.**

The Committee on Small Business, to which the annexed proposed amended local law was referred on July 23, 2015 (Minutes, page 2947), respectfully

#### **REPORTS:**

##### **INTRODUCTION**

On Monday, June 20, 2016, the Committee on Small Business, chaired by Council Member Robert Cornegy, will hold a hearing on Proposed Int. No. 851-B, a local law that would create a private right of action against any landlord who harasses a commercial tenant with intent to cause such tenant to vacate a covered property or to waive any right under a lease or other rental agreement.

The Committee held a hearing Proposed Int. No. Int. No. 851-A, on September 25, 2015. Representatives of the Department of Small Business Services (SBS), the various Chambers of Commerce, and small business owners testified. The legislation was subsequently amended.

##### **ANALYSIS OF LEGISLATION**

###### **PROPOSED INT. NO. 851-B**

Bill section 1 would amend title 22 of the Administrative Code of the City of New York (“the Code”) by adding a new chapter 9 titled “Non-Residential Tenant Harassment” as described herein.

Section 22-901 of new chapter 9 of title 22 of the Code would provide that throughout chapter 9 the following terms have the following meanings.

The term “commercial tenant” would mean a person or entity lawfully occupying a covered property pursuant to a lease or other rental agreement.

The term “covered property” would mean any building or portion of a building that is lawfully used for any lawful business, commercial, professional services or manufacturing activities, and for which a certificate of occupancy authorizing residential use of such building or such portion of a building has not been issued.

The term “essential service” would mean a service that a landlord must furnish to a commercial tenant pursuant to a lease or other rental agreement between such commercial tenant and landlord, or pursuant to applicable law.

The term “landlord” would mean an owner of covered property or such owner’s agent.

Section 22-902 of new chapter 9 of title 22 of the Code would be titled “Commercial tenant harassment.”

Subdivision a of section 22-902 would provide that a landlord commits commercial tenant harassment by engaging in any of the following conduct with intent to cause the tenant (i) to vacate covered property or (ii) to surrender or waive any right of such tenant under a lease agreement:

1. using force against a tenant or a tenant’s invitee or making express or implied threats that force will be used against the same;
2. causing repeated interruptions or discontinuances of one more essential services;
3. causing an interruption or discontinuance of an essential service for an extended period of time;

4. causing an interruption or discontinuance of an essential service where such interruption or discontinuance substantially interferes with the tenant's business;
5. repeatedly commencing frivolous court proceedings against a tenant or a tenant's invitee;
6. removing from covered property any personal property belonging to a tenant or a tenant's invitee;
7. removing from covered property a door, window or lock or a mechanism connected to a door, window or lock;
8. preventing a tenant or a tenant's invitee from entering covered property occupied by such tenant;
9. on or near covered property commencing unnecessary construction or repairs which substantially interfere with the tenant's business;
10. engaging in any other repeated or enduring acts or omissions that substantially interfere with the comfort, repose, peace or quiet of a tenant or a tenant's invitee.

Subdivision b of section 22-902 would provide that a landlord's lawful termination of a tenancy, lawful refusal to renew or extend a lease or other rental agreement, or lawful reentry and repossession of the covered property shall not constitute commercial tenant harassment for purposes of this chapter.

Section 22-903 of new chapter 9 of title 22 of the Code would be titled "Private right of action."

Subdivision a of section 22-903 would provide that a commercial tenant may bring an action in any court of competent jurisdiction for a claim of commercial tenant harassment, and would provide further that if a court of competent jurisdiction finds that a landlord has engaged in commercial tenant harassment in relation to such commercial tenant, the court shall impose a civil penalty in an amount not less than one thousand dollars and not more than ten thousand dollars for each covered property in which such commercial tenant has been the subject of commercial tenant harassment and may further:

1. issue an order restraining the landlord from engaging in commercial tenant harassment and directing the landlord to ensure that no further violation occurs; and
2. award such other relief as the court deems appropriate, including but not limited to injunctive relief, equitable relief, compensatory damages, punitive damages and reasonable attorneys' fees and court costs.

Subdivision b of section 22-903 would provide that a commercial tenant shall not be relieved of the obligation to pay any rent for which the commercial tenant is otherwise liable. Further, section 22-903 would provide that any monetary remedy awarded to a commercial tenant pursuant to subdivision a of section 22-903 shall be reduced by any amount of delinquent rent or other sum for which a court finds such commercial tenant is liable to the landlord.

Subdivision c of section 22-903 would provide that this section does not limit or abrogate any claim or cause of action a person has under common law or by statute and that the provisions of such section are in addition to any such common law and statutory remedies.

Subdivision d of section 22-903 would provide that this chapter does not create a cause of action for a commercial tenant's invitee.

Subdivision e of section 22-903 would provide that nothing contained in this section shall be construed as granting a private right of action against New York City.

Section 22-904 of new chapter 9 of title 22 of the Code would be titled "Affirmative defenses." Such section would provide that except when commercial tenant harassment consists of the use of force or threats of force against a tenant or a tenant's invitee or making express or implied threats that force will be used against the same, or of repeatedly commencing frivolous court proceeding against a tenant or a tenant's invitee, it is an affirmative defense to an allegation of commercial tenant harassment as otherwise described in section 22-902, that (i) the condition or service interruption was not intended to cause any commercial tenant to vacate a covered property or waive or surrender any rights in relation to such covered property, and (ii) the landlord



acted in good faith in a reasonable manner to promptly correct such condition or service interruption, including providing notice to all affected lawful tenants in a covered property of such efforts, where appropriate.

Bill section 2 would provide that this local law takes effect 90 days after it becomes law.

**Highlights between the B-version and the A-version**

Proposed Int. No. 851-B of contains the following amendments to Section 22-901:

The definition of the term “non-residential tenant” in the A-version was replaced in the B-version with a definition for “commercial tenant.”

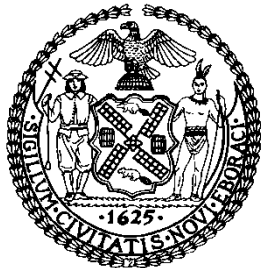
The definition of the term “covered property” in the A-version was amended in the B-version to refer to property that is lawfully used for a lawful business that is not subject to a residential certificate of occupancy.

Proposed Int. No. 851-B adds a definition of “essential service.”

The list of acts that form the basis of a claim of commercial tenant harassment was amended in the B-version of the bill. Proposed Int. No. 851-B adds a new subdivision b to section 22-to provide that a landlord’s lawful refusal to renew or extend a lease or rental agreement, or lawful reentry and possession of covered property shall not constitute commercial tenant harassment.

The private right of action was amended in the B-version and the affirmative defenses were updated.

**(The following is the text of the Fiscal Impact Statement for Int No. 851-B:)**



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

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 851-B**

**COMMITTEE:** Small Business

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to curtailing harassment of small business and other non-residential tenants.

**SPONSOR(S):** Council Members Cornegy, Levine, Chin, Constantinides, Cumbo, Gibson, Koslowitz, Rosenthal, Johnson, Reynoso, Menchaca, Wills, Rodriguez and Lander

**SUMMARY OF LEGISLATION:** This legislation would prohibit commercial tenant harassment, which is defined as an act or omission by a landlord that is intended to cause a commercial tenant to vacate a property lawfully occupied pursuant to a lease or other agreement or to surrender or waive rights held under a lease or other rental agreement if such act or omission is accompanied by one of several additional acts, including, but not limited to: 1) use or threat of force; 2) causing interruptions of essential services; 3) repeatedly commencing frivolous court proceedings against the commercial tenant; or 4) interfering with entry to the premises.

The legislation would create a private right of action for a commercial tenant to make a claim of commercial tenant harassment in a court of competent jurisdiction. A court that finds that a landlord has committed commercial tenant harassment would be required to impose a civil penalty on the landlord in an amount not less than \$1,000 and not more than \$10,000 for every property in which the commercial tenant was the subject of commercial tenant harassment. The court would also be authorized to issue an order restraining the landlord from harassing the commercial tenant, and to award such other relief as the court deems appropriate, including injunctive relief, equitable relief, compensatory damages, punitive damages and reasonable attorneys' fees and court costs. The legislation further specifies that the commercial tenant would still be obligated to pay any rent for which the tenant is liable.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** Although the legislation would impose civil penalties for non-compliance with the legislation, full compliance with this legislation is anticipated, hence it is estimated that there would be no impact on the City's revenues.

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because it does not impose any obligations on the City.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** NYC Council Finance Division  
Department of Small Business Services

**ESTIMATE PREPARED BY:** William Kyeremateng, Legislative Financial Analyst, Finance Division

**ESTIMATE REVIEWED BY:** Emre Edev, Assistant Director, Finance Division  
Rebecca Chasan, Chief Counsel, Finance Division

**LEGISLATIVE HISTORY:** Intro. No. 851 was introduced by the Council on July 23, 2015 and referred to the Committee on Small Business. A hearing was held by the Committee on September 25, 2015 and the legislation was laid over. The legislation was subsequently amended. The amended legislation, Proposed Intro. No. 851-B, will be considered by the Committee at a hearing on June 20, 2016. Upon successful vote by the Committee, Proposed Intro. No. 851-B will be voted on by the full Council on June 21, 2016.

**DATE PREPARED:** May 23, 2016

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int No. 851-B:)**

Int. No. 851-B

By Council Members Cornegy, Levine, Chin, Constantinides, Cumbo, Gibson, Koslowitz, Rosenthal, Johnson, Reynoso, Menchaca, Wills, Rodriguez, Lander, Kallos, Vallone, Koo, Gentile, Garodnick and Barron.

**A Local Law to amend the administrative code of the city of New York, in relation to curtailing harassment of small businesses and other non-residential tenants**

*Be it enacted by the Council as follows:*

Section 1. Title 22 of the administrative code of the city of New York is amended by adding a new chapter 9 to read as follows:

**CHAPTER 9  
NON-RESIDENTIAL TENANT HARASSMENT**

*§ 22-901 Definitions. As used in this chapter, the following terms have the following meanings:*

*Commercial tenant. The term “commercial tenant” means a person or entity lawfully occupying a covered property pursuant to a lease or other rental agreement.*

*Covered property. The term “covered property” means any building or portion of a building (i) that is lawfully used for buying, selling or otherwise providing goods or services, or for other lawful business, commercial, professional services or manufacturing activities, and (ii) for which a certificate of occupancy authorizing residential use of such building or such portion of a building has not been issued.*

*Essential service. The term “essential service” means a service that a landlord must furnish to a commercial tenant pursuant to a lease or other rental agreement between such commercial tenant and landlord, or pursuant to applicable law.*

*Landlord. The term “landlord” means an owner of covered property or such owner’s agent.*

*§ 22-902 Commercial tenant harassment. a. A landlord shall not engage in commercial tenant harassment. Except as provided in subdivision b of this section, commercial tenant harassment is any act or omission by or on behalf of a landlord that (i) is intended to cause a commercial tenant to vacate covered property, or to surrender or waive any rights under a lease or other rental agreement or under applicable law in relation to such covered property, and (ii) includes one or more of the following:*

- 1. using force against or making express or implied threats that force will be used against a commercial tenant or such tenant’s invitee;*
- 2. causing repeated interruptions or discontinuances of one or more essential services;*
- 3. causing an interruption or discontinuance of an essential service for an extended period of time;*
- 4. causing an interruption or discontinuance of an essential service where such interruption or discontinuance substantially interferes with a commercial tenant’s business;*
- 5. repeatedly commencing frivolous court proceedings against a commercial tenant;*

6. removing from a covered property any personal property belonging to a commercial tenant or such tenant's invitee;

7. removing the door at the entrance to a covered property occupied by a commercial tenant; removing, plugging or otherwise rendering the lock on such entrance door inoperable; or changing the lock on such entrance door without supplying a key to the new lock to the commercial tenant occupying the covered property;

8. preventing a commercial tenant or such tenant's invitee from entering a covered property occupied by such tenant;

9. substantially interfering with a commercial tenant's business by commencing unnecessary construction or repairs on or near covered property; or

10. engaging in any other repeated or enduring acts or omissions that substantially interfere with the operation of a commercial tenant's business.

b. A landlord's lawful termination of a tenancy, lawful refusal to renew or extend a lease or other rental agreement, or lawful reentry and repossession of the covered property shall not constitute commercial tenant harassment for purposes of this chapter.

§ 22-903 Private right of action. a. A commercial tenant may bring an action in any court of competent jurisdiction for a claim of commercial tenant harassment. If a court of competent jurisdiction finds that a landlord has engaged in commercial tenant harassment in relation to such commercial tenant, the court shall impose a civil penalty in an amount not less than one thousand dollars and not more than ten thousand dollars for each covered property in which such commercial tenant has been the subject of commercial tenant harassment and may further:

1. issue an order restraining the landlord from engaging in commercial tenant harassment and directing the landlord to ensure that no further violation occurs; and

2. award such other relief as the court deems appropriate, including but not limited to injunctive relief, equitable relief, compensatory damages, punitive damages and reasonable attorneys' fees and court costs.

b. The commercial tenant shall not be relieved of the obligation to pay any rent for which the commercial tenant is otherwise liable. Any monetary remedy awarded to a commercial tenant pursuant to subdivision a of this section shall be reduced by any amount of delinquent rent or other sum for which a court finds such commercial tenant is liable to the landlord.

c. This section does not limit or abrogate any claim or cause of action a person has under common law or by statute. The provisions of this section are in addition to any such common law and statutory remedies.

d. Nothing contained in this chapter shall be construed as creating any cause of action for a commercial tenant's invitee.

e. Nothing contained in this chapter shall be construed as creating any private right of action against the city or any agency or employee thereof.

§ 22-904 Affirmative defenses. It is an affirmative defense to an allegation of commercial tenant harassment of the kind described in paragraphs 2, 3, 4, 6, 7, 8, 9 and 10 of subdivision a of section 22-902 that (i) such condition or service interruption was not intended to cause any commercial tenant to vacate a covered property or waive or surrender any rights in relation to such covered property, and (ii) the landlord acted in good faith in a reasonable manner to promptly correct such condition or service interruption, including providing notice to all affected lawful tenants in a covered property of such efforts, where appropriate.

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

ROBERT E. CORNEGY, Jr., Chairperson; INEZ E. DICKENS, MATHIEU EUGENE, PETER A. KOO, KAREN KOSLOWITZ, CARLOS MENCHACA, PAUL A. VALLONE; Committee on Small Business, June 20, 2016.

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

## **Report of the Committee on Technology**

Report for Int. No. 868-A

### **Report of the Committee on Technology in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, a Local Law to amend the administrative code of the city of New York, in relation to reporting on the implementation of next generation 911.**

The Committee on Technology, to which the annexed proposed amended local law was referred on August 13, 2015 (Minutes, page 3161), respectfully

#### **REPORTS:**

##### **I. INTRODUCTION**

On Friday, June 17, 2016, the Committee on Technology, chaired by Council Member James Vacca, will hold a hearing and vote on Proposed Introduction 868-A, in relation to reporting on the implementation of next generation 911. The committee previously held a hearing on this bill on January 14, 2016.

##### **II. NEXT GENERATION 9-1-1**

A 9-1-1 standard known as Next Generation 9-1-1 ('NG911') has been developed that would permit digital information (including voice, video, pictures and text) to be transmitted from the public through an internet protocol-based system to emergency responders. This would permit, for instance, a member of the public to report an emergency condition via text message. It would also permit emergency 'calls' to be placed by other non-traditional methods, such as by video or personal safety devices, through any IP-enabled communications device. Municipal compliance with NG911 is not currently mandated by the FCC.<sup>1</sup>

However, under an FCC rule adopted in 2014, all wireless carriers and other text messaging providers are required to deliver emergency texts, if requested by the local emergency call center. If an individual attempts to send a text to 911 where the service is not yet available, the FCC requires all wireless carriers to send an automatic "bounce-back" message advising the caller to contact emergency services by other means. Those wireless carriers that were not already supporting text-to-911 were directed to be capable of doing so by the end of 2014 and must respond to requests to deliver texts within six months of the request.<sup>2</sup> As of January, 2016, text-to-911 was available in 7 New York counties: Chemung, Monroe, Montgomery, Oneida, Onondaga, Steuben, and Rockland.<sup>3</sup>

According to the FCC, text-to-911, or similar NG911 services, "could be helpful if you are deaf, hard of hearing, or have a speech disability, or if a voice call to 911 might otherwise be dangerous or impossible."<sup>4</sup> And, it has already been used for that purpose in some of the locations where it is available. On December 31, 2015, an Alpharetta, Georgia woman who is deaf observed two young children alone in a car and texted 911 to report them. Her initial text asked "Does anyone work on text?" and she received the response

<sup>1</sup> 'Next Generation 911,' 911.gov, available at: <http://www.911.gov/911-issues/standards.html>

<sup>2</sup> Federal Communications Commission FCC 14-118, <https://www.fcc.gov/document/fcc-adopts-text-911-rules>

<sup>3</sup> [https://transition.fcc.gov/pshs/911/Text911PSAP/Text\\_911\\_Master\\_PSAP\\_Registry.xlsx](https://transition.fcc.gov/pshs/911/Text911PSAP/Text_911_Master_PSAP_Registry.xlsx)

<sup>4</sup> 'Text-to-911: Quick Facts & FAQs,' FCC.gov, available at: <https://www.fcc.gov/consumers/guides/text-911-quick-facts-faqs>

“Alpharetta/Milton 9-1-1. If it is safe to do so please call 9-1-1. If not, what is the address of the emergency?” The caller and the dispatcher continued texting to fill in additional details, and an officer was successfully dispatched to the location.<sup>5</sup>

However, despite such successes, concerns do remain about text-to-911. For instance, the location data that Enhanced 911 systems transmit when a person calls 9-1-1 from a wireless phone is generally not transmitted when text-to-911 is used.<sup>6</sup> Additionally, text messages sometimes take longer to route through the wireless network than a call from the same device. Further, they could be subject to substantial delivery delays, particularly as texts sent to 9-1-1 are not prioritized over other texts, due to technical barriers presented by the ‘store and forward’ nature of Short Message Service (‘SMS’) text systems.<sup>7</sup> Finally, text messages take longer to convey less information and are therefore seen as inefficient when a voice call could have been made. A bold faced message on the FCC’s website cautions “But even where text-to-911 is available, if you are able to make a voice call to 911, and if it is safe to do so, you should always make a voice call to 911 instead.”<sup>8</sup>

### III. ECTP and Nextgen911 in NYC

The New York City Police Department (‘NYPD’), Fire Department of the City of New York (‘FDNY’) and the FDNY Emergency Medical Services operate New York City’s 9-1-1 system and the coordination between the agencies is handled by the Office of Citywide Emergency Communication (‘OCEC’).<sup>9</sup> When people with emergencies dial 9-1-1, they are connected to an NYPD call taker. Based on the nature of the emergency, the NYPD call taker transmits information to dispatchers in the NYPD, FDNY and Emergency Medical Services. NYPD receives over 30,000 calls to 9-1-1 each day.<sup>10</sup>

In 2004, the City established the Emergency Communications Transformation Project (‘ECTP’), a comprehensive effort to modernize its emergency communication system.<sup>11</sup> Those planned upgrades, however, did not include NG911, as its standards were then first being developed.<sup>12</sup> The ECTP project, however, suffered from mismanagement and fell behind both its schedule and budget, prompting Mayor Bill de Blasio to order an investigation in May 2014.<sup>13</sup> The resulting assessment found that “[c]omponents of the program were designed in a way that will not support development of the latest 911 technology standards... and will require obsolete technology to be replaced in order to integrate NextGen 911 functionality, such as allowing text message communications with 911.”<sup>14</sup> It also recommended that “[b]eyond the scope of ECTP work should commence to develop a longer-term strategy for 911 technologies, including but not limited to the implementation of NextGen 911.”<sup>15</sup>

The City has previously indicated some support for text-to-911, with the then-Director of OCEC even writing to the FCC in 2012 that “[w]hile voice communication to 9-1-1 is preferred, we can’t ignore that there

<sup>5</sup> ‘Deaf woman texts local 911 - gets response,’ 11 Alive (Atlanta NBC affiliate), January 7, 2016,

<http://www.11alive.com/story/news/local/alpharetta/2016/01/07/deaf-woman-texts-local-911---gets-response/78398734/>

<sup>6</sup> ‘Text-to-911: Quick Facts & FAQs,’ FCC.gov, available at: <https://www.fcc.gov/consumers/guides/text-911-quick-facts-faqs>

<sup>7</sup> ‘Text-to-911 is here, but it isn’t everything you might think,’ CNET, May 14, 2014, <http://www.cnet.com/news/text-to-911-is-here-but-it-isnt-everything-you-might-think/>

<sup>8</sup> ‘Text-to-911: Quick Facts & FAQs,’ FCC.gov, available at: <https://www.fcc.gov/consumers/guides/text-911-quick-facts-faqs>

<sup>9</sup> NYC Analytics 911 Performance Reporting <http://www.nyc.gov/html/911reporting/html/home/home.shtml>

<sup>10</sup> New York City Department of Investigation Report on the Emergency Communications Transformation Program, February 2015 at page 1, available at: [http://www.nyc.gov/html/doi/downloads/pdf/ectp\\_report\\_and\\_press\\_release\\_20150206.pdf](http://www.nyc.gov/html/doi/downloads/pdf/ectp_report_and_press_release_20150206.pdf)

<sup>11</sup> Id. at 14.

<sup>12</sup> ‘Next Generation 911 (NG911) Standards Identification and Review,’ 911.gov, at page 1, available at: <http://www.911.gov/pdf/NG911-StandardsIdentificationAnalysis-jan2014.pdf>

<sup>13</sup> ‘De Blasio Administration Announces Halt To Emergency Communications Technology Project And Orders Immediate Comprehensive Review,’ NYC.gov, <http://www1.nyc.gov/office-of-the-mayor/news/228-14/de-blasio-administration-halt-emergency-communications-technology-project-orders>

<sup>14</sup> ‘Assessment of Key Requirements and Components of the Emergency Communications Transformation Program (ECTP),’ (“ECTP Assessment”) August 6, 2014, page 5, available at: <http://www1.nyc.gov/assets/doitt/downloads/pdf/ECTP-60-Day-Assessment-140806.pdf>

<sup>15</sup> Id. at 8

are situations that occur where a voice call just isn't an option... We also know that texting is now the primary way hearing and speech impaired individuals communicate electronically. There are tremendous benefits to using Next Generation 9-1-1 technology, of which texting is just one example."<sup>16</sup> However, the immediate focus of the Administration has been on first completing the delayed elements of the ECTP project, including the Public Safety Answering Center 2 ('PSAC2'), FDNY Computer Aided Dispatch ('FDCAD'), and PSAC1 enhancements.<sup>17</sup> Text-to-911 was therefore specifically not included among the program scope deliverables in the 2014 assessment. However, in the Technology Committee's hearing of January 14, 2016, the administration did indicate an intention to implement Next Generation 9-1-1, and text capability, in the future and an NG911 Request for Information was issued January 27, 2016.<sup>18</sup>

#### **IV. Summary of Proposed Int. No. 868-A**

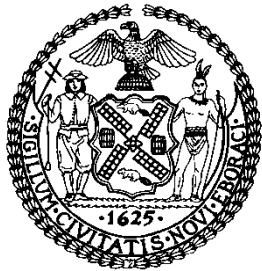
Proposed Int. No. 868-A would amend Title 10 of the Administrative Code to create a new section requiring the Commissioner of Information Technology and Telecommunications, in consultation with the Police Commissioner and Fire Commissioner, to issue an annual report on the implementation of Next Generation 911 within the City's 9-1-1 emergency assistance system. The report would contain a description of the current plan, next steps, steps taken since the prior report and a description of the feasibility of implementing a text-to-911 capability prior to full implementation.

#### **V. Changes to Proposed Int. No. 868-A**

In addition to technical amendments, Proposed Int. No. 868-A has been amended in the following manner:

- The report is now required annually, until full implementation is achieved or no further implementation will occur.
- The report now requires consideration be given to an earlier implementation of text-to-911 and that the NG911 implementation plan's status and progress be updated.
- The section requiring the report now contains a sunset after which it is repealed.

**(The following is the text of the Fiscal Impact Statement for Int No. 868-A:)**



**THE COUNCIL  
OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT  
PROPOSED INTRO. NO.: 868-A  
COMMITTEE: Technology**

<sup>16</sup><http://apps.fcc.gov/ecfs/document/view;jsessionid=MG8ZQH1NYJBTP5bQGfPntfnCkzGF72CyTvxnfp1Vz5Y9Z5MQ1t4T!-224088840!NONE?id=7022078769>

<sup>17</sup> ECTP Assessment at 15-19

<sup>18</sup> <http://www1.nyc.gov/assets/doitt/downloads/pdf/nyc-next-gen-911-rfi.pdf>

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to reporting on the implementation of next generation 911.

**Sponsor:** By Council Members Cumbo, Levine, Gibson, Mendez, Eugene, Koo, Koslowitz, Rose, Rosenthal, Rodriguez, Kallos, Williams, Torres, Cornegy, Van Bramer, Cohen, Richards, Gentile, Mealy, Dromm, Vacca, Grodenchik, Dickens, Ulrich and Borelli

**SUMMARY OF LEGISLATION:** Proposed Intro. 868-A would require the Commissioner of Information Technology and Telecommunications to issue an annual report to the Mayor and the Council on the implementation of Next Generation 911, a system that would allow digital information, including voice, photos, videos, and text messages to be sent from the public through 911. Once the Commissioner has determined that Next Generation 911 has been implemented or that no further implementation will occur, the Commissioner would issue a final report that is conspicuously labeled as such.

**EFFECTIVE DATE:** This local law would take effect immediately after it becomes law and would be deemed repealed six months after the final report is issued.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

**IMPACT ON EXPENDITURES:** It is estimated that this legislation would have no impact on expenditures since existing resources would be used to comply with this local law.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Office of Management and Budget  
Department of Information Technology & Telecommunications

**ESTIMATE PREPARED BY:** Sheila Johnson, Legislative Financial Analyst, New York City



## Council Finance Division

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director, New York City Council Finance Division  
Rebecca Chasan, Counsel, New York City Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced as Intro. No. 868 by the Council on August 13, 2015 and referred to the Committee on Technology. The Committee on Technology, jointly with the Committee on Public Safety, held a hearing on January 14, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended version of the legislation, Proposed Intro. No. 868-A, will be considered by the Committee on Technology on June 17, 2016. Upon a successful vote by the Committee, Proposed Intro. 868-A will be submitted to the full Council for a vote on June 21, 2016.

**DATE PREPARED:** June 16, 2016

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int No. 868-A:)**

Int. No. 868-A

By Council Members Cumbo, Levine, Gibson, Mendez, Eugene, Koo, Koslowitz, Rose, Rosenthal, Rodriguez, Kallos, Williams, Torres, Cornegy, Van Bramer, Cohen, Richards, Gentile, Mealy, Dromm, Vacca, Grodenchik, Dickens, Greenfield, Lander, Vallone, Levin, Menchaca, Ulrich and Borelli.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on the implementation of next generation 911**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-173 to read as follows:

*§ 10-173 Next generation 911. a. As used in this section, the following terms have the following meanings: Commissioner. The term “commissioner” means the commissioner of information technology and telecommunications.*

*Next Generation 911. The term “next generation 911” means an internet protocol based system that allows digital information, including voice, photos, videos, and text messages, to be transmitted from the public to emergency responders in accordance with any national 911 program standards or guidelines applicable pursuant to federal or state law.*

*b. By no later than six months after the end of each fiscal year, the commissioner, in consultation with the police commissioner and fire commissioner, shall issue to the mayor and the council, and make publicly available online, a report on the implementation of next generation 911 within the 911 emergency assistance*

system. Such report shall contain (i) a description of the current implementation plan, including planned next steps, (ii) a description of steps taken towards implementation since the prior report, (iii) a description of the feasibility of implementing a 911 text message transmission capability before full implementation of next generation 911 and (iv) any other information the commissioner deems relevant.

c. Upon determining that next generation 911 has been fully implemented or that no further implementation will occur, the commissioner shall issue to the mayor and the council, and make publicly available online, a final report under subdivision b of this section and no further reports shall be required. Such final report shall include a conspicuous statement that it is a final report pursuant to this subdivision.

§ 2. This local law takes effect immediately and is deemed repealed six months after the final report required by subdivision c of section 10-173 of the administrative code of the city of New York, as added by this local law, is issued.

