

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Tuesday, November 22, 2022, 2:16 p.m.

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

Council Members

Adrienne E. Adams, *The Speaker*

Shaun Abreu	Jennifer Gutiérrez	Keith Powers
Joann Ariola	Shahana K. Hanif	Lincoln Restler
Alexa Avilés	Kamillah Hanks	Kristin Richardson Jordan
Diana I. Ayala	Robert F. Holden	Kevin C. Riley
Charles Barron	Crystal Hudson	Carlina Rivera
Joseph C. Borelli	Rita C. Joseph	Pierina Ana Sanchez
Erik D. Bottcher	Ari Kagan	Lynn C. Schulman
Justin L. Brannan	Shekar Krishnan	Althea V. Stevens
Gale A. Brewer	Linda Lee	Marjorie Velázquez
Selvena N. Brooks-Powers	Farah N. Louis	Inna Vernikov
Tiffany Cabán	Christopher Marte	Nantasha M. Williams
David M. Carr	Darlene Mealy	Julie Won
Carmen N. De La Rosa	Julie Menin	Kalman Yeger
Eric Dinowitz	Francisco P. Moya	
Amanda Farías	Mercedes Narcisse	
Oswald Feliz	Chi A. Ossé	
James F. Gennaro	Vickie Paladino	

Absent: Council Members Nurse, Salamanca, and Ung.

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

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

There were 48 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y. (including Council Members Holden, Moya, Ossé, and Sanchez who participated remotely at certain points during the proceedings).

INVOCATION

The Invocation was delivered by Rabbi David Niederman, United Jewish Organization of Williamsburg & North Brooklyn, located at 32 Penn Street, Brooklyn, New York 11249.

Madam Speaker and honorable members of the City Council,
 your work is so important and very much appreciated.
 May *Hashem*, the Almighty,
 shine his light on all of you in this Chamber
 who represent all New Yorkers,
 and to succeed in all of your endeavors.
 At the end of this week,
 we will be entering the Jewish Month of *Kislev*,
 in which we celebrate *Hanukkah*,
 when the Maccabees prevailed over the Greeks.
 It is also a month when we celebrate
 the rescue from Bergen-Belsen, Germany,
 of the Grand Rabbi,
 Joel Teitelbaum of Satmar, of blessed memory,
 who was central to the rebirth
 of the Orthodox Jewish community in New York
 after losing six million Jews by the Nazis.
 Sadly, however, three years ago,
 the month of *Kislev* brought horrific, horrific tragedy
 to the Jewish community of New York and New Jersey.
 On December 10, 2019, gunman entered
 the Hasidic Jersey City Kosher Supermarket and opened fire.
 At the end of the rampage,
 four beautiful, innocent people were killed,
 including a young Williamsburg resident,
 who volunteered to the UJO, Moshe Deutsch.
 During that month, a machete-wielding man
 entered the Rabbi's house in Muncie,
 attacked and injured many people,
 and sadly one of them died.
 This past weekend, we were reminded again
 of the threat of hate-driven violence
 against the Jewish community.
 Friday night, law enforcement learned
 of imminent danger by two armed anti-Semites.
 Thanks to the vigilance and diligent action
 by the NYPD, the FBI, the MTA agents,
 they were intercepted at Penn Station
 on their way to kill people in the synagogue
 at Saturday night services.
 We are grateful to the Mayor, the Governor,

and law enforcement agencies
for being vigilant and proactive
to protect the Jewish community.
I specifically would want to thank the City Council
and the Honorable Speaker Adams
for funding initiatives and
promoting policies against hate,
to protect all of our people.
Your work is so important and so much appreciated.
Thus we pray to *Hashem* to bestow is blessing
on the Speaker of the Council and upon all its Members
that you shall continue to use your energies
to spread kindness, to keep our families safe,
all of our communities secure,
and to help all New Yorkers succeed in their eyes.
So help us, *Hashem*.
Amen.

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

During the Communication from the Speaker segment of this meeting, the Speaker (Council Member Adams) acknowledged the death of seven New Yorkers who died while on the job during the past month. On behalf of the Council, the Speaker (Council Member Adams) expressed her sadness on the lives lost and offered her condolences to their families and loved ones during this difficult time.

* * *

ADOPTION OF MINUTES

Council Member Farias moved that the Minutes of the Stated Meeting of October 27, 2022 be adopted as printed.

MESSAGES AND PAPERS FROM THE MAYOR

M-101

Communication from the Mayor – Submitting the name of Isabel Castilla to the Council for its advice and consent regarding her appointment to the New York City Public Design Commission, pursuant to Sections 31 and 851 of the City Charter.

November 15, 2022

The Honorable Adrienne E. Adams
Speaker
New York City Council
City Hall
New York, N.Y. 10007

Dear Speaker Adams:

Pursuant to Sections 31 and 851 of the New York City Charter, I am pleased to present the name of Isabel Castilla to the City Council for advice and consent regarding his appointment as the landscape architect member of the New York City Public Design Commission. If appointed, Ms. Castilla will serve the remainder of three-year term that will expire on December 31, 2024.

I send my thanks to you and to the Council for reviewing this appointment.

Sincerely,

Eric Adams
Mayor

EA: kw

cc: Isabel Castilla
Sreoshi Banerjea, Executive Director, Public Design Commission
Maria Torres-Springer, Deputy Mayor for Economic and Workforce Development
Jessica Carrano, Director, Mayor's Office of City Legislative Affairs
Jonathan Etricks, Director of Legislative Documents, New York City Council
Jeffrey Campagna, Senior Counsel & Parliamentarian, New York City Council
Pearl Moore, Senior Investigative Attorney, New York City Council

Referred to the Committee on Rules, Privileges and Elections.

M-102

Communication from the Mayor – Submitting the name of James Van Bramer to the Council for its advice and consent regarding his appointment to the New York City Public Design Commission, pursuant to Sections 31 and 851 of the City Charter.

November 15, 2022

The Honorable Adrienne E. Adams
Speaker
New York City Council
City Hall
New York, N.Y. 10007

Dear Speaker Adams:

Pursuant to Sections 31 and 851 of the New York City Charter, I am pleased to present the name of James Van Bramer to the City Council for advice and consent regarding his appointment as a lay member of the of the New York City Public Design Commission. If appointed, Mr. Van Bramer will serve the remainder of three-year term that will expire on December 31, 2024.

I send my thanks to you and to the Council for reviewing this appointment.

Sincerely,

Eric Adams
Mayor

EA: kw

cc: James Van Bramer
Sreoshi Banerjea, Executive Director, Public Design Commission
Maria Torres-Springer, Deputy Mayor for Economic and Workforce Development
Jessica Carrano, Director, Mayor's Office of City Legislative Affairs
Jonathan Ettricks, Director of Legislative Documents, New York City Council
Jeffrey Campagna, Senior Counsel & Parliamentarian, New York City Council
Pearl Moore, Senior Investigative Attorney, New York City Council

Referred to the Committee on Rules, Privileges and Elections.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-103

Communication from the Comptroller - Submitting the Comprehensive Annual Financial Report of the Comptroller of The City of New York for the Fiscal Years Ended June 30, 2022 and 2021.

(For text of report, please see [ACFR-2022.pdf \(nyc.gov\)](#) on the website of the New York City Comptroller at [Office of the New York City Comptroller Brad Lander \(nyc.gov\)](#))

Received, Ordered, Printed and Filed.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Consumer and Worker Protection

Report for Int. No. 525-B

Report of the Committee on Consumer and Worker Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the purchase of second-hand catalytic converters.

The Committee on Consumer and Worker Protection, to which the annexed proposed amended local law was referred on June 16, 2022 (Minutes, page 1509), respectfully

REPORTS:

I. INTRODUCTION

On November 22, 2022, the Committee on Consumer and Worker Protection, chaired by Council Member Marjorie Velázquez, held a vote on Introduction Number 525-B (“Int. No. 525-B”), in relation to the purchase of second-hand catalytic converters. On October 20, 2022, the Committee held a hearing on this bill and heard from the Department of Consumer and Worker Protection (DCWP), the New York City Police Department (NYPD), and other interested stakeholders who provided testimony on the bill. Their feedback was considered in finalizing the latest version of the bill. Int. No. 525-B was approved by the Committee by a vote of eight in the affirmative and zero in the negative.

II. BACKGROUND

a. Motor Vehicle Ownership and Theft in New York City

There were nearly two million passenger cars registered to New York City residents in 2018.¹ In 2020, the number of registered passenger cars surged as city residents felt safer relying on private modes of transportation during the pandemic. New York City saw an 18 percent increase in car registrations in June and July of 2020.² The result was 62,507 more car registrations in those months than the previous year.³ In 2021, vehicle registration rose by 579,811, and as of July of 2022, another 421,758 vehicles were already registered in the city.⁴ Given that residential properties throughout the five boroughs often lack personal garages, and the high cost of municipal and private parking garages, most car owners in the City are forced to park on the street, and therefore contend with a greater opportunity for theft.⁵

¹ Warren, Tamara, “What Will New Yorkers Do With the Cars They Purchased During the Pandemic?” CAR AND DRIVER, 15 Aug. 2021; available at: <https://www.caranddriver.com/features/a37293032/what-will-new-york-do-with-the-cars-they-purchased-during-the-pandemic/#>

² Ibid.

³ Kamer, Foster, “The Great Gotham Vroom Boom of 2020,” THE NEW YORK TIMES, 12 Aug. 2020; available at: [Buying Cars — and Parking Cars — in New York City - The New York Times \(nytimes.com\)](https://www.nytimes.com/2020/08/12/nyregion/cars-parking-nyc.html)

⁴ Sheinerman, Marie-Rose, “Car Owners Say It’s ‘Virtually Impossible’ to Find Street Parking in New York City,” BLOOMBERG, 16 Aug. 2022; available at: <https://www.bloomberg.com/news/articles/2022-08-16/where-to-park-in-nyc-rise-in-new-cars-outdoor-dining-deepen-nightmare#:~:text=With%20some%20New%20Yorkers%20shunning,to%20eat%20up%20street%20space>

⁵ Ibid.

Decreasing crime trends for certain crimes in New York exclude motor vehicle theft, which is on the rise. The volume of motor vehicle theft increased significantly in 2020.⁶ By the end of the year, New York saw a 54.3% increase in motor vehicle theft statewide, and a 67.7% increase in New York City.⁷ A significant share of this increase is attributable to New York City as motor vehicle theft outside the City rose to a lesser extent – 44%.⁸ Motor vehicle thefts continue to escalate, and remain substantially higher than pre-pandemic levels throughout the city.⁹

b. Catalytic Converter Theft

Catalytic converters are a part of a vehicle's exhaust system located between the engine and muffler, and a key component of the emissions control system, reducing the amount of pollution exuding from the tailpipe.¹⁰ All modern vehicles with internal combustion engines have a catalytic converter, as they have been required on new cars since 1975.¹¹ New York State also requires yearly emission testing; if a car does not have a catalytic converter, it will fail the test, making it illegal to drive a vehicle in New York without a catalytic converter.¹² To decrease the amount of smog that would otherwise release from the tailpipe, catalytic converters contain precious metals such as rhodium, palladium and platinum, which can be salvaged and sold at a high price.¹³ As such, individuals can sell a stolen catalytic converter for up to \$300, or up to \$1,400 if the part comes from a hybrid vehicle.¹⁴

According to NYPD data, catalytic converter theft in New York City has risen exponentially this past year. Citywide, as of mid-August 2022, catalytic converter theft had increased by 269% as compared to figures from the same period last year.¹⁵

Reported Catalytic Converter Theft in NYC

	2021	2022	Percent Increase
Citywide	1505	5548	269%
Brooklyn	403	1534	281%
Manhattan	195	584	199%
Queens	574	2092	264%
Bronx	286	976	241%
Staten Island	47	362	670%

*Year-to-Date: 8/14/2021; 8/14/2022¹⁶

⁶ "Crime in New York State 2020 Final Data," DIVISION OF CRIMINAL JUSTICE SERVICES, Dec. 2021; available at: <https://www.criminaljustice.ny.gov/crimnet/ojsa/Crime-in-NYS-2020.pdf>

⁷ Ibid.

⁸ Ibid.

⁹ Parascandola, Rocco, "NYPD Reports 51% Surge in Stolen Cars this Year," DAILY NEWS, 12 June 2022; available at: <https://www.nydailynews.com/new-york/nyc-crime/ny-car-vehicle-theft-surge-careless-motorists-nypd-20220612-eojbb2hbx5a3tn34vzhilc2fdq-story.html>

¹⁰ Popely, Rick. "What Is a Catalytic Converter? - CARFAX." CARFAX, 22 Sept. 2022, www.carfax.com/blog/catalytic-converters.

¹¹ Id.

¹² Sam, S. (2022, September 1). *Know Everything about New York Catalytic Converter Laws*. Way Blog. Retrieved October 14, 2022; available at: <https://www.way.com/blog/new-york-catalytic-converter-laws/>.

¹³ "What's a Catalytic Converter and Why Do People Steal Them? | News | Cars.com." *Cars.com*, 13 Feb. 2022; available at: www.cars.com/articles/whats-a-catalytic-converter-and-why-do-people-steal-them-446861.

¹⁴ "More Than 5000 Catalytic Converter Thefts Reported in NYC." *New York Post*, 20 Aug. 2022; available at: www.nypost.com/2022/08/20/more-than-5000-catalytic-converter-thefts-reported-in-nyc.

¹⁵ Ibid.

¹⁶ Ibid.

A challenging aspect of preventing catalytic converter theft is that it takes little over a minute to remove such device from a vehicle, requiring readily available equipment such as a common jack lift and a saw.¹⁷ Thefts are rather simple endeavors, but reports show elaborate tactics employed to make theft more prevalent and widespread, such as arriving and exiting the scene in a getaway vehicle, and deploying lookouts along neighborhood blocks to observe parked vehicles.¹⁸

The NYPD introduced an etching program that allows individuals to inscribe a code/number to their vehicle's catalytic converter, and link that code to a website where it can be tracked.¹⁹ If NYPD or a potential buyer later comes across such catalytic converter, the number will be visible and can be tracked to the original vehicle, which permits an easy determination regarding the chain of custody of the catalytic converter and whether the part might have been stolen.²⁰ Without such labeling, individuals may sell stolen catalytic converters to unknowing buyers, claiming the removed part was retrieved from a willing vehicle owner.²¹ The NYPD is also attempting to deter catalytic converter theft by expanding undercover investigations and inspections of auto body shops.²²

¹⁷ "Catalytic-converter Thieves Work in Queens Robbery Video." *New York Post*, 3 Sept. 2022; available at: www.nypost.com/2022/09/03/catalytic-converter-thieves-work-in-queens-robbery-video.

¹⁸ Ibid.

¹⁹ "NYPD Distributes New Tracking Device at Combat Catalytic Converter Theft Event - silive.com." *Silive*, 15 July 2022, www.silive.com/news/2022/07/nypd-distributes-new-tracking-device-at-combat-catalytic-converter-theft-event.html.

²⁰ Ibid.

²¹ Moses, Dean. "NYPD Is Cutting off Catalytic Converter Thieves With Anti-theft Label Enrollment | amNewYork." *amNewYork*, 19 July 2022; available at: www.amny.com/news/nypd-is-cutting-off-catalytic-converter-thieves-with-anti-theft-label-enrollment.

²² Tremayne-Pengelly, Alexandra. "Thefts of Catalytic Converters Have Quadrupled in New York City This Year | Observer." *Observer*, 20 July 2022; available at: www.observer.com/2022/07/thefts-of-catalytic-converters-have-quadrupled-in-new-york-city-this-year.

Catalytic Converter Theft Prevention

A catalytic converter is a part of your engine's exhaust system. Catalytic converters contain platinum, palladium and rhodium — precious metals more valuable than gold.

Three ways to protect against catalytic-converter theft:

1. Etch your license plate number or VIN onto your catalytic converter
2. Park in well-lit areas
3. Install an anti-theft device



CALL 911
if you observe
catalytic-converter theft
in your neighborhood



New York State responded to the growing concern over catalytic converter theft by passing legislation enhancing reporting requirements for sales of these parts by certain industries. On October 18, 2022, Governor Kathy Hochul signed State legislation that aims to impede the theft of catalytic converters by imposing restrictions on the purchase, sale and possession of catalytic converters by vehicle dismantlers, scrap processors and others.²³ In addition to the maintenance of catalytic converter ownership records, the law will require that all new motor vehicle dealers and qualified dealers offer kits to any consumer purchasing a new motor vehicle.

The Council is considering legislation to address the issue more directly at the local level. Specifically, Int. No. 525-B would expand record keeping requirements related to used catalytic converter purchases for dealers in second-hand articles. These additional requirements aim to address consumers' particular vulnerability to catalytic converter theft in the City.

²³ "NY State Senate Bill S9428." *NY State Senate*, 26 May 2022; available at: www.nysenate.gov/legislation/bills/2021/S9428.

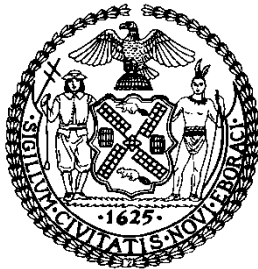
III. LEGISLATIVE ANALYSIS

a. Int. No. 525-B

This bill would amend subchapter 11 of title 20 of the Administrative Code (Ad Code) to add new section 20-268.7, which would create new requirements for the purchase of second-hand catalytic converters in the portion of the Ad Code containing licensing requirements for dealers in second-hand goods. It would require that when anyone licensed as a second-hand dealer purchases a second-hand catalytic converter, they must first obtain certain documents from the seller to show the catalytic converter is consistent with manufacturer specifications. Documentation would include: year, make and model of the vehicle from which the part was removed, as well as the unique identifying number on the catalytic converter if one exists; and a copy of certificate of title or other documentation for such vehicle to show the seller has rights to either the vehicle from which the part was removed or to the part itself. Such documentation would be subject to inspection in real time by the Department of Consumer and Worker Protection, the Fire Department and NYPD, and be maintained for at least six years after purchase. Violators would be subject to monetary penalties, as well as license suspension or revocation. This bill would take effect 120 days after enactment.

Since introduction, the bill has been amended as follows. First, provisions were amended to exclude vehicle dismantlers, and to confine the recording obligations to those licensed as dealers in second-hand articles. Second, provisions were amended to expand the recording requirement to include the unique identifying number of the second-hand catalytic converter should one exist. Third, provisions permitting a written record were removed to make the recording requirement exclusively electronic, so that inspecting agencies may access records in real time. Fourth, provisions were modified to extend the maintenance of the records from at least five years to at least six years. Finally, the effective date has doubled from 60 days to 120 days to allow ample time for notice and an opportunity to comply.

(The following is the text of the Fiscal Impact Statement for Preconsidered Int. No. 525:)



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

**TANISHA EDWARDS, Chief Financial Officer and
Deputy Chief of Staff to the Speaker**

FISCAL IMPACT STATEMENT

PROPOSED INTRO NO. 525-B

COMMITTEE: Consumer and Worker Protection

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the purchase of second-hand catalytic converters.

SPONSORS: Council Members Brewer, Brannan, Yeger, Restler, Holden, Dinowitz, De La Rosa, Sanchez, Williams, Nurse, Velázquez, Kagan, Menin, Farías, Schulman, Riley, Louis, Joseph, Ayala, Hanif, Moya, Krishnan, Gennaro, Narcisse, Hanks, Lee, Won and Ariola.

SUMMARY OF LEGISLATION: This bill would require that any dealer in second-hand articles who purchases a second-hand catalytic converter obtain and retain information about the vehicle from which the second-hand

catalytic converter was removed. The purchaser would be required to obtain information from the seller to verify legal ownership of the vehicle from which the part was removed or that the removal of the part was otherwise authorized, that the second-hand catalytic converter is consistent with one removed from the identified vehicle, and maintain an electronic record of the information provided by the seller. The purchaser would be required to retain the electronic records for at least six years.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2024.

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
Revenues (-)	\$0	\$0	\$0
Expenditures (+)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because the relevant City agency would utilize existing resources to fulfill its requirements.

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

ESTIMATE PREPARED BY: Glenn P. Martelloni, Financial Analyst

ESTIMATE REVIEWED BY: Aliya Ali, Unit Head
Cirilhen Francisco, Assistant Director
Eisha Wright, Deputy Director
Jonathan Rosenberg, Managing Deputy Director
Kathleen Ahn, Counsel

LEGISLATIVE HISTORY: : This legislation was introduced to the Council on June 16, 2022, as Int. No. 525 and referred to the Committee on Consumer and Worker Protection and Public Safety (Committees). An amendment was proposed by the Committees on October 20, 2022, and the bill was laid over. The legislation was amended a second time, and the more-recently amended version, Proposed Int. No. 525-B, will be voted on by the Committee at a hearing on November 22, 2022. Upon a successful vote by the Committee, Proposed Int. No. 525-B will be submitted to the full Council for a vote on November 22, 2022.

DATE PREPARED: November 16, 2022.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 525-B:)

Int. No. 525-B

By Council Members Brewer, Brannan, Yeger, Restler, Holden, Dinowitz, De La Rosa, Sanchez, Williams, Nurse, Velázquez, Kagan, Menin, Farías, Schulman, Riley, Louis, Joseph, Ayala, Hanif, Moya, Krishnan, Gennaro, Narcisse, Hanks, Lee, Won, Rivera and Ariola.

A Local Law to amend the administrative code of the city of New York, in relation to the purchase of second-hand catalytic converters

Be it enacted by the Council as follows:

Section 1. Subchapter 11 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-268.7 to read as follows:

§ 20-268.7 *Purchase of second-hand catalytic converters.* a. *Before any dealer in second-hand articles as defined by this subchapter, other than a vehicle dismantler, as defined in section 415-a of the vehicle and traffic law, purchases a second-hand catalytic converter, such dealer must obtain from the seller the following information:*

1. *The year, make, model and vehicle identification number for the vehicle from which the second-hand catalytic converter was removed;*

2. *A copy of the certificate of title or other documentation indicating that the seller has an ownership interest in the vehicle described in paragraph 1, or where the seller is the owner of a motor vehicle repair shop, as defined in section 398-b of the vehicle and traffic law, and the second-hand catalytic converter was removed by such owner in connection with a repair of the vehicle, the name and address of the owner of such vehicle and copies of all invoices related to such repair; and*

3. *The unique identifying number of the second-hand catalytic converter, if any.*

b. *Such dealer must determine that the second-hand catalytic converter is consistent with the manufacturer's specifications for a catalytic converter from the vehicle identified in the information provided pursuant to subdivision a and must document such determination.*

c. *Such dealer shall maintain an electronic record of the information provided pursuant to subdivision a for a minimum of six years from the date of the purchase of the second-hand catalytic converter. Such electronic record shall be created by the dealer at the time of each transaction. Such electronic record shall be maintained in a manner to be specified in rules of the police commissioner, which may include the real-time sharing or accessing of such records in an electronic format and/or through use of an internet website designated by the police commissioner. Such records shall be open to the inspection of officers and employees of the department and officers of the fire department or the police department during regular and usual business hours.*

§ 2. Subdivision d of section 20-275 of the administrative code of the city of New York, as added by local law number 197 for the year 2017, is amended to read as follows:

d. The commissioner may suspend or revoke a second-hand automobile dealer license if the licensee violates section 20-268.1, 20-268.2, 20-268.3, 20-268.4, 20-268.5, 20-268.7, or 20-271 or any rule or regulation issued thereunder, provided, however, that the commissioner shall suspend or revoke a second-hand automobile dealer license upon the third violation by the licensee within three years of the first violation.

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

MARJORIE VELÁZQUEZ, *Chairperson*; SHAUN ABREU, ERIK D. BOTTCHEER, GALE A. BREWER, AMANDA FARÍAS, SHEKAR KRISHNAN, JULIE MENIN, CHI A. OSSÉ, JULIE WON; 9-0-0; Committee on Consumer and Worker Protection, November 22, 2022.

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

Report of the Committee on Education

Report for Int. No. 610-A

Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to provide information on the local 988 suicide and crisis lifeline and other related resources

The Committee on Education, to which the annexed proposed amended local law was referred on August 11, 2022 (Minutes, page 1979), respectfully

REPORTS:

I. INTRODUCTION

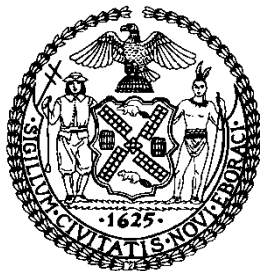
On November 22, 2022, the Committee on Education, chaired by Council Member Rita Joseph, considered Int. No. 610-A, a local law to amend the administrative code of the city of New York, in relation to requiring the New York City Department of Education (DOE) to provide information on the local 988 suicide and crisis lifeline and other related resources. The bill was originally heard by the Committee on September 21, 2022. Witnesses who testified at the hearing included DOE, United Federation of Teachers (UFT), the Public Advocate, Advocates for Children, and Arise Coalition.

II. INT. NO. 610-A ANALYSIS

This bill would require DOE to distribute information to students on the new National Suicide Prevention Hotline number, 988, which went live in July 2022, and other related suicide prevention resources that DOE deems important for students. The proposed legislation would take effect immediately after becoming law. Since it was heard, the bill received technical edits.

UPDATE: On November 22, 2022, the Committee passed Int. No. 610-A by a vote of eighteen in the affirmative, zero in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No.610-A:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION

TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL
OFFICER, AND DEPUTY CHIEF OF STAFF TO THE
SPEAKER

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 610-A

COMMITTEE: Education

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to provide information on the local 988 suicide and crisis lifeline and other related resources.

SPONSOR(S): By Council Members Bottcher, Joseph, Lee, Dinowitz, Brewer, Menin, Brooks-Powers, Restler, Hanif, Ung, Won, Nurse, Gutierrez, Velazquez, Stevens, Ossé, Aviles, Williams, Gennaro, Krishnan, Schulman, Hanks, Abreu, Sanchez, Brannan, De La Rosa, Narcisse, Riley, Farias, and Louis.

SUMMARY OF LEGISLATION: This bill would require the Department of Education (Department) to distribute to each school, and subsequently to each student information in written form or electronically using student appropriate language on the 988 suicide and crisis lifeline number and related information. The Department is required to distribute this information no later than September 15, 2023.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2024

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not Applicable

SOURCE OF INFORMATION: New York City Department of Education

ESTIMATE PREPARED BY: Monica Saladi, Principal Financial Analyst, NYC Council Finance Division
ESTIMATE REVIEWED BY: Masis Sarkissian, Unit Head, NYC Council Finance Division
 Crilhien Francisco, Assistant Director, NYC Council Finance Division
 Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on August 11, 2022, as Intro. 610 and referred to the Committee on Education. The legislation was considered by the Committee on Education at a hearing held on September 21, 2022 and was subsequently amended to Proposed Into. No. 610-A. The amended version, Proposed Into. No. 610-A will be considered by the Committee on November 22, 2022. Upon successful vote by the Committee on Education, Proposed Intro. No. 610-A will be submitted to the full Council for a vote on November 22, 2022.

DATE PREPARED: 11/17/2022.

(The following is the text of Int. No. 610-A:)

Int. No. 610-A

By Council Members Bottcher, Joseph, Lee, Dinowitz, Brewer, Menin, Brooks-Powers, Restler, Hanif, Ung, Won, Nurse, Gutiérrez, Velázquez, Stevens, Ossé, Avilés, Williams, Gennaro, Krishnan, Schulman, Hanks, Abreu, Sanchez, Brannan, De La Rosa, Narcisse, Riley, Farías, Louis, Cabán and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to provide information on the local 988 suicide and crisis lifeline and other related resources

Be it enacted by the Council as follows:

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 29 to read as follows:

CHAPTER 29

DISTRIBUTION OF INFORMATION REGARDING SUICIDE PREVENTION

§ 21-1000 Distribution of information regarding suicide prevention. a. Definitions. For purposes of this section, the term “school” means a school of the city school district of the city of New York.

b. No later than September 15, 2023, and annually thereafter, the department shall distribute to each school, to be shared with every student of such school, the following information in writing, in hard copy, or electronically if availability of similar documents occurs electronically, using plain, simple, and age-appropriate language:

- 1. The 988 suicide and crisis lifeline number;*
- 2. Information about suicide, including warning signs, risk factors, and prevention; and*
- 3. Any other information that the department deems relevant.*

§ 2. This local law takes effect immediately.

RITA C. JOSEPH, *Chairperson*; FARAH N. LOUIS, ERIC DINOWITZ, OSWALD FELIZ, SHAUN ABREU, ALEXA AVILÉS, CARMEN N. De La ROSA, JENNIFER GUTIÉRREZ, SHAHANA K. HANIF, KAMILLAH HANKS, SHEKAR KRISHNAN, LINDA LEE, JULIE MENIN, MERCEDES NARCISSE, LINCOLN RESTLER, PIERINA ANA SANCHEZ, LYNN C. SCHULMAN, ALTHEA V. STEVENS, 18-0-0; *Absent*: James F. Gennaro and Sandra Ung; Committee on Education, November 22, 2022.

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

Report of the Committee on Finance

Report for Int. No. 789

Report of the Committee on Finance in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in two business improvement districts.

The Committee on Finance, to which the annexed proposed local law was referred on October 27, 2022 (Minutes, page 2609), respectfully

REPORTS:

On November 22, 2022, the Committee on Finance (“Committee”) will hold a hearing on Intro. No. 789, a local law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in two business improvement districts (“BIDs”), sponsored by Council Members Brannan, Louis, Richardson Jordan, and Ayala (by request of the Mayor).

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

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

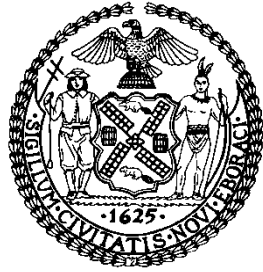
On November 3, 2022, the Committee adopted Resolution 362 that set November 22, 2022 as the date to consider a local law that would increase the annual expenditures of two BIDs, as of July 1, 2022. Today, the Committee will hear from all persons interested in the legislation, which would increase the amount to be expended annually in the two BIDs.

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

BID ASSESSMENT INCREASE REQUESTS FISCAL YEAR 2022

BID Name	Year Established	Year of Previous Increase	Current Authorized Assessment Cap	Proposed Authorized Assessment Cap	\$ Increase Request		Projected Years for Increase Phase-In	CM District(s)	Increase Justification
	Years	Previous Increase Amount			% Increase	Annualized % Increase	Phase-In Schedule	Supporting Councilmember	
125th Street BID	1993	2019	\$1,240,462	\$1,687,028	\$446,566		1 (retroactive)	9	Assessment increase will be used to double the BID's sanitation service hours and personnel; add new marketing staff to expand digital marketing, content management, and fundraising; and provide cost-of-living increases to security personnel. 125 th Street has seen an increase in quality-of-life challenges over the last few years, and new development projects are expected to open soon and bring additional activity and residential tenants to the corridor.
	29	\$234,669			36%	0.91 %	1 x \$446,566 (FY23)	Kristin Richardson Jordan	
DUMBO BID	2006	2018	\$1,250,000	\$2,500,000	\$1,250,000		3	33	Assessment increase will be used to expand sanitation services; cover increased maintenance costs anticipated for furnishings, plantings, and lighting in the newly reconstructed Pearl Street Triangle and Archway plaza; sustain the BID's Open Streets program; and introduce holiday lighting to the neighborhood for the first time. DUMBO has grown significantly in the past few years, including several mixed-use and commercial developments under construction that will bring additional residents and foot traffic to the district.
	16	\$500,000 (w/ expansion)			100%	3.13 %	1 x \$500,000 (FY24) 1 x \$250,000 (FY25) 1 x \$500,000 (FY26)	Lincoln Restler	

(The following is the text of the Fiscal Impact Statement for Int. No. 789:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION**
**TANISHA EDWARDS, CHIEF FINANCIAL OFFICER
AND DEPUTY CHIEF OF STAFF TO THE SPEAKER**
FISCAL IMPACT STATEMENT

INT. NO. 789

COMMITTEE: FINANCE

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in two business improvement districts.

Sponsors: Council Members Brannan, Louis, Richardson Jordan, and Ayala (by request of the Mayor).

SUMMARY OF LEGISLATION: The proposed local law amends the Administrative Code of the city of New York to increase the budget amounts of two business improvement districts (“BIDs”) throughout the City. The budgets are funded by special assessments on properties within the BID and pay for additional services beyond those which the City provides. The special assessments are collected with the City’s property tax collection system and passed through to the BIDs.

EFFECTIVE DATE: This local law would take effect immediately and is retroactive to and deemed to have been in full effect as of July 1, 2022.

FISCAL YEAR (FY) IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2023

FISCAL IMPACT STATEMENT:

	Effective FY 23	Succeeding FY 24	Full Fiscal Impact FY 23
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: BIDs special assessments

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

ESTIMATE PREPARED BY: Michael Twomey, Committee Counsel

ESTIMATE REVIEWED BY: Kathleen Ahn, Finance Counsel

LEGISLATIVE HISTORY: On November 3, 2022, the Finance Committee adopted Resolution 362 that set November 22, 2022 as the date to consider a local law that would increase the annual expenditures of two Business Improvement Districts as of July 1, 2022. Int. No. 789 will be heard by the Finance Committee on November 22, 2022, and upon a successful vote by the Finance Committee on November 22, 2022, the bill will be submitted to the full Council for a vote on November 22, 2022.

DATE PREPARED: November 4, 2022.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 789:)

Int. No. 789

By Council Members Brannan, Louis, Richardson Jordan and Ayala (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in two business improvement districts.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 25-437.1 of the administrative code of the city of New York, as amended by local law number 223 for the year 2018, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 125th Street business improvement district beginning on July 1, [2018] 2022, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [one million two hundred forty thousand four hundred sixty-two dollars (\$1,240,462)] *one million six hundred eighty-seven thousand twenty-eight dollars (\$1,687,028)*.

§ 2. Subdivision a of section 25-469.1 of the administrative code of the city of New York, as amended by local law number 235 for the year 2017, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the DUMBO business improvement district beginning on July 1, [2017] 2022, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [one million two hundred fifty thousand dollars (\$1,250,000)] *two million five hundred thousand dollars (\$2,500,000)*.

§ 3. This local law takes effect immediately and is retroactive to and deemed to have been in effect as of July 1, 2022.

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, GALE A. BREWER, AMANDA FARÍAS, KAMILLAH HANKS, CRYSTAL HUDSON, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, MARJORIE VELÁZQUEZ, JULIE WON, DAVID M. CARR; 16-0-1; *Abstain*: Ari Kagan; Committee on Finance, November 22, 2022. *Other Council Members Attending: Council Member Restler.*

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

Report for Res. No. 388

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on November 22, 2022, respectfully

REPORTS:

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 19, 2019 the Council adopted the expense budget for Fiscal Year 2020 with various programs and initiatives (the “Fiscal 2020 Expense Budget”). On June 30, 2020, the Council adopted the expense budget for fiscal year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”). On June 30, 2021, the Council adopted the expense budget for fiscal year 2022 with various programs and initiatives (the “Fiscal 2022 Expense Budget”). On June 13, 2022, the Council adopted the expense budget for fiscal year 2023 with various programs and initiatives (the “Fiscal 2023 Expense Budget”).

Analysis. In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2023, Fiscal 2022, Fiscal 2021, and Fiscal 2020 Expense Budgets (“Charts”).

This Resolution, dated November 22, 2022, approves the new designation and the changes in the designation of certain organizations receiving local, youth, anti-poverty, and Speaker’s initiative to address citywide needs and community safety and victims’ services discretionary funding and funding for certain initiatives in accordance with the Fiscal 2023 Expense Budget; approves the changes in designation of certain organizations receiving funding for local, youth, and anti-poverty discretionary funding, and Speaker’s initiative to address citywide needs and certain initiatives in accordance with the Fiscal 2022 Expense Budget, approves the changes in designation of certain organizations receiving local, youth, and anti-poverty discretionary funding, boroughwide needs, and Speaker’s initiative to address citywide needs and certain initiatives in accordance with the Fiscal 2021 Expense Budget; approves a change in designation of a certain organization receiving funding for a certain initiative in accordance with the Fiscal 2020 Expense Budget; and amends the description for the Description/Scope of Services of certain organizations receiving youth and local discretionary funding and certain initiatives in accordance with the Fiscal 2023 Expense Budget, and amends the description for the Description/Scope of Services of certain organizations receiving Speaker’s initiative, and local and youth discretionary funding in accordance with the Fiscal 2022 Expense Budget. All new designations and changes in designations are as described in the attached Charts and the Resolution text.

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

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

It should also be noted that changes to funding for organizations in the attached Charts with a triple asterisk (***) are corrections to designations listed in Schedule C and/or a subsequent Transparency Resolution.

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2023, Fiscal 2022, Fiscal 2021, and Fiscal 2020 Expense Budgets. Such Resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 388:)

Preconsidered Res. No. 388

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

By Council Member Brannan.

Whereas, On June 13, 2022, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2023 with various programs and initiatives (the “Fiscal 2023 Expense Budget”); and

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

Whereas, On June 30, 2020 the Council adopted the expense budget for Fiscal Year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”); and

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2023, Fiscal 2022, Fiscal 2021, and Fiscal 2020 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, youth, aging, and anti-poverty discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022 and Fiscal 2023 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local, youth and anti-poverty discretionary funding and certain organization receiving funding pursuant to certain initiatives; now, therefore, be it

Resolved, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2023 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the anti-poverty discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and the changes of designation of certain organizations receiving funding pursuant to the Community Safety and Victim Services Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and the changes of designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and the changes of designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the change of designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designations and the changes of designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation and the changes of designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designation and the changes of designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designation and the changes of designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the change of designation of certain organizations receiving funding pursuant to the Coalition Theaters of Color Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the new designations and the change of designation of certain organizations receiving funding pursuant to the AAPI Community Support Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Support for Arts Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Citywide Young Adult Entrepreneurship Program Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Pride At Work Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the changes of designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the changes of designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the change of designation of a certain organization receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the change of designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the change of designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the change of designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the changes of designation of certain organizations receiving funding pursuant to the Pandemic Support for Human Service Providers Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 26; and be it further

Resolved, That the City Council approves the changes of designation of certain organizations receiving funding pursuant to the Viral Hepatitis Prevention Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 27; and be it further

Resolved, That the City Council approves the change of designation of certain organizations receiving funding pursuant to the Coalition Theaters of Color Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 28; and be it further

Resolved, That the City Council approves the change of designation of a certain organization receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 29; and be it further

Resolved, That the City Council approves the change of designation of a certain organization receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 30; and be it further

Resolved, That the City Council approves the change of designation of a certain organization receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 31; and be it further

Resolved, That the City Council approves the changes of designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2021 Expense Budget, as set forth in Chart 32; and be it further

Resolved, That the City Council approves the change of designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 33; and be it further

Resolved, That the City Council approves the change of designation of a certain organization receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 34; and be it further

Resolved, That the City Council approves the change of designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 35; and be it further

Resolved, That the City Council approves the changes of designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 36; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 37; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 38.

