

**THE COUNCIL**

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*Minutes of the Proceedings for the*

**STATED MEETING**

*of*

Tuesday, April 9, 2019, 1:58 p.m.

The Public Advocate (Mr. Williams)

*Acting President Pro Tempore and Presiding Officer*

Council Members

Corey D. Johnson, *Speaker*

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

Absent: Council Member Ampy-Samuel, Borelli, Cabrera, Cornegy, Eugene and Torres.

There is a vacancy in the Council pending the swearing-in of the certified winner of the scheduled May 14, 2019 non-partisan Special Election in the 45<sup>th</sup> Council District in Brooklyn.

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

After consulting with the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the Public Advocate and Acting President Pro Tempore (Mr. Williams).

*There were 44 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y.*

### **INVOCATION**

The Invocation was delivered by Reverend Pastor Frederick Crawford Union Grove Missionary Baptist Church located at 1488 Hoe Ave, Bronx, NY 10460.

Would you bow your head as we pray?

Father, I thank you for all who have gathered here today.  
I thank you for our elected officials who have come to handle the business of our city.  
I pray that you will bless the agenda that is set before them,  
that it will be fruitful for all mankind and womankind.  
Help us to make the best of our time here today.  
Bless each and every Council Member as they continue to serve us.  
Thank you for our Public Advocate and all who gather.  
Let this meeting be conducted in harmony, even where there is disharmony.  
Thank you for your many and wonderful blessings.  
In the name we pray.  
Amen.

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

### **ADOPTION OF MINUTES**

Council Member Miller moved that the Minutes of the Stated Meeting of February 28, 2019 be adopted as printed.

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

Retired FDNY Lieutenant Timothy O'Neill, 60, retired FDNY Firefighter Kevin Lennon, 54, and retired FDNY Fire Marshal Michael Andreach, 78, who all worked at Ground Zero, died of 9/11 related illnesses within 48 hours of each other in the past week. On behalf of the Council, the Speaker (Council Member Johnson) offered his thoughts and prayers to their families, friends, and the entire FDNY.

FDNY fifteen-year veteran and Marine Staff Sgt. Christopher Slutman, 43, was among four Americans killed by a roadside bomb on April 8, 2019 near a U.S. base in Afghanistan. On behalf of the Council, the Speaker (Council Member Johnson) offered his thoughts and prayers to Sgt. Slutman's spouse, children, and the entire FDNY.

New York City construction worker Nelson Salinas, 51, succumbed to injuries suffered after being hit by falling debris on April 8, 2019 while working on a scaffold in Manhattan. On behalf of the Council, the Speaker (Council Member Johnson) offered his thoughts and prayers to Mr. Salinas's family.

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

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## **REPORTS OF THE STANDING COMMITTEES**

### **Report of the Committee on Civil and Human Rights**

Report for Int. No. 1445-A

#### **Report of the Committee on Civil and Human Rights 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 prohibition of drug testing for pre-employment hiring procedures.**

The Committee on Civil and Human Rights, to which the annexed proposed amended local law was referred on February 13, 2019 (Minutes, page 490), respectfully

### **REPORTS:**

#### **INTRODUCTION**

On Monday, April 8<sup>th</sup>, 2019, the Committee on Civil and Human Rights, chaired by Council Member Eugene, will vote on Proposed Introductory Bill Number 1445-A (Int. 1445-A), in relation to prohibition of marijuana drug testing for pre-employment hiring procedures. On February 27, 2019, this Committee held a joint hearing with the Committees on Public Safety, Justice System and Consumer Affairs and Business Licensing, on this bill and several other legislative proposals related to marijuana regulations.

#### **I. BACKGROUND**

Medical marijuana in New York has been legal since the State enacted the Compassionate Care Act in 2014. This allows patients who are certified by their practitioners as suffering from certain serious health conditions to obtain marijuana for medical use. There were more than 60,000 patients certified in New York at June 30, 2018.<sup>1</sup>

Last year, Governor Andrew Cuomo directed the Department of Health (DOH) to conduct a study to determine the "health, economic, and criminal justice impacts" of regulated recreational marijuana.<sup>2</sup> The report found that the benefits of a regulated recreational marijuana market outweighed the potential negative aspects, and that a program to legalize marijuana would allow New York to "better control licensing, ensure quality control and consumer protection, and set age and quantity restrictions."<sup>3</sup> Governor Cuomo's subsequent call to legalize recreational marijuana was joined by Mayor Bill De Blasio, who released a report advocating for

<sup>1</sup> NYS Department of Health "Medical use of marijuana under the Compassionate Care Act", available at: [https://www.health.ny.gov/regulations/medical\\_marijuana/docs/two\\_year\\_report\\_2016-2018.pdf](https://www.health.ny.gov/regulations/medical_marijuana/docs/two_year_report_2016-2018.pdf), p. 6.

<sup>2</sup> "Governor Cuomo Announces Workgroup to Draft Legislation for Regulated Adult-Use Marijuana Program" August 2, 2018 Official Website of the Governor of New York Andrew M. Cuomo available at <https://www.governor.ny.gov/news/governor-cuomo-announces-workgroup-draft-legislation-regulated-adult-use-marijuana-program>.

<sup>3</sup> Id.

legalization and robust local authority over cannabis regulation.<sup>4</sup> Marijuana, both recreational and medical, is also legal in numerous states and cities across the country.

The presence of these markets, and the potential for a future, legal recreational marijuana market in New York, has implications for workplace drug testing. Unlike other types of drugs, which are both comparatively easy to test for and show more conclusive results, drug testing for marijuana ‘impairment’ is complicated and imprecise. Tests that can detect the active ingredient in marijuana, delta-9-tetrahydrocannabinol (THC), do exist, but positive results can occur weeks after use and do not necessarily indicate that a person is impaired at the moment of testing.<sup>5</sup>

The city’s Human Rights Law (NYCHRL) prohibits most employers, labor organizations, and employment agencies from inquiring about or considering the criminal history of job applicants, including prior convictions related to marijuana possession, until after extending conditional offers of employment.<sup>6</sup> Therefore, prior to a conditional offer of employment, an employer is prohibited from inquiring about a job applicant’s criminal conviction related to marijuana, but can still subject a job applicant to a drug test for marijuana use as a condition of employment. With 34 states having some form of marijuana legalization and the opportunity for New York City residents to freely travel to those states and engage in legal marijuana consumption, those persons should not be penalized for their legal use of a product in another state, especially when such product can remain detectable in bodily fluids for up to 30 days after last use. As such, pre-employment drug testing for marijuana may unjustifiably impact an otherwise qualified job applicant’s prospects.

## II. ANALYSIS OF INT. NO. 1445-A

Section one of the bill amends section 8-102 of the Administrative Code of the City of New York, by adding new definitions for the terms “marijuana” and “tetrahydrocannabinols” as having the same meanings as such terms are defined respectively in subdivision 21 of section 3302 and paragraph 21 of subdivision d of section 3306 of the public health law.

Section two of the bill amends section 8-107 of the Administrative Code of the City of New York by adding a new subdivision 31 “Employment; pre-employment drug testing policy.” Subsection a of the new subdivision 31 makes it an unlawful discriminatory practice for an employer, labor organization, employment agency, or agent thereof to require a prospective employee to submit to testing for the presence of marijuana or tetrahydrocannabinols in such prospective employee’s system as a condition of employment.

Paragraph 1 of subsection b of the new subdivision 31 lists persons for whom this subdivision does not apply. The exceptions are provided in subsections A through E, including persons applying to work: as police officers or peace officers (as defined in subdivisions 33 and 34 of section 1.20 of the criminal procedure law, respectively); in a position with a law enforcement or investigative function at the Department of Investigation; in a position requiring compliance with section 3321 of the New York City Building Code or section 220-h of the Labor Law, namely individuals working on construction sites; in a position requiring a commercial driver’s license; in a position requiring the supervision or care of children, medical patients or vulnerable persons as defined in in paragraph 15 of section 488 of the Social Services Law; or in any other position with the potential to significantly impact health or safety as determined by the Department of Citywide Administrative Services for civil service positions, or the Commission on Human Rights for all other positions.

This list of exceptions was clarified or narrowed down from the original bill due to concerns that it cast too wide of a net. Therefore, the exception for operating heavy machinery was replaced with individuals who

<sup>4</sup> “A Fair Approach to Marijuana: Recommendations from the Mayor’s Task Force on Cannabis Legislation”, available at: <http://criminaljustice.cityofnewyork.us/wp-content/uploads/2018/12/A-Fair-Approach-to-Marijuana.pdf>.

<sup>5</sup> Stacy A. Hickox “Drug testing of medical marijuana users in the workplace: An inaccurate test of impairment”, *Hofstra Labor and Employment Law Journal*, vol. 29, i. 2, 2012, available at:

<https://scholarlycommons.law.hofstra.edu/cgi/viewcontent.cgi?article=1530&context=hlelj>; Kathleen Harvey “Protecting medical marijuana users in the workplace”, *Case Western Reserve Law Review*, vol. 66, i. 1, 2015, available at:

<https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=1304&context=caselrev>, p. 215.

<sup>6</sup> If an employer wishes to withdraw its conditional offer based on an applicant’s criminal conviction history, the employer must give the applicant a copy of its inquiry into and analysis of the applicant’s conviction history and the direct relationship to the prospective job, along with at least three business days to respond.

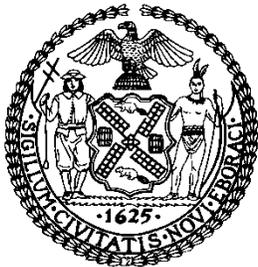
require OSHA 10 training to work on construction sites pursuant to sections 3321 of the New York City Building Code or 220-h of the Labor Law. Similarly, the exception for those operating a motor vehicle was narrowed down to those required to possess a commercial driver's license, many of whom are already subject to drug testing. The exception for lifeguards and emergency responders was removed. An exception to the law was added to cover positions requiring the supervision or care of vulnerable populations, including children, medical patients, and individuals with cognitive or physical disabilities that require services from facilities or homecare agencies as defined in section 488 of the Social Services Law.

Paragraph 2 of subsection b of the new subdivision 31 lists further exceptions in subsections A through D, stating that this subdivision does not apply to drug testing required pursuant to: any regulation by the federal Department of Transportation that requires testing of a prospective employee (in accordance with 49 CFR 40) or any rule promulgated by the state or city departments of transportation for purposes of enforcing the requirements of that regulation with respect to intrastate commerce; any contract entered into between the federal government and an employer or any grant of financial assistance from the federal government to an employer that requires drug testing of prospective employees as a condition of receiving the contract or grant; any federal or state statute, regulation, or order that requires drug testing of prospective employees for purposes of safety or security; or a collective bargaining agreement between an employer and a labor organization representing employees and prospective employees of such employer.

Subsection c states that the City Commission on Human Rights shall promulgate rules for the implementation of this new subdivision 31.

Section three of the bill states that the local law would take effect 1 year after its enactment.

**(The following is the text of the Fiscal Impact Statement for Int. No.1445-A:)**



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

**PROPOSED INT. NO. 1445-A**  
**COMMITTEE: Civil and Human Rights**

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**TITLE:** A Local Law to amend the administrative code of the City of New York, in relation to prohibition of drug testing for pre-employment hiring procedures

**Sponsors:** By Council Members Williams (The Public Advocate), Cumbo, Rivera, Lander, Kallos, and Rosenthal

**SUMMARY OF LEGISLATION:** Proposed Int. No. 1445-A would prohibit New York City employers from requiring a prospective employee to submit to testing for the presence of marijuana as a condition of employment. Exceptions are provided for safety and security sensitive jobs, and those tied to a federal or state contract or grant.

**EFFECTIVE DATE:** This local law would take effect one year after it becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2021

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Net</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

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

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

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

**ESTIMATE PREPARED BY:** Nevin Singh, Financial Analyst

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

**LEGISLATIVE HISTORY:** This legislation was introduced by the Council on February 13, 2019 as Int. No. 1445, and referred to the Committee on Civil and Human Rights. A hearing was held on February 27, 2019 jointly by the Committees on Civil and Human Rights, Consumer Affairs and Business Licensing, Justice System, and Public Safety, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Int. 1445-A, will be considered by the Committee on Civil and Human Rights on April 8, 2019. Upon a successful vote by the Committee, Proposed Int. No. 1445-A will be submitted to the full Council for a vote on April 9, 2019.

**DATE PREPARED:** April 5, 2019.

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

**(The following is the text of Int. No. 1445-A:)**

Int. No. 1445-A

By The Public Advocate (Mr. Williams) and Council Members Cumbo, Rivera, Lander, Kallos, Rosenthal, Lancman, Ayala and Miller.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibition of drug testing for pre-employment hiring procedures**

*Be it enacted by the Council as follows:*

Section 1. Section 8-102 of title 8 of the administrative code of the city of New York is amended by adding new definitions of “marijuana” and “tetrahydrocannabinols” in alphabetical order, to read as follows:

*Marijuana. The term “marijuana” has the same meaning as the term “marihuana” as such term is defined in subdivision 21 of section 3302 of the public health law.*

*Tetrahydrocannabinols. The term “tetrahydrocannabinols” has the same meaning as such term is defined in paragraph 21 of subdivision d of section 3306 of the public health law.*

§ 2. Section 8-107 of title 8 of the administrative code of the city of New York is amended by adding a new subdivision 31 to read as follows:

31. *Employment; pre-employment drug testing policy. (a) Prohibition. Except as otherwise provided by law, it shall be an unlawful discriminatory practice for an employer, labor organization, employment agency, or agent thereof to require a prospective employee to submit to testing for the presence of any tetrahydrocannabinols or marijuana in such prospective employee's system as a condition of employment.*

*(b) Exceptions. (1) The provisions of this subdivision shall not apply to persons applying to work:*

*(A) As police officers or peace officers, as those terms are defined in subdivisions 33 and 34 of section 1.20 of the criminal procedure law, respectively, or in a position with a law enforcement or investigative function at the department of investigation;*

*(B) In any position requiring compliance with section 3321 of the New York city building code or section 220-h of the labor law;*

*(C) In any position requiring a commercial driver's license;*

*(D) In any position requiring the supervision or care of children, medical patients or vulnerable persons as defined in paragraph 15 of section 488 of the social services law; or*

*(E) In any position with the potential to significantly impact the health or safety of employees or members of the public, as determined by: (i) the commissioner of citywide administrative services for the classified service of the city of New York, and identified on the website of the department of citywide administrative services or (ii) the chairperson, and identified in regulations promulgated by the commission.*

*(2) The provisions of this subdivision shall not apply to drug testing required pursuant to:*

*(A) Any regulation promulgated by the federal department of transportation that requires testing of a prospective employee in accordance with 49 CFR 40 or any rule promulgated by the departments of transportation of this state or city adopting such regulation for purposes of enforcing the requirements of that regulation with respect to intrastate commerce;*

*(B) Any contract entered into between the federal government and an employer or any grant of financial assistance from the federal government to an employer that requires drug testing of prospective employees as a condition of receiving the contract or grant;*

*(C) Any federal or state statute, regulation, or order that requires drug testing of prospective employees for purposes of safety or security; or*

*(D) Any applicants whose prospective employer is a party to a valid collective bargaining agreement that specifically addresses the pre-employment drug testing of such applicants.*

*(c) Rules. The commission shall promulgate rules for the implementation of this subdivision.*

§ 3. This local law takes effect 1 year after it becomes law.