JAMES VACCA, *Chairperson*; ANNABEL PALMA, DAVID G. GREENFIELD, BARRY S. GRODENCHIK, JOSEPH C. BORELLI; Committee on Technology, June 17, 2016. *Other Council Members Attending: Council Member Cumbo.*

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 Women's Issues**

Report for Int No. 1122-A

**Report of the Committee on Women's Issues in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring that the department of correction issue feminine hygiene products to inmates.**

The Committee on Women's Issues, to which the annexed proposed amended local law was referred on March 22, 2016 (Minutes, page 773), respectfully

### **REPORTS:**

#### **I. INTRODUCTION**

On Monday, June 20, 2016, the Committee on Women's Issues, chaired by Council Member Laurie Cumbo held a hearing to consider Proposed Int. No. 1122-A, sponsored by Speaker Mark-Viverito and Council Members Ferreras-Copeland and Rodriguez, which would require that the Department of Correction provide feminine hygiene products to inmates and to arrestees and detainees in its custody for at least 48 hours. The Committee also considered Proposed Int. No. 1123-A, sponsored by Speaker Mark-Viverito and Council Members Levin, Ferreras-Copeland, and Rodriguez, which would require the provision of feminine hygiene products in certain homeless shelters, foster care and juvenile justice facilities, and Proposed Int. No. 1128-A, sponsored by Council Member Ferreras-Copeland, Speaker Mark-Viverito, and Council Member Rodriguez, which would require the provision of feminine hygiene products in schools.

The first hearing on Int. 1122, Int. 1123, and Int. 1128 was held on June 2, 2016. Witnesses who testified at the hearing at the hearing included Azadeh Khalili, Executive Director of the NYC Commission on Gender Equity, the NYC Department of Correction, the NYC Department of Education, the Department of Homeless Services/Human Resources Administration, government officials, education advocates, women's health organizations, women's rights organizations, prison rights organizations, housing advocates, and other interested parties. The legislation was amended to many of the concerns of the advocates and the Administration.

### **UPDATE**

On June 20, 2016 the Committee voted 4 to 0, with no abstentions, in favor of each of these bills.

## **II. BACKGROUND**

Globally, approximately 52% of the female population (26% of the total population) is of reproductive age.<sup>1</sup> Most of these women and girls will menstruate each month for between two and seven days.<sup>2</sup> Menstruation is a natural part of the reproductive cycle, in which blood is lost through the vagina.<sup>3</sup> However, in most parts of the world, it remains taboo and is rarely addressed.<sup>4</sup> As a result of the stigmas associated with menstruation, the practical challenges of menstrual hygiene are made even more difficult by various socio-cultural factors.<sup>5</sup> To manage menstruation hygienically, it is essential that women and girls have access to feminine hygiene products.

Feminine hygiene products are vital for the health, well-being and full participation of women and girls. Inadequate menstrual hygiene management is associated with both health and psycho-social issues, particularly among low-income women.<sup>6</sup> It has been reported that a lack of access to feminine hygiene products can cause emotional duress, physical infection and disease, and can lead to cervical cancer.<sup>7</sup>

Access to feminine hygiene products has proven to be limited for vulnerable populations. Currently the cost of feminine hygiene products (FHP) are not included in health insurance<sup>8</sup> or flexible spending accounts<sup>9</sup>, nor in public benefits programs such as the Supplemental Nutrition Assistance Program (SNAP)<sup>10</sup> or Women, Infants, and Children (WIC) benefits.<sup>11</sup> Many shelters and homeless centers in New York City distribute FHP to their female residents, along with toothpaste and shampoo.<sup>12</sup> However, social workers indicate that FHP are often harder to source from public donors.<sup>13</sup> Rosanna Montilla, an Associate at Care for the Homeless, indicated in an Al Jazeera article that FHP are “not one of the items that people automatically think of when

<sup>1</sup> House, S., Mahon, T., Cavill, S. “Menstrual hygiene matters - A resource for improving menstrual hygiene around the world.” Wateraid. 2012. Accessible at <http://www.susana.org/resources/documents/default/3-2210-21-1426498269.pdf>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> Sumpter, Colin; Torondel, Belen; RezaBaradaran, Hamid “A Systematic Review of the Health and Social Effects of Menstrual Hygiene Management.” April 26 2013/ *PLOS ONE*. Accessible at <http://journals.plos.org/plosone/article/asset?id=10.1371/journal.pone.0062004.PDF>.

<sup>7</sup> Wolf-Weiss, Jennifer. “America’s Very Real Menstrual Crisis.” *TIME*. Accessible at <http://time.com/3989966/america-menstrual-crisis/>.

<sup>8</sup> See [http://www.health.ny.gov/health\\_care/medicaid/#services](http://www.health.ny.gov/health_care/medicaid/#services).

<sup>9</sup> See <https://www.healthcare.gov/flexible-spending-accounts/>.

<sup>10</sup> See <http://www.fns.usda.gov/snap/eligible-food-items>.

<sup>11</sup> Wolf-Weiss, Jennifer. “Helping Women and Girls.Period.” *The New York Times*. Accessible at <http://kristof.blogs.nytimes.com/2015/01/28/helping-women-and-girls-period/>.

<sup>12</sup> De Bode, Lisa. “Hygiene and heartache: Homeless women’s daily struggle to keep clean.” Accessible at <http://america.aljazeera.com/articles/2015/1/13-scared-to-walk-thetreet.html>

<sup>13</sup> *Id.*

they donate toiletries.”<sup>14</sup> Increased awareness about the plight of low-income women caused by the inability to afford FHP has recently led to a higher number of FHP donations at homeless shelters.<sup>15</sup> In 2015, donations at Care for the Homeless, which runs a major New York City homeless shelter but also provides health care to homeless individuals in a variety of locations, are already five times higher than for all of 2014.<sup>16</sup>

Access to feminine hygiene products in the New York State prison system is also limited. A February 2015 report by the Women in Prison Project revealed that the New York State prison system fails to provide sufficient FHP to incarcerated women.<sup>17</sup> According to Department of Correction (DOC) Commissioner Ponte, DOC’s current policy specifies that all female inmates be provided necessary feminine hygiene products at the Department’s expense. At the Rose M. Singer Center, where female inmates are housed, generic sanitary napkins are distributed to each housing unit on a weekly basis. Each week, housing units are provided one 144 count box of sanitary napkins to accommodate up to 50 inmates housed in the unit. If needed, additional supplies are available upon request.

In September 2015, Council Member Ferreras-Copeland and the High School for Arts and Business in Queens launched a pilot program of free tampons and pads by installing a free dispenser in the girls’ restroom.<sup>18</sup> In March of 2016, Council Member Ferreras-Copeland and the Department of Education expanded the program to 25 middle and high schools in Queens and the Bronx.<sup>19</sup> Since the program was introduced to the High School for Arts and Business, there was a 2.4% increase in attendance rates.<sup>20</sup> The school’s principal attributes this increase to the dispenser that was installed to ensure tampons and pads are freely available.<sup>21</sup>

On May 25, 2016, the New York State Legislature passed bills to exempt feminine hygiene products from the tax on retail sales. The bills, S. 7838 and A.7555A were introduced by New York State Senator Susan Serino and New York State Assembly Member Linda Rosenthal respectively. Once the bill is enacted, New York will become the sixth state to exempt tampons and other feminine hygiene products from sales taxes. The five other states that exempt feminine hygiene products from their sales taxes are Maryland, Massachusetts, Minnesota, New Jersey, and Pennsylvania.

### III. PROPOSED INT. NO. 1122-A

Section one of Proposed Int. No. 1122-A would amend chapter 1 of title 9 of the administrative code of the city of New York to add a new section 9-141. Pursuant to this section, feminine hygiene products would be defined as tampons and sanitary napkins for use in connection with the menstrual cycle.

The legislation would require that all female inmates in the custody of the department of correction be provided, at the department expense, with feminine hygiene products as soon as practicable upon request.

<sup>14</sup> *Id.*

<sup>15</sup> Wolf-Weiss, Jennifer. “Helping Women and Girls.Period.” *The New York Times*. Accessible at <http://kristof.blogs.nytimes.com/2015/01/28/helping-women-and-girls-period/>.

<sup>16</sup> De Bode, Lisa. “More Pads for Homeless Women on their Periods.” Al Jazeera. Accessible at <http://america.aljazeera.com/articles/2015/4/15/more-pads-for-homeless-women-help.html>.

<sup>17</sup> See *Reproductive Injustice: The State of Reproductive Health Care for Women in New York State*. Accessible at <http://www.correctionalassociation.org/press-release/correctional-association-releases-5-year-study-of-reproductive-healthcare-for-women-in-new-york-prisons>.

<sup>18</sup> Meg O’Connor. “Council to Hear Bills on Providing Tampons at Shelters, Prisons & Schools.” *Gotham Gazette*. May 27, 2016. Accessible at <http://www.gothamgazette.com/index.php/city/6362-council-to-hear-bills-on-providing-tampons-at-shelters-prisons-schools>.

<sup>19</sup> Ben Chapman. “City schools to offer free feminine hygiene products.” *NY Daily News*. March 14, 2016. Accessible at <http://www.nydailynews.com/new-york/city-schools-offer-free-feminine-hygiene-products-article-1.2563277>.

<sup>20</sup> Meg O’Connor. “Council to Hear Bills on Providing Tampons at Shelters, Prisons & Schools.” *Gotham Gazette*. May 27, 2016. Accessible at <http://www.gothamgazette.com/index.php/city/6362-council-to-hear-bills-on-providing-tampons-at-shelters-prisons-schools>.

<sup>21</sup> *Id.*

Proposed Int. No. 1122-A would also require that all female individuals arrested and detained in the custody of the department for at least 48 hours be provided, at the department's expense, with feminine hygiene products as soon as practicable upon request.

Section two of the legislation would establish that this local law takes effect immediately.

#### **IV. PROPOSED INT. NO. 1123-A**

Section one of Proposed Int. No. 1123-A would amend chapter 2 of title 12 of the administrative code of the city of New York to add a new section 12-207. Pursuant to this section, feminine hygiene products would be defined as tampons and sanitary napkins for use in connection with the menstrual cycle. Temporary shelters would be defined as Department of Homeless Services family with children shelters, adult family shelters, single adult women shelters and single adult men shelters; and human resources administration domestic violence shelters and HIV/AIDS Services Administration (HASA) shelters.

The legislation would require that the Department of Citywide Administrative Services make available to agencies operating or having oversight of providers operating temporary shelters, a supply of feminine hygiene products sufficient to meet the needs of residents. The Department would also be required to make available a supply of feminine hygiene products sufficient to meet the needs of youth in secure detention facilities operated by the Administration for Children's Services (ACS) as well as youth in congregate care facilities operated by ACS who are awaiting placement with a licensed foster care agency.

Section two of the legislation would establish that this local law takes effect 120 days after it becomes law.

#### **V. PROPOSED INT. NO. 1128-A**

Section one of Proposed Int. No. 1128-A would amend chapter 8 of title 21-A of the administrative code of the city of New York to add a new section 21-968. Pursuant to this section, feminine hygiene products would be defined as tampons and sanitary napkins for use in connection with the menstrual cycle. School building would be defined as any facility that is leased by the Department of Education (DOE) or over which the DOE has care, custody, and control, in which there is a public school, including a charter school, serving female students in grades six through twelve.

The legislation would require that the DOE make feminine hygiene products available at no cost to students in bathrooms of school buildings.

Section two of the legislation would establish that this local law takes effect 120 days after it becomes law.

#### **VI. PROPOSED RES. NO. 1012-A**

Proposed Res. No. 1012-A would note that the power of taxation in the State of New York is exclusively reserved to the New York State Legislature and that the City of New York has no inherent ability to levy or forgive any taxes, but has only the powers to administer and collect taxes as delegated and directed by the State.

Proposed Res. No. 1012-A would indicate that Chapter 60 of the Consolidated Laws of the State of New York details the laws of taxation in the State of New York and is commonly referred to as the Tax Law. The resolution would further point out that Article 28 of the Tax Law contains provisions for the assessment and collection of sales taxes throughout the state. The Resolution would indicate that Section 1101 of the Tax Law details the imposition of sales and use taxes on certain goods and services and that Section 1115 of the Tax Law details exemptions to the imposition of sales and use taxes on certain goods and services. The Resolution would acknowledge that Item three on this list of exemptions includes "drugs and medicines... and products consumed by humans for the preservation of health."

The Resolution would also acknowledge that Publication 840 issued by the New York State Department of Taxation and Finance describes feminine hygiene products as items that "maintain personal cleanliness" rather than items necessary for the preservation of health, and thereby determines that feminine hygiene products are subject to sales taxes.

The Resolution would further note that Tax Bulletin ST-193 issued by the New York State Department of Taxation and Finance further categorizes feminine hygiene products as general merchandise, rather than products necessary for the preservation of health.

Proposed Res. No. 1012-A would indicate that the continued categorization of feminine hygiene products as general merchandise fails to recognize the evolving public sentiment, as documented by recent reports by the New York Times and The Guardian, as well as letters from residents of New York City sent to Council Members and expressed by various national and international organizations and movements, that menstruation is a core component of a woman's reproductive and overall health and well-being.

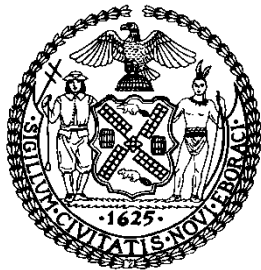
The Resolution would indicate that feminine hygiene products are vital for the health, well-being and full participation of women and girls, and it has been reported that a lack of access to feminine hygiene products can cause emotional duress, physical infection and disease, and can lead to cervical cancer. The Resolution would further indicate that according the U.S. Census Bureau, women and girls comprise over half the population of New York City, New York State, and across the United States of America, thus the needs of women to maintain their health and well-being are indeed necessary for the preservation of public health.

Proposed Res. No. 1012-A would indicate that the New York State Senate has passed S.7838, introduced by Senator Sue Serino, and the New York State Assembly passed A.7555A, introduced by Assembly Member Linda Rosenthal, which seek to repeal the state sales tax on tampons and other feminine hygiene products.

The Resolution would further note that the tax laws of several states, including Massachusetts and New Jersey, recognize feminine hygiene products as necessary products and thus exempt such products from the imposition of sales taxes. The Resolution would indicate that the State of New York should join those states in relieving the imposition of the sales taxes on feminine hygiene products.

Finally, Proposed Res. No. 1012-A would assert that that the Council of the City of New York acknowledges the passage by the New York State Legislature and calls upon the Governor to sign legislation that amends the Tax Law to exempt feminine hygiene products from all state and local sales taxes.

**(The following is the text of the Fiscal Impact Statement for Int No. 1122-A:)**



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

**PROPOSED INTRO. NO: 1122-A  
COMMITTEE: Women's Issues**

**TITLE:** A local law to amend the administrative code of New York City, in relation to requiring that the Department of Correction issue feminine hygiene products to inmates.

**SPONSOR(S):** The Speaker (Council Member Mark-Viverito) and Council Members Ferreras-Copeland, Rodriguez, Cabrera, Crowley, Vacca, Constantinides, Rose, Dickens, Chin, Koslowitz, Treyger, Eugene, Menchaca, Kallos, Cohen, Garodnick, Cumbo and Rosenthal

**SUMMARY OF LEGISLATION:** Proposed Intro. 1122-A would require the Department of Correction (DOC) to issue feminine hygiene products to female inmates as soon as practicable upon request of an inmate. This requirement would also apply to female individuals who are arrested and detained by DOC for at least 48 hours. Feminine hygiene products would include tampons and sanitary napkins for use in connection with the menstrual cycle.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY 17</b>	<b>FY Succeeding Effective FY 18</b>	<b>Full Fiscal Impact FY 17</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$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 cover the expense of any additional feminine hygiene products that may be requested.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

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

**ESTIMATE PREPARED BY:** Brittany Morrissey, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director, NYC Council Finance Division  
Dohini Sompura, Unit Head, NYC Council Finance Division  
Rebecca Chasan, Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on March 22, 2016 as Intro. 1122 and was referred to the Committee on Women's Issues. The Committee held a hearing on June 2, 2016 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 1122-A, will be considered by the Committee at a hearing on June 20, 2016. Upon successful vote by the Committee, Proposed Intro. No. 1122-A will be submitted to the full Council for a vote on June 21, 2016.

**DATE PREPARED:** June 16, 2016

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int No. 1122-A:)**

Int. No. 1122-A

By The Speaker (Council Member Mark-Viverito) and Council Members Ferreras-Copeland, Rodriguez, Cabrera, Crowley, Vacca, Constantinides, Rose, Dickens, Chin, Koslowitz, Treyger, Eugene, Menchaca, Kallos, Cohen, Garodnick, Cumbo, Rosenthal, Lander, Levin and Barron.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that the department of correction issue feminine hygiene products to inmates**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-141 to read as follows:

*§ 9-141 Feminine hygiene products. All female inmates in the custody of the department shall be provided, at the department's expense, with feminine hygiene products as soon as practicable upon request. All female individuals arrested and detained in the custody of the department for at least 48 hours shall be provided, at the department's expense, with feminine hygiene products as soon as practicable upon request. For purposes of this section, "feminine hygiene products" means tampons and sanitary napkins for use in connection with the menstrual cycle.*

§ 2. This local law takes effect immediately.

LAURIE A. CUMBO, Chairperson; ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, BEN KALLOS; Committee on Women's Issues, June 20, 2016. *Other Council Members Attending: Council Member Ferreras-Copeland.*

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. 1123-A

**Report of the Committee on Women's Issues in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the provision of feminine hygiene products.**

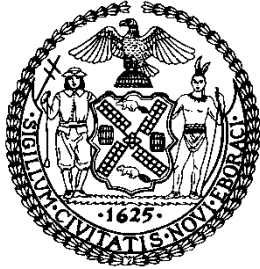
The Committee on Women's Issues, to which the annexed proposed amended local law was referred on March 22, 2016 (Minutes, page 773), respectfully



**REPORTS:**

(For text of report, please see the Report of the Committee on Women's Issues for Int No. 1122-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int No. 1123-A:*



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

**PROPOSED INTRO. NO: 1123-A**

**COMMITTEE: Women's Issues**

**TITLE:** A local law to amend the administrative code of New York City, in relation to the provision of feminine hygiene products

**SPONSOR(S):** The Speaker (Council Member Mark-Viverito) and Council Members Levin, Ferreras-Copeland, Rodriguez, Cabrera, Crowley, Rose, Dickens, Chin, Koslowitz, Treyger, Eugene, Menchaca, Kallos, Cohen, Garodnick, Cumbo and Rosenthal

**SUMMARY OF LEGISLATION:** Proposed Intro. 1123-A would require the Department of Citywide Administrative Services (DCAS) to make feminine hygiene products available to agencies operating or having oversight of providers operating temporary shelters. In addition, DCAS would be required to supply products sufficient to meet the needs of youth in secure detention facilities and youth in congregate care facilities awaiting foster care placement operated by the Administration for Children's Services (ACS). Feminine hygiene products include tampons and sanitary napkins for use in connection with the menstrual cycle. Temporary shelters include family with children shelters, adult family shelters, single adult women shelters, and single adult men shelters operated by Department of Homeless Services (DHS) and domestic violence shelters and HIV/AIDS Services Administration (HASA) shelters operated by Human Resources Administration (HRA).

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY 17</b>	<b>FY Succeeding Effective FY 18</b>	<b>Full Fiscal Impact FY 18</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$360,000	\$540,000	\$540,000
<b>Net</b>	\$360,000	\$540,000	\$540,000

**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 estimated that this legislation would impact expenditures in the amount of approximately \$540,000 per year to supply feminine hygiene products to females residing in temporary shelters operated by DHS. This estimate is based on the current population in temporary shelters and assumes that all females would require and utilize feminine hygiene products.

There are approximately 23,000 females residing in temporary shelters who might require feminine hygiene products. Based on the type and number of products used by women on average, it is estimated that approximately two million tampons and 3.5 million sanitary napkins would be used each year by females residing in temporary shelters. Using current bulk prices, the total cost to purchase sanitary napkins and tampons as required by Proposed Intro 1123-A would be approximately \$540,000.

With respect to the portion of the legislation that would require the provision of feminine hygiene products at HRA operated temporary shelters and certain youth in ACS operated facilities, the anticipated impact on expenditures is \$0 as feminine hygiene products are already provided to those populations.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Department of Homeless Services  
Human Resources Administration  
Department of Citywide Administrative Services  
Administration for Children's Services

**ESTIMATE PREPARED BY:** Brittany Morrissey, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director, NYC Council Finance Division  
Dohini Sompura, Unit Head, NYC Council Finance Division  
Rebecca Chasan, Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on March 22, 2016 as Intro. 1123 and was referred to the Committee on Women's Issues. The Committee held a hearing on June 2, 2016 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 1123-A, will be considered by the Committee at a hearing on June 20, 2016. Upon successful vote by the Committee, Proposed Intro. No. 1123-A will be submitted to the full Council for a vote on June 21, 2016.

**DATE PREPARED:** June 17, 2016

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int No. 1123-A:)**

Int. No. 1123-A

By The Speaker (Council Member Mark-Viverito) and Council Members Levin, Ferreras-Copeland, Rodriguez, Cabrera, Crowley, Rose, Dickens, Chin, Koslowitz, Treyger, Eugene, Menchaca, Kallos, Cohen, Garodnick, Cumbo, Rosenthal, Lander and Barron.

**A Local Law to amend the administrative code of the city of New York, in relation to the provision of feminine hygiene products**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-207 to read as follows:

*§ 12-207 Availability of feminine hygiene products.*

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

*Feminine hygiene products. The term “feminine hygiene products” means tampons and sanitary napkins for use in connection with the menstrual cycle.*

*Temporary shelters. The term “temporary shelters” means department of homeless services family with children shelters, adult family shelters, single adult women shelters and single adult men shelters; and human resources administration domestic violence shelters and HIV/AIDS services administration (HASA) shelters.*

*b. The department of citywide administrative services shall make available to agencies operating or having oversight of providers operating temporary shelters a supply of feminine hygiene products sufficient to meet the needs of residents. The department shall also make available a supply of feminine hygiene products sufficient to meet the needs of youth in secure detention facilities operated by the administration for children’s services, as well as youth in congregate care facilities operated by the administration for children’s services who are awaiting placement with a licensed foster care agency.*

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

LAURIE A. CUMBO, Chairperson; ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, BEN KALLOS; Committee on Women’s Issues, June 20, 2016. *Other Council Members Attending: Ferreras-Copeland.*

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. 1128-A

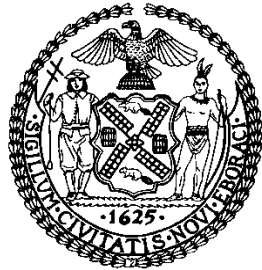
**Report of the Committee on Women's Issues in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the provision of feminine hygiene products in schools.**

The Committee on Women's Issues, to which the annexed proposed amended local law was referred on March 22, 2016 (Minutes, page 781), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Women's Issues for Int No. 1122-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int No. 1128-A:*



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

**LATONIA MCKINNEY,  
DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 1128-A**

**COMMITTEE: Women's Issues**

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**TITLE:** A local law to amend the administrative code of New York City, in relation to the provision of feminine hygiene products in schools.

**SPONSOR(S):** Council Members Ferreras-Copeland, The Speaker (Council Member Mark-Viverito), Rodriguez, Dromm, Williams, Cabrera, Garodnick, Crowley, Vacca, Constantinides, Rose, Dickens, Chin, Rosenthal, Koslowitz, Treyger, Levin, Eugene, Koo, Levine, King, Menchaca, Kallos, Cohen, Cumbo, and Ulrich

**SUMMARY OF LEGISLATION:** Proposed Intro. 1128-A would require the Department of Education (DOE) to make feminine hygiene products available to students at no cost in the bathrooms of school buildings. Feminine hygiene products would include tampons and sanitary napkins for use in connection with the menstrual cycle. School buildings would include all buildings leased by or in the care, custody and control

of the DOE in which there is a public school (including charter schools) serving female students in grades six through twelve.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY 17</b>	<b>FY Succeeding Effective FY 18</b>	<b>Full Fiscal Impact FY 18</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$3,700,000	\$1,900,000	\$1,900,000
<b>Net</b>	\$3,700,000	\$1,900,000	\$1,900,000

**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 estimated that the impact on expenditures as a result of this legislation would total approximately \$3.7 million in Fiscal 2017 and \$1.9 million in the outyears. This estimate uses the current New York City public school enrollment and assumes that all females in grades six through twelve use feminine hygiene products. According to DOE, there are approximately 300,000 females in grades six through twelve enrolled in New York City public schools who might require feminine hygiene products. The total cost to purchase sanitary napkins and tampons as required by Proposed Intro. 1128-A would be approximately \$1.9 million each year. It is estimated that there would also be a one-time cost of approximately \$1.8 million for procuring and installing feminine hygiene product dispensers in the 800 school buildings serving female students in grades six through twelve. The Department of Education estimates the cost of dispensers for all schools to total \$1.3 million with \$500,000 needed for labor to install the dispensers.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

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

**ESTIMATE PREPARED BY:** Brittany Morrissey, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director, NYC Council Finance Division  
Dohini Sompura, Unit Head, NYC Council Finance Division  
Rebecca Chasan, Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on March 22, 2016 as Intro. 1128 and was referred to the Committee on Women's Issues. The Committee held a hearing on June 2, 2016 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 1128-A, will be considered by the Committee at a hearing on June 20, 2016. Upon successful vote by the Committee, Proposed Intro. No. 1128-A will be submitted to the full Council for a vote on June 21, 2016.

**DATE PREPARED:** June 20, 2016

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int No. 1128-A:)**

Int. No. 1128-A

By Council Members Ferreras-Copeland, The Speaker (Council Member Mark-Viverito), Rodriguez, Dromm, Williams, Cabrera, Garodnick, Crowley, Vacca, Constantinides, Rose, Dickens, Chin, Rosenthal, Koslowitz, Treyger, Levin, Eugene, Koo, Levine, King, Menchaca, Kallos, Cohen, Cumbo, Lander, Barron and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to the provision of feminine hygiene products in schools**

*Be it enacted by the Council as follows:*

Section 1. Chapter 8 of title 21-A of the administrative code of the city of New York is amended by adding a new section 21-968 to read as follows:

*§ 21-968 Provision of feminine hygiene products in schools.*

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

*Feminine hygiene products. The term “feminine hygiene products” means tampons and sanitary napkins for use in connection with the menstrual cycle.*

*School building. The term “school building” means any facility that is leased by the department or over which the department has care, custody and control, in which there is a public school, including a charter school, serving female students in grades six through twelve.*

*b. The department shall make feminine hygiene products available at no cost to students in bathrooms of school buildings.*

§ 2. This local law takes effect 120 days after enactment.

LAURIE A. CUMBO, Chairperson; ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, BEN KALLOS; Committee on Women’s Issues, June 20, 2016. *Other Council Members Attending: Council Member Ferreras-Copeland.*

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 LU No. 361 &amp; Res No. 1154

**Report of the Committee on Land Use in favor of approving Application submitted by the Alliance for Downtown New York, the New York City Economic Development Corporation, and the New York City Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, amending Article IX, Chapter 1 (the Special Lower Manhattan District) to allow increased retail uses in existing public plazas and arcades; Borough of Manhattan, Community Board 1, Council District 1. (N 160166 ZRM).**

The Committee on Land Use, to which the annexed Land Use item was referred on May 5, 2016 (Minutes, page 1322) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****MANHATTAN - CB 1****N 160166 ZRM**

City Planning Commission decision approving an application submitted by the Alliance for Downtown New York, the New York City Economic Development Corporation, and the New York City Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, amending Article IX, Chapter 1 (the Special Lower Manhattan District) to allow increased retail uses in existing public plazas and arcades; Borough of Manhattan, Community Board 1, Council District 1.

**INTENT**

This zoning text amendment would modify Article IX, Chapter 1 (the Special Lower Manhattan District) to allow increased retail uses in existing public plazas and arcades in Community District 1.

**PUBLIC HEARING****DATE:** May 17, 2016**Witnesses in Favor:** Eight**Witnesses Against:** Thirteen**SUBCOMMITTEE RECOMMENDATION****DATE:** June 14, 2016

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

**In Favor:**

Richards, Gentile, Garodnick, Williams, Reynoso.

**Against: Abstain**  
None None

**COMMITTEE ACTION**

**DATE:** June 15, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Palma, Dickens, Garodnick, Mealy, Mendez, Koo (Chair), Lander, Levin, Rose, Williams, Richards, Barron, Kallos, 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 June 15, 2016. The City Planning Commission filed a letter dated June 20, 2016, with the Council on June 20, 2016, 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 Dickens offered the following resolution:

Res No. 1154

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 160166 ZRM, for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter I (Special Lower Manhattan District) and related sections concerning arcades, plazas, and urban plazas in Community District 1, Borough of Manhattan (L.U. No. 361).**

By Council Members Greenfield and Richards.