(For text of the Exhibit Charts, please refer to the attachments section of the [Res. No. 388 of 2022](#) file in the legislation section of the New York City Council website at <https://council.nyc.gov>)

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, GALE A. BREWER, AMANDA FARÍAS, KAMILLAH HANKS, CRYSTAL HUDSON, ARI KAGAN, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, MARJORIE VELÁZQUEZ, JULIE WON, DAVID M. CARR; 17-0-0; Committee on Finance, November 22, 2022. *Other Council Members Attending: Council Member Restler.*

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

Report for Res. No. 147

Report of the Committee on Finance in favor of a Resolution approving Block 2396, Lots 21, 24, 25, 26, and 27; Block 2409, Lots 8, 9, 11, 15, and 27; Block 2420, Lot 41; Block 2434, Lot 8, Brooklyn, Community District No. 1, Council District No. 34.

The Committee on Finance, to which the annexed preconsidered resolution was referred on November 22, 2022, respectfully

REPORTS:

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

THE COUNCIL OF THE CITY OF NEW YORK

November 22, 2022

TO: Hon. Justin Brannan Chair, Finance Committee
Members of the Finance Committee

FROM: Michael Twomey, Assistant Counsel, Finance Division
Kathleen Ahn, Counsel, Finance Division

RE: Finance Committee Agenda of November 22, 2022 – Resolution approving a tax exemption for one Land Use item (Council District 34)

Item 1: BUFF Properties

BUFF Properties consists of 12 buildings with a total of 251 residential units and is located in the South Williamsburg neighborhood in Brooklyn. The combined DU distribution is 14 studio units, 117 one-bedroom units, 103 two-bedroom units (inclusive of five units reserved for superintendents), and 17 three-bedroom units (inclusive of two units reserved for the superintendent). Additionally, there is a laundry room in each of the buildings that generate income for the Project. Current legal rents average at 80% of AMI and current preferential rents average at 76% of AMI. The market rents in the area average 149% of AMI according to Rent-O-Meter.

236-1 Development Associates (Buff) (“Owner”) purchased the project in 1972. In 1982, the Project was deeded from 236-1 Development Associates to Hermen Kraus, trustee under the trust agreement made by 236-1 Development Associates. A new HDFC (“Grower Housing Development Fund Corporation”) will be formed by the Owner to serve as the fee title owner and will then enter into a nominee agreement with a to be formed beneficial owner (“Development Associates Buff L.P.”).

The Project was originally operated under a Rent Supplement contact with HUD. HPD controlled all rent increases pursuant to its role as Contract Administrator for HUD. There is currently no regulatory agreement on this Project. As such HPD is looking to provide an Article XI tax exemption in order to help facilitate moderate rehabilitation.

In 2009, the City moved forward with foreclosure on the mortgage and property tax liens on the property in the court case City v. Kraus (Index No. 23735/2000), the owner appealed, and the project eventually entered into a

settlement agreement with HPD in 2021. To avoid foreclosure, the owner agreed to settle the outstanding tax, water, and sewer arrears at an agreed upon amount of \$8,408,884.54 and is required to pursue an Article XI tax exemption and enter a regulatory agreement with the City.

The Project applied for an Article XI tax exemption through HPD's Housing Preservation Opportunities (HPO) Program which provides tax exemptions to preserve privately owned multifamily housing to ensure long term-affordability and viable operations. The Project is requesting a full 40-year Article XI tax exemption. The tax exemption will allow for the project to refinance existing debt, pay off existing arrears, conduct a rehab scope, and remain operationally sound.

Summary:

- Borough – Brooklyn
- Block 2396, Lots 21, 24, 25, 26, and 27
- Block 2409, Lots 8, 9, 11, 15, and 27
- Block 2420, Lot 41
- Block 2434, Lot 8
- Council District – 34
- Council Member – Gutiérrez
- Council Member approval –Yes
- Number of buildings – 12
- Number of units – 251 (including seven superintendent units)
- Type of exemption – Article XI, full, 40 year
- Population – affordable rental housing
- Sponsor – The Kraus Organization
- Purpose – preservation
- Cost to the city – \$24.89 million (present value)
- Housing Code Violations
 - Class A – 15
 - Class B – 27
 - Class C – 28
- AMI target – 12 units at 50% of AMI; 25 units at 60% of AMI; 195 units at 95% of AMI; 12 units at 115% of AMI.

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

Res. No. 398

Resolution approving an exemption from real property taxes for property located at (Block 2396, Lots 21, 24, 25, 26, and 27; Block 2409, Lots 8, 9, 11, 15, and 27; Block 2420, Lot 41; Block 2434, Lot 8) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 147).

By Council Member Brannan.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 4, 2022 that the Council take the following action regarding a housing project located at (Block 2396, Lots 21, 24, 25, 26, and 27; Block 2409, Lots 8, 9, 11, 15, and 27; Block 2420, Lot 41; Block 2434, Lot 8) Brooklyn (“Exemption Area”):

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

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

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “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.
 - 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 2396, Lots 21, 24, 25, 26, and 27, Block 2409, Lots 8, 9, 11, 15, and 27, Block 2420, Lot 41, and Block 2434, Lot 8 on the Tax Map of the City of New York.
 - d. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - e. “HDFC” shall mean Grower Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - f. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - g. “Owner” shall mean, collectively, the HDFC and the Partnership.
 - h. “Partnership” shall mean Development Associates Buff L.P. or any other entity that acquire the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - i. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments

for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

3. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA FARIÁS, KAMILLAH HANKS, CRYSTAL HUDSON, ARI KAGAN, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, MARJORIE VELÁZQUEZ, JULIE WON, DAVID M. CARR; 16-1-0; *Negative*: Charles Barron; Committee on Finance, November 22, 2022. *Other Council Members Attending*: Council Member Restler.

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

Report of the Committee on Land Use

Report for L.U. No. 126

Report of the Committee on Land Use in favor of approving, as modified, Application number C 220364 ZMQ (Innovation Queens Rezoning and LSGD) submitted by Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9b, changing from a C4-2A District to an M1-4/R9 District, changing from an M1-1 District to an M1-4/R7-3 District, changing from an M1-1 District to an M1-4/R7X District, changing from an M1-1 District to an M1-4/R9 District, changing from an M1-1 District to an M1-5/R9-1 District, and establishing a Special Mixed Use District (MX-24), Borough of Queens, Community District 1, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on October 12, 2022 (Minutes, page 2493), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 126 & Res. No. 406 printed in the General Orders Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

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

Report for L.U. No. 127

Report of the Committee on Land Use in favor of approving, as modified, Application number N 220367 ZRQ (Innovation Queens Rezoning and LSGD) submitted by Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 4 large-scale general development loading regulations, Article XII, Chapter 3 (Special Mixed Use District) for the purpose of establishing a new Special Mixed Use District and APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 1, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on October 12, 2022 (Minutes, page 2493), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 126 & Res. No. 406 printed in the General Orders Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

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

Report for L.U. No. 128

Report of the Committee on Land Use in favor of approving, as modified, Application number C 220365 ZSQ (Innovation Queens Rezoning and LSGD) submitted by Kaufman Astoria Bedrock I, LLC, and Silverstein Astoria Member, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-745(a) of the Zoning Resolution to allow required or permitted accessory off-street parking spaces to be located anywhere within a large-scale general development without regard for zoning lot lines, in connection with a proposed mixed-use development, within a Large-Scale General Development generally bounded by 35th Avenue, Steinway Street, a line 100 feet southwesterly of 35th Avenue, a line midway between Steinway Street and 41st Street, 35th Avenue, a line 90 feet southeasterly of 42nd Street, a line 100 feet southwesterly of 35th Avenue, 43rd Street, Northern Boulevard, 42nd Street, a line 295 feet southwesterly of 35th Avenue, a line midway between 41st Street and 42nd Street, 36th Avenue, 41st Street, a line 150 feet northeasterly of 36th Avenue, a line midway between Steinway Street and 41st Street, a line 288 feet northeasterly of 36th Avenue, Steinway Street, a line 175 feet northeasterly of 36th Avenue, 38th Street, 36th Avenue, and 37th Street (Block 641, Lots 1, 4, 9, 51, 52 and 56; Block 668, Lot 5; Block 669, Lots 13, 16, and 36; Block 670, Lots 4, 8, 20, 27, 30, and 47; and Block 671, Lots 1, 8, 12, 20 and 23), in M1-4/R7-3, M1-4/R7X, M1-4/R9 and M1-5/R9-1 Districts, within a Special Mixed Use District (MX-24), Borough of Queens, Community District 1, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on October 12, 2022 (Minutes, page 2493), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 126 & Res. No. 406 printed in the General Orders Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

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

Report for L.U. No. 129

Report of the Committee on Land Use in favor of approving, as modified, Application number C 220366 ZSQ (Innovation Queens Rezoning and LSGD) submitted by Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following Sections of the Zoning Resolution, Section 74-743(a)(1) - to allow the distribution of total allowable floor area without regard for the zoning lot lines or district boundaries; and Section 74-743(a)(2) - to modify the rear yard regulations of Sections 23-40 (Yard Regulations), 43-40 (Yard Regulations) and 123-65 (Special Yard Regulations), the height and setback requirements of Sections 23-66 (Height and Setback Requirements for Quality Housing Buildings) and 123-66 (Height and Setback Regulations), and the minimum distance between buildings regulations of Section 23-711 (Standard Minimum Distance Between Buildings); in connection with a proposed mixed-use development, within a Large-Scale General Development generally bounded by 35th Avenue, Steinway Street, a line 100 feet southwesterly of 35th Avenue, a line midway between Steinway Street and 41st Street, 35th Avenue, a line 90 feet southeasterly of 42nd Street, a line 100 feet southwesterly of 35th Avenue, 43rd Street, Northern Boulevard, 42nd Street, a line 295 feet southwesterly of 35th Avenue, a line midway between 41st Street and 42nd Street, 36th Avenue, 41st Street, a line 150 feet northeasterly of 36th Avenue, a line midway between Steinway Street and 41st Street, a line 288 feet northeasterly of 36th Avenue, Steinway Street, a line 175 feet northeasterly of 36th Avenue, 38th Street, 36th Avenue, and 37th Street (Block 641, Lots 1, 4, 9, 51, 52 and 56; Block 668, Lot 5; Block 669, Lots 13, 16, and 36; Block 670, Lots 4, 8, 20, 27, 30, and 47; and Block 671, Lot 1, 8, 12, 20 and 23), in M1-4/R7-3, M1-4/R7X, M1-4/R9 and M1-5/R9-1 Districts, within a Special Mixed Use District (MX-24), Borough of Queens, Community District 1, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on October 12, 2022 (Minutes, page 2494), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 126 & Res. No. 406 printed in the General Orders Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

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

Report for L.U. No. 130

Report of the Committee on Land Use in favor of approving, as modified, Application number C 220368 ZSQ (Innovation Queens Rezoning and LSGD) submitted by Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-744(c) of the Zoning Resolution, and subject to the provisions of paragraphs (a)(1), (a)(2) or (a)(3) of Section 74-743 (Special provisions for bulk modification), to modify the signage regulations of Section 32-60 (Sign Regulations) and Section 123-40 (Sign Regulations), in connection with a proposed mixed-use development, within a Large-Scale General Development generally bounded by 35th Avenue, Steinway Street, a line 100 feet southwesterly of 35th Avenue, a line midway between Steinway Street and 41st Street, 35th Avenue, a line 90 feet southeasterly of 42nd Street, a line 100 feet southwesterly of 35th Avenue, 43rd Street, Northern Boulevard, 42nd Street, a line 295 feet southwesterly of 35th Avenue, a line midway between 41st Street and 42nd Street, 36th Avenue, 41st Street, a line 150 feet northeasterly of 36th Avenue, a line midway between Steinway Street and 41st Street, a line 288 feet northeasterly of 36th Avenue, Steinway Street, a line 175 feet northeasterly of 36th Avenue, 38th Street, 36th Avenue, and 37th Street (Block 641, Lots 1, 4, 9, 51, 52 and 56; Block 668, Lot 5; Block 669, Lots 13, 16, and 36; Block 670, Lots 4, 8, 20, 27, 30, and 47; and Block 671, Lot 1, 8, 12, 20 and 23), in M1-4/R7-3, M1-4/R7X, M1-4/R9 and M1-5/R9-1 Districts, within a Special Mixed Use District (MX-24), Borough of Queens, Community District 1, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on October 12, 2022 (Minutes, page 2494), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 126 & Res. No. 406 printed in the General Orders Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

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

Report for L.U. No. 131

Report of the Committee on Land Use in favor of approving, as modified, Application number C 220369 ZSQ (Innovation Queens Rezoning and LSGD) submitted by Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-745(b) of the Zoning Resolution to allow a reduction of loading berth requirements of Sections 44-52 (Required Accessory Off-Street Loading Berths) and 123-70 (Parking and Loading), within a Large-Scale General Development generally bounded by 35th Avenue, Steinway Street, a line 100 feet southwesterly of 35th Avenue, a line midway

between Steinway Street and 41st Street, 35th Avenue, a line 90 feet southeasterly of 42nd Street, a line 100 feet southwesterly of 35th Avenue, 43rd Street, Northern Boulevard, 42nd Street, a line 295 feet southwesterly of 35th Avenue, a line midway between 41st Street and 42nd Street, 36th Avenue, 41st Street, a line 150 feet northeasterly of 36th Avenue, a line midway between Steinway Street and 41st Street, a line 288 feet northeasterly of 36th Avenue, Steinway Street, a line 175 feet northeasterly of 36th Avenue, 38th Street, 36th Avenue, and 37th Street (Block 641, Lots 1, 4, 9, 51, 52 and 56; Block 668, Lot 5; Block 669, Lots 13, 16, and 36; Block 670, Lots 4, 8, 20, 27, 30, and 47; and Block 671, Lot 1, 8, 12, 20 and 23), in M1-4/R7-3, M1-4/R7X, M1-4/R9 and M1-5/R9-1 Districts, within a Special Mixed Use District (MX-24), Borough of Queens, Community District 1, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on October 12, 2022 (Minutes, page 2495), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 126 & Res. No. 406 printed in the General Orders Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

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

Report for L.U. No. 132

Report of the Committee on Land Use in favor of approving, as modified, Application number C 220371 ZSQ (Innovation Queens Rezoning and LSGD) submitted by Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow certain large retail establishments (Use Group 6 and/or Use Group 10A uses) with no limitation on floor area per establishment, in connection with a proposed mixed-use development, on property bounded by 35th Avenue, Steinway Street, a line 180 feet northeasterly of 36th Avenue, and 38th Street (Block 668, Lot 5), in M1-4/R7-3 and M1-4/R9 Districts, within a Special Mixed Use District (MX-24), Borough of Queens, Community District 1, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on October 12, 2022 (Minutes, page 2495), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 126 & Res. No. 406 printed in the General Orders Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

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

Report for L.U. No. 133

Report of the Committee on Land Use in favor of approving, as modified, Application number C 220373 ZSQ (Innovation Queens Rezoning and LSGD) submitted by Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow certain large retail establishments (Use Group 6 and/or Use Group 10A uses) with no limitation on floor area per establishment, in connection with a proposed mixed-use development, on property generally bounded by 35th Avenue, 42nd Street, a line 295 feet southwesterly of 35th Avenue, a line midway between 41st Street and 42nd Street, 36th Avenue, and 41st Street (Block 670, Lots 4, 8, 20, 27, 30 & 47), in M1-4/R7-3, M1-4/R7X and M1-5/R9-1 Districts, within a Special Mixed Use District (MX-24), Borough of Queens, Community District 1, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on October 12, 2022 (Minutes, page 2496), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 126 & Res. No. 406 printed in the General Orders Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

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

Report for L.U. No. 134

Report of the Committee on Land Use in favor of approving, as modified, Application number C 220374 ZSQ (Innovation Queens Rezoning and LSGD) submitted by Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow certain large retail establishments (Use Group 6 and/or Use Group 10A uses) with no limitation on floor area per establishment, in connection with a proposed mixed-use development, on property generally bounded by 35th Avenue, a line 90 feet southeasterly of 42nd Street, a line 100 feet southwesterly of 35th Avenue, 43rd Street, Northern Boulevard, and 42nd Street (Block 671, Lots 1, 8, 12, 20 & 23), in M1-4/R7X and M1-5/R9-1 Districts, within a Special Mixed Use District (MX-24), Borough of Queens, Community District 1, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on October 12, 2022 (Minutes, page 2496), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 126 & Res. No. 406 printed in the General Orders Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

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

Report for L.U. No. 135

Report of the Committee on Land Use in favor of approving, as modified, Application number C 220427 HAK (Livonia4) submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law of New York State for the designation of an Urban Development Action Area and an Urban Development Action Area Project, for the property located at Livonia Avenue between Christopher Avenue and Mother Gaston Boulevard (Block 3811, Lots 17, 18, 19, 21, 23, 24, 25, 26, 27, 124), Livonia Avenue between Sackman Street and Christopher Avenue (Block 3812, Lots 19, 20, 21, 22 and 121), Livonia Avenue between Powell Street and Sackman Street (Block 3813, Lot 115), Livonia Avenue between Thomas S. Boyland Street and Amboy Street (Block 3586, Lot 26); and pursuant to Section 197-c of the New York City Charter for the disposition of property located at Livonia Avenue between Christopher Avenue and Mother Gaston Boulevard (Block 3811, Lots 17, 18, 19, 21, 23, 24, 26, 27, 124), Livonia Avenue between Sackman Street and Christopher Avenue (Block 3812, Lots 19, 20, 21, 22 and 121), Livonia Avenue between Powell Street and Sackman Street (Block 3813, Lot 115), Livonia Avenue between

Thomas S. Boyland Street and Amboy Street (Block 3586, Lot 26) to a developer to be selected by HPD, Borough of Brooklyn, Community District 16, Council District 42.

The Committee on Land Use, to which the annexed Land Use item was referred on October 12, 2022 (Minutes, page 2496), respectfully

REPORTS:

SUBJECT

BROOKLYN CB-16 - FOUR APPLICATIONS RELATED TO LIVONIA4

C 220427 HAK (Pre. L.U. No. 135)

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 220427 HAK, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of city-owned property located at Livonia Avenue between Christopher Avenue and Mother Gaston Boulevard (Block 3811, Lots 17, 18, 19, 21, 23, 24, 26, 27, 124), Livonia Avenue between Sackman Street and Christopher Avenue (Block 3812, Lots 19, 20, 21, 22 and 121), Livonia Avenue between Powell Street and Sackman Street (Block 3813, Lot 115), Livonia Avenue between Thomas S. Boyland Street and Amboy Street (Block 3586, Lot 26), Borough of Brooklyn, Community District 16, to a developer selected by HPD.

C 220428 HUK (Pre. L.U. No. 136)

Application submitted by New York City Department of Housing Preservation and Development (HPD), pursuant to Section 505 of Article 15 of the General Municipal Law (Urban Renewal) of New York State and Section 197-c of the New York City Charter, for the fourth amendment to the Brownsville II Urban Renewal Plan.

C 220429 ZMK (Pre. L.U. No. 137)

Application submitted by NYC Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 17b and 17d:

1. changing from an R6 District to an R7-2 District property bounded by:
 - a. Livonia Avenue, Thomas S. Boyland Street, a line 100 feet southerly of Livonia Avenue, and Amboy Street; and
 - b. Livonia Avenue, Powell Street, a line 200 feet southerly of Livonia Avenue, Sackman Street, a line 100 feet southerly of Livonia Avenue, and Mother Gaston Boulevard;
2. establishing within a proposed R7-2 District a C2-4 District bounded by Livonia Avenue, Thomas S. Boyland Street, a line 100 feet southerly of Livonia Avenue, and Amboy Street;

as shown on a diagram (for illustrative purposes only) dated May 23, 2022.

C 220430 ZRK (Pre. L.U. No. 138)

Application submitted by New York City Department of Housing Preservation and Development, pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To approve an Urban Development Action Area designation (UDAA), project approval (UDAAP), and disposition of City-owned property; approve an amendment to the Brownsville II Urban Renewal Plan; approve a zoning map amendment to change R6/C2-4 and R6 districts, to an R7-2/C2-4 district; and approve a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area, which would facilitate the development of four new 11-12 story mixed used buildings totaling approximately 430,284 square feet, with approximately 498 units of affordable housing, including supportive and senior housing, as well as 14,313 square feet of commercial floor area, and 46,747 square feet of community facility space in the Borough of Brooklyn, Community District 16.

PUBLIC HEARING

DATE: October 19, 2022

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 17, 2022

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on Pre. L.U. Nos. 135, 137, and 136 and approve with modifications the decision of the City Planning Commission on Pre. L.U. No. 138.

In Favor:

Louis
De La Rosa
Marte
Nurse
Ung
Vernikov

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 21, 2022

The Committee recommends that the Council approve the attached resolutions.

In Favor:	Against:	Abstain:
Salamanca	None	None
Moya		
Rivera		
Louis		
Riley		
Brooks-Powers		
Bottcher		
Krishnan		
Mealy		
Sanchez		
Borelli		

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

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

Report for L.U. No. 136

Report of the Committee on Land Use in favor of approving, as modified, Application Number C 220428 HUK (Livonia4) submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Section 505 of Article 15 of the New York State General Municipal Law (Urban Renewal) and Section 197-c of the New York City Charter, for the fourth amendment to the Brownsville II Urban Renewal Plan, Borough of Brooklyn, Community District 16, Council District 42.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2022 (Minutes, page 2637), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 135 printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

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

Report for L.U. No. 137

Report of the Committee on Land Use in favor of approving, as modified, Application number C 220429 ZMK (Livonia4) submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 17b and 17d, changing an R6 District to an R7-2 District and establishing within a proposed R7-2 District a C2-4 District, Borough of Brooklyn, Community District 16, Council District 42.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2022 (Minutes, page 2637), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 135 printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

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

Report for L.U. No. 138

Report of the Committee on Land Use in favor of approving, as modified, Application number N 220430 ZRK (Livonia4) submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Section 201 of the New York City Charter for an amendment to the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 16, Council District 42.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2022 (Minutes, page 2637), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 135 printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

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

Report for L.U. No. 139

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application number C 210230 ZMK (1571 McDonald Avenue Rezoning) submitted by 1571 Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 22d, eliminating from within an existing R5 District a C2-3 District and changing from an R5 District to an C4-4L District, Borough of Brooklyn, Community District 12, Council District 44.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2022 (Minutes, page 2638) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

Upon the withdrawal of this application, the Committee voted to file this item pursuant to a letter of withdrawal.

Accordingly, this Committee recommends the filing of L.U. Nos. 139 and 140.

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

Res. No. 399

Resolution approving a motion to file pursuant to withdrawal of the Application number C 210230 ZMK (1571 McDonald Avenue Rezoning) submitted by 1571 Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 22d, eliminating from within an existing R5 District a C2-3 District and changing from an R5 District to an C4-4L District, Borough of Brooklyn, Community District 12, Council District 44.

Editor's Note: this Resolution was considered by the Committee and was filed pursuant to a Letter of Withdrawal.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 140

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application number N 210231 ZRK (1571 McDonald Avenue Rezoning) submitted by 1571 Development, LLC, pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 12, Council District 44.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2022 (Minutes, page 2638), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 139 printed above in these Minutes)

Accordingly, this Committee recommends its filing.

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

Res. No. 400

Resolution approving a motion to file pursuant to withdrawal of the Application number N 210231 ZRK (1571 McDonald Avenue Rezoning) submitted by 1571 Development, LLC, pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 12, Council District 44.

Editor's Note: this Resolution was considered by the Committee and was filed pursuant to a Letter of Withdrawal.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 141

Report of the Committee on Land Use in favor of approving Application number C 220312 ZMK (Innovative Urban Village (ENY CCC)) submitted by Innovative Urban Living, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 17d, changing from an R5 District to an R7-2 District and establishing within the proposed R7-2 District a C2-4 District, Borough of Brooklyn, Community District 5, Council District 42.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2022 (Minutes, page 2638) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB-5 - FOUR APPLICATIONS RELATED TO INNOVATIVE URBAN VILLAGE (ENY CCC)

C 220312 ZMK (Pre. L.U. No. 141)

City Planning Commission decision approving an application submitted by Innovative Urban Living, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 17d:

1. changing from an R5 District to an R7-2 District property bounded by Flatlands Avenue, Pennsylvania Avenue, a line 295 feet southeasterly of Flatlands Avenue, a line 235 feet southwesterly of Pennsylvania Avenue, a line 370 feet southeasterly of Flatlands Avenue, a line 535 feet southwesterly of Pennsylvania Avenue, a line 550 feet southeasterly of Flatlands Avenue, a line 245 feet northwesterly of Vandalia Avenue, and Louisiana Avenue; and
2. establishing within the proposed R7-2 District a C2-4 District bounded by Flatlands Avenue, Pennsylvania Avenue, a line 295 feet southeasterly of Flatlands Avenue, a line 235 feet southwesterly of Pennsylvania Avenue, a line 370 feet southeasterly of Flatlands Avenue, a line 535 feet southwesterly of Pennsylvania Avenue, a line 550 feet southeasterly of Flatlands Avenue, a line 245 feet northwesterly of Vandalia Avenue, and Louisiana Avenue;

as shown on a diagram (for illustrative purposes only) dated May 9, 2022, and subject to the conditions of CEQR Declaration E-679, Borough of Brooklyn, Community District 5.

N 220313 ZRK (Pre. L.U. No. 142)

City Planning Commission decision approving an application submitted by Innovative Urban Living, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area and modifying APPENDIX I for the purpose of expanding the Transit Zone.

C 220311 ZSK (L.U. No. 145)

City Planning Commission decision approving an application submitted by Innovative Urban Living, LLC, pursuant to following Sections of the Zoning Resolution Section 74-743(a)(2) of Zoning Resolution to modify: the side and rear yard regulations of Section 23-40 (YARD REGULATIONS), Section 23-50 (Additional Yard Regulations), Section 33-30 (OTHER SPECIAL PROVISIONS FOR REAR YARDS), and 35-50 (MODIFICATION OF YARD REGULATIONS); the height and setback requirements of Sections 23-66 (Height and Setback Requirements for Quality Housing Buildings), 23-69 (Special Height Limitations), and 35-65 (Height and Setback Requirements for Quality Housing Buildings); and the minimum distance between

buildings regulations of Section 23-711 (Standard minimum distance between buildings); in connection with a proposed mixed-use development, within a Large-scale General Development an R7-2/C2-4 District, Borough of Brooklyn, Community District 5.

C 220314 ZSK (L.U. No. 146)

City Planning Commission decision approving an application submitted by Innovative Urban Living, LLC, pursuant to Section 74-512 of the Zoning Resolution to allow an unattended public parking garage with a maximum capacity of 500 spaces within a proposed 7-story garage building, and to permit some of such spaces to be located on the roof of such public parking garage, in connection with a proposed mixed-use development in an R7-2/C2-4 District, Borough of Brooklyn, Community District 5.

INTENT

To approve a zoning map amendment to rezone an R5 zoning district to an R7-2/C2-4 zoning district; to approve a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and to Appendix I to expand the boundary of Transit Zone 12 to include the project area; to approve a special permit to establish a LSGD and modify bulk regulations; and to approve a special permit to allow a parking garage at the development site, which would facilitate the construction of an approximately 1.93 million-square-foot mixed-use large-scale general development (LSGD) containing approximately 2,050 residential units, 98,000 square feet of community facility uses, 108,000 square feet of commercial space, four acres of public open space, and a public parking garage located in the East New York neighborhood of Brooklyn, Community District 5.

PUBLIC HEARING

DATE: October 25, 2022

Witnesses in Favor: Fourteen

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 17, 2022

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on Pre. L.U. Nos. 141-142 and L.U. Nos. 145-146.

In Favor:

Riley
Moya
Louis
Abreu
Bottcher
Schulman
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 21, 2022

The Committee recommends that the Council approve the attached resolutions.

In Favor:	Against:	Abstain:
Salamanca	None	None
Moya		
Rivera		
Louis		
Riley		
Brooks-Powers		
Bottcher		
Krishnan		
Mealy		
Sanchez		
Borelli		

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

Res. No. 401

Resolution approving the decision of the City Planning Commission on ULURP No. C 220312 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 141).

By Council Members Salamanca and Riley.

WHEREAS, Innovative Urban Living, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17d, changing from an R5 District to an R7-2 District, establishing within the proposed R7-2 District a C2-4 District, which in conjunction with the related actions would facilitate the construction of an approximately 1.93 million-square-foot mixed-use large-scale general development (LSGD) containing approximately 2,050 residential units, 98,000 square feet of community facility uses, 108,000 square feet of commercial space, four acres of public open space, and a public parking garage located in the East New York neighborhood of Brooklyn, Community District 5 (ULURP No. C 220312 ZMX) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on October 17, 2022 its decision dated October 11, 2022 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 220313 ZRK (L.U. No. 142), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and to Appendix I to expand the boundary of Transit Zone 12 to include the project area; C 220311 ZSK (L.U. No. 145), a special permit to establish a LSGD and modify bulk regulations; C 220314 ZSK (L.U. No. 146), a special permit to allow a parking garage at the development site;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 25, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued January 31, 2020 (CEQR No. 20DCP057K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 30, 2022, in which potential significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of (E) designations (E-679) on project site as specified in Chapter 10, Chapter 14, and Chapter 16, respectively, of the FEIS. The FEIS determined that the proposed actions could have significant adverse impacts with respect to community facilities (early childhood programs and libraries), open space (temporary), transportation (traffic, subway, bus, pedestrian), noise and construction (traffic, noise); and the identified significant adverse impacts and proposed mitigation measures are summarized in Chapter 20, "Mitigation" of the FEIS, and are included in the Restrictive Declaration.

RESOLVED:

Having considered the FEIS and Technical Memorandum with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
4. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, pursuant to the restrictive declaration dated October 11, 2022, those project components related to environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 220312 ZMK incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section 17d:

1. changing from an R5 District to an R7-2 District property bounded by Flatlands Avenue, Pennsylvania Avenue, a line 295 feet southeasterly of Flatlands Avenue, a line 235 feet southwesterly of Pennsylvania

Avenue, a line 370 feet southeasterly of Flatlands Avenue, a line 535 feet southwesterly of Pennsylvania Avenue, a line 550 feet southeasterly of Flatlands Avenue, a line 245 feet northwesterly of Vandalia Avenue, and Louisiana Avenue; and

2. establishing within the proposed R7-2 District a C2-4 District bounded by Flatlands Avenue, Pennsylvania Avenue, a line 295 feet southeasterly of Flatlands Avenue, a line 235 feet southwesterly of Pennsylvania Avenue, a line 370 feet southeasterly of Flatlands Avenue, a line 535 feet southwesterly of Pennsylvania Avenue, a line 550 feet southeasterly of Flatlands Avenue, a line 245 feet northwesterly of Vandalia Avenue, and Louisiana Avenue;

as shown on a diagram (for illustrative purposes only) dated May 9, 2022, and subject to the conditions of CEQR Declaration E-679, Borough of Brooklyn, Community District 5.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

On motion of the Speaker (Council Member Adams), 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. 142

Report of the Committee on Land Use in favor of approving Application number N 220313 ZRK (Innovative Urban Village (ENY CCC)) submitted by Innovative Urban Living, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area and modifying APPENDIX I for the purpose of expanding the Transit Zone, Borough of Brooklyn, Community District 5, Council District 42.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2022 (Minutes, page 2639) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 141 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 402

Resolution approving the decision of the City Planning Commission on Application No. N 220313 ZRK, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 142).

By Council Members Salamanca and Riley.

WHEREAS, Innovative Urban Living, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area and modifying APPENDIX I for the purpose of expanding the Transit Zone, which in conjunction with the related actions would facilitate the construction of an approximately 1.93 million-square-foot mixed-use large-scale general development (LSGD) containing approximately 2,050 residential units, 98,000 square feet of community facility uses, 108,000 square feet of commercial space, four acres of public open space, and a public parking garage located in the East New York neighborhood of Brooklyn, Community District 5 (ULURP No. N 220313 ZRK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on October 17, 2022, its decision dated October 11, 2022 (the “Decision”), on the Application;

WHEREAS, the Application is related to application C 2200312 ZMK (L.U. No. 141), a zoning map amendment to rezone an R5 zoning district to an R7-2/C2-4 zoning district; C 220311 ZSK (L.U. No. 145), a special permit to establish a LSGD and modify bulk regulations; C 220314 ZSK (L.U. No. 146), a special permit to allow a parking garage at the development site;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 25, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued January 31, 2020 (CEQR No. 20DCP057K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 30, 2022, in which potential significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of (E) designations (E-679) on project site as specified in Chapter 10, Chapter 14, and Chapter 16, respectively, of the FEIS. The FEIS determined that the proposed actions could have significant adverse impacts with respect to community facilities (early childhood programs and libraries), open space (temporary), transportation (traffic, subway, bus, pedestrian), noise and construction (traffic, noise); and the identified significant adverse impacts and proposed mitigation measures are summarized in Chapter 20, “Mitigation” of the FEIS, and are included in the Restrictive Declaration.

RESOLVED:

Having considered the FEIS and Technical Memorandum with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic,

and other considerations associated with the actions that are set forth in this report; and

- 3. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- 4. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, pursuant to the restrictive declaration dated October 11, 2022, those project components related to environment and mitigation measures that were identified as practicable.

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

Pursuant to 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 220313 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

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

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

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

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

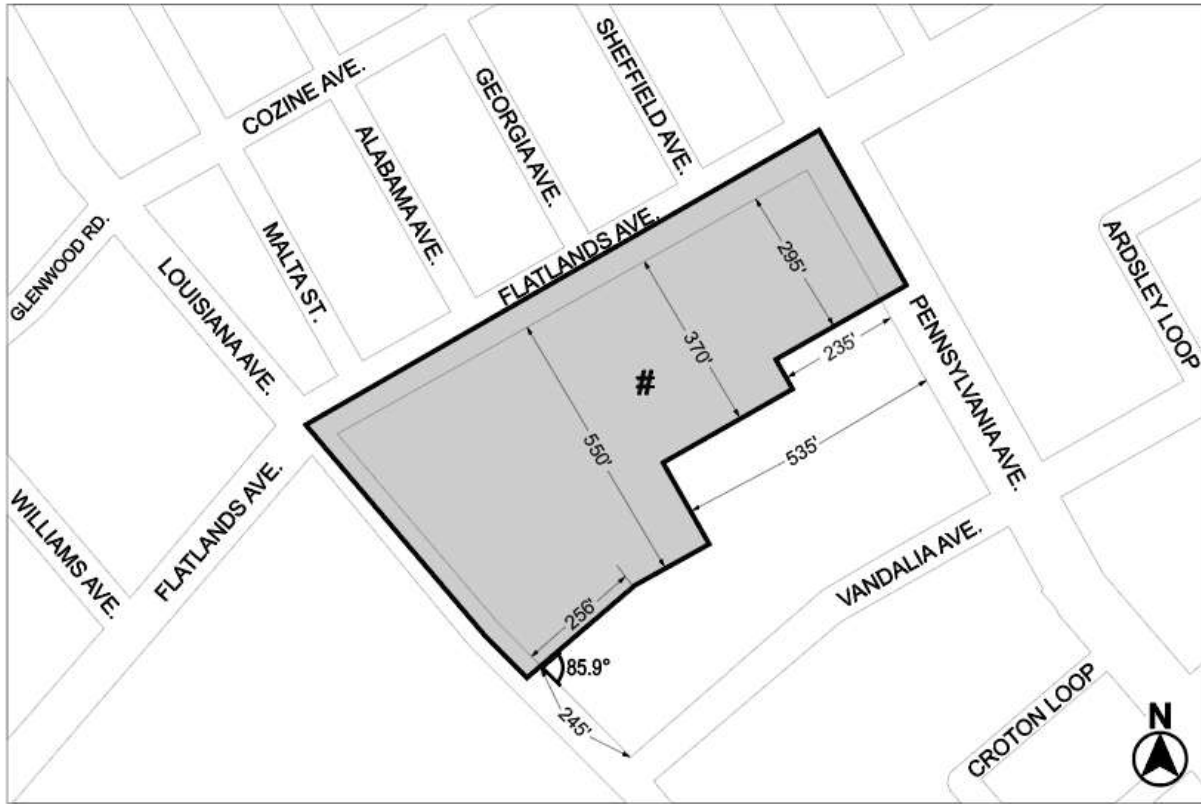
* * *

Brooklyn Community District 5

* * *

Map 5 – [date of adoption]

[PROPOSED MAP]



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

Area # — [date of adoption] — MIH Program Option 1

Portion of Community District 5, Brooklyn

* * *

APPENDIX I
Transit Zone

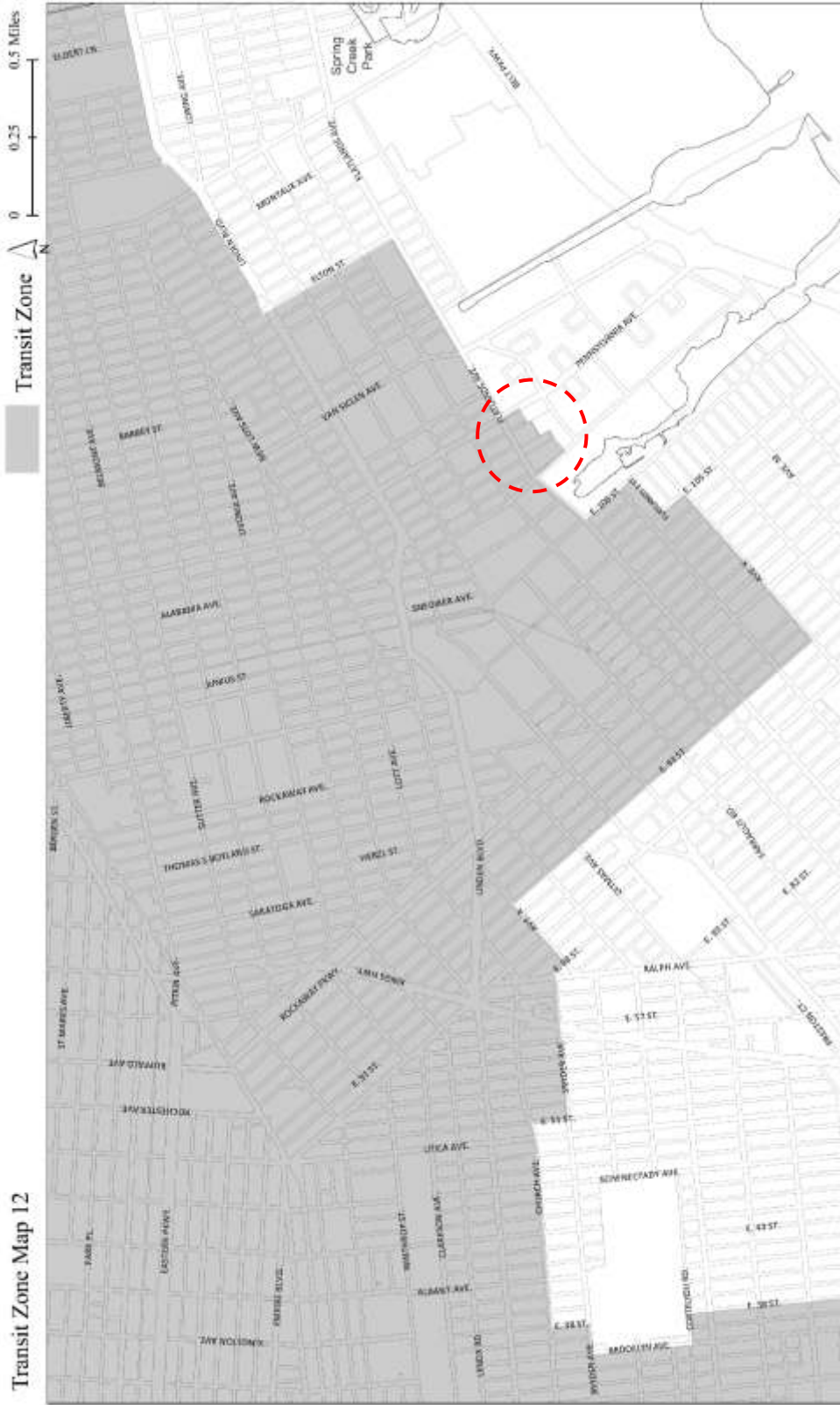
* * *

Transit Zone Map 12

[EXISTING MAP]



[PROPOSED MAP]



* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

On motion of the Speaker (Council Member Adams), 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. 143

Report of the Committee on Land Use in favor of approving, as modified, Application number C 220188 ZMK (280 Bergen Street Rezoning) submitted by BNW3 Re Gen, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, changing an M1-2 District to an R7A District, changing an M1-2 District to an R7D District and establishing within the proposed R7D District a C2-4 District, Borough of Brooklyn, Community District 2, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2022 (Minutes, page 2639), respectfully

REPORTS:

SUBJECT

**BROOKLYN CB-2 - TWO APPLICATIONS RELATED TO 280 BERGEN STREET
REZONING**

C 210188 ZMK (L.U. No. 143)

City Planning Commission decision approving an application submitted by BNW3 Re-Gen, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. Section No. 16c:

1. changing from an M1-2 District to an R7A District property bounded by Bergen Street, a line 100 feet northwesterly of 3rd Avenue, Wyckoff Street, a line 120 feet northwesterly of 3rd Avenue, a line midway between Bergen Street and Wyckoff Street, a line 275 feet southeasterly of Nevins Street, Wyckoff Street, and Nevins Street;
2. changing from an M1-2 District to an R7D District property bounded by Bergen Street, 3rd Avenue, Wyckoff Street, and a line 100 feet northwesterly of 3rd Avenue; and
3. establishing within the proposed R7D District a C2-4 District bounded by Bergen Street, 3rd Avenue, Wyckoff Street, and a line 100 feet northwesterly of 3rd Avenue;

as shown on a diagram (for illustrative purposes only) dated June 6, 2022, and subject to the conditions of CEQR Declaration E-682, Borough of Brooklyn, Community District 2.