MATHIEU EUGENE, *Chairperson*; YDANIS A. RODRIGUEZ, DANIEL DROMM, BEN KALLOS, HELEN K. ROSENTHAL; Committee on Civil and Human Rights, April 8, 2019.

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

### **Report of the Committee on Criminal Justice**

Report for Int. No. 944-A

**Report of the Committee on Criminal Justice in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the**

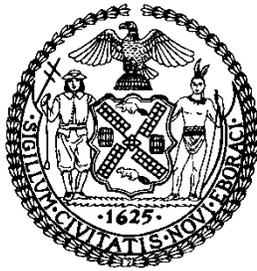
**department of correction to notify incarcerated individuals and their legal representatives when an incarcerated individual is held solely due to a bail amount of less than \$10.**

The Committee on Criminal Justice, to which the annexed proposed amended local law was referred on May 23, 2018 (Minutes, page 1982), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Criminal Justice for Int. No. 1199-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 1199-A:*



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

**PROPOSED INTRO. NO: 944-A  
COMMITTEE: Criminal Justice**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to notify incarcerated individuals and their legal representatives when an incarcerated individual is held solely due to a bail amount of less than \$10.

**SPONSOR(S):** By Council Members Lancman, Ampry-Samuel, Rosenthal, Gibson, Lander, Cumbo, Ayala, Kallos, and Constantinides.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 944-A would require the Department of Correction to notify incarcerated individuals and defense attorneys when an incarcerated individual is detained solely on a bail amount of less than ten dollars.

**EFFECTIVE DATE:** This local law would take effect 45 days after it becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** FISCAL 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

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

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

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

**ESTIMATE PREPARED BY:** Peter Butler, Financial Analyst, Finance Division

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

**LEGISLATIVE HISTORY:** This legislation was introduced by the City Council on May 23, 2018 and was referred to the Committee on Criminal Justice. A joint hearing was held by the Committee on Criminal Justice and the Committee on Justice System on December 3, 2018, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. 944-A, will be voted on by the Committee on Criminal Justice at a hearing on April 9, 2019. Upon successful vote by the Committee on Criminal Justice, Proposed Intro. 944-A will be submitted to the Council for a vote on April 9, 2019.

**DATE PREPARED:** APRIL 8, 2019.

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

**(The following is the text of Int. No. 944-A:)**

Int. No. 944-A

By Council Members Lancman, Ampry-Samuel, Rosenthal, Gibson, Lander, Cumbo, Ayala, Kallos, Constantinides, Holden and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to notify incarcerated individuals and their legal representatives when an incarcerated individual is held solely due to a bail amount of less than \$10**

*Be it enacted by the Council as follows:*

Section 1. Section 9-150 of the administrative code of the city of New York, as added by local law number 125 for the year 2017, is amended to read as follows:

§ 9-150 Bail facilitation.

Definitions. As used in this section, the following terms have the following meanings:

Bail facilitator. The term "bail facilitator" means a person or persons whose duties include explaining to eligible [inmates] *incarcerated individuals* how to post bail or bond, explaining the fees that may be collected by bail bonds companies, taking reasonable steps to communicate directly with or facilitate [inmate] *such individual's* communication with possible sureties, and taking any other reasonable measures to assist [inmates] *such individuals* in posting bail or bond.

Eligible [inmate] *incarcerated individual*. The term ["eligible inmate"] "*eligible incarcerated individual*" means a person in the custody of the department held only on bail or bond.

*Institutional defense provider. The term "institutional defense provider" means any private institutional legal services organization selected in accordance with section 13-02 of title 43 of the rules of the city of New York to represent indigent persons, or any successor provision thereto.*

a. Within 24 hours of taking custody of an eligible [inmate] *incarcerated individual*, the department shall provide to such [inmate] *individual* the following information in written form: (i) the [inmate's] *individual's* amount of bail or bond, (ii) the [inmate's] *individual's* New York state identification number or booking and case number or other unique identifying number, (iii) options for all forms of bail payment and all steps required for such payment, including the locations at which a surety may post bail and the requirements for so posting, and (iv) any other information relevant to assisting the [inmate] *individual* in posting bail or bond.

b. Within 24 hours of taking custody of eligible [inmates] *incarcerated individuals*, the department shall notify such [inmates] *individuals* that they may post their own bail. Within such time period, the department shall, to the extent practicable and in a manner consistent with officer safety and all applicable laws, offer such [inmates] *individuals* the opportunity to obtain property, including personal contact information and financial resources, that such [inmates] *individuals* may require for the purpose of posting bail and which is stored in such [inmate's] *individual's* personal property, provided that any member of the department who accesses such [inmate's] *individual's* property pursuant to this subdivision shall request access only for the purpose of facilitating posting bail.

c. The department shall ensure that bail facilitators meet with all eligible [inmates] *incarcerated individuals* within 48 hours of their admission to the custody of the department, that eligible [inmates] *incarcerated individuals* have continued access to bail facilitators, and that bail facilitators are provided with reasonable resources necessary to fulfill their duties.

d. *Absent unusual circumstances, the following time periods shall apply to notifications given pursuant to this subdivision to eligible incarcerated individuals and their legal representatives: the department shall generate a list of eligible incarcerated individuals who are held solely due to a bail amount of less than \$10 once before noon and once after noon every day of the week. Within three hours of generation of such a list, but no later than 24 hours after receipt of information from the office of court administration regarding the bail status of eligible incarcerated individuals, the department shall provide each eligible incarcerated individual who is held solely due to a bail amount of less than \$10 with notice that such eligible incarcerated individual is held solely due to a bail amount of less than \$10. Within ninety minutes of generation of such a list, the department shall consult a website maintained by the New York state unified court system that may contain information relating to such individual's legal representative. If such website identifies the legal representative of such individual and contains a telephone number for such legal representative, the department shall telephone such legal representative to inform them that such individual is held solely due to a bail amount of less than \$10. If such website identifies an institutional defense provider as the legal representative of such individual, the department shall telephone or email such institutional defense provider within ninety minutes of generation of such a list to inform them that such individual is held solely due to a bail amount of less than \$10, regardless of whether a telephone number or email address is identified on a website maintained by the New York state unified court system.*

§ 2. This local law takes effect 45 days after it becomes law.

KEITH POWERS, *Chairperson*; ROBERT F. HOLDEN, CARLINA RIVERA; Committee on Criminal Justice, April 9, 2018.

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

Report for Int. No. 1199-A

**Report of the Committee on Criminal Justice in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to removing fees associated with bail payments.**

The Committee on Criminal Justice, to which the annexed proposed amended local law was referred on October 31, 2018 (Minutes, page 4226), respectfully

## **REPORTS:**

### **I. INTRODUCTION:**

On April 9, 2019 the Committee on Criminal Justice, chaired by Council Member Keith Powers, will vote on Proposed Int. No. 1199-A and Proposed Int. No. 944-A. The Committee previously held a hearing on these bills on December 3, 2018 and received testimony from representatives of the Department of Correction (DOC), as well as advocates and other interested members of the public.

### **II. BACKGROUND**

At a December 3, 2018 hearing entitled “Why does the city make it so hard to pay bail?” several advocates discussed the various technical and economic barriers that hinder the ability to pay the bail of those who are incarcerated. Currently, credit-card bail may be paid in-person or online when the amount is \$2,500 or below.<sup>1</sup> While such a reform is a step in the right direction, economic and technical barriers present significant hardship for the families and loved ones attempting to pay bail for incarcerated individuals. Individuals paying credit card bail in person are charged non-refundable fees of over 7%.<sup>2</sup> Individuals paying credit-card bail online are charged a non-refundable fee of about 2% bail.

Additionally, advocates - including charitable bail funds - have testified that they receive referrals every day by people who are incarcerated solely due to bail in the amount of \$1 that is meant to serve as an administrative hold when a person is otherwise detained due to an unrelated case. When there is a lack of communication regarding bail status between the Department of Correction (DOC), incarcerated individuals, and their attorneys, those incarcerated may unnecessarily be detained without even knowing that they have the ability to pay.

Notably, while the state legislature has made significant changes to the laws governing bail that will go into effect on January 1, 2020,<sup>3</sup> none of these changes eliminates the issues addressed by the two bills at issue.

### **III. PROPOSED INT. NO. 1199-A**

This law would remove the all fees on credit card payments of bail posted online and in-person at DOC correctional facilities. The law would be effective 6 months after passage for online payments of bail and 15 months after passage for in-person payments of bail.

### **IV. AMENDMENTS TO INT. NO. 1199-A**

Since introduction, the bill has been amended to remove cashier’s checks as a form of bail payment. Additionally, the effective dates have changed.

### **V. PROPOSED INT. NO. 944-A**

This law would require the Department of Correction to notify incarcerated individuals and their defense attorneys when a person is detained solely on a bail amount of less than ten dollars. Implementation of this law will help prevent incarcerated individuals from being detained for extended periods of time simply because they are unaware of a significant reduction in their own bail. The bill would take effect 45 days after it became law.

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<sup>1</sup> Mayor de Blasio Announces Launch of Online Bail in New York City, April 27, 2018, available at <https://www1.nyc.gov/office-of-the-mayor/news/226-18/mayor-de-blasio-launch-online-bail-new-york-city>

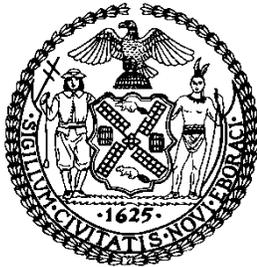
<sup>2</sup> Elena Weissman, Director, The Bronx Freedom Fund, Testimony Before the Justice System Committee, September 27, 2018.

<sup>3</sup> Senate Bill S1509C, section KKK.

**VI. AMENDMENTS TO INT. NO 944-A**

Introduction 944-A has been amended to include notification of all bail amounts less than \$10, as opposed to only bail in the amount of \$1. Additionally, the bill has been amended to require the DOC to generate two lists each day of those individuals held solely due to bail set in an amount less than \$10, and to notify defense attorneys within ninety minutes and incarcerated individuals within three hours from the time when each list is generated. The effective date has been modified.

(The following is the text of the Fiscal Impact Statement for Int. No. 1199-A:)



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

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1199-A

COMMITTEE: Criminal Justice

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to removing fees associated with bail payments.

**SPONSOR(S):** By Council Members Powers, Lancman, Brannan, Cohen, Dromm, Yeger, Treyger, Ampry-Samuel, Rosenthal, Gibson, Richards, Kallos, Levin, Rivera, Adams, Levine, Lander, Cumbo, Ayala, Reynoso, Chin and Constantinides.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 1199-A would remove the 2.49% fee charged on credit card payments of cash bail made using the online bail payment system, and would also remove the 8% fee charged on credit card payments of cash bail made in person.

**EFFECTIVE DATE:** This local law takes effect 6 months after it becomes law, except that paragraph 2 of subdivision e of section 9-148 of the administrative code of the city of New York, as added by section one of this local law, takes effect 15 months after it becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** FISCAL 2022

**FISCAL IMPACT STATEMENT:**

	Effective FY20	FY Succeeding Effective FY21	Full Fiscal Impact FY22
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

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

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

**ESTIMATE PREPARED BY:** Peter Butler, Financial Analyst

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

**LEGISLATIVE HISTORY:** This legislation was introduced by the City Council as Intro. 1199-2018 on October 31, 2018 and was referred to the Committee on Criminal Justice. A joint hearing was held by the Committee on Criminal Justice and the Committee on Justice System on December 3, 2018, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. 1199-A, will be voted on by the Committee on Criminal Justice at a hearing on April 9, 2019. Upon successful vote by the Committee on Criminal Justice, Proposed Intro. 1199-A will be submitted to the Council for a vote on April 9, 2019.

**DATE PREPARED:** APRIL 8, 2019.

**(For text of Int. No. 944-A and its Fiscal Impact Statements, please see the Report of the Committee on Criminal Justice for Int. No. 944-A printed above in these Minutes; for text of Int. No. 1199-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. No. 1199-A and 944-A.*

**(The following is the text of Int. No. 1199-A:)**

Int. No. 1199-A

By Council Members Powers, Lancman, Brannan, Cohen, Dromm, Yeger, Treyger, Ampry-Samuel, Rosenthal, Gibson, Richards, Kallos, Levin, Rivera, Adams, Levine, Lander, Cumbo, Ayala, Reynoso, Chin, Constantinides, Holden and Miller.

**A Local Law to amend the administrative code of the city of New York, in relation to removing fees associated with bail payments**

*Be it enacted by the Council as follows:*

Section 1. Section 9-148 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

*e. 1. No fee may be assessed on an online payment of bail, unless the chief administrator of the courts requires a party making a payment of bail to pay a reasonable administrative fee.*

*2. No fee may be assessed on an in person payment of bail, unless the chief administrator of the courts requires a party making a payment of bail to pay a reasonable administrative fee.*

§ 2. This local law takes effect 6 months after it becomes law, except that paragraph 2 of subdivision e of section 9-148 of the administrative code of the city of New York, as added by section one of this local law, takes effect 15 months after it becomes law.

KEITH POWERS, *Chairperson*; ROBERT F. HOLDEN, CARLINA RIVERA; Committee on Criminal Justice, April 9, 2018.