**WHEREAS**, the City Planning Commission filed with the Council on April 27, 2016 its decision dated April 25, 2016 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Alliance for Downtown New York, the New York City Economic Development Corporation, and the New York City Department of City Planning, for an amendment of the text of the Zoning Resolution of the City of New York, to modify the Special Lower Manhattan District, existing Section 91-80 of the Zoning Resolution (PUBLIC ACCESS AREAS) and related sections, to allow horizontal enlargements within existing arcades and the improvement of existing plazas and urban plazas by Chairman certification and City Planning Commission authorization; allow public events and the placement of publicly-accessible tables and chairs within arcades, plazas, and urban plazas as-of-right; and continue to allow cafes within arcades by Chairman certification. The text amendment would apply to all existing arcades, plazas, and urban plazas along and near Water Street in Lower Manhattan, (Application No. N 160166 ZRM), Community District 1,



Borough of Manhattan (the "Application");

**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 May 17, 2016;

**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 (CEQR No. 16DCP084M) issued on April 25, 2016, which reflects the modified application (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 160166 ZRM, incorporated by reference herein, the Council approves the Decision with the following modifications:

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

- Matter in underline is new, to be added;
- Matter in ~~strikeout~~ is to be deleted;
- Matter in ~~bold double strikeout~~ is old, deleted by the Council;
- Matter in **bold double underline** is new, added by the Council;
- Matter within # # is defined in Section 12-10;
- \* \* \* indicates where unchanged text appears in the Zoning Resolution

\* \* \*

**Article III - Commercial District Regulations**

**Chapter 7  
Special Urban Design Regulations**

\* \* \*

**37-625  
Design changes**

Except as otherwise provided in Sections 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions),

91-83 (Retail Uses Within Existing Arcades) and 91-841 (Authorization for retail uses within existing arcades), design changes to existing #plazas#, #residential plazas# or #urban plazas# may be made only upon certification by the Chairperson of the City Planning Commission that such changes would result in a #plaza#, #residential plaza# or #urban plaza# that is in greater accordance with the standards set forth in Section 37-70 (PUBLIC PLAZAS), inclusive. The provisions of Section 37-78 (Compliance), other than paragraph (e) (Special regulations for an #urban plaza# in the #Special Lower Manhattan District#), shall be made applicable to such #plaza#, #residential plaza# or #urban plaza#.

\* \* \*

### 37-73

#### **Kiosks and Open Air Cafes**

Kiosks and open air cafes may be placed within a #publicly accessible open area# upon certification, pursuant to this Section. Such features shall be treated as permitted obstructions. Only #uses# permitted by the applicable district regulations may occupy #publicly accessible open areas# or front on #publicly accessible open areas#.

\* \* \*

#### (c) Certification

Kiosks and open air cafes may be placed within the area of a #publicly accessible open area# upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings, that:

- (1) such #use# promotes public use and enjoyment of the #publicly accessible open area#;
- (2) such #use# complements desirable #uses# in the surrounding area;
- (3) the owner of such #use# or the #building# owner shall be responsible for the maintenance of such kiosk or open air cafe, which shall be located within areas designated on building plans as available for occupancy by such #uses# and no encroachment by a kiosk or open air cafe outside an area so designated shall be permitted;
- (4) such #use# does not adversely impact visual and physical access to and throughout the #publicly accessible open area#;
- (5) such #use#, when located within a #public plaza#, is provided in accordance with all the requirements set forth in this Section;
- (6) for kiosks and open air cafes located within an existing #publicly accessible open area#, such #use# is proposed as part of a general improvement of the #publicly accessible open area# where necessary, including as much landscaping and public seating as is feasible, in accordance with the standards for #public plazas#;

- (7) a #sign# shall be provided in public view within the cafe area indicating the days and hours of operation of such cafe; and
- (8) for kiosks that are in operation less than 225 days per year, an off-season plan has been submitted to the Chairperson showing that such kiosks will be completely removed from the #publicly accessible open area# when not in operation, that the area previously occupied by the kiosk is returned to public use and such area is in compliance with the applicable #publicly accessible open area# design standards.

\* \* \*

(d) Process

An application for certification shall be filed with the Chairperson of the City Planning Commission, and the Chairperson shall furnish a copy of the application for such certification to the affected Community Board at the earliest possible stage. The Chairperson will give due consideration to the Community Board's opinion as to the appropriateness of such a facility in the area and shall respond to such application for certification within 60 days of the application's receipt.

The Chairperson shall file any such certification with the City Council. The Council, within 20 days of such filing, may resolve by majority vote to review such certification. If the Council so resolves, within 50 days of the filing of the Chairperson's certification, the Council shall hold a public hearing and may approve or disapprove such certification. If, within the time periods provided for in this Section, the Council fails to act on the Chairperson's certification, the Council shall be deemed to have approved such certification.

Such certification shall be effective for a period of three years.

All applications for the placement of kiosks or open air cafes shall include a detailed site plan or plans indicating compliance with the provisions of this Section, including the layout and number of tables, chairs, restaurant equipment and heating lamps, as well as the storage location for periods when the kiosk or open air cafe is closed. Where a kiosk or open air cafe is to be located within an existing #publicly accessible open area#, each kiosk or open air cafe application must be accompanied by a compliance report in accordance with the requirements of Section 37-78, paragraph (c).

Where design changes to #publicly accessible open areas# are necessary in order to accommodate such kiosk or open air cafe, or to comply with paragraph (c)(6) of this Section, a certification pursuant to Section 37-625 (Design changes) shall be required, except that within the #Special Lower Manhattan District#, design changes to a #publicly accessible open area# pursuant to the provisions of Section 91-832 (Plaza improvements) as part of a certification pursuant to Section 91-83 (Retail Uses Within Existing Arcades), an authorization pursuant to Section 91-841 (Authorization for retail uses within existing arcades), or a certification pursuant to Section 91-837 (~~Additional-Subsequent~~ design changes) may satisfy the requirements in paragraph (c)(6) of this Section.

All such plans for kiosks or open air cafes, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification for the kiosk or open air cafe, pursuant to

this Section. The form and contents of the legal instrument shall be satisfactory to the Chairperson, and the filing and recording of such instrument shall be a precondition for the placement of the kiosk or open air cafe within the #publicly accessible open area#.

\* \* \*

## **Article IX - Special Purpose Districts**

### **Chapter 1**

#### **Special Lower Manhattan District**

\* \* \*

#### **91-00**

#### **GENERAL PURPOSES**

The "Special Lower Manhattan District" established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

- (a) encourage development of a 24-hour community through the conversion of older commercial buildings to residential use;
- (b) facilitate maximum design flexibility of buildings and enhance the distinctive skyline and streetscape of Lower Manhattan;
- (c) improve public use and enjoyment of the East River waterfront by creating a better physical and visual relationship between development along the East River and the waterfront area, public access areas and the adjoining upland community;
- (d) enhance the pedestrian environment by relieving sidewalk congestion and providing pedestrian amenities;
- (e) restore, preserve and assure the use of the South Street Seaport Subdistrict as an area of small historic and restored buildings, open to the waterfront and having a high proportion of public spaces and amenities, including a South Street Seaport Environmental Museum, with associated cultural, recreational and retail activities;
- (f) establish the Historic and Commercial Core to protect the existing character of this landmarked area by promoting development that is harmonious with the existing scale and street configuration; ~~and~~
- (g) establish the Water Street Subdistrict to improve the urban design relationship between existing buildings and open areas by promoting retail activities and the enhancement of existing public spaces with new amenities in this area; and
- (h) promote the most desirable use of land and thus conserve and enhance the value of land and buildings,

and thereby protect the City's tax revenues.

\* \* \*

**91-03  
District Maps**

District maps are located in Appendix A of this Chapter and are hereby incorporated and made an integral part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements, as set forth in the text of this Chapter, apply.

- Map 1. Special Lower Manhattan District
- Map 2. Street Wall Continuity Types 1, 2A, 2B & 3
- Map 3. Street Wall Continuity Types 4 & 5
- Map 4. Designated Retail Streets
- Map 5. Curb Cut Prohibitions
- Map 6. South Street Seaport Subdistrict (Section 91-63)
- Map 7. Subway Station Improvement Areas
- Map 8. Public Access Modification Areas-
- Map 9. Water Street Subdistrict.

\* \* \*

**91-80  
PUBLIC ACCESS AREAS**

**[ALL NEW TEXT (91-80 THROUGH 91-843) FOLLOWS –  
DELETED TEXT (91-81 THROUGH 91-821)  
IS LOCATED AFTER APPENDIX MAPS]**

The following regulations shall apply to arcades and #publicly accessible open areas# existing on [effective date of amendment] located within the Water Street Subdistrict as shown on Map 8 in Appendix A of this Chapter except for the #plaza# that was the subject of special permit application CP-20518, approved by the City Planning Commission on November 27, 1968.

For the purposes of this Section, inclusive, “arcade” shall refer to an #arcade# or #through block arcade# provided in accordance with the provisions of Sections 12-10 (DEFINITIONS) and 37-80 (ARCADES), or any other arcade that generated a #floor area# bonus as evidenced by plans approved by the Department of

### Buildings.

A horizontal #enlargement# permitted by Section 91-83 (Retail Uses Within Existing Arcades), **inclusive**, or Section 91-841 (Authorization for retail uses within existing arcades) shall not be included as #floor area#, and such additional area shall not result in a reduction of the permitted #floor area#.

No arcade may be eliminated or reduced in size pursuant to paragraphs (a) **or (d)** of Section 33-124 (Existing public amenities for which floor area bonuses have been received). In lieu thereof, the **following** provisions **shall apply: of Sections 91-83, ~~and~~ 91-841, and, as applicable, Section 91-85** shall apply. **The provisions of paragraph (d) of Section 33-124 shall be modified to also permit the reduction or elimination of an arcade for which a #floor area# bonus has been utilized pursuant to the provisions of Sections 91-83 or 91-841.**

For any #zoning lot# that was the subject of application C810325ZSM, C810506ZSM or C841070ZSM, a certification pursuant to Section 91-83 or an authorization pursuant to Section 91-841 shall not result in a departure from the findings and conditions specified in the applicable special permit, and such certification or authorization shall not require modification of the applicable special permit unless such a modification is required pursuant to a related restrictive declaration. For the #zoning lot# that was the subject of application C810325ZSM, the existing #through block arcade# shall not be eliminated, but may be modified in size and configuration provided that the standards for #through block arcades# set forth in Section 12-10 are met.

Public events may take place within a #publicly accessible open area# or arcade pursuant to the provisions of Section 91-81 (Events Within Public Access Areas). Publicly accessible tables, chairs, shade umbrellas and heating lamps may be located within a #publicly accessible open area# or arcade pursuant to the provisions of Section 91-82 (Amenities Within Public Access Areas). An outdoor cafe may be located within an arcade pursuant to Section 91-821 (Certification for outdoor cafes within arcades).

A horizontal #enlargement# of the ground floor and second floor levels may be permitted within arcades, or portions thereof, located within Area A in Map 9 of Appendix A of this Chapter pursuant to the provisions of Section 91-83, and within Area B pursuant to the provisions of Section 91-841. **In addition, a horizontal #enlargement# of 7,500 square feet or greater shall also require a special permit pursuant to Section 91-85 (Special Permit for Enlargements of 7,500 Square Feet or Greater). For the purposes of calculating the total area of the horizontal #enlargement# that is subject to the special permit, the aggregate area of the horizontal #enlargement# permitted by prior certifications pursuant to Sections 91-83 and 91-837 (Subsequent design changes) and prior authorizations pursuant to Section 91-841 shall be included in such calculation, except the area of an indoor public space shall be excluded from such calculation.** In no event shall an #enlargement# be permitted within arcades, or portions thereof, located within Area C on Map 9 in Appendix A of this Chapter.

### 91-81

#### Events Within Public Access Areas

The provisions of Article III, Chapter 7 restricting the temporary placement or storage of event-related amenities or equipment within a #publicly accessible open area# or arcade shall be modified by the provisions of this Section. The temporary placement or storage of event-related equipment or amenities in accordance with the provisions of this Section shall not constitute a design change pursuant to the provisions of Sections 37-625 (Design changes) or 91-837 (~~Subsequent Additional~~ design changes).

Events including, but not limited to, farmers' markets, holiday markets, concerts and performances, art and cultural exhibitions and festivals are permitted within all #publicly accessible open areas# and arcades. The utilization of a #publicly accessible open area# or arcade for the promotion of products or services shall not itself qualify as an event permitted under this Section.

Events shall be open to the public, provide free and unticketed admission and only be permitted to use amplified sound between the hours of 9:00 a.m. and 10:00 p.m. All #publicly accessible open areas# and arcades shall continue to be publicly accessible at all times. Event-related amenities and equipment shall be considered temporary permitted obstructions provided that sufficient circulation space connecting all #streets# and #building# entrances exists. All #publicly accessible open areas# and arcades shall be restored to their approved condition within 24 hours of the conclusion of an event.

The storage of equipment or materials outside of an event's scheduled hours, excluding time required for set up and clean up, shall not be permitted within a #publicly accessible open area# or arcade, except that for events taking place over multiple days or weeks, large temporary equipment that requires assembly and will be actively used during the event, such as stages, kiosks and sound and video entertainment systems, may remain in the #publicly accessible open area# or arcade outside of the event's scheduled hours.

At least 30 days prior to the scheduled date of an event, notification shall be given to the local Community Board, local Council Member and Borough President of the nature, size and duration of the event.

#### **91-82**

##### **Amenities Within Public Access Areas**

The provisions of Article III, Chapter 7 restricting the placement of tables, chairs, shade umbrellas and heating lamps within a #publicly accessible open area# or arcade shall be modified by the provisions of this Section. The placement of tables, chairs, shade umbrellas or heating lamps in accordance with the provisions of this Section, inclusive, shall not constitute a design change pursuant to the provisions of Sections 37-625 (Design changes) or 91-837 (~~Subsequent~~ **Additional** design changes).

Publicly accessible tables and chairs, as well as shade umbrellas and heating lamps, shall be permitted obstructions within a #publicly accessible open area# or arcade, provided that such obstructions comply with the provisions of Section 91-822 (Requirements for furnishings), as applicable. Tables, chairs, shade umbrellas and heating lamps provided pursuant to this Section may be used by the public without restriction. Outdoor cafes may be placed within an arcade by certification pursuant to Section 91-821 (Certification for outdoor cafes within arcades).

#### **91-821**

##### **Certification for outdoor cafes within arcades**

An outdoor cafe may be permitted within an arcade upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that, in addition to the provisions of this Section, the provisions of Section 91-822 (Requirements for furnishings) are met. An outdoor cafe that is permitted by this Section shall be a permanently unenclosed restaurant or eating or drinking place, which may have waiter or table service.

No portion of an outdoor cafe that is permitted by this Section may extend into a #publicly accessible open area# except where an open air cafe has been permitted by a certification pursuant to Section 37-73 (Kiosks and Open Air Cafes).

In order to certify that the proposed modification to an existing arcade is consistent with the provisions of this Section, the applicant shall submit to the Chairperson a site plan and other detailed plans demonstrating that the proposed obstructions within the existing arcade and, where applicable, pursuant to paragraph (a)(2) of Section 91-822, the adjacent #publicly accessible open area#, will comply with the provisions of this Section. The placement of publicly accessible tables and chairs within a #publicly accessible open area# pursuant to paragraph (a)(2) of Section 91-822 shall not constitute a design change pursuant to the provisions of Section 37-625 (Design changes).

All plans for arcades or other #publicly accessible open areas# that are the subject of a certification pursuant to this Section shall be filed and duly recorded in the Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form satisfactory to the Chairperson, providing notice of the certification of the arcade, pursuant to this Section. The filing and recording of such instrument shall be a precondition to certification. The filing and recording information shall be included on ~~any temporary or final~~ the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

## **91-822**

### **Requirements for furnishings**

The following provisions shall apply to all furnishings, including tables, chairs, shade umbrellas and heating lamps, permitted by Section 91-82 (Amenities Within Public Access Areas) and Section 91-821 (Certification for outdoor cafes within arcades).

#### (a) Size, location and other requirements

##### (1) Requirements for all furnishings

All furnishings shall be moveable. Permanent fixtures may be installed in the ground of a #publicly accessible open area# or arcade for the purposes of supporting shade umbrellas or heating lamps provided that such fixtures are flush-to-grade.

No furnishings shall be permitted within five feet of any #building# entrance, nor shall they be permitted within any required circulation paths.

##### (2) Additional requirements for outdoor cafes located within arcades

Where an outdoor cafe is provided pursuant to Section 91-821, a minimum of four tables and 16 chairs shall be provided and made available to the public without restriction, which may be located within an arcade or within a #publicly accessible open area# and shall be outside of the permitted cafe boundary.

Outdoor cafes shall be located at the same elevation as the adjoining sidewalk area or



#publicly accessible open area#, except that they may be located no more than six inches below or on a platform no more than six inches above such adjoining sidewalk area or #publicly accessible open area#. The border of the outdoor cafe shall be permanently marked in accordance with the applicable standards for open air cafes set forth in paragraph (b) of Section 37-73.

Fences, planters, walls, fabric dividers or other barriers that separate outdoor cafe areas from other portions of the arcade, adjacent sidewalks or #publicly accessible open areas# shall be prohibited. No kitchen equipment shall be installed within an outdoor cafe.

Litter receptacles shall be provided in accordance with the standards for #public plazas# set forth in Section 37-744 (Litter receptacles).

(3) Circulation requirements for outdoor cafes located within arcades

For arcades with a depth of ten feet or less, as measured from the column face furthest from the #street line# or #publicly accessible open area# to the #building# wall fronting on such #street line# or #publicly accessible open area# , an unobstructed path not less than three feet wide shall be provided. For arcades with a depth greater than ten feet, as measured from the column face furthest from the #street line# or #publicly accessible open area# to the #building# wall fronting on such #street line# or #publicly accessible open area#, such unobstructed pedestrian way shall be increased to at least six feet. For #through block arcades#, an unobstructed pedestrian way, except for approved doorways, of at least eight feet shall be provided connecting each #street# on which the #through block arcade# fronts.

(b) Operation

(1) Requirements for all tables and chairs

Except as otherwise provided in paragraph (b)(2) of this Section, tables, chairs, shade umbrellas and heating lamps may be stored or secured within an arcade between the hours of 9:00 p.m. and 7:00 a.m., but may not be stored or secured within a #publicly accessible open area#.

(2) Additional requirements for outdoor cafes located within arcades

Publicly accessible tables and chairs that are required by paragraph (a)(2) of this Section may not be removed or secured while the cafe is in active use.

All furnishings within the boundary of an outdoor cafe, including tables, chairs, shade umbrellas, bussing stations and heating lamps, shall be completely removed from the arcade when the outdoor cafe is not in active use, except that tables and chairs may remain in such arcade if they are unsecured and may be used by the public without restriction.

**91-83**

**Retail Uses Within Existing Arcades**

A horizontal #enlargement# of the ground floor and second floor levels within an arcade located within Area A on Map 9 in Appendix A of this Chapter may be permitted upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that such #enlargement# complies with the provisions of this Section, and the following conditions are met:

- (a) the horizontal #enlargement# meets the requirements of Section 91-831 (Ground floor requirements);
- (b) a compensating amenity is provided pursuant to the provisions of Section 91-832 for plaza improvements, Section 91-834 for indoor public spaces, or Section 91-835 for alternative improvements; and
- (c) the additional requirements of Section 91-836, as applicable.

For #zoning lots# with one or more #publicly accessible open area#, unless an alternative improvement has been identified in Section 91-835, an improvement to all #publicly accessible open areas# pursuant to the provisions of Section 91-832 shall be required as the compensating amenity required by condition (b) of this Section, and a certification for design changes pursuant to Section 37-625 (Design changes) shall not be required. Where a #publicly accessible open area# was improved and is fully compliant with a prior certification pursuant to Section 37-625 that was granted before January 19, 2016, the further improvement of such #publicly accessible open area# shall not be required.

The provision of a compensating amenity as part of a prior certification pursuant to this Section or a prior authorization pursuant to Section 91-841 (Authorization for retail uses within existing arcades) may satisfy the requirements of condition (b) of this Section for a compensating amenity.

As part of the certification, a horizontal #enlargement# of the ground floor level may be permitted within the area between a #street wall# and an arcade that did not generate a #floor area# bonus prior to [effective date of amendment]. The provisions of Section 91-831 (Ground floor requirements) shall not apply to such portion of the horizontal #enlargement#.

As part of the certification, a horizontal #enlargement# of the ground floor level may be permitted along existing #building# walls that do not face an arcade, **but such #enlargement# shall not occupy any #publicly accessible open area#.** The locational requirements of paragraph (a)(1) of Section 91-831 and the frontage prohibitions of paragraph (b)(1)(ii) of Section 91-831 shall apply to such #enlargement#. Where an #enlargement# is located adjacent to a #publicly accessible open area#, the #use# and transparency requirements of Section 91-831 for new #building# walls facing a #publicly accessible open area# shall apply.

**For a horizontal #enlargement# of 7,500 square feet or greater, a special permit pursuant to Section 91-85 (Special Permit for Enlargements of 7,500 Square Feet or Greater) shall also be required. For the purposes of calculating the total area of the horizontal #enlargement# that is subject to the special permit, the aggregate area of the horizontal #enlargement# permitted by prior certifications pursuant to this Section and Section 91-837 (Subsequent design changes) and prior authorizations pursuant to Section 91-841 shall be included in such calculation, except the area of an indoor public space shall be excluded from such calculation.**

**Where any portion of the arcade remains open and accessible, such remaining arcade area shall maintain a minimum level of illumination of not less than five horizontal foot candles between sunset and sunrise. Any non-transparent portion of a #building# wall between columns that fronts on such arcade area shall be treated with artwork, planting or decorative material. Additional requirements for**

**transparency in paragraph (c)(3) of Section 91-831 may apply.**

**91-831**

**Ground floor requirements**

The provisions of this Section shall apply to the #street wall# of the ground floor and second floor level #enlargement#. For the purposes of this Section, a #building# wall that faces a #publicly accessible open area# or #through block arcade# shall also be considered a #street wall#, and the provisions of this Section for new #building# walls fronting on a #publicly accessible open area# shall also apply to new #building# walls fronting on a #through block arcade#, except as otherwise specified. The City Planning Commission may authorize a modification of the provisions of this Section pursuant to Section 91-842 (Authorization to modify design requirements).

(a) Location of #enlargement#

(1) Location of new #building# walls

All new #building# walls shall extend to the full height of the arcade. New #building# walls may only be located between the column face closest to an existing #street wall# and the column face furthest from an existing #street wall# or the #street wall# location of the floor above, except that new #building# walls within an existing #through block arcade# that do not face a #street# may extend past the column face furthest from the existing #street wall# provided that the standards for #through block arcades# set forth in Section 12-10 (DEFINITIONS) and all other provisions of this Section are met. New #building# walls within an existing #through block arcade# that do not face a #street# shall not be required to extend for the full height of the #through block arcade#.

(2) Length of new #building# walls

An #enlargement# shall extend for the full length of the #street wall#, except for the locations specified on Map 9 in Appendix A of this Chapter and except if a corner arcade that adjoins the Water Street #street line# and another #street line# or #publicly accessible open area# is provided in accordance with the provisions of paragraph (c) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) which may provide a clear path ten feet wide. However, an #enlargement# shall not be required along the length of the #street wall# occupied by an existing parking or loading entrance. Where an #enlargement# within an arcade extends along two or more #street walls#, the #enlargement# shall also include the area where the arcade areas intersect, except as otherwise provided in this Section, and the location of new #building# walls in such area shall be subject to the provisions of paragraph (a)(1) of this Section.

(b) Permitted #uses# within an #enlargement#

(1) Requirements for all frontages

(i) Retail #uses#

The #street# frontage or frontage along a #publicly accessible open area# of the #enlarged# portion of the ground floor level shall be allocated exclusively to **indoor public spaces that are provided in accordance with the provisions of Section 91-834** ~~to or~~ the #uses# permitted by Sections **91-111 (Additional uses in C5 Districts) and 91-12 (Uses on Designated Retail Streets)**, except that Use Groups **5A, 7A, 7B, 8B, 9A, 10A, 12A, 12B, or 12C** shall not be permitted, ~~or to indoor public spaces that are provided in accordance with the provisions of Section 91-834. However, bicycle rental or repair shops and studios for art, music, dancing or theater shall be permitted.~~ #Residential uses# shall be limited to lobbies permitted by paragraph (c)(2) of this Section.

All #uses# permitted by this paragraph shall occupy a height no less than that of the ground floor level, and shall occupy a depth no less than that of the #enlargement#.

(ii) Parking, loading and mechanical equipment

No garage entrances, driveways, parking spaces or loading berths shall be permitted within an #enlargement#. No exhaust vents or mechanical equipment shall be permitted on any new #building# wall unless such exhaust vents are more than 15 feet above the level of the curb.

(iii) Maximum #street wall# width

**On the ground floor portion of an #enlargement# for the following Use Group 6 #uses#, the maximum #street wall# width of a bank or loan office shall not exceed 30 feet, and the maximum #street wall# width of a drug store shall not exceed 50 feet.**

(2) Additional #use# requirement for a #publicly accessible open area# or #through block arcade#

At least 50 percent of the total frontage of all new #building# walls fronting on a #publicly accessible open area# or #through block arcade#, excluding such frontage occupied by #building# lobbies, shall be occupied by retail or service establishments permitted by paragraph (b)(1) of this Section. As an alternative, the amount of frontage required by this paragraph for occupancy by retail or service establishments may be partially or fully located along existing #building# walls fronting on the #publicly accessible open area# or #through block arcade# and the transparency requirements of paragraph (c)(3) of this Section shall apply to such frontage.

Libraries, museums and art galleries are permitted #uses# that may front on a #publicly accessible open area#. Banks shall not be a permitted #use# on any #publicly accessible open area# or #through block arcade#. #Uses# required by this paragraph shall be directly accessible from the #publicly accessible open area# or #through block arcade#.

(c) Frontage

(1) Number of establishments

Along the longest #street wall# of the ground floor level #enlargement#, at least two establishments permitted by paragraph (b) of this Section shall be provided on the ground floor level. Frontage that is solely dedicated to access a #use# on a level other than the ground floor level shall not constitute an establishment for the purposes of this paragraph.

(2) Access, entrances and lobbies

The #street wall# frontage of an #enlarged# portion of the ground floor level may be occupied by the #primary entrance# for the principal #use# of the #building#, provided that such #primary entrance# shall not exceed a #street wall# width of 50 feet along Water Street, or, along other #streets#, a #street wall# width of 40 feet, or 25 percent of the #aggregate width of street wall# along such #street# frontage, whichever is less.

For a #primary entrance# that fronts on a #publicly accessible open area#, such entrance shall occupy a minimum frontage length of 20 feet or a length equal to the distance between the two closest columns adjacent to the #publicly accessible open area#, whichever is less. A #primary entrance# for the principal #use# of the #building# may be located along a #through block arcade# or indoor public space provided in accordance with Section 91-834 (Indoor public spaces), but may only occupy a maximum frontage length of 25 feet.

Where more than 50 percent of the length of the #enlargement# is occupied by a #primary entrance# permitted by this paragraph, retail or service establishments with an aggregate frontage length equal to at least 50 percent of the length of the #enlargement# shall be required along new or existing #building# walls along the same #street# frontage as the #enlargement#, and the transparency requirements of paragraph (c)(3) of this Section shall apply to such frontage along existing #building# walls.

(3) Transparency and flood resilience

The ground floor level #street wall# between existing columns shall be glazed with transparent materials, which may include #show windows#, transom windows or glazed portions of doors, except for certain #uses# set forth in Section 37-31 (Applicability). Such transparent materials shall occupy at least 70 percent of the surface area of such ground floor level #street wall# between a height above grade of two feet and 14 feet or the height of the ground floor ceiling, whichever is lower.

**Where the #use# located within the ground floor level #enlargement# fronts on an arcade that remains open and accessible, the length of such frontage shall be glazed with transparent materials in accordance with the provisions of this paragraph.**

Permanent fixtures for temporary flood control devices and associated emergency egress systems that are assembled prior to a storm and removed thereafter and are affixed to a column may obstruct any transparent portion of a new #building# wall. Such permanent fixtures may be considered a transparent portion of a new #building# wall. Additionally, such

permanent fixtures shall be encased in a decorative material. Temporary flood control devices and associated emergency egress systems shall be permitted in front of any new #building# wall for a reasonable period of time prior to and after a storm event, as determined by the Department of Buildings.

## **91-832**

### **Plaza improvements**

A #publicly accessible open area# shall be improved in full accordance with the provisions of Section 37-70 (PUBLIC PLAZAS) as modified by this Section, and as further modified by Section 91-833 (Special regulations for plazas less than 40 feet in depth) for #publicly accessible open areas# with a maximum depth of less than 40 feet, as measured perpendicular to any #street line#. Subsequent design changes to any #publicly accessible open area# improved pursuant to the provisions of such Sections may only be permitted pursuant to Section 91-837 (~~Additional-Subsequent~~ design changes). The City Planning Commission may authorize a modification of the provisions of this Section and Section 91-833 pursuant to Section 91-842 (Authorization to modify design requirements).