N 210189 ZRK (L.U. No. 144)

City Planning Commission decision approving an application submitted by BNW3 Re-Gen, pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To approve a zoning map amendment to change from an M1-2 zoning district and an R6B zoning district to an R7A zoning district and to approve with modifications a zoning text amendment to modify APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which would facilitate the construction of a new four-building mixed-use development containing approximately 300 dwelling units, approximately 90 of which would be permanently affordable, as well as approximately, 9,600 square feet of commercial use, and 10,000 square feet of community facility use, located at 280 Bergen Street, Borough of Brooklyn, Community District 2.

PUBLIC HEARING

DATE: October 25, 2022

Witnesses in Favor: Five

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: No subcommittee vote held.

COMMITTEE ACTION

DATE: November 21, 2022

Pursuant to Council Rule 11.10(f), the Chair of the Land Use Committee called these items up to the Committee. The Committee recommends that the Council approve the attached resolutions.

In Favor:
Salamanca
Moya
Rivera
Louis
Riley
Brooks-Powers
Bottcher
Krishnan
Mealy
Sanchez
Borelli

Against:
None

Abstain:
None

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

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

Report for L.U. No. 144

Report of the Committee on Land Use in favor of approving, as modified, Application number N 220189 ZRK (280 Bergen Street Rezoning) submitted by BNW3 Re Gen, LLC, pursuant to Section 201 of the New York City Charter for an amendment to the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 2, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2022 (Minutes, page 2639), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 143 printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

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

Report for L.U. No. 145

Report of the Committee on Land Use in favor of approving Application number C 220311 ZSK (Innovative Urban Village (ENY CCC)) submitted by Innovative Urban Living, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following Sections of the Zoning Resolution Section 74-743(a)(2) of Zoning Resolution to modify the side and rear yard regulations of Section 23-40 (YARD REGULATIONS), Section 23-50 (Additional Yard Regulations), Section 33-30 (OTHER SPECIAL PROVISIONS FOR REAR YARDS), and 35-50 (MODIFICATION OF YARD REGULATIONS); the height and setback requirements of Sections 23-66 (Height and Setback Requirements for Quality Housing Buildings), 23-69 (Special Height Limitations), and 35-65 (Height and Setback Requirements for Quality Housing Buildings); and the

minimum distance between buildings regulations of Section 23-711 (Standard minimum distance between buildings); in connection with a proposed mixed-use development, within a Large-scale General Development generally bounded by Flatlands Avenue, Pennsylvania Avenue, a line 295 feet southeasterly of Flatlands Avenue, a line 235 feet southwesterly of Pennsylvania Avenue, a line 370 feet southeasterly of Flatlands Avenue, a line 535 feet southwesterly of Pennsylvania Avenue, a line 550 feet southeasterly of Flatlands Avenue, a line 245 feet northwesterly of Vandalia Avenue, and Louisiana Avenue (Block 4430, Lot 1, and Block 4434, Lots 1 & 10), in an R7-2/C2-4* District, Borough of Brooklyn, Community District 5, Council District 42.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2022 (Minutes, page 2639) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 141 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 403

Resolution approving the decision of the City Planning Commission on ULURP No. C 220311 ZSK, for the grant of a special permit (L.U. No. 145).

By Council Members Salamanca and Riley.

WHEREAS, Innovative Urban Living, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following Sections of the Zoning Resolution Section 74-743(a)(2) of Zoning Resolution to modify: the side and rear yard regulations of Section 23-40 (YARD REGULATIONS), Section 23-50 (Additional Yard Regulations), Section 33-30 (OTHER SPECIAL PROVISIONS FOR REAR YARDS), and 35-50 (MODIFICATION OF YARD REGULATIONS); the height and setback requirements of Sections 23-66 (Height and Setback Requirements for Quality Housing Buildings), 23-69 (Special Height Limitations), and 35-65 (Height and Setback Requirements for Quality Housing Buildings); and the minimum distance between buildings regulations of Section 23-711 (Standard minimum distance between buildings); in connection with a proposed mixed-use development, within a Large-scale General Development generally bounded by Flatlands Avenue, Pennsylvania Avenue, a line 295 feet southeasterly of Flatlands Avenue, a line 235 feet southwesterly of Pennsylvania Avenue, a line 370 feet southeasterly of Flatlands Avenue, a line 535 feet southwesterly of Pennsylvania Avenue, a line 550 feet southeasterly of Flatlands Avenue, a line 245 feet northwesterly of Vandalia Avenue, and Louisiana Avenue (Block 4430, Lot 1, and Block 4434, Lots 1 & 10), in an R7-2/C2-4 District, which in conjunction with the related actions would facilitate the construction of an approximately 1.93 million-square-foot mixed-use large-scale general development (LSGD) containing approximately 2,050 residential units, 98,000 square feet of community facility uses, 108,000 square feet of commercial space, four acres of public open space, and a public parking garage located in the East New York neighborhood of Brooklyn, Community District 5 (ULURP No. C 220311 ZSK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on October 17, 2022, its decision dated October 11, 2022 (the "Decision") on the Application;

WHEREAS, the Application is related to application C 2200312 ZMK (L.U. No. 141), a zoning map amendment to rezone an R5 zoning district to an R7-2/C2-4 zoning district; N 220313 ZRK (L.U. No. 142), a

zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and to Appendix I to expand the boundary of Transit Zone 12 to include the project area; C 220314 ZSK (L.U. No. 146), a special permit to allow a parking garage at the development site;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-743 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 25, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued January 31, 2020 (CEQR No. 20DCP057K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 30, 2022, in which potential significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of (E) designations (E-679) on project site as specified in Chapter 10, Chapter 14, and Chapter 16, respectively, of the FEIS. The FEIS determined that the proposed actions could have significant adverse impacts with respect to community facilities (early childhood programs and libraries), open space (temporary), transportation (traffic, subway, bus, pedestrian), noise and construction (traffic, noise); and the identified significant adverse impacts and proposed mitigation measures are summarized in Chapter 20, "Mitigation" of the FEIS, and are included in the Restrictive Declaration.

RESOLVED:

Having considered the FEIS and Technical Memorandum with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
4. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, pursuant to the restrictive declaration dated October 11, 2022, those project components related to environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 220311 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission for the grant of a special permit pursuant to the following Sections of the Zoning

Resolution, Section 74-743(a)(2), to modify:

1. the side and rear yard regulations of Section 23-40 (YARD REGULATIONS), Section 23-50 (Additional Yard Regulations), Section 33-30 (OTHER SPECIAL PROVISIONS FOR REAR YARDS), and 35-50 (MODIFICATION OF YARD REGULATIONS);
2. the height and setback requirements of Sections 23-66 (Height and Setback Requirements for Quality Housing Buildings), 23-69 (Special Height Limitations), and 35-65 (Height and Setback Requirements for Quality Housing Buildings); and
3. the minimum distance between buildings regulations of Section 23-711 (Standard minimum distance between buildings);

in connection with a proposed mixed-use development, within a Large-scale General Development generally bounded by Flatlands Avenue, Pennsylvania Avenue, a line 295 feet southeasterly of Flatlands Avenue, a line 235 feet southwesterly of Pennsylvania Avenue, a line 370 feet southeasterly of Flatlands Avenue, a line 535 feet southwesterly of Pennsylvania Avenue, a line 550 feet southeasterly of Flatlands Avenue, a line 245 feet northwesterly of Vandalia Avenue, and Louisiana Avenue (Block 4430, Lot 1, and Block 4434, Lots 1 & 10), in an R7-2/C2-4 District, Borough of Brooklyn, Community District 5, as modified, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 220311 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Practice for Architecture Urbanism DPC and MPFP PLLC, filed with this application and incorporated in this Resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-020.00	LSGD Zoning Analysis	10/4/2022
Z-021.00	LSGD Zoning Diagram	10/4/2022
Z-030.00	Overall Large Scale Site Plan	10/4/2022
Z-050.00	Waiver Plan	10/4/2022
Z-060.00	Zoning Section	10/4/2022
Z-061.00	Zoning Section	10/4/2022
Z-062.00	Zoning Section	10/4/2022
Z-063.00	Zoning Section	10/4/2022
Z-064.00	Zoning Section – Street Frontages	10/4/2022
Z-070.00	Urban Design Notes	10/4/2022
Z-071.00	Urban Design Notes	10/4/2022
L-000	Overall Landscape & Phasing Plan	10/4/2022
L-001	Publicly Accessible Area Plan	10/4/2022
L-002	Overall Key Plan	10/4/2022
L-003	Amenity Plan	10/4/2022
L-100	Key & Dim Plan	10/4/2022
L-101	Key & Dim Plan	10/4/2022
L-102	Key & Dim Plan - Garage Roof	10/4/2022
L-200	Materials & Grading Plan	10/4/2022
L-201	Materials & Grading Plan	10/4/2022
L-202	Materials & Grading Plan- Garage Roof	10/4/2022
L-300	Planting, Furniture & Lighting Plan	10/4/2022
L-301	Planting, Furniture & Lighting Plan	10/4/2022
L-600	Furniture Details	10/4/2022
L-601	Planting Details	10/4/2022
L-602	Lighting Details	10/4/2022

L-603	POP Signage Details	10/4/2022
L-604	Bollard Details	10/4/2022

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance
4. No development pursuant to this resolution shall be permitted until the Restrictive Declaration dated October 11, 2022 and executed by Innovative Urban Living, LLC, as a condition of the special permit, is recorded and filed in the Office of the Register of the City of New York, County of Kings. Such restrictive declaration shall be deemed incorporated herein.
5. The development shall include those project components related to the environment and mitigation measures identified in the Final Environmental Impact Statement (CEQR No. 20DCP057K) issued on September 30, 2022, and in accordance with the restrictive declaration attached hereto as Exhibit A.
6. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
7. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
8. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted or of the restrictive declaration.
9. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents failure to act in accordance with the provisions of this special permit.

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

On motion of the Speaker (Council Member Adams), 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. 146

Report of the Committee on Land Use in favor of approving Application number C 220314 ZSK (Innovative Urban Village (ENY CCC)) submitted by Innovative Urban Living, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow an unattended public parking garage with a maximum capacity of 500 spaces within a proposed 7-story garage building, and to permit some of such spaces to be located on the roof of such public parking garage, in connection with a proposed mixed-use development, on property located at 12020 Flatlands Avenue (Block 4430, Lot 1, and Block 4434, Lots 1 & 10), in an R7-2/C2-4* District, Borough of Brooklyn, Community District 5, Council District 42.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2022 (Minutes, page 2640) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 141 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 404

Resolution approving the decision of the City Planning Commission on ULURP No. C 220314 ZSK, for the grant of a special permit (L.U. No. 146).

By Council Members Salamanca and Riley.

WHEREAS, Innovative Urban Living, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the special permit pursuant to Section 74-512 of the Zoning Resolution to allow an unattended public parking garage with a maximum capacity of 500 spaces within a proposed 7-story garage building, and to permit some of such spaces to be located on the roof of such public parking garage, in connection with a proposed mixed-use development, on property located at 12020 Flatlands Avenue (Block 4430, Lot 1, and Block 4434, Lots 1 & 10), in an R7-2/C2-4 District, which in conjunction with the related actions would facilitate the construction of an approximately 1.93 million-square-foot mixed-use large-scale general development (LSGD) containing approximately 2,050 residential units, 98,000 square feet of community facility uses, 108,000 square feet of commercial space, four acres of public open space, and a public parking garage located in the East New York neighborhood of Brooklyn, Community District 5 (ULURP No. C 220314 ZSK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on October 17, 2022, its decision dated October 11, 2022 (the “Decision”) on the Application;

WHEREAS, the Application is related to application C 220312 ZMK (L.U. No. 141), a zoning map amendment to rezone an R5 zoning district to an R7-2/C2-4 zoning district; N 220313 ZRK (L.U. No. 142), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and to Appendix I to expand the boundary of Transit Zone 12 to include the project area; and C 220311 ZSK (L.U. No. 145), a special permit to establish a LSGD and modify bulk regulations;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-745(a) of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 25, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued January 31, 2020 (CEQR No. 20DCP057K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 30, 2022, in which potential significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of (E) designations (E-679) on project site as specified in Chapter 10, Chapter 14, and Chapter 16, respectively, of the FEIS. The FEIS determined that the proposed actions could have significant adverse impacts with respect to community facilities (early childhood programs and libraries), open space (temporary), transportation (traffic, subway, bus, pedestrian), noise and construction (traffic, noise); and the identified significant adverse impacts and proposed mitigation measures are summarized in Chapter 20, “Mitigation” of the FEIS, and are included in the Restrictive Declaration.

RESOLVED:

Having considered the FEIS and Technical Memorandum with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
4. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, pursuant to the restrictive declaration dated October 11, 2022, those project components related to environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 220314 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The property that is the subject of this application (C 220314 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Practice for Architecture Urbanism DPC & VHB, filed with this application and incorporated in this Resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
P-000	Public Parking Garage Plan - Zoning Lot	5/09/2022
P-100	Enlarged Public Parking Garage Plan	5/09/2022
P-101	Enlarged Public Parking Garage Plan - Level 1	5/09/2022
P-102	Enlarged Public Parking Garage Plan - Level 2 & 3	5/09/2022
P-103	Enlarged Public Parking Garage Plan - Level 4 & 5	5/09/2022
P-104	Enlarged Public Parking Garage Plan - Level 6 & 7	5/09/2022
P-105	Enlarged Public Parking Garage Plan - Roof	5/09/2022

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance
4. No development pursuant to this resolution shall be permitted until the Restrictive Declaration dated October 11, 2022 and executed by Innovative Urban Living, LLC, as a condition of the special permit, is recorded and filed in the Office of the Register of the City of New York, County of Kings. Such restrictive declaration shall be deemed incorporated herein.
5. The development shall include those project components related to the environment and mitigation measures identified in the Final Environmental Impact Statement (CEQR No. 20DCP057K) issued on September 30, 2022, and in accordance with the restrictive declaration attached hereto as Exhibit A.
6. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
7. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
8. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the restrictive

declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted or of the restrictive declaration.

9. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents failure to act in accordance with the provisions of this special permit.

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

On motion of the Speaker (Council Member Adams), 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 Adams) announced that the following items had been **preconsidered** by the Committee on Land Use and had been favorably reported for adoption.

Report for L.U. No. 148

Report of the Committee on Land Use in favor of approving Application number G 220024 SCR (Approximately 252-Seat Early Childhood Center) pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 252-seat Early Childhood Center facility, located at 1 Virginia Avenue (Block 2847, Lots 84, 85 and 86 & Block 2848 Lot 34), Borough of Staten Island, Community District 1, Council District 49, Community School District 31.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on November 22, 2022 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

STATEN ISLAND CB – 1

G 220024 SCR

Application pursuant to Section 1732 of the New York State Public Authorities Law, concerning the proposed site selection for a new, approximately 252-Seat Early Childhood Center, located at 1 Virginia Avenue, at the southwest corner of the intersection of Bay Street and Virginia Avenue (Block 2847, Lot 84, 85, 86) and

the intersection of Bay Street and Virginia Avenue on the east side of Virginia Avenue (Block 2848, Lot 34), Borough of Staten Island, Community School District No. 31.

INTENT

To approve the site plan for the construction of a new, approximately 252-Seat Early Childhood Center, in Community School District No. 31.

PUBLIC HEARING

DATE: November 17, 2022

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 17, 2022

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

In Favor:

Louis
De la Rosa
Marte
Nurse
Ung
Vernikov

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 21, 2022

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca
Moya
Rivera
Louis
Riley
Brooks-Powers
Bottcher
Krishnan
Mealy
Sanchez
Borelli

Against:

None

Abstain:

None

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

Res. No. 405

Resolution approving the site plan for a new, approximately 252-Seat Early Childhood Center, located at 1 Virginia Avenue, at the southwest corner of the intersection of Bay Street and Virginia Avenue (Block 2847, Lot 84, 85, 86) and the intersection of Bay Street and Virginia Avenue on the east side of Virginia Avenue (Block 2848, Lot 34), Community District 1, Community School District No. 31, Borough of Staten Island (Non-ULURP No. G 220024 SCR; Preconsidered L.U. No. 148).

By Council Members Salamanca and Louis.

WHEREAS, the New York City School Construction Authority submitted to the Council on November 14, 2022, a site plan pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 252-Seat Early Childhood Center, located at 1 Virginia Avenue, at the southwest corner of the intersection of Bay Street and Virginia Avenue (Block 2847, Lot 84, 85, 86) and the intersection of Bay Street and Virginia Avenue on the east side of Virginia Avenue (Block 2848, Lot 34), Community District 1, Borough of Queens, to accommodate students in Community School District No. 31 (the “Site Plan”);

WHEREAS, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

WHEREAS, upon due notice, the Council held a public hearing on the Site Plan on November 17, 2022;

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued October 11, 2022 (SEQR Project Number 23-003); and

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

RESOLVED:

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

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

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

Report of the Committee on Mental Health, Disabilities and Addiction

Report for Int. No. 404-A

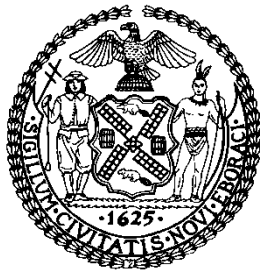
Report of the Committee on Mental Health, Disabilities and Addiction in favor of approving and adopting, as amended, a local Law in relation to a report tracking the funds paid pursuant to the New York opioid settlement sharing agreement.

The Committee on Mental Health, Disabilities and Addiction, to which the annexed proposed amended local law was referred on May 19, 2022 (Minutes, page 1098), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Mental Health, Disabilities and Addiction for Int. No. 609-A printed below in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 404-A:



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

**TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL
OFFICER, AND DEPUTY CHIEF OF STAFF TO THE
SPEAKER**

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 404-A

**COMMITTEE: Mental Health, Disabilities and
Addiction**

TITLE: A Local Law in relation to a report tracking the funds paid pursuant to the New York opioid settlement sharing agreement.

SPONSOR(S): By Council Members Lee, Ayala, Brewer, Louis, Nurse, Krishnan, Kagan, Menin, Marte, Farías, Williams, Holden, Schulman, Dinowitz, Ossé, Abreu, Restler, Avilés, Bottcher, Sanchez, Brannan, Ariola and Paladino.

SUMMARY OF LEGISLATION: This bill would require the Department of Health and Mental Hygiene (DOHMH), or another agency designated by the mayor, to report on the opioid settlement fund paid to the city pursuant to the New York opioid settlement sharing agreement, or any other agreement with an opioid supply chain participant, or any successor agreement to such agreement. The report must be submitted within 30 days of the release of each city financial plan or update that discloses the total amount of opioid funds, where the funds are being spent, the number of New Yorkers benefiting from the funds, and anticipated appropriation of the funds broken down by fiscal year. This bill would require the agency to submit such reports until all the opioid funds have been appropriated.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2024

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is anticipated that this legislation would not affect revenues.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because DOHMH would utilize existing resources to fulfill the requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not Applicable

SOURCE OF INFORMATION: New York City Office of Management and Budget

ESTIMATE PREPARED BY: Danielle Glants, Financial Analyst, NYC Council Finance Division

ESTIMATE REVIEWED BY: Masis Sarkissian, Unit Head, NYC Council Finance Division
Cirilhien R. Francisco, Assistant Director, NYC Council Finance Division
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on May 19, 2022 as Intro. 404 and referred to the Committee on Mental Health, Disabilities, and Addictions. The legislation was considered by the Committee on Mental Health, Disabilities, and Addictions at a hearing held on June 30, 2022 and was subsequently amended to Proposed Intro. 404-A. The amended version, Proposed Intro. No. 404-A will be considered by the Committee on November 21, 2022. Upon successful vote by the Committee on Mental Health, Disabilities, and Addictions, Proposed Intro. No. 404-A will be submitted to the full Council for a vote on November 22, 2022.

DATE PREPARED: November 17, 2022.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 404-A:)

Int. No. 404-A

By Council Members Lee, Ayala, Brewer, Louis, Nurse, Krishnan, Kagan, Menin, Marte, Farías, Williams, Holden, Schulman, Dinowitz, Ossé, Abreu, Restler, Avilés, Bottcher, Sanchez, Cabán, Hudson, Hanif, Narcisse, Won, Gennaro, Velázquez, Yeger, Rivera, Ariola and Paladino.

A Local Law in relation to a report tracking the funds paid pursuant to the New York opioid settlement sharing agreement

Be it enacted by the Council as follows:

Section 1. a. Definitions. For the purposes of this chapter, the following terms have the following meanings:
Administering agency. The term “administering agency” means the agency, office or individual designated by the mayor to administer the report on the opioid funds required by this local law.

City. The term “city” means the city of New York.

Opioid funds. The term “opioid funds” means the monies paid to the city pursuant to the New York opioid settlement sharing agreement, any other agreement with an opioid supply chain participant, or any successor agreement to either such agreement.

b. Beginning June 1, 2023, and until the final report required by subdivision c of this section, within 30 days of the release of each financial plan or update thereto, as described in subdivision c of section 258 of the New York city charter, the administering agency shall submit to the mayor and the speaker of the council, and post on its website, a report disclosing the following information:

1. The total amount of opioid funds at the end of the previous fiscal year, including any new opioid funds received;

2. The total amount of opioid funds appropriated in the previous fiscal year;

3. How opioid funds have been appropriated in the previous fiscal year, including the name and description of any city-run program, the name and description of any city-contractor and the name and description of any vendor to the city;

4. The number of New York city residents participating in or benefiting from city, contractor or vendor programs receiving opioid settlement funds, disaggregated by zip code, gender, ethnicity and languages spoken, to the extent practicable; and

5. Anticipated appropriations of opioid funds, broken down by fiscal year, for the next four fiscal years, including the fiscal year in which the report is submitted.

c. The reports required pursuant to subdivision b of this section shall be required until all the opioid funds have been appropriated as reported pursuant to paragraph 2 of subdivision b of this section, provided the final such report shall indicate that all such funds have been appropriated.

§ 2. This local law takes effect immediately and is deemed repealed upon appropriation of all opioid funds, as indicated in the final report submitted pursuant to section one of this local law.

LINDA LEE, *Chairperson*, DIANA I. AYALA, TIFFANY CABÁN, SHAUN ABREU, ERIK D. BOTTCHER, SHAHANA K. HANIF, DARLENE MEALY, NANTASHA M. WILLIAMS VICKIE PALADINO; 8-0-0; *Absent*: Darlene Mealy; Committee on Mental Health, Disabilities and Addiction, November 21, 2022.

On motion of the Speaker (Council Member Adams), 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. 609-A

Report of the Committee on Mental Health, Disabilities and Addiction in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to establishing a needle, syringe, and sharps buyback pilot program.

The Committee on Mental Health, Disabilities and Addiction, to which the annexed proposed local law was referred on August 11, 2022 (Minutes, page 1977), respectfully

REPORTS:

I. Introduction

On November 21, 2022, the Committee on Mental Health, Disabilities, and Addiction, chaired by Council Member Linda Lee, will hold a vote on Proposed Introduction Number 609-A (Int. 609-A), sponsored by Deputy

Speaker Ayala, a Local Law in relation to establishing a needle, syringe, and sharps buyback pilot program. The legislation was previously heard at a hearing of the Committee on September 20, 2022, at which the Committee received testimony from the New York City Department of Health and Mental Hygiene (DOHMH), nonprofit and community-based organizations, and other interested parties.

The Committee will also hold a vote on Proposed Introduction Number 404-A (Int. 404-A), sponsored by Council Member Lee, a Local Law in relation to a report tracking the funds paid pursuant to the New York opioid settlement sharing agreement. The legislation was previously heard at a hearing of the Committee on June 30, 2022, at which the Committee received testimony from DOHMH, mental health professionals, community-based organizations, and other interested parties.

II. Background

a. Opioid Use Disorder in America

Opioid use disorder was declared a national public health emergency in 2017.¹ Since 1999, more than 932,000 people have died from a drug overdose; in 2020, almost 75% of overdose deaths involved an opioid.² It is important to note that opioid deaths include prescription opioids, heroin, and synthetic opioids (such as fentanyl), and that many addictions begin with legally acquired prescription opioids and move to illicit opioids such as heroin.³ The COVID-19 pandemic exacerbated the existing overdose crisis both in New York and nationally, due to increases in mental health issues and stressors, disruptions to supply chains – which promoted people to seek substances from less familiar suppliers – and social distancing and isolation, which left some to “take drugs alone . . . making it less likely someone will be there to call 911 or administer Narcan,” a medication to reduce an opioid overdose.⁴

b. Opioid Use Disorder in New York

In New York State, the number of deaths involving opioids increased every year between 2010 and 2017, with an overall increase of over 200% in those years.⁵ In other words, overdose deaths increased from 1,074 to 3,224.⁶ In that same period, the number of overdose deaths involving commonly prescribed opioids, such as Vicodin or Oxycodone, increased by 41.7%.⁷ And while there was a 10% decrease in 2019, preliminary data from 2020 indicates a significant increase.⁸ Similar to national trends, opioid overdose deaths in New York involve prescription pills, heroin, synthetic opioids, and a combination of multiple types of opioids.⁹

In New York City (and nationally), opioid overdose is the leading cause of accidental death, surpassing motor vehicle deaths, homicides, and suicides combined.¹⁰ Every three hours, someone dies of a drug overdose in the City, 85% of which involve opioids.¹¹ And fentanyl, a highly potent synthetic opioid, is involved in more than 78% of all overdose deaths in the City.¹² *In the first two quarters of 2021, the City experienced 1,233*

¹ *The Drug Overdose Epidemic: Behind the Numbers*, CDC, <https://www.cdc.gov/opioids/data/index.html> (last reviewed June 1, 2022); see also, *What is the U.S. Opioid Epidemic?*, HHS.GOV, <https://www.hhs.gov/opioids/about-the-epidemic/index.html> (last reviewed Oct. 27, 2021).

² *The Drug Overdose Epidemic: Behind the Numbers*, *supra* note 1.

³ *Id.*

⁴ *Id.*

⁵ *Opioid-related Data in New York State*, NYS DEPT. OF HEALTH, <https://www.health.ny.gov/statistics/opioid> (last revised July 2022).

⁶ *Id.*

⁷ Deaths increased from 737 to 1,044. *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ NYC Health, *Prevent Overdose*, NYC.GOV, <https://www1.nyc.gov/site/doh/health/health-topics/alcohol-and-drug-use-prevent-overdose.page> (last visited Sept. 18, 2022).

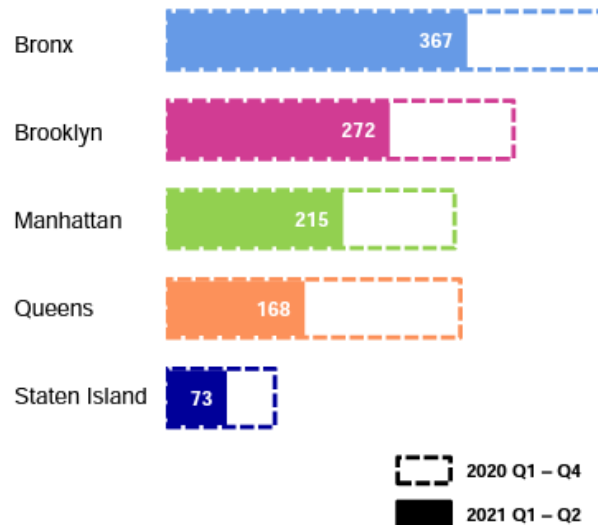
¹¹ NYC Health, *Unintentional Drug Poisoning (Overdose) Deaths: Quarter 3, 2021, New York City*, NYC.GOV (June 2022), available at: <https://www1.nyc.gov/site/doh/health/health-topics/alcohol-and-drug-use-data.page>

¹² NYC Health, *Overdose Continues to Rise in NYC as Harm Reduction Programming Scales Up*, NYC.GOV (April 14, 2022), <https://www1.nyc.gov/site/doh/about/press/pr2022/overdose-increases-as-harm-reduction-program-scales-up.page>.

overdose deaths, an increase from the 965 overdose deaths during that same period in 2020.¹³ The highest rates of overdose deaths were experienced in Harlem and the Bronx neighborhoods.¹⁴

By borough, overdose death rates were as follows:¹⁵

Number of confirmed overdose deaths by borough of residence, January – June 2021, compared with 2020



There are striking inequities in access to treatment services.¹⁶ Rather than relying on individual preferences, medical reasons, or psychiatric indicators, access to appropriate treatment depends on race, income, geography, and insurance status.¹⁷ One New York City-based study concluded that “the residential area with the highest proportion of Black/African American and Latino low-income individuals also had the highest methadone treatment rate,” while buprenorphine and naloxone were most accessible in areas with the greatest proportion of White, high-income patients.¹⁸

Methadone is long-acting opioid agonist used to reduce withdrawal symptoms, cravings, and block the euphoric effects of drugs such as heroin, morphine, and oxycodone.¹⁹ Buprenorphine (also known as naloxone or suboxone) is a partial opioid agonist that produces euphoric effects or respiratory depression at low to moderate doses.²⁰ The effects are weaker compared to methadone and heroin, which are full opioid agonists, but treatment is still effective.²¹ The disparity in treatment access is important to note, as buprenorphine is generally

¹³ *Supra* note 11.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Substance Abuse and Mental Health Services Administration, *The Opioid Crisis and the Black/African American Population: An Urgent Issue*, OFFICE OF BEHAVIORAL HEALTH EQUITY (2020), available at:

https://store.samhsa.gov/sites/default/files/SAMHSA_Digital_Download/PEP20-05-02-001_508%20Final.pdf

¹⁷ *Id.*

¹⁸ *Id.*; see also Hansen, et. al., *Variation in Use of Buprenorphine and Methadone Treatment by Racial, Ethnic, and Income Characteristics of Residential Social Areas in New York City*, JOURNAL OF BEHAVIORAL HEALTH SERVICES & RESEARCH (May 24, 2013), available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3818282>.

¹⁹ *Methadone*, SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA), <https://www.samhsa.gov/medication-assisted-treatment/medications-counseling-related-conditions/methadone> (last updated June 23, 2022); see also *supra* note 16.

²⁰ *Buprenorphine*, SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA),

<https://www.samhsa.gov/medication-assisted-treatment/medications-counseling-related-conditions/buprenorphine#:~:text=Buprenorphine%20is%20an%20opioid%20partial,buprenorphine%20is%20safe%20and%20effective> (last updated July 14, 2022).

²¹ *Id.*

considered less stigmatizing than methadone.²² One reason being is that it is considered an “office-based treatment program.”²³ But such programs only work for patients with primary care access – something that is inaccessible to many low-income or uninsured people of color.²⁴ Methadone on the other hand, must be administered in a federally regulated opioid treatment program.²⁵ Such programs have strict regulations and are often located in lower-income areas.²⁶

In sum, unequal treatment is common in many Black and African American communities, low-income, and uninsured communities.²⁷ There is essentially a “two-tiered treatment system,” in which buprenorphine is mostly accessed by Whites, high-income, and those who are privately insured, while methadone is typically accessed by people of color, individuals who are low-income, and publicly insured.²⁸ Thus, to reduce the impact of opioid misuse, opioid use disorder, and opioid-related overdoses on the Black/African American and Latino populations, it is critical to understand the contextual issues, treatment barriers, and the community-informed strategies that are working in these communities.²⁹

c. Attorney General’s Lawsuit and Opioid Settlement Fund³⁰

In March 2019, the New York State Attorney General, Letitia James (AG), filed an extensive and comprehensive lawsuit against opioid manufacturers and distributors.³¹ The lawsuit alleged that the defendants committed years of “false and deceptive marketing” and ignored their “duties to prevent the unlawful diversion of controlled substances,” thus resulting in the creation of the current opioid epidemic ravaging New York that is marked by “widespread addiction, overdose deaths, and suffering.”³² Though much of the litigation is still pending, drug manufacturers have already settled claims for their role in the opioid epidemic.³³

New York State passed a law, S.7194/A.6395B, requiring funds from the opioid settlements and litigations to be deposited into an opioid settlement fund (OSF) for the development of new services and supports.³⁴ Pursuant to this law, all OSF funds must be used for abatement efforts in communities devastated by the opioid epidemic, and will not go towards the state’s general fund.³⁵ New York City is expected to receive \$88,943,457 in 2022, and up to \$286,137,783 over the various settlement payouts.³⁶ According to the Mayor’s June press release, there are three pools of fund money from the OSF designated for New York City: (1) The first pool will flow through the AG; (2) The second pool will flow through the State Office of Addiction and Substance Abuse Services (OASAS), guided by the Opioid Settlement Board; and (3) The third pool is a direct-to-localities funding mechanism for approved uses.³⁷

²² *Supra* note 16.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ On June 30, 2022, the Committee on Mental Health, Disabilities, and Addiction held a hearing entitled “Oversight: Tracking the Opioid Settlement Fund and Its Related Programs.” The information in this section is primarily taken from that report. *See* Committee on Mental Health, Disabilities, and Addiction, Committee Report, Oversight: Tracking the Opioid Settlement Fund and Its Related Programs (June 30, 2022), available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5644275&GUID=405544C0-8E4D-45E2-87FE-2C7D58469AAE&Options=&Search>.

³¹ Press Release, *Attorney General James Files Nation’s Most Comprehensive Suit Against Opioid Distributors And Manufacturers*, AG.NY.GOV (March 28, 2019), <https://ag.ny.gov/press-release/2019/attorney-general-james-files-nations-most-comprehensive-suit-against-opioid>.

³² *Id.*

³³ *Id.* These include a \$230 million settlement with Johnson & Johnson, and a \$200 million agreement with Allergan. *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ Office of the Mayor, *Mayor Adams and Attorney General James Fight Opioid Crisis With First of \$286 Million in Payments for New York City*, NYC.GOV (April. 21, 2022), <https://www1.nyc.gov/office-of-the-mayor/news/233-22/mayor-adams-attorney-general-james-fight-opioid-crisis-first-286-million-payments#/0>.