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

### **Reports of the Committee on Health**

Report for Int. No. 1053-A

**Report of the Committee on Health 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 water tank inspectors to submit annual inspection reports directly to the department of health and mental hygiene.**

The Committee on Health, to which the annexed proposed amended local law was referred on August 8, 2019 (Minutes, page 3237), respectfully

#### **REPORTS:**

#### **INTRODUCTION**

On April 8, 2019, the Committee on Health, chaired by Council Member Mark Levine, will hold a hearing on a package of seven bills related to transparency and effectiveness of water tank inspection and maintenance. This legislation was originally heard at a hearing of this Committee on October 30, 2018, at which the Committee received testimony from the New York City Department of Health and Mental Hygiene (“DOHMH”), advocates, and other interested parties.

#### **BACKGROUND**

Buildings in the City of New York have been using water tanks as part of their drinking water supply systems since the 19<sup>th</sup> century.<sup>1</sup> The City’s water mains provide enough pressure to deliver water to about six stories of a building. Taller buildings use an electric pump to carry water into water tanks on the top of the building, and gravity distributes the water to the floors below.<sup>2</sup> The large majority of water tanks in the City are constructed from wood due to its insulating properties, easy maintenance and low cost.<sup>3</sup> Water for drinking, bathing and other everyday uses is drawn from the middle of the tank, while the water in the bottom is used for firefighting and sprinkler systems.<sup>4</sup> When not maintained properly, the water tanks have been found to contain viruses, bacteria and parasites, such as E. coli, a bacterium carried in the feces of some animals.<sup>5</sup>

In 2009, the Council passed Local Law 11 (“LL 11”), requiring that building owners have their water tanks inspected annually and submit inspection results to DOHMH when requested.<sup>6</sup> LL 11 requires building owners to maintain a record of inspections for 5 years, and to post a public notice stating that inspection results

<sup>1</sup> Ray Rivera, Frank G. Runyeon and Russ Buettner. *Inside City’s Water Tanks, Layers of Neglect*, N.Y. TIMES, Jan. 27, 2014, <https://www.nytimes.com/2014/01/27/nyregion/inside-citys-water-tanks-layers-of-neglect.html>.

<sup>2</sup> *Id.*

<sup>3</sup> Sean Joseph. *Water towers: NYC’s misunderstood icons*, N.Y. TIMES, Apr. 7, 2009, <https://www.amny.com/real-estate/city-living/water-towers-nyc-s-misunderstood-icons-1.6982696>

<sup>4</sup> Rivera, *supra* note 1.

<sup>5</sup> *Id.*

<sup>6</sup> The New York City Council, *Int 0408-2006*, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=446233&GUID=FB04DEEE-9497-49BF-B4E6-EF17704EBB7A&Options=&Search=>

are available upon request.<sup>7</sup> LL 11 also requires DOHMH to report to the Council on compliance with inspection requirements each year for three years.<sup>8</sup>

In an annual report to the Council in 2013 in accordance with the New York City Administrative Code, DOHMH estimated that 10,000 buildings in the City contain at least one water tank.<sup>9</sup> DOHMH conducted inspections on a random selection of 110 buildings over seven stories in height (125 tanks) and found that only 33% were able to demonstrate proof of a water tank inspection in the previous year, 22% could show proof that records were maintained for five years, and 15% had posted public notices of the availability of inspection results.<sup>10</sup> In 2014, the New York City Health Code was amended to require building owners to submit annual water tank inspection results to DOHMH by January 15 of each year, rather than by request.<sup>11</sup>

In 2014, the *New York Times* conducted its own testing of 12 water tanks in Manhattan, Queens and Brooklyn and found *E. coli* in five of the tanks.<sup>12</sup> These results came from the bottoms of the tanks, below the pipe level that feeds into the building.<sup>13</sup> There is debate about whether these tests prove the water is contaminated or if they are flawed due to how the testing was conducted and lead to faulty conclusions.<sup>14</sup>

In December 2017, the Council enacted Local Law 239 (LL 239), which codified in the City's Administrative Code the inspection submission requirements that existed in the Health Code.<sup>15</sup> LL 239 also required DOHMH to post documentation of annual inspections on its website and the City's Open Data portal, to provide guidance on its site to assist users in determining whether a building is required to have a water tank inspection, and to post information on how to submit a complaint about a water tank or water from a water tank to DOHMH.<sup>16</sup> The legislation also reinstated a lapsed requirement of annual reporting by DOHMH to the Council relating to water tank inspections, and introduced a new requirement that such reports include data on the number of inspection results received, including the number of received results that demonstrate compliance with the health-related requirements for water tanks.<sup>17</sup> LL 239 came into effect in April 2018, and the uploading of reports to the City's open data portal is ongoing.<sup>18</sup>

The public's attention recently became focused on the City's water tank oversight and maintenance once again after a series of articles were published. One article raised concern that several major water tank cleaning companies state they investigate tanks only after the tanks are scrubbed and bleached, which, arguably, may skew the results of the tests and not accurately determine the quality of the building's typical drinking water.<sup>19</sup> A subsequent article about the water tanks at New York City Housing Authority (NYCHA) buildings spoke of large discrepancies between the inspectors' reports and the reports NYCHA files with DOHMH.<sup>20</sup> Several documents showed that inspectors found rodents, debris and other hazardous materials in NYCHA water tanks, yet those details were not shared with DOHMH.<sup>21</sup> As a result, the Speaker of the City Council, Council Member Corey Johnson, hosted an emergency meeting with NYCHA residents and staff, and City health officials, about the matter.<sup>22</sup>

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<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> NYC Dep't of Health & Mental Hygiene, *New York City Building Drinking Water Inspection Report 2013*.

<sup>10</sup> *Id.*

<sup>11</sup> NYC Health Code §31-02.

<sup>12</sup> Rivera, *supra* note 1.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> The New York City Council, *LL239/2017*, <https://nyc.legistar.com/LegislationDetail.aspx?ID=2170499&GUID=B5502C50-E7BF-4689-AB24-B362CA1BF718&Options=ID|Text|Search=239>.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> Frank G. Runyeon, *Lawmakers criticize city for water tank neglect*, City & State, May 30, 2018, <https://www.cityandstateny.com/articles/politics/new-york-city/lawmakers-criticize-water-tank-neglect.html>.

<sup>20</sup> Frank G. Runyeon, *Inspectors reported contamination in water tanks. NYCHA had it erased*, City & State, July 31, 2018, <https://www.cityandstateny.com/articles/politics/new-york-city/nycha-contamination-water-tanks>

<sup>21</sup> *Id.*

<sup>22</sup> Frank G. Runyeon, *Council speaker calls emergency meeting on NYCHA's water tanks*, City & State, August 1, 2018, <https://www.cityandstateny.com/articles/politics/new-york-city/council-speaker-calls-emergency-meeting-nychas-water-tanks.html>

**PROPOSED INT. NO. 1053-A:**

Proposed Int. 1053-A would require building owners to ensure that water tank inspection companies submit annual inspection reports directly to DOHMH. The version of the bill that was originally heard required inspection companies to submit these reports, and did not specify that the owner was required to ensure the reports are submitted. This legislation would take effect 120 days after it becomes law.

**PROPOSED INT. NO. 1056-B:**

Proposed Int. 1056-B would require DOHMH to conduct periodic audits of buildings' annual water tank inspection documentation, in addition to the periodic inspections of at least 125 water tanks each year. The bill would also require DOHMH to post of the results of such inspections online. Since introduction, the bill was amended to include both the documentation audit and the 125 annual inspections. This legislation would take effect 120 days after it becomes law.

**PROPOSED INT. NO. 1138-A:**

Proposed Int. 1138-A would require DOHMH to conduct additional reviews of documentation of water tank inspections where harmful bacteria are found or certain violations occurred, without providing prior notice to building owners, and to post the results of these reviews online. As originally heard, the bill required DOHMH to conduct additional inspections of water tanks where harmful bacteria are found or where a violation occurred. This legislation would take effect 120 days after it becomes law.

**PROPOSED INT. NO. 1150-A:**

Proposed Int. 1150-A would allow DOHMH to require that water tank inspection results be submitted electronically to the department. As originally heard, Int. No. 1150 also required annual water tank inspections to occur prior to the tanks being cleaned. This legislation would take effect 120 days after it becomes law.

**PROPOSED INT. NO. 1157-B:**

Proposed Int. 1157-B would require that water tank inspectors and those who perform maintenance work on drinking water tanks be either (i) licensed master plumbers pursuant to article 408 of chapter 4 of title 28 of the Administrative Code of the City of New York; or (ii) work under the direct and continuing supervision of such a licensed master plumber; or (iii) be registered design professionals as defined in section 28-101.5 of the Administrative Code of the City of New York.

The legislation would also require that the cleaning, painting, or coating of a water tank be conducted by an individual qualified to conduct water tank inspections, or by a person who holds a commercial pesticide applicator certification in category 7G issued by the New York State Department of Environmental Conservation, or works under the direct supervision of a person holding such certification.

As originally heard, the bill also allowed individuals with a certification from the New York State Department of Environmental Conservation for Category 7G pesticide application, if they have received training in fall protection under requirements set forth by the federal Occupational Safety and Health Administration, to inspect water tanks.

This legislation would take effect 120 days after it becomes law.

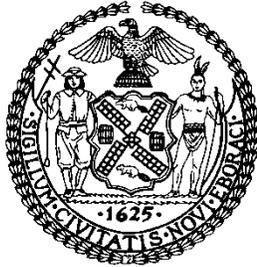
**PROPOSED INT. NO. 1167-A:**

Proposed Int. 1167-A would require building owners to repair damage to water tanks or their supporting structures, and imposes civil penalties for failure to do so. As originally heard, this legislation, required damaged tanks to be repaired within 90 days. This legislation would take effect 120 days after it becomes law.

**PROPOSED INT. NO. 1169-A:**

Proposed Int. 1169-A would require visual evidence of water tanks, such as photographs or videos, to be submitted with inspection results to the Department of Health and Mental Hygiene. This legislation would take effect 120 days after it becomes law.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1053-A:)**



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

**PROPOSED INTRO. NO: 1053-A**

**COMMITTEE: Health**

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to requiring water tank inspectors to submit annual inspection reports directly to the department of health and mental hygiene.

**SPONSORS:** The Speaker (Council Member Johnson) and Council Members Ampry-Samuel, Ayala, Kallos, Rosenthal and Constantinides.

**SUMMARY OF LEGISLATION:** Proposed Intro. 1053-A would require building owners to ensure that water tank inspection companies submit annual inspection reports directly to the Department of Mental Health and Hygiene.

**EFFECTIVE DATE:** This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to qualification for person conducting inspections and maintenance on drinking water tanks, as proposed in introduction number 1157-A for the year 2018, takes effect, except that the commissioner may take such actions as are necessary for the implementation of this local law, including the promulgation of rules before such date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2021

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that the proposed legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of Proposed Intro. 1053-A because the relevant City agencies would utilize existing resources to implement the requirements of the legislation.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Department of Health and Mental Hygiene

**ESTIMATE PREPARED BY:** Lauren Hunt, Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director, NYC Council Finance Division  
Cirilhien R. Francisco, Unit Head, NYC Council Finance Division  
Stephanie Ruiz, Assistant Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on August 8, 2018 and was referred to the Committee on Health. A hearing was held by the Committee on Health on October 30, 2018 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. 1053-A, will be voted on by the Committee on Health at a hearing on April 8, 2019. Upon a successful vote by the Committee on Health, Proposed Intro. No. 1053-A will be submitted to the full Council for a vote on April 9, 2019.

**DATE PREPARED:** April 2, 2019.

**(For text of Int. Nos. 1056-A, 1138-A, 1150-A, 1157-B, 1167-A, and 1169-A, and their Fiscal Impact Statements, please see the Report of the Committee on Health for Int. Nos. 1056-A, 1138-A, 1150-A, 1157-B, 1167-A, and 1169-A, respectively, printed in these Minutes; for text of Int. No. 1053-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 1053-A, 1056-A, 1138-A, 1150-A, 1157-B, 1167-A, and 1169-A.*

**(The following is the text of Int. No. 1053-A:)**

Int. No. 1053-A

By The Speaker (Council Member Johnson) and Council Members Ampry-Samuel, Ayala, Kallos, Rosenthal, Constantinides, Eugene and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring water tank inspectors to submit annual inspection reports directly to the department of health and mental hygiene**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 17-194 of the administrative code of the city of New York, as amended by a local law amending the administrative code of the city of New York, relating to qualifications for persons conducting inspections and maintenance on drinking water tanks, as proposed in introduction number 1157-A for the year 2018, is amended to read as follows:

b. Any owner of a building that has a water tank as part of its drinking water supply system shall have such water tank inspected at least once annually. Such inspection shall ensure that the water tank complies with all provisions of the administrative code of the city of New York, the construction codes of the city of New York and the health code of the city of New York. The results of such inspection shall be recorded in a manner prescribed by the commissioner. Such results shall be maintained by the owner *and by the water tank inspector* for at least five years from the date of inspection and shall be made available to the department upon request within five business days. [Documentation] *An owner shall ensure that documentation* of such annual inspection shall be submitted *to the department by the water tank inspector*, in a form and manner prescribed by the department. Such documentation shall state whether or not all applicable requirements were met at the time of inspection and provide a description of any non-compliance with applicable requirements.

§ 2. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to qualifications for persons conducting inspections and maintenance on drinking water tanks, as proposed in introduction number 1157-A for the year 2018, takes effect, except that the commissioner may take such actions as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ALICKA AMPRY-SAMUEL, KEITH POWERS; Committee on Health; April 8, 2019.

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

Report for Int. No. 1056-B

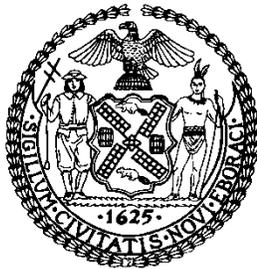
**Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to conduct periodic inspections of water tanks and to post the results online.**

The Committee on Health, to which the annexed proposed amended local law was referred on August 8, 2018 (Minutes, page 3241), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Health for Int. No. 1053-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1056-B:*



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

PROPOSED INTRO. NO: 1056-B

COMMITTEE: **Health**

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to conduct periodic inspections of water tanks and to post the results online.

**SPONSORS:** Council Members Constantinides, Levine, Torres, Diaz, Ampry-Samuel, Ayala, Rosenthal, and (by request of the Bronx Borough President).

**SUMMARY OF LEGISLATION:** Proposed Intro. 1056-B would require the Department of Health and Mental Hygiene (“Department”) to conduct periodic audits of buildings’ annual water tank inspection documentation, and would also require the Department to conduct 125 additional inspections of water tanks, selected at random, and to post the results of such periodic audits and inspections online.