- (a) For the purposes of applying the provisions of this Section, any portion of the #publicly accessible open area# occupied by a garage entrance, driveway, loading berth or gratings for electrical vaults may be excluded from the calculation of the total area or total #street# frontage of the #publicly accessible open area#. Such area shall remain open and accessible to the public at all times.
- (b) The area dimension requirements of Section 37-712, the locational restrictions of Section 37-713, the orientation restrictions of Section 37-714 and the requirements for major and minor portions of #public plazas# set forth in Sections 37-715 and 37-716, respectively, shall not apply.
- (c) The #through block public plaza# provisions of Section 37-717 that require a setback along any #building# wall or walls that adjoin a #through block public plaza# or through #block# portion of a #publicly accessible open area# shall not apply.
- (d) The sidewalk frontage provisions of Section 37-721 shall be modified as follows:
  - (1) The requirements of paragraph (a) may be reduced to the minimum extent necessary to allow existing walls or structures within such area to remain, provided that such walls or structures do not increase in height or length along the #street# frontage, and all portions of the #publicly accessible open area# are accessible from a #street#, arcade or other portion of the #publicly accessible open area#.
  - (2) Paragraph (b) shall be modified to allow planters with bounding walls that exceed a height of two feet that are permitted by paragraph (g) of this Section to be located in such area.
  - (3) For #corner public plazas#, where there is a change in elevation permitted by paragraph (e) of this Section 91-832 for the area within 15 feet of the intersection of any two or more #streets# on which the #publicly accessible open area# fronts, such area shall not be required to be at the same elevation as the adjoining public sidewalk, but must be free of obstructions except as may otherwise be provided in paragraph (d)(1) of this Section.

- (e) The provisions of Section 37-722 (Level of plaza) shall be modified to permit any elevation of the #publicly accessible open area# existing on [effective date of amendment] to remain.
- (f) The provisions of Section 37-726 (Permitted obstructions) shall be modified as follows:
- (1) Paragraph (c) shall allow awnings above retail and service establishments that do not project into the #publicly accessible open area# more than three feet when measured perpendicular to the #building# facade. There shall be no limitation on the area or height of an awning, but in no event shall an awning for a retail or service establishment contain vertical supports.
  - (2) Paragraph (d) shall allow garage entrances, driveways or loading berths fronting on a #publicly accessible open area# and existing on [effective date of amendment] to remain, provided that they are separated from the remainder of the #publicly accessible open area# by a barrier sufficient to substantially conceal these facilities and any vehicles therein when viewed from any point in the #publicly accessible open area#. A #building# trash storage facility may be accessed or serviced through the portion of a #publicly accessible open area# that is occupied by a garage entrance, driveway or loading berth.
- (g) The provisions of Section 37-742 (Planting and trees) may be modified where the Chairperson of the City Planning Commission has been **furnished provided with materials documentation** sufficient to establish that subsurface conditions do not allow the required soil depth for shrubs or trees to be provided below grade or within a planter with bounding walls no higher than 18 inches in height above an adjacent walking surface or the highest adjacent surface where the bounding wall of such planter adjoins two or more walking surfaces with different elevations. A raised planter may be provided with bounding walls up to three feet for shrubs, or three feet six inches for trees, provided that fixed seating with backs is integrated into the planter for at least 50 percent of the perimeter of the planter that is adjacent to a walking surface. If such planter, or any portion thereof, is located within ten feet of a #street line#, fixed seating with backs shall be integrated into at least 75 percent of the perimeter of the planter that is adjacent to a walking surface. Where it is demonstrated that no required trees can be planted flush-to-grade or planted at grade within planting beds with no raised curbs or railings, the Chairperson may allow all trees to be planted within raised planters.
- (h) The calculation of the minimum number of entry plaques required by paragraph (a) of Section 37-751 (Public space signage systems) may be modified for #publicly accessible open areas# that occupy more than one #street# frontage to alternatively require a minimum of one entry plaque at each #street# frontage of the #publicly accessible open area#, and to further require one additional entry plaque at each #street# frontage that measures 80 feet or more in length.
- (i) The provisions of paragraphs (a) and (d) of Section 37-753 (Accessory signs) shall not apply. Each establishment fronting on the #publicly accessible open area# shall be permitted to have one or more #signs# with an aggregate area not to exceed the product of 12 square feet and the length of the establishment along the #publicly accessible open area# in linear feet, divided by 40 linear feet. In no event shall a #sign# exceed 16 square feet in area. #Signs# may be affixed to the #building# wall or to awnings, or may project no more than 18 inches when measured perpendicular to the #building# façade, provided that such #sign# is located a minimum of ten feet above the level of the #publicly accessible open area#.
- (j) The provisions of paragraphs (a) and (b) of Section 37-76 (Mandatory Allocation of Frontages for

Permitted Uses) shall not apply. The provisions of Section 91-831 (Ground floor requirements) shall apply to all new #building# walls fronting on the #publicly accessible open area#, and the following shall also apply:

- (1) The #use# requirements of paragraph (b)(1) of Section 91-831 shall apply to all new establishments located along existing #building# walls fronting on a #publicly accessible open area#; and
  - (2) The provisions of paragraph (c) of Section 37-76 for existing #building# walls that are non-transparent shall apply except for frontage occupied by active loading and parking entrances.
- (k) The provisions of ~~paragraphs (a) and (b)~~ of Section 37-78 (Compliance) shall ~~not apply~~ **be modified as follows:**
- (1) **Paragraph (a) shall be modified to provide that no permit shall be issued by the Department of Buildings for any change to a #publicly accessible open area# without certification by the Chairperson of the City Planning Commission of compliance with the provisions of this Section 91-832; and Section 91-833 or Section 91-837, as applicable; and**
  - (2) **Paragraph (b) shall be modified to require that the periodic compliance report shall document compliance with the provisions of Section 37-70 as modified by this Section and, as applicable, Section 91-833, and that such report shall also be provided to the local Council Member.**

### **91-833**

#### **Special regulations for plazas less than 40 feet in depth**

A #publicly accessible open area# with a maximum depth less than 40 feet measured perpendicular to any #street line# shall be improved in full accordance with the provisions of Section 37-70 (PUBLIC PLAZAS) as modified by Section 91-832 (Plaza improvements) and as further modified by this Section. Where a #publicly accessible open area# may be considered a #corner public plaza#, the maximum depth shall be measured from a #street line# to a #street wall#. The City Planning Commission may authorize a modification of the provisions of this Section pursuant to Section 91-842 (Authorization to modify design requirements).

- (a) The provisions of Section 37-721 (Sidewalk frontage) shall not apply. In lieu thereof, the provisions of this paragraph (a) shall apply to the area of the #publicly accessible open area# located within ten feet of a #street line# or sidewalk widening line:
- (1) At least 40 percent of such area shall be free of obstructions, and, in addition:
    - (i) to facilitate pedestrian access at least 40 percent of the frontage along each #street line# or sidewalk widening line of the #publicly accessible open area# shall be free of obstructions; and
    - (ii) such unobstructed access area shall extend to a depth of ten feet measured perpendicular to the #street line#. The width of such access area need not be contiguous provided that no portion of such area shall have a width of less than five



feet measured parallel to the #street line#, and at least one portion of such area shall have a width of at least eight feet measured parallel to the #street line#.

The requirement of this paragraph for unobstructed access may be reduced to the minimum extent necessary to allow existing walls or structures within such area to remain provided that such walls or structures do not increase in height or length along the #street# frontage, and all portions of the #publicly accessible open area# are accessible from a #street#, arcade or other portion of the #publicly accessible open area#.

- (2) In the remaining 60 percent or more of such area, the provisions of paragraph (b) of Section 37-721 shall apply, except that no more than 40 continuous linear feet of any #street# frontage occupied by a #publicly accessible open area# may be obstructed. Furthermore, planters with bounding walls that exceed a height of two feet that are permitted by paragraph (g) of Section 91-832 may be located in such area.
  - (3) For #corner public plazas#, the requirements of this paragraph (a) shall apply separately to each #street# frontage, and the area within ten feet of the intersection of any #street# and Water Street or Wall Street shall be at the same elevation as the adjoining public sidewalk, except where there is a change in elevation permitted by paragraph (e) of Section 91-832, and such area shall be free of obstructions except as may otherwise be provided in paragraph (a)(1) of this Section.
- (b) The provisions of Section 37-723 (Circulation paths) shall be modified so that the required circulation path of at least eight feet clear width shall be located adjacent to the #street wall# and shall extend for at least 80 percent of the length of such #street wall#. Where there are multiple #street walls#, the provisions of this paragraph shall apply separately to each frontage. In addition to the obstructions that are permitted within circulation paths, moveable tables and chairs, fixed seating and planting beds not exceeding six inches above any adjacent walking surface shall also be considered permitted obstructions provided that an unobstructed path of at least five feet wide is provided.
- Where an open air cafe pursuant to Section 37-73 (Kiosks and Open Air Cafes) is provided adjacent to a #building# wall, such open air cafe may occupy a portion of the required circulation path provided that there is an unobstructed clear path of at least six feet wide between the #building# wall and any furnishings of the open air cafe. The unobstructed path shall be included in the calculation of the area occupied by the open air cafe.
- (c) The provisions of Section 37-741 (Seating) that require seating within 15 feet of the #street line# shall not apply to #street# frontages that measure less than 40 feet in length.
  - (d) The provisions of Section 37-742 (Planting and trees) shall be further modified as follows:
    - (1) For #publicly accessible open areas# with an area less than 2,000 square feet, the number of required trees shall be reduced to two, and only one tree shall be required to be planted flush-to-grade or planted at grade within planting beds with no raised curbs or railings, except as may be modified by paragraph (g) of Section 91-832.
    - (2) The total area of required planting beds may not be concentrated within one continuous planter or planting bed, except when a #publicly accessible open area# has an area of 1,000

square feet or less.

- (e) The provisions of Section 37-746 (Drinking fountains) shall be modified to require only #publicly accessible open areas# containing an area of 2,000 square feet or more to provide a minimum of one drinking fountain.

### **91-834**

#### **Indoor public spaces**

Indoor public spaces are enclosed, climate-controlled areas on a #zoning lot# intended for public use and enjoyment. The standards contained within this Section are intended to serve the same purposes outlined for #public plazas# in Section 37-70. The City Planning Commission may authorize a modification of the provisions of this Section pursuant to Section 91-842 (Authorization to modify design requirements).

- (a) Indoor public spaces shall contain an area of not less than 2,000 square feet and have a minimum width and depth, at any point, of 20 feet. Indoor public spaces shall be located on the ground floor level, shall be directly accessible from all #streets# or #publicly accessible open areas# that the space fronts, and shall extend, at a minimum, for the full height of the ground floor level.
- (b) Indoor public spaces shall be fully enclosed, and the transparency requirements of paragraph (c) of Section 91-831 (Ground floor requirements) shall apply to all #street walls# or #building# walls facing a #publicly accessible open area#. The space shall be heated or air-conditioned, and the standards for heating, ventilating and air-conditioning shall be at least equal to those of the lobby for the principal #use# of the #building#.
- (c) Public access to the indoor public space shall be provided, at a minimum, between the hours of 6:00 a.m. to 12:00 a.m. The hours of access shall be included on all required entry plaques and information plaques in accordance with the provisions of Section 37-751 (Public space signage systems) and paragraph (i) of this Section.
- (d) The provisions of Sections 37-718 (Paving), 37-722 (Level of plaza), 37-728 (Standards of accessibility for persons with disabilities), 37-744 (Litter receptacles), 37-745 (Bicycle parking), 37-746 (Drinking fountains), 37-748 (Additional amenities), 37-752 (Prohibition signs), 37-753 (Accessory signs) and 37-77 (Maintenance) shall apply.
- (e) The provisions of Section 37-723 (Circulation paths) for #through block public plazas# shall apply to #through block arcades# except as otherwise provided in Section 91-821 (Certification for outdoor cafes within arcades) when a cafe is provided. Trees planted flush-to-grade that measure less than four caliper inches at the time of planting, as permitted by paragraph (h) of this Section, shall not be considered permitted obstructions within circulation paths.
- (f) The provisions of paragraphs (a) and (b) of Section 37-726 (Permitted obstructions) shall apply. A kiosk shall be a permitted obstruction provided that the requirements of paragraph (a) of Section 37-73 (Kiosks and Open Air Cafes) are met. A certification pursuant to Section 37-73 shall not be required to locate a kiosk within an indoor public space. A cafe permitted by certification pursuant to Section 91-821 shall be considered a permitted obstruction within an indoor public space and may not occupy more than 20 percent of the indoor public space area.

- (g) The provisions of Section 37-741 for seating shall apply, except as modified as follows:
- (1) The requirements for seating within 15 feet of a #street line# shall not apply.
  - (2) All of the linear seating capacity may be in moveable seats. Any moveable seats that are provided must remain in the indoor public space during the hours of operation.
  - (3) The requirement that seats that face walls must be a minimum of six feet from such wall shall only apply to fixed seating.
- (h) The requirements of Section 37-742 for planting and trees shall apply, except that the surface area of any vertical planting may be included in the calculation of the total area of planting beds that are provided, and trees shall not be required.
- (i) Public space signage shall be provided in accordance with the provisions of Section 37-751, except as modified as follows:
- (1) An information plaque shall be provided at each point of pedestrian entry to the indoor public space. Information plaques for #through block arcades# shall also include lettering stating "PUBLIC ACCESS TO STREET" indicating the opposite #street# to which the through #block# connection passes and which lettering shall not be less than three inches in height and located not more than three inches away from the public space symbol. Furthermore, a minimum of one additional information plaque shall be provided within the indoor public space.
  - (2) Paragraph (c) shall not apply.
- (j) All indoor public spaces shall be illuminated with a minimum level of illumination of not less than five horizontal foot candles (lumens per foot) throughout the space. The requirements of Section 37-743 for a lighting schedule, a diagram of light level distribution and electrical power shall apply.
- (k) The #use# requirements of paragraph (b) and the lobby requirements of paragraph (c)(2) of Section 91-831 shall apply to all #building# walls fronting on an indoor public space that do not face a #street# or #publicly accessible open area#. The provisions of paragraph (c) of Section 37-76 for new or existing #building# walls that are non-transparent shall apply.
- (l) The provisions of ~~paragraphs (a) and (b)~~ of Section 37-78 (Compliance) shall ~~not apply~~ **be modified as follows:**
- (1) **Paragraph (a) shall not apply; and**
  - (2) **Paragraph (b) shall be modified to require that the periodic compliance report shall document compliance with the provisions of Section 37-70 as modified by this Section, and that such report shall also be provided to the local Council Member.**

Subsequent design changes to any indoor public space that was subject to the provisions of this Section may only be permitted pursuant to Section 91-837 (Subsequent ~~Additional~~ design changes).

**91-835****Alternative improvements**

A permanent amenity other than the improvement of an existing #publicly accessible open area# pursuant to the provisions of Section 91-832 or the provision of an indoor public space pursuant to the provisions of Section 91-834 may be provided for the properties listed in this Section. The City Planning Commission may authorize an improvement not listed in this Section pursuant to Section 91-843 (Authorization to modify requirements for alternative improvements).

<b><u>Building Address</u></b>	<b><u>Required Alternative Improvement</u></b>
<u>175 Water Street</u>	<u>Area C on Map 9 in Appendix A of this Chapter, the open area along John Street and the open area along Front Street with a minimum depth of 15 feet measured perpendicular to the Front Street #street line# shall be improved in accordance with the provisions of Sections 91-832 and 91-833. Such open area and remaining arcade area shall be considered one contiguous public space and shall be accessible to the public at all times.</u>
<u>100 Wall Street</u>	<u>Maintenance of Manahatta Park between Water Street and Front Street for the life of the #building#.</u>
<u>110 Wall Street</u>	<u>Maintenance of Manahatta Park between Front Street and South Street for the life of the #building#.</u>

**91-836****Additional requirements**(a) **Legal requirements**

All plans for arcades, #publicly accessible open areas#, required open areas, and indoor public spaces that are the subject of a certification pursuant to Section 91-83 (Retail Uses Within Existing Arcades) shall be filed and duly recorded in the New York County Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form satisfactory to the Chairperson of the City Planning Commission, providing notice of the certification pursuant to Section 91-83. The filing and recording of such instrument shall be a precondition to certification. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date. Where compensating amenity required by condition (b) of Section 91-83 is located on the same #zoning lot# as an #enlargement#, no temporary or final certificate of occupancy shall be issued for such #enlargement# until the compensating amenity has been substantially completed in accordance with the approved plans, as certified by the Department of City Planning to the Department of Buildings.

Where a compensating amenity is located within a #street# or #public park# pursuant to Section 91-835 (Alternative improvements), the commitment to provide or maintain such compensating amenity shall be duly recorded in the form of a signed declaration of restrictions, including a

maintenance agreement with the Department of Parks and Recreation or other relevant agency, indexed against the #zoning lot#, binding the owners, successors and assigns. Such declaration or maintenance agreement may require security in the form of a bond or letter of credit to ensure that the compensating amenity is maintained in accordance with the declaration or maintenance agreement. The form and content of the legal instrument shall be satisfactory to the Chairperson, and the filing of such instrument in the New York County Office of the City Register shall be a precondition to certification. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date. Modifications to the declaration required by this paragraph may only be allowed upon approval by the Chairperson.

(b) Existing approvals by the Board of Standards and Appeals

Where a #zoning lot# is subject to a variance or special permit that was granted by the Board of Standards and Appeals, the application pursuant to Section 91-83 shall be referred for thirty (30) days to the Board of Standards and Appeals who shall certify to the Department of City Planning whether such application would not result in a departure from the findings and conditions specified in the original approval.

(c) Community Board review

No earlier than the date on which the application for certification pursuant to Section 91-83 is filed, a copy of the application shall be submitted by the applicant to the affected Community Board ~~and local Council Member for, which shall have~~ 45 days to review said application. The Chairperson shall not issue a certification for an application during the Community Board review period, unless the Community Board has submitted to the Chairperson comments regarding such proposal or informed the Chairperson that the Community Board has no comments.

**91-837**

**Subsequent ~~Additional~~ design changes**

Design changes to any #publicly accessible open area#, required open area or indoor public space ~~previously~~ improved pursuant to the provisions of Sections 91-832 (Plaza improvements) or 91-834 (Indoor public spaces) may only be made upon certification by the Chairperson of the City Planning Commission that such changes would result in a #publicly accessible open area# or indoor public space that is compliant with the Section under which it was previously approved. As part of the certification, a horizontal #enlargement# on the ground floor level may be permitted along existing #building# walls that face the #publicly accessible open area# and do not face an arcade, **but such #enlargement# shall not occupy any #publicly accessible open area#.** The locational requirements of paragraph (a)(1) of Section 91-831 (Ground floor requirements) and the #use# and transparency requirements of Section 91-831 for new #building# walls facing a #publicly accessible open area# shall apply. The legal requirements of paragraph (a) of Section 91-836 shall apply.

**91-84**

**Authorizations**

**91-841**

**Authorization for retail uses within existing arcades**

The City Planning Commission may authorize a horizontal #enlargement# of the ground floor and second floor levels within an arcade located within Area B on Map 9 in Appendix A of this Chapter. In order to grant an authorization, the Commission shall find that:

- (a) the requirements of Section 91-831 (Ground floor requirements) are met;
- (b) a compensating amenity is provided pursuant to the provisions of Section 91-832 for plazas, Section 91-834 for indoor public spaces or Section 91-835 for alternative improvements;
- (c) sufficient unobstructed space exists adjacent to the proposed #enlargement# to facilitate pedestrian circulation; and
- (d) the #enlargement# will maintain a visual or physical connection to Water Street from another #street#, #public park# or #publicly accessible open area#.

As part of the authorization, the Commission may modify the requirements for the location of new #building# walls of paragraph (a) of Section 91-831 (Ground floor requirements).

For #zoning lots# with one or more #publicly accessible open area#, unless an alternative improvement has been identified in Section 91-835, an improvement to all #publicly accessible open areas# pursuant to the provisions of Section 91-832 shall be required as the compensating amenity required by finding (b) of this Section, and a certification for design changes pursuant to Section 37-625 (Design changes) shall not be required. Where a #publicly accessible open area# was improved and is fully compliant with a prior certification pursuant to Section 37-625 that was granted before January 19, 2016, the further improvement of such #publicly accessible open area# shall not be required.

The provision of a compensating amenity as part of a prior certification pursuant to Section 91-83 (Retail Uses Within Existing Arcades) or a prior authorization pursuant to this Section may satisfy the requirement of finding (b) of this Section for a compensating amenity.

As part of the authorization, a horizontal #enlargement# of the ground floor level may be permitted within the area between a #street wall# and an arcade that did not generate a #floor area# bonus prior to [effective date of amendment]. The provisions of Section 91-831 (Ground floor requirements) shall not apply to such portion of the horizontal #enlargement#.

As part of the authorization, a horizontal #enlargement# of the ground floor level may be permitted along existing #building# walls that do not face an arcade. The locational requirements of paragraph (a)(1) of Section 91-831 and the frontage prohibitions of paragraph (b)(1)(ii) of Section 91-831 shall apply to such #enlargement#. Where the #enlargement# is located adjacent to a #publicly accessible open area#, the #use# and transparency requirements of Section 91-831 for new #building# walls facing a #publicly accessible open area# shall apply.

**For a horizontal #enlargement# of 7,500 square feet or greater, a special permit pursuant to Section 91-85 (Special Permit for Enlargements of 7,500 Square Feet or Greater) shall also be required. For the purposes of calculating the total area of the horizontal #enlargement# that is subject to the special permit, the aggregate area of the horizontal #enlargement# permitted by prior certifications pursuant to Sections 91-83 and 91-837 (Subsequent design changes) and prior authorizations pursuant to this**

**Section shall be included in such calculation, except the area of an indoor public space shall be excluded from such calculation.**

**Where any portion of the arcade remains open and accessible, such remaining arcade area shall maintain a minimum level of illumination of not less than five horizontal foot candles between sunset and sunrise. Any non-transparent portion of a #building# wall between columns that fronts on such arcade area shall be treated with artwork, planting or decorative material. Additional requirements for transparency in paragraph (c)(3) of Section 91-831 may apply.**

All plans for arcades, #publicly accessible open areas#, required open areas and indoor public spaces, once authorized, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form satisfactory to the Commission, providing notice of the authorization pursuant to this Section. The filing and recording of such instrument shall be a precondition to the issuance of a building permit. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date. Where a compensating amenity required by condition (b) of Section 91-83 is located on the same #zoning lot# as an #enlargement#, no temporary or final certificate of occupancy shall be issued for any #enlargement# unless and until the compensating amenity has been substantially completed in accordance with the approved plans, as verified by the Department of City Planning to the Department of Buildings.

Where a compensating amenity is located within a #street# or #public park# pursuant to Section 91-835 (Alternative improvements), the applicable legal requirements of Section 91-836 (Additional requirements) shall apply.

Where a #zoning lot# is subject to a variance or special permit that was granted by the Board of Standards and Appeals, the requirements of paragraph (b) Section 91-836 shall apply.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorization.

#### **91-842**

##### **Authorization to modify design requirements**

The City Planning Commission may authorize a modification of the requirements of Section 91-831 (Ground floor requirements), the provisions of Sections 91-832 (Plaza improvements) and 91-833 (Special regulations for plazas less than 40 feet in depth) for #publicly accessible open areas# and the provisions of Section 91-834 for indoor public spaces. In no event shall an #enlargement# be permitted within a #publicly accessible open area# or other required open area unless specified on Map 9 of Appendix A of this Chapter.

In order to grant such authorization, the Commission shall find:

- (a) the location, #use#, access, size, and treatment of the #enlargement# would result in a superior urban design relationship with the surrounding #streets#, #buildings# and open areas; ~~and~~
- (b) the usefulness and attractiveness of the #publicly accessible open area#, required open area or indoor public space will be assured by the proposed layout and design, and that such modification will result in a superior urban design relationship with surrounding #streets#, #buildings# and **public** open

areas; and

- (c) any waiver of required amenities and circulation paths is the minimum necessary to create a better site plan.

The Commission may prescribe appropriate conditions and controls to enhance the relationship between the #enlargement#, #publicly accessible open area#, required open area or indoor public space and the surrounding #streets#, #buildings# and open areas.

### **91-843**

#### **Authorization to modify requirements for alternative improvements**

The City Planning Commission may authorize an alternative improvement not listed in Section 91-835 provided that the Commission finds that the new amenity will better serve the purpose of the Water Street Subdistrict described in Section 91-00 (GENERAL PURPOSES).

As a condition of the authorization, for a compensating amenity that is located within a #street# or #public park#, the commitment to provide or maintain such compensating amenity shall be duly recorded in the form of a signed declaration of restrictions, including a maintenance agreement with the Department of Parks and Recreation or other relevant agency, indexed against the #zoning lot#, binding the owners, successors and assigns. Such declaration or maintenance agreement may require security in the form of a bond or letter of credit to ensure that the compensating amenity is maintained in accordance with the declaration or maintenance agreement. The form and content of the legal instrument shall be satisfactory to the Commission, and the filing of such instrument in the New York County Office of the City Register shall be a precondition to the issuance of a building permit. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorization.

### **91-85**

#### **Special Permit for Enlargements of 7,500 Square Feet or Greater**

In addition to any certification pursuant to Section 91-83 (Retail Uses Within Existing Arcades), inclusive, or an authorization pursuant to Section 91-841 (Authorization for retail uses within existing arcades), the City Planning Commission may permit a horizontal #enlargement# of 7,500 square feet or greater within Areas A or B on Map 9 in Appendix A of this Chapter, provided that the Commission finds that the public amenity or improvement that is provided on the #zoning lot# is of equal or greater benefit to the public than the arcade to be eliminated or reduced.

For the purposes of calculating the total area of the horizontal #enlargement# that is subject to the special permit, the aggregate area of the horizontal #enlargement# permitted by any prior certification pursuant to Section 91-83, inclusive, and prior authorizations pursuant to Section 91-841 shall be included in such calculation, except the area of an indoor public space provided in accordance with the provision of Section 91-834 (Indoor public spaces) shall be excluded from such calculation.



As part of the special permit, the Commission may modify the requirements of Sections 91-831 (Ground floor requirements), the provisions of Sections 91-832 (Plaza improvements) and 91-833 (Special regulations for plazas less than 40 feet in depth) for #publicly accessible open areas# and the provisions of Section 91-834 for indoor public spaces. In no event shall an #enlargement# be permitted within a #publicly accessible open area# or other required open area unless specified on Map 9 in Appendix A of this Chapter.

The Commission may prescribe additional conditions and safeguards to enhance the relationship between the #enlargement# and the surrounding #streets#, #buildings# and public open areas.