³⁷ *Id.*

Through these pools, New York City will receive approximately \$286 million over the next 18 years, including the \$150 million over the next five years, discussed above.³⁸ The City will receive these funds pursuant to the New York Opioid Settlement Sharing Agreement, which sets forth the terms and conditions governing the sharing and allocation of funds between and among the State of New York and the New York Subdivisions.³⁹

d. Harm Reduction in NYC Neighborhoods

Improperly discarded syringes, needles, and sharps “are a concern for all New Yorkers.”⁴⁰ Following the 2017 closure of what was referred to as “The Hole” – a stretch of abandoned railway tracks in the South Bronx that had become “ground zero” for the borough’s opioid addiction and homelessness crises, more than a dozen parks across the South Bronx saw a dramatic increase in public drug use and discarded syringes on lawns, play equipment, benches, basketball courts, and athletic fields.⁴¹ Every syringe collected represents a risk not just to the public, but also to those suffering from addiction.⁴²

In November 2021, two harm-reduction drop-in centers operated by the nonprofit OnPoint NYC, became the first publicly recognized Overdose Prevention Centers (OPCs) in the nation, offering supervised substance use onsite.⁴³ One is in Washington Heights and the other in East Harlem, and are located within existing substance use programs,⁴⁴ which have long provided clean syringes, harm reduction counseling, HIV testing, and other services.⁴⁵ In the first three weeks of operation, staff averted at least 59 overdoses to prevent injury and death, with the centers being used more than 2,000 times during that period.⁴⁶

Despite this success, according to an interview in May 2022 with the Metropolitan Transportation Authority (MTA) CEO, Janno Lieber, drug use at the 181st Street subway station increased especially once the nearby overdose prevention site closes for the day.⁴⁷ Further, the MTA Chief Customer Officer tweeted that the “centers should be open 24/7,” noting “during the hours they are closed, hundreds of needles have been discarded on subway tracks and platforms”⁴⁸ putting the neighborhood at risk of injury and infection.⁴⁹

The Centers for Disease Control and Prevention (CDC) reports that “needle sticks and other sharps-related injuries” in healthcare settings are associated with the transmission of hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV), and have also been implicated in the transmission of more than 20 other pathogens.⁵⁰ Similarly, a recent study at Yale University revealed that the most common type of HIV “can survive for more than two weeks in a syringe and therefore could spread quickly” among individuals with untreated substance use disorders, especially those “who may reuse or share needles seven or more times.”⁵¹ The study emphasized the importance of government-sponsored needle-exchange programs to reduce the spread of HIV in individuals with untreated substance use disorders who share needles.⁵²

A syringe exchange program aims to prevent the reusing of needles by offering clean, unused syringes in exchange for used ones. A buyback program takes this concept one step further by offering money in exchange

³⁸ *Id.*

³⁹ New York Opioid Settlement Sharing Agreement (2021) available at: <https://nationalopioidsettlement.com/wp-content/uploads/2021/09/NY-Sharing-Agreement.pdf>.

⁴⁰ NYC Health, *Fact Sheet, Syringe Litter: Know the Risks and Prevent Injury*, NYC.GOV. Available at: <https://www1.nyc.gov/assets/doh/downloads/pdf/basas/syringe-needle-fact-sheet.pdf> (last visited Sept. 18, 2022).

⁴¹ Julien Scott, *Addressing Public Injection and Syringe Disposal in NYC Parks*, PARKS & RECREATION MAGAZINE (Feb. 6, 2019), <https://www.nrpa.org/parks-recreation-magazine/2019/february/addressing-public-injection-and-syringe-disposal-in-nyc-parks>.

⁴² *Id.*

⁴³ Caroline Lewis, *A Look Inside NYC’s Supervised Drug-Injection Sites, the First In The Nation*, GOTHAMIST (Dec. 17, 2021), <https://gothamist.com/news/inside-nycs-supervised-drug-injection-sites-the-first-in-the-nation>.

⁴⁴ NYC Health, *Press Release: Overdose Prevention Centers Averted 59 Overdoses in First Three Weeks of Operation*, NYC.GOV (Dec. 21, 2021), <https://www1.nyc.gov/site/doh/about/press/pr2021/overdose-prevention-centers-prevent-59-deaths.page>.

⁴⁵ *Supra* note 42.

⁴⁶ *Id.*

⁴⁷ Jose Martinez, *When Safe Injection Sites Close, Subway Becomes Next Best Stop*, THE CITY (May 17, 2022), <https://www.thecity.nyc/2022/5/17/23076577/safe-injection-sites-subway-harm-reduction>.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Sharps Safety for Healthcare Settings*, CDC, <https://www.cdc.gov/sharpsafety/index.html> (last reviewed Feb. 11, 2015).

⁵¹ *Study: Virus may live up to four weeks in syringes*, RELIAS MEDIA (Sept. 16, 2022), <https://www.reliasmedia.com/articles/40925-study-virus-may-live-up-to-four-weeks-in-syringes>.

⁵² *Id.*

for the used syringes, further incentivizing the proper disposal of used syringes and discouraging their reuse. The concept of pilot buyback programs is not novel, and similar programs have been launched in other states with success. In December 2020, the city of Boston launched a pilot syringe buyback program which resulted in the collection of over 40,000 used syringes by March 2021.⁵³ Operated by a privately funded “grass-roots company” called Addiction Disposal Services, LLC, the program offers 20 cents a syringe for a maximum payout of \$10.00 per day and hopes to “partner with the city” in the future.⁵⁴

III. Bill Analysis

Proposed Int. No. 609-A

This bill would require DOHMH to establish a pilot program to offer financial incentives for the return of needles, syringes, and sharps used for non-medical consumption at locations in the five highest-need council districts. The bill would require DOHMH to determine eligibility for participation in the program. The bill would authorize DOHMH to set the buyback incentive, up to 20 cents per needle, syringe or sharp, with a cap of \$10 per individual per day. Once implemented, the program would expire after one year and would require DOHMH to submit a report no later than six months after the program has ended that includes the name and locations of all buyback locations; the number of litter returned under the program, by location; the total amount of money disbursed; and a recommendation as to whether to make the pilot program permanent and whether to expand it. The bill would also require DOHMH to create a community-based plan of action to address the opioid epidemic in communities deemed at highest risk for opioid abuse and deaths.

Since it was heard, the bill was amended to clarify that at least one buyback location must be located in each of the five highest-need council districts, and to remove the enumerated requirements for eligibility in the program. The bill directs DOHMH to determine eligibility for participation in the program and may consult with the OPCs, H+H, and any other entity deemed relevant by the commissioner.

Proposed Int. No. 404-A

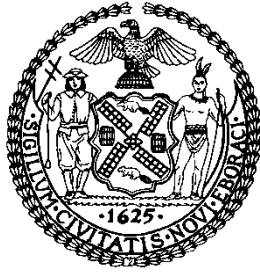
This bill would require DOHMH or another agency designated by the mayor (designated agency), to report on the monies paid to the City pursuant to the New York opioid settlement sharing agreement, or any other agreement with an opioid supply chain participant, or any successor agreement to either such agreement. The bill would require the designated agency to submit a report within 30 days of the release of each City financial plan or update that discloses the total amount of opioid funds, where the funds are being spent, the number of New Yorkers benefiting from the funds, and anticipated appropriation of the funds broken down by fiscal year. The bill would require the designated agency to submit such reports until all of the opioid funds have been appropriated.

Since it was heard, the bill was amended to clarify that the opioid funds allocated to the City are being received pursuant to a settlement sharing agreement with New York State. The bill was also amended to require the designated agency to submit their reports within 30 days of the release of each City financial plan or update, instead of monthly. Further, in referring to how the funds are intended to be applied, the bill was amended to replace “withdrawn, spent, or committed to be spent” with “appropriated.” Lastly, the bill was amended to clarify when the designated agency’s reporting obligations end.

⁵³ Drew Karedes, *40,000 Needles Collected, Destroyed Through New Buy-Back Program*, BOSTON 25 NEWS (Feb. 2, 2022), <https://www.boston25news.com/news/health/40000-needles-collected-destroyed-through-new-buy-back-program/3MS7Q7I4M5EFPMQRNNG5Q6UNWY>.

⁵⁴ *Id.*

(The following is the text of the Fiscal Impact Statement for Int. No. 609-A:)



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

**TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL
OFFICER, AND DEPUTY CHIEF OF STAFF TO THE
SPEAKER**

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 609-A

COMMITTEE: Committee on Mental Health,
Disabilities, and Addictions

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to establishing a needle, syringe and sharp buyback pilot program.

SPONSOR(S): By Council Members Ayala, Restler, Won, Nurse, Gutiérrez, Joseph, Farías, Narcisse, Williams, Richardson Jordan, Stevens, Cabán, Brewer, Salamanca, Abreu, Hudson, Brannan, Ossé, Hanif, Krishnan, Avilés, Sanchez and Louis.

SUMMARY OF LEGISLATION: This bill would require the Department of Health and Mental Hygiene (DOHMH) to establish a pilot program, in consultation with overdose prevention centers (OPCs) operating in New York City, to offer financial incentives for the return of used needles, syringes, and sharps to overdose prevention centers for their disposal. The program would only be open to individuals who use OPCs for drug consumption. The bill would authorize DOHMH to set the buyback incentive, up to 20 cents per needle, syringe or sharp, with a cap of \$10 per individual per day. Once implemented, the program would expire after one year and would require DOHMH to make a recommendation as to whether to make the pilot program permanent and whether to expand it.

EFFECTIVE DATE: This local law would take effect 30 days after it becomes a law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2024

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
Revenues	TBD	TBD	TBD
Expenditures	TBD	TBD	TBD
Net	TBD	TBD	TBD

IMPACT ON REVENUES: It is anticipated that this legislation would not affect revenues.

IMPACT ON EXPENDITURES: The cost to implement the pilot is undetermined due to several unknown quantities including final eligibility criteria, participation, reimbursement process and payment levels. In addition to the cost of incentive, the Administration believes there may be staffing and outfitting costs.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Office of Management and Budget

ESTIMATE PREPARED BY: Danielle Glants, Financial Analyst, NYC Council Finance Division

ESTIMATE REVIEWED BY: Masis Sarkissian, Unit Head, NYC Council Finance Division
 Crilhien Francisco, Assistant Director, NYC Council Finance Division
 Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on August 11, 2022 as Intro. 609 and referred to the Committee on Mental Health, Disabilities, and Addictions. The legislation was considered by the Committee on Mental Health, Disabilities, and Addictions at a hearing held on September 20, 2022 and was subsequently amended to Proposed Intro. 609-A. The amended version, Proposed Intro. No. 609-A will be considered by the Committee on November 21, 2022. Upon successful vote by the Committee on Mental Health, Disabilities, and Addictions, Proposed Intro. No. 609-A will be submitted to the full Council for a vote on November 22, 2022.

DATE PREPARED: November 17, 2022.

(For text of Int. No. 404-A and its Fiscal Impact Statement, please see the Report of the Committee on Mental Health, Disabilities and Addiction for Int. No. 404-A printed in these Minutes; for text of Int. No. 609-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 404-A and 609-A.

(The following is the text of Int. No. 609-A:)

Int. No. 609-A

By Council Members Ayala, Restler, Won, Nurse, Gutiérrez, Joseph, Farías, Narcisse, Williams, Richardson Jordan, Stevens, Cabán, Brewer, Salamanca, Abreu, Hudson, Brannan, Ossé, Hanif, Krishnan, Avilés, Sanchez, Louis and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a needle, syringe, and sharps buyback pilot program

Be it enacted by the Council as follows:

Section 1. The heading of section 17-180.1 of the administrative code of the city of New York, as added by local law number 128 for the year 2018, is amended to read as follows:

§ 17-180.1 Overdose prevention and reversal training; *needle, syringe, and sharps buyback.*

§ 2. Section 17-180.1 of the administrative code of the city of New York, as added by local law number 128 for the year 2018, is amended by adding new subdivisions g and h to read as follows:

g. 1. Needle, syringe, and sharps buyback pilot program. The department shall establish a needle, syringe, and sharps buyback pilot program. Such program shall offer financial incentives to individuals who collect and return needles, syringes, and sharps that were used for non-medical consumption. In implementing such program, the department shall establish at least 1 buyback location in each of the 5 highest-need council districts in the city, as determined by the department. The department shall set the amount of the buyback incentive for such program, except that such incentive shall not exceed 20 cents per needle, syringe, or sharp and shall not exceed a maximum payout of \$10 per day to any individual. The department shall determine eligibility for such program and may consult with overdose prevention centers, the New York city health and hospitals corporation, or any other entity deemed relevant by the commissioner in administering such program.

2. *Implementation.* The pilot program shall commence no later than 30 days after the effective date of the local law that added this subdivision and conclude one year after the date such program commences. On or before the date the pilot program commences, the department shall conspicuously post on its website a list of the buyback locations included in the pilot program.

3. *Report.* No later than six months following the conclusion of the pilot program, the department shall submit to the mayor and the speaker of the council, and post conspicuously on the department's website, a report on the pilot program established pursuant to this subdivision. Such report shall include, at a minimum, the following information:

- (a) The names and addresses of all buyback locations included in the pilot program;
- (b) The number of needles, syringes, and sharps returned or disposed of under the pilot program, disaggregated by buyback location;
- (c) The total amount of money disbursed to individuals; and
- (d) The department's recommendation as to whether to establish a permanent buyback program and whether and how to expand such program.

h. 1. *Community-based plan of action.* The department, in conjunction with stakeholders, community-based organizations, providers, and all other entities deemed relevant by the commissioner, shall create a community-based plan of action to address the opioid epidemic in communities that the department deems are at highest risk for opioid abuse and overdose deaths. Such plan shall include, at a minimum:

- (a) The creation of a community-based working group, which shall include relevant stakeholders and providers from each community identified by the department pursuant to this paragraph;
- (b) A public awareness strategy that targets and addresses each community identified by the department pursuant to this paragraph; and
- (c) Information on how and where to access opioid antagonists, as defined in subdivision a of this section, in the community.

§ 3. This local law takes effect 30 days after it becomes law.

LINDA LEE, *Chairperson*, DIANA I. AYALA, TIFFANY CABÁN, SHAUN ABREU, ERIK D. BOTTCHEER, SHAHANA K. HANIF, DARLENE MEALY, NANTASHA M. WILLIAMS VICKIE PALADINO; 8-0-0; *Absent:* Darlene Mealy; Committee on Mental Health, Disabilities and Addiction, November 21, 2022.

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

GENERAL ORDERS CALENDAR

Report for L.U. No. 116 & Res. No. 356-A

Report of the Committee on Land Use in favor of approving, as amended and modified, Application number C 220414 ZMQ (79-18 164th Street Rezoning) submitted by Mikhail Kantius, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14c, eliminating from within an existing R4 District a C1-3 District, eliminating from within an existing R5D District a C1-3 District, establishing within an existing R4 District a C2-3 District and establishing within an existing R5D District a C2-3 District, Borough of Queens, Community District 8, Council District 24.

The Committee on Land Use, to which the annexed Land Use item was referred on September 29, 2022 (Minutes, page 2339), recommitted to committee on October 12, 2022 (Minutes, page 2389), and which same Land Use item was subsequently coupled with an amended resolution shown below and referred to the City Planning Commission on October 27, 2022 (Minutes, page 2522), respectfully

REPORTS:

SUBJECT

QUEENS CB - 8

C 220414 ZMQ

City Planning Commission decision approving an application submitted by Mikhail Kantius, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14c:

1. eliminating from within an existing R4 District a C1-3 District bounded by a line 100 feet southerly of Union Turnpike, 164th Street, the westerly centerline prolongation of 81st Avenue, and a line midway between 162nd Street and 164th Street;
2. eliminating from within an existing R5D District a C1-3 District bounded by Union Turnpike, 164th Street, a line 100 feet southerly of Union Turnpike, and 162nd Street;
3. establishing within an existing R4 District a C2-3 District bounded by a line 100 feet southerly of Union Turnpike, 164th Street, the westerly centerline prolongation of 81st Avenue, and a line midway between 162nd Street and 164th Street; and
4. establishing within an existing R5D District a C2-3 District bounded by Union Turnpike, 164th Street, a line 100 feet southerly of Union Turnpike, and 162nd Street;

as shown on a diagram (for illustrative purposes only) dated May 9, 2022, and subject to the conditions of CEQR Declaration E-678.

INTENT

To approve the amendment to rezone the project area eliminating from within an existing R4 District a C1-3 District; eliminating from within an existing R5D District a C1-3 District; establishing within an existing R4 District a C2-3 District; and establishing within an existing R5D District a C2-3 District to facilitate the legalization of an existing medical research laboratory located on the second story of a two-story building at 79-18 164th Street (Block 6857, Lot 62) in the Hillcrest neighborhood of Queens, Community District 8.

PUBLIC HEARING

DATE: September 22, 2022

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 6, 2022

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

In Favor:

Riley
Moya
Louis
Abreu
Bottcher
Hanks
Schulman
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: October 6, 2022

The Committee recommends that the Council approve the attached resolution (original resolution no. 356 has been amended and re-attached as 356-A).

In Favor:

Salamanca
Moya
Louis
Riley

Against:

None

Abstain:

None

Bottcher
 Hanks
 Kagan
 Krishnan
 Mealy
 Sanchez
 Borelli

COUNCIL ACTION

DATE: October 12, 2022

At the Stated Council meeting of October 12, 2022, the Council, by a vote of 44-0-0, passed a motion to recommit L.U. 116 and accompanying Resolution 356 to the Land Use Committee.

In Favor:	Against:	Abstain:
44	0	0

COMMITTEE ACTION

DATE: October 25, 2022

The Land Use Committee considered the application and voted to recommend approval with modifications of the decision by the City Planning Commission. The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Salamanca Moya Louis Riley Brooks-Powers Bottcher Kagan Krishnan Borelli	None	None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated November 15, 2022, with the Council on November 21, 2022, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

In connection herewith, Council Members Salamanca and Riley offered the following resolution, as amended:

Res. No. 356-A

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 220414 ZMQ, a Zoning Map amendment (Preconsidered L.U. No. 116).

By Council Members Salamanca and Riley.

WHEREAS, Mikhail Kantius, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14c, eliminating from within an existing R4 District a C1-3 District, eliminating from within an existing R5D District a C1-3 District, establishing within an existing R4 District a C2-3 District, and establishing within an existing R5D District a C2-3 District, in the Hillcrest neighborhood of Queens, Community District 8 (ULURP No. C 220414 ZMQ) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 21, 2022 its decision dated September 21, 2022 (the "Decision") on the Application;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 22, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued May 6th, 2022 (CEQR No. 22DCP130Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to noise (E-678) (the "Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-678) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 220414 ZMQ incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modification.

Matter ~~double struck out~~ is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 14c:

1. eliminating from within an existing R4 District a C1-3 District bounded by a line 100 feet southerly of Union Turnpike, 164th Street, the westerly centerline prolongation of 81st Avenue, and a line midway between 162nd Street and 164th Street; and

2. ~~eliminating from within an existing R5D District a C1-3 District bounded by Union Turnpike, 164th Street, a line 100 feet southerly of Union Turnpike, and 162nd Street;~~
3. establishing within an existing R4 District a C2-3 District bounded by a line 100 feet southerly of Union Turnpike, 164th Street, the westerly centerline prolongation of 81st Avenue, and a line midway between 162nd Street and 164th Street; ~~and~~
4. ~~establishing within an existing R5D District a C2-3 District bounded by Union Turnpike, 164th Street, a line 100 feet southerly of Union Turnpike, and 162nd Street;~~

as shown on a diagram (for illustrative purposes only) dated May 9, 2022, and subject to the conditions of CEQR Declaration E-678, Borough of Queens, Community District 8.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

On motion of the Speaker (Council Member Adams), 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. 126 & Res. No. 406

Report of the Committee on Land Use in favor of approving, as modified, Application number C 220364 ZMQ (Innovation Queens Rezoning and LSGD) submitted by Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9b, changing from a C4-2A District to an M1-4/R9 District, changing from an M1-1 District to an M1-4/R7-3 District, changing from an M1-1 District to an M1-4/R7X District, changing from an M1-1 District to an M1-4/R9 District, changing from an M1-1 District to an M1-5/R9-1 District, and establishing a Special Mixed Use District (MX-24), Borough of Queens, Community District 1, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on October 12, 2022 (Minutes, page 2493) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

**QUEENS CB-1 - NINE APPLICATIONS RELATED TO INNOVATION QUEENS
REZONING AND LGS**

C 220364 ZMQ (L.U. No. 126)

City Planning Commission decision approving an application submitted by Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9b:

1. changing from a C4-2A District to an M1-4/R9 District property bounded by 35th Avenue, a line midway between Steinway Street and 41st Street, 36th Avenue, and a line midway between of Steinway Street and 38th Street;
2. changing from an M1-1 District to an M1-4/R7-3 District property bounded by:
 - a. a line 100 feet southwesterly of 35th Avenue, a line midway between Steinway Street and 38th Street, a line 150 feet northeasterly of 36th Avenue, and 37th Street; and
 - b. a line 100 feet southwesterly of 35th Avenue, 42nd Street, a line 150 feet northerly of Northern Boulevard, a line 150 feet northeasterly of 36th Avenue, and a line midway between Steinway Street and 41st Street;
3. changing from an M1-1 District to an M1-4/R7X District property bounded by 35th Avenue, 43rd Street, a line 100 feet southwesterly of 35th Avenue, and 41st Street;
4. changing from an M1-1 District to an M1-4/R9 District property bounded by:
 - a. 35th Avenue, a line midway between Steinway Street and 38th Street, a line 100 feet southwesterly of 35th Avenue, and 37th Street;
 - b. a line 150 feet northeasterly of 36th Avenue, a line midway between Steinway Street and 38th Street, 36th Avenue, and 37th Street;
 - c. 35th Avenue, 41st Street, a line 100 feet southwesterly of 35th Avenue, and a line midway between Steinway and 41st Street; and
 - d. a line 150 feet northeasterly of 36th Avenue, 41st Street, 36th Avenue, and a line midway between Steinway Street and 41st Street;
5. changing from an M1-1 District to an M1-5/R9-1 District property bounded by a line 100 feet southwesterly of 35th Avenue, 43rd Street, Northern Boulevard, 36th Avenue, 41st Street, a line 150 feet northeasterly of 36th Avenue, a line 150 feet northerly of Northern Boulevard, and 42nd Street; and
6. establishing a Special Mixed Use District (MX-24) bounded by 35th Avenue, 43rd Street, Northern Boulevard, 36th Avenue, and 37th Street;

as shown on a diagram (for illustrative purposes only) dated April 25, 2022, and subject to the conditions of CEQR Declaration E-675.

N 220367 ZRQ (L.U. No. 127)

City Planning Commission decision approving an application submitted by Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 4 large-scale general development loading regulations, Article XII, Chapter 3 (Special Mixed Use District) for the purpose of

establishing a new Special Mixed Use District and APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

C 220365 ZSQ (L.U. No. 128)

City Planning Commission decision approving an application submitted by Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-745(a) of the Zoning Resolution to allow required or permitted accessory off-street parking spaces to be located anywhere within a large-scale general development without regard for zoning lot lines, in connection with a proposed mixed-use development, within a Large-Scale General Development generally bounded by 35th Avenue, Steinway Street, a line 100 feet southwesterly of 35th Avenue, a line midway between Steinway Street and 41st Street, 35th Avenue, a line 90 feet southeasterly of 42nd Street, a line 100 feet southwesterly of 35th Avenue, 43rd Street, Northern Boulevard, 42nd Street, a line 295 feet southwesterly of 35th Avenue, a line midway between 41st Street and 42nd Street, 36th Avenue, 41st Street, a line 150 feet northeasterly of 36th Avenue, a line midway between Steinway Street and 41st Street, a line 288 feet northeasterly of 36th Avenue, Steinway Street, a line 175 feet northeasterly of 36th Avenue, 38th Street, 36th Avenue, and 37th Street (Block 641, Lots 1, 4, 9, 51, 52 and 56; Block 668, Lot 5; Block 669, Lots 13, 16, and 36; Block 670, Lots 4, 8, 20, 27, 30, and 47; and Block 671, Lots 1, 8, 12, 20 and 23), in M1-4/R7-3, M1-4/R7X, M1-4/R9 and M1-5/R9-1 Districts, within a Special Mixed Use District (MX-24).

C 220366 ZSQ (L.U. No. 129)

City Planning Commission decision approving an application submitted by Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permits pursuant to Sections 74-743(a)(1) and 74-743(a)(2) to allow the distribution of total allowable floor area without regard for the zoning lot lines or district boundaries; and to modify the rear yard regulations of Sections 23-40 (Yard Regulations), 43-40 (Yard Regulations) and 123-65 (Special Yard Regulations), the height and setback requirements of Sections 23-66 (Height and Setback Requirements for Quality Housing Buildings) and 123-66 (Height and Setback Regulations), and the minimum distance between buildings regulations of Section 23-711 (Standard Minimum Distance Between Buildings); in connection with a proposed mixed-use development, within a Large-Scale General Development generally bounded by 35th Avenue, Steinway Street, a line 100 feet southwesterly of 35th Avenue, a line midway between Steinway Street and 41st Street, 35th Avenue, a line 90 feet southeasterly of 42nd Street, a line 100 feet southwesterly of 35th Avenue, 43rd Street, Northern Boulevard, 42nd Street, a line 295 feet southwesterly of 35th Avenue, a line midway between 41st Street and 42nd Street, 36th Avenue, 41st Street, a line 150 feet northeasterly of 36th Avenue, a line midway between Steinway Street and 41st Street, a line 288 feet northeasterly of 36th Avenue, Steinway Street, a line 175 feet northeasterly of 36th Avenue, 38th Street, 36th Avenue, and 37th Street (Block 641, Lots 1, 4, 9, 51, 52 and 56; Block 668, Lot 5; Block 669, Lots 13, 16, and 36; Block 670, Lots 4, 8, 20, 27, 30, and 47; and Block 671, Lot 1, 8, 12, 20 and 23), in M1-4/R7-3, M1-4/R7X, M1-4/R9 and M1-5/R9-1 Districts, within a Special Mixed Use District (MX-24).

C 220368 ZSQ (L.U. No. 130)

City Planning Commission decision approving an application submitted by Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744(c) of the Zoning Resolution, and subject to the provisions of paragraphs (a)(1), (a)(2) or (a)(3) of Section 74-743 (Special provisions for bulk modification), to modify the signage regulations of Section 32-60 (Sign Regulations) and Section 123-40 (Sign Regulations) in connection with a proposed mixed-use development, within a Large-Scale General Development generally bounded by 35th Avenue, Steinway Street, a line 100 feet southwesterly of 35th Avenue, a line midway between

Steinway Street and 41st Street, 35th Avenue, a line 90 feet southeasterly of 42nd Street, a line 100 feet southwesterly of 35th Avenue, 43rd Street, Northern Boulevard, 42nd Street, a line 295 feet southwesterly of 35th Avenue, a line midway between 41st Street and 42nd Street, 36th Avenue, 41st Street, a line 150 feet northeasterly of 36th Avenue, a line midway between Steinway Street and 41st Street, a line 288 feet northeasterly of 36th Avenue, Steinway Street, a line 175 feet northeasterly of 36th Avenue, 38th Street, 36th Avenue, and 37th Street (Block 641, Lots 1, 4, 9, 51, 52 and 56; Block 668, Lot 5; Block 669, Lots 13, 16, and 36; Block 670, Lots 4, 8, 20, 27, 30, and 47; and Block 671, Lot 1, 8, 12, 20 and 23), in M1-4/R7-3, M1-4/R7X, M1-4/R9 and M1-5/R9-1 Districts, within a Special Mixed Use District (MX-24).

C 220369 ZSQ (L.U. No. 131)

City Planning Commission decision approving an application submitted by Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-745(b) of the Zoning Resolution to allow a reduction of loading berth requirements of Sections 44-52 (Required Accessory Off-Street Loading Berths) and 123-70 (Parking and Loading), within a Large-Scale General Development generally bounded by 35th Avenue, Steinway Street, a line 100 feet southwesterly of 35th Avenue, a line midway between Steinway Street and 41st Street, 35th Avenue, a line 90 feet southeasterly of 42nd Street, a line 100 feet southwesterly of 35th Avenue, 43rd Street, Northern Boulevard, 42nd Street, a line 295 feet southwesterly of 35th Avenue, a line midway between 41st Street and 42nd Street, 36th Avenue, 41st Street, a line 150 feet northeasterly of 36th Avenue, a line midway between Steinway Street and 41st Street, a line 288 feet northeasterly of 36th Avenue, Steinway Street, a line 175 feet northeasterly of 36th Avenue, 38th Street, 36th Avenue, and 37th Street (Block 641, Lots 1, 4, 9, 51, 52 and 56; Block 668, Lot 5; Block 669, Lots 13, 16, and 36; Block 670, Lots 4, 8, 20, 27, 30, and 47; and Block 671, Lot 1, 8, 12, 20 and 23), in M1-4/R7-3, M1-4/R7X, M1-4/R9 and M1-5/R9-1 Districts, within a Special Mixed Use District (MX-24).

C 220371 ZSQ (L.U. No. 132)

City Planning Commission decision approving an application submitted by Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow certain large retail establishments (Use Group 6 and/or Use Group 10A uses) with no limitation on floor area per establishment, in connection with a proposed mixed-use development on property bounded by 35th Avenue, Steinway Street, a line 180 feet northeasterly of 36th Avenue, and 38th Street (Block 668, Lot 5), in M1-4/R7-3 and M1-4/R9 Districts, within a Special Mixed Use District (MX-24).

C 220373 ZSQ (L.U. No. 133)

City Planning Commission decision approving an application submitted by Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow certain large retail establishments (Use Group 6 and/or Use Group 10A uses) with no limitation on floor area per establishment, in connection with a proposed mixed-use development on property generally bounded by 35th Avenue, 42nd Street, a line 295 feet southwesterly of 35th Avenue, a line midway between 41st Street and 42nd Street, 36th Avenue, and 41st Street (Block 670, Lots 4, 8, 20, 27, 30 & 47), in M1-4/R7-3, M1-4/R7X and M1-5/R9-1 Districts, within a Special Mixed Use District (MX-24).

C 220374 ZSQ (L.U. No. 134)

City Planning Commission decision approving an application by Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow certain large retail establishments (Use Group 6 and/or Use Group 10A uses) with no limitation on floor area per establishment, in connection with a proposed mixed-use development on property generally bounded by 35th Avenue, a line 90 feet southeasterly of 42nd Street, a line 100 feet southwesterly of 35th Avenue, 43rd Street, Northern Boulevard, and 42nd Street (Block 671, Lots 1, 8, 12, 20 & 23), in M1-4/R7X and M1-5/R9-1 Districts, within a Special Mixed Use District (MX-24).

INTENT

To approve with modifications a map amendment from M1-1 and C4-2A zoning districts to M1-4/R7X, M1-4/R7-3, M1-4/R9, and M1-5/R9-1 zoning districts; approve with modifications a zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) area, to create a new Special Mixed Use District designation (MX-24), and reduce the required number of loading berths within the development site a special permit to allow for the distribution of parking spaces across the development site; approve with modifications special permit to modify bulk regulations related to the distribution of floor area, rear yard regulations, minimum distance between buildings, and height and setback regulations; approve with modifications a special permit to modify sign regulations; approve with modifications special permit to allow for a reduction in the required amount of loading berths; approve with modifications special permit to allow for certain retail uses greater than 10,000 square feet on Block B; approve with modifications special permit to allow for certain retail uses greater than 10,000 square feet on Block D; and approve with modifications permit to allow for certain retail uses greater than 10,000 square feet on Block E, which would facilitate a new five-block, 13-building mixed-use development with approximately 2,843 units, approximately 711 of which would be permanently affordable, as well as retail and office uses, in an area generally bounded by 35th Avenue to the north, 43rd Street to the east, 36th Avenue to the south, and 37th Street to the east in the Astoria neighborhood of Queens, Community District 1.

PUBLIC HEARING

DATE: October 19, 2022

Witnesses in Favor: Thirty-nine

Witnesses Against: Sixty-nine

SUBCOMMITTEE RECOMMENDATION

DATE: November 17, 2022

The Subcommittee recommends that the Land Use Committee approve with modifications the decisions of the City Planning Commission on L.U. Nos. 126-134.

In Favor:
Riley
Moya

Against:
None

Abstain:
None

Louis
Abreu
Bottcher
Schulman
Carr

COMMITTEE ACTION

DATE: November 21, 2022

The Committee recommends that the Council approve the attached resolutions.

In Favor:	Against:	Abstain:
Salamanca	None	None
Moya		
Rivera		
Louis		
Riley		
Brooks-Powers		
Bottcher		
Krishnan		
Mealy		
Sanchez		
Borelli		

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated November 22, 2022, with the Council on November 22, 2022, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 406

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 220364 ZMQ, a Zoning Map amendment (L.U. No. 126).

By Council Members Salamanca and Riley.

WHEREAS, Kaufman Astoria Bedrock I LLC and Silverstein Astoria Member LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9b, by changing from a C4-2A District to an M1-4/R9 District, changing from an M1-1 District to an M1-4/R7-3 District, changing from an M1-1 District to an M1-4/R7X District, changing from an M1-1 District to an M1-4/R9 District, changing from an M1-1 District to an M1-5/R9-1 District, and establishing a Special Mixed Use District (MX-24), which in conjunction with the related actions would facilitate a new five-block, 13-building mixed-use development with approximately 2,843 units, approximately 711 of which would

be permanently affordable, as well as retail and office uses, in an area generally bounded by 35th Avenue to the north, 43rd Street to the east, 36th Avenue to the south, and 37th Street to the east in the Astoria neighborhood of Queens, Community District 1 (ULURP No. C 220364 ZMQ) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on October 3, 2022 its decision dated September 21, 2022 (the "Decision") on the Application;

WHEREAS, the Application is related to applications C 220365 ZSQ (L.U. No. 128), a special permit to allow for the distribution of parking spaces across the development site; C 220366 ZSQ (L.U. No. 129), a special permit to modify bulk regulations related to the distribution of floor area, rear yard regulations, minimum distance between buildings, and height and setback regulations; N 220367 ZRQ (L.U. No. 127), a zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) area, to create a new Special Mixed Use District designation (MX-24), and reduce the required number of loading berths within the development site; C 220368 ZSQ (L.U. No. 130), a special permit to modify sign regulations; C 220369 ZSQ (L.U. No. 131), a special permit to allow for a reduction in the required amount of loading berths; C 220371 ZSQ (L.U. No. 132), a special permit to allow for certain retail uses greater than 10,000 square feet on Block B; C 220373 ZSQ (L.U. No. 133), a special permit to allow for certain retail uses greater than 10,000 square feet on Block D; C 220374 ZSQ (L.U. No. 134), a special permit to allow for certain retail uses greater than 10,000 square feet on Block E;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 19, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued May 12th, 2021 (CEQR No. 21DCP180Q) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 9, 2022, in which potential significant adverse impacts related to hazardous materials, stationary air quality, and noise would be avoided through the placement of (E) designations (E-675) on project site. The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to community facilities (libraries, childcare), active open space, shadows, transportation (traffic, transit, and pedestrians), and construction activities related to noise and traffic; in addition FEIS analyzed a modified application (called the Proposed Modified Application Alternative), as a new alternative in the FEIS included in Chapter 19 of the FEIS, "Alternatives" and concludes that the Proposed Modified Application Alternative would result in the same or similar impacts as the original application but includes a larger open space area which provides additional mitigation for the identified open space impact; and the identified significant adverse impacts and proposed mitigation measures under the proposed actions and the Proposed Modified Application Alternative are summarized in Chapter 19, "Alternatives" and Chapter 20, "Mitigation" of the FEIS, and are included in the Restrictive Declaration. A Technical Memorandum was issued on September 16, 2022 and concludes that the application as modified would not result in any significant adverse impacts that were not already identified in the FEIS issued on September 9, 2022. The Council has also considered the Technical Memorandum dated November 21, 2022. The FEIS and subsequent Technical Memoranda are collectively referred to as the "Environmental Analysis".

RESOLVED:

Having considered the Environmental Analysis with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action, with the modifications set forth and analyzed in the Technical Memoranda dated September 16, 2022 and November 21, 2022, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
4. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, pursuant to the restrictive declaration dated November 21, 2022, those project components related to environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 220364 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter ~~double struck out~~ is old, deleted by the City Council;
 Matter double-underlined is new, added by the City Council

IN THE MATTER OF an application submitted by Kaufman Astoria Bedrock I LLC and Silverstein Astoria Member LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9b:

1. changing from a C4-2A District to an M1-4/R7A District property bounded by a line 175 feet northeasterly of 36th Avenue, Steinway Street, a line 295 feet southwesterly of 35th Avenue, a line midway between Steinway Street and 41st Street, 36th Avenue, and a line midway between 38th Street and Steinway Street;
- ~~1-2.~~ changing from a C4-2A District to an M1-4/R9 District property bounded by 35th Avenue, a line midway between Steinway Street and 41st Street, ~~36th Avenue,~~ a line 295 feet southwesterly of 35th Avenue, Steinway Street, a line 175 feet northeasterly of 36th Avenue, and a line midway between of Steinway Street and 38th Street;
3. changing from an M1-1 District to an M1-4/R6A District property bounded by:
 - a. 35th Avenue, 43rd Street, a line 100 feet southwesterly of 35th Avenue, and a line 90 feet southeasterly of 42nd Street;
 - b. a line 288 northeasterly of 36th Avenue and its southeasterly prolongation, 42nd Street, Northern Boulevard, 36th Avenue, and a line midway between 41st Street and 42nd Street;
 - c. a line 150 feet northeasterly of 36th Avenue, 41st Street, 36th Avenue, and a line midway between Steinway Street and 41st Street;

- d. a line 175 feet northeasterly of 36th Avenue, a line midway between 38th Street and Steinway Street, 36th Avenue, and 38th Street;
- ~~2-4.~~ changing from an M1-1 District to an M1-4/R7-3 District property bounded by:
- a line 100 feet southwesterly of 35th Avenue, a line midway between Steinway Street and 38th Street, a line 175 feet northeasterly of 36th Avenue, 38th Street, a line 150 feet northeasterly of 36th Avenue, and 37th Street; and
 - a line 100 feet southwesterly of 35th Avenue, 42nd Street, ~~a line 150 feet northerly of Northern Boulevard,~~ a line 288 feet northeasterly of 36th Avenue and its southeasterly prolongation, a line midway between 41st Street and 42nd Street, a line 150 feet northeasterly of 36th Avenue, and a line midway between Steinway Street and 41st Street;
- ~~3-5.~~ changing from an M1-1 District to an M1-4/R7X District property bounded by 35th Avenue, a line 90 feet southeasterly of 42nd Street, 43rd Street, a line 100 feet southwesterly of 35th Avenue, and 41st Street;
- ~~4-6.~~ changing from an M1-1 District to an M1-4/R9 District property bounded by:
- 35th Avenue, a line midway between Steinway Street and 38th Street, a line 100 feet southwesterly of 35th Avenue, and 37th Street;
 - a line 150 feet northeasterly of 36th Avenue, ~~a line midway between Steinway Street and 38th Street, 36th Avenue, and 37th Street;~~ and
 - 35th Avenue, 41st Street, a line 100 feet southwesterly of 35th Avenue, and a line midway between Steinway and 41st Street; ~~and~~
 - ~~a line 150 feet northeasterly of 36th Avenue, 41st Street, 36th Avenue, and a line midway between Steinway Street and 41st Street;~~
- ~~5-7.~~ changing from an M1-1 District to an M1-5/R9-1 District property bounded by:
- a line 100 feet southwesterly of 35th Avenue, 43rd Street, Northern Boulevard, and 42nd Street;
and
 - a line 150 feet northeasterly of 36th Avenue; a line midway between 41st Street and 42nd Street;
~~36th Avenue, and 41st Street, a line 150 feet northeasterly of 36th Avenue, a line 150 feet northerly of Northern Boulevard, and 42nd Street; and~~
- ~~6-8.~~ establishing a Special Mixed Use District (MX-24) bounded by 35th Avenue, 43rd Street, Northern Boulevard, 36th Avenue, and 37th Street;

as shown on a diagram (for illustrative purposes only) dated April 25, 2022, and subject to the conditions of CEQR Declaration E-675.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

On motion of the Speaker (Council Member Adams), 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. 127 & Res. No. 407

Report of the Committee on Land Use in favor of approving, as modified, Application number N 220367 ZRQ (Innovation Queens Rezoning and LSGD) submitted by Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 4 large-scale general development loading regulations, Article XII, Chapter 3 (Special Mixed Use District) for the purpose of establishing a new Special Mixed Use District and APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 1, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on October 12, 2022 (Minutes, page 2493) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 126 & Res. No. 406 printed above in the General Orders Calendars section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 407

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 220367 ZRQ, for an amendment of the text of the Zoning Resolution (L.U. No. 127).