**EFFECTIVE DATE:** This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to qualification for person conducting inspections and maintenance on drinking water tanks, as proposed in introduction number 1157-A for the year 2018, takes effect, except that the commissioner may take such actions as are necessary for the implementation of this local law, including the promulgation of rules before such date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2021

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$80,372	\$96,447	\$96,447
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that the proposed legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that implementing this legislation would cost \$96,447 to the City in order to hire one additional technicians to complete the inspections. Intro bill 1157-B requires that either master plumber complete the inspection or supervise the technician completing the water tank inspections.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Department of Health and Mental Hygiene

**ESTIMATE PREPARED BY:** Lauren Hunt, Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director, NYC Council Finance Division  
Crielhien R. Francisco, Unit Head, NYC Council Finance Division  
Stephanie Ruiz, Assistant Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council as Int. No. 1056 on August 8, 2018 and was referred to the Committee on Health. A hearing was held by the Committee on Health on October 30, 2018 and the bill was laid over. The legislation was subsequently amended two times and the most recently amended version, Proposed Intro. 1056-B, will be voted on by the Committee on Health at a hearing on April 8, 2019. Upon a successful vote by the Committee on Health, Proposed Intro. No. 1056-B will be submitted to the full Council for a vote on April 9, 2019.

**DATE PREPARED:** April 2, 2019.

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

**(The following is the text of Int. No. 1056-B:)**

Int. No. 1056-B

By Council Members Constantinides, Levine, Torres, Diaz, Ampry-Samuel, Ayala, Rosenthal, Eugene and Rivera (by request of the Bronx Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to conduct periodic inspections of water tanks and to post the results online**

*Be it enacted by the Council as follows:*

Section 1. Section 17-194 of the administrative code of the city of New York is amended by adding a new subdivision h to read as follows:

*h. 1. The department shall periodically audit a sample of buildings' documentation of the annual inspections required to be maintained pursuant to subdivision b of this section. Such audit shall review such documentation for accuracy and the department may conduct such audits without prior notice to a building's owner, as authorized by law. The department shall also annually inspect 125 water tanks, selected at random by the department, for compliance with this section.*

*2. The department shall post the results of such periodic audits and inspections on its website and the web portal providing access to public data sets described in section 23-502 within 35 days of conducting such a periodic audit or inspection.*

§ 2. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to qualifications for persons conducting inspections and maintenance on drinking water tanks, as proposed in introduction number 1157-A for the year 2018, takes effect, except that the commissioner may take such actions as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ALICKA AMPRY-SAMUEL, KEITH POWERS; Committee on Health; April 8, 2019.

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

Report for Int. No. 1138-A

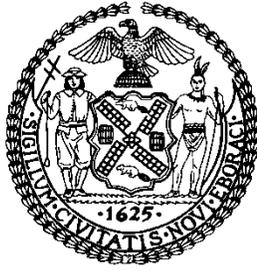
**Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to review documentation of annual inspections of water tanks where harmful bacteria are found, and to post the results online.**

The Committee on Health, to which the annexed proposed amended local law was referred on October 17, 2018 (Minutes, page 3859), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Health for Int. No. 1053-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 1138-A:*



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

**PROPOSED INTRO. NO:** 1138-A

**COMMITTEE:** Health

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to review documentation of annual inspections of water tanks where harmful bacteria are found, and to post the results online.

**SPONSORS:** Council Members Ampry-Samuel, Rosenthal, Kallos and Constantinides.

**SUMMARY OF LEGISLATION:** Proposed Intro. 1138-A would require the Department of Health and Mental Hygiene to conduct additional reviews of documentation of water tank inspections where harmful bacteria are found or where certain violation occurred, without providing prior notice to building owners, and to post the results of those inspections online.

**EFFECTIVE DATE:** This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to qualification for person conducting inspections and maintenance on drinking water tanks, as proposed in introduction number 1157-A for the year 2018, takes effect, except that the commissioner may take such actions as are necessary for the implementation of this local law, including the promulgation of rules before such date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2021

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that the proposed legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of Proposed Intro. 1138-A because the relevant City agencies would utilize existing resources to implement the requirements of the legislation.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
 Department of Health and Mental Hygiene

**ESTIMATE PREPARED BY:** Lauren Hunt, Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director, NYC Council Finance Division  
 Crilhien R. Francisco, Unit Head, NYC Council Finance Division  
 Stephanie Ruiz, Assistant Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on October 17, 2018 and was referred to the Committee on Health. A hearing was held by the Committee on Health on October 30, 2018 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. 1138-A, will be voted on by the Committee on Health at a hearing on April 8, 2019. Upon a successful vote by the Committee on Health, Proposed Intro. No. 1138-A will be submitted to the full Council for a vote on April 9, 2019.

**DATE PREPARED:** April 2, 2019.

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

**(The following is the text of Int. No. 1138-A:)**

Int. No. 1138-A

By Council Members Ampry-Samuel, Rosenthal, Kallos, Constantinides, Eugene, Ayala and Rivera.

**A Local Law to the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to review documentation of annual inspections of water tanks where harmful bacteria are found, and to post the results online**

*Be it enacted by the Council as follows:*

Section 1. Section 17-194 of the administrative code of the city of New York is amended by adding a new subdivision i to read as follows:

*i. 1. Wherever harmful bacteria are found in a water tank and reported to the department in accordance with section 141.07 of the health code, or where a water tank has been the subject of certain violations within the prior 12 months identified by the department, the department shall review documentation of the annual inspections required by subdivision b of this section for such water tank. The department may review such documentation without prior notice to the building's owner, as authorized by law.*

*2. The department shall post the results of the documentation review required by paragraph 1 of this subdivision on its website and the web portal providing access to public data sets described in section 23-502 within 35 days of such review.*

§ 2. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to qualifications for persons conducting inspections and maintenance on drinking water tanks, as proposed in introduction number 1157-A for the year 2018, takes effect, except that the commissioner may take such actions as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ALICKA AMPRY-SAMUEL, KEITH POWERS; Committee on Health; April 8, 2019.

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

Report for Int. No. 1150-A

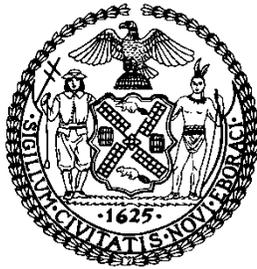
**Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to electronic reporting of water tank inspection and cleaning.**

The Committee on Health, to which the annexed proposed amended local law was referred on October 17, 2018 (Minutes, page 3878), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Health for Int. No. 1053-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 1150-A:*



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

**PROPOSED INTRO. NO: 1150-A**

**COMMITTEE: Health**

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to electronic reporting of water tank inspection and cleaning.

**SPONSORS:** Council Members Kallos, Levine, Ampry-Samuel, Diaz, Rosenthal and Constantinides.

**SUMMARY OF LEGISLATION:** Proposed Intro. 1150-A law would allow the Department of Health and Mental Hygiene to require electronic submission of water tank inspection results.

**EFFECTIVE DATE:** This local law would take effect on the same date as a local law amending the administrative code of the city of New York, relating to qualification for person conducting inspections and maintenance on drinking water tanks, as proposed in introduction number 1157-A for the year 2018, would take effect, except that the commissioner may take such actions as are necessary for the implementation of this local law, including the promulgation of rules before such date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2021

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that the proposed legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that the proposed legislation would not affect expenditures because the relevant City agencies would utilize existing resources to fulfill the requirements of the legislation.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Department of Health and Mental Hygiene

**ESTIMATE PREPARED BY:** Lauren Hunt, Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director, NYC Council Finance Division  
Cirilhen R. Francisco, Unit Head, NYC Council Finance Division  
Noah Brick, Assistant Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on October 17, 2018 and was referred to the Committee on Health (the Committee). A hearing was held by the Committee on October 30, 2018 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. 1150-A, will be voted on by the Committee at a hearing on April 8, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1150-A will be submitted to the full Council for a vote on April 9, 2019.

**DATE PREPARED:** April 2, 2019.

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

**(The following is the text of Int. No. 1150-A:)**

Int. No. 1150-A

By Council Members Kallos, Levine, Ampry-Samuel, Diaz, Rosenthal, Constantinides, Eugene, Ayala and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to electronic reporting of water tank inspection and cleaning**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 17-194 of the administrative code of the city of New York, as amended by a local law to amend the administrative code of the city of New York, relating to requiring the visual documentation of water tanks during inspections, to be submitted to the department of health and mental hygiene, as proposed in introduction number 1169-A for the year 2018, is amended to read as follows:

b. Any owner of a building that has a water tank as part of its drinking water supply system shall have such water tank inspected at least once annually. Such inspection shall ensure that the water tank complies with all provisions of the administrative code of the city of New York, the construction codes of the city of New York and the health code of the city of New York. The results of such inspection shall be recorded in a manner prescribed by the commissioner. Such results shall be maintained by the owner and by the water tank inspector for at least five years from the date of inspection and shall be made available to the department upon request within five business days. An owner shall ensure that documentation of such annual inspection shall be submitted to the department by the water tank inspector, in a form and manner prescribed by the department. Such documentation shall state whether or not all applicable requirements were met at the time of inspection and provide a description of any non-compliance with applicable requirements. Such documentation shall include visual depictions, such as photographs or videos, which display the interior and exterior of the water tank. The department may require an owner to conduct additional inspections and provide any additional documentation, including receipts of work orders, or visual depictions such as photographs or videos. *The department may require that any document submitted to the department pursuant to this section be submitted electronically.*

§ 2. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to qualifications for persons conducting inspections and maintenance on drinking water tanks, as proposed in introduction number 1157-A for the year 2018, takes effect, except that the

commissioner may take such actions as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ALICKA AMPRY-SAMUEL, KEITH POWERS; Committee on Health; April 8, 2019.

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

Report for Int. No. 1157-B

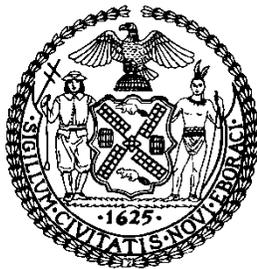
**Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to qualifications for persons conducting inspections and maintenance on drinking water tanks.**

The Committee on Health, to which the annexed proposed amended local law was referred on October 17, 2018 (Minutes, page 3884), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Health for Int. No. 1053-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 1157-B:*



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

**PROPOSED INTRO. NO: 1157-B**

**COMMITTEE: Health**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to qualifications for persons conducting inspections and maintenance on drinking water tanks.

**SPONSORS:** Council Members Levine, Kallos, Diaz, Rosenthal and Constantinides.

**SUMMARY OF LEGISLATION:** Proposed Intro. 1157-B law would require inspectors of drinking water tanks be licensed master plumbers pursuant to article 408 of chapter 4 of title 28 of the Administrative Code of the City of New York, work under the direct and continuing supervision of such a licensed master plumber, or be a registered design professional as defined in section 28-101.5 of the Administrative Code of the City of New York. It would also require the cleaning, painting or coating of a water tank to be conducted by a water tank inspector or by a person who either holds a commercial pesticide applicator certification in category 7G issued by the New York State Department of Environmental Conservation or works under the direct supervision of a person with such certification.

**EFFECTIVE DATE:** This local law would take effect 120 days after it becomes law, except that the commissioner of health and mental hygiene may take such action as is necessary for its implementation, including the promulgation of rules, before such effective date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2021

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that the proposed legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that the enactment of the proposed legislation would have no impact on expenditures because the relevant City agencies would utilize existing resources to fulfill the requirements of the legislation.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Department of Health and Mental Hygiene

**ESTIMATE PREPARED BY:** Lauren Hunt, Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director, NYC Council Finance Division  
Crielhien R. Francisco, Unit Head, NYC Council Finance Division  
Noah Brick, Assistant Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on October 17, 2018 and was referred to the Committee on Health (the Committee). A hearing was held by the Committee on October 30, 2018 and the bill was laid over. The legislation was subsequently amended two times and the most recently amended version, Proposed Intro. 1157-B, will be voted on by the Committee at a hearing on April 8, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1157-B will be submitted to the full Council for a vote on April 9, 2019.

**DATE PREPARED:** April 2, 2019.

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

**(The following is the text of Int. No. 1157-B:)**

Int. No. 1157-B

By Council Members Levine, Kallos, Diaz, Rosenthal, Constantinides, Eugene and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to qualifications for persons conducting inspections and maintenance on drinking water tanks**

*Be it enacted by the Council as follows:*

Section 1. Section 17-194 of the administrative code of the city of New York, as added by local law number 11 for the year 2009, subdivisions b and d of such section as amended by local law number 239 for the year 2017, subdivision e of such section as added by such local law number 239, and subdivision f as added by such local law number 11 and relettered by such local law number 239, is amended to read as follows:

§ 17-194. Drinking water tank inspections.

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

[1. “Building” shall mean] *Building*. *The term “building” means any building, structure, premises, or part thereof.*

[2. “Drinking water” shall mean] *Drinking water*. *The term “drinking water” means water used for human consumption or used directly or indirectly in connection with the preparation of food for human consumption, including, but not limited to, the cleaning of utensils used in the preparation of food.*

[3. “Owner” shall mean] *Owner*. *The term “owner” means any owner, manager, operator or other person or persons having control of a building and any authorized agent thereof.*

[4. “Water heater” shall mean] *Water heater*. *The term “water heater” means any heating appliance or equipment that heats potable water and supplies such water to the potable hot water distribution system.*

[5. “Water tank” shall mean] *Water tank*. *The term “water tank” means any device used to store drinking water that is distributed as part of the water supply system of a building, however such term shall not apply to domestic hot water heaters.*

*Water tank inspector*. *The term “water tank inspector” means a person that inspects a water tank pursuant to this section and is (i) a licensed master plumber pursuant to article 408 of chapter 4 of title 28, (ii) works under the direct and continuing supervision of such a licensed master plumber, or (iii) is a registered design professional as defined in section 28-101.5.*

b. Any owner of a building that has a water tank as part of its drinking water supply system shall have such water tank inspected at least once annually. Such inspection shall ensure that the water tank complies with all provisions of the administrative code of the city of New York, the construction codes of the city of New York and the health code of the city of New York. The results of such inspection shall be recorded in a manner prescribed by the commissioner. Such results shall be maintained by the owner for at least five years from the date of inspection and shall be made available to the department upon request within five business days. Documentation of such annual inspection shall be submitted in a form and manner prescribed by the department. Such documentation shall state whether or not all applicable requirements were met at the time of inspection and provide a description of any non-compliance with applicable requirements.