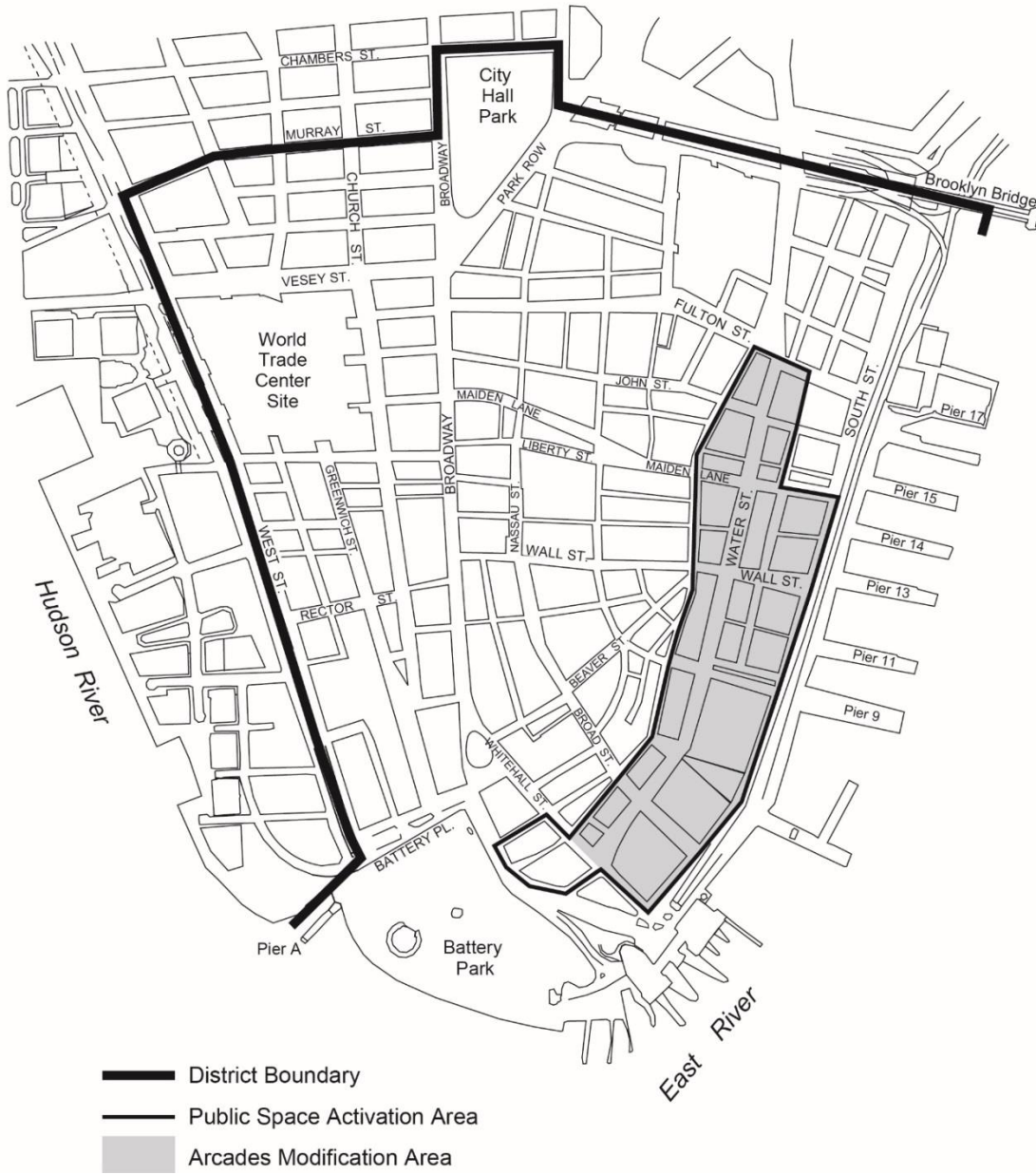
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Appendix A  
Lower Manhattan District Plan Maps

\* \* \*

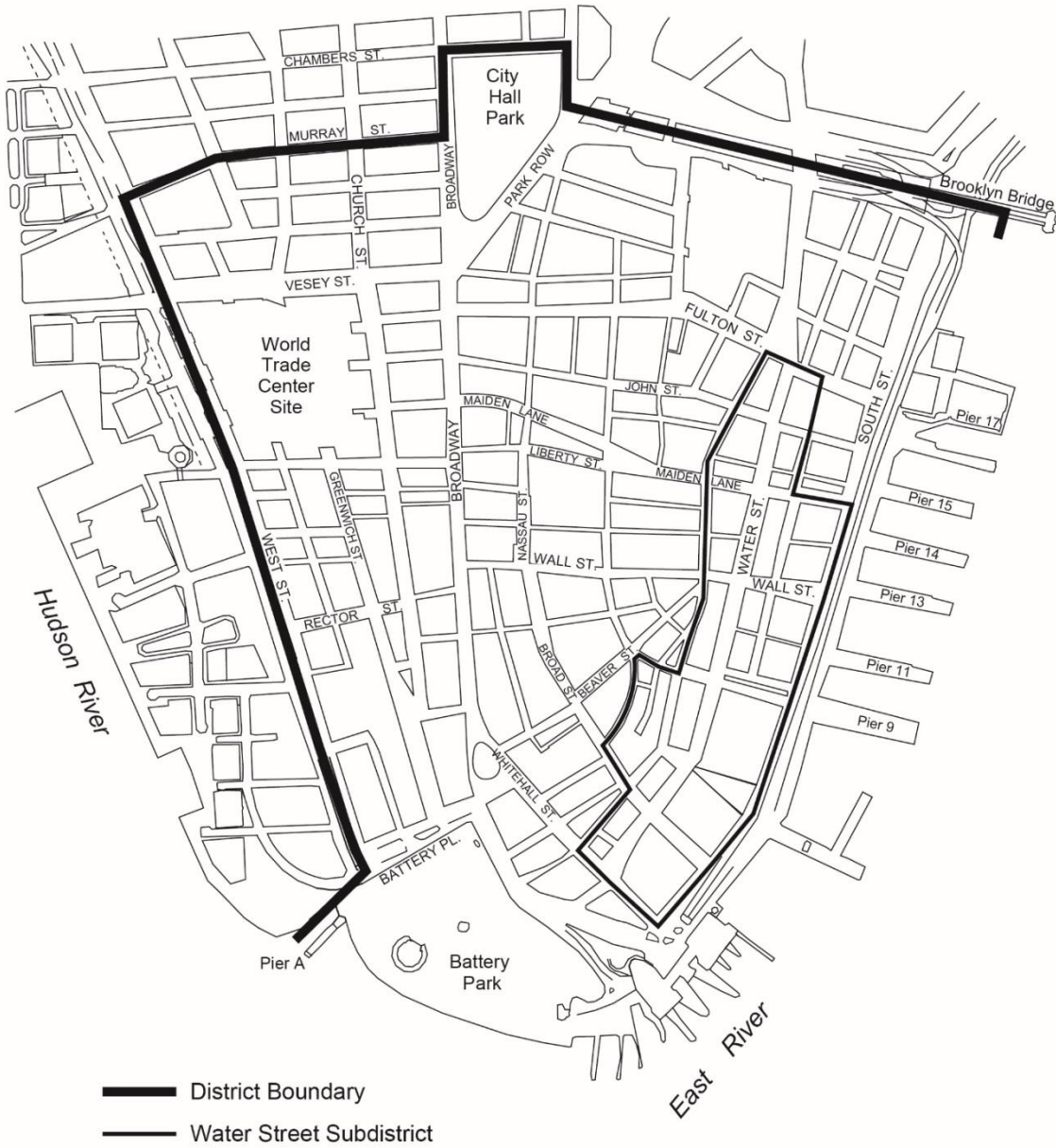
### Map 8. Public Access Modification Areas

[MAP TO BE DELETED]



### Map 8. Public Access Modification Areas

[MAP TO BE ADDED]

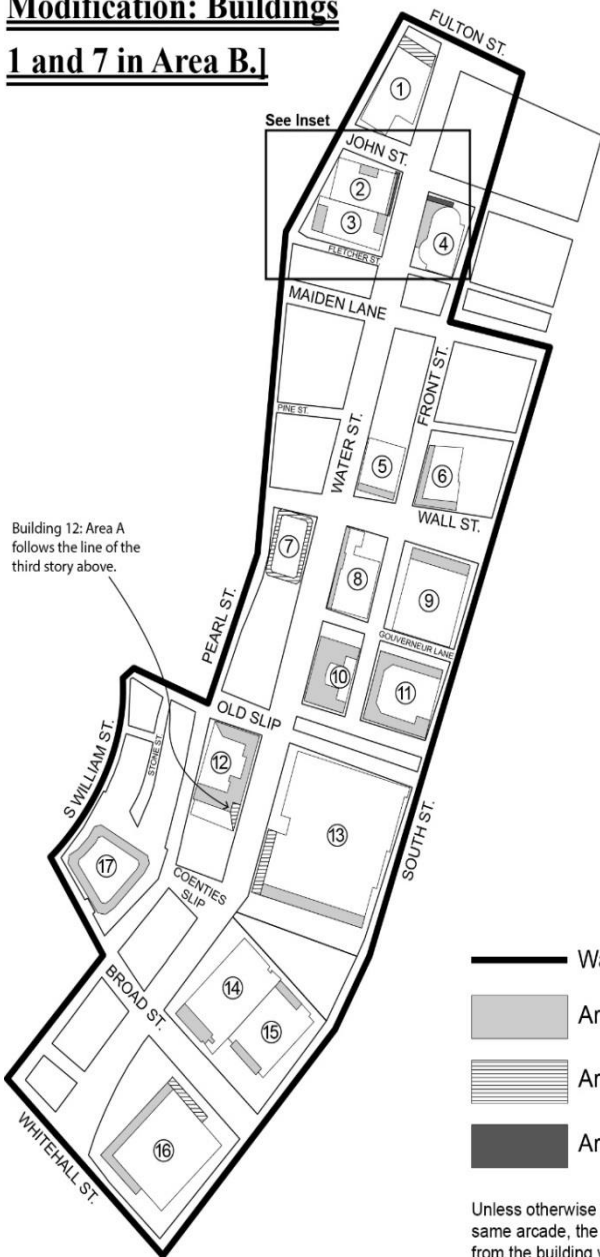


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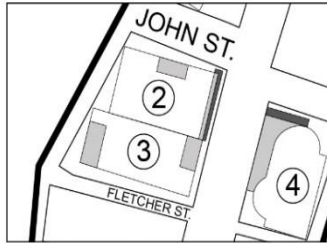
Map 9. Water Street Subdistrict

[MAP TO BE ADDED]

**[City Council  
Modification: Buildings  
1 and 7 in Area B.]**







Inset



Building 2: Area C follows the portion of the arcade that is open to the sky.

Building 4: Area A extends to the column faces closest to John Street.

Building	Address
1	200 Water Street
2	180 Water Street
3	160 Water Street
4	175 Water Street
5	100 Wall Street
6	110 Wall Street
7	75 Wall Street
8	95 Wall Street
9	111 Wall Street
10	77 Water Street
11	32 Old Slip
12	7 Hanover Square
13	55 Water Street
14	4 New York Plaza
15	2 New York Plaza
16	1 New York Plaza
17	85 Broad Street

-  Water Street Subdistrict (Map 8)
-  Area A (Section 91-83)
-  Area B (Section 91-841)
-  Area C

Unless otherwise noted, where two Areas are located within the same arcade, the line separating them shall be one extending from the building wall to which it is drawn.

**91-80****PUBLIC ACCESS AREAS****91-81****~~Certification to Modify Existing Arcades in Certain Areas~~**

~~For the purposes of this Section, “arcade” shall refer to an #arcade# or #through block arcade# provided in accordance with the provisions of Sections 12-10 (DEFINITIONS) and 37-80 (ARCADES); or an arcade provided in accordance with paragraph (a) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces); or an open space provided on a #zoning lot# between the #building street wall# and the #street line# where tables and chairs would otherwise not be allowed as permitted obstructions.~~

~~The provisions of this Section shall apply to existing #buildings# providing an arcade within the boundary designated by Map 8 in Appendix A of this Chapter.~~

~~Any underlying provisions restricting the placement of tables and chairs within such arcades may be modified where the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that such modifications are consistent with the provisions of this Section, as follows:~~

~~(a) Tables and chairs~~

~~Publicly accessible tables and chairs and outdoor cafes, as well as shade umbrellas and other furnishings, shall be permitted obstructions within an arcade, provided that such obstructions comply with the provisions listed in paragraphs (a) and (b) of this Section, as applicable.~~

~~Tables or chairs provided within an arcade shall be moveable and shall not contain any plastic material.~~

~~Where an outdoor cafe is provided, it shall be a permanently unenclosed establishment and may have waiter or table service.~~

~~(1) Number and size of tables and chairs~~

~~A minimum of four tables and sixteen chairs shall be provided within an arcade.~~

~~(i) Publicly accessible tables and chairs~~

~~Publicly accessible tables, and related chairs, shall constitute a minimum of 40 percent of the total number of tables provided within an arcade. Fractions equal to or greater than one half resulting from such calculation shall result in one additional~~

~~table. Every publicly accessible table required by such calculation shall be required to have four chairs.~~

~~— All tables shall have a minimum diameter of two feet. All publicly accessible chairs shall have seat backs, and the seats shall have a minimum depth of 12 inches and a maximum depth of 20 inches.~~

~~(ii) — Outdoor cafe~~

~~— Outdoor cafe tables, and related chairs, shall constitute a maximum of 60 percent of the total number of tables provided within an arcade. Fractions equal to or greater than one-half resulting from such calculation shall result in one additional table.~~

~~(2) — Location restrictions and other prohibitions~~

~~— Tables or chairs shall not be permitted within five feet of any #building# entrance. For arcades with a depth of ten feet or less, as measured from the column face furthest from the #street line# to the #street wall#, a clear pedestrian circulation pathway not less than three feet shall be provided. For arcades with a depth greater than ten feet, such required clear pedestrian pathway shall be increased to at least six feet. In addition, for #through block arcades#, a continuous clear path of ten feet shall be provided, connecting each #street# on which the public access area fronts.~~

~~(i) — Publicly accessible tables and chairs~~

~~— For arcades located on a #zoning lot# with frontage along Water Street, at least half of all publicly accessible tables and chairs shall be located within 25 feet of the Water Street #street line#.~~

~~(ii) — Outdoor cafe~~

~~— Outdoor cafes shall be located at the same elevation as the adjoining sidewalk area or #publicly accessible open area#, except that platforms that do not exceed a height of six inches may be provided.~~

~~Fences, planters, walls, fabric dividers or other barriers that separate outdoor cafe areas from other portions of the arcade or adjacent sidewalks or #publicly accessible open areas# shall be prohibited. No kitchen equipment shall be installed within an outdoor cafe.~~

~~(3) — Hours of operation~~

~~(i) — Publicly accessible tables and chairs~~

~~— Tables and chairs shall not be chained, fixed or otherwise secured during the hours of 7:00 am to 9:00 pm. However, during the hours of 9:00 pm to 7:00 am, such tables~~

~~and chairs may be removed or secured within the arcade.~~

~~Where publicly accessible tables and chairs and outdoor cafes are provided within an arcade, such publicly accessible tables and chairs shall be subject to the hours of operation of an outdoor cafe, as set forth in paragraph (a)(3)(ii) of this Section.~~

~~(ii) Outdoor cafe~~

~~Outdoor cafes must be in operation and provide service a minimum of 225 days per year.~~

~~All furnishings of an outdoor cafe, including tables, chairs, bussing stations and heating lamps, shall be completely removed from the arcade when the outdoor cafe is not in active use, except that tables and chairs may remain in such arcade if they are unsecured and may be used by the public without restriction.~~

~~(4) Locating publicly accessible tables and chairs within an adjacent #publicly accessible open area#~~

~~Where tables and chairs are provided in an arcade located on the same #zoning lot# as an existing #publicly accessible open area# that fronts upon Water Street, the Chairperson of the City Planning Commission may certify that publicly accessible tables and chairs, provided pursuant to paragraph (a)(2)(i) of this Section, may be located within such a #publicly accessible open area#.~~

~~The area within such #publicly accessible open area# occupied by publicly accessible tables and chairs provided pursuant to this paragraph, (a)(4), shall not be included in calculating the maximum #lot coverage# which permitted obstructions may occupy within such #publicly accessible open area#, where applicable.~~

~~Such publicly accessible tables and chairs shall not constitute a design change pursuant to the provisions of Section 37-62 (Changes to Existing Publicly Accessible Open Areas), provided the Chairperson finds that:~~

- ~~(i) no more than 50 percent of the publicly accessible tables and chairs required to be within 25 feet of the Water Street #street line#, pursuant to paragraph (a)(2)(i), shall be located within such #publicly accessible open area#. However, where the entirety of an arcade is located beyond 25 feet of the Water Street #street line#, the entirety of the publicly accessible tables and chairs required to be within 25 feet of such #street line#, pursuant to paragraph (a)(2)(i), may be located within such #publicly accessible open area#;~~
- ~~(ii) such publicly accessible tables and chairs shall in no event constitute required seating for such existing #publicly accessible open area#; and~~
- ~~(iii) such publicly accessible tables and chairs comply with the hours of operation provisions of paragraph (a)(3) of this Section.~~

~~Any proposed design change to an existing #publicly accessible open area# beyond the findings permitted in this Section shall be subject to the requirements of Section 37-62.~~

~~(b) Litter receptacles~~

~~Litter receptacles shall be permitted obstructions within an arcade pursuant to the provisions set forth in Section 37-744.~~

~~In order to certify that the proposed modification to an existing arcade is consistent with the provisions of this Section, the applicant shall submit, to the Chairperson, a site plan demonstrating the proposed obstructions within the existing arcade and, where applicable, the adjacent #publicly accessible open area#, and a detailed seating plan illustrating compliance with paragraph (a) of this Section.~~

~~All plans for arcades or other #publicly accessible open areas# that are the subject of a certification pursuant to this Section shall be filed and duly recorded in the Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form satisfactory to the Chairperson, providing notice of the certification of the arcade, pursuant to this Section. Such filing and recording of such instrument shall be a precondition to certification. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.~~

**91-82**

**Existing Publicly Accessible Open Areas**

~~The purpose of this Section is to facilitate temporary programmatic changes to existing public spaces to:~~

- ~~(a) help address the short term challenges facing the Water Street corridor as a result of Hurricane Sandy by encouraging increased economic activity, reinforcing community connections, creating a lively and engaging experience and improving the corridor's pedestrian environment; and~~
- ~~(b) explore new types of #uses# and amenities within public spaces intended to draw residents, workers and visitors, thereby increasing the utilization and activation of the existing public spaces.~~

~~This Section, inclusive, shall be effective until January 1, 2014, at which time the provisions of this Section shall automatically expire and all #publicly accessible open areas#, as defined in Section 91-821, shall be returned to their compliant state and all temporary obstructions shall be removed.~~

**91-821**

**Special provisions for publicly accessible open areas**

~~For the purposes of this Section, the definition of #publicly accessible open area# shall also include any #arcade#, #through block arcade#, or other public amenity, open or enclosed, for which a #floor area# bonus has been granted.~~



~~The provisions of this Section shall apply to all #publicly accessible open areas# existing on June 12, 2013, within the area designated as a public space activation area on Map 8 (Public Access Modification Areas) in Appendix A of this Chapter.~~

~~Any underlying provisions, including Section 91.81 of this Chapter, restricting the placement of obstructions within #publicly accessible open areas# or restricting their use for events may be modified, as follows:~~

~~(a) Temporary permitted obstructions~~

~~\_\_\_\_\_ Amenities that shall be considered temporary permitted obstructions for cultural, entertainment and #commercial uses# including, but not limited to, tables, chairs, moveable planters, stages, kiosks, food trucks, artwork, and shade structures are allowed, provided that they:~~

- ~~(1) \_\_\_\_\_ are not permanently affixed to the ground and do not cause damage to any surface of the #publicly accessible open area#;~~
- ~~(2) \_\_\_\_\_ are not located within five feet of any #building# entrance; and~~
- ~~(3) \_\_\_\_\_ do not, in combination, occupy more than 60 percent of the #publicly accessible open area#.~~

~~(b) Events~~

~~\_\_\_\_\_ Events including, but not limited to, farmers markets, holiday markets, concerts and performances, art and cultural exhibitions, and festivals are permitted. Such events may be sponsored by non-profit or for-profit entities, without limitation, and may include the sale of food, refreshments and other event-related items, for the benefit or enjoyment of event participants. The use of a #publicly accessible open area# for the promotion of products or services shall not itself qualify as an event permitted under this Section. Such events shall:~~

- ~~(1) be open to the public; and~~
- ~~(2) only be permitted to use amplified sound between the hours of 9:00 am and 10:00 pm.~~

~~Nothing herein shall authorize the use of city #streets# or sidewalks in connection with an event permitted under this Section, and any such use shall be subject to all applicable provisions of law and regulation governing the use of city #streets# or sidewalks including, where applicable, the requirement to obtain a street activity permit from the Street Activity Permit Office of the Office of Citywide Events Coordination and Management. No event shall be permitted pursuant to this Section unless, no later than fourteen (14) days prior to the scheduled date, the sponsor notifies the Street Activity Permit Office of the nature, size and location of the event upon a form prescribed by the Street Activity Permit Office for such purpose.~~

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS,

DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, June 15, 2016.

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. 378 & Res. No. 1155

**Report of the Committee on Land Use in favor of approving Application No. C 160138 ZMQ submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10b, changing from a C4-2 District to a C4-5X District property located at Main Street and 41st Avenue, Borough of Queens, Community Board 7, Council District 20.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 25, 2016 (Minutes, page 1496) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**QUEENS - CB 7**

**C 160138 ZMQ**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10b, changing from a C4-2 District to a C4-5X District property bounded by the northwesterly boundary line of the Long Island Rail Road Right-Of-Way (Northern Division), Main Street, 41st Avenue, and a line perpendicular to the north westerly street line of 41st Avenue distant 525 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 41st Avenue and the southwesterly street line of Main Street, Borough of Queens.

**INTENT**

This zoning map amendment in conjunction with several related actions would facilitate the development of a mixed-use, affordable, multi-family housing project in the Flushing neighborhood of Community District 7 in Queens.

**PUBLIC HEARING**

**DATE:** June 2, 2016

**Witnesses in Favor:** Four

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION****DATE:** June 15, 2016

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

**In Favor:** Dickens, Rodriguez, Treyger.

<b>Against:</b>	<b>Abstain:</b>
None	None

**COMMITTEE ACTION****DATE:** June 15, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Palma, Dickens, Garodnick, Mealy, Mendez, Koo (Chair), Lander, Levin, Rose, Williams, Richards, Barron, Kallos, Torres, Treyger.

<b>Against:</b>	<b>Abstain:</b>
None	None

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

Res No. 1155

**Resolution approving the decision of the City Planning Commission on ULURP No. C 160138 ZMQ, a Zoning Map amendment (L.U. No. 378).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the City Planning Commission filed with the Council on May 13, 2016 its decision dated May 11, 2016 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 10b, changing from a C4-2 District to a C4-5X District, which in conjunction with the other related actions would facilitate the development of a mixed-use, affordable,

multi-family housing project in the Flushing neighborhood of Queens, Community District 7, (ULURP No. C 160138 ZMQ), Borough of Queens (the "Application");

**WHEREAS**, the application is related to Applications N 160139 ZRQ (L.U. No. 379), a zoning text amendment to modify ZR Section 23-90 to designate the proposed rezoning area as a Mandatory Inclusionary Housing Area; C 160140 ZSQ (L.U. No. 380), a special permit, pursuant to ZR Section 74-52, to allow an attended public parking garage; C 160141 ZSQ (L.U. No. 381), a special permit, pursuant to ZR Section 74-681, to allow a portion of the right-of-way wherein railroad use has been permanently discontinued or terminated to be included in the lot area; and C 160143 HAQ (L.U. No. 382), designation of property as an Urban Development Action Area and Urban Development Action Area Project; and pursuant to Section 197-c, disposition of such property to a developer selected by the Department of Housing Preservation and Development;

**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 June 2, 2016;

**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 (CEQR No. 16HPD014Q) issued December 17, 2015 (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 160138 ZMQ, 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. 10b, changing from a C4-2 District to a C4-5X District property bounded by the northwesterly boundary line of the Long Island Rail Road Right-Of-Way (Northern Division), Main Street, 41st Avenue, and a line perpendicular to the north westerly street line of 41st Avenue distant 525 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 41st Avenue and the southwesterly street line of Main Street, as shown on a diagram (for illustrative purposes only) dated January 04, 2016, Community District 7, Borough of Queens.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS,

DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, June 15, 2016.

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. 379 & Res. No. 1156

**Report of the Committee on Land Use in favor of approving Application No. N 160139 ZRQ submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to establish a Mandatory Inclusionary Housing area on property located at property located at Main Street and 41st Avenue, Borough of Queens, Community Board 7, Council District 20.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 25, 2016 (Minutes, page 1496) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**QUEENS - CB 7**

**C 160139 ZRQ**

City Planning Commission decision approving an application submitted by the New York City Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to establish a Mandatory Inclusionary Housing area.

**INTENT**

This amendment to the Zoning Resolution in conjunction with several other related actions would facilitate the development of a mixed-use, affordable, multi-family housing project in the Flushing neighborhood of Community District 7 in Queens.

**PUBLIC HEARING**

**DATE:** June 2, 2016

**Witnesses in Favor:** Four

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 15, 2016

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

**In Favor:**

Dickens, Rodriguez, Treyger.

**Against: Abstain:**

None None

**COMMITTEE ACTION**

**DATE:** June 15, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Palma, Dickens, Garodnick, Mealy, Mendez, Koo (Chair), Lander, Levin, Rose, Williams, Richards, Barron, Kallos, Torres, Treyger.

**Against: Abstain:**

None None

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

Res No. 1156

**Resolution approving the decision of the City Planning Commission on Application No. N 160139 ZRQ, for an amendment of the Zoning Resolution of the City of New York, to establish a Mandatory Inclusionary Housing area in Community District 7, Borough of Queens (L.U. No. 379).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the City Planning Commission filed with the Council on May 13, 2016 its decision dated May 11, 2016 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of City Planning, for an amendment of the text of the Zoning Resolution of the City of New York, to create a Mandatory Inclusionary Housing program that would require through zoning actions, a share of new housing to be permanently affordable (Application No. N 160139 ZRQ), Community District 7, Borough of Queens (the "Application");

**WHEREAS**, the application is related to Applications C 160138 ZMQ (L.U. No. 378), an amendment of the Zoning Map, Section 10b, changing from a C4-2 District to a C4-5X District; C 160140 ZSQ (L.U. No. 380), a special permit, pursuant to ZR Section 74-52, to allow an attended public parking garage; C 160141 ZSQ (L.U. No. 381), a special permit, pursuant to ZR Section 74-681, to allow a portion of the right-of-way wherein railroad use has been permanently discontinued or terminated to be included in the lot area; and C 160143 HAQ (L.U. No. 382), designation of property as an Urban Development Action Area and Urban

Development Action Area Project; and pursuant to Section 197-c, disposition of such property to a developer selected by the Department of Housing Preservation and Development;

**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 June 2, 2016;

**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 (CEQR No. 16HPD014Q) issued December 17, 2015 (the “Negative Declaration”);

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 150421 ZRR, 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 as follows:

Matter in underline is new, to be added;

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

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

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

\* \* \*

**APPENDIX F**

\* \* \*

**QUEENS**

\* \* \*

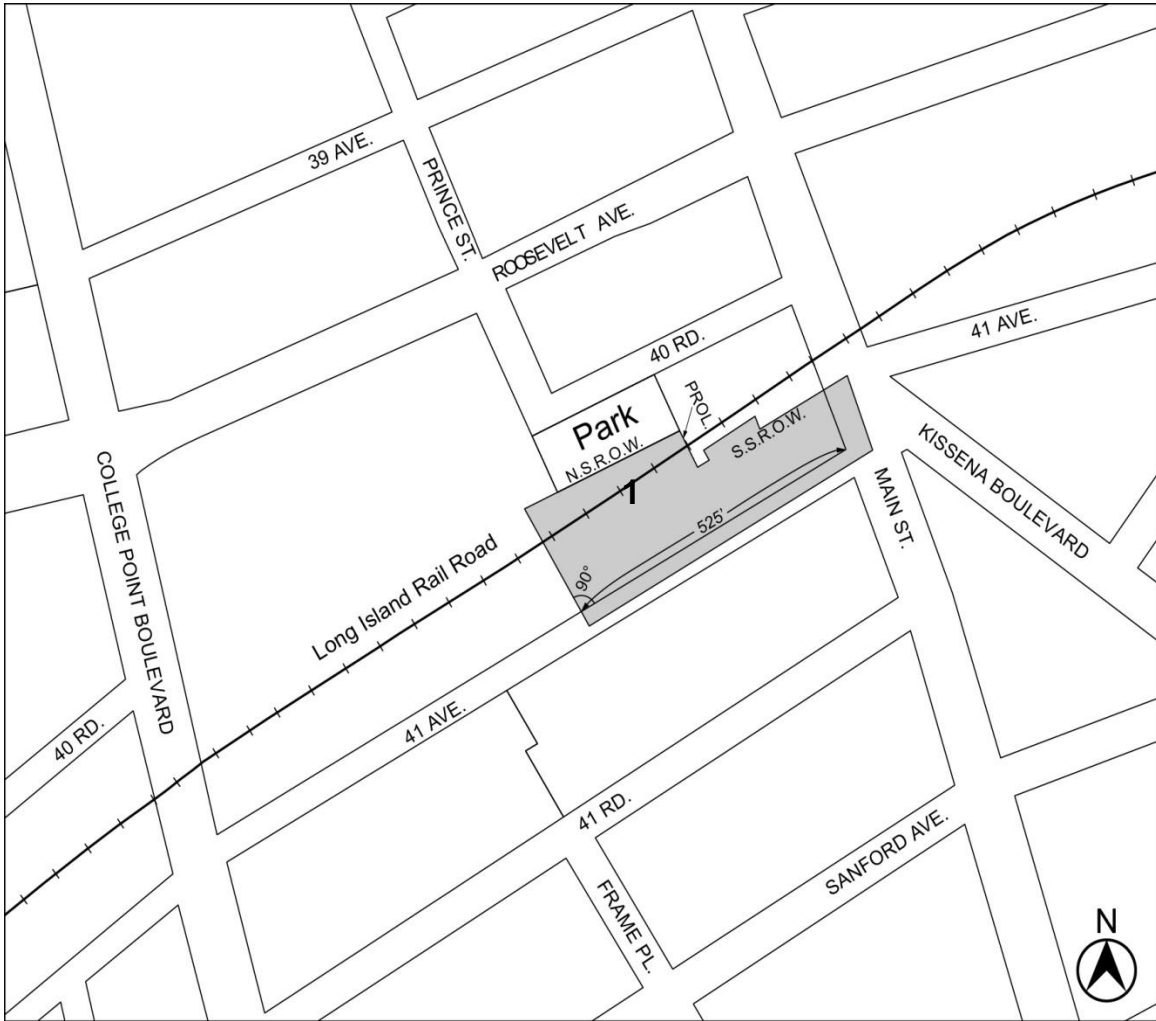
**Queens Community District 7**

In the R7X District within the area shown on the following Map 1:

Map 1 – [date of adoption]



[PROPOSED MAP]



Mandatory Inclusionary Housing Area (MIHA)  
1 [date of adoption], MIH Program Option 1 and Option 2 [Section 23-154(d) (3)]

Portion of Community District 7, Queens

\* \* \*

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS,

DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, June 15, 2016.