By Council Members Salamanca and Riley.

WHEREAS, Kaufman Astoria Bedrock I LLC and Silverstein Astoria Member LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 4 relating to large-scale general development loading regulations, Article XII, Chapter 3 (Special Mixed Use District) for the purpose of establishing a new Special Mixed Use District and APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related actions would facilitate a new five-block, 13-building mixed-use development with approximately 2,843 units, approximately 711 of which would be permanently affordable, as well as retail and office uses, in an area generally bounded by 35th Avenue to the north, 43rd Street to the east, 36th Avenue to the south, and 37th Street to the east in the Astoria neighborhood of Queens, Community District 1 (ULURP No. N 220367 ZRQ) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on October 3, 2022, its decision dated September 21, 2022 (the “Decision”), on the Application;

WHEREAS, the Application is related to applications C 220364 ZMQ (L.U. No. 126), a map amendment from M1-1 and C4-2A zoning districts to M1-4/R7X, M1-4/R7-3, M1-4/R9, and M1-5/R9-1 zoning districts; C 220365 ZSQ (L.U. No. 128), a special permit to allow for the distribution of parking spaces across

the development site; C 220366 ZSQ (L.U. No. 129), a special permit to modify bulk regulations related to the distribution of floor area, rear yard regulations, minimum distance between buildings, and height and setback regulations; C 220368 ZSQ (L.U. No. 130), a special permit to modify sign regulations; C 220369 ZSQ (L.U. No. 131), a special permit to allow for a reduction in the required amount of loading berths; C 220371 ZSQ (L.U. No. 132), a special permit to allow for certain retail uses greater than 10,000 square feet on Block B; C 220373 ZSQ (L.U. No. 133), a special permit to allow for certain retail uses greater than 10,000 square feet on Block D; C 220374 ZSQ (L.U. No. 134), a permit to allow for certain retail uses greater than 10,000 square feet on Block E;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 19, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued May 12th, 2021 (CEQR No. 21DCP180Q) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 9, 2022, in which potential significant adverse impacts related to hazardous materials, stationary air quality, and noise would be avoided through the placement of (E) designations (E-675) on project site. The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to community facilities (libraries, childcare), active open space, shadows, transportation (traffic, transit, and pedestrians), and construction activities related to noise and traffic; in addition FEIS analyzed a modified application (called the Proposed Modified Application Alternative), as a new alternative in the FEIS included in Chapter 19 of the FEIS, “Alternatives” and concludes that the Proposed Modified Application Alternative would result in the same or similar impacts as the original application but includes a larger open space area which provides additional mitigation for the identified open space impact; and the identified significant adverse impacts and proposed mitigation measures under the proposed actions and the Proposed Modified Application Alternative are summarized in Chapter 19, “Alternatives” and Chapter 20, “Mitigation” of the FEIS, and are included in the Restrictive Declaration. A Technical Memorandum was issued on September 16, 2022 and concludes that the application as modified would not result in any significant adverse impacts that were not already identified in the FEIS issued on September 9, 2022. The Council has also considered the Technical Memorandum dated November 21, 2022. The FEIS and subsequent Technical Memoranda are collectively referred to as the “Environmental Analysis”.

RESOLVED:

Having considered the Environmental Analysis with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action, with the modifications set forth and analyzed in the Technical Memoranda dated September 16, 2022 and November 21, 2022, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

- 4. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, pursuant to the restrictive declaration dated November 21, 2022, those project components related to environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 220367 ZRQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

- Matter underlined is new, to be added;
- Matter ~~struck out~~ is to be deleted;
- Matter within # # is defined in Section 12-10;
- Matter ~~double struck out~~ is old, deleted by the City Council;
- Matter double-underlined is new, added by the City Council
- * * * indicates where unchanged text appears in the Zoning Resolution.

**ARTICLE VII
ADMINISTRATION**

**Chapter 4
Special Permits by the City Planning Commission**

**74-74
Large-scale General Development**

* * *

**74-745
Modifications of parking and loading regulations**

For a #large-scale general development# the City Planning Commission may permit:

* * *

- (b) Waiver or reduction of loading berth requirements

For #zoning lots# in a #large-scale general development#, located either within a #Special Mixed Use District# in Community District 2 in the Borough of The Bronx, or within a waterfront area pursuant to paragraph (b) of Section 62-132, in Community District 1 in the Borough of Brooklyn, where such #zoning lots# in the waterfront area contain one or more retail or service #uses# listed in Use Group 6A, 6C, 7B, 8B, 9A, 10A, 12B, 14A or 16A, and where no single such establishment in the waterfront area exceeds 8,500 square feet in #floor area#, or for #zoning lots# located in #large-scale general developments# within a #Special Mixed Use District 24# in Community District 1 in the Borough of Queens, the Commission may waive or reduce the number of required loading berths, provided that:

* * *

**ARTICLE XII
SPECIAL PURPOSE DISTRICTS**

**Chapter 3
Special Mixed Use District**

* * *

**123-60
SPECIAL BULK REGULATIONS**

* * *

**123-63
Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Only Residential Buildings in R6, R7, R8 and R9 Districts**

* * *

#Special Mixed Use District#	Designated #Residence District#
MX-1 – Community District 1, The Bronx	R6A R7D
* * *	
MX 23 – Community District 1, Queens	R7A
MX 24 - Community District 1, Queens	<u>R6A, R7-3, R7A, R7X, R9 and R9-1</u>

* * *

**123-90
SPECIAL MIXED USE DISTRICTS SPECIFIED**

* * *

#Special Mixed Use District# - 23 (10/21/21)
Ravenswood, Queens

The #Special Mixed Use District# - 23 is established in Ravenswood in Queens as indicated on the #zoning maps#.

#Special Mixed Use District# - 24 [date of adoption]
Astoria, Queens

The #Special Mixed Use District# - 24 is established in Astoria in Queens as indicated on the #zoning maps#.

* * *

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

* * *

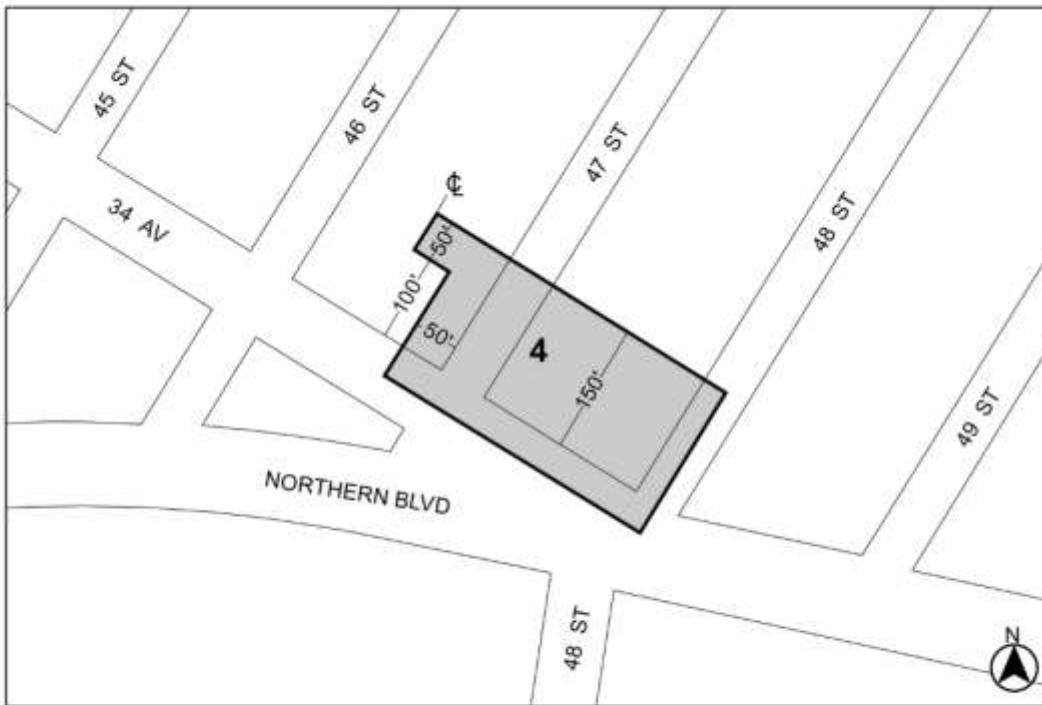
QUEENS


Queens Community District 1

* * *

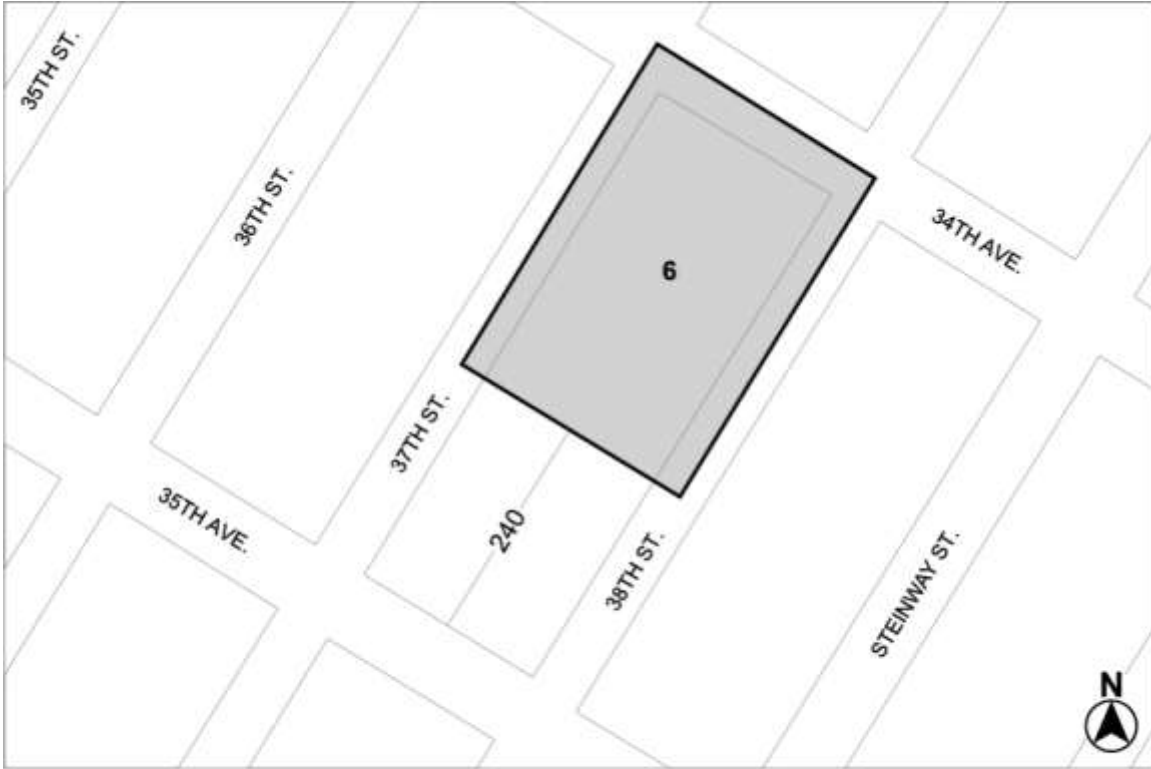
Map 5 - (~~5/29/19~~) [date of adoption]


[EXISTING MAPS]



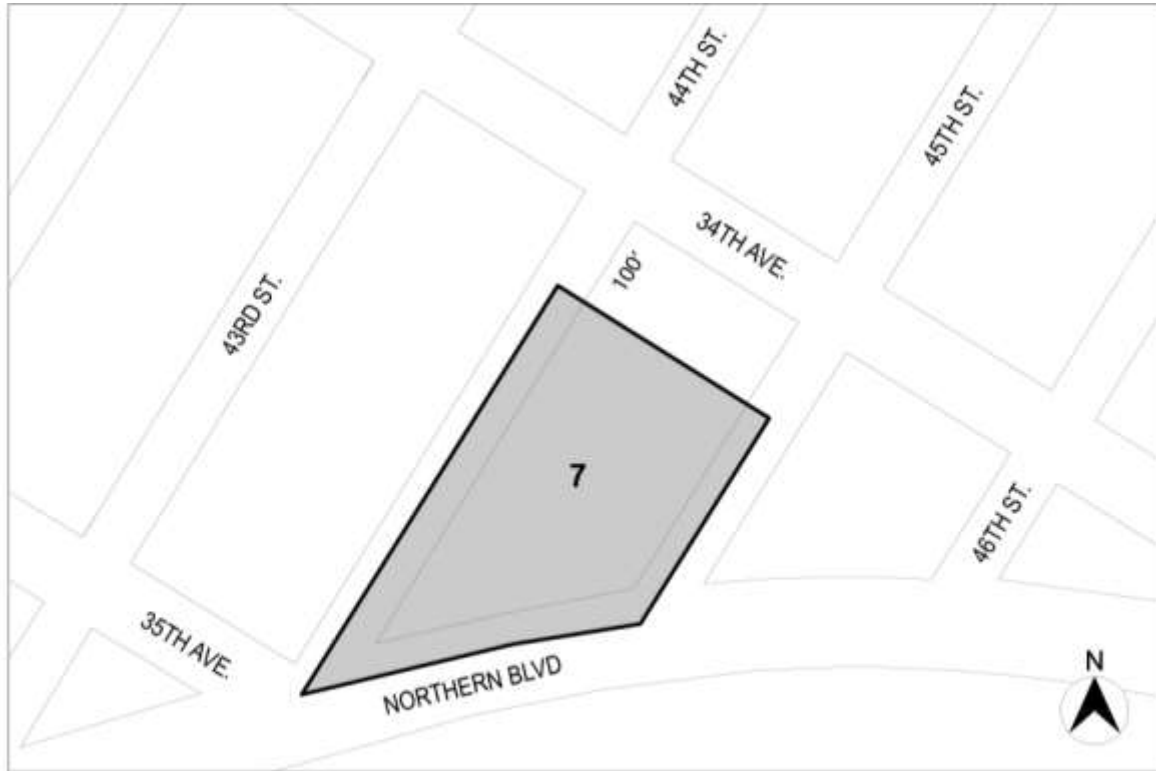
 Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area 4 — 5/29/19 MIH Program Option 2

Map 6 — (10/17/19)



 **Mandatory Inclusionary Housing Program Area** *see Section 23-154(b)(3)*
Area 6 — (10/17/19) MIH Program Option 1

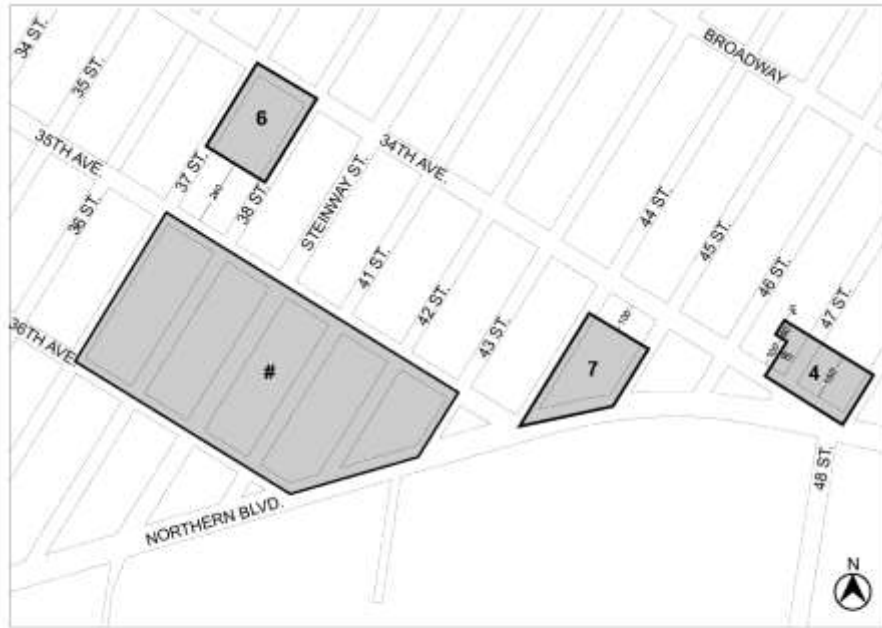
Map 7 (11/14/19)



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

Area 7 (11/14/19) — MIH Program Option 1

[PROPOSED MAP]



- Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
- Area 4 – 5/29/19 MIH Program Option 2
- Area 6 – 10/17/19 MIH Program Option 1
- Area 7 – 11/14/19 MIH Program Option 1
- Area # – [date of adoption] MIH Program Option 1

Portion of Community District 1, Queens

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

On motion of the Speaker (Council Member Adams), 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. 128 & Res. No. 408

Report of the Committee on Land Use in favor of approving, as modified, Application number C 220365 ZSQ (Innovation Queens Rezoning and LSGD) submitted by Kaufman Astoria Bedrock I, LLC, and Silverstein Astoria Member, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-745(a) of the Zoning Resolution to allow required or permitted accessory off-street parking spaces to be located anywhere within a large-scale general development without regard for zoning lot lines, in connection with a proposed mixed-use development, within a Large-Scale General Development generally bounded by 35th Avenue, Steinway Street, a line 100 feet southwesterly of 35th Avenue, a line midway between Steinway Street and 41st Street, 35th Avenue, a line 90 feet southeasterly of 42nd Street, a line 100 feet southwesterly of 35th Avenue, 43rd Street, Northern Boulevard, 42nd Street, a line 295 feet southwesterly of 35th Avenue, a line midway between 41st Street and 42nd Street, 36th Avenue, 41st Street, a line 150 feet northeasterly of 36th Avenue, a line midway between Steinway Street and 41st Street, a line 288 feet northeasterly of 36th Avenue, Steinway Street, a line 175 feet northeasterly of 36th Avenue, 38th Street, 36th Avenue, and 37th Street (Block 641, Lots 1, 4, 9, 51, 52 and 56; Block 668, Lot 5; Block 669, Lots 13, 16, and 36; Block 670, Lots 4, 8, 20, 27, 30, and 47; and Block 671, Lots 1, 8, 12, 20 and 23), in M1-4/R7-3, M1-4/R7X, M1-4/R9 and M1-5/R9-1 Districts, within a Special Mixed Use District (MX-24), Borough of Queens, Community District 1, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on October 12, 2022 (Minutes, page 2493) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 126 & Res. No. 406 printed above in the General Orders Calendars section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 408

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 220365 ZSQ, for the grant of a special permit (L.U. No. 128).

By Council Members Salamanca and Riley.

WHEREAS, Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section pursuant to Section 74-745(a) of the Zoning Resolution to allow required or permitted accessory off-street parking spaces to be located anywhere within a large-scale general development without regard for zoning lot lines, in connection with a proposed mixed-use development, within a Large-Scale General Development generally bounded by 35th Avenue, Steinway Street, a line 100 feet southwesterly of 35th Avenue, a line midway between Steinway Street and 41st Street, 35th Avenue, a line 90 feet southeasterly of 42nd Street, a line 100 feet southwesterly of 35th Avenue, 43rd Street, Northern Boulevard, 42nd Street, a line 295 feet southwesterly of 35th Avenue, a line midway between 41st Street and 42nd Street, 36th Avenue, 41st Street, a line 150 feet northeasterly of 36th Avenue, a line midway between Steinway Street and 41st Street, a line 288 feet northeasterly of 36th Avenue, Steinway Street, a line 175 feet northeasterly of 36th Avenue, 38th Street, 36th Avenue, and 37th Street (Block 641, Lots 1, 4, 9, 51, 52 and 56; Block 668, Lot 5; Block 669, Lots 13, 16, and 36; Block 670, Lots 4, 8, 20, 27, 30, and 47; and Block 671, Lots 1, 8, 12, 20 and 23), in M1-4/R7-3, M1-4/R7X,

M1-4/R9 and M1-5/R9-1 Districts, within a Special Mixed Use District (MX-24), which in conjunction with the related actions would facilitate a new five-block, 13-building mixed-use development with approximately 2,843 units, approximately 711 of which would be permanently affordable, as well as retail and office uses, in an area generally bounded by 35th Avenue to the north, 43rd Street to the east, 36th Avenue to the south, and 37th Street to the east in the Astoria neighborhood of Queens, Community District 1 (ULURP No. C 220365 ZSQ) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on October 3, 2022, its decision dated September 21, 2022 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications C 220364 ZMQ (L.U. No. 126), a zoning map amendment from M1-1 and C4-2A zoning districts to M1-4/R7X, M1-4/R7-3, M1-4/R9, and M1-5/R9-1 zoning districts; N 220367 ZRQ (L.U. No. 127), a zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) area, create a new Special Mixed Use District designation (MX-24), and reduce the required number of loading berths within the development site; C 220366 ZSQ (L.U. No. 129), a special permit to modify bulk regulations related to the distribution of floor area, rear yard regulations, minimum distance between buildings, and height and setback regulations; C 220368 ZSQ (L.U. No. 130), a special permit to modify sign regulations; C 220369 ZSQ (L.U. No. 131), a special permit to allow for a reduction in the required amount of loading berths; C 220371 ZSQ (L.U. No. 132), a special permit to allow for certain retail uses greater than 10,000 square feet on Block B; C 220373 ZSQ (L.U. No. 133), a special permit to allow for certain retail uses greater than 10,000 square feet on Block D; and C 220374 ZSQ (L.U. No. 134), a special permit to allow for certain retail uses greater than 10,000 square feet on Block E;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-745(a) of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 19, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued May 12th, 2021 (CEQR No. 21DCP180Q) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 9, 2022, in which potential significant adverse impacts related to hazardous materials, stationary air quality, and noise would be avoided through the placement of (E) designations (E-675) on project site. The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to community facilities (libraries, childcare), active open space, shadows, transportation (traffic, transit, and pedestrians), and construction activities related to noise and traffic; in addition the FEIS analyzed a modified application (called the Proposed Modified Application Alternative), as a new alternative in the FEIS included in Chapter 19 of the FEIS, “Alternatives” and concludes that the Proposed Modified Application Alternative would result in the same or similar impacts as the original application but includes a larger open space area which provides additional mitigation for the identified open space impact; and the identified significant adverse impacts and proposed mitigation measures under the proposed actions and the Proposed Modified Application Alternative are summarized in Chapter 19, “Alternatives” and Chapter 20, “Mitigation” of the FEIS, and are included in the Restrictive Declaration. A Technical Memorandum was issued on September 16, 2022 and concludes that the application as modified would not result in any significant adverse impacts that were not already identified in the FEIS issued on September 9, 2022. The Council has also considered the Technical Memorandum dated November 21, 2022. The FEIS and subsequent Technical Memoranda are collectively referred to as the “Environmental Analysis”.

RESOLVED:

Having considered the Environmental Analysis with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action, with the modifications set forth and analyzed in the Technical Memoranda dated September 16, 2022 and November 21, 2022, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
4. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, pursuant to the restrictive declaration dated November 21, 2022, those project components related to environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 220365 ZSQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications.

1. The property that is the subject of this application (C 220365 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 ODA New York filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
U.002	Zoning Analysis	09/19/2022 <u>11/21/2022</u>
U.003	LSGD Site Plan	09/19/2022 <u>11/21/2022</u>
U.005	LSGD Cellar Plan	09/19/2022 <u>11/21/2022</u>
U.100	Zoning Lot Site Plan	09/19/2022 <u>11/21/2022</u>
U.200	Zoning Lot Site Plan	09/19/2022 <u>11/21/2022</u>
U.300	Zoning Lot Site Plan	09/19/2022 <u>11/21/2022</u>
U.400	Zoning Lot Site Plan	09/19/2022 <u>11/21/2022</u>
U.500	Zoning Lot Site Plan	09/19/2022 <u>11/21/2022</u>

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated ~~September 21, 2022~~ November 21, 2022, executed by Kaufman Bedrock Astoria I LLC, Silverstein Astoria LLC, Queensboro Farm Products, Inc., Wilbee Corporation, Mayer Malbin Realty I, L.L.C., Cartergavin37 LLC, Jolivia Realty LLC, Sultan Bacchus and Bibi R. Bacchus, Bigfoot Realty, LLC, 35-18 Steinway Street, LLC, 42-11 Northern LLC, and Alfess Realty, L.L.C., the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of Queens.
5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
6. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
7. Upon 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 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 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 to disapprove any application for modification, cancellation or amendment of the special permit.
8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

On motion of the Speaker (Council Member Adams), 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. 129 & Res. No. 409

Report of the Committee on Land Use in favor of approving, as modified, Application number C 220366 ZSQ (Innovation Queens Rezoning and LSGD) submitted by Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following Sections of the Zoning Resolution, Section 74-743(a)(1) - to allow the distribution of total allowable floor area without regard for the zoning lot lines or district boundaries; and Section 74-743(a)(2) - to modify the rear yard regulations of Sections 23-40 (Yard Regulations), 43-40 (Yard Regulations) and 123-65 (Special Yard Regulations), the height

and setback requirements of Sections 23-66 (Height and Setback Requirements for Quality Housing Buildings) and 123-66 (Height and Setback Regulations), and the minimum distance between buildings regulations of Section 23-711 (Standard Minimum Distance Between Buildings); in connection with a proposed mixed-use development, within a Large-Scale General Development generally bounded by 35th Avenue, Steinway Street, a line 100 feet southwesterly of 35th Avenue, a line midway between Steinway Street and 41st Street, 35th Avenue, a line 90 feet southeasterly of 42nd Street, a line 100 feet southwesterly of 35th Avenue, 43rd Street, Northern Boulevard, 42nd Street, a line 295 feet southwesterly of 35th Avenue, a line midway between 41st Street and 42nd Street, 36th Avenue, 41st Street, a line 150 feet northeasterly of 36th Avenue, a line midway between Steinway Street and 41st Street, a line 288 feet northeasterly of 36th Avenue, Steinway Street, a line 175 feet northeasterly of 36th Avenue, 38th Street, 36th Avenue, and 37th Street (Block 641, Lots 1, 4, 9, 51, 52 and 56; Block 668, Lot 5; Block 669, Lots 13, 16, and 36; Block 670, Lots 4, 8, 20, 27, 30, and 47; and Block 671, Lot 1, 8, 12, 20 and 23), in M1-4/R7-3, M1-4/R7X, M1-4/R9 and M1-5/R9-1 Districts, within a Special Mixed Use District (MX-24), Borough of Queens, Community District 1, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on October 12, 2022 (Minutes, page 2494) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 126 & Res. No. 406 printed in the General Orders Calendars section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 409

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 220366 ZSQ, for the grant of a special permit (L.U. No. 129).

By Council Members Salamanca and Riley.

WHEREAS, Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permits pursuant to Sections 74-743(a)(1) and 74-743(a)(2) to allow the distribution of total allowable floor area without regard for the zoning lot lines or district boundaries; and to modify the rear yard regulations of Sections 23-40 (Yard Regulations), 43-40 (Yard Regulations) and 123-65 (Special Yard Regulations), the height and setback requirements of Sections 23-66 (Height and Setback Requirements for Quality Housing Buildings) and 123-66 (Height and Setback Regulations), and the minimum distance between buildings regulations of Section 23-711 (Standard Minimum Distance Between Buildings); in connection with a proposed mixed-use development, within a Large-Scale General Development generally bounded by 35th Avenue, Steinway Street, a line 100 feet southwesterly of 35th Avenue, a line midway between Steinway Street and 41st Street, 35th Avenue, a line 90 feet southeasterly of 42nd Street, a line 100 feet southwesterly of 35th Avenue, 43rd Street, Northern Boulevard, 42nd Street, a line 295 feet southwesterly of 35th Avenue, a line midway between 41st Street and 42nd Street, 36th Avenue, 41st Street, a line 150 feet northeasterly of 36th Avenue, a line midway between Steinway Street and 41st Street, a line 288 feet northeasterly of 36th Avenue, Steinway Street, a line 175 feet northeasterly of 36th Avenue, 38th Street, 36th Avenue, and 37th Street (Block 641, Lots 1, 4, 9, 51, 52 and 56; Block 668, Lot 5; Block 669, Lots 13, 16, and 36; Block 670, Lots 4, 8, 20, 27, 30, and 47; and Block 671, Lot 1, 8, 12, 20 and 23), in M1-4/R7-3, M1-4/R7X, M1-4/R9 and M1-5/R9-1 Districts, within a Special Mixed Use District (MX-24), which

in conjunction with the related actions would facilitate a new five-block, 13-building mixed-use development with approximately 2,843 units, approximately 711 of which would be permanently affordable, as well as retail and office uses, in an area generally bounded by 35th Avenue to the north, 43rd Street to the east, 36th Avenue to the south, and 37th Street to the east in the Astoria neighborhood of Queens, Community District 1 (ULURP No. C 220366 ZSQ) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on October 3, 2022, its decision dated September 21, 2022 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications C 220364 ZMQ (L.U. No. 126), a zoning map amendment from M1-1 and C4-2A zoning districts to M1-4/R7X, M1-4/R7-3, M1-4/R9, and M1-5/R9-1 zoning districts; N 220367 ZRQ (L.U. No. 127), a zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) area, to create a new Special Mixed Use District (MX-24), and to modify 74-745b to reduce the required number of loading berths within the development site; C 220365 ZSQ (L.U. No. 128), a special permit to allow for the distribution of parking spaces across the development site; C 220368 ZSQ (L.U. No. 130), a special permit to modify sign regulations; C 220369 ZSQ (L.U. No. 131), a special permit to allow for a reduction in the required amount of loading berths; C 220371 ZSQ (L.U. No. 132), a special permit to allow for certain retail uses greater than 10,000 square feet on Block B; C 220373 ZSQ (L.U. No. 133), a special permit to allow for certain retail uses greater than 10,000 square feet on Block D; and C 220374 ZSQ (L.U. No. 134), a special permit to allow for certain retail uses greater than 10,000 square feet on Block E;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-743 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 19, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued May 12th, 2021 (CEQR No. 21DCP180Q) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 9, 2022, in which potential significant adverse impacts related to hazardous materials, stationary air quality, and noise would be avoided through the placement of (E) designations (E-675) on project site. The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to community facilities (libraries, childcare), active open space, shadows, transportation (traffic, transit, and pedestrians), and construction activities related to noise and traffic; in addition the FEIS analyzed a modified application (called the Proposed Modified Application Alternative), as a new alternative in the FEIS included in Chapter 19 of the FEIS, “Alternatives” and concludes that the Proposed Modified Application Alternative would result in the same or similar impacts as the original application but includes a larger open space area which provides additional mitigation for the identified open space impact; and the identified significant adverse impacts and proposed mitigation measures under the proposed actions and the Proposed Modified Application Alternative are summarized in Chapter 19, “Alternatives” and Chapter 20, “Mitigation” of the FEIS, and are included in the Restrictive Declaration. A Technical Memorandum was issued on September 16, 2022 and concludes that the application as modified would not result in any significant adverse impacts that were not already identified in the FEIS issued on September 9, 2022. The Council has also considered the Technical Memorandum dated November 21, 2022. The FEIS and subsequent Technical Memoranda are collectively referred to as the “Environmental Analysis”.

RESOLVED:

Having considered the Environmental Analysis with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action, with the modifications set forth and analyzed in the Technical Memoranda dated September 16, 2022 and November 21, 2022, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
4. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, pursuant to the restrictive declaration dated November 21, 2022, those project components related to environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 220366 ZSQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications.

1. The property that is the subject of this application (C 220366 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 ODA New York filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
U.002	LSGD Zoning Analysis	09/19/2022 <u>11/21/2022</u>
U.003	LSGD Site Plan	09/19/2022 <u>11/21/2022</u>
U.100	Zoning Lot Site Plan	09/19/2022 <u>11/21/2022</u>
U.101	Lot Portion Analysis and Base Plane Calculations	09/19/2022
U.104	Waiver Plan	09/19/2022 <u>11/21/2022</u>
U.105	Waiver Section	09/19/2022
U.106	Waiver Section	09/19/2022
U.107	Waiver Section	09/19/2022
U.200	Zoning Lot Site Plan	09/19/2022 <u>11/21/2022</u>
U.201	Lot Portion Analysis and Base Plane Calculations	09/19/2022
U.204	Waiver Plan	09/19/2022 <u>11/21/2022</u>
U.205	Waiver Section	09/19/2022
U.206	Waiver Section	09/19/2022
U.207	Waiver Section	09/19/2022

U.300	Zoning Lot Site Plan	09/19/2022 <u>11/21/2022</u>
U.301	Lot Portion Analysis and Base Plane Calculations	04/21/2022
U.304	Waiver Plan	09/19/2022 <u>11/21/2022</u>
U.305	Waiver Section	09/19/2022
U.306	Waiver Section	04/21/2022
U.400	Zoning Lot Site Plan	09/19/2022 <u>11/21/2022</u>
U.401	Lot Portion Analysis and Base Plane Calculations	04/21/2022
U.404	Waiver Plan	09/19/2022 <u>11/21/2022</u>
U.405	Waiver Section	09/19/2022
U.406	Waiver Section	09/19/2022
U.407	Waiver Section	09/19/2022
U.500	Zoning Lot Site Plan	09/19/2022 <u>11/21/2022</u>
U.501	Lot Portion Analysis and Base Plane Calculations	04/21/2022
U.504	Waiver Plan	09/19/2022 <u>11/21/2022</u>
U.505	Waiver Section	09/19/2022
U.506	Waiver Section	09/19/2022
U.507	Waiver Section	09/19/2022
L.002	Overall Site Plan	04/21/2022 <u>11/21/2022</u>
L.100	Zoning Lot A Site Plan	04/21/2022 <u>11/21/2022</u>
L.110	PAA A1 Layout Plan	04/21/2022
L.111	PAA A1 Materials, Furnishings & Design Grades	04/21/2022
L.112.1	PAA A1 Hardscape & Furnishings Details	04/21/2022
L.112.2	PAA A1 Hardscape & Furnishings Details	04/21/2022
L.113	PAA A1 Planting Plan	04/21/2022
L.114	PAA A1 Planting Detail	04/21/2022
L.115	PAA A1 Lighting Plan	04/21/2022
L.116	PAA A1 Lighting Detail	04/21/2022
L.117	PAA A1 Section	04/21/2022
L.130	PAA A2 Layout Plan	09/19/2022
L.131	PAA A2 Materials, Furnishings & Design Grades	09/19/2022
L.132.1	PAA A2 Hardscape & Furnishings Details	09/19/2022
L.132.2	PAA A2 Hardscape & Furnishings Details	09/19/2022
L.133	PAA A2 Planting Plan	09/19/2022
L.134	PAA A2 Planting Details	09/19/2022
L.135	PAA A2 Lighting Plan	09/19/2022
L.136	PAA A2 Lighting Details	09/19/2022
L.137	PAA A2 Section	09/19/2022
L.200	Zoning Lot B Site Plan	04/21/2022 <u>11/21/2022</u>
L.220	PAA B1 Layout Plan	04/21/2022
L.211	PAA B1 Materials, Furnishings & Design Grades	04/21/2022
L.222.1	PAA B1 Hardscape & Furnishings Details	04/21/2022
L.222.2	PAA B1 Hardscape &	04/21/2022

	Furnishings Details	
L.223	PAA B1 Planting Plan	04/21/2022
L.224	PAA B1 Planting Detail	04/21/2022
L.225	PAA B1 Lighting Plan	04/21/2022
L.226	PAA B1 Lighting Detail	04/21/2022
L.227.1	PAA B1 Longitudinal Section	04/21/2022
L.227.2	PAA B1 Cross Section	04/21/2022
L.300	Zoning Lot C Site Plan	04/21/2022 <u>11/21/2022</u>
L.310	PAA C1 Layout Plan	04/21/2022
L.311	PAA C1 Materials, Furnishings & Design Grades	04/21/2022
L.312.1	PAA C1 Hardscape & Furnishings Details	04/21/2022
L.312.2	PAA C1 Hardscape & Furnishings Details	04/21/2022
L.313	PAA C1 Planting Plan	04/21/2022
L.314	PAA C1 Planting Detail	04/21/2022
L.315	PAA C1 Lighting Plan	04/21/2022
L.316	PAA C1 Lighting Detail	04/21/2022
L.317	PAA C1 Section	04/21/2022
L.400	Zoning Lot D Site Plan	04/21/2022 <u>11/21/2022</u>
L.410	PAA D1 Layout Plan	04/21/2022 <u>11/21/2022</u>
L.411	PAA D1 Materials, Furnishings & Design Grades	04/21/2022 <u>11/21/2022</u>
L.412.1	PAA D1 Hardscape & Furnishings Details	04/21/2022
L.412.2	PAA D1 Hardscape & Furnishings Details	04/21/2022
L.413	PAA D1 Planting Plan	04/21/2022 <u>11/21/2022</u>
L.414	PAA D1 Planting Detail	04/21/2022
L.415	PAA D1 Lighting Plan	04/21/2022 <u>11/21/2022</u>
L.416	PAA D1 Lighting Detail	04/21/2022
L.417	PAA D1 Section	09/19/2022
L.500	Zoning Lot E Site Plan	04/21/2022 <u>11/21/2022</u>
L.510	PAA E1 Layout Plan	04/21/2022 <u>11/21/2022</u>
L.511	PAA E1 Materials, Furnishings & Design Grades	04/21/2022 <u>11/21/2022</u>
L.512.1	PAA E1 Hardscape & Furnishings Details	04/21/2022
L.512.2	PAA E1 Hardscape & Furnishings Details	04/21/2022
L.513	PAA E1 Planting Plan	04/21/2022 <u>11/21/2022</u>
L.514	PAA E1 Planting Detail	04/21/2022
L.515	PAA E1 Lighting Plan	04/21/2022 <u>11/21/2022</u>
L.516	PAA E1 Lighting Detail	04/21/2022
L.517	PAA E1 Section	04/21/2022

- Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
- Such development shall confirm to all applicable laws and regulations relating to its construction,

operation and maintenance.

4. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated ~~September 21, 2022~~ November 21, 2022, executed by Kaufman Bedrock Astoria I LLC, Silverstein Astoria LLC, Queensboro Farm Products, Inc., Wilbee Corporation, Mayer Malbin Realty I, L.L.C., Cartergavin37 LLC, Jolivia Realty LLC, Sultan Bacchus and Bibi R. Bacchus, Bigfoot Realty, LLC, 35-18 Steinway Street, LLC, 42-11 Northern LLC, and Alfess Realty, L.L.C., the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of Queens.
5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
6. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
7. Upon 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 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 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 to disapprove any application for modification, cancellation or amendment of the special permit.
8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

On motion of the Speaker (Council Member Adams), 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. 130 & Res. No. 410

Report of the Committee on Land Use in favor of approving, as modified, Application number C 220368 ZSQ (Innovation Queens Rezoning and LSGD) submitted by Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-744(c) of the Zoning Resolution, and subject to the provisions of paragraphs (a)(1), (a)(2) or (a)(3) of Section 74-743 (Special provisions for bulk

modification), to modify the signage regulations of Section 32-60 (Sign Regulations) and Section 123-40 (Sign Regulations), in connection with a proposed mixed-use development, within a Large-Scale General Development generally bounded by 35th Avenue, Steinway Street, a line 100 feet southwesterly of 35th Avenue, a line midway between Steinway Street and 41st Street, 35th Avenue, a line 90 feet southeasterly of 42nd Street, a line 100 feet southwesterly of 35th Avenue, 43rd Street, Northern Boulevard, 42nd Street, a line 295 feet southwesterly of 35th Avenue, a line midway between 41st Street and 42nd Street, 36th Avenue, 41st Street, a line 150 feet northeasterly of 36th Avenue, a line midway between Steinway Street and 41st Street, a line 288 feet northeasterly of 36th Avenue, Steinway Street, a line 175 feet northeasterly of 36th Avenue, 38th Street, 36th Avenue, and 37th Street (Block 641, Lots 1, 4, 9, 51, 52 and 56; Block 668, Lot 5; Block 669, Lots 13, 16, and 36; Block 670, Lots 4, 8, 20, 27, 30, and 47; and Block 671, Lot 1, 8, 12, 20 and 23), in M1-4/R7-3, M1-4/R7X, M1-4/R9 and M1-5/R9-1 Districts, within a Special Mixed Use District (MX-24), Borough of Queens, Community District 1, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on October 12, 2022 (Minutes, page 2494) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 126 & Res. No. 406 printed in the General Orders Calendars section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 410

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 220368 ZSQ, for the grant of a special permit (L.U. No. 130).

By Council Members Salamanca and Riley.

WHEREAS, Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744(c) of the Zoning Resolution, and subject to the provisions of paragraphs (a)(1), (a)(2) or (a)(3) of Section 74-743 (Special provisions for bulk modification), to modify the signage regulations of Section 32-60 (Sign Regulations) and Section 123-40 (Sign Regulations) in connection with a proposed mixed-use development, within a Large-Scale General Development generally bounded by 35th Avenue, Steinway Street, a line 100 feet southwesterly of 35th Avenue, a line midway between Steinway Street and 41st Street, 35th Avenue, a line 90 feet southeasterly of 42nd Street, a line 100 feet southwesterly of 35th Avenue, 43rd Street, Northern Boulevard, 42nd Street, a line 295 feet southwesterly of 35th Avenue, a line midway between 41st Street and 42nd Street, 36th Avenue, 41st Street, a line 150 feet northeasterly of 36th Avenue, a line midway between Steinway Street and 41st Street, a line 288 feet northeasterly of 36th Avenue, Steinway Street, a line 175 feet northeasterly of 36th Avenue, 38th Street, 36th Avenue, and 37th Street (Block 641, Lots 1, 4, 9, 51, 52 and 56; Block 668, Lot 5; Block 669, Lots 13, 16, and 36; Block 670, Lots 4, 8, 20, 27, 30, and 47; and Block 671, Lot 1, 8, 12, 20 and 23), in M1-4/R7-3, M1-4/R7X, M1-4/R9 and M1-5/R9-1 Districts, within a Special Mixed Use District (MX-24), which in conjunction with the related actions would facilitate a new five-block, 13-building mixed-use development with approximately 2,843 units, approximately 711 of which would be permanently affordable, as well as retail and office uses, in an area generally bounded by 35th Avenue to the north, 43rd Street to the east, 36th Avenue to the south, and 37th Street to the east in the Astoria neighborhood of Queens, Community District 1 (ULURP No. C 220368 ZSQ) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on October 3, 2022, its decision dated September 21, 2022 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications C 220364 ZMQ (L.U. No. 126), a zoning map amendment from M1-1 and C4-2A zoning districts to M1-4/R7X, M1-4/R7-3, M1-4/R9, and M1-5/R9-1 zoning districts; N 220367 ZRQ (L.U. No. 127), a zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) area, to create a new Special Mixed Use District (MX-24), and reduce the required number of loading berths within the development site; C 220365 ZSQ (L.U. No. 128), a special permit to allow for the distribution of parking spaces across the development site; C 220366 ZSQ (L.U. No. 129), a special permit to modify bulk regulations related to the distribution of floor area, rear yard regulations, minimum distance between buildings, and height and setback regulations; C 220369 ZSQ (L.U. No. 131), a special permit to allow for a reduction in the required amount of loading berths; C 220371 ZSQ (L.U. No. 132), a special permit to allow for certain retail uses greater than 10,000 square feet on Block B; C 220373 ZSQ (L.U. No. 133), a special permit to allow for certain retail uses greater than 10,000 square feet on Block D; and C 220374 ZSQ (L.U. No. 134), a special permit to allow for certain retail uses greater than 10,000 square feet on Block E;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-744(c) of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 19, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued May 12th, 2021 (CEQR No. 21DCP180Q) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 9, 2022, in which potential significant adverse impacts related to hazardous materials, stationary air quality, and noise would be avoided through the placement of (E) designations (E-675) on project site. The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to community facilities (libraries, childcare), active open space, shadows, transportation (traffic, transit, and pedestrians), and construction activities related to noise and traffic; in addition FEIS analyzed a modified application (called the Proposed Modified Application Alternative), as a new alternative in the FEIS included in Chapter 19 of the FEIS, “Alternatives” and concludes that the Proposed Modified Application Alternative would result in the same or similar impacts as the original application but includes a larger open space area which provides additional mitigation for the identified open space impact; and the identified significant adverse impacts and proposed mitigation measures under the proposed actions and the Proposed Modified Application Alternative are summarized in Chapter 19, “Alternatives” and Chapter 20, “Mitigation” of the FEIS, and are included in the Restrictive Declaration. A Technical Memorandum was issued on September 16, 2022 and concludes that the application as modified would not result in any significant adverse impacts that were not already identified in the FEIS issued on September 9, 2022. The Council has also considered the Technical Memorandum dated November 21, 2022. The FEIS and subsequent Technical Memoranda are collectively referred to as the “Environmental Analysis”.

RESOLVED:

Having considered the Environmental Analysis with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action, with the modifications set forth and analyzed in the Technical Memoranda dated September 16, 2022 and November 21, 2022, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
4. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, pursuant to the restrictive declaration dated November 21, 2022, those project components related to environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 220368 ZSQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications.

1. The property that is the subject of this application (C 220368 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 ODA New York filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last</u>	<u>Date</u>	<u>Revised</u>
U-003	LSGD Site Plan	09/19/2022	<u>11/21/2022</u>	
U-411	Signage Waiver	09/19/2022		

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall confirm to all applicable laws and regulations relating to its construction, operation and maintenance.
4. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated ~~September 21, 2022~~ November 21, 2022, executed by Kaufman Bedrock Astoria I LLC, Silverstein Astoria LLC, Queensboro Farm Products, Inc., Wilbee Corporation, Mayer Malbin Realty I, L.L.C., Cartergavin37 LLC, Jolivia Realty LLC, Sultan Bacchus and Bibi R. Bacchus, Bigfoot Realty, LLC, 35-18 Steinway Street, LLC, 42-11 Northern LLC, and Alfess Realty, L.L.C., the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of Queens.
5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners’ association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners’ or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents

relating to the property.

6. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
7. Upon 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 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 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 to disapprove any application for modification, cancellation or amendment of the special permit.
8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

On motion of the Speaker (Council Member Adams), 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. 131 & Res. No. 411

Report of the Committee on Land Use in favor of approving, as modified, Application number C 220369 ZSQ (Innovation Queens Rezoning and LSGD) submitted by Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-745(b) of the Zoning Resolution to allow a reduction of loading berth requirements of Sections 44-52 (Required Accessory Off-Street Loading Berths) and 123-70 (Parking and Loading), within a Large-Scale General Development generally bounded by 35th Avenue, Steinway Street, a line 100 feet southwesterly of 35th Avenue, a line midway between Steinway Street and 41st Street, 35th Avenue, a line 90 feet southeasterly of 42nd Street, a line 100 feet southwesterly of 35th Avenue, 43rd Street, Northern Boulevard, 42nd Street, a line 295 feet southwesterly of 35th Avenue, a line midway between 41st Street and 42nd Street, 36th Avenue, 41st Street, a line 150 feet northeasterly of 36th Avenue, a line midway between Steinway Street and 41st Street, a line 288 feet northeasterly of 36th Avenue, Steinway Street, a line 175 feet northeasterly of 36th Avenue, 38th Street, 36th Avenue, and 37th Street (Block 641, Lots 1, 4, 9, 51, 52 and 56; Block 668, Lot 5; Block 669, Lots 13, 16, and 36; Block 670, Lots 4, 8, 20, 27, 30, and 47; and Block 671, Lot 1, 8, 12, 20 and 23), in M1-4/R7-3, M1-4/R7X, M1-4/R9 and M1-5/R9-1 Districts, within a Special Mixed Use District (MX-24), Borough of Queens, Community District 1, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on October 12, 2022 (Minutes, page 2495) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 126 & Res. No. 406 printed in the General Orders Calendars section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 411

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 220369 ZSQ, for the grant of a special permit (L.U. No. 131).

By Council Members Salamanca and Riley.

WHEREAS, Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-745(b) of the Zoning Resolution to allow a reduction of loading berth requirements of Sections 44-52 (Required Accessory Off-Street Loading Berths) and 123-70 (Parking and Loading), within a Large-Scale General Development generally bounded by 35th Avenue, Steinway Street, a line 100 feet southwesterly of 35th Avenue, a line midway between Steinway Street and 41st Street, 35th Avenue, a line 90 feet southeasterly of 42nd Street, a line 100 feet southwesterly of 35th Avenue, 43rd Street, Northern Boulevard, 42nd Street, a line 295 feet southwesterly of 35th Avenue, a line midway between 41st Street and 42nd Street, 36th Avenue, 41st Street, a line 150 feet northeasterly of 36th Avenue, a line midway between Steinway Street and 41st Street, a line 288 feet northeasterly of 36th Avenue, Steinway Street, a line 175 feet northeasterly of 36th Avenue, 38th Street, 36th Avenue, and 37th Street (Block 641, Lots 1, 4, 9, 51, 52 and 56; Block 668, Lot 5; Block 669, Lots 13, 16, and 36; Block 670, Lots 4, 8, 20, 27, 30, and 47; and Block 671, Lot 1, 8, 12, 20 and 23), in M1-4/R7-3, M1-4/R7X, M1-4/R9 and M1-5/R9-1 Districts, within a Special Mixed Use District (MX-24), which in conjunction with the related actions would facilitate a new five-block, 13-building mixed-use development with approximately 2,843 units, approximately 711 of which would be permanently affordable, as well as retail and office uses, in an area generally bounded by 35th Avenue to the north, 43rd Street to the east, 36th Avenue to the south, and 37th Street to the east in the Astoria neighborhood of Queens, Community District 1 (ULURP No. C 220369 ZSQ) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on October 3, 2022, its decision dated September 21, 2022 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications C 220364 ZMQ (L.U. No. 126), a zoning map amendment from M1-1 and C4-2A zoning districts to M1-4/R7X, M1-4/R7-3, M1-4/R9, and M1-5/R9-1 zoning districts; N 220367 ZRQ (L.U. No. 127), a zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) area, to create a new Special Mixed Use District (MX-24), and reduce the required number of loading berths within the development site; C 220365 ZSQ (L.U. No. 128), a special permit to allow for the distribution of parking spaces across the development site; C 220366 ZSQ (L.U. No. 129), a special permit to modify bulk regulations related to the distribution of floor area, rear yard regulations, minimum distance between buildings, and height and setback regulations; C 220368 ZSQ (L.U. No. 130), a special permit to modify sign regulations; C 220371 ZSQ (L.U. No. 132), a special permit to allow for certain retail uses greater than 10,000 square feet on Block B; C 220373 ZSQ (L.U. No. 133), a special permit to allow for certain retail uses greater

than 10,000 square feet on Block D; and C 220374 ZSQ (L.U. No. 134), a special permit to allow for certain retail uses greater than 10,000 square feet on Block E;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-745(b) of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 19, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued May 12th, 2021 (CEQR No. 21DCP180Q) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 9, 2022, in which potential significant adverse impacts related to hazardous materials, stationary air quality, and noise would be avoided through the placement of (E) designations (E-675) on project site. The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to community facilities (libraries, childcare), active open space, shadows, transportation (traffic, transit, and pedestrians), and construction activities related to noise and traffic; in addition the FEIS analyzed a modified application (called the Proposed Modified Application Alternative), as a new alternative in the FEIS included in Chapter 19 of the FEIS, "Alternatives" and concludes that the Proposed Modified Application Alternative would result in the same or similar impacts as the original application but includes a larger open space area which provides additional mitigation for the identified open space impact; and the identified significant adverse impacts and proposed mitigation measures under the proposed actions and the Proposed Modified Application Alternative are summarized in Chapter 19, "Alternatives" and Chapter 20, "Mitigation" of the FEIS, and are included in the Restrictive Declaration. A Technical Memorandum was issued on September 16, 2022 and concludes that the application as modified would not result in any significant adverse impacts that were not already identified in the FEIS issued on September 9, 2022. The Council has also considered the Technical Memorandum dated November 21, 2022. The FEIS and subsequent Technical Memoranda are collectively referred to as the "Environmental Analysis".

RESOLVED:

Having considered the Environmental Analysis with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action, with the modifications set forth and analyzed in the Technical Memoranda dated September 16, 2022 and November 21, 2022, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
4. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, pursuant to the restrictive declaration dated November 21, 2022, those project components related to environment and mitigation measures

that were identified as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 220369 ZSQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications.

- 1. The property that is the subject of this application (C 220369 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 ODA New York filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
U.002	Zoning Analysis	09/19/2022 11/21/2022
U.003	LSGD Site Plan	09/19/2022 11/21/2022
U.102	Ground Floor Plan	09/19/2022 11/21/2022
U.202	Ground Floor Plan	09/19/2022 11/21/2022
U.302	Ground Floor Plan	09/19/2022 11/21/2022
U.402	Ground Floor Plan	09/19/2022 11/21/2022

- 2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
- 3. Such development shall confirm to all applicable laws and regulations relating to its construction, operation and maintenance.
- 4. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated ~~September 21, 2022~~ November 21, 2022, executed by Kaufman Bedrock Astoria I LLC, Silverstein Astoria LLC, Queensboro Farm Products, Inc., Wilbee Corporation, Mayer Malbin Realty I, L.L.C., Cartergavin37 LLC, Jolivia Realty LLC, Sultan Bacchus and Bibi R. Bacchus, Bigfoot Realty, LLC, 35-18 Steinway Street, LLC, 42-11 Northern LLC, and Alfess Realty, L.L.C., the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of Queens.
- 5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners’ association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners’ or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
- 6. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
- 7. Upon 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 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 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 to disapprove any application for modification, cancellation or amendment of the special permit.

8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

On motion of the Speaker (Council Member Adams), 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. 132 & Res. No. 412

Report of the Committee on Land Use in favor of approving, as modified, Application number C 220371 ZSQ (Innovation Queens Rezoning and LSGD) submitted by Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow certain large retail establishments (Use Group 6 and/or Use Group 10A uses) with no limitation on floor area per establishment, in connection with a proposed mixed-use development, on property bounded by 35th Avenue, Steinway Street, a line 180 feet northeasterly of 36th Avenue, and 38th Street (Block 668, Lot 5), in M1-4/R7-3 and M1-4/R9 Districts, within a Special Mixed Use District (MX-24), Borough of Queens, Community District 1, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on October 12, 2022 (Minutes, page 2495) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 126 & Res. No. 406 printed in the General Orders Calendars section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 412

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 220371 ZSQ, for the grant of a special permit (L.U. No. 132).

By Council Members Salamanca and Riley.

WHEREAS, Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow certain large retail establishments (Use Group 6 and/or Use Group 10A uses) with no limitation on floor area per establishment, in connection with a proposed mixed-use development, on property bounded by 35th Avenue, Steinway Street, a line 180 feet northeasterly of 36th Avenue, and 38th Street (Block 668, Lot 5), in M1-4/R7-3 and M1-4/R9 Districts, within a Special Mixed Use District (MX-24), which in conjunction with the related actions would facilitate a new five-block, 13-building mixed-use development with approximately 2,843 units, approximately 711 of which would be permanently affordable, as well as retail and office uses, in an area generally bounded by 35th Avenue to the north, 43rd Street to the east, 36th Avenue to the south, and 37th Street to the east in the Astoria neighborhood of Queens, Community District 1 (ULURP No. C 220371 ZSQ) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on October 3, 2022, its decision dated September 21, 2022 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications C 220364 ZMQ (L.U. No. 126), a zoning map amendment from M1-1 and C4-2A zoning districts to M1-4/R7X, M1-4/R7-3, M1-4/R9, and M1-5/R9-1 zoning districts; N 220367 ZRQ (L.U. No. 127), a zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) area, to create a new Special Mixed Use District (MX-24), and reduce the required number of loading berths within the development site; C 220365 ZSQ (L.U. No. 128), a special permit to allow for the distribution of parking spaces across the development site; C 220366 ZSQ (L.U. No. 129), a special permit to modify bulk regulations related to the distribution of floor area, rear yard regulations, minimum distance between buildings, and height and setback regulations; C 220368 ZSQ (L.U. No. 130), a special permit to modify sign regulations; C 220369 ZSQ (L.U. No. 131), a special permit to allow for a reduction in the required amount of loading berths; C 220373 ZSQ (L.U. No. 133), a special permit to allow for certain retail uses greater than 10,000 square feet on Block D (withdrawn); and C 220374 ZSQ (L.U. No. 134), a special permit to allow for certain retail uses greater than 10,000 square feet on Block E;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-922 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 19, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued May 12th, 2021 (CEQR No. 21DCP180Q) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 9, 2022, in which potential significant adverse impacts related to hazardous materials, stationary air quality, and noise would be avoided through the placement of (E) designations (E-675) on project site. The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to community facilities (libraries, childcare), active open space, shadows,

transportation (traffic, transit, and pedestrians), and construction activities related to noise and traffic; in addition FEIS analyzed a modified application (called the Proposed Modified Application Alternative), as a new alternative in the FEIS included in Chapter 19 of the FEIS, “Alternatives” and concludes that the Proposed Modified Application Alternative would result in the same or similar impacts as the original application but includes a larger open space area which provides additional mitigation for the identified open space impact; and the identified significant adverse impacts and proposed mitigation measures under the proposed actions and the Proposed Modified Application Alternative are summarized in Chapter 19, “Alternatives” and Chapter 20, “Mitigation” of the FEIS, and are included in the Restrictive Declaration. A Technical Memorandum was issued on September 16, 2022 and concludes that the application as modified would not result in any significant adverse impacts that were not already identified in the FEIS issued on September 9, 2022. The Council has also considered the Technical Memorandum dated November 21, 2022. The FEIS and subsequent Technical Memoranda are collectively referred to as the “Environmental Analysis”.

RESOLVED:

Having considered the Environmental Analysis with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action, with the modifications set forth and analyzed in the Technical Memoranda dated September 16, 2022 and November 21, 2022, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
4. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, pursuant to the restrictive declaration dated November 21, 2022, those project components related to environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 220371 ZSQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications.

1. The property that is the subject of this application (C 220371 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 ODA New York filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
U.002	Zoning Analysis	09/19/2022 <u>11/21/2022</u>
U.200	Zoning Lot Site Plan	09/19/2022 <u>11/21/2022</u>

U.202	Ground Floor Plan	09/19/2022 <u>11/21/2022</u>
U.205	Waiver Section	09/19/2022
U.206	Waiver Section	09/19/2022
U.207	Waiver Section	09/19/2022

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated ~~September 21, 2022~~ November 21, 2022, executed by Kaufman Bedrock Astoria I LLC, Silverstein Astoria LLC, Queensboro Farm Products, Inc., Wilbee Corporation, Mayer Malbin Realty I, L.L.C., Cartergavin37 LLC, Jolivia Realty LLC, Sultan Bacchus and Bibi R. Bacchus, Bigfoot Realty, LLC, 35-18 Steinway Street, LLC, 42-11 Northern LLC, and Alfess Realty, L.L.C., the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of Queens.
5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
6. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
7. Upon 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 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 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 to disapprove any application for modification, cancellation or amendment of the special permit.
8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

On motion of the Speaker (Council Member Adams), 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. 133 & Res. No. 413

Report of the Committee on Land Use in favor of approving, as modified, Application number C 220373 ZSQ (Innovation Queens Rezoning and LSGD) submitted by Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow certain large retail establishments (Use Group 6 and/or Use Group 10A uses) with no limitation on floor area per establishment, in connection with a proposed mixed-use development, on property generally bounded by 35th Avenue, 42nd Street, a line 295 feet southwesterly of 35th Avenue, a line midway between 41st Street and 42nd Street, 36th Avenue, and 41st Street (Block 670, Lots 4, 8, 20, 27, 30 & 47), in M1-4/R7-3, M1-4/R7X and M1-5/R9-1 Districts, within a Special Mixed Use District (MX-24), Borough of Queens, Community District 1, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on October 12, 2022 (Minutes, page 2496) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 126 & Res. No. 406 printed in the General Orders Calendars section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 413

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 220373 ZSQ, for the grant of a special permit (L.U. No. 133).

By Council Members Salamanca and Riley.

WHEREAS, Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow certain large retail establishments (Use Group 6 and/or Use Group 10A uses) with no limitation on floor area per establishment, in connection with a proposed mixed-use development, on property generally bounded by 35th Avenue, 42nd Street, a line 295 feet southwesterly of 35th Avenue, a line midway between 41st Street and 42nd Street, 36th Avenue, and 41st Street (Block 670, Lots 4, 8, 20, 27, 30 & 47), in M1-4/R7-3, M1-4/R7X and M15/R9-1 Districts, within a Special Mixed Use District (MX-24), which in conjunction with the related actions would facilitate a new five-block, 13-building mixed-use development with approximately 2,843 units, approximately 711 of which would be

permanently affordable, as well as retail and office uses, in an area generally bounded by 35th Avenue to the north, 43rd Street to the east, 36th Avenue to the south, and 37th Street to the east in the Astoria neighborhood of Queens, Community District 1 (ULURP No. C 220373 ZSQ) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on October 3, 2022, its decision dated September 21, 2022 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications C 220364 ZMQ (L.U. No. 126), a zoning map amendment from M1-1 and C4-2A zoning districts to M1-4/R7X, M1-4/R7-3, M1-4/R9, and M1-5/R9-1 zoning districts; N 220367 ZRQ (L.U. No. 127), a zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) area, to create a new Special Mixed Use (MX-24) district, and reduce the required number of loading berths within the development site; C 220365 ZSQ (L.U. No. 128), a special permit to allow for the distribution of parking spaces across the development site; C 220366 ZSQ (L.U. No. 129), a special permit to modify bulk regulations related to the distribution of floor area, rear yard regulations, minimum distance between buildings, and height and setback regulations; C 220368 ZSQ (L.U. No. 130), a special permit to modify sign regulations; C 220369 ZSQ (L.U. No. 131), a special permit to allow for a reduction in the required amount of loading berths; C 220371 ZSQ (L.U. No. 132), a special permit to allow for certain retail uses greater than 10,000 square feet on Block B; and C 220374 ZSQ (L.U. No. 134), a special permit to allow for certain retail uses greater than 10,000 square feet on Block E;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-922 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 19, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued May 12th, 2021 (CEQR No. 21DCP180Q) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 9, 2022, in which potential significant adverse impacts related to hazardous materials, stationary air quality, and noise would be avoided through the placement of (E) designations (E-675) on project site. The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to community facilities (libraries, childcare), active open space, shadows, transportation (traffic, transit, and pedestrians), and construction activities related to noise and traffic; in addition FEIS analyzed a modified application (called the Proposed Modified Application Alternative), as a new alternative in the FEIS included in Chapter 19 of the FEIS, “Alternatives” and concludes that the Proposed Modified Application Alternative would result in the same or similar impacts as the original application but includes a larger open space area which provides additional mitigation for the identified open space impact; and the identified significant adverse impacts and proposed mitigation measures under the proposed actions and the Proposed Modified Application Alternative are summarized in Chapter 19, “Alternatives” and Chapter 20, “Mitigation” of the FEIS, and are included in the Restrictive Declaration. A Technical Memorandum was issued on September 16, 2022 and concludes that the application as modified would not result in any significant adverse impacts that were not already identified in the FEIS issued on September 9, 2022. The Council has also considered the Technical Memorandum dated November 21, 2022. The FEIS and subsequent Technical Memoranda are collectively referred to as the “Environmental Analysis”.

RESOLVED:

Having considered the Environmental Analysis with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action, with the modifications set forth and analyzed in the Technical Memoranda dated September 16, 2022 and November 21, 2022 is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
4. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, pursuant to the restrictive declaration dated November 21, 2022, those project components related to environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 220373 ZSQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications.

1. The property that is the subject of this application (C 220373 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 ODA New York filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
U.002	Zoning Analysis	09/19/2022 <u>11/21/2022</u>
U.400	Zoning Lot Site Plan	09/19/2022 <u>11/21/2022</u>
U.402	Ground Floor Plan	09/19/2022 <u>11/21/2022</u>
U.405	Waiver Section	09/19/2022
U.406	Waiver Section	09/19/2022
U.407	Waiver Section	09/19/2022

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated ~~September 21, 2022~~ November 21, 2022, executed by Kaufman Bedrock Astoria I LLC,

Silverstein Astoria LLC, Queensboro Farm Products, Inc., Wilbee Corporation, Mayer Malbin Realty I, L.L.C., Cartergavin37 LLC, Jolivia Realty LLC, Sultan Bacchus and Bibi R. Bacchus, Bigfoot Realty, LLC, 35-18 Steinway Street, LLC, 42-11 Northern LLC, and Alfess Realty, L.L.C., the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of Queens.

5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
6. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
7. Upon 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 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 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 to disapprove any application for modification, cancellation or amendment of the special permit.
8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

On motion of the Speaker (Council Member Adams), 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. 134 & Res. No. 414

Report of the Committee on Land Use in favor of approving, as modified, Application number C 220374 ZSQ (Innovation Queens Rezoning and LSGD) submitted by Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow certain large retail establishments (Use Group 6 and/or Use Group 10A uses) with no limitation on floor area per establishment, in connection with a proposed mixed-use development, on property generally

bounded by 35th Avenue, a line 90 feet southeasterly of 42nd Street, a line 100 feet southwesterly of 35th Avenue, 43rd Street, Northern Boulevard, and 42nd Street (Block 671, Lots 1, 8, 12, 20 & 23), in M1-4/R7X and M1-5/R9-1 Districts, within a Special Mixed Use District (MX-24), Borough of Queens, Community District 1, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on October 12, 2022 (Minutes, page 2496) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 126 & Res. No. 406 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 414

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 220374 ZSQ, for the grant of a special permit (L.U. No. 134).

By Council Members Salamanca and Riley.

WHEREAS, Kaufman Astoria Bedrock I, LLC and Silverstein Astoria Member, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow certain large retail establishments (Use Group 6 and/or Use Group 10A uses) with no limitation on floor area per establishment, in connection with a proposed mixed-use development, on property generally bounded by 35th Avenue, a line 90 feet southeasterly of 42nd Street, a line 100 feet southwesterly of 35th Avenue, 43rd Street, Northern Boulevard, and 42nd Street (Block 671, Lots 1, 8, 12, 20 & 23), in M1-4/R7X and M1-5/R9-1 Districts, within a Special Mixed Use District (MX-24), which in conjunction with the related actions would facilitate a new five-block, 13-building mixed-use development with approximately 2,843 units, approximately 711 of which would be permanently affordable, as well as retail and office uses, in an area generally bounded by 35th Avenue to the north, 43rd Street to the east, 36th Avenue to the south, and 37th Street to the east in the Astoria neighborhood of Queens, Community District 1 (ULURP No. C 220374 ZSQ) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on October 3, 2022, its decision dated September 21, 2022 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications C 220364 ZMQ (L.U. No. 126), a zoning map amendment from M1-1 and C4-2A zoning districts to M1-4/R7X, M1-4/R7-3, M1-4/R9, and M1-5/R9-1 zoning districts; N 220367 ZRQ (L.U. No. 127), a zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) area, to create a new Special Mixed Use District (MX-24) and to modify 74-745b to reduce the required number of loading berths within the development site; C 220365 ZSQ (L.U. No. 128), a special permit to allow for the distribution of parking spaces across the development site; C 220366 ZSQ (L.U. No. 129), a special permit to modify bulk regulations related to the distribution of floor area, rear yard regulations, minimum distance between buildings, and height and setback regulations; C 220368 ZSQ (L.U. No. 130), a special permit to modify sign regulations; C 220369 ZSQ (L.U. No. 131), a special permit to allow for a reduction in the required amount of loading berths; C 220371 ZSQ (L.U. No. 132), a special permit to allow for certain retail uses greater than 10,000 square feet on Block B; and C 220373 ZSQ (L.U. No. 133), a special permit to allow for certain retail uses greater than 10,000 square feet on Block D;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-922 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 19, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued May 12th, 2021 (CEQR No. 21DCP180Q) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 9, 2022, in which potential significant adverse impacts related to hazardous materials, stationary air quality, and noise would be avoided through the placement of (E) designations (E-675) on project site. The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to community facilities (libraries, childcare), active open space, shadows, transportation (traffic, transit, and pedestrians), and construction activities related to noise and traffic; in addition FEIS analyzed a modified application (called the Proposed Modified Application Alternative), as a new alternative in the FEIS included in Chapter 19 of the FEIS, "Alternatives" and concludes that the Proposed Modified Application Alternative would result in the same or similar impacts as the original application but includes a larger open space area which provides additional mitigation for the identified open space impact; and the identified significant adverse impacts and proposed mitigation measures under the proposed actions and the Proposed Modified Application Alternative are summarized in Chapter 19, "Alternatives" and Chapter 20, "Mitigation" of the FEIS, and are included in the Restrictive Declaration. A Technical Memorandum was issued on September 16, 2022 and concludes that the application as modified would not result in any significant adverse impacts that were not already identified in the FEIS issued on September 9, 2022. The Council has also considered the Technical Memorandum dated November 21, 2022. The FEIS and subsequent Technical Memoranda are collectively referred to as the "Environmental Analysis".

RESOLVED:

Having considered the Environmental Analysis with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action, with the modifications set forth and analyzed in the Technical Memoranda dated September 16, 2022 and November 21, 2022, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
4. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, pursuant to the restrictive declaration dated November 21, 2022, those project components related to environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 220374 ZSQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications.

1. The property that is the subject of this application (C 220374 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 ODA New York filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
U.002	Zoning Analysis	09/19/2022 <u>11/21/2022</u>
U.500	Zoning Lot Site Plan	09/19/2022 <u>11/21/2022</u>
U.502	Ground Floor Plan	09/19/2022 <u>11/21/2022</u>
U.505	Waiver Section	09/19/2022
U.506	Waiver Section	09/19/2022
U.507	Waiver Section	09/19/2022

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated ~~September 21, 2022~~ November 21, 2022, executed by Kaufman Bedrock Astoria I LLC, Silverstein Astoria LLC, Queensboro Farm Products, Inc., Wilbee Corporation, Mayer Malbin Realty I, L.L.C., Cartergavin37 LLC, Jolivia Realty LLC, Sultan Bacchus and Bibi R. Bacchus, Bigfoot Realty, LLC, 35-18 Steinway Street, LLC, 42-11 Northern LLC, and Alfess Realty, L.L.C., the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of Queens.
5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
6. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
7. Upon 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 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 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 to disapprove any application for modification, cancellation or amendment of the special permit.

8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagen; *Present, Not-Voting*: Kamillah Hanks; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

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

ROLL CALL ON GENERAL ORDERS FOR THE DAY
(Items Coupled on General Order Calendar)

- | | |
|--|--|
| (1) Int. 404-A - | Report tracking the funds paid pursuant to the New York opioid settlement sharing agreement. |
| (2) Int. 525-B - | Purchase of second-hand catalytic converters. |
| (3) Int. 609-A - | Establishing a needle, syringe, and sharps buyback pilot program. |
| (4) Int. 610-A - | Department of Education to provide information on the local 988 suicide and crisis lifeline and other related resources. |
| (5) Int. 789 - | Authorizing an increase in the amount to be expended annually in two business improvement districts. |
| (6) Preconsidered Res. 388 - | The new designation and changes in the designation of certain organizations to receive funding in the Expense Budget (Transparency Resolution). |
| (7) L.U. 116 & Res. 356-A - | App. C 220414 ZMQ (79-18 164th Street Rezoning) Borough of Queens, Community District 8, Council District 24. |
| (8) L.U. 126 & Res. 406 - | App. C 220364 ZMQ (Innovation Queens Rezoning and LSGD) Borough of Queens, Community District 1, Council District 26. |
| (9) L.U. 127 & Res. 407 - | App. N 220367 ZRQ (Innovation Queens Rezoning and LSGD) Borough of Queens, Community District 1, Council District 26. |
| (10) L.U. 128 & Res. 408 - | App. C 220365 ZSQ (Innovation Queens Rezoning and LSGD) Borough of Queens, Community District 1, Council District 26. |
| (11) L.U. 129 & Res. 409 - | App. C 220366 ZSQ (Innovation Queens Rezoning and LSGD) Borough of Queens, Community District 1, Council District 26. |

- (12) L.U. 130 & Res. 410 - **App. C 220368 ZSQ (Innovation Queens Rezoning and LSGD)**
Borough of Queens, Community District 1, Council District 26.
- (13) L.U. 131 & Res. 411 - **App. C 220369 ZSQ (Innovation Queens Rezoning and LSGD)**
Borough of Queens, Community District 1, Council District 26.
- (14) L.U. 132 & Res. 412 - **App. C 220371 ZSQ (Innovation Queens Rezoning and LSGD)**
Borough of Queens, Community District 1, Council District 26.
- (15) L.U. 133 & Res. 413 - **App. C 220373 ZSQ (Innovation Queens Rezoning and LSGD)**
Borough of Queens, Community District 1, Council District 26.
- (16) L.U. 134 & Res. 414 - **App. C 220374 ZSQ (Innovation Queens Rezoning and LSGD)**
Borough of Queens, Community District 1, Council District 26.
- (17) L.U. 139 & Res. 399 - **App. C 210230 ZMK (1571 McDonald Avenue Rezoning)**
Borough of Brooklyn, Community District 12, Council District 44.
(Coupled to be Filed pursuant to a Letter of Withdrawal).
- (18) L.U. 140 & Res. 400 - **App. N 210231 ZRK (1571 McDonald Avenue Rezoning)**
Borough of Brooklyn, Community District 12, Council District 44.
(Coupled to be Filed pursuant to a Letter of Withdrawal).
- (19) L.U. 141 & Res. 401 - **App. C 220312 ZMK (Innovative Urban Village (ENY CCC))**
Borough of Brooklyn, Community District 5, Council District 42.
- (20) L.U. 142 & Res. 402 - **App. N 220313 ZRK (Innovative Urban Village (ENY CCC))**
Borough of Brooklyn, Community District 5, Council District 42.
- (21) L.U. 145 & Res. 403 - **App. C 220311 ZSK (Innovative Urban Village (ENY CCC))**
Borough of Brooklyn, Community District 5, Council District 42.