*c. The inspection of a water tank pursuant to subdivision b of this section shall be conducted by a water tank inspector. In addition to the requirements of the New York city health code, the cleaning, painting or coating of a water tank shall be conducted by a water tank inspector, or by a person who holds a commercial pesticide applicator certification in category 7G issued by the New York state department of environmental conservation or works under the direct supervision of a person holding such certification.*

[c] *d.* The owner of a building shall post a notice stating that (i) the water tank inspection results are maintained on file in a specific location and will be made available when a person makes such a request to either the building owner or manager and (ii) that a person may contact the department if the inspection results are not made available to such person by the building owner or manager. Upon receipt of such request, the owner or manager shall make a copy of the inspection results available within five business days. Such notice shall be posted in a location easily accessible to tenants and in a frame with a transparent cover, and may be combined with similar notices where not otherwise prohibited by law.

[d] *e.* Beginning March 1, 2019, and each year thereafter, the department shall submit to the council a report which shall provide information about water tank inspections for the preceding calendar year including, but not limited to:

1. [the] *The estimated number of building water tanks and the estimated number of buildings serviced by such tanks;*

2. [the] *The number of complete building water tank inspection results received by the department pursuant to subdivision b of this section;*

3. [the] *The number of building water tank inspection results received by the department that documented compliance with applicable requirements; and*

4. [the] *The* number of violations issued by the department pursuant to subdivision [f] j of this section, section 141.07 of the health code or chapter 31 of title 24 of the rules of the city of New York.

[e] *f.* Water tank inspection information on website. Within 35 business days of receiving the documentation of an annual inspection required pursuant to subdivision b, the department shall post such documentation on its website and the web portal providing access to public data sets described in section 23-502. The department's website shall provide notice that failure to conduct a required water tank inspection is a violation of law. Information available to the public shall include:

1. [guidance] *Guidance* to assist users in accessing any prior inspection report for a building available on the web portal providing access to public data sets described in section 23-502;

2. [guidance] *Guidance* to assist users in determining whether a building is required to have a water tank inspection pursuant to this section or section 141.07 of the health code; and

3. [information] *Information* about how to submit a complaint about a water tank, or water from a water tank, to the department.

[f] j. Any owner of a building who violates [subdivision] subdivisions b *or c* of this section or any of the rules promulgated thereunder shall be liable for a civil penalty not less than [two hundred] \$200 and not to exceed [two thousand dollars] \$2000 for each violation. Any owner of a building who violates subdivision [c] *d* of this section or any of the rules promulgated thereunder shall be liable for a civil penalty not to exceed [two hundred fifty dollars] \$250 for each violation.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of health and mental hygiene may take such action as is necessary for its implementation, including the promulgation of rules, before such effective date.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ALICKA AMPRY-SAMUEL, KEITH POWERS; Committee on Health; April 8, 2019.

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

Report for Int. No. 1167-A

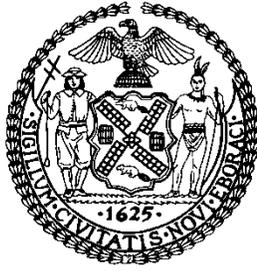
**Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the repair of damaged water tanks.**

The Committee on Health, to which the annexed proposed amended local law was referred on October 17, 2018 (Minutes, page 3897), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Health for Int. No. 1053-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 1167-A:*



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

**PROPOSED INTRO. NO:** 1167-A

**COMMITTEE:** Health

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to the repair of damaged water tanks.

**SPONSORS:** Council Member Salamanca, Kallos, Rosenthal and Constantinides.

**SUMMARY OF LEGISLATION:** Proposed Intro. 1167-A would require building owners to repair damage to water tanks or its supporting structures, and imposes a civil penalty for failure to do so.

**EFFECTIVE DATE:** This local law would take effect on the same date as a local law amending the administrative code of the city of New York, relating to qualifications for persons conducting inspections and maintenance on drinking water tanks, as proposed in introduction number 1157-A for the year 2018, takes effect, except that the commissioner may take such actions as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2021

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that the proposed legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of Proposed Intro. 1167-A because the relevant City agencies would utilize existing resources to fulfill the legislation.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Department of Health and Mental Hygiene

**ESTIMATE PREPARED BY:** Lauren Hunt, Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director, NYC Council Finance Division  
Cirlhien R. Francisco, Unit Head, NYC Council Finance Division  
Noah Brick, Assistant Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on October 17, 2018 and was referred to the Committee on Health (the Committee). A hearing was held by the Committee on October 30, 2018 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed

Intro. 1167-A, will be voted on by the Committee at a hearing on April 8, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1167-A will be submitted to the full Council for a vote on April 9, 2019.

**DATE PREPARED:** April 2, 2019.

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

**(The following is the text of Int. No. 1167-A:)**

Int. No. 1167-A

By Council Members Salamanca, Kallos, Rosenthal, Constantinides, Eugene, Ayala and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to the repair of damaged water tanks**

*Be it enacted by the Council as follows:*

Section 1. Section 17-194 of the administrative code of the city of New York, is amended by adding a new subdivision g, and by amending subdivision j, as amended by a local law amending the administrative code of the city of New York, relating to qualifications for persons conducting inspections and maintenance on drinking water tanks, as proposed in introduction number 1157-A for the year 2018, to read as follows:

*g. Any owner of a building shall have a duty to maintain a water tank and such water tank's supporting structures in a safe condition. If, as a result of an annual inspection required by subdivision b of this section, it is determined that a water tank or its supporting structure is structurally unsafe or dangerous, the water tank inspector or owner shall take such actions as are required by section 28-301.1 and report such condition to the department of buildings in writing.*

*j. Any owner of a building who violates subdivisions b or c of this section or any of the rules promulgated thereunder shall be liable for a civil penalty not less than \$200 and not to exceed \$2000 for each violation. Any owner of a building who violates subdivision d of this section or any of the rules promulgated thereunder shall be liable for a civil penalty not to exceed \$250 for each violation. Any owner of a building who violates subdivision g of this section shall be liable for a civil penalty not less than \$200 and not to exceed \$2000 for each violation.*

§ 2. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to qualifications for persons conducting inspections and maintenance on drinking water tanks, as proposed in introduction number 1157-A for the year 2018, takes effect, except that the commissioner may take such actions as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ALICKA AMPRY-SAMUEL, KEITH POWERS; Committee on Health; April 8, 2019.

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

Report for Int. No. 1169-A

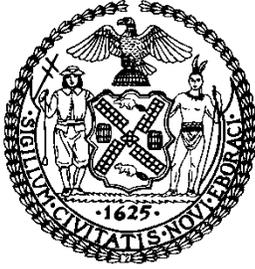
**Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the visual documentation of water tanks during inspections, to be submitted to the department of health and mental hygiene.**

The Committee on Health, to which the annexed proposed amended local law was referred on October 17, 2018 (Minutes, page 3898), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Health for Int. No. 1053-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1169-A:*



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

**LATONIA MCKINNEY, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 1169-A**

**COMMITTEE: Health**

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to requiring the visual documentation of water tanks during inspections, to be submitted to the department of health and mental hygiene.

**SPONSORS:** Council Members Torres, Kallos and Rosenthal

**SUMMARY OF LEGISLATION:** Proposed Intro. 1169-A would require visual evidence of water tanks, such as photographs or videos, to be submitted with inspection results to the Department of Health and Mental Hygiene

**EFFECTIVE DATE:** This local law would take effect on the same date as a local law amending the administrative code of the city of New York, relating to qualification for person conducting inspections and maintenance on drinking water tanks, as proposed in introduction number 1157-A for the year 2018, takes effect, except that the commissioner may take such actions as are necessary for the implementation of this local law, including the promulgation of rules before such date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that the proposed legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of Proposed Intro. 1169-A because the relevant City agencies would utilize existing resources to fulfill the legislation.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Department of Health and Mental Hygiene

**ESTIMATE PREPARED BY:** Lauren Hunt, Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director, NYC Council Finance Division  
Crielhien R. Francisco, Unit Head, NYC Council Finance Division  
Noah Brick, Assistant Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on October 17, 2018 and was referred to the Committee on Health (the Committee). A hearing was held by the Committee on October 30, 2018 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. 1169-A, will be voted on by the Committee at a hearing on April 8, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1169-A will be submitted to the full Council for a vote on April 9, 2019.

**DATE PREPARED:** April 2, 2019.

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

**(The following is the text of Int. No. 1169-A:)**

Int. No. 1169-A

By Council Members Torres, Kallos, Rosenthal, Eugene, Ayala and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the visual documentation of water tanks during inspections, to be submitted to the department of health and mental hygiene**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 17-194 of the administrative code of the city of New York, as amended by a local law amending the administrative code of the city of New York, relating to requiring water tank inspectors to submit annual inspection reports directly to the department of health and mental hygiene, as proposed in introduction number 1053-A for the year 2018, is amended to read as follows:

b. Any owner of a building that has a water tank as part of its drinking water supply system shall have such water tank inspected at least once annually. Such inspection shall ensure that the water tank complies with all provisions of the administrative code of the city of New York, the construction codes of the city of New York and the health code of the city of New York. The results of such inspection shall be recorded in a manner prescribed by the commissioner. Such results shall be maintained by the owner and by the water tank inspector for at least five years from the date of inspection and shall be made available to the department upon request within five business days. An owner shall ensure that documentation of such annual inspection shall be submitted to the department by the water tank inspector, in a form and manner prescribed by the department. Such documentation shall state whether or not all applicable requirements were met at the time of inspection and provide a description of any non-compliance with applicable requirements. *Such documentation shall include visual depictions, such as photographs or videos, which display the interior and exterior of the water tank. The department may require an owner to conduct additional inspections and provide any additional documentation, including receipts of work orders, or visual depictions such as photographs or videos.*

§ 2. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to qualifications for persons conducting inspections and maintenance on drinking water tanks, as proposed in introduction number 1157-A for the year 2018, takes effect, except that the commissioner may take such actions as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ALICKA AMPRY-SAMUEL, KEITH POWERS; Committee on Health; April 8, 2019.

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

### **Report of the Committee on Land Use**

Report for L.U. No. 356

**Report of the Committee on Land Use in favor of approving Application No. N 190233 HKM [DL 511, LP-2621] (Park Terrace West – West 217th Street Historic District) submitted pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Park Terrace West – West 217th Street Historic District, Borough of Manhattan, Council District 10, Community District 12.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 28, 2019 (Minutes, page 676) and which same Land Use item was coupled with the resolution shown below, respectfully

### **REPORTS:**

#### **SUBJECT**

**MANHATTAN CB - 12**

**20195187 HKM (N 190233 HKM)**

Designation by the Landmarks Preservation Commission [DL-511/LP-2621] pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the designation of the Park Terrace West-West 217<sup>th</sup> Street Historic District.

#### **PUBLIC HEARING**

**DATE:** March 6, 2019

**Witnesses in Favor:** Two

**Witnesses Against:** None

#### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 3, 2019

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

#### **In Favor:**

Adams, Barron, Koo, Treyger.

**Against:**            **Abstain:**  
None                    None

**COMMITTEE ACTION**

**DATE:** April 3, 2019

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, Koo, Lancman, Miller, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Sr., Moya, Rivera.

**Against:**            **Abstain:**  
None                    None.

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

Res. No. 830

**Resolution affirming the designation by the Landmarks Preservation Commission of the Park Terrace West-West 217th Street Historic District, Borough of Manhattan, Designation List No. DL-511/LP-2621 (L.U. No. 356; 20195187 HKM; N 190233 HKM).**

By Council Members Salamanca and Adams.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on December 20, 2018 a copy of its designation report dated December 11, 2018 (the "Designation Report"), including the designation pursuant to Section 3020 of the City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the Park Terrace West-West 217th Street Historic District, Community District 12, Borough of Manhattan, with the following district boundaries ("the Designation"):

The Park Terrace West-West 217th Street Historic District consists of the property bounded by a line beginning on the southwest corner of 91 Park Terrace West, Block 2243, Lot 385, extending northerly along the western property lines of 91 to 97 Park Terrace West, then extending northerly to the south curbline of West 218th Street, extending easterly along West 218th Street, to the western curbline of Park Terrace West, then extending southerly along the western curbline of Park Terrace West to 93 Park Terrace West, then easterly across Park Terrace West, along the northern property line of 96 Park Terrace West, and along the northern property lines of 539 to 527 West 217th Street, then extending southerly along the eastern property line of 527 West 217th Street, then to the northern curbline of West 217th Street, then extending westerly along the northern curbline of West 217th Street, then across Park Terrace West to the western curbline of Park Terrace West, then southerly along the western curbline of Park Terrace West, to the southern property line of 77 Park Terrace West, then westerly along the southern property line of 77 Park Terrace West, then northerly along the western property lines of 77 to 81 Park Terrace West, then easterly along the northern property line of 81 Park Terrace West, then northerly along the western curbline of Park Terrace West to the southern property line of 91 Park Terrace West, then westerly along the southern property line of 91 Park Terrace West, to the point of beginning.

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

**WHEREAS**, the City Planning Commission submitted to the Council on February 15, 2019, its report on the Designation dated February 13, 2019 (the "City Planning Commission Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on March 6, 2019; and

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

**RESOLVED:**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 3, 2018.

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

Report for L.U. No. 360

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180447 ZMQ (Former Parkway Hospital Site Rezoning) submitted by Auberge Grand Central, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14a, changing from an R1-2A District to an R7A District and changing from an R1-2A District to an R7X District property located at Block 2248, Lot 228 and p/o Lot 100 and Block 2246 Lot 11, Borough of Queens, Council District 29, Community District 6.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 28, 2019 (Minutes, page 677), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 360 & Res. No. 842 printed in the General Order Calendar section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 3, 2018.

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

Report for L.U. 361

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 180448 ZRQ (Former Parkway Hospital Site Rezoning) submitted by Auberge Grand Central, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area for property located at Block 2248, Borough of Queens, Council District 29, Community District 6.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 28, 2019 (Minutes, page 677), respectfully

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 361 & Res. No. 843 printed in the General Order Calendar section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 3, 2018.