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. 380 & Res. No. 1157

**Report of the Committee on Land Use in favor of approving Application No. C 160140 ZSQ submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 229 spaces on a portion of the ground floor and cellar level of a proposed mixed use development on property located at 133-45 41st Avenue (Block 5037, Lots 64 & 65), in a C4-5X District, Borough of Queens, Community Board 7, Council District 20. 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 May 25, 2016 (Minutes, page 1496) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**QUEENS - CB 7**

**C 160140 ZSQ**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 229 spaces on a portion of the ground floor and cellar level of a proposed mixed use development on property located at 133-45 41st Avenue (Block 5037, Lots 64 & 65), in a C4-5X District, Borough of Queens.

**INTENT**

This special permit action in conjunction with several other related actions would facilitate the development of a mixed-use, affordable, multi-family housing project in the Flushing neighborhood of Community District 7 in Queens.

**PUBLIC HEARING**

**DATE:** June 2, 2016

**Witnesses in Favor:** Four

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION****DATE:** June 15, 2016

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

**In Favor:**

Dickens, Rodriguez, Treyger.

**Against: Abstain:**

None None

**COMMITTEE ACTION****DATE:** June 15, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Dickens, Garodnick, Mealy, Mendez, Koo (Chair), Lander, Levin, Rose, Williams, Richards, Barron, Kallos, Torres, Treyger.

**Against: Abstain:**

None None

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

Res No. 1157

**Resolution approving the decision of the City Planning Commission on ULURP No. C 160140 ZSQ (L.U. No. 380), for the grant of a special permit pursuant to Section 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 229 spaces on a portion of the ground floor and cellar level of a proposed mixed use development on property located at 133-45 41st Avenue (Block 5037, Lots 64 and 65), in a C4-5X District, in Community District 7, Borough of Queens.**

By Council Members Greenfield and Dickens.

**WHEREAS**, the City Planning Commission filed with the Council on May 13, 2016 its decision dated May 11, 2016 (the "Decision"), on the application submitted by New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 229 spaces on a portion of the ground floor and cellar level of a proposed mixed use development on property located at 133-45 41st Avenue (Block 5037, Lots 64 and 65), in

a C4-5X District (ULURP No. C 160140 ZSQ), Community District 7, Borough of Queens (the "Application");

**WHEREAS**, the application is related to Applications C 160138 ZMQ (L.U. No. 378), an amendment of the Zoning Map, Section 10b, changing from a C4-2 District to a C4-5X District; N 160139 ZRQ (L.U. No. 379), a zoning text amendment to modify ZR Section 23-90 to designate the proposed rezoning area as a Mandatory Inclusionary Housing Area; C 160141 ZSQ (L.U. No. 381), a special permit, pursuant to ZR Section 74-681, to allow a portion of the right-of-way wherein railroad use has been permanently discontinued or terminated to be included in the lot area; and C 160143 HAQ (L.U. No. 382), designation of property as an Urban Development Action Area and Urban Development Action Area Project; and pursuant to Section 197-c, disposition of such property to a developer selected by the Department of Housing Preservation and Development;

**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 74-52 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 June 2, 2016;

**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 (CEQR No. 16HPD014Q) issued December 17, 2015 (the "Negative Declaration");

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 160140 ZSQ, incorporated by reference herein, the Council approves the Decision subject to the following conditions:

- 1) The property that is the subject of this application (C 160140 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Philip Habib & Associates, filed with this application and incorporated in this resolution:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
Sheet 1 of 1	Parking Plan Ground & Cellar Levels	December 9, 2015

- 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 plan 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, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, June 15, 2016.

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. 381 & Res. No. 1158

**Report of the Committee on Land Use in favor of approving Application No. C 160141 ZSQ submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area, in connection with a proposed mixed-use development on property located at 133-45 41st Avenue (Block 5037, Lots 64 & 65), in a C4-5X District, Borough of Queens, Community Board 7, Council**

**District 20. 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 May 25, 2016 (Minutes, page 1497) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**QUEENS - CB 7**

**C 160141 ZSQ**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area, in connection with a proposed mixed-use development on property located at 133-45 41st Avenue (Block 5037, Lots 64 & 65), in a C4-5X District, Borough of Queens.

**INTENT**

This special permit action in conjunction with several related actions would facilitate the development of a mixed-use, affordable, multi-family housing project in the Flushing neighborhood of Community District 7 in Queens.

**PUBLIC HEARING**

**DATE:** June 2, 2016

**Witnesses in Favor:** Four

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 15, 2016

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

**In Favor:**

Dickens, Rodriguez, Treyger.

**Against: Abstain:**

None None

**COMMITTEE ACTION****DATE:** June 15, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Palma, Dickens, Garodnick, Mealy, Mendez, Koo (Chair), Lander, Levin, Rose, Williams, Richards, Barron, Kallos, Torres, Treyger.

**Against:**     **Abstain:**  
None           None

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

Res No. 1158

**Resolution approving the decision of the City Planning Commission on ULURP No. C 160141 ZSQ (L.U. No. 381), for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area, in connection with a proposed mixed-use development on property located at 133-45 41st Avenue (Block 5037, Lots 64 and 65), in a C4-5X District, in Community District 7, Borough of Queens.**

By Council Members Greenfield and Dickens.

**WHEREAS**, the City Planning Commission filed with the Council on May 13, 2016 its decision dated May 11, 2016 (the "Decision"), on the application submitted by New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to 74-681 of the Zoning Resolution to allow that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area, in connection with a proposed mixed-use development on property located at 133-45 41st Avenue (Block 5037, Lots 64 and 65), in a C4-5X District, (ULURP No. C 160141 ZSQ), Community District 7, Borough of Queens (the "Application");

**WHEREAS**, the application is related to Applications C 160138 ZMQ (L.U. No. 378), an amendment of the Zoning Map, Section 10b, changing from a C4-2 District to a C4-5X District; N 160139 ZRQ (L.U. No. 379), a zoning text amendment to modify ZR Section 23-90 to designate the proposed rezoning area as a Mandatory Inclusionary Housing Area; C 160140 ZSQ (L.U. No. 380), a special permit, pursuant to ZR Section 74-52, to allow an attended public parking garage; and C 160143 HAQ (L.U. No. 382), designation of property as an Urban Development Action Area and Urban Development Action Area Project; and pursuant to Section 197-c, disposition of such property to a developer selected by the Department of Housing Preservation

and Development;

**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 74-681 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 June 2, 2016;

**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 (CEQR No. 16HPD014Q) issued December 17, 2015 (the “Negative Declaration”);

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 160141 ZSQ, incorporated by reference herein, the Council approves the Decision subject to the following conditions:

- 1) The property that is the subject of this application (C 160141 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Bernheimer Architecture, filed with this application and incorporated in this resolution:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-001.00	Zoning Analysis, Unit & Building Area Charts	December 9, 2015
A-010	Site Plan	December 9, 2015
A-301	Building Sections	December 9, 2015
A-302	Building Sections	December 9, 2015
A-303	Building Sections	December 9, 2015

- 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 plan 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, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, June 15, 2016.

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. 382 & Res. No. 1159

**Report of the Committee on Land Use in favor of approving Application No. C 160143 HAQ submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law of New York State approval of an urban development action area designation and project, and pursuant to Section 197-c of the New York City Charter for approval of the disposition of property located at 133-45 41st Avenue (Block 5037, Lots 64 & 65), Borough of Queens, Community Board 7, Council District 20.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 25, 2016 (Minutes, page 1497) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT****QUEENS - CB 7****C 160143 HAQ**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a. the designation of property located at 133-45 41st Avenue (Block 5037, Lots 64 and 65), as an Urban Development Action Area; and
  - b. an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of a 10-story mixed use 100% affordable multi-family housing project consisting of 231 dwelling units, approximately 19,000 square feet of open space, approximately 11,208 square feet of community facility space, and below grade parking for up to 229 cars.

**INTENT**

This urban development action area project and disposition of property in conjunction with several related actions would facilitate the development of a mixed-use, affordable, multi-family housing project in the Flushing neighborhood of Community District 7 in Queens.

**PUBLIC HEARING****DATE:** June 2, 2016**Witnesses in Favor:** Four**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** June 15, 2016

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

**In Favor:**

Dickens, Rodriguez, Treyger.

**Against: Abstain:**

None None

**COMMITTEE ACTION**

**DATE:** June 15, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Palma, Dickens, Garodnick, Mealy, Mendez, Koo (Chair), Lander, Levin, Rose, Williams, Richards, Barron, Kallos, 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 June 15, 2016. The City Planning Commission filed a letter dated June 20, 2016, with the Council on June 20, 2016, 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 Dickens offered the following resolution:

Res No. 1159

**Resolution approving with modifications an application submitted by the New York City Department of Housing Preservation and Development (HPD) and the decision of the City Planning Commission, ULURP No. C 160143 HAQ, for the designation of property located 133-45 41<sup>st</sup> Avenue (Block 5037, Lots 64 and 65), Borough of Queens, as an Urban Development Action Area, an Urban Development Action Area Project, a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law, and approving the disposition of city-owned property located at 133-45 41<sup>st</sup> Avenue (Block 5037, Lots 64 and 65) to a developer selected by HPD pursuant to Section 197-c of the New York City Charter (L.U. No. 382; C 160143 HAQ).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the City Planning Commission filed with the Council on May 13, 2016 its decision

dated May 11, 2016 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development ("HPD") pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 133-45 41<sup>st</sup> Avenue (Block 5037, Lots 64 and 65), as an Urban Development Action Area (the "Project Area");
- b) an Urban Development Action Area Project for the Area (the "Project");
- c) the disposition of city-owned of property pursuant to Section 197-c of the New York City Charter for property located at 133-45 41<sup>st</sup> Avenue (Block 5037, Lots 64 and 65) (the "Disposition Area"), to a developer to be selected by HPD; and

to facilitate development of a ten-story mixed use 100% affordable multi-family project consisting of 231 dwelling units, approximately 19,000 square feet of open space, approximately 11,208 square feet of community facility space, and below grade parking for up to 229 cars, Community District 7, Borough of Queens (ULURP No. C 160143 HAQ) (the "Application");

**WHEREAS**, the application is related to Applications C 160138 ZMQ (L.U. No. 378), an amendment of the Zoning Map, Section 10b, changing from a C4-2 District to a C4-5X District; N 160139 ZRQ (L.U. No. 379), a zoning text amendment to modify ZR Section 23-90 to designate the proposed rezoning area as a Mandatory Inclusionary Housing Area; C 160140 ZSQ (L.U. No. 380), a special permit, pursuant to ZR Section 74-52, to allow an attended public parking garage; C 160141 ZSQ (L.U. No. 381), a special permit, pursuant to ZR Section 74-681, to allow a portion of the right-of-way wherein railroad use has been permanently discontinued or terminated to be included in the lot area; and C 160143 HAQ (L.U. No. 382), designation of property as an Urban Development Action Area and Urban Development Action Area Project; and pursuant to Section 197-c, disposition of such property to a developer selected by the Department of Housing Preservation and Development;

**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 Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

**WHEREAS**, by letter dated April 25, 2016 and submitted to the Council on May 5, 2016, HPD submitted its requests (the "HPD Requests") respecting the Application including a project summary (the "Project Summary"), and including a request for approval a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (the "Exemption") for property located at 133-45 41<sup>st</sup> Avenue (Block 5037, Lots 64 and 65) (the "Exemption Area");

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision on June 2, 2016;

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

**WHEREAS**, the Council has considered the relevant environmental issues including the negative declaration (CEQR No. 16HPD014Q) issued December 17, 2015 (the “Negative Declaration”);

**RESOLVED:**

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

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report (C 160143 HAQ) and incorporated by reference herein, the Council approves with modifications the Decision of the City Planning Commission and the HPD Requests as follows:

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

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

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law.

The Project shall be developed in a manner consistent with the Project Summary submitted by HPD on May 5, 2016, a copy of which is attached hereto and made a part hereof.

The Council approves the disposition of 133-45 41<sup>st</sup> Avenue (Block 5037, Lots 64 and 65) pursuant to Section 197-d of the New York City Charter, to a developer selected by the New York City Department of Housing Preservation and Development, with the following modification:

A minimum of 5,000 square feet of any building developed on the Disposition Area shall be restricted to the following uses, as set forth in Sections 22-13 and 22-14 of the New York City Zoning Resolution, for a period of five years from the date of issuance of the first temporary certificate of occupancy (TCO) for the entire building, or if no TCO is first issued for the entire building, the first final certificate of occupancy for the entire building:

1. Community center or settlement house,
2. Non-commercial recreation center,
3. Library, museum, or non-commercial art gallery, or
4. School.

The Council approves an exemption from real property taxation pursuant to Section 577 of the Private Housing Finance Law as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD, HDC and the New Owner enter into the Regulatory Agreement

in their respective sole discretion.

- b) “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - c) “Exemption Area” shall mean the real property located on the Tax Map of the City of New York in the Borough of Queens, City and State of New York, identified as Block 5037, Lots 64 and 65.
  - d) “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned or leased by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - e) “HDC” shall mean New York City Housing Development Corporation.
  - f) “HDFC” shall mean One Flushing Housing Development Fund Corporation.
  - g) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - h) “LLC” shall mean One Flushing Owner LLC or an affiliate.
  - i) “New Owner” shall mean the HDFC and the LLC or any future owner of the Exemption Area.
  - j) “Project” shall mean the construction of one multiple dwelling building on the Exemption Area containing approximately 231 rental dwelling units, plus one unit for a superintendent, approximately 14,428 square feet of community facility space, and approximately 19,000 square feet of open space.
  - k) “Regulatory Agreement” shall mean the regulatory agreement between HPD, HDC and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any devoted to business or commercial use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon Expiration Date.
  3. (a) Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder (“Exemption”) shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written consent of HPD, or (v) the demolition or construction of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice

of any such determination to the New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- (b) Nothing herein shall entitle the New Owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  - (c) The Exemption shall not apply to any building constructed on the Exemption Area which does not have a permanent or temporary certificate of occupancy by December 31, 2021, as such date may be extended in writing by HPD.
4. In consideration of the Exemption, the New Owner (i) shall execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, June 15, 2016.

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>
Athena Chu	145 Hester Street #14 New York, N.Y. 10002	1
Diana A. Thillet	725 East 230th Street Bronx, N.Y. 10466	12

Terry Dixon	880 Boynton Avenue #5F Bronx, N.Y. 10473	17
Desirae Taylor	1460 Bronx River Avenue #4H Bronx, N.Y. 10472	18
Juan Ramon Aguirre	55-30 99th Street #6E Corona, N.Y. 11368	21
Charmaine Berry	134-15 166th Place #13C Queens, N.Y. 11434	28
Yawei Wang	51-43 69th Place Queens, N.Y. 11377	30
Tiffany Iglesias	1256 Hancock Street Brooklyn, N.Y. 11221	37
Josette Morgan	755 Fenimore Street #4K Brooklyn, N.Y. 11203	41
Carlos Martinez	2960 West 29th Street #3B Brooklyn, N.Y. 11224	47
Jessica Rosas	2964 Avenue Z #2 Brooklyn, N.Y. 11235	48
Michael J. Aponte	700 Victory Blvd #7N Staten Island, N.Y. 10301	49
Daniel Castorina	12 Dina Court Staten Island, N.Y. 10306	51

*Approved Reapplicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Raissa Kravchunas	310 Greenwich Street #36G New York, N.Y. 10013	1
Sarah C. Medrano	645 East 5th Street #3A New York, N.Y. 10009	2



Thomas O'Sullivan	140 Riverside Blvd #730 New York, N.Y. 10069	6
Danielle E. Burns	560 West 148th Street #3E New York, N.Y. 10031	7
Confesor Roman Rosa	461 East 136th Street #1E Bronx, N.Y. 10454	8
Mercedes Henry	683 East 140th Street #5I Bronx, N.Y. 10454	8
Ramon A. Sosa	24 Laurel Hill Terrace New York, N.Y. 10033	10
Kenneth E. Kelly	3777 Independence Avenue #7A Bronx, N.Y. 10463	11
Rosa Hurtado	212 East 182nd Street #6A Bronx, N.Y. 10457	15
Catrice Houser	1338 Franklin Avenue #2D Bronx, N.Y. 10456	16
Sabeem Jordan	1285 Washington Avenue #2F Bronx, N.Y. 10456	16
Dorothy Merritt	1010 Sherman Avenue #4J Bronx, N.Y. 10456	16
Betsaida Santana	1450 Jesup Avenue #4E Bronx, N.Y. 10452	16
Monique E. Jackson	890 Courtlandt Avenue #5B Bronx, N.Y. 10451	17
Ana L. Pena	453 East 160th Street #4B Bronx, N.Y. 10451	17
Carmen Velez	856 East 175th Street #1 Bronx, N.Y. 10460	17

Maria Ortiz	1594 Metropolitan Avenue #6E Bronx, N.Y. 10462	18
Vasiliki Vana Partridge	33-55 157th Street Queens, N.Y. 11354	19
Frances S. Antigone	64-49 138th Street Queens, N.Y. 11367	24
Linda Willingham	142-35 84th Drive #5G Briarwood, N.Y. 11435	24
Barney Chow	41-67 Judge Street #5E Elmhurst, N.Y. 11373	25
Erica O'Sullivan	86-15 Broadway Elmhurst, N.Y. 11373	25
Mary Baker	115-12 210th Street Queens, N.Y. 11411	27
Simone Smith	116-19 168th Street Queens, N.Y. 11434	27
Kiandra Venson	186-18 Williamson Avenue Springfield Gardens, N.Y. 11413	27
Zobida Ramnanan	127-06 109th Avenue South Ozone, N.Y. 11420	28
Liza Yordan	170-42 130th Avenue Building 10 #13A Jamaica, N.Y. 11434	28
Anna M. Chetnik	61-24 62nd Street Queens, N.Y. 11379	30
Marlene McGee	131-65 225th Street Queens, N.Y. 11413	31
Latasha Clanton	102-00 Shore Front Pkwy #9B Queens, N.Y. 11694	32
Anke M. Long	6 Beach 219th Street Breezy Point, N.Y. 11697	32

Monika Szoke-Ench	164-36 96th Street Howard Beach, N.Y. 11414	32
Angela I. Lorenzo Collado	287 Division Avenue #3E Brooklyn, N.Y. 11211	33
Paul E. Nash	295 Washington Avenue #6B Brooklyn, N.Y. 11205	35
Lisa M. Hailey	917 Greene Avenue #3C Brooklyn, N.Y. 11221	36
Herbert Marshel	570 Westminster Road #F8 Brooklyn, N.Y. 11230	40
Maxine Davis	1647 Sterling Place #1B Brooklyn, N.Y. 11233	41
Loraine Hopkinson	1880 Strauss Street Brooklyn, N.Y. 11212	41
Taaameeka Downes	107-11 Flatlands Avenue #2B Brooklyn, N.Y. 11236	42
April Reid	225 Vandalia Avenue #4D Brooklyn, N.Y. 11239	42
Diana T. Howe	168 81st Street Brooklyn, N.Y. 11209	43
Robert Howe	601 79th Street #D20 Brooklyn, N.Y. 11209	43
Brunilda Rivera	902 72nd Street #3D Brooklyn, N.Y. 11228	43
Althea Satenay	1271 East 86th Street #1 Brooklyn, N.Y. 11236	46
Shanira L. Taylor-Boucaud	673 East 77th Street #2 Brooklyn, N.Y. 11236	46
Alina Aleeva	3405 Neptune Avenue #545 Brooklyn, N.Y. 11224	47

Stuart Goldstein	2727 Ocean Parkway #D28 Brooklyn, N.Y. 11235	48
Eleanor Rowe	240 Mill Road Staten Island, N.Y. 10306	50
Karen Lyon	120 Surfside Plaza Staten Island, N.Y. 10307	51
Lara S. Schoenberg	51 Darnell Lane Staten Island, N.Y. 10309	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)  | <b>M 411 &amp; Res 1151 -</b>    | Larry Dais - As a Commissioner of the New York City Civil Service Commission.                            |
| (2)  | <b>M 412 &amp; Res 1152 -</b>    | Allen Cappelli - As a Commissioner of the New York City Civil Service Commission.                        |
| (3)  | <b>M 415 &amp; Res 1153 -</b>    | Rosanna Vargas - As the Bronx County Democratic Commissioner of Elections.                               |
| (4)  | <b>Int 851-B -</b>               | Curtailling harassment of small businesses and other non-residential tenants.                            |
| (5)  | <b>Int 868-A -</b>               | Implementation of next generation 911.   |
| (6)  | <b>Int 871-A -</b>               | Gender-neutral single-occupant bathrooms.  |
| (7)  | <b>Int 1122-A -</b>              | Requiring that the department of correction issue feminine hygiene products to inmates.                  |
| (8)  | <b>Int 1123-A -</b>              | Provision of feminine hygiene products.  |
| (9)  | <b>Int 1128-A -</b>              | Provision of feminine hygiene products in schools.   |
| (10) | <b>Int 1149-A -</b>              | Licensing ticket sellers.  |
| (11) | <b>Int 1223 -</b>                | Reducing the use of carryout bags.   |
| (12) | <b>L.U. 383 &amp; Res 1149 -</b> | <b>App. 20165452 HKK</b> , East New York Savings Bank, Brooklyn, Community Board 8, Council District 37. |
| (13) | <b>L.U. 388 &amp; Res 1150 -</b> | <b>App. 20165592 HAX</b> , HPD, Bronx, Community Board 1, Council  |

District 15.

- (14) **L.U. 361 & Res 1154 - App. N 160166 ZRM**, Zoning Resolution, Manhattan, Community Board 1, Council District 1.
- (15) **L.U. 378 & Res 1155 - App. C 160138 ZMQ**, Zoning Map, Queens, Community Board 7, Council District 20.
- (16) **L.U. 379 & Res 1156 - App. N 160139 ZRQ**, Zoning Resolution, Queens, Community Board 7, Council District 20.
- (17) **L.U. 380 & Res 1157 - App. C 160140 ZSQ**, Zoning Resolution, Queens, Community Board 7, Council District 20.
- (18) **L.U. 381 & Res 1158 - App. C 160141 ZSQ**, Zoning Resolution, Queens, Community Board 7, Council District 20.
- (19) **L.U. 382 & Res 1159 - App. C 160143 HAQ**, Urban Development Action Area, Queens, Community Board 7, Council District 20.
- (20) **L.U. 402 & Res 1138 - Story Avenue West**, Bronx, Community District No. 9, Council District No. 17.
- (21) **L.U. 403 & Res 1139 - Seagirt Housing**, Queens, Community District No. 14, Council District No. 31.
- (22) **L.U. 404 & Res 1140 - Norwood Gardens**, Bronx, Community District No. 7, Council District No. 11.
- (23) **L.U. 405 & Res 1141 - Montauk Apartments**, Queens, Community District No. 12, Council District No. 27.
- (24) **L.U. 406 & Res 1142 - 523 Prospect Place**, Brooklyn, Community District No. 8, Council District No. 35.

- (25) **L.U. 407 & Res 1143 -** 565 Prospect Place, Brooklyn, Community District No. 8, Council District No. 35.
- (26) **L.U. 408 & Res 1144 -** 480 St. Marks Avenue, Brooklyn, Community District No. 8, Council District No. 35.
- (27) **L.U. 409 & Res 1145 -** 713 Classon Avenue, Brooklyn, Community District No. 8, Council District No. 35.
- (28) **L.U. 410 & Res 1146 -** 545 Prospect Place, Brooklyn, Community District No. 8, Council District No. 35.
- (29) **L.U. 411 & Res 1147 -** 500 St. Marks Avenue, Brooklyn, Community District No. 8, Council District No. 35.
- (30) **L.U. 412 & Res 1148 -** 603 Pontiac Place, Bronx, Community District No. 1, Council District No. 8.
- (31) **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, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **49**.

**The General Order vote recorded for this Stated Meeting was 49-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Int No. 871-A**:

**Affirmative** – Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **47**.

**Negative** – Borelli and Matteo – **2**.

The following was the vote recorded for **Preconsidered Int No. 1223**:

**Affirmative** – Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Johnson, Kallos, King, Koo, Koslowitz, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Reynoso, Richards, Rosenthal, Salamanca, Torres, Vallone, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **38**.

**Negative** – Borelli, Dickens, Greenfield, Grodenchik, Lancman, Palma, Rose, Treyger, Ulrich, Vacca and Matteo – **11**.

*The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 851-B, 868-A, 871-A, 1122-A, 1123-A, 1128-A, 1149-A and Preconsidered Int No. 1223:*



**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:**

Report for voice-vote item Res. No. 664-A

**Report of the Committee on Cultural Affairs, Libraries and International Intergroup Relations in favor of approving, as amended, a Resolution calling upon the United States Congress and the New York State Legislature to pass and the President of the United States and Governor of the State of New York to sign, legislation to establish October 9th annually, as Haitian Day in recognition of the historic contributions of Haitians to the United States of America.**

The Committee on Cultural Affairs, Libraries and International Intergroup Relations, to which the annexed resolution was referred on April 28, 2015 (Minutes, p. 1514), respectfully

**REPORTS:****Introduction**

On June 21, 2016, the Committee on Cultural Affairs, Libraries and International Intergroup Relations, chaired by Council Member James Van Bramer, held a hearing on Proposed Res. No. 664-A, a resolution calling upon the United States Congress and the New York State Legislature to pass and the President of the United States and Governor of the State of New York to sign, legislation to establish October 9th annually, as Haitian Day in recognition of the historic contributions of Haitians to the United States of America. Community-based organizations, nonprofit groups, professional associations with ties to, and interest in, the Haitian community have been invited to testify.

**Proposed Res. No. 664-A**

Proposed Res. No. 664-A would recognize that Haitians have made great contributions to the United States of America throughout the nation's history, from major achievements in athletics, art, music and culture, to social advancement for persons of African descent to leadership in elected offices from the local to the national level. Proposed Res. No. 664-A would acknowledge that in 1770, Jean Baptiste Point du Sable, an American revolutionary, born on the portion of the island now known as Haiti, became the founder of Chicago by becoming the first person to live in the city's limits at the mouth of the Chicago River. Proposed Res. No. 664-A would also acknowledge that Monsieur du Sable now has a school, museum, park, harbor and bridge named in his honor, with the place he settled recognized as a National Historic Landmark.

Proposed Res. No. 664-A would recognize that in 1779, Haitian soldiers fought for American Independence in the Revolutionary War at the Battle of Savannah and have since been honored by a monument in the State of Georgia. Proposed Res. No. 664-A would also recognize that on October 9, 1779 more than 500 recruits from Saint-Domingue, a French colony which later became Haiti, fought alongside American colonial troops against the British Army during the siege of Savannah, one of the most significant foreign contributions to the Revolutionary War.

Proposed Res. No. 664-A would note that in 1803, France was forced to sell Louisiana and associated lands as a result of the revolution taking place in Haiti led by Toussaint L'Ouverture, thereby greatly increasing the land owned by the United States. Proposed Res. No. 664-A would also note that Haitian

philanthropist and freed slave, Pierre Toussaint contributed personal funds and helped to raise money for Saint Patrick's Cathedral in Manhattan, New York, for which he was Venerated by the Catholic Church in 1996. Proposed Res. No. 664-A would indicate that Brooklyn born architects of Haitian descent, Nicole Hollant-Denis and Rodney Leon, have designed several New York buildings and sites of significance including the African Burial Ground Memorial in lower Manhattan and Leon's "Arc of Return," a permanent memorial at the United Nations dedicated to the victims of slavery and the Transatlantic Slave Trade.

Proposed Res. No. 664-A would note that according to the 2009 United States Census, there are over 830,000 persons of Haitian descent living in the United States today. Finally proposed Res. No. 664-A would further note that according to the 2009 United States Census, there are over 191,000 persons of Haitian descent living in New York State today, with 140,000 living in New York City, which maintains the largest concentration of Haitians in the country.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Res No. 664-A:)**

Res. No. 664-A

**Resolution calling upon the United States Congress and the New York State Legislature to pass and the President of the United States and Governor of the State of New York to sign, legislation to establish October 9th annually, as Haitian Day in recognition of the historic contributions of Haitians to the United States of America.**

By Council Members Eugene, Cabrera, Gibson, Koo, Richards, Rose, Rosenthal, Grodenchik, Levin and Menchaca.