- | | |
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| (22) L.U. 146 & Res. 404 – | App. C 220314 ZSK (Innovative Urban Village (ENY CCC))
Borough of Brooklyn, Community District 5, Council District 42. |
| (23) Preconsidered L.U. 147 & Res. 398 - | Block 2396, Lots 21, 24, 25, 26, and 27; Block 2409, Lots 8, 9, 11, 15, and 27; Block 2420, Lot 41; Block 2434, Lot 8, Brooklyn, Community District No. 1, Council District No. 34. |
| (24) Preconsidered L.U. 148 & Res. 405 - | App. G 220024 SCR (Approximately 252-Seat Early Childhood Center) Borough of Staten Island, Community District 1, Council District 49, Community School District 31. |

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

Affirmative – Abreu, Ariola, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Ossé, Restler, Richardson Jordan, Riley, Rivera, Sanchez, Schulman, Stevens, Velázquez, Vernikov, Williams, Won, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **47**.

Present, Not Voting – Paladino.

The General Order vote recorded for this Stated Meeting was 47-0-0 as shown above (with one Council Member considered present, not voting) with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int. No. 609-A**:

Affirmative – Abreu, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Ossé, Restler, Richardson Jordan, Riley, Rivera, Sanchez, Schulman, Stevens, Williams, Won, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **40**.

Negative – Ariola, Carr, Holden, Vernikov, Yeger, and the Minority Leader (Council Member Borelli) - **6**.

Abstention – Velázquez – **1**.

Present, Not Voting – Paladino.

The following was the vote recorded for **Int. No. 789**:

Affirmative – Abreu, Ariola, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Ossé, Restler, Richardson Jordan, Riley, Rivera, Sanchez, Schulman, Stevens, Velázquez, Vernikov, Williams, Won, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **46**.

Negative – Yeger – **1**.

Present, Not Voting – Paladino.

The following was the vote recorded for **Preconsidered L.U. No. 147 & Res. No. 398**:

Affirmative – Abreu, Ariola, Avilés, Ayala, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Ossé, Restler, Richardson Jordan, Riley, Rivera, Sanchez, Schulman, Stevens, Velázquez, Vernikov, Williams, Won, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **46**.

Negative – Barron – **1**.

Present, Not Voting – Paladino.

The following was the vote recorded for **L.U. No. 126 & Res. No. 406; L.U. No. 127 & Res. No. 407; L.U. No. 128 & Res. No. 408; L.U. No. 129 & Res. No. 409; L.U. No. 130 & Res. No. 410; L.U. No. 131 & Res. No. 411; L.U. No. 132 & Res. No. 412; L.U. No. 133 & Res. No. 413; and L.U. No. 134 & Res. No. 414**:

Affirmative – Abreu, Ariola, Avilés, Ayala, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Ossé, Restler, Richardson Jordan, Riley, Rivera, Sanchez, Schulman, Stevens, Velázquez, Vernikov, Williams, Won, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **46**.

Negative – Barron – **1**.

Present, Not Voting – Paladino.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 404-A, 525-B, 609-A, 610-A, and 789.*

INTRODUCTION AND READING OF BILLS

Res. No. 387

Resolution calling on the U.S. Congress to repeal the Merchant Marine Act of 1920, commonly known as the “Jones Act”.

By Council Members Ayala, Salamanca, Joseph, Farías, Louis and the Public Advocate (Mr. Williams).

Whereas, The Merchant Marine Act of 1920, commonly known as the “Jones Act,” requires that all shipping between United States (U.S.) ports be conducted by U.S. built, flagged, crewed and owned vessels; and

Whereas, The Jones Act was originally intended to promote and maintain a merchant marine industry for the sake of domestic commerce, and provide appropriate vessels and trained crews ready to assist the U.S. Navy and military in time of war or national emergency; and

Whereas, Puerto Rico, a U.S. territory and island in the Caribbean, is almost entirely reliant on shipping for the receipt of goods; and

Whereas, Therefore, the requirements of the Jones Act affect the cost of nearly every product Puerto Ricans consume; and

Whereas, a 2019 analysis conducted by consulting firm John Dunham & Associates estimated the Act increased the cost of shipping to Puerto Rico by \$568.9 million and overall consumer prices by \$1.1 billion, prevented the creation of 13,250 jobs paying \$337 million in wages, and reduced tax revenues by \$106.4 million; and

Whereas, Puerto Rico’s recovery from Hurricane Maria in 2017 has been hindered by longtime impediments to economic growth and resiliency, including the Jones Act; and

Whereas, Hurricane Fiona’s impact on Puerto Rico in 2022 was exacerbated by fact that the island had not fully recovered from Maria five years earlier; and

Whereas, The federal government has regularly granted Puerto Rico waivers from the Jones Act following hurricanes including Fiona and Maria, and has permanently exempted other United States overseas territories from the Act; and

Whereas, Economists across the ideological spectrum have condemned the Jones Act; and

Whereas, The United States’ shipping industry has radically shrunk in the century since the Jones Act passed, demonstrating that it failed in its protectionist purpose; now, therefore, be it

Resolved, That the Council of the City of New York calls on the U.S. Congress to repeal the Merchant Marine Act of 1920, commonly known as the “Jones Act.”

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 817

By Council Members Borelli, Carr, Hudson, Joseph and Farías.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the office of emergency management to hire taxis and private vehicles as an alternative to Access-a-Ride during and after coastal storms and other severe weather and natural disasters

Be it enacted by the Council as follows:

Section 1. Chapter 1 of Title 30 of the administrative code of the city of New York is amended by adding a new section 30-117 to read as follows:

§ 30-117 Alternative transportation for access-a-ride customers. a. Definitions. As used in this section, the term “access-a-ride” means the city-sponsored paratransit service for eligible customers with disabilities or health conditions that prevent them from using public buses and subways for some or all of their trips.

b. The commissioner shall designate vehicles licensed by the taxi and limousine commission to serve as alternative transportation for access-a-ride customers during and after coastal storms and other severe weather and natural disaster events in areas where such events have disrupted regular access-a-ride services until such regular services can be resumed.

c. Nothing in this section shall be interpreted to override or restrict an executive order by the mayor.

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

Referred to the Committee on Fire and Emergency Management.

Preconsidered Res. No. 388

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

By Council Member Brannan.

Whereas, On June 13, 2022, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2023 with various programs and initiatives (the “Fiscal 2023 Expense Budget”); and

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

Whereas, On June 30, 2020 the Council adopted the expense budget for Fiscal Year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”); and

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2023, Fiscal 2022, Fiscal 2021, and Fiscal 2020 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, youth, aging, and anti-poverty discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022 and Fiscal 2023 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local, youth and anti-poverty discretionary funding and certain organization receiving funding pursuant to certain initiatives; now, therefore, be it

Resolved, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2023 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the anti-poverty discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and the changes of designation of certain organizations receiving funding pursuant to the Community Safety and Victim Services Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and the changes of designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and the changes of designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the change of designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designations and the changes of designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation and the changes of designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designation and the changes of designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designation and the changes of designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the change of designation of certain organizations receiving funding pursuant to the Coalition Theaters of Color Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the new designations and the change of designation of certain organizations receiving funding pursuant to the AAPI Community Support Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Support for Arts Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Citywide Young Adult Entrepreneurship Program Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Pride At Work Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the changes of designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the changes of designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the change of designation of a certain organization receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the change of designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the change of designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the change of designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the changes of designation of certain organizations receiving funding pursuant to the Pandemic Support for Human Service Providers Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 26; and be it further

Resolved, That the City Council approves the changes of designation of certain organizations receiving funding pursuant to the Viral Hepatitis Prevention Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 27; and be it further

Resolved, That the City Council approves the change of designation of certain organizations receiving funding pursuant to the Coalition Theaters of Color Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 28; and be it further

Resolved, That the City Council approves the change of designation of a certain organization receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 29; and be it further

Resolved, That the City Council approves the change of designation of a certain organization receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 30; and be it further

Resolved, That the City Council approves the change of designation of a certain organization receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 31; and be it further

Resolved, That the City Council approves the changes of designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2021 Expense Budget, as set forth in Chart 32; and be it further

Resolved, That the City Council approves the change of designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 33; and be it further

Resolved, That the City Council approves the change of designation of a certain organization receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 34; and be it further

Resolved, That the City Council approves the change of designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 35; and be it further

Resolved, That the City Council approves the changes of designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 36; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 37; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 38.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 388 of 2022 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>).

Int. No. 818

By Council Members Brewer, Hanif, Restler, Hudson and Joseph.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of consumer and worker protection to implement an outreach and education campaign regarding the Temporary Schedule Change Act

Be it enacted by the Council as follows:

Section 1. Subchapter 6 of chapter 12 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-1264 to read as follows:

§ 20-1264 *Education and outreach.* a. *No later than September 1, 2023, and annually thereafter, the department shall conduct an outreach campaign to inform employers and employees about the rights of employees pursuant to this subchapter.*

1. *The department shall develop and distribute to employers written and electronic materials containing information related to this subchapter. Employers shall distribute written and electronic materials created by the department directly to their employees in both electronic and print format.*

2. *The department shall implement a media campaign to inform the public about their rights as employees pursuant to this subchapter. Such media campaign shall be available on the internet, television, radio, and in print.*

b. *The materials and media campaign required by this section shall be made available in English and the designated citywide languages as provided in section 23-1101.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Consumer and Worker Protection.

Int. No. 819

By Council Members Brewer, Hanif, Joseph and Powers.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the posting of lithium-ion battery safety guides in places of business and online retail platforms that sell powered mobility devices

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 15 to read as follows:

**SUBCHAPTER 15
POWERED MOBILITY DEVICES**

§ 20-699.21 *Definitions.* *For the purposes of this subchapter, the term “powered mobility devices” means motorized bicycles, motorized scooters, and other personal mobility devices powered by a lithium-ion or other storage battery. The term does not include motor vehicles or motorcycles or other mobility devices that must be registered with the New York state department of motor vehicles.*

§ 20-699.22 *Fire safety; posting of information.* a. *The commissioner shall require the posting of lithium-ion battery safety informational materials and guides in all places of business that sell powered mobility devices.*

b. *Any person who sells or offers for sale a powered mobility device in a physical retail location shall conspicuously post such materials and guides near the location where such a device is offered for sale.*

c. *Any person who sells or offers for sale a powered mobility device on an online retail platform shall conspicuously post a hyperlink to such materials and guides from each webpage where such a device is offered for sale.*

d. The violation of any provision of this section shall be punishable by a civil penalty of \$150 for a first violation, \$250 for a second violation, and \$350 for a third or subsequent violation. Each day in which a violation continues constitutes a separate violation.

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

Referred to the Committee on Consumer and Worker Protection.

Int. No. 820

By Council Members Brewer, Hanif, Restler, Joseph, Avilés and Farías.

A Local Law to amend the administrative code of the city of New York, in relation to public access to water bottle-filling stations in city buildings

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-218 to read as follows:

§ 4-218 *Public access to water bottle-filling stations in city buildings. a. Definitions. As used in this section, the following terms have the following meanings:*

City building. The term “city building” means a building owned or leased by the city and over which the department of citywide administrative services has operational control.

Commissioner. The term “commissioner” means the commissioner of citywide administrative services.

Water bottle-filling station. The term “water bottle-filling station” means a water bottle fountain or a bottle-less water dispenser.

b. Water bottle-filling stations installed in city buildings shall be made available for use by members of the public, except that the commissioner shall prescribe by rule limitations on such public access to water bottle-filling stations installed in city buildings for purposes of safeguarding public safety or health.

c. The commissioner shall, to the extent feasible, post information regarding the public availability of water bottle-filling stations in city buildings pursuant to subdivision b of this section on the external façade of such city buildings.

§ 2. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-308 to read as follows:

§ 23-308 *Water bottle-filling stations. a. Definitions. As used in this section, the term “water bottle-filling station” means a water bottle fountain or bottle-less water dispenser.*

b. The department of information technology and telecommunications shall post on the 311 citizen center website and mobile device platforms the locations of city buildings with water bottle-filling stations available for use by members of the public pursuant to section 4-218.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of citywide administrative services shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Governmental Operations.

Res. No. 389

Resolution calling on the New York State Legislature to amend the Hudson River Park Trust Act by banning non-essential use of its heliport.

By Council Members Brewer, Yeger, Hanif, Restler, Hudson, Joseph and Avilés.

Whereas, In 1998, the New York State legislature passed and then-Governor Pataki signed the Hudson River Park Act (“HRPA”), which formally designated parkland along the City’s westside; and

Whereas, Hudson River Park is a 550-acre riverfront park and estuarine sanctuary spanning four miles along the west side of Manhattan, from the northern boundary of Battery Park City in Tribeca to W 59 St. in Hell’s Kitchen; and

Whereas, Hudson River Park attracts over 17 million visits annually and offers numerous athletic and recreational activities including baseball, basketball, running, cycling and kayaking; and

Whereas, In addition to the creation of Hudson River Park, HRPA established a New York State public benefit corporation called the Hudson River Park Trust to continue the planning, construction, management and operation of the park; and

Whereas, Among Hudson River Park’s management responsibilities is the operation of the frequently trafficked West 30th Street heliport; and

Whereas, Helicopter-related noise complaints to New York City’s 3-1-1 increased from 10,359 in 2020 to 25,821 in 2021 with a vast majority of the complaints coming from Manhattan; and

Whereas, During the past 5-years, 3-1-1 has experienced a 2,329% increase in noise complaints related to helicopters; and

Whereas, New York City residents are exposed to noise and pollutants from over a thousand monthly helicopter flights; and

Whereas, According to the Natural Resources Defense Council's study "Needless Noise: The Negative Impacts of Helicopters Traffic in New York City and the Tri-State Region," exposure to frequent overhead flights are associated with a number of health effects in children, including high blood pressure, neuroendocrinological issues, impaired psychological and cognitive functions, learned helplessness, poorer long-term memory, and diminished reading comprehension; and

Whereas, Helicopters emit air pollutants such as particulate matter, nitrogen oxide and formaldehyde, which are known to cause asthma, cancer and other illnesses; and

Whereas, In addition to the health concerns there have been several notable helicopter related accidents over the City's airspace, raising congestion and safety issues; and

Whereas, In May of 2019, a charter helicopter crashed into the Hudson River while the pilot, who suffered a hand injury, was moving the aircraft from the fueling area to the customer section of the Hudson River Park’s West 30th Street Heliport; and

Whereas, Parks and heliports, especially one that is heavily trafficked as the West 30th Street heliport, are not meant for co-location; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to amend the Hudson River Park Trust Act by banning non-essential use of its heliport.

Referred to the Committee on Economic Development.

Res. No. 390

Resolution calling upon the Metropolitan Transportation Authority to conduct a comprehensive Environmental Impact Study on the viability of the proposed QueensLink project.

By Council Members Brooks-Powers, Ariola, Holden and Restler.

Whereas, The Metropolitan Transportation Authority (MTA) is the entity in New York State (NYS) responsible for providing the public transit needs of its residents, including operating service locally through New York City Transit and the Long Island Rail Road (LIRR); and

Whereas, There are several neighborhoods in New York City (NYC or the City), particularly in areas of the Borough of Queens, that have limited subway access and are considered transit or subway deserts; and

Whereas, According to a recent report published by the Office of the NYS Comptroller, the use of public transit in NYC fosters foot traffic and economic activity in and around travel hubs, neighborhood stations and bus stops, and improves the affordability of living in the City by reducing the need for personal vehicles; and

Whereas, One proposal, being advanced by a not-for-profit organization dedicated to that purpose, seeks to add an additional public transit option in the City through the 3.5-mile-long transit and park corridor project called QueensLink, which would connect northern and southern Queens; and

Whereas, The proposed QueensLink would run along the corridor formerly known as the Rockaway Beach Branch (RBB), which is a segment of a former LIRR rail line that has not been in use since 1962; and

Whereas, Under the current proposal, QueensLink would extend service on the New York City Transit M Train from Rego Park to the Rockaways, offering local residents a more direct route from Southern Queens into Midtown Manhattan, and potentially serving an estimated eighty-eight thousand daily riders; and

Whereas, Proponents of the QueensLink proposal argue that an MTA investment of more than \$3 billion in this project would create up to 150,000 new jobs, result in a \$13 billion increase in personal income, and potentially increase property values along the corridor by up to \$75 billion; and

Whereas, The proposal for QueensLink also includes up to thirty-three acres of space for parks, trails or newly created farmer's markets alongside and underneath the railroad tracks; and

Whereas, In 2019, the MTA released their RBB reactivation feasibility study which found that restoring service on the line is possible, albeit at a higher estimated cost, and the MTA estimated it could potentially serve 47,000 daily riders; and

Whereas, Potentially reactivating the RBB along the former LIRR right-of-way in Central Queens is currently being evaluated, along with other projects, for potential inclusion in the MTA's 2025-2044 20-Year Needs Assessment which will form the basis for the agency's 2025-2029 Capital Program; and

Whereas, In August 2022, 17 City, State, and Federal officials from Queens signed on to a letter of support asking the Governor and the Mayor to fund an Environmental Impact Study for the QueensLink proposal; now, therefore, be it

Resolved, That the Council of the City of New York, calls upon the Metropolitan Transportation Authority to conduct a comprehensive Environmental Impact Study on the viability of the proposed QueensLink project.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 391

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S15A/A8855A, and S7514/A4231, and for the Governor to exercise clemency power to release older adults who are incarcerated.

By Council Members Cabán, Nurse, Hanif, Hudson, Joseph, Farías and Brewer.

Whereas, According to Release Aging People in Prison (RAPP), the number of elders behind bars over the past 20 years has more than doubled; and

Whereas, According to the New York State Senate Crime Victims, Crime and Correction Committee, New York State holds the distinction of having the third largest population of people serving life prison terms in the country; and

Whereas, Housing an older adult in State prison, as defined by the New York State Department of Correction and Community Supervision (DOCCS) to be adults 55 years of age or older, costs New York taxpayers between \$100,000 and \$240,000 annually; and

Whereas, Studies show that rearrest rates for older adults released from prison are low, particularly for those originally convicted of serious crimes; and

Whereas, Many older adult incarcerated men and women who have served decades in prison for crimes have taken responsibility, transformed their lives, developed skills and abilities and pose little if any public safety risk to the community; and

Whereas, In practice, the Parole Board rarely releases an incarcerated person on their first appearance if the underlying crime was violent, even if it took place more than 25 years prior to the board appearance and even when the incarcerated person has a low risk of reoffending; and

Whereas, Current law makes the board susceptible to political pressure to deny parole to incarcerated individuals with high profile crimes, even if they have been thoroughly rehabilitated with excellent prison records; and

Whereas, S15A, sponsored by Senator Brad Holyman, and A8855A, sponsored by Assemblywoman Maritza Davila, seek to provide a Parole Board interview in relation to parole eligibility for certain incarcerated persons aged fifty-five or older who have served at least 15 years; and

Whereas, S15A/A8855A authorize the Parole Board to determine if people incarcerated who are 55 or older should be released to community supervision within 60 days of their 55th birthday or the last day of the 15th year of their sentence, whichever is later, but if release is not granted then the person shall be given a subsequent interview no more than 24 months later; and

Whereas, To achieve transparency, S15A/A8855A require the Board of Parole to report quarterly to the Governor, Legislature, and public about the outcomes of elder parole; and

Whereas, S7514, sponsored by Senator Julia Salazar, and A4231A sponsored by Assembly Member David Weprin, mandate the Board of Parole shall release incarcerated persons who are eligible for release on parole, unless such person presents a current and unreasonable risk of violating the law or such risk cannot be mitigated by parole supervision; and

Whereas, S7514/A4231 provide a more meaningful parole review process for incarcerated people who are already parole eligible and ensures that people are evaluated for release based on who they are today, including their rehabilitation efforts, personal transformation, and their current risk of violating the law; and

Whereas, S7514/A4231 establishes the Parole Board must be staffed with 19 commissioners as the law allows and should be comprised of people who share our values of redemption, transformation, and mercy; and

Whereas, The Governor of New York has clemency powers granted by the New York State Constitution; and

Whereas, Clemency as defined by the State Constitution (Article IV, Section 4) provides the Governor the power to grant reprieves, commutations, and pardons after convictions for all offenses except treason and cases of impeachment; and

Whereas, According to New Yorkers for Clemency, many people serving life sentences and sentences so long that they will surely die in prison before they are ever even eligible for parole, entered the prison system when they were teenagers, and have served decades of their sentence; and

Whereas, Over the course of their lengthy sentences, they have amassed admirable achievements, including mentoring younger people in and out of prison while encouraging them to realize their full potential; and

Whereas, The Governor of New York has the opportunity to save lives and reunite people with their families by granting clemency frequently, inclusively, and transparently; and

Whereas, Clemency should not be limited to once or twice per year as a gift for the holidays or new year, but rather granted on an ongoing frequent basis throughout the year; and

Whereas, In the interest of inclusivity, clemency should not excluding anyone based on the nature of their crime, sentence, or time served as everyone is deserving of redemption and a second chance; and

Whereas, Elder prison reform legislation would bring hope to incarcerated older adults who have worked hard to change and would allow people the chance to safely return to their communities and families and save the state hundreds of millions of dollars that could be reinvested to meet critical community needs; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, S15A/A8855A, and S7514/A4231, and for the Governor to exercise clemency power to release older adults who are incarcerated.

Referred to the Committee on Criminal Justice.

Res. No. 392

Resolution supporting a democratically governed public entity that will provide reliable and affordable electrical power to the people of Puerto Rico and supporting the cancellation of the contract with LUMA Energy.

By Council Members Cabán, Avilés, Rivera, Farías, Velázquez, Ayala, Stevens, Hanif, Restler, Hudson, Gutiérrez, Krishnan, Won, Nurse, Abreu, Brewer, Marte, Sanchez, Brooks-Powers and Schulman.

Whereas, According to United States (US) Census estimates for 2019, New York City (NYC) has a population of more than 650,000 people of Puerto Rican origin, or about 8 percent of NYC's total population; and

Whereas, Mayor Eric Adams emphasized NYC's strong connection to Puerto Rico, referring to it as NYC's "sixth borough" when responding to the devastation in Puerto Rico caused by Hurricane Fiona in September, 2022, which left the entire island without power and further compromised its already severely damaged electrical grid; and

Whereas, Access to affordable and reliable electricity is a basic human need and right; and

Whereas, Climate change will result in increasing frequency and intensity of the kinds of hurricanes that have wreaked havoc on Puerto Rico in recent years—Irma and Maria in 2017 and Fiona in 2022—and have virtually destroyed the power grid that is essential to the well-being of all Puerto Ricans; and

Whereas, Following Irma and Maria, families were displaced and left without power, water, food, medical care, communications, and transportation for months as thousands of Puerto Ricans died; and

Whereas, The Puerto Rico Electric Power Authority (PREPA), a public corporation and the sole electricity utility in Puerto Rico, owns and operates the generation, transmission, and distribution facilities that provide electricity to about 1.5 million customers; and

Whereas, On June 22, 2020, PREPA and the Puerto Rico Public-Private Partnership Authority chose LUMA Energy—a private US-Canadian consortium of Houston-based Quanta Services and Alberta-based ATCO—to operate, maintain, and modernize PREPA's badly damaged electricity transmission and distribution system over the next 15 years through a public-private partnership; and

Whereas, Concerned Puerto Rican residents and union workers have criticized the services provided by LUMA Energy as being both too expensive, due to a total of seven rate hikes since June, 2021, and too unreliable, with frequent and lengthy power outages; and

Whereas, Members of the Unión de Trabajadores de la Industria Eléctrica y Riego (UTIER), the union that represents PREPA workers, were offered jobs with LUMA, but those offers included working conditions that were worse than those they had won through a collective bargaining agreement and would cause loss of seniority, pensions, and preferred health care plans; and

Whereas, Experienced, skilled linemen who did not transition to work for LUMA were, under Puerto Rican law, reassigned to other government jobs, which did not utilize their training and in which they were not interested; and

Whereas, Concerned Puerto Ricans and union workers have expressed their disapproval of the temporary contract with LUMA Energy, including through protests in Aguadilla and San Juan and, in solidarity, through protests by Puerto Ricans and New Yorkers of Puerto Rican heritage in NYC's Union Square; and

Whereas, Puerto Rico's House of Representatives passed a resolution calling for the termination of LUMA Energy's temporary contract, which expires on November 30, 2022; and

Whereas, LUMA Energy has faced hearings before the Natural Resources Committee of the US House of Representatives and a call from New York State Attorney General Letitia James for a federal investigation into the consortium; and

Whereas, Many concerned citizens believe that PREPA could better serve the people of Puerto Rico by providing electricity efficiently and effectively if it were governed by a board democratically elected by the public; and

Whereas, Puerto Rico's status as one of the world's oldest colonies, with a history of military occupation and protectorate status since 1508, makes it even more important for its public electrical utility to be governed by a board that is democratically elected by Puerto Ricans themselves; now, therefore, be it

Resolved, That the Council of the City of New York supports a democratically governed public entity that will provide reliable and affordable electrical power to the people of Puerto Rico and supports the cancellation of the contract with LUMA Energy.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 393

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.9398/S.8166, to establish the Nail Salon Minimum Standards Act.

By Council Members De La Rosa, Hanif, Restler, Hudson, Farías and Brewer.

Whereas, Labor regulations have historically excluded industries that depend on disproportionate numbers of female and immigrant workers; and

Whereas, New York's growing nail salon industry, the most geographically concentrated of any state, is overwhelmingly staffed by women of color and recent immigrants; and

Whereas, Years of reporting have indicated that nail salons are rife with exploitation including wage theft and harassment; and

Whereas, Many workers in these salons report the enforcement of a rigid ethnic and racial hierarchy which leaves members of certain ethnic groups with fewer protective gear and less desirable assignments; and

Whereas, Work in nail salons presents occupational hazards such as lengthy hours, unpredictable schedules, and exposure to potentially harmful chemical fumes; and

Whereas, Nail salon employees report that salon owners have skirted recent labor reforms regarding minimum wage, while academic studies suggest workers in the New York City metropolitan area make less than those elsewhere in the state and significantly less than a living wage for a single adult, despite the city's higher cost of living; and

Whereas, Nail salon employees report that few owners comply with the bill of rights, established by the New York Department of State, that entitles workers in the industry to mandatory breaks, tips, and a minimum wage; and

Whereas, Nail salons rarely provide their employees with benefits such as health insurance; and

Whereas, Immigrant workers with limited English speaking ability or awareness of local laws may not know what protections they are entitled to receive; and

Whereas, Employees in industries without robust labor protections may face retaliation for attempts to organize their fellow worker; and

Whereas, The high level of competition in the nail salon business incentivizes charging the lowest possible prices and can discourage owners from paying higher wages or providing benefits without industry-wide coordination; and

Whereas, Recently passed state legislation, such as the 2019 Farm Labor Fair Practices Act, provides a model for how laws can help workers in industries that have often been cut out of labor protections and foster organization for collective bargaining to improve pay and conditions; and

Whereas, the Nail Salon Minimum Standards Act would establish a Nail Salon Minimum Standards Council to investigate wages and standards within the nail salon industry and submit recommendations on minimum wages, regulations and standards for nail salon workers; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.9398/S.8166, to establish the Nail Salon Minimum Standards Act.

Referred to the Committee on Civil Service and Labor.

Int. No. 821

By Council Members Farías, Stevens, Sanchez, Hudson and Joseph.

A Local Law to amend the administrative code of the city of New York, in relation to requiring building owners to provide shower hoses and informational materials on Legionnaires' disease to tenants

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-194.2 to read as follows:

§ 17-194.2 *Building owner response to a confirmed case of Legionnaires' disease. a. Definitions. As used in this section, the following terms have the following meanings:*

Building water system. The term "building water system" means shared water sources that distribute water throughout residential buildings with multiple dwelling units such as cooling towers, water tanks and other plumbing equipment.

Confirmed case of Legionnaires' disease. The term "confirmed case of Legionnaires' disease" means a person diagnosed with Legionnaires' disease that is a tenant in a covered building.

Covered building. The term "covered building" means a residential building whose tenants receive water from a building water system.

Dwelling unit. The term "dwelling unit" has the meaning ascribed to such term by subchapter 1 of the housing maintenance code.

Shower hose. The term "shower hose" means a flexible tube that can be attached to most shower fixtures and provides a steady stream of water.

b. Confirmed cases of Legionnaires' disease in covered buildings. 1. The department shall immediately notify the owner of a covered building when there is a confirmed case of Legionnaires' disease in such building.

2. Within 24 hours of being notified of a confirmed case of Legionnaires' disease, the owner of such covered building, and the owner of any building that shares a building water system with such covered building, shall:

(a) Provide a shower hose to each occupied dwelling unit in such building;

(b) Provide the notice required by subdivision c of this section to each occupied dwelling unit of such building; and

(c) Post the notice required by subdivision c of this section at the entrance of such building and in a conspicuous location on each floor of such building.

3. The shower hose and notices required to be provided by paragraph 2 of this subdivision shall be provided until a test of the building water system does not yield a positive Legionella culture result equal to or more than 50 CFU/ml for at least 30 days after the owner of the covered building was notified of a confirmed case of Legionnaires' disease in such building.

c. Informational materials. No later than March 1, 2023, the department shall create and post on its website a notice that may be easily printed and distributed containing information on Legionnaires' disease, including but not limited to how the disease may be contracted, the health risks associated with contracting the disease, increased risk factors for contracting the disease and ways to prevent contracting the disease. Such notice shall include a disclaimer that any shower hose provided by an owner of a covered building has not been proven to prevent contracting Legionnaires' disease.

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

Referred to the Committee on Health.

Int. No. 822

By Council Members Gutiérrez, Restler, Powers and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a battery safety certification for powered mobility device mechanics

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York, is amended by adding a new subchapter 15 to read as follows:

*SUBCHAPTER 15
POWERED MOBILITY DEVICES*

§ 20-699.21 Definitions. For the purposes of this subchapter, the term “powered mobility device” means a motorized bicycle, motorized scooter and other personal mobility device powered by a lithium-ion or other storage battery. The term does not include motor vehicles or motorcycles or other mobility devices that must be registered with the New York state department of motor vehicles.

§ 20-699.22 Powered mobility device mechanic certification. a. The commissioner shall establish by rule a process by which powered mobility device mechanics may apply to be recognized as certified in powered mobility device battery safety. The commissioner shall establish the criteria for such certification process.

b. The commissioner shall require by rule all such powered mobility device mechanics to be certified pursuant to subdivision a of this section and shall maintain on the department’s website and update at least monthly a list of all mechanics who are certified pursuant to subdivision a of this section.

c. The commissioner shall conduct outreach and education about the provisions of this subchapter. Such outreach and education shall be provided to food delivery workers, third-party food delivery services and other groups frequently using powered mobility devices that the commissioner may identify.

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

Referred to the Committee on Consumer and Worker Protection.

Res. No. 394

Resolution calling on the United States Consumer Product Safety Commission to establish rules and regulations for the safe use of e-bike batteries.

By Council Members Gutiérrez, Powers, Hanif, Stevens, Restler, Hudson, Joseph, Avilés, Brewer and Riley.

Whereas, Over the past several years, micromobility devices, such as e-bikes, have become a popular transportation option in cities across the United States (U.S.); and

Whereas, In 2020, New York State law was amended to make it lawful for e-bikes to operate on some of the State’s streets and highways; and

Whereas, Subsequently, New York City also enacted legislation that legalized the use of certain types of e-bikes throughout the City; and

Whereas, Many of the e-bikes in use today are powered by lithium-ion batteries, a type of battery that uses electrically connected lithium cells to store and release power by converting chemical potential energy into electrical energy using lithium in ionic form, for its rechargeability, instead of in its solid metallic form, which is non-rechargeable; and

Whereas, According to the U.S. Environmental Protection Agency, lithium-ion batteries are made of materials such as cobalt, graphite and lithium, each of which can cause harm to human health or the environment if they are not properly managed or disposed of at the end of their useful life; and

Whereas, Lithium cells and batteries are considered a hazardous material under the U.S. Department of Transportation's Hazardous Materials Regulations, and thus there are communication requirements for their packaging to govern the markings, labeling, shipping papers and emergency response information, when they are being transported by air, highway, rail, or water, in order to prevent incidents, including fires, on airplanes and other transportation vehicles; and

Whereas, Physical impacts, exposure to extreme temperatures, improper use, or improper charging can damage lithium-ion batteries, rendering them defective, and potentially causing individual cells to fail, which generates heat that damages neighboring cells in a chain reaction known as thermal runaway, potentially creating a hazardous situation that can lead to a fire or an explosion; and

Whereas, According to published reports, as of September 1, 2022, the New York City Fire Department had investigated 130 fires so far this year tied to lithium-ion batteries, resulting in 73 injuries and five deaths, and representing an increase from the 104 lithium-ion battery related investigations the agency conducted in 2021, the 44 conducted in 2020 and the 30 conducted in 2019; and

Whereas, In January 2020, Underwriters Laboratories (UL), a global safety certification company, published UL 2849 a new standard for e-bike systems and certification of an e-bikes' electrical components, in order to address specific issues related to those devices, including mechanical, electrical and functional safety; and

Whereas, Currently, UL certification is not required by federal law for e-bikes; and

Whereas, A federal law enacted in 2002 placed certain e-bikes under the purview of the U.S. Consumer Product Safety Commission (CPSC), an independent federal regulatory agency formed in 1972 whose mission is “to protect the public against unreasonable risks of injury or death from consumer products through education, safety standards activities, regulation, and enforcement,” and applied to e-bikes the existing regulations meant for human powered bicycles; and

Whereas, In the past, the CPSC has implemented safety rules on other commercial products, including hoverboards that used lithium-ion batteries that did not meet the UL safety standard; now, therefore, be it

Resolved, That the Council of the City of New York, calls on the United States Consumer Product Safety Commission to establish rules and regulations for the safe use of e-bike batteries.

Referred to the Committee on Consumer and Worker Protection.

Int. No. 823

By Council Member Holden.

A Local Law to amend the administrative code of the city of New York, in relation to rent stabilized housing disclosures by council members

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 12 of the administrative code of the City of New York is amended by adding a new section 12-110.1 to read as follows:

§ 12-110.1 Rent stabilized housing disclosures by council members. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Conflicts of interest board. The term “conflicts of interest board” means the conflicts of interest board appointed pursuant to section 2602 of the charter.

Rent stabilized housing accommodation. The term “rent stabilized housing accommodation” means any housing accommodation subject to the rent stabilization law of 1969 or the emergency tenant protection act of 1974.

b. Disclosure report. 1. Each council member shall file with the conflicts of interest board an annual disclosure report, no later than such date designated by the conflicts of interest board each year, indicating whether the primary residence of such council member is a rent stabilized housing accommodation. Such report shall not require disclosure of the address or other location information of any rent stabilized housing accommodation.

2. Reports required pursuant to this section shall, except as otherwise provided by the conflicts of interest board, be filed electronically, in such form as the board shall prescribe.

3. Any amendments or changes to a report required pursuant to this section made after its filing shall be made on a form as prescribed by the conflicts of interest board.

c. Public inspection of reports and privacy considerations. Information filed in reports required pursuant to this section shall be maintained by the conflicts of interest board and shall be made available for public inspection, upon written request on such form as the board shall prescribe. The availability of reports for public inspection pursuant to this subdivision is subject to the following provisions:

1. Any council member required to file a report pursuant to this section may, at the time the report is filed or at any time thereafter, except when a request for inspection is pending, submit a request to the conflicts of interest board, in such form as the board shall prescribe, to withhold any item disclosed therein from public inspection on the ground that the inspection of such item by the public would constitute an unwarranted invasion of such council member's privacy or a risk to the safety or security of such council member. Such request shall be in writing and in such form as the conflicts of interest board shall prescribe and shall set forth the reason such council member believes the item should not be disclosed. During the time for evaluation of such a request, such report shall not be available for public inspection.

2. The conflicts of interest board shall evaluate such request and any such item shall be withheld from public inspection upon a finding by the board that the inspection of such item by the public would constitute an unwarranted invasion of privacy or a risk to the safety or security of such council member. In making this determination, the board shall consider the following factors:

(a) Whether the item is of a highly personal nature;

(b) Whether the item in any way relates to the duties of the council member, including whether there are security or safety issues relating to such duties;

(c) Whether the disclosure poses a risk to the security or safety of the council member; and

(d) Whether the item involves an actual or potential conflict of interest.

3. The conflicts of interest board shall provide a written notification of the board's determination to the council member who requested that information be withheld from public inspection and shall not release the information subject to the request until at least 10 days after mailing of the notification. Such notification shall advise the council member of such council member's right to seek review of such determination by the supreme court of the state of New York and that the conflicts of interest board will not release the information subject to the request until 10 days after the mailing of the notification.

4. Where a council member required to file a report pursuant to this section files an amendment to a previously submitted report, both the original submission and the amendment shall be available for public inspection, subject to the provisions of this subdivision.

5. The conflicts of interest board shall establish procedures governing the withholding of information on the ground of privacy, safety or security. Such procedures shall include provision for the council member who filed the information to appear in person to set forth, or submit a written statement setting forth, the reasons why the information should be withheld from public inspection.

d. Retention of reports. Reports filed pursuant to this section shall be retained by the conflicts of interest board for a period of 2 years following the termination of the public employment or service of the council member who filed the report. Such reports shall thereafter be destroyed by the board. In lieu of the destruction of such reports, the board, in its discretion, may establish procedures providing for their return to the council member who filed them.

e. Penalties. Any council member required to file a report pursuant to this section who has not so filed at the end of one week after the date required for filing as designated by the conflicts of interest board shall be subject to a fine of not less than \$250 nor more than \$1,000. Factors to be considered by the conflicts of interest board in determining the amount of the fine shall include, but not be limited to, the length of delay in filing the report and the council member's failure in prior years to file a report in a timely manner.

§ 2. This local law takes effect 120 days after it becomes law, except that the conflicts of interest board shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Standards and Ethics.

Res. No. 395

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S728/A2198 and S836/A1732, and for the Governor to sign S688/A807, which would increase access to pre-exposure prophylaxis and post-exposure prophylaxis.

By Council Members Hudson, Ossé, Cabán, Schulman, Bottcher, Hanif, Restler, Joseph, Farías, Menin, Krishnan, Barron, Velázquez, Avilés and Brewer.