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

Report for L.U. No. 362

**Report of the Committee on Land Use in favor of approving Application No. C 190071 ZMK (809 Atlantic Avenue Rezoning) submitted by 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c eliminating from within an existing R7A District a C2-4 District, changing from an R7A District to an R6A District, changing from an R6A District to an R9 District, changing from an R7A District to an R9 District, and establishing within the proposed R9 District a C2-5 District, for property located at Block 2010, Lots 1 and 59 and p/o Lots 53, 56, 57 and 58, Borough of Brooklyn, Council District 35, Community District 2.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 28, 2019 (Minutes, page 678) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB-2 - FOUR APPLICATIONS RELATED TO 809 ATLANTIC AVENUE REZONING**

**C 190071 ZMK (L.U. No. 362)**

City Planning Commission decision approving an application submitted by 550 Clinton Partners, LLC, and 539 Vanderbilt Partners, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c:

1. eliminating from within an existing R7A District a C2-4 District bounded by a line 100 feet northerly of Atlantic Avenue, Clinton Avenue, Atlantic Avenue, and Vanderbilt Avenue;
2. changing from an R7A District to an R6A District property bounded by a line 100 feet northerly of Atlantic Avenue, a line perpendicular to the westerly street line of Clinton Avenue distant 100 feet northerly (as measured along the street line) from the point of intersection of northerly street line of Atlantic Avenue and the westerly street line of Clinton Avenue, and a line midway between Vanderbilt Avenue and Clinton Avenue;
3. changing from an R6A District to an R9 District property bounded by:
  - a. a line perpendicular to the easterly street line of Vanderbilt Avenue distant 135 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Atlantic Avenue and the easterly street line of Vanderbilt Avenue, a line midway between Vanderbilt Avenue and Clinton Avenue, a line 100 feet northerly of Atlantic Avenue, and a line 80 feet easterly of Vanderbilt Avenue; and
  - b. a line perpendicular to the westerly street line of Clinton Avenue distant 100 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Atlantic Avenue and the westerly street line of Clinton Avenue, Clinton Avenue, and a line 100 feet northerly of Atlantic Avenue;
4. changing from an R7A District to an R9 District property bounded by a line perpendicular to the easterly street line of Vanderbilt Avenue distant 135 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Atlantic Avenue and the easterly street line of Vanderbilt Avenue, a line 80 feet easterly of Vanderbilt Avenue, a line 100 feet northerly of Atlantic Avenue, a line midway between Vanderbilt Avenue and Clinton Avenue, a line perpendicular to the westerly street line of Clinton Avenue distant 100 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Atlantic Avenue and the westerly street line of Clinton Avenue, a line 100 feet northerly of Atlantic Avenue, Clinton Avenue, Atlantic Avenue, and Vanderbilt Avenue; and
5. establishing within the proposed R9 District a C2-5 District bounded by a line perpendicular to the easterly street line of Vanderbilt Avenue distant 135 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Atlantic Avenue and the easterly street line of Vanderbilt Avenue, a line midway between Vanderbilt Avenue and Clinton Avenue, a line perpendicular to the westerly street line of Clinton Avenue distant 100 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Atlantic Avenue and the westerly street line of Clinton Avenue, Clinton Avenue, Atlantic Avenue, and Vanderbilt Avenue;

as shown on a diagram (for illustrative purposes only) dated September 24, 2018, and subject to the conditions of CEQR Declaration E-499.

**C 190072 ZSK (L.U. No. 363)**

City Planning Commission decision approving an application submitted by 550 Clinton Partners, LLC, and 539 Vanderbilt Partners, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify:

1. the zoning lot divided by district boundaries regulations of Section 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution) and Section 77-22 (Floor Area Ratio);
2. the lot coverage regulations of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas);
3. the rear yard regulations of Section 23-52 (Special Provisions for Shallow Interior Lots), Section 33-26 (Minimum Required Rear Yards), and Section 33-29 (Special Provisions Applying along District Boundaries);
4. the tower-on-a-base regulations of Section 23-651(a) (Tower regulations) and Section 23-651(b) (Building base regulations);
5. the inner court regulations of Section 23-851 (Minimum dimensions of inner courts) and the inner recess regulations of Section 23-852 (Inner court recesses); and
6. the minimum distance between legally required windows and lot line regulations of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines)

in connection with a proposed mixed-use development on property located at 550 Clinton Avenue a.k.a. 539 Vanderbilt Avenue (Block 2010, Lots 1, 10, 51, 59, 1001-1010, and 1101-1118), in R6A, R7A and R9/C2-5 Districts.

**C 190073 ZSK (L.U. No. 364)**

City Planning Commission decision approving an application submitted by 550 Clinton Partners, LLC, and 539 Vanderbilt Partners, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive the required number of accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development on property located at 550 Clinton Avenue a.k.a. 539 Vanderbilt Avenue (Block 2010, Lots 1, 10, 51, 59, 1001-1010, and 1101-1118), in R6A, R7A and R9/C2-5 Districts.

**N 190074 ZRK (L.U. No. 365)**

City Planning Commission decision approving an application submitted by 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing Area.

**INTENT**

To approve amendments to change R7A/C2-4, R7A and R6A districts to an R9/C2-5 district and to change an R7A/C2-4 district to an R6A district, and designate a Mandatory Inclusionary Housing (MIH) Area; approve special permit pursuant to Zoning Resolution (ZR) Section 74-711 to modify the regulation governing transfer of floor area between different zoning districts (ZR 77-02 and 77-22), the lot coverage regulations of Section 23-16, the rear yard regulations of Section 23-52, Section 33-26 and Section 33-29, the tower-on-a-base regulations of Section 23-651(a) and Section 23-651(b), the court regulations of 23-851 and 23-852, the window-to-lot-line regulations of 23-861; and approve special permit pursuant to ZR Section 74-533 to waive residential parking requirements of ZR Section 25-23 to facilitate the development of two new mixed-use

buildings on the development site, one 4 stories and one 29 stories, with approximately 204,000 square feet of residential floor area and 33,000 square feet of commercial floor area and fund the restoration of the landmarked Church of St. Luke & St. Matthew at 809 Atlantic Avenue in the Fort Greene/Clinton Hill neighborhood of Brooklyn, Community District 2.

### **PUBLIC HEARING**

**DATE:** March 6, 2019

**Witnesses in Favor:** Seven

**Witnesses Against:** None

### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 2, 2019

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission ("CPC") on L.U. Nos. 362 through 365.

**In Favor:**

Moya, Constantinides, Lancman, Levin, Reynoso, Richards, Rivera, Torres, Grodenchik.

**Against:**

None

**Abstain:**

None

### **COMMITTEE ACTION**

**DATE:** April 3, 2019

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca, Gibson, Constantinides, Deutsch, Kallos, Koo, Lancman, Miller, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Sr., Moya, Rivera.

**Against:**

Barron

**Abstain:**

None.

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

Res. No. 831

**Resolution approving the decision of the City Planning Commission on ULURP No. C 190071 ZMK, a Zoning Map amendment (L.U. No. 362).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on February 25, 2019 its decision dated February 25, 2019 (the "Decision"), on the application submitted by 550 Clinton Partners, LLC, and 539 Vanderbilt Partners, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 16c, eliminating from within an existing R7A District a C2-4 District, changing from an R7A District to an R6A District, changing from an R6A District to an R9 District, changing from an R7A District to an R9 District, and establishing within the proposed R9 District a C2-5 District, which in conjunction with the related actions would facilitate the development of two new mixed-use buildings on the development site, one 4 stories and one 29 stories, with approximately 204,000 square feet of residential floor area and 33,000 square feet of commercial floor area and fund the restoration of the landmarked Church of St. Luke & St. Matthew at 809 Atlantic Avenue in the Fort Greene/Clinton Hill neighborhood of Brooklyn, Community District 2 (ULURP No. C 190071 ZMK) (the "Application");

**WHEREAS**, the Application is related to applications C 190072 ZSK (L.U. No. 363), a special permit pursuant to Zoning Resolution (ZR) Section 74-711 to modify bulk requirements; C 190073 ZSK (L.U. No. 364), a special permit pursuant to ZR Section 74-533 to modify residential parking requirements; N 190074 ZRK (L.U. No. 365), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 6, 2019;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Revised Negative Declaration issued February 22<sup>nd</sup>, 2019 which supersedes the Negative Declaration issued September 24<sup>th</sup>, 2018, and Revised Environmental Assessment Statement issued February 22<sup>nd</sup>, 2019 (CEQR No. 18DCP179K) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality or noise (the "E" Designation (E-499));

**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-499) and Revised Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190071 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 16c:

1. eliminating from within an existing R7A District a C2-4 District bounded by a line 100 feet northerly of Atlantic Avenue, Clinton Avenue, Atlantic Avenue, and Vanderbilt Avenue;
2. changing from an R7A District to an R6A District property bounded by a line 100 feet northerly of Atlantic Avenue, a line perpendicular to the westerly street line of Clinton Avenue distant 100 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Atlantic Avenue and the westerly street line of Clinton Avenue, and a line midway between Vanderbilt Avenue and Clinton Avenue;

3. changing from an R6A District to an R9 District property bounded by:
  - a. a line perpendicular to the easterly street line of Vanderbilt Avenue distant 135 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Atlantic Avenue and the easterly street line of Vanderbilt Avenue, a line midway between Vanderbilt Avenue and Clinton Avenue, a line 100 feet northerly of Atlantic Avenue, and a line 80 feet easterly of Vanderbilt Avenue; and
  - b. a line perpendicular to the westerly street line of Clinton Avenue distant 100 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Atlantic Avenue and the westerly street line of Clinton Avenue, Clinton Avenue, and a line 100 feet northerly of Atlantic Avenue;
4. changing from an R7A District to an R9 District property bounded by a line perpendicular to the easterly street line of Vanderbilt Avenue distant 135 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Atlantic Avenue and the easterly street line of Vanderbilt Avenue, a line 80 feet easterly of Vanderbilt Avenue, a line 100 feet northerly of Atlantic Avenue, a line midway between Vanderbilt Avenue and Clinton Avenue, a line perpendicular to the westerly street line of Clinton Avenue distant 100 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Atlantic Avenue and the westerly street line of Clinton Avenue, a line 100 feet northerly of Atlantic Avenue, Clinton Avenue, Atlantic Avenue, and Vanderbilt Avenue; and
5. establishing within the proposed R9 District a C2-5 District bounded by a line perpendicular to the easterly street line of Vanderbilt Avenue distant 135 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Atlantic Avenue and the easterly street line of Vanderbilt Avenue, a line midway between Vanderbilt Avenue and Clinton Avenue, a line perpendicular to the westerly street line of Clinton Avenue distant 100 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Atlantic Avenue and the westerly street line of Clinton Avenue, Clinton Avenue, Atlantic Avenue, and Vanderbilt Avenue;

Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated September 24, 2018, and subject to the conditions of CEQR Declaration E-499.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 3, 2018.

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

Report for L.U. No. 363

**Report of the Committee on Land Use in favor of approving Application No. C 190072 ZSK (809 Atlantic Avenue Rezoning) submitted by 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the zoning lot divided by district boundaries regulations of Section 77-02 (Zoning Lots not Existing Prior to Effective Date or**

**Amendment of Resolution) and Section 77-22 (Floor Area Ratio), the zoning lot divided by district boundaries regulations of Section 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution) and Section 77-22 (Floor Area Ratio), the rear yard regulations of Section 23-52 (Special Provisions for Shallow Interior Lots), Section 33-26 (Minimum Required Rear Yards), and Section 33-29 (Special Provisions Applying along District Boundaries), the tower-on-a-base regulations of Section 23-651(a) (Tower regulations) and Section 23-651(b) (Building base regulations), the inner court regulations of Section 23-851 (Minimum dimensions of inner courts) and the inner recess regulations of Section 23-852 (Inner court recesses), and the minimum distance between legally required windows and lot line regulations of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines), in connection with a proposed mixed-use development on property located at 550 Clinton Avenue a.k.a. 539 Vanderbilt Avenue (Block 2010, Lots 1, 10, 51, 59, 1001-1010, and 1101-1118), Borough of Brooklyn, Council District 35, Community District 2.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 28, 2018 (Minutes, pager) 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. 362 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 832

**Resolution approving the decision of the City Planning Commission on ULURP No. C 190072 ZSK, for the grant of a special permit (L.U. No. 363).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on February 25, 2019 its decision dated February 25, 2019 (the "Decision"), on the application submitted by 550 Clinton Partners, LLC, and 539 Vanderbilt Partners, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the zoning lot divided by district boundaries regulations of Section 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution) and Section 77-22 (Floor Area Ratio); the lot coverage regulations of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas); the rear yard regulations of Section 23-52 (Special Provisions for Shallow Interior Lots), Section 33-26 (Minimum Required Rear Yards), and Section 33-29 (Special Provisions Applying along District Boundaries); the tower-on-a-base regulations of Section 23-651(a) (Tower regulations) and Section 23-651(b) (Building base regulations); the inner court regulations of Section 23-851 (Minimum dimensions of inner courts) and the inner recess regulations of Section 23-852 (Inner court recesses); and the minimum distance between legally required windows and lot line regulations of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) in connection with a proposed mixed-use development on property located at 550 Clinton Avenue a.k.a. 539 Vanderbilt Avenue (Block 2010, Lots 1, 10, 51, 59, 1001-1010, and 1101-1118), in R6A, R7A and R9/C2-5 Districts, which in conjunction with the related actions would facilitate the development of two new mixed-use buildings on the development site, one 4 stories and one 29 stories, with approximately 204,000 square feet of residential floor area and 33,000 square feet of commercial floor area and fund the restoration of the landmarked Church of St.

Luke & St. Matthew at 809 Atlantic Avenue in the Fort Greene/Clinton Hill neighborhood of Brooklyn, Community District 2 (ULURP No. C 190072 ZSK) (the “Application”);

**WHEREAS**, the Application is related to applications C 190071 ZMK (L.U. No. 362), a zoning map amendment to change R7A/C2-4, R7A and R6A districts to an R9/C2-5 district and to change an R7A/C2-4 district to an R6A district; C 190073 ZSK (L.U. No. 364), a special permit pursuant to ZR Section 74-533 to modify residential parking requirements; and N 190074 ZRK (L.U. No. 365), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 74-711 of the Zoning Resolution of the City of New York;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 6, 2019;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Revised Negative Declaration issued February 22<sup>nd</sup>, 2019 which supersedes the Negative Declaration issued September 24<sup>th</sup>, 2018, and Revised Environmental Assessment Statement issued February 22<sup>nd</sup>, 2019 (CEQR No. 18DCP179K) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality or noise (the “E” Designation (E-499));

**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-499) and Revised Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190072 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 190072 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Morris Adjmi Architects, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-001	Zoning Analysis	08/27/2018
Z-010	Site Plan	09/07/2018
Z-150	Bulk Waiver Plan	09/07/2018
Z-151	Bulk Waiver Sections	09/07/2018
Z-152	Bulk Waiver Sections	09/07/2018
Z-300	Tower Zoning Envelope Diagram	08/27/2018

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and the restrictive declaration and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
6. Development pursuant to this resolution shall be allowed only after the restrictive declaration, executed by 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC, the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, New York County.
7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign or legal representative of such party to observe any of the 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*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 3, 2018.