**Whereas**, Haitians have made great contributions to the United States of America throughout the nation's history, from major achievements in athletics, art, music and culture, to social advancement for persons of African descent to leadership in elected offices from the local to the national level; and

**Whereas**, In 1770, Jean Baptiste Point du Sable, an American revolutionary, born on the portion of the island now known as Haiti, became the founder of Chicago by becoming the first person to live in the city's limits at the mouth of the Chicago River; and

**Whereas**, Monsieur du Sable now has a school, museum, park, harbor and bridge named in his honor, with the place he settled recognized as a National Historic Landmark; and

**Whereas**, In 1779, Haitian soldiers fought for American Independence in the Revolutionary War at the Battle of Savannah and have since been honored by a monument in the State of Georgia; and

**Whereas**, On October 9, 1779 more than 500 recruits from Saint-Domingue, a French colony which later became Haiti, fought alongside American colonial troops against the British Army during the siege of Savannah, one of the most significant foreign contributions to the Revolutionary War; and

**Whereas**, In 1803, France was forced to sell Louisiana and associated lands as a result of the revolution taking place in Haiti led by Toussaint L'Ouverture, thereby greatly increasing the land owned by the United States; and

**Whereas**, Haitian philanthropist and freed slave, Pierre Toussaint contributed personal funds and helped to raise money for Saint Patrick's Cathedral in Manhattan, New York, for which he was Venerated by the Catholic Church in 1996; and

**Whereas**, Brooklyn born architects of Haitian descent, Nicole Hollant-Denis and Rodney Leon, have designed several New York buildings and sites of significance including the African Burial Ground Memorial in lower Manhattan and Leon's "Arc of Return," a permanent memorial at the United Nations dedicated to the victims of slavery and the Transatlantic Slave Trade; and

**Whereas**, According to the 2009 United States Census, there are over 830,000 persons of Haitian descent living in the United States today; and

**Whereas**, According to the 2009 United States Census, there are over 191,000 persons of Haitian descent living in New York State today, with 140,000 living in New York City, which maintains the largest concentration of Haitians in the country; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress and the New York State Legislature to pass and the President of the United States and the Governor of the State of New York to sign, legislation to establish October 9th annually, as Haitian Day in recognition of the historic contributions of Haitians to the United States of America.

JAMES G. VAN BRAMER, Chairperson; ELIZABETH S. CROWLEY, JULISSA FERRERAS-COPELAND, STEPHEN T. LEVIN, COSTA G. CONSTANTINIDES, LAURIE A. CUMBO, HELEN K. ROSENTHAL. Committee on Cultural Affairs, Libraries and International Intergroup Relations, June 21, 2016. *Other Council Members Attending: Council Member Eugene.*

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice-vote. Hearing no objections, the Public Advocate (Ms. James) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

Report for voice-vote item Res. No. 687-A

**Report of the Committee on Cultural Affairs, Libraries and International Intergroup Relations in favor of approving, as amended, a Resolution establishing October 9th annually as New York City Haitian Day, in recognition of the historic contributions of the Haitian diaspora to the City of New York.**

The Committee on Cultural Affairs, Libraries and International Intergroup Relations, to which the annexed resolution was referred on May 14, 2015 (Minutes, p. 1743), respectfully

#### **REPORTS:**

##### **Introduction**

On June 21, 2016, the Committee on Cultural Affairs, Libraries and International Intergroup Relations, chaired by Council Member James Van Bramer, held a hearing on Proposed Res. No. 687-A, a resolution establishing October 9th annually as New York City Haitian Day, in recognition of the historic contributions of the Haitian diaspora to the City of New York. Community-based organizations, nonprofit groups, professional associations with ties to, and interest in, the Haitian community have been invited to testify.

**Proposed Res. No. 687-A**

Proposed Res. No. 687-A would recognize that Haitians have made great contributions to the City of New York and to the United States throughout its history, from major achievements in athletics, art, music and culture, to social advancement for persons of African descent, to leadership in elected offices from the local to the national level. Proposed Res. No. 687-A would acknowledge that on October 9, 1779 more than 500 recruits from Saint-Domingue, a French colony which later became Haiti, fought alongside American colonial troops against the British Army during the siege of Savannah, one of the most significant foreign contributions to the Revolutionary War.

Proposed Res. No. 687-A would indicate that in the early 19<sup>th</sup> Century, Haitian philanthropist and freed slave, Pierre Toussaint, started an orphanage on Franklin Street in New York City for poor girls and boys, paying for their education and setting them up with jobs. Proposed Res. No. 687-A would also indicate that Toussaint also started a credit bureau, an employment agency and a refuge for priests and destitute travelers and became a resource for Haitian immigrants moving to New York City due to his ability to speak French and English. Proposed Res. No. 687-A would further note that Toussaint raised funds and donated much of his own money to build Old Saint Patrick's Cathedral on Mulberry Street in Manhattan, where he was the first lay person to be buried and for which he was eventually venerated by the Catholic Church in 1996 by Pope John Paul II.

Proposed Res. No. 687-A would acknowledge that Activist, civil rights leader and famed writer of Haitian descent, W.E.B. Du Bois became the editor of the magazine *The Crisis* in 1910 in New York City, aimed at exposing the widespread prejudice against persons of color, and which became a major publication critiquing segregation and advocating for civil rights, women's rights and labor rights. Proposed Res. No. 687-A would also acknowledge that New York City native and famed artist of Haitian descent, Jean-Michel Basquiat was a leader of the neo-expressionist movement in New York City, working with other major artists including Andy Warhol, with major exhibits at the Whitney Museum of American Art. Proposed Res. No. 687-A would also acknowledge that Brooklyn born architects of Haitian descent, Nicole Hollant-Denis and Rodney Leon, have designed several buildings in New York City, including significant sites such as the African Burial Ground Memorial in lower Manhattan and Leon's "Arc of Return," a permanent memorial at the United Nations dedicated to the victims of slavery and the Transatlantic Slave Trade.

Finally proposed Res. No. 687-A would further note that According to the 2009 United States Census, there are over 140,000 persons of Haitian descent living in the City of New York today.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Res No. 687-A:)**

Res. No. 687-A

**Resolution establishing October 9th annually as New York City Haitian Day, in recognition of the historic contributions of the Haitian diaspora to the City of New York.**

By Council Members Eugene, Cumbo, Dickens, Espinal, Gibson, Koo, Mendez, Grodenchik, Richards, Levin and Menchaca.

**Whereas**, Haitians have made great contributions to the City of New York and to the United States throughout its history, from major achievements in athletics, art, music and culture, to social advancement for persons of African descent, to leadership in elected offices from the local to the national level; and

**Whereas**, On October 9, 1779 more than 500 recruits from Saint-Domingue, a French colony which later became Haiti, fought alongside American colonial troops against the British Army during the siege of Savannah, one of the most significant foreign contributions to the Revolutionary War; and

**Whereas**, In the early 19<sup>th</sup> Century, Haitian philanthropist and freed slave, Pierre Toussaint, started an orphanage on Franklin Street in New York City for poor girls and boys, paying for their education and setting them up with jobs; and

**Whereas**, Toussaint also started a credit bureau, an employment agency and a refuge for priests and destitute travelers and became a resource for Haitian immigrants moving to New York City due to his ability to speak French and English; and

**Whereas**, Toussaint raised funds and donated much of his own money to build Old Saint Patrick's Cathedral on Mulberry Street in Manhattan, where he was the first lay person to be buried and for which he was eventually venerated by the Catholic Church in 1996 by Pope John Paul II; and

**Whereas**, Activist, civil rights leader and famed writer of Haitian descent, W.E.B. Du Bois became the editor of the magazine *The Crisis* in 1910 in New York City, aimed at exposing the widespread prejudice against persons of color, and which became a major publication critiquing segregation and advocating for civil rights, women's rights and labor rights; and

**Whereas**, New York City native and famed artist of Haitian descent, Jean-Michel Basquiat was a leader of the neo-expressionist movement in New York City, working with other major artists including Andy Warhol, with major exhibits at the Whitney Museum of American Art; and

**Whereas**, Brooklyn born architects of Haitian descent, Nicole Hollant-Denis and Rodney Leon, have designed several buildings in New York City, including significant sites such as the African Burial Ground Memorial in lower Manhattan and Leon's "Arc of Return," a permanent memorial at the United Nations dedicated to the victims of slavery and the Transatlantic Slave Trade; and

**Whereas**, According to the 2009 United States Census, there are over 140,000 persons of Haitian descent living in the City of New York today; now, therefore, be it

**Resolved**, That the Council of the City of New York establishes October 9th annually as New York City Haitian Day, in recognition of the historic contributions of Haitians to the City of New York.

JAMES G. VAN BRAMER, Chairperson; ELIZABETH S. CROWLEY, JULISSA FERRERAS-COPELAND, STEPHEN T. LEVIN, COSTA G. CONSTANTINIDES, LAURIE A. CUMBO, HELEN K. ROSENTHAL. Committee on Cultural Affairs, Libraries and International Intergroup Relations, June 21, 2016. *Other Council Members Attending: Council Member Eugene.*

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice-vote. Hearing no objections, the Public Advocate (Ms. James) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

Report for voice-vote item Res. No. 1012-A

**Report of the Committee on Women's Issues in favor of approving, as amended, a Resolution acknowledging the passage by the New York State Legislature and calling upon the Governor to**

**sign legislation that amends the Tax Law to exempt feminine hygiene products from all state and local sales taxes.**

The Committee on Women's Issues, to which the annexed resolution was referred on March 22, 2016 (Minutes, p. 789), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Women's Issues printed in the Reports of Standing Committees section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Res No. 1012-A:)**

Res. No. 1012-A

**Resolution acknowledging the passage by the New York State Legislature and calling upon the Governor to sign legislation that amends the Tax Law to exempt feminine hygiene products from all state and local sales taxes.**

By Council Members Rodriguez, Ferreras-Copeland, Dickens, The Speaker (Council Member Mark-Viverito), Williams, Vacca, Constantinides, Rose, Chin, Koslowitz, Treyger, Eugene, Menchaca, Kallos, Cohen, Cumbo, Rosenthal, Levin and Ulrich.

**Whereas**, The power of taxation in the State of New York is exclusively reserved to the New York State Legislature; and

**Whereas**, The City of New York, therefore, has no inherent ability to levy or forgive any taxes, but has only the powers to administer and collect taxes as delegated and directed by the State; and

**Whereas**, Chapter 60 of the Consolidated Laws of the State of New York details the laws of taxation in the State of New York and is commonly referred to as the Tax Law; and

**Whereas**, Article 28 of the Tax Law contains provisions for the assessment and collection of sales taxes throughout the state; and

**Whereas**, Section 1101 of the Tax Law details the imposition of sales and use taxes on certain goods and services; and

**Whereas**, Section 1115 of the Tax Law details exemptions to the imposition of sales and use taxes on certain goods and services; and

**Whereas**, Item three on this list of exemptions includes "drugs and medicines... and products consumed by humans for the preservation of health;" and

**Whereas**, Publication 840 issued by the New York State Department of Taxation and Finance describes feminine hygiene products as items that "maintain personal cleanliness" rather than items necessary for the preservation of health, and thereby determines that feminine hygiene products are subject to sales taxes; and

**Whereas**, Tax Bulletin ST-193 issued by the New York State Department of Taxation and Finance further categorizes feminine hygiene products as general merchandise, rather than products necessary for the preservation of health; and

**Whereas**, The continued categorization of feminine hygiene products as general merchandise fails to recognize the evolving public sentiment, as documented by recent reports by the New York Times and The

Guardian, as well as letters from residents of New York City sent to Council Members and expressed by various national and international organizations and movements, that menstruation is a core component of a woman's reproductive and overall health and well-being; and

**Whereas**, Feminine hygiene products are vital for the health, well-being and full participation of women and girls, and it has been reported that a lack of access to feminine hygiene products can cause emotional duress, physical infection and disease, and can lead to cervical cancer; and

**Whereas**, According the U.S. Census Bureau, women and girls comprise over half the population of New York City, New York State, and across the United States of America, thus the needs of women to maintain their health and well-being are indeed necessary for the preservation of public health; and

**Whereas**, The New York State Senate has passed S.7838, introduced by Senator Sue Serino, and the New York State Assembly passed A.7555A, introduced by Assembly Member Linda Rosenthal, which seek to repeal the state sales tax on tampons and other feminine hygiene products; and

**Whereas**, The tax laws of several states, including Massachusetts and New Jersey, recognize feminine hygiene products as necessary products and thus exempt such products from the imposition of sales taxes; and

**Whereas**, The State of New York should join those states in relieving the imposition of the sales taxes on feminine hygiene products; now, therefore, be it

**Resolved**, That the Council of the City of New York acknowledges the passage by the New York State Legislature and calls upon the Governor to sign legislation that amends the Tax Law to exempt feminine hygiene products from all state and local sales taxes.

JAMES G. VAN BRAMER, Chairperson; ELIZABETH S. CROWLEY, JULISSA FERRERAS-COPELAND, STEPHEN T. LEVIN, COSTA G. CONSTANTINIDES, LAURIE A. CUMBO, HELEN K. ROSENTHAL. Committee on Cultural Affairs, Libraries and International Intergroup Relations, June 21, 2016. *Other Council Members Attending: Council Member Eugene.*

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice-vote. Hearing no objections, the Public Advocate (Ms. James) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

**INTRODUCTION AND READING OF BILLS**

Res. No. 1135

**Resolution calling on the New York State Legislature to pass and the Governor to sign legislation that would make it illegal to declaw a cat.**

By The Speaker (Council Member Mark-Viverito) and Council Members Levine and Chin.

**Whereas**, Declawing or onychectomy is a surgical procedure administered by veterinarians, generally at the request of a cat's owner to prevent the animal from scratching; and

**Whereas**, Onychectomy is the amputation of a cat's toe bones and the connective tendon, which then prevents the claw from continuing to grow; and

**Whereas**, According to the Humane Society of the United States, scratching is a natural inclination that cats have and they begin scratching as early as 8 weeks old; and

**Whereas**, Cats scratch in order to stretch out their bodies, remove debris from underneath their claws, and to trim their claws; and

**Whereas**, Many cats can be trained not to scratch furniture and to instead use scratching posts in the house or to wear protective claw caps;

**Whereas**, Cat owners are advised to trim their cat's claws frequently to reduce the amount of destruction; and

**Whereas**, According to a report released by the American Veterinary Medical Association (AVMA) in 2016, 163 cats were observed after undergoing onychectomy and 61 of the cats appeared to be in pain for as many as 42 days after the surgery and 26% of the cats observed showed signs of lameness for as many as 54 days; and

**Whereas**, According to The North American Veterinary Community Clinician's Brief from 2005, cats have a stoic demeanor and may not show signs of pain until months or years after this surgery, and they may frequently shift their weight from side to side, grimace, decrease their amount of activity and appetite while their aggressive behavior increases; and

**Whereas**, According to the American Society for the Protection of Animals (ASPCA), a declawed cat's behavior may get worse after the surgery, as cats turn to biting rather than scratching; and

**Whereas**, The American Society for the Protection of Animals and the Humane Society of the United States believe that the procedure should only be used if it is medically necessary; and

**Whereas**, Cat declawing is banned in more than 20 countries and in 7 cities in California; and

**Whereas**, The proscription of the declawing procedure in New York would ensure that cats and other animals are not subject to an unnecessary procedure that negatively alters their physiology; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation that would make it illegal to declaw a cat.

Referred to the Committee on Health.

Int. No. 1217

By Council Member Espinal



**A Local Law to amend the administrative code of the city of New York, in relation to banning the sale of cosmetic talc in the city of New York.**

*Be it enacted by the Council as follows:*

Section 1. Title 20 of the administrative code of the city of New York is amended by adding a new section 20-699.7 to read as follows:

§20-699.7 *Ban on the sale of cosmetic talc. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Person. The term “person” means any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity or business organization.*

*Talc. The term “talc” means a mineral that is a basic silicate of magnesium, and is used especially in making talcum powder.*

*Cosmetic talc. The term “cosmetic talc” means any cosmetic, as defined under 21 U.S.C. §321(i), which contains talc and may be applied perineally under normal or reasonably foreseeable conditions of use.*

*Stock keeping unit. The term “stock keeping unit” means each group of items offered for sale of the same brand name, quantity of contents, retail price and variety.*

*b. Sales ban. It is unlawful for any person to sell or offer for sale cosmetic talc in the city of New York.*

*c. Penalty. Any person who violates subdivision b of this section or any of the regulations promulgated thereunder is liable for a civil penalty not to exceed \$250 for each violation. Each failure to comply with subdivision b of this section with respect to any one stock keeping unit constitutes a separate violation.*

*d. Rules and regulations. The department is authorized to promulgate such rules and regulations as it deems necessary to implement and enforce the provisions of this section.*

§2. This local law shall take effect 120 days after it becomes law, except that the department may promulgate any rules and regulations necessary to implement this local law on or before its effective date.

Referred to the Committee on Consumer Affairs.

Int. No. 1218

By Council Members Gentile, Williams, Grodenchik, Kallos, Rosenthal, Miller, Koo, Rose, Salamanca, King, Dromm and Ulrich (at the request of the Brooklyn Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to illegal conversions.**

*Be it enacted by the Council as follows:*

Section 1. Item 13 of section 28-201.2.1 of the administrative code of the city of New York, as amended by local law number 17 for the year 2010, is amended to read as follows:

13. A violation of any provision of chapter 4 of this title for engaging in any business or occupation without a required license or other authorization.

[13.1. The minimum civil penalty that shall be imposed for a violation of section 28-408.1 or section 28-410.1 of this code and the minimum fine that shall be imposed for a violation of such sections shall be two thousand five hundred dollars for the first violation and five thousand dollars for each subsequent violation.]

§ 2. Section 28-202.1 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

**§ 28-202.1 Civil penalties.** Except as otherwise specified in this code or other law, violations of this code, the 1968 building code, the zoning resolution or other laws or rules enforced by the department shall be punishable by civil penalties within the ranges set forth below:

1. For immediately hazardous violations, a civil penalty of not less than one thousand dollars nor more than [twenty-five thousand dollars] \$25,000 may be imposed for each violation. In addition to such civil penalty, a separate additional penalty may be imposed of not more than [one thousand dollars] \$1,000 for each day that the violation is not corrected. The commissioner may by rule establish such specified daily penalties.

2. For major violations, a civil penalty of not more than [ten thousand dollars] \$10,000 may be imposed for each violation. In addition to such civil penalty, a separate additional penalty may be imposed of not more than [two hundred fifty dollars] \$250 for each month that the violation is not corrected. The commissioner may by rule establish such specified monthly penalties.

3. For lesser violations, a civil penalty of not more than [five hundred dollars] \$500 may be imposed for each violation.

**Exceptions:**

1. *The minimum civil penalty for a violation of section 28-408.1 or section 28-410.1 of this code shall be \$2,500 for a first violation and \$5,000 for a second violation, in addition to any separate daily penalty imposed pursuant to item 1 of this section.*

2. *The minimum civil penalty for a violation of section 28-210.1 in any building involving the illegal conversion, maintenance or occupancy of three or more dwelling units than are legally authorized by the certificate of occupancy or if no certificate of occupancy is required as evidenced by official records shall be \$15,000 for each dwelling unit beyond the number that are legally authorized. It shall be an affirmative defense for the owner of such building that:*

*2.1. Such building is a multiple dwelling which lawfully has five or more units;*

*2.2. Such owner reasonably did not know of such illegal conversion, maintenance or occupancy; and*

*2.3. Upon receipt of such violation, such owner attempted to address such illegal conversion, maintenance or occupancy by:*

*2.3.1. Notifying the occupants of each dwelling unit subject to such illegal conversion, maintenance or occupancy that such dwelling unit has been converted, maintained or occupied in violation of this code and that such occupant may be subject to legal proceedings which could result in such occupant's eviction from such dwelling unit; or*

*2.3.2. Commencing such legal proceedings.*

§ 3. Section 28-204.6 of the administrative code of the city of New York, as added by local law number 33 of 2007, is amended to read as follows:

**§ 28-204.6 Tax Lien.** Enforcement of environmental control board judgments against owners for certain building code violations. Notwithstanding any provision of law to the contrary, an environmental control board judgment against an owner for (i) a building code violation with respect to a private dwelling, a wooden-framed single room occupancy multiple dwelling, or a dwelling with a legal occupancy of three or fewer dwelling units or (ii) a violation of section 28-210.1 involving the illegal conversion, maintenance or occupancy of three or more dwelling units than are legally authorized by the certificate of occupancy or if no certificate of occupancy is required as evidenced by official records, shall constitute a tax lien on the property named in the violation with respect to which such judgment was rendered, as hereinafter provided. Such liens shall be entered and enforced as provided in this section 28-204.6.

§ 4. Items 4 and 5 of section 28-207.4.1 of the administrative code of the city of New York, as added by local law number 33 of 2007, are amended and a new item 6 is added to read as follows:

4. Inadequate egress; [or]

5. Improper storage of hazardous materials, combustible or toxic[.]; or

6. A violation of section 28-210.1 which involves the illegal conversion, maintenance or occupancy of three or more dwelling units than are legally authorized by the certificate of occupancy or if no certificate of occupancy is required as evidenced by official records.

§ 5. Article 210 of title 28 of the administrative code of the city of New York is amended by adding new sections 28-210.1.1 and 28-210.1.2 to read as follows:

**§ 28-210.1.1 Inspection; failure to gain access to premises.** Upon receiving a complaint of a condition relating to a building or part thereof that would, if observed by the commissioner, be identified by the commissioner as a violation of section 28-210.1 involving the illegal conversion, maintenance or occupancy of three or more dwelling units than are legally authorized by the certificate of occupancy or if no certificate of occupancy is required as evidenced by official records, the commissioner shall attempt to enter and inspect such building or part thereof. After two unsuccessful attempts to gain access to such building or part thereof, the commissioner shall notify the owner of such building or part thereof, by certified mail, return receipt requested, that such complaint has been received and that an inspection will be scheduled at a date and reasonable time determined by the department; provided that such date shall be no earlier than ten days and no more than 30 days after such notice is sent. If the commissioner is unable to gain access to such building or part thereof on the date specified in such notice, the commissioner shall immediately prepare an affidavit documenting each unsuccessful attempt to gain access to such building or part thereof, shall seek to obtain an affidavit from the complainant and shall transmit to the corporation counsel such affidavits together with any additional documents the commissioner deems relevant and a request that such counsel seek an order from a court of competent jurisdiction directing that appropriate access to such building or part thereof be provided to the commissioner; provided that, in preparing such requests, priority may be given by the commissioner to requests based on the degree of hazard to safety or property that the commissioner believes present. Such counsel shall promptly consider such request, and where such counsel determines that there is appropriate basis to obtain such an order, shall seek such an order. The commissioner shall promptly execute any such order in accordance with its terms.

§ 6. Section 11-319 of the administrative code of the city of New York is amended by adding a new subdivision a-6 to read as follows:

*a-6. Notwithstanding any provision of this chapter to the contrary, beginning on September first, two thousand sixteen, a lien that includes civil penalties for a violation of section 28-201.1 of the code where such civil penalties accrued on or after July first, two thousand sixteen, and became a lien pursuant to section 28-204.6.6 of the code, may be sold by the city pursuant to this chapter, where such civil penalties component of such lien, as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale (i) shall have remained unpaid in whole or in part for one year or more, and (ii) equals or exceeds the sum of one thousand dollars. After such sale, any such civil penalties component of such lien may be transferred in the manner provided by this chapter.*

§ 7. This local law shall take effect 120 after it becomes law, except that the commissioner of buildings and the commissioner of finance may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 1219

By Council Members Greenfield, Kallos, Richards, Chin and Lancman.

**A Local Law to amend the charter and the administrative code of the city of New York, in relation to reporting on the compliance statuses of privately owned public spaces by the Department of City Planning and the Department of Buildings**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 25 of the administrative code of the city of New York is amended by adding a new section 114 to read as follows:

*§ 25-114 Department of city planning semiannual report to council on privately owned public spaces. a. The department of city planning shall provide to the council, on January 15 and June 15 of each year, a report which shall, at minimum contain the following information:*

- 1. The location of each privately owned public space in existence on the date of such report;*
- 2. Whether such privately owned public space is required by applicable law to file a periodic compliance report;*
- 3. Whether such report was filed as required; and*
- 4. The compliance status indicated by such report.*

*b. For purposes of this section, the term “privately owned public space” shall mean a publicly accessible open area or an arcade as such terms are defined in article 1 chapter 2 of the zoning resolution in effect on the effective date of the local law that added this section and all other indoor and outdoor privately owned public spaces developed pursuant to the provisions of the zoning resolution now or heretofore in effect, except those provided pursuant to article 6 chapter 2 of the zoning resolution.*

§ 2. Chapter 1 of title 25 of the administrative code of the city of New York is amended by adding a new section 115 to read as follows:

*§ 25-115 Department of city planning interactive map of privately owned public spaces. The department of city planning shall provide to the public at no charge on the city’s website an interactive map displaying the location of each existing privately owned public space, as such term is defined in section 25-114. Such interactive map shall indicate whether such privately owned public space is required by applicable law to file*

*periodic compliance reports and shall be updated as often as practicable and necessary, but not less than semiannually, on the dates set forth for the report required in such section.*

§ 3. Section 645 of the New York city charter is amended by adding a new subdivision (e) to read as follows:

*(e) The commissioner shall provide to the council an annual report regarding the compliance status of each privately owned public space, as such term is defined in section 25-114 of the administrative code. Such report shall include but need not be limited to the number of complaints filed regarding any privately owned public space, whether any enforcement action has been taken by the department to address a violation of the zoning resolution within the privately owned public space, and whether any closure of the privately owned public space has been authorized by the department due to an unsafe condition or due to permitted construction.*

§ 4. This local law takes effect immediately.

Referred to the Committee on Land Use.

Int. No. 1220

By Council Members Kallos, Lander, Vacca and Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to the use of web analytics for city agency websites**

*Be it enacted by the Council as follows:*

Section 1. Title 23 administrative code of the city of New York is amended by adding a new chapter 8 to read as follows:

**CHAPTER 8  
WEB ANALYTICS FOR AGENCY WEBSITES**

*§23-801 Definitions*

*§23-802 Web Analytics*

*§23-803 Reporting*

*§23-801 As used in this chapter: a. "Click" means a single instance of a website visitor following a hyperlink from one page to another.*

*b. "Department" means the department of information technology and telecommunications or any successor agency.*

*c. "Event" means a discrete action taken by a website visitor including page views, clicks, downloads and form submissions.*

*d. "Flow visualization" means an illustration or graphic analysis that displays the path website visitors take while visiting such website including, the pages such visitors visited, the hyperlinks that were clicked by visitors and where they exited such website.*

*e. "Hit" means a request by a website visitor for any file from any page on a website.*

*f. "Hyperlink" means a word, phrase, or image that links to another place in an electronic document or website or to an entirely different document or website.*

*g. "Page view" means a request by a visitor to a website to view a specific page of such website.*

*h. "Site search" means the process of a visitor entering text into a section of a website in order to find content stored on such website.*

i. “Web analytics” means the process of measuring, collecting, analyzing and reporting of internet data for the purposes of understanding and optimizing the usage of a website. Web analytics includes, but is not limited to, an analysis of an agency website’s clicks, events, hits, page views, new and repeat visitors, average amount of time that visitors spend viewing such website, the content of site searches by visitors and the use of flow visualization.

§23-802 Web Analytics. The department shall ensure that each agency utilizes web analytics in maintaining and optimizing such agency’s websites.

§23-803 Reporting. Within one year of the effective date of the local law that added this section, and on or before December first of each year thereafter, the department shall for the immediately preceding fiscal year, submit to the council a report analyzing the implementation of web analytics for agency websites, which shall include, but not be limited to, a list of agencies and agency websites that are not in compliance with this chapter, a summary of the analyses resulting from the use of web analytics for each agency website and recommendations for improving the optimization of agency websites through the use of web analytics.

§ 2. This local law shall take effect one hundred twenty days after its enactment, provided, however, that the commissioner of the department shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Technology.

Int. No. 1221

By Council Members King, Crowley, Johnson and Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to raising the maximum age to apply to become a firefighter.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 3 of subdivision a of section 15-103 of the administrative code of the city of New York, as amended by local law number 24 for the year 1968, is amended to read as follows:

3. Shall have passed his or her eighteenth birthday but not his or her [twenty-ninth] *thirty-sixth* birthday on the date of the filing of his or her application for civil service examination. No person who qualifies under this requirement shall be disqualified from membership in the department because of having passed his or her [twenty-ninth] *thirty-sixth* birthday subsequent to the filing of his or her application. However no person shall be appointed unless he or she shall have attained his or her twenty-first birthday.