Whereas, According to the World Health Organization, human immunodeficiency virus (HIV) is an infection that attacks the body's immune system, specifically the white blood cells called CD4 cells, which weakens a person's immunity against opportunistic infections, such as tuberculosis and fungal infections, severe bacterial infections, and some cancers; and

Whereas, According to the New York City Department of Health and Mental Hygiene (DOHMH), despite ongoing improvements in the epidemiology of HIV and the fact that New York City remains on track to reach its goals related to ending the HIV epidemic, inequities in HIV do persist; and

Whereas, In New York City, 1,396 new HIV diagnoses were made and reported in 2020; and

Whereas, According to DOHMH, the number of new HIV diagnoses reported in New York City from 2001 to 2020 decreased overall and among people of all gender, ages at diagnosis, and boroughs of residence, and most race/ethnicities and transmission categories; and

Whereas, However, the decrease was significant for all subgroups except people who are transgender, Asian/Pacific Islander, and transgender with sexual contact; and

Whereas, In 2020, the HIV diagnosis rate among Black men was 1.8 times higher than the rate among Latino/Hispanic men, more than four times higher than the rate among white men, and more than five times higher than the rates among Asian/Pacific Islander, Native American, and multiracial men; and

Whereas, In 2020, the HIV diagnosis rate among Black women was two times higher than the rate among Latina/Hispanic and multiracial women, 22 times higher than the rate among white women, and more than 17 times higher than the rates among Asian/Pacific Islander women; and

Whereas, Increased access to HIV prevention services are needed to address these inequities; and

Whereas, Post-Exposure Prophylaxis (PEP) is an emergency medicine for people who are HIV-negative and may have been exposed to HIV; and

Whereas, Pre-exposure prophylaxis (PrEP) is a safe and effective daily pill that can greatly reduce a person's risk of HIV infection; and

Whereas, Increasing access to PEP and PrEP can help reduce the spread of HIV; and

Whereas, According to DOHMH, in New York State, PrEP is covered by Medicaid and most health insurance plans without any copays for medicines, lab work, or clinic visits; and

Whereas, Despite this level of access, not everyone has insurance that covers PrEP without a copay; and

Whereas, S688, sponsored by Senator Brad Hoylman, and A807, sponsored by Assembly Member Daniel O'Donnell, requires insurance coverage for PrEP and PEP to prevent HIV infection; and

Whereas, S688/A807 was passed by both the Assembly and the Senate, and should be signed by Governor Hochul; and

Whereas, S728, sponsored by Senator Brad Hoylman, and A2198, sponsored by Assembly Member Didi Barrett, authorizes pharmacists to dispense PrEP and PEP; and

Whereas, S728/A2198 would allow pharmacists to dispense the medications before a patient receives a doctor's prescription for a maximum of 60 days, which would allow people to access PrEP even if they don't have a regular doctor, are waiting for an appointment, have just moved to a new place, or have just become sexually active; and

Whereas, S836, sponsored by Senator Brad Hoylman, and A1732, sponsored by Assembly Member Richard Gottfried, prohibits health insurers from requiring prior authorization for PrEP; and

Whereas, According to the legislation's stated justification, complaints to the New York State Department of Financial Services about health insurance plans "use of stringent prior authorization requirements and improper denials of coverage" resulted in the agency sending a December 2017 circular letter to all health insurers reiterating that "issuers offering prescription drug coverage must cover PrEP," that "such coverage should be subject only to

reasonable utilization management measures," and that "no insured may be discriminated against in the prescribing or coverage of medically necessary treatments"; and

Whereas, All those eligible for PrEP and PEP should have access to it, especially communities disproportionately impacted by new HIV diagnoses; 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, S728/A2198 and S836/A1732, and for the Governor to sign S688/A807, which would increase access to pre-exposure prophylaxis and post-exposure prophylaxis.

Referred to the Committee on Health.

Int. No. 824

By Council Members Ossé, Powers, De La Rosa, Hanif, Hudson and Joseph.

A Local Law to amend the administrative code of the city of New York, in relation to reducing the monetary threshold for coverage under the Freelance Isn't Free Act

Be it enacted by the Council as follows:

Section 1. Section 20-927 of the administrative code of the city of New York is amended by adding a new definition of "licensed freelance worker" in alphabetical order to read as follows:

Licensed freelance worker. The term "licensed freelance worker" means a freelance worker required to be licensed or permitted to lawfully carry on their business, trade or occupation. This term does not include:

- 1. Any person who practices cosmetology as defined in section 400 of the general business law;*
- 2. Any person who practices natural hair styling as defined in section 400 of the general business law;*
- 3. Any person who is a barber as defined in section 431 of the general business law; and*
- 4. Any person who is engaged in the practice of the profession of massage therapy as defined in section 7801 of the education law.*

§ 2. Subdivision a of section 20-928 of the administrative code of the city of New York, as added by local law 140 of 2016, is amended to read as follows:

a. Whenever a hiring party retains the services of a freelance worker and the contract between them has a value of \$800 or more, *or a hiring party retains the services of a freelance worker other than a licensed freelance worker and the contract has a value of \$250 or more*, either by itself or when aggregated with all contracts for services between the same hiring party and freelance worker during the immediately preceding 120 days, the contract shall be reduced to writing. Each party to the written contract shall retain a copy thereof.

§ 3. This local law takes effect 120 days after becoming law.

Referred to the Committee on Consumer and Worker Protection.

Int. No. 825

By Council Members Ossé, Hudson, Cabán, Schulman, Richardson Jordan, Bottcher, Menin, Hanif, Restler, Joseph, Farías, Krishnan, Barron, Velázquez, Avilés and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to a report on the outreach and distribution of pre-exposure prophylaxis throughout the city of New York

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-200.1 to read as follows:

§17-200.1 Report on the availability of pre-exposure prophylaxis. a. Definitions. As used in this section, the term “pre-exposure prophylaxis” means a daily dose medication approved by the food and drug administration to reduce the risk of contracting HIV.

b. No later than September 1, 2023, and biannually thereafter, the commissioner, in consultation with relevant providers, including but not limited to hospitals, clinics, and community-based organizations, shall submit to the mayor and the speaker of the council and post conspicuously on the department’s website a report regarding the outreach and distribution of pre-exposure prophylaxis. Such report shall include, but need not be limited to, the following anonymized information from each provider for the preceding reporting period:

1. The total number of individuals who received pre-exposure prophylaxis, including the age group, sexual orientation and race or ethnicity of such individuals by percentage;

2. The total number of individuals who received outreach relating to the availability of pre-exposure prophylaxis, including the age group, sexual orientation and race or ethnicity of such individuals by percentage;

3. The total number of staff administering pre-exposure prophylaxis; and

4. The total number of staff conducting outreach relating to pre-exposure prophylaxis.

c. The report required pursuant to subdivision b of this section shall also include the following information for each community district:

1. The total number of individuals who received pre-exposure prophylaxis, including the age group, sexual orientation, and race or ethnicity of such individuals by percentage;

2. The total number of individuals who received outreach for pre-exposure prophylaxis, including the age group, sexual orientation, and race or ethnicity of such individuals by percentage; and

3. The borough where such community district is located.

d. Confidentiality. The commissioner shall report the information required by subdivisions b and c of this section in a manner that does not jeopardize the confidentiality of persons receiving pre-exposure prophylaxis.

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 826

By Council Members Powers, Ossé, De La Rosa, Hanif, Restler, Hudson, Joseph and Brewer

A Local Law to amend the administrative code of the city of New York, in relation to regulating covenants not to compete for freelance workers

Be it enacted by the Council as follows:

Section 1. Declaration of legislative intent and findings. The council finds and declares that covenants not to compete are increasingly becoming common in contracts between hiring parties and freelance workers. Restrictive covenants not to compete are in some ways antithetical to the freelance work employment model. The practice of requiring freelance workers to enter into covenants not to compete in the fashion modelling industry is especially concerning to the council and often represents unequal bargaining power between freelance fashion models and hiring parties such as model management agencies. The council, therefore, finds it necessary and appropriate to create a requirement that hiring parties wishing to require freelance workers to agree to a covenant not to compete must guarantee a bi-weekly or monthly payment of a reasonable monetary sum that is mutually acceptable to both the hiring party and the freelance worker.

§2. Chapter 5 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-511 to read as follows:

§ 22-511 Covenants not to compete. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Covenant not to compete. The term “covenant not to compete” means an agreement, or a clause contained in an agreement, which is entered into between a hiring party and a freelance worker after the effective date of the local law that added this section, and which restricts such freelance worker from performing work for another party not subject to such agreement for a specified period of time or in a specified geographical area, that is similar to such freelance worker’s work for the hiring party.

Freelance worker. The term “freelance worker” means any natural person or any organization composed of no more than one natural person, whether or not incorporated or employing a trade name, which is hired or retained as an independent contractor by a hiring party to provide services in exchange for compensation. This term does not include:

- 1. Any person who, pursuant to the contract at issue, is a sales representative as defined in section 191-a of the labor law;*
- 2. Any person engaged in the practice of law pursuant to the contract at issue; who is a member in good standing of the bar of the highest court of any state, possession, territory, commonwealth or the District of Columbia; and who is not under any order of any court suspending, enjoining, restraining, disbaring or otherwise restricting such person in the practice of law;*
- 3. Any person who is a licensed medical professional; and*
- 4. Any individual, partnership, corporation or other legal entity admitted to membership in the Financial Industry Regulatory Authority.*

Hiring party. The term “hiring party” means any person who contracts with a freelance worker to provide any service, other than (i) the United States government, (ii) the state of New York, including any office, department, agency, authority or other body of the state including the legislature and the judiciary, (iii) the city, including any office, department, agency or other body of the city, (iv) any other local government, municipality or county or (v) any foreign government.

b. Prohibition; freelance workers. 1. No hiring party shall enter into a covenant not to compete with a freelance worker unless such covenant also contains a requirement for the hiring party to provide payment of a reasonable and mutually agreed upon sum to the freelance worker on either a bi-weekly or monthly basis for the duration of time during which the covenant not to compete is in effect.

2. A failure on the part of the hiring party to provide payment of the mutually agreed upon sum to the freelance worker in accordance with the terms of the covenant not to compete, will immediately render such covenant null and void.

c. Right of action. Except as otherwise provided by law, any freelance worker claiming to be aggrieved by a violation of this section may bring an action in any court of competent jurisdiction seeking a declaratory judgment that the covenant not to compete at issue is void. The court, in its discretion, may award the prevailing party reasonable attorney’s fees.

d. Damages. A plaintiff who prevails on a claim alleging a violation of paragraph 1 of subdivision b of this section shall be awarded statutory damages of \$1,000.

e. Any person who violates paragraph 1 of subdivision b of this section is subject to a civil penalty of \$500 per violation. The director of labor standards shall enforce the requirements of this section pursuant to rules promulgated by such director.

f. Civil action for pattern or practice of violations. Where reasonable cause exists to believe that a hiring party is engaged in a pattern or practice of violations of this section, the corporation counsel may commence a civil action on behalf of the city in a court of competent jurisdiction. The trier of fact may impose a civil penalty of not more than \$25,000 for a finding that a hiring party has engaged in a pattern or practice of violations of this section. Any civil penalty so recovered shall be paid into the general fund of the city.

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

Referred to the Committee on Civil Service and Labor.

Res. No. 396

Resolution recognizing April as Freelancers Appreciation Month in New York City.

By Council Members Powers, Ossé, De La Rosa, Hanif, Restler, Hudson, Joseph and Farías.

Whereas, Freelancers can be categorized as full-time independent contractors, temporary workers employed by staffing firms, gig economy workers, project-based workers, self-employed business owners, and people working in a mix of these areas and in traditional employment; and

Whereas, the third week in April is traditionally celebrated as National Freelance Business Week according to the Freelance Business Conference, the premier conference for the American freelance industry; and

Whereas, According to a 2019 report by the New York City Mayor’s Office of Media and Entertainment, freelance work is most prevalent in New York City’s media and entertainment sectors, including 68% of journalism and digital media workers; 67% of music and performing arts workers; 60% of marketing or advertising workers; 52% of film or television workers; and 54% of publishing workers; and

Whereas, Over the course of the COVID-19 pandemic, freelance work has grown more popular and is reinventing the way individuals work by merging with sectors of traditional permanent employment, such as web design, business consulting, and accounting; and

Whereas, A 2021 study by Upwork, a digital marketplace for independent contractors, found that 59 million Americans performed freelance work in 2021, representing 36%—or more than one-third—of the entire U.S. workforce; and

Whereas, Freelancers are diverse professionals, with 48% of American freelancers identifying as women, and 52% as men; 16% identifying as Hispanic, 12% African American, and 5-10% Asian, according to a 2022 report by Forbes Magazine; and

Whereas, Freelance workers contributed \$1.3 trillion in annual earnings to the U.S. economy in 2021, \$100 million more than in 2020; and

Whereas, The COVID-19 pandemic has shifted the working landscape by demonstrating the value and autonomy of remote self-employment; and

Whereas, According to Upwork, amid the uncertainty of COVID-19, freelancers found that they are benefiting from income diversification, adjustable schedules, and location flexibility, while companies discovered that freelance professionals inject new skills and capabilities into an organization; and

Whereas, As businesses look to a post-COVID-19 future, companies will increasingly rely on freelancers as essential contributors to their operations; and

Whereas, Freelance workers make significant contributions to the New York City economy; now, therefore, be it

Resolved, That the Council of the City of New York recognizes April as Freelancers Appreciation Month in New York City.

Referred to the Committee on Civil Service and Labor.

Res. No. 397

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S. 5836/A. 5724, authorizing a personal income tax deduction for student loan payments.

By Council Members Powers, Abreu, Dinowitz, Yeger, Hanif, Stevens, Farías and Brewer.

Whereas, According to a report by the Rockefeller Institute of Government (“Rockefeller Institute”), in May 2021, New York State (“State”) was home to nearly 2.4 million federal student loan holders, who carried about \$90.3 billion in student loan debt collectively; and

Whereas, According to the Rockefeller Institute’s report, about half of those federal student loan holders owed more than \$20,000 each; and

Whereas, The Rockefeller Institute’s report noted that average student loan debt was highest in New York City (“NYC”) in 2018, as compared to all other regions of the State; and

Whereas, The Rockefeller Institute’s report also noted that about 26 percent of bachelor’s degree graduates from The City University of New York (“CUNY”) left CUNY with student loan debt averaging \$16,300 each, and that about 14 percent of associate’s degree graduates left CUNY with student loan debt averaging just under \$10,800 each; and

Whereas, The NYC Department of Consumer and Worker Protection, the Center on Poverty and Social Policy, the Columbia Population Research Center, and Robin Hood produced a report in December 2021, entitled “Weighed Down: New Yorkers Share How Student Loan Debt Is Affecting Their Lives” (“Weighed Down”), which examined student loan debt in NYC, using data collected in 2019-2020; and

Whereas, “Weighed Down” reported that 1 in 6 NYC residents has student loan debt, and that these student loan holders were more likely to be Black, under 45 years of age, experiencing financial hardship, and more highly educated; and

Whereas, “Weighed Down” also reported that more than half of student loan holders in NYC owed more than \$20,000 each; and

Whereas, “Weighed Down” also reported that 4 in 5 student loan holders in NYC had borrowed money for their own education, and over 1 in 5 had borrowed money for their child’s education; and

Whereas, “Weighed Down” also reported that many student loan holders in NYC struggled to repay their loans, and that about half had put off major life decisions, like buying a home, as a result; and

Whereas, S. 5836, introduced by State Senator Leroy Comrie and pending in the State Senate, would amend the tax law to allow a taxpayer with student loan debt incurred for the taxpayer, the taxpayer’s spouse, or the taxpayer’s dependent to take an above-the-line deduction of up to \$5,000 in student loan debt not already covered by federal tax deductions and credits; and

Whereas, A. 5724, introduced by Assembly Member Jo Anne Simon and pending in the State Assembly, would provide the same personal income tax deduction for student loan payments, allowing taxpayers to use up to \$5,000 per year in pretax dollars to repay student loans; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, S. 5836/A. 5724, authorizing a personal income tax deduction for student loan payments.

Referred to the Committee on Finance.

Int. No. 827

By Council Members Restler, Hanif, Hudson, Joseph and Powers

A Local Law to amend the administrative code of the city of New York, in relation to the maintenance and cleaning of dog runs under the jurisdiction of the department of parks and recreation

Be it enacted by the Council as follows:

Section 1. Title 18 of the administrative code of the city of New York is amended by adding a new section 18-159 to read as follows:

§ 18-159 Dog run maintenance. a. Definitions. For the purposes of this section, the following term has the following meaning:

Dog run. The term “dog run” means an enclosed area located within a park under the jurisdiction of the department where a pet dog, accompanied by the owner or person supervising such dog, may engage in leisure activity.

b. The department or contractors of the department shall perform regular maintenance and cleaning work in each dog run under the jurisdiction of the department.

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

Referred to the Committee on Parks and Recreation.

Int. No. 828

By Council Members Restler, Krishnan, Hanif, Hudson, Joseph and Powers.

A Local Law in relation to the creation of a plan to develop more dog runs located in parks under the jurisdiction of the department of parks and recreation

Be it enacted by the Council as follows:

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

Department. The term “department” means the New York city department of parks and recreation.

Dog run. The term “dog run” means an enclosed area located within a park under the jurisdiction of the department where a pet dog, accompanied by the owner or person supervising such dog, may engage in leisure activity.

b. The department shall develop a plan to increase the number of dog runs that are located throughout parks under the jurisdiction of the department. Such plan shall be posted on the department’s website and submitted to the mayor and the speaker of the council by no later than July 1, 2023, and shall include but not be limited to the following information:

1. The current number and location of dog runs located within parks under the jurisdiction of the department;
2. An analysis of the condition of locations in various parks under the jurisdiction of the department that may be suitable for conversion into a dog run and the estimated cost to convert such locations into a dog run, provided that at least five locations in each community district are analyzed;
3. For each park location found to be suitable for conversion into a dog run, a plan to convert such location into a dog run, provided that such plan provides for the conversion of each location by no later than July 1, 2025.

§ 2. This local law takes effect immediately.

Referred to the Committee on Parks and Recreation.

Int. No. 829

By Council Members Richardson Jordan, Marte and Barron.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to emphasizing permanent housing and transparency in the provision of homeless services

Be it enacted by the Council as follows:

Section 1. Paragraphs 2 and 3 of subdivision a of section 612 of the New York city charter, as added by local law number 19 for the year 1999, are amended to read as follows:

a. The commissioner shall have the powers and perform the duties of a commissioner of social services under the social services law for the purpose of fulfilling [his or her] *the commissioner’s* responsibilities under this chapter. In the performance of [his or her] *such* functions, the commissioner shall:

2. develop, maintain and, where necessary, strengthen the system for the provision of transitional housing and services for homeless families and individuals *so such families and individuals move from transitional housing to permanent housing as quickly as possible;*

3. in consultation with other appropriate governmental agencies, *including, but not limited to, the department of health and mental hygiene, the department of housing preservation and development, the mayor's office of criminal justice and the New York city housing authority*, plan permanent housing and services for homeless families and individuals, *including, but not limited to, developing and implementing housing first strategies, including, but not limited to, rapid rehousing, so homeless families and individuals move from transitional housing to permanent housing as quickly as possible. For the purposes of this paragraph, "housing first" means an approach to homelessness that prioritizes permanent housing and then supportive services afterwards, and "rapid rehousing" means an intervention to help homeless families and individuals that do not need intensive and ongoing social service supports to quickly exit homelessness to permanent housing.*

§ 2. Subdivision a of section 21-302 of the administrative code of the city of New York, as renumbered by local law number 19 for the year 1999, is amended to read as follows:

a. 1. The commissioner shall establish, maintain and operate housing-readiness training for all eligible homeless persons determined to be in need of such training. This training shall include such subjects as the commissioner shall determine are necessary to enable such eligible homeless persons to acquire the skills necessary for adjustment to and remaining in permanent housing, *including, but not limited to, budgeting, communicating with landlords, having roommates and navigating the rental process.* On or before December 31, 1995, the commissioner shall promulgate a housing-readiness training plan to be used in such training as shall be established, maintained and operated pursuant to this section. Beginning on December 31, 1995, such housing-readiness training shall be available, *as part of case management services as required by section 21-314, to each eligible homeless person determined to be in need of such training, no less frequently than on a quarterly basis, at each transitional housing facility.*

2. *The commissioner shall annually report on such training to the mayor and the speaker of the council and post such report on the department's website. Such annual report shall include, but not be limited to, the following information for the previous year:*

(a) *A description of such training, including, but not limited to, the training plan, the subjects included in such training, the factors the department considers to determine which homeless persons are eligible for such training and the efforts of temporary housing facilities to integrate such training into case management services;*

(b) *The number of transitional housing facilities that provided such training; and*

(c) *For each facility that provided such training, the number of homeless individuals and families who received such training and the number of such individuals and families who moved to permanent housing after receiving such training.*

§ 3. Section 21-305 of the administrative code of the city of New York, as renumbered by local law number 19 for the year 1999, is amended to read as follows:

§ 21-305 Permanent housing resource clearinghouse. 1. The commissioner shall establish, in conjunction with *the department of health and mental hygiene, the department of housing preservation and development, the mayor's office of criminal justice and the New York city housing authority*, a permanent housing resource clearinghouse to coordinate and track such permanent housing resources as may be approved as available to eligible homeless persons. *The commissioner shall make such clearinghouse available to each transitional housing facility. Each such facility shall create a plan to utilize such clearinghouse to help homeless families and individuals in such facility move to permanent housing.*

2. *The commissioner shall annually report on such clearinghouse to the mayor and the speaker of the council and post such report on the department's website. Such annual report shall include, but not be limited to, the following information for the previous year:*

(a) *A description of such clearinghouse, including, but not limited to, the permanent housing resources included in such clearinghouse;*

(b) *A summary of the transitional housing facilities' plans to utilize such clearinghouse;*

(c) *The number of transitional housing facilities that utilized such clearinghouse; and*

(d) *For each transitional housing facility, the number of homeless individuals and families who utilized such clearinghouse and the number of such homeless individuals and families who moved to permanent housing after utilizing such clearinghouse.*

§ 3. Section 21-308 of the administrative code of the city of New York, as renumbered by local law number 19 for the year 1999, is amended to read as follows:

1. The commissioner shall submit to the speaker of the city council a Five-Year Plan to

Relieve Homelessness, including but not limited to the following:

- a. Projected numbers of homeless individuals and families.
- b. Projected expense and capital budgets for the department, including, but not limited to expenditures for homeless individual and homeless family programs, facilities and services.
- c. Projected number of *transitional housing* facilities to be constructed or rehabilitated to accommodate homeless individuals and families.
- d. Projected number of permanent housing units to be constructed or rehabilitated to accommodate homeless individuals and families.
- e. *Projected number of homeless individuals and families to move from transitional housing facilities to permanent housing units.*
- f. *Projected number of homeless individuals and families to move from transitional housing facilities to permanent housing units owned or operated by the New York city housing authority.*
- g. *Projected number of homeless individuals and families to move from transitional housing facilities to supportive housing. For the purposes of this paragraph, the term “supportive housing” means affordable, permanent housing with support services.*
- h. *Efforts the department will take to decrease the length of stay of homeless individuals and families in transitional housing facilities.*

2. a. The Five-Year Plan shall be reviewed and updated by the commissioner each year [, and the]. Such review shall include, but not be limited to, an explanation regarding whether the department achieved the metrics as required by subdivision 1 of this section. Such updated version shall include, but not be limited to, any updates of the metrics required by subdivision 1 of this section, after such review. Such review and updated version thereof shall be submitted to the speaker of the city council not later than October first of each year and posted on the department’s website.

b. In the fifth year covered by each such Five-Year Plan, the commissioner shall submit a Five-Year Plan to Relieve Homelessness for the next succeeding five-year period not later than six months prior to the last day of such fifth year to the speaker of the city council *and post such Five-Year Plan on the department’s website. The commissioner shall utilize the reviews and updated versions as required by paragraph a of this subdivision in such Five-Year Plan for the next succeeding five-year period.*

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

Referred to the Committee on General Welfare.

Int. No. 830

By Council Members Rivera, Yeger and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of information technology and telecommunications to create a separate 311 category for rooftop activity complaints and to report annually regarding such complaints, and to require the commissioner of buildings to report annually regarding certain rooftop spaces

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 23-308 to read as follows:

§ 23-308 *Rooftop activity complaints.* a. *The department of information technology and telecommunications shall implement and maintain on its 311 citizen center website and mobile device platforms the capability for the public to file a complaint under the category of “rooftop activity complaint.” This complaint category shall contain subcategories for “noise complaints,” “public safety complaints,” and “exceeding authorized rooftop occupancy complaints” in order that each such complaint may be referred to the appropriate agency to take action as necessary to address the complaint.*

b. With respect to complaints filed pursuant to subdivision a, the public shall have the ability to submit photographic evidence or recordings supporting such complaints.

c. No later than March 31 of each year, the department of information technology and telecommunications shall submit to the mayor and the speaker of the council, and publish on the department's website, a report on rooftop activity complaints submitted during the preceding year pursuant to subdivision a. Such report shall include the following information:

1. The number of rooftop activity complaints, disaggregated by census tract and by agency that resolved the complaint;

2. The number of hours taken to resolve each such complaint, rounded to the nearest hour;

3. The number of complaints that involved a noise issue, a safety issue, or other issue; and

4. Any other information deemed relevant by the department.

d. The department of information technology and telecommunications may consult with any other agency in preparing the reports required by subdivision c, and agencies shall cooperate with the department of information technology and telecommunications regarding requests for information necessary to prepare such reports.

§ 2. Article 103 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section § 28-103.37 to read as follows:

§ 28-103.37 Reporting regarding certain rooftop spaces. No later than March 31 of each year, the commissioner shall submit to the mayor and the speaker of the council and make available on the department's website a report on rooftop occupancy in the city. The report shall contain the following information for the preceding year, disaggregated by census tract:

1. The number of rooftops with a roof deck, roof terrace or other rooftop recreational space indicated on a certificate of occupancy, and the building address for each such rooftop.

2. The number of rooftops that are indicated on a place of assembly certificate of operation, and the building address for each such rooftop.

3. Any other information that the commissioner deems relevant.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of information technology and telecommunications and the commissioner of buildings shall take any actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Technology.

Int. No. 831

By Council Members Rivera, Cabán, Hanif, Stevens, Restler and Hudson.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a citywide resource navigator for women and gender-expansive persons

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-310 to read as follows:

§ 9-310 Resource navigator program. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Gender-expansive. The term "gender-expansive" means a person whose gender identity or gender expression, or both, expands beyond gender stereotypes and roles including, but not limited to, persons who identify as transgender, gender nonconforming, non-binary and intersex.

Gender expression. The term "gender expression" means the way in which a person expresses their gender identity.

Gender identity. The term "gender identity" means a person's sense of their own gender which may be the same as or different from their sex assigned at birth.

Resource navigator program. The term “resource navigator program” means the program established by this section to assist women and gender-expansive persons in custody, as well as relevant government agencies, in locating available and appropriate reentry programs.

b. The office shall establish a resource navigator program that shall:

- 1. Maintain a database on alternatives to incarceration, transitional and permanent housing and reentry programs, and services that specifically serve women and gender-expansive persons, which database shall include up-to-date information on services offered by the programs, eligibility, and availability;*
- 2. Provide referrals to such programs and services and provide follow-up;*
- 3. Provide outreach and education on such programs and services to women and gender-expansive persons in custody, district attorneys, city-funded indigent criminal defense attorneys, the office of court administration, the department of correction, and any other relevant agencies; and*
- 4. Make recommendations to the mayor and the council to improve diversion and reentry resources for women and gender-expansive persons in custody.*

c. The office shall include persons who have direct lived experience in the criminal justice system in the administration of the resource navigator program.

§ 2. Section 9-307 of the administrative code of the city of New York, as added by local law number 220 for the year 2019, is redesignated section 9-308.

§ 3. This local law takes effect in 90 days.

Referred to the Committee on Criminal Justice.

Preconsidered L.U. No. 147

By Council Member Brannan:

Block 2396, Lots 21, 24, 25, 26, and 27; Block 2409, Lots 8, 9, 11, 15, and 27; Block 2420, Lot 41; Block 2434, Lot 8, Brooklyn, Community District No. 1, Council District No. 34.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 148

By Council Member Salamanca:

Application number G 220024 SCR (Approximately 252-Seat Early Childhood Center) pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 252-seat Early Childhood Center facility, located at 1 Virginia Avenue (Block 2847, Lots 84, 85 and 86 & Block 2848 Lot 34), Borough of Staten Island, Community District 1, Council District 49, Community School District 31.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions).

NEW YORK CITY COUNCIL

ANNOUNCEMENTS

Tuesday, November 29, 2022

Committee on Economic Development jointly with the Amanda Farías, Chairperson
Committee on State and Federal Legislation Shaun Abreu, Chairperson
Oversight - New York City Heliport Operations
Committee Room – City Hall.....10:00 a.m.

*Deferred

Committee on Resiliency and Waterfronts Ari Kagan, Chairperson
Oversight - The Billion Oyster Project and Nature-based Solutions
Committee Room – City Hall.....1:00 p.m.

Wednesday, November 30, 2022

*Deferred

Committee on Cultural Affairs, Libraries &
International Intergroup Relations Chi A. Ossé, Chairperson
Oversight - Equity, Civic Engagement, and the Role of Libraries.
Council Chambers – City Hall.....10:00 a.m.

Committee on Land Use Rafael Salamanca, Jr., Chairperson
All items reported out of the Subcommittees
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Committee Room – 250 Broadway, 16th Floor10:00 a.m.

Committee on Hospitals Mercedes Narcisse, Chairperson
Oversight - State of Nursing in NYC– Staffing and Retention.
Committee Room – City Hall.....1:00 p.m.

Thursday, December 1, 2022

Committee on Resiliency and Waterfronts Ari Kagan, Chairperson
Oversight - The Billion Oyster Project and Nature-based Solutions.
Committee Room – City Hall.....1:00 p.m.

Tuesday, December 6, 2022hy

Committee on Housing and Buildings Pierina Ana Sanchez, Chairperson
Oversight - Examining the City’s Tools for Enforcing the Housing Maintenance Code.
Int 163 - By Council Members Holden, Yeger, Ariola and Borelli - A Local Law to amend the administrative
code of the city of New York, in relation to requiring photographic documentation evidencing certain
violations enforced by the department of housing preservation and development.
Int 204 - By Council Members Sanchez, De La Rosa, Richardson Jordan, Joseph, Stevens, Salamanca,
Dinowitz, Abreu, Ayala, Feliz, Hudson, Ossé, Hanif, Won, Williams, Cabán, Velázquez, Riley, Avilés,
Brewer, Schulman, Restler, Farías, Krishnan, Gutiérrez, Nurse, Kagan, Narcisse, Hanks and Bottcher - A
Local Law to amend the administrative code of the city of New York, in relation to raising the inspection

fees for certain housing inspections.

Int 243 - By Council Members Hanif, Sanchez, Stevens, Williams, Joseph, Velázquez, Farías, Schulman, Brooks-Powers, Hanks, Barron, Ossé, Richardson Jordan, Ayala, Restler, Abreu, Narcisse, Krishnan, Riley, Feliz and Nurse - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring multiple dwelling owners to post notices regarding electric space heater safety.

Int 337 - By Council Members Hudson, Louis, Hanif, Ayala, Restler and Sanchez - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of housing preservation and development to provide annual lists of open housing maintenance code violations to multiple dwelling occupants and tenants.

Int 434 - By Council Members Sanchez, Stevens, Farias, De La Rosa, Hudson, Louis, Nurse, Krishnan, Restler and Brewer - **A Local Law** to amend the administrative code of the city of New York, in relation to expanding the heat sensors program.

Int 484 - By Council Members Marte, Brannan, Nurse, Abreu and Sanchez - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring photographic documentation evidencing certain violations enforced by the department of buildings.

Int 583 - By the Public Advocate (Mr. Williams) and Council Members Cabán, Louis, Hanif, Brewer, Joseph, Nurse, Gutiérrez and Sanchez - **A Local Law** to amend the administrative code of the city of New York, in relation to increasing penalties for violations issued by the department of housing preservation and development and requiring the department of housing preservation and development to maintain a certification of correction watch list and prohibiting any listed landlord from certifying correction of violations in multiple dwellings without an inspection.

Committee Room – City Hall.....1:00 p.m.

Committee on Parks and Recreation Shekar Krishnan, Chairperson

Oversight - Improving the Efficiency of Parks Capital Projects.

Int 174 - By Council Members Krishnan, Cabán, Stevens, Hanif, Brewer, Won, Restler, Marte, Nurse, Williams, Holden, Yeger, Bottcher, Riley and Powers (by request of the Manhattan Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting on park capital expenditures.

Int 680 - By Council Members Krishnan, Louis, Yeger, Riley, Restler, Hanif, Hudson, Ung, Won and Gutiérrez - **A Local Law** in relation to a survey to determine the feasibility of creating micro parks and green spaces on vacant city owned land near dead ends and highway entrance and exit ramps.

Council Chambers – City Hall.....1:00 p.m.

Wednesday, December 7, 2022

Committee on Rules, Privileges & Elections Keith Powers, Chairperson

M 101 - Communication from the Mayor – Submitting the name of **Isabel Castilla** to the Council for its advice and consent regarding her appointment to the New York City Public Design Commission, pursuant to Sections 31 and 851 of the City Charter.

M 102 - Communication from the Mayor – Submitting the name of **James Van Bramer** to the Council for its advice and consent regarding his appointment to the New York City Public Design Commission, pursuant to Sections 31 and 851 of the City Charter.

Council Chambers – City Hall.....9:00 a.m.

Stated Council Meeting

Council Chambers – City Hall.....Agenda – 1:30 p.m.

The following comments were among the remarks made by the Speaker (Council Member Adams) during the Communication from the Speaker segment of this meeting:

The Speaker (Council Member Adams) thanked all the New Yorkers who had voted in the November 8, 2022 election. She congratulated Governor Kathy Hochul for being the first woman elected to lead the State of New York and she looked forward to continuing to work with the Governor as well as with Lieutenant Governor Antonio Delgado. The Speaker (Council Member Adams) also congratulated U.S. Senator Charles Schumer for retaining his position as Senate Majority Leader. She additionally thanked outgoing Speaker Nancy Pelosi for her decades of leadership and many years of public service in the House of Representatives.

The Speaker (Council Member Adams) discussed at length the work and achievements of this Council to advance affordable housing in the midst of the city's dire housing crisis. She noted that the Committee on Land Use had voted on November 21, 2022 to approve four land use applications in Brooklyn and Queens. These applications would collectively produce nearly 6,000 new units of housing of which 65% would be affordable. She added that over 2,000 of these housing units, or 30%, would be deeply affordable for extremely or very low-income households. The Speaker (Council Member Adams) acknowledged that the Council would be voting on two of the largest projects, Innovation QNS and Innovative Urban Village, during the Stated Meeting that day. She further noted that since January 2022, the Council had approved close to 40 land use applications which would create over 12,000 total housing units – over 63% of these units were designated as affordable and would provide nearly 8,000 apartments for New Yorkers.

The Speaker (Council Member Adams) thanked the Council Members whose districts were situated where the land use applications being approved were located. She thanked the Council Members who had similarly advanced their own affordable housing projects during the year and she further thanked those partners in government who had played important roles in working with the Council. The Speaker (Council Member Adams) additionally thanked the staff of the Land Use Division for providing the Council Members with their expertise and guidance: Perris Straughter, Chelsea Kelley, Brian Paul, Arthur Huh, Angelina Martinez-Rubio, James Cottone, Ryan Cote, Tim Anderson, Julia Ehrman, Andrew Lassiter, Kaitlin Greer, Sandy Nicolas, Maria Sabalvaro, and Bridget James. In response, those assembled in the Chambers applauded in appreciation for the staff of the Land Use Division.

The Speaker (Council Member Adams) acknowledged that November 20, 2022 marked Trans Day of Remembrance when those who were lost to anti-trans violence are honored. She noted that this day of remembrance also marked the end of Trans Awareness Week when the visibility, experiences, and ongoing challenges facing the trans communities are highlighted. She also noted that the medical boards of several states had recently limited or restricted access to gender-affirming care. She reiterated that New York City would be supporting and uplifting all LGBTQIA+ New Yorkers and she emphasized that issues dealing with health, safety, and well-being would continue to be prioritized.

The Speaker (Council Member Adams) acknowledged that December 1, 2022 marks World AIDS Day when those who were lost to AIDS-related illnesses are remembered and when the commitment to support people living with HIV/AIDS is reaffirmed. She noted that World Aids Day was established in 1988 and stood as a reminder regarding the importance of uniting together to eradicate HIV/AIDS.

The Speaker (Council Member Adams) acknowledged that November 28, 2022 marks Albanian Independence Day. She noted that the Council had hosted a celebration of Albanian culture, heritage and history the night before in the Council Chambers. She thanked Council Members Carr, Feliz, Holden, and Velázquez for their help and participation in the event.

The Speaker (Council Member Adams) acknowledged that Thanksgiving Day was approaching and she wished everyone assembled a happy and safe holiday spent with loved ones. She expressed thanks for all of the hard work that the Council, its Members, and respective staffs had accomplished in serving the people of City of New York.

The Speaker (Council Member Adams) acknowledged that Small Business Saturday was approaching and suggested that everyone shop and then donate their purchases to their favorite charities for Giving Tuesday on November 29, 2022.

Whereupon on motion of the Speaker (Council Member Adams), the Majority Leader and Acting President Pro Tempore (Council Member Powers) adjourned these proceedings to meet again for the Stated Meeting of Wednesday, December 7, 2022.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int. Nos. 242-A, 477-A, 485-A, 486-A, 487-A, 488-A, and 489-A, all adopted by the Council at the October 12, 2022 Stated Meeting, were signed into law by the Mayor on November 9, 2022 as, respectively, Local Law Nos. 99 to 105 of 2022.

Int. Nos. 179-A and 655-A, both adopted by the Council at the October 12, 2022 Stated Meeting, were returned unsigned by the Mayor on November 10, 2022. These items became law on November 12, 2022 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Law Nos. 106 and 107 of 2022.

Int. Nos. 414-A, 442-A, 459-A, and 460-A, all adopted by the Council at the October 27, 2022 Stated Meeting, were signed into law by the Mayor on November 18, 2022 as, respectively, Local Law Nos. 108 to 111 of 2022.

Int. Nos. 153-A and 154-A, both adopted by the Council at the October 27, 2022 Stated Meeting, were signed into law by the Mayor on November 22, 2022 as, respectively, Local Law Nos. 112 and 113 of 2022.