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

## Report for L.U. No. 364

**Report of the Committee on Land Use in favor of approving Application No. C 190073 ZSK (809 Atlantic Avenue Rezoning) submitted by 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive the required number of accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development on property located at 550 Clinton Avenue a.k.a. 539 Vanderbilt Avenue (Block 2010, Lots 1, 10, 51, 59, 1001-1010, and 1101-1118), Borough of Brooklyn, Council District 35, Community District 2.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 28, 2019 (Minutes, page 678) 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. 362 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 833

**Resolution approving the decision of the City Planning Commission on ULURP No. C 190073 ZSM, for the grant of a special permit (L.U. No. 364).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on February 25, 2019 its decision dated February 25, 2019 (the "Decision"), on the application submitted by 550 Clinton Partners, LLC, and 539 Vanderbilt Partners, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive the required number of accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development on property located at 550 Clinton Avenue a.k.a. 539 Vanderbilt Avenue (Block 2010, Lots 1, 10, 51, 59, 1001-1010, and 1101-1118), in R6A, R7A and R9/C2-5 Districts, which in conjunction with the related actions would facilitate the development of two new mixed-use buildings on the development site, one 4 stories and one 29 stories, with approximately 204,000 square feet of residential floor area and 33,000 square feet of commercial floor area and fund the restoration of the landmarked Church of St. Luke & St. Matthew at 809 Atlantic Avenue in the Fort Greene/Clinton Hill neighborhood of Brooklyn, Community District 2 (ULURP No. C 190073 ZSK) (the "Application");

**WHEREAS**, the Application is related to applications C 190071 ZMK (L.U. No. 362), a zoning map amendment to change R7A/C2-4, R7A and R6A districts to an R9/C2-5 district and to change an R7A/C2-4 district to an R6A district; C 190072 ZSK (L.U. No. 363), a special permit pursuant to Zoning Resolution (ZR)

Section 74-711 to modify bulk requirements; N 190074 ZRK (L.U. No. 365), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 74-533 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 March 6, 2019;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Revised Negative Declaration issued February 22<sup>nd</sup>, 2019 which supersedes the Negative Declaration issued September 24<sup>th</sup>, 2018, and Revised Environmental Assessment Statement issued February 22<sup>nd</sup>, 2019 (CEQR No. 18DCP179K) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality or noise (the “E” Designation (E-499)).

**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-499) and Revised Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190073 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 190073 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Morris Adjmi Architects filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-001	Zoning Analysis	08/27/2018
Z-010	Site Plan	09/07/2018

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign or legal representative of such party to observe

any of the 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.

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 3, 2018.

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

L.U. No. 365

**Report of the Committee on Land Use in favor of approving Application No. N 190074 ZRK (809 Atlantic Avenue Rezoning) submitted by 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Council District 35, Community District 2.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 28, 2019 (Minutes, page 679) 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. 362 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 834

**Resolution approving the decision of the City Planning Commission on Application No. N 190074 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 365).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on February 25, 2019 its decision dated February 25, 2019 (the "Decision"), on the application submitted by 550 Clinton Partners LLC and 539 Vanderbilt Partners , 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 which in conjunction with the related actions would facilitate the development of two new mixed-use buildings on the development site, one 4 stories and one 29 stories, with approximately 204,000 square feet of residential floor area and 33,000 square feet of commercial floor area and fund the restoration of the landmarked Church of St. Luke & St. Matthew at 809 Atlantic Avenue in the Fort Greene/Clinton Hill neighborhood of Brooklyn, Community District 2 (Application No. N 190074 ZRK) (the "Application");

**WHEREAS**, the Application is related to application C 190071 ZMK (L.U. No. 362), a zoning map amendment to change R7A/C2-4, R7A and R6A districts to an R9/C2-5 district and to change an R7A/C2-4 district to an R6A district; C 190072 ZSK (L.U. No. 363), a special permit pursuant to Zoning Resolution (ZR) Section 74-711 to modify bulk requirements; and C 190073 ZSK (L.U. No. 364), a special permit pursuant to ZR Section 74-533 to modify residential parking requirements;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 6, 2019;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Revised Negative Declaration issued February 22<sup>nd</sup>, 2019 which supersedes the Negative Declaration issued September 24<sup>th</sup>, 2018, and Revised Environmental Assessment Statement issued February 22<sup>nd</sup>, 2019 (CEQR No. 18DCP179K) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality or noise (the "E" Designation (E-499));

**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-499) and Revised Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 190074 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**

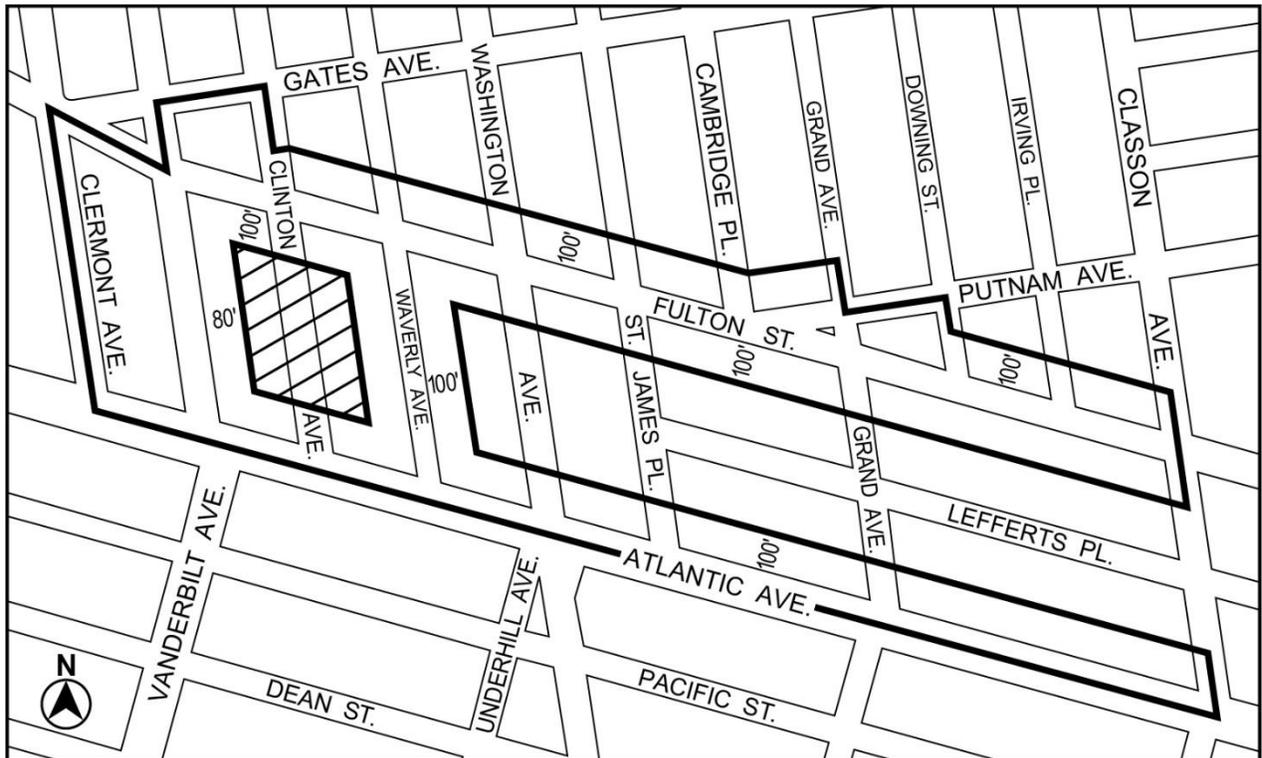
\* \* \*

**Brooklyn Community District 2**

\* \* \*

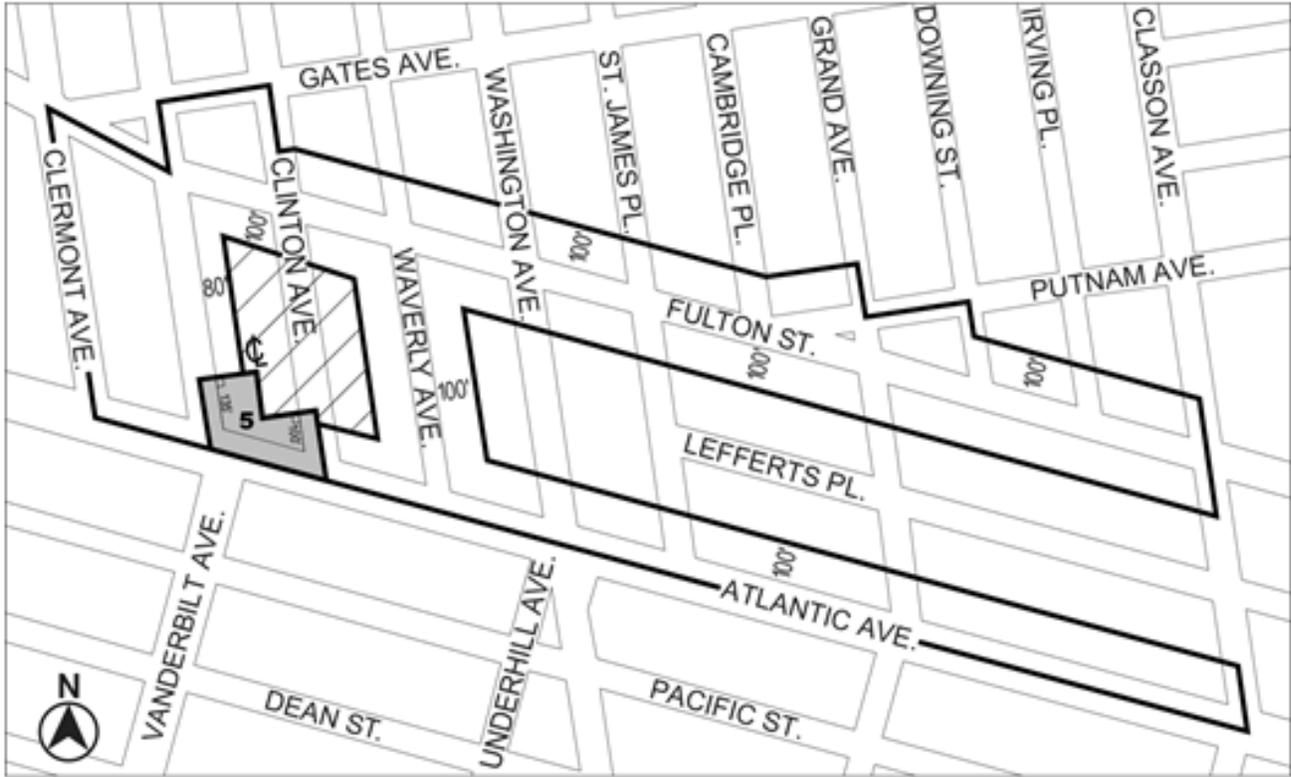
Map 3 - [date of adoption]

[EXISTING MAP]



-  *Inclusionary Housing designated area*
-  *Excluded area*

[PROPOSED MAP]



-  Inclusionary Housing designated area
-  Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*  
Area 5 — [date of adoption] MIH Program Option 2
-  Excluded area

Portion of Community District 2, Brooklyn

## Portion of Community District 2, Brooklyn

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 3, 2018.

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

## Report for L.U. No. 367

**Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. C 180294 ZMK submitted by 41 Summit Street, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16a, changing from changing from an M1-1 District to an R7A District property bounded by a line midway between Carroll Street and Hamilton Avenue, a line midway between Carroll Street and Summit Street, a line 350 feet westerly of Columbia Street, Summit Street, Hamilton Avenue, and a line perpendicular to the northeasterly street line of Hamilton Avenue distant 70 feet northwesterly (as measured along the street line) from the point of intersection of the northerly street line of Summit Street and the northeasterly street line of Hamilton Avenue; and establishing within the proposed R7A District a C2-4 District bounded by a line midway between Carroll Street and Hamilton Avenue, a line midway between Carroll Street and Summit Street, a line 350 feet westerly of Columbia Street, Summit Street, Hamilton Avenue, and a line perpendicular to the northeasterly street line of Hamilton Avenue distant 70 feet northwesterly (as measured along the street line) from the point of intersection of the northerly street line of Summit Street and the northeasterly street line of Hamilton Avenue, to facilitate a development at 41 Summit Street in the Borough of Brooklyn, Community District 6, Council District 39.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 13, 2019 (Minutes, page 809) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT**

**BROOKLYN CB-6 – TWO APPLICATIONS RELATED TO 41 SUMMIT STREET  
REZONING**

**C 180294 ZMK (Pre. L.U. No. 367)**

City Planning Commission decision approving an application submitted by 41 Summit Street, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 16a:

1. changing from an M1-1 District to an R7A District property bounded by a line midway between Carroll Street and Hamilton Avenue, a line midway between Carroll Street and Summit Street, a line 350 feet westerly of Columbia Street, Summit Street, Hamilton Avenue, and a line perpendicular to the northeasterly street line of Hamilton Avenue distant 70 feet northwesterly (as measured along the street line) from the point of intersection of the northerly street line of Summit Street and the northeasterly street line of Hamilton Avenue; and

2. establishing within the proposed R7A District a C2-4 District bounded by a line midway between Carroll Street and Hamilton Avenue, a line midway between Carroll Street and Summit Street, a line 350 feet westerly of Columbia Street, Summit Street, Hamilton Avenue, and a line perpendicular to the northeasterly street line of Hamilton Avenue distant 70 feet northwesterly (as measured along the street line) from the point of intersection of the northerly street line of Summit Street and the northeasterly street line of Hamilton Avenue;

as shown on a diagram (for illustrative purposes only) dated September 24, 2018, and subject to the conditions of CEQR Declaration E-504.