§2. This local law takes effect immediately.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 1222

By Council Members Lancman, Dickens, Gentile, Dromm and Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to required notice of the rights of people with disabilities to use service animals in public accommodations.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of Title 20 of the administrative code is amended by adding a new subchapter 19 to read as follows:

**Subchapter 19**

**Service Animals**

§ 20-824 *Definitions.* For the purposes of this subchapter, the following terms have the following meanings:

“Americans With Disabilities Act” or “ADA” means the Americans with Disabilities Act, title 42 United States code section 12101 et seq., and any regulations promulgated thereunder, as such act and regulations may be amended.

“Disability” means the same as defined in title 28 of the code of federal regulations at section 36.104 or successor provisions.

“Place or provider of public accommodation” means the same as defined in section 8-102, except that a club or place of accommodation shall not be considered in its nature distinctly private if it has more than one hundred members, provides regular meal service and regularly receives payment for dues, fees, use of space, facilities, services, meals or beverages directly or indirectly from or on behalf of a nonmember for the furtherance of trade or business.

“Service animal” means the same as defined in title 28 of the code of federal regulations section 36.104 or successor provisions.

§ 20-825 *Required notice.* a. Every place or provider of public accommodation shall have posted in a conspicuous place easily accessible to all employees and customers, in a standardized form prescribed by the commissioner, written notice that pursuant to local, state and federal law persons with disabilities have the right to use and possess service animals while on the premises of such public accommodation, consistent with federal regulations implementing the ADA.

b. The department shall create and make available notices that contain the information required pursuant to subdivision a of this section. Such notices shall be posted in a downloadable format on the department’s website in English and at least the six languages most commonly spoken by limited English proficient individuals, as those languages are determined by the department of city planning, and any other language deemed appropriate by the department.

c. Any person or entity that violates the notice requirements of this section shall be subject to a civil penalty in an amount not to exceed fifty dollars for each employee who was not given appropriate notice pursuant to this section, except that a person or entity shall not be subject to a civil penalty described above if such person or entity proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person or entity who has received, for the first time, a notice of violation of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person or entity may seek review, in the department’s administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

d. The commissioner, in consultation with the commissioner of the mayor’s office for people with disabilities and the commissioner of the commission on human rights, shall promulgate rules as are necessary to carry out the provisions of this subchapter.

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services.

Preconsidered Int. No. 1223

By Council Members Lander, Chin, Reynoso, the Public Advocate (Ms. James) and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to reducing the use of carryout bags.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision e of section 16-492 of the administrative code of the city of New York, as added by local law number 63 for the year 2016, is amended to read as follows:

e. Covered stores may provide their customers with reusable carryout bags free of charge [for a two-week period] from [October 1, 2016] *February 15, 2017*, to [October 14, 2016] *April 30, 2017*. In addition, covered stores may provide their customers with reusable carryout bags free of charge for a two-week period each year from April 17 to April 30.

§ 2. Subdivision e of section 16-495 of the administrative code of the city of New York, as added by local law number 63 for the year 2016, is amended to read as follows:

e. On or before [January 1] *March 1, 2019*, the commissioner shall issue a study on the effect of the law on residents, which shall include, but need not be limited to, determining the percentage reduction in single-use plastic or paper carryout bags usage by residents; residents' attitudes toward the law, disaggregated by race and income; and whether residents are substituting other types of plastic bags for single-use carryout bags. The commissioner shall also include an assessment on the potential effectiveness of coupling a ban on single-use plastic carryout bags with the carryout bag fee in reducing the amount of carryout bags in the waste stream.

§ 3. Subdivision c of section 16-496 of the administrative code of the city of New York, as added by local law number 63 for the year 2016, is amended to read as follows:

c. Any covered store that violates section 16-491 or subdivision b, c or d of section 16-492 or any rules promulgated pursuant thereto shall be liable for a civil penalty of \$250 for a first violation and \$500 for any subsequent violation of the same section or subdivision of this chapter or rule promulgated pursuant thereto within an eighteen-month period, except that the department and the department of consumer affairs shall not issue a notice of violation, but shall issue a warning for any violation that occurs during the six-month period from [October 1, 2016] *February 15, 2017*, to [March 31] *August 14, 2017*. For purposes of this chapter, each commercial transaction shall constitute no more than one violation.

§ 4. Section 2 of local law number 63 for the year 2016 is amended to read as follows:

§ 2. This local law takes effect [October 1, 2016] *February 15, 2017*, except that section 16-495 of the administrative code of the city of New York, as added by section one of this local law, takes effect immediately, and except that the commissioner of sanitation and the commissioner of consumer affairs may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

§ 5. This local law takes effect on February 15, 2017, except for section four which takes effect immediately.

Adopted by the Council (preconsidered and approved by the Committee on Sanitation and Solid Waste Management).



## Res. No. 1136

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.6279, the Deny Firearms to Dangerous Terrorists Act, which would prohibit individuals on the federal Terrorist Watchlist from obtaining and possessing firearms.**

By The Public Advocate (Ms. James) and Council Members Dromm and Chin.

**Whereas**, The most recent terrorist attack in the U.S. occurred in San Bernardino, California, in December 2015, when a married couple suspected of religious extremism opened fire on a holiday party, resulting in 14 deaths and 22 injuries; and

**Whereas**, Among the many tools sought by lawmakers and advocates to prevent gun violence is legislation prohibiting known and suspected terrorists from possessing weapons; and

**Whereas**, The San Bernardino incident prompted renewed efforts on the federal level to prohibit individuals on the Terrorist Watchlist from purchasing and possessing firearms; and

**Whereas**, According to the Federal Bureau of Investigation (“FBI”), the Terrorist Watchlist (“Watchlist”) is also known as the Terrorist Screening Database and is maintained by the Terrorist Screening Center (“TSC”), a division of the FBI; and

**Whereas**, The Watchlist contains identifying information about individuals known to be or reasonably suspected of being involved in terrorist activity; and

**Whereas**, According to the FBI, the Watchlist is a consolidated database that combines lists formerly maintained by separate agencies into a single resource, including the “No-Fly List,” which prohibits known or suspected terrorists from boarding a commercial aircraft that departs from or arrives in the United States; and

**Whereas**, An FBI fact sheet titled “Ten Years After: The FBI Since 9/11” shows that as of September 2011, the Watchlist contained approximately 420,000 individuals; and

**Whereas**, The day after the San Bernardino mass shooting, the United States Senate voted to block a bill that would prohibit individuals on the Watchlist from purchasing and possessing guns; and

**Whereas**, According to the federal Government Accountability Office, individuals on the Watchlist cleared a background check for a firearm transaction in 91% of attempts between February 2004 and December 2014, resulting in 2,043 clearances for suspected terrorists to obtain guns; and

**Whereas**, New York State Senator Jeffrey D. Klein, citing his frustration that federal legislation is stalled in Congress, introduced S.6279, the Deny Firearms to Dangerous Terrorists Act, which would prohibit individuals on the federal Watchlist from obtaining a firearm license in New York State; and

**Whereas**, The act would also grant the Division of State Police the authority to revoke existing licenses of gun owners if they appear on the Watchlist; and

**Whereas**, In addition, the act would mandate a review of the Watchlist at least once a year by the state police, who must remove all firearms from a suspected terrorist if one is found to have been issued a license; and

**Whereas**, These measures are important steps in preventing known and suspected terrorists from obtaining guns and committing violence; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S.6279, the Deny Firearms to Dangerous Terrorists Act, which would prohibit individuals on the federal Terrorist Watchlist from obtaining and possessing firearms.

Referred to the Committee on Public Safety.

## Int. No. 1224

By Council Members Rosenthal and Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing the contract award threshold requiring a vendor doing business with the city to complete a VENDEX questionnaire**

*Be it enacted by the Council as follows:*

Section 1. Paragraph v of subdivision b of section 6-116.2 of the administrative code of the city of New York, as amended by local law 13 for the year 1991, is amended to read as follows:

(v) Where a contractor or subcontractor becomes obligated to submit information required by this subdivision by reason of having been awarded a contract or subcontract, the value of which, when aggregated with the value of all other contracts or subcontracts awarded to that contractor or subcontractor during the immediately preceding twelve-month period, is valued at [one hundred thousand dollars] \$250,000, or more, such information shall be submitted no later than thirty days after registration of the contract which resulted in the obligation to submit such information. A contractor or subcontractor who fails to provide such information as required by this paragraph shall be ineligible to bid or propose on a contract or subcontract until such information is provided and shall be subject to such other penalties as may be prescribed by rule of the procurement policy board, where applicable, or any rule of the council relating to procurement.

§2. Paragraph 3 of subdivision i of section 6-116.2 of the administrative code of the city of New York, as amended by local law 44 for the year 1992, is amended to read as follows:

(3) "contract" shall mean and include any agreement between an agency, New York city affiliated agency, elected official or the council and a contractor, or any agreement between such a contractor and a subcontractor, which (a) is for the provision of goods, services or construction and has a value that when aggregated with the values of all other such agreements with the same contractor or subcontractor and any franchises or concessions awarded to such contractor or subcontractor during the immediately preceding twelve-month period is valued at [one hundred thousand dollars] \$250,000 or more; or (b) is for the provision of goods, services or construction, is awarded to a sole source and is valued at [ten thousand dollars] \$10,000 or more; or (c) is a concession and has a value that when aggregated with the value of all other contracts held by the same concessionaire is valued at [one hundred thousand dollars] \$100,000 or more; or (d) is a franchise. However, the amount provided for in clause a herein may be varied by rule of the procurement policy board, where applicable, or rule of the council relating to procurement, or, for franchises and concessions, rule of the franchise and concession review committee, as that amount applies to the information required by paragraphs 7, 8, 9 and 12 of subdivision b of this section, and the procurement policy board, where applicable, or the council, or, for franchises and concessions, the franchise and concession review committee, may by rule define specifically identified and limited circumstances in which contractors may be exempt from the requirement to submit information otherwise required by subdivision b of this section, but the rulemaking procedure required by chapter forty-five of the charter may not be initiated for such rule of the procurement policy board or franchise and concession review committee less than forty-five days after the submission by the procurement policy board or, for franchises and concessions, the franchise and concession review committee, to the council of a report stating the intention to promulgate such rule, the proposed text of such rule and the reasons therefor;

§3. This local law takes effect 45 days after it becomes law.

Referred to the Committee on Contracts.

## Res. No. 1137

**Resolution raising the small purchase limit for goods, services, construction and construction-related services to two hundred thousand dollars upon adoption of a concurrent rule amendment by the Procurement Policy Board.**

By Council Members Rosenthal and Rose.

**Whereas**, Pursuant to Section 314 of the New York City Charter, concurrent action by the Council of the City of New York and the Procurement Policy Board is necessary to establish dollar limits for the procurement of goods, services, construction or construction-related materials that may be made without competition or public advertisement-better known as the small purchase limits; and

**Whereas**, In June 2002, the Council adopted the rule amendments of the Procurement Policy Board raising the small purchase limits for construction and construction-related services from fifty thousand dollars to one hundred thousand dollars, and in May 2004, the Council adopted the rule amendments of the Procurement Policy Board raising the small purchase limits for goods and services to one hundred thousand dollars; and

**Whereas**, The small purchase limit has remained at one hundred thousand dollars for all procurement categories since 2004; and

**Whereas**, The Council finds it necessary and desirable to streamline the procurement process and reduce the processing time for all procurements while maintaining the integrity of the procurement system, and raising the small purchase limit to two hundred thousand dollars for all categories will allow agencies to process a greater number of procurements in a more efficient and cost-effective manner; and

**Whereas**, Recognizing that such efficiencies must not compromise the integrity of the procurement system, the Council of the City of New York calls upon the Mayor and Comptroller to vigilantly monitor agency small purchases under the new limits to ensure that they comply with citywide rules; now, therefore, be it

**Resolved**, That the Council of the City of New York establishes that the small purchase limit for goods, services, construction and construction-related services shall be two hundred thousand dollars upon adoption of a concurrent rule amendment by the Procurement Policy Board.

Referred to the Committee on Contracts.

## Int. No. 1225

By Council Members Torres, Menchaca, Cohen, Richards and Chin.

**A Local Law to amend the New York city charter, in relation to requiring the department of health and mental hygiene to develop a plan for serving the mental health needs of lesbian, gay, bisexual, transgender and questioning people**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 556 of the New York city charter is amended to read as follows:

b. Review of public health services and general public health planning. (1) Develop and submit to the mayor and council a program for the delivery of services for the mentally disabled, including construction and operation of facilities;

(2) determine the needs of the mentally disabled in the city, which determination shall include the review and evaluation of all mental hygiene services and facilities within the department's jurisdiction;

(3) engage in short-range, intermediate-range and long-range mental hygiene planning that reflects the entire array of city needs in the areas of mental health, mental retardation and developmental disabilities and alcoholism and substance abuse services within the department's jurisdiction;

(4) implement and administer an inclusive citywide planning process for the delivery of services for people with mental disabilities; and design and incorporate within that planning process, consistent with applicable law, standards and procedures for community participation and communication with the commissioner at the borough and local community level;

(5) establish coordination and cooperation among all providers of services for the mentally disabled, coordinate the department's program with the program of the state department of mental hygiene so that there is a continuity of care among all providers of services, and seek to cooperate by mutual agreement with the state department of mental hygiene and its representatives and with institutions in such department and their representatives in pre-admission screening and in post-hospital care of persons suffering from mental disability;

(6) receive and expend funds made available for the purposes of providing mental health, mental retardation and developmental disability and alcoholism and substance abuse related services;

(7) administer, within the division of mental hygiene, the unit responsible for early intervention services pursuant to the public health law; [and]

(8) *in consultation with not-for-profit organizations with expertise in providing social and mental health services to the lesbian, gay, bisexual, transgender and questioning (LGBTQ) population, develop and submit to the mayor and council by January 1, 2017, a culturally competent plan for serving the mental health needs of such population, including the needs of LGBTQ youth up to age 24 and elders over age 65, addressing issues including, but not limited to, bullying, coming out, depression, homelessness, homophobia and transphobia, intimate partner violence, prevention of HIV/AIDS and other sexually transmitted diseases, substance abuse, suicide prevention, trauma and building supportive communities through peer networks and biological and chosen families; and*

(9) in accordance with section five hundred fifty-five of this chapter, determine the public health needs of the city and prepare plans and programs addressing such needs.

§ 2. This local law shall take effect ninety days following enactment.

Referred to the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services.

Int. No. 1226

By Council Members Williams, Dickens, Richards, Dromm and Chin

**A Local Law to amend the administrative code of the city of New York, in relation to 311 transmitting image and video data for housing service requests or complaints.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-303 to read as follows:

*§ 23-303 Housing service requests or complaints. Any website or mobile device application used by the 311 customer service center for the intake of 311 requests from the public shall be capable of receiving image and video data in connection with all requests for service or complaints for either the department of buildings or the department of housing preservation and development. Such data shall be transmitted to each such agency as appropriate and be made available to inspectors or other relevant persons within such agencies.*

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

Referred to the Committee on Technology.

Preconsidered L.U. No. 402

By Council Member Ferreras-Copeland:

**Story Avenue West, Block 3623, Lot 10; Bronx, Community District No. 9, Council District No. 17.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 403

By Council Member Ferreras-Copeland:

**Seagirt Housing, Block 15810, Lot 30; Queens, Community District No. 14, Council District No. 31.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 404

By Council Member Ferreras-Copeland:

**Norwood Gardens, Block 3330, Lot 52; Bronx, Community District No. 7, Council District No. 11.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 405

By Council Member Ferreras-Copeland:

**Montauk Apartments, Block 12457, Lot 2; Block 12458, Lots 5 and 421; Queens, Community District No. 12, Council District No. 27.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 406

By Council Member Ferreras-Copeland:

**523 Prospect Place, Block 1156, Lot 90; Brooklyn, Community District No. 8, Council District No. 35.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 407

By Council Member Ferreras-Copeland:

**565 Prospect Place, Block 1156, Lot 70; Brooklyn, Community District No. 8, Council District No. 35.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 408

By Council Member Ferreras-Copeland:

**480 St. Marks Avenue, Block 1156, Lot 15; Brooklyn, Community District No. 8, Council District No. 35.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 409

By Council Member Ferreras-Copeland:

**713 Classon Avenue, Block 1156, Lot 1; Brooklyn, Community District No. 8, Council District No. 35.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 410

By Council Member Ferreras-Copeland:

**545 Prospect Place, Block 1156, Lot 80; Brooklyn, Community District No. 8, Council District No. 35.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

## Preconsidered L.U. No. 411

By Council Member Ferreras-Copeland:

**500 St. Marks Avenue, Block 1156, Lot 25; Brooklyn, Community District No. 8, Council District No. 35.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

## Preconsidered L.U. No. 412

By Council Member Ferreras-Copeland:

**603 Pontiac Place, Block 2623, Lot 213; Bronx, Community District No. 1, Council District No. 8**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

## L.U. No. 413

By Council Member Greenfield:

**Application No 20165535 HKX (N 160297 HKX) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the William H. Schofield House located at 65 Schofield Street, as an historic landmark, Borough of the Bronx, Community Board 10, Council District 13.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

## L.U. No. 414

By Council Member Greenfield:

**Application No 20165536 HKK (N 160298 HKK) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Greenwood Cemetery Chapel and the Fort Hamilton Parkway Entrance, located at 500 25th Street, as an historic landmark, Borough of Brooklyn, Community Board 7, Council District 38.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

## L.U. No. 415

By Council Member Greenfield:

**Application No 20165537 HKK (N 160300 HKK) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Van Sicklen House located at 27 Gravesend Neck Road, as an historic landmark, Borough of Brooklyn,**

**Community Board 15, Council District 47.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 416

By Council Member Greenfield:

**Application No 20165538 HKM (N 160293 HKM) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the 57 Sullivan Street House as an historic landmark, Borough of Manhattan, Community Board 2, Council District 3.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 417

By Council Member Greenfield:

**Application No 20165539 HKM (N 160292 HKM) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the St. Michael's Episcopal Church, Parish House and Rectory located at 201 West 99th Street, as an historic landmark, Borough of Manhattan, Community Board 7, Council District 7.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 418

By Council Member Greenfield:

**Application No 20165540 HKQ (N 160295 HKQ) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission the John William and Lydia Ann Bell Ahles House located at 39-24 and 39-26 213th Street, as an historic landmark, Borough of Queens, Community Board 11, Council District 19.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 419

By Council Member Greenfield:

**Application No 20165541 HKQ (N 160294 HKQ) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission the Pepsi-Cola Sign located at 4-09 47th Road, Long Island City, as an historic landmark, Borough of Queens, Community Board 2, Council District 26.**



Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 420

By Council Member Greenfield:

**Application No 20165542 HKR (N 160296 HKR) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Vanderbilt Mausoleum as an historic landmark, Borough of Staten Island, Community Board 2, Council District 50.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 421

By Council Member Greenfield:

**Application No 20165543 HKK (N 160299 HKK) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Park Slope Historic District Extension II, as an historic district, Borough of Brooklyn, Community Board 6, Council District 39.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

<http://legistar.council.nyc.gov/Calendar.aspx>

**ANNOUNCEMENTS**

**Wednesday, June 22, 2016**

[Committee on Housing and Buildings](#) .....10:00 a.m.

**Int 1160** - By Council Members Constantinides and Richards (in conjunction with the Mayor) - **A Local Law** to amend the administrative code of the city of New York, in relation to the installation of sub-meters in certain tenant spaces.

**Int 1163** - By Council Member Garodnick, Richards, Johnson, Constantinides and Chin (in conjunction with the Mayor) - **A Local Law** to amend the administrative code of the city of New York, in relation to expanding the list of buildings required to be benchmarked for energy and water efficiency.

**Int 1165** - By Council Members Richards, Constantinides and Chin (in conjunction with the Mayor) - **A Local Law** to amend the administrative code of the city of New York, in relation to upgrading lighting systems in certain buildings.

**Int 1169** - By Council Members Williams and Richards (by request of the Mayor) - **A Local Law** to amend the administrative code of the city of New York, in relation to conforming the New York city energy conservation code to the New York state energy code with amendments unique to construction in the city and repealing section 28-1001.2 in relation thereto.

Council Chambers – City Hall

Jumaane D. Williams, Chairperson

Committee on Aging.....1:00 p.m.

**Int 582** - By Council Members Vallone, Dickens, Gentile, Koo, Rose, Rosenthal, Torres, Richards, Johnson, Miller, Dromm, Reynoso and Deutsch - **A Local Law** to amend the administrative code of the city of New York, in relation to transferring administration of the senior citizen rent increase exemption (SCRIE) and disability rent increase exemption (DRIE) programs to the department of finance.

**Int 1024** - By Council Members Cabrera, Gentile, Mealy, Mendez, Rodriguez, Rose, Wills, Miller, Treyger, Williams, Salamanca, Deutsch, Koo and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to the dissemination of senior citizen rent increase exemption applications

**Res 59** - By Council Members Koslowitz, Dickens, Gentile, Johnson, Levine, Mendez, Rose, Vacca, Vallone, Rosenthal, Constantinides and Menchaca - **Resolution** calling upon the New York State Assembly to pass, the New York State Senate to introduce and pass, and the Governor to sign A.2257, legislation raising the senior citizen rent increase exemption (SCRIE) threshold and providing for increases per changes in the consumer price index.

**Res 114** - By Council Members Johnson, Chin, Dickens, Gentile, Gibson, Koo, Levine, Reynoso, Rose, Vacca, Vallone, Van Bramer, Rosenthal, Mendez and Menchaca - **Resolution** calling upon the New York State Legislature pass and the Governor to sign A.8641, A.8642, and A.8700, legislation amending income eligibility determinations for the senior citizen rent increase exemption (SCRIE) and disability rent increase exemption (DRIE) programs.

**Res 173** – By Council Members Van Bramer, Cabrera, Chin, Gibson, Levine, Reynoso, Rose, Gentile and Eugene - **Resolution** urging the New York State Legislature to pass and the Governor to sign legislation that would enable the spouse of someone enrolled in the Senior Citizen Rent Increase Exemption Program (SCRIE) to continue receiving SCRIE benefits when the enrolled spouse dies, and the widow/widower is within 5 years of the age requirement for receipt of SCRIE.

**Res 406** - By Council Members Chin, Cumbo, Dickens, Eugene, Gentile, Gibson, Johnson, King, Koo, Levine, Palma, Reynoso and Koslowitz - **Resolution** calling upon the New York State Legislature to pass, and the Governor to sign, legislation expanding the senior citizen rent increase exemption (SCRIE) program to include dwelling units subject to an agreement that bases rent increases on New York City Rent Guidelines Board orders.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

Margaret Chin, Chairperson

Committee on Civil Service and Labor..... 1:00 p.m.

**Res 741** - By Council Members Miller, Gentile and Johnson - **Resolution** calling upon the New York State Legislature to pass, and the Governor to sign, A.2486/S.5479, which requires every procurement contract entered into by a state agency to contain a statement from the contractor that no forced labor was used.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor

I. Daneek Miller, Chairperson

**★Deferred**

Committee on Sanitation and Solid Waste Management..... 1:00 p.m.

Agenda to be announced

Committee Room – City Hall

Antonio Reynoso, Chairperson

Thursday, June 23, 2016

★ *Deferred*

[Committee on Land Use](#) ..... 10:00 a.m.

~~Oversight – Privately Owned Public Spaces~~

~~Committee Room – City Hall~~ ..... ~~David G. Greenfield, Chairperson~~

[Committee on Public Housing](#) ..... 10:00 a.m.

**Int 1206** - By Council Members Cumbo, Williams, Torres and Richards - A Local Law to amend the administrative code of the city of New York, in relation to reporting on job creation and employment programs of public housing agencies.

**Int 1213** - By Council Members Torres, Salamanca, Richards, Treyger, Cumbo, Rose, Maisel, Reynoso and Cabrera - A Local Law to amend the administrative code of the city of New York, in relation to reporting on outcomes of services provided to public housing residents.

**Int 1214** - By Council Members Torres, Salamanca, Richards, Treyger, Cumbo, Dickens, Rose, Maisel and Reynoso - A Local Law in relation to requiring the center for economic opportunity to develop a plan to expand access to jobs-plus facilities in public housing.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

Ritchie Torres, Chairperson

[Committee on Transportation](#) ..... 10:00 a.m.

**Oversight** - How New York City Can Continue to Make its Sidewalks Safer, Cleaner, and More Beautiful?

**Int 411** - By Council Members Dromm, Vacca, Garodnick, Koo, Mendez, Rosenthal and Kallos - **A Local Law** to amend the administrative code of the city of New York in relation to requirements and enforcement of newsrack provisions.

**Int 412** - By Council Member Garodnick, Dromm, Vacca, Koo, Mendez, Rosenthal and Kallos - **A Local Law** to amend the administrative code of the city of New York in relation to modular newsracks.

**Int 427** - By Council Members Vacca, Dromm, Garodnick, Cumbo, Koo, Mendez, Rodriguez and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to newsrack requirements.

**Int 453** - By Council Members Rodriguez, Barron, Koo, Mendez, Richards, Cohen and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of transportation to report a list of all the sidewalks under its jurisdiction.

**Int 687** - By Council Members Koslowitz, Koo, Cohen and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to the placement of newsracks near taxi stands.

**Int 1209** - By Council Member Rodriguez - **A Local Law** to amend the administrative code of the city of New York, in relation to newsrack registration.

Council Chambers – City Hall

Ydanis Rodriguez, Chairperson

[Committee on Courts and Legal Services](#) jointly with the [Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services](#) ..... 1:00 p.m.

**Oversight** - Examining Court Accessibility in New York City.

Committee Room – City Hall

Rory Lancman, Chairperson

Andrew Cohen, Chairperson



[Committee on Oversight and Investigations](#) ..... 10:00 a.m.  
**Proposed Int 119-C** - By Council Members Williams, Mendez, Richards, Rosenthal, Reynoso, Dromm, Rodriguez and Menchaca - **A Local Law** to amend the administrative code of the city of New York and the New York city charter, in relation to the evaluation of civil actions, claims, and complaints alleging improper police conduct.  
 Council Chambers – City Hall Vincent J. Gentile, Chairperson

★ *Deferred*  
~~[Committee on Youth Services](#) ..... 10:00 a.m.~~  
~~**Oversight - Summer in the City Program**~~  
~~Committee Room – 250 Broadway, 14<sup>th</sup> Floor Mathieu Eugene, Chairperson~~

**Wednesday, June 29, 2016**

★ *Addition*  
[Committee on Youth Services](#) ..... 10:00 a.m.  
**Oversight - Summer in the City Program**  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor Mathieu Eugene,  
 Chairperson

[Committee on Land Use](#) ..... 1:00 p.m.  
**Oversight - Privately Owned Public Spaces**  
**Int No 1219** - By Council Member Greenfield - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting on the compliance statuses of privately owned public spaces by the Department of City Planning and the Department of Buildings.  
 Committee Room – City Hall David G. Greenfield, Chairperson

★ *Deferred*  
~~[Stated Council Meeting](#) ..... *Ceremonial Tributes* – 1:00 p.m.~~  
~~..... *Agenda* – 1:30 p.m.~~

**Monday, July 11, 2016**

[Subcommittee on Zoning & Franchises](#) ..... 9:30 a.m.  
**See Land Use Calendar**  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor Donovan Richards, Chairperson

[Subcommittee on Landmarks, Public Siting & Maritime Uses](#) ..... 11:00 a.m.  
**See Land Use Calendar**  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor Peter Koo, Chairperson

[Subcommittee on Planning, Dispositions & Concessions](#) ..... 1:00 p.m.  
**See Land Use Calendar**  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor Inez Dickens, Chairperson

**Tuesday, July 12, 2016**

[Committee on Land Use](#) ..... 11:00 a.m.  
**All items reported out of the Subcommittees**  
 AND SUCH OTHER BUSINESS AS MAY BE NECESSARY  
 Committee Room – City Hall David G. Greenfield, Chairperson

**Thursday, July 14, 2016**

[Stated Council Meeting](#) ..... *Ceremonial Tributes – 1:00 p.m.*  
 ..... *Agenda – 1:30 p.m.*

During the Meeting, the Speaker (Council Member Mark-Viverito) announced that Land Use Division staffer James Lloyd, a member of the United States Armed Forces, was soon to be deployed. As she thanked him for his service and for his work in the Council, those assembled in the Chambers cheered and applauded.

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 Thursday, July 14, 2016.

MICHAEL M. McSWEENEY, City Clerk  
 Clerk of the Council

*Editor’s Local Law Note: Int Nos. 775-A, adopted by the Council at the June 8, 2016 Recessed Meeting, and Int Nos. 851-B, 868-A, 871-A, 1149-A and 1223 of 2016, adopted by the Council at the June 21, 2016 Stated Meeting, were signed by the Mayor on June 28, 2016 as, respectively, Local Laws No. 76, 77, 78, 79, 80, and 81 of 2016. Int Nos. 1122-A, 1123-A, and 1128-A, also adopted by the Council at the June 21, 2016 Stated Meeting, were signed by the Mayor on July 13, 2016 as, respectively, Local Laws No. 82, 83, and 84 of 2016.*