**N 180295 ZRK (Pre. L.U. No. 368)**

City Planning Commission decision approving an application submitted by 41 Summit Street, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

**INTENT**

To approve the amendments to the Zoning Map and Text of the Zoning Resolution in order to change from M1-1 zoning district to an R7A/C2-4 zoning district and establish a Mandatory Inclusionary Housing (MIH) area utilizing Options 1 and 2 and requiring at least 25% of residential floor area permanently designated as affordable housing to facilitate a residential development of a seven-story building with approximately seven housing units and 10,000 square feet of floor area at 41 Summit Street in the Columbia Street Waterfront neighborhood of Community District 6, Brooklyn.

**PUBLIC HEARING**

**DATE:** March 6, 2019

**Witnesses in Favor:** One

**Witnesses Against:** Twenty-one

By submission dated April 1, 2019 and submitted to the City Council on April 1, 2019 the Applicant withdrew the application.

**SUBCOMMITTEE RECOMMENDATION****DATE:** April 2, 2019

The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal of the applications by the Applicant.

**In Favor:**

Moya, Constantinides, Lancman, Levin, Reynoso, Richards, Rivera, Torres, Grodenchik.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** April 3, 2019

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, Koo, Lancman, Miller, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Sr., Moya, Rivera.

**Against:**

None

**Abstain:**

None.

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

Res. No. 835

**Resolution approving a motion to file pursuant to withdrawal for Application No. C 180294 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 367).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on March 1, 2019 its decision dated February 27, 2019 (the "Decision"), on the application submitted by 41 Summit Street, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 16a, changing from an M1-1 District to an R7A District and establishing within the proposed R7A District a C2-4 District on three adjacent lots (Block 352, Lots 1, 3, and 60) on the north side of Summit Street and Hamilton Avenue, which in conjunction with the related action, would facilitate a residential development at 41 Summit Street in the Columbia Street Waterfront neighborhood of Community District 6, Brooklyn, (ULURP No. C 180294 ZMK) (the "Application");

**WHEREAS**, the Application is related to application N 180295 ZRK (L.U. No. 368), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

**WHEREAS**, by submission dated April 1, 2019 and submitted to the City Council on April 1, 2019 the Applicant withdrew the application.

**RESOLVED:**

The Council approves the motion to file pursuant to withdrawal in accordance with Rules 6.40a, 7.90 and 11.80 of the Rules of the Council.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 3, 2018.

Coupled to be Filed Pursuant to Letter of Withdrawal.

Report for L.U. 368

**Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. N 180295 ZRK submitted by 41 Summit Street, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area on property including 41 Summit Street in the Borough of Brooklyn, Community District 6, Council District 39.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 13, 2019 (Minutes, page 809) 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. 367 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 836

**Resolution approving a motion to file pursuant to withdrawal for Application No. N 180295 ZRK, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 368).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on March 1, 2019 its decision dated February 27, 2019 (the "Decision"), on the application submitted by 41 Summit Street, 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,

which in conjunction with the related action, would facilitate a residential development at 41 Summit Street in the Columbia Street Waterfront neighborhood of Community District 6, Brooklyn, (Application No. N 180295 ZRK), (the "Application");

**WHEREAS**, the Application is related to application C 180294 ZMK (L.U. No. 367), a zoning map amendment to change an M1-1 district to an R7A district with a C2-4 commercial overlay;

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

**WHEREAS**, by submission dated April 1, 2019 and submitted to the City Council on April 1, 2019 the Applicant withdrew the application.

**RESOLVED:**

The Council approves the motion to file pursuant to withdrawal in accordance with Rules 6.40a, 7.90 and 11.80 of the Rules of the Council.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 3, 2018.

Coupled to be Filed Pursuant to Letter of Withdrawal.

Report for L.U. No. 370

**Report of the Committee on Land Use in favor of approving Application No. N 190083 ZRK (103 North 13th Street Special Permit) by North 13th Holdings LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, adding an Industrial Business Incentive Area in Article VII, Chapter 4 (Special Permits by the City Planning Commission) for property located at Block 2279, Lots 1, 9, 13, 34, and p/o Lots 15 and 30, Borough of Brooklyn, Council District 33, Community District 1.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 13, 2019 (Minutes, page 809) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB-1 – THREE APPLICATIONS RELATED TO 103 NORTH 13<sup>TH</sup> STREET**

**N 190083 ZRK (L.U. No. 370)**

City Planning Commission decision approving an application submitted by North 13 Holdings LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, adding an Industrial Business Incentive Area to Article VII, Chapter 4 (Special Permits by the City Planning Commission).

**C 190084 ZSK (L.U. No. 371)**

City Planning Commission decision approving an application submitted by North 13 Holdings LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant Section 74-962 of the Zoning Resolution to modify the permitted floor area requirements of Section 43-12 (Maximum Floor Area Ratio) for a proposed seven-story mixed-use building within an Industrial Business Incentive Area, on property located at 103 North 13th Street (Block 2279, Lot 34), in an M1-2 District.

**C 190085 ZSK (L.U. No. 372)**

City Planning Commission decision approving an application submitted by North 13 Holdings LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant Section 74-963 of the Zoning Resolution to reduce the off-street parking requirements of Section 44-20 (Required accessory off-street parking spaces for manufacturing, commercial or community facility uses) and to reduce the loading berth requirements of Section 44-50 (Off-street loading regulations), in connection with a proposed seven-story commercial building within an Industrial Business Incentive Area, on property located at 103 North 13th Street (Block 2279, Lot 34), in an M1-2 District.

**INTENT**

To approve a zoning text amendment to add an Industrial Business Incentive Area (IBIA), grant an approval of the special permit pursuant to ZR Section 74-962 to increase the maximum permitted floor area ratio of Section 43-12, and ZR Section 74-963 to modify the off-street parking requirements of Section 44-20 and the loading berth requirements of Section 44-50, which in conjunction with the related actions would facilitate the construction of a new seven-story, 110-foot-high, 59,986-square-foot mixed-use development at 103 North 13th Street (Block 2279, Lot 34), in the Williamsburg neighborhood of Brooklyn Community District 1.

**PUBLIC HEARING**

**DATE:** March 19, 2019

**Witnesses in Favor:** Four

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 2, 2019

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission (“CPC”) for L.U. Nos. 370, 371, and 372.

**In Favor:**

Moya, Constantinides, Lancman, Levin, Reynoso, Richards, Rivera, Torres, Grodenchik.

**Against:**            **Abstain:**  
None                    None

**COMMITTEE ACTION**

**DATE:** April 3, 2019

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, Koo, Lancman, Miller, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Sr., Moya, Rivera.

**Against:**            **Abstain:**  
None                    None.

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

Res. No. 837

**Resolution approving the decision of the City Planning Commission on Application No. N 190083 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 370).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on March 8, 2019 its decision dated February 27, 2019 (the "Decision"), on the application submitted by North 13 Holdings, 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, adding an Industrial Business Incentive Area to Article VII, Chapter 4 (Special Permits by the City Planning Commission), which in conjunction with the related actions would facilitate the construction of a new seven-story, 110-foot-high, 59,986-square-foot mixed-use development at 103 North 13th Street in the Williamsburg neighborhood of Brooklyn Community District 1, (Application No. N 190083 ZRK), (the "Application");

**WHEREAS**, the Application is related to applications C 190084 ZSK (L.U. No. 371), a special permit by pursuant to ZR Section 74-962 to increase the maximum permitted floor area ratio of Section 43-12 and C 190085 ZSK (L.U. No. 372), a special permit pursuant to ZR Section 74-963 to modify the off-street parking requirements of Section 44-20 and the loading berth requirements of Section 44-50;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 19, 2019;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued October 15<sup>th</sup>, 2018 (CEQR No. 18DCP182K), which included (E) designations to avoid the potential for significant adverse impacts related to air quality or noise (E-507) (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-507) and Negative Declaration.

Pursuant to Section 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 190083 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 ~~struckout~~ is to be deleted;

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

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

**Article VII: Administration**

**Chapter 4**

**Special Permits by the City Planning Commission**

\* \* \*

**74-96**

**Modification of Use, Bulk, Parking and Loading Regulations in Industrial Business Incentive Areas**

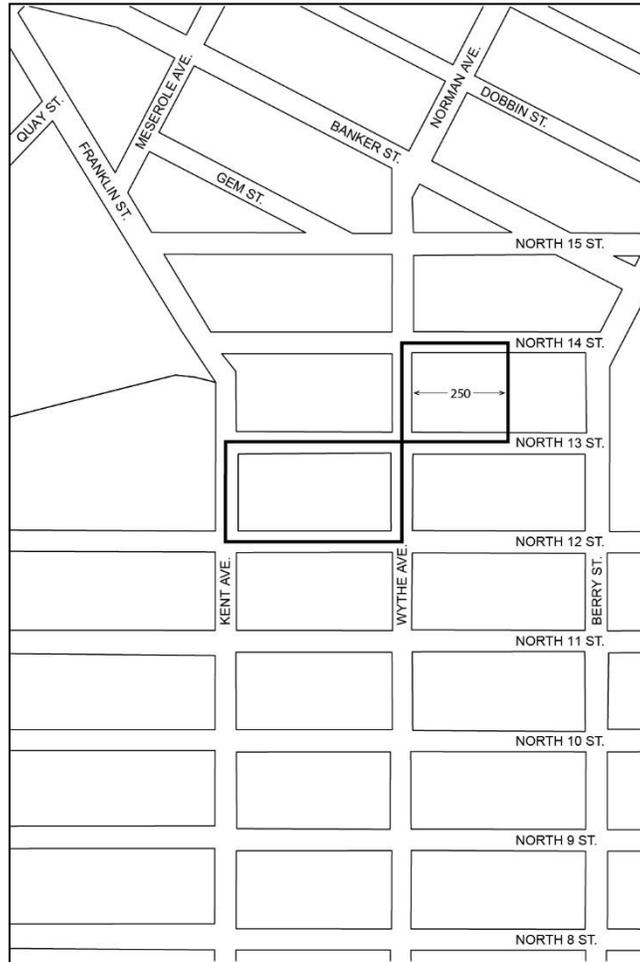
For #developments# or #enlargements# on #zoning lots# located within any Industrial Business Incentive Area specified on the map in this Section, the City Planning Commission may increase the maximum permitted #floor area ratio# and modify the #use#, #bulk# and #public plaza# regulations as set forth in Section 74-962 (Floor area increase and public plaza modifications in Industrial Business Incentive Areas). The Commission may also modify parking and loading requirements for such #developments# or #enlargements# pursuant to Section 74-963 (Parking and loading modifications in Industrial Business Incentive Areas).

For #developments# or #enlargements# receiving a #floor area# increase pursuant to this Section, Section 43-20 (YARD REGULATIONS), inclusive, shall be modified as follows: #rear yard# regulations shall not apply to any #development# or #enlargement# on a #through lot#.

Map of Industrial Business Incentive Areas ~~specified:~~

~~Community District 1, Borough of Brooklyn: The block bounded by North 12th Street, Kent Avenue, North 13th Street and Wythe Avenue~~

[PROPOSED MAP]



 Industrial Business Incentive Area

Portion of Community District 1, Borough of Brooklyn

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 3, 2018.

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

## Report for L.U. No. 371

**Report of the Committee on Land Use in favor of approving Application No. C 190084 ZSK (103 North 13th Street Special Permit) by North 13th Holdings LLC pursuant to 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-962 of the Zoning Resolution to modify the permitted floor area requirements of Section 43-12 (Maximum Floor Area Ratio) for a proposed 7-story mixed-use building within an M1-2 District and an Industrial Business Incentive Area, on property located at 103 North 13th Street (Block 2279, Lot 34), Borough of Brooklyn, Council District 33, Community District 1.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 13, 2019 (Minutes, page 810) 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. 370 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 838

**Resolution approving the decision of the City Planning Commission on ULURP No. C 190084 ZSK, for the grant of a special permit (L.U. No. 371).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on March 8, 2019 its decision dated February 27, 2019 (the "Decision"), on the application submitted by North 13 Holdings, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-962 of the Zoning Resolution to increase the maximum permitted floor area ratio of Section 43-12 (Maximum Floor Area Ratio) in connection with a proposed seven-story commercial building within an Industrial Business Incentive Area, on property located at 103 North 13th Street (Block 2279, Lot 34), in an M1-2 District, which in conjunction with the related actions would facilitate the construction of a new seven-story, 110-foot-high, 59,986-square-foot mixed-use development at 103 North 13th Street in the Williamsburg neighborhood of Brooklyn Community District 1, (ULURP No. C 190084 ZSK) (the "Application");

**WHEREAS**, the Application is related to applications N 190083 ZRK (L.U. No. 370), a zoning text amendment to ZR Section 74-96 to add an Industrial Business Incentive Area (IBIA) and C 190085 ZSK (L.U. No. 372), a special permit pursuant to ZR Section 74-963 to modify the off-street parking requirements of Section 44-20 and the loading berth requirements of Section 44-50.

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

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 74-962 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 March 19, 2019;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued October 15<sup>th</sup>, 2018 (CEQR No. 18DCP182K), which included (E) designations to avoid the potential for significant adverse impacts related to air quality or noise (E-507) (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-507) 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 190084 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The properties that are the subject of this and the related applications (C 190084 ZSK and C 190085 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans, prepared by Aldo Liberis, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A-03	Zoning Analysis	10/10/2018
A-04	Zoning Site Plan	10/10/2018
A-05	Ground Floor Plan	10/10/2018
A-06	Cellar Floor Plan	10/10/2018
A-07	Level 2 & 3 Floor Plans	10/10/2018
A-08	Level 4 & 5 Floor Plans	10/10/2018
A-09	Level 6 & 7 Floor Plans	10/10/2018
A-10	Zoning Sections	10/10/2018
A-11	Zoning Elevation	10/10/2018
A-12	Detail Elevations	10/10/2018

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.
3. Such development shall conform to all applicable laws and regulations relating to its construction and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.

5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign or legal representative of such party to observe any of the 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.
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 3, 2018.

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

Report for L.U. No. 372

**Report of the Committee on Land Use in favor of approving Application No. C 190085 ZSK (103 North 13th Street Special Permit) by North 13th Holdings LLC pursuant to 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-963 of the Zoning Resolution to reduce the off-street parking requirements of Section 44-20 (Required accessory off-street parking spaces for manufacturing, commercial or community facility uses) and to reduce the loading berth requirements of Section 44-50 (Off-street loading regulations), for a proposed 7-story mixed-use building within an M1-2 District and an Industrial Business Incentive Area, on property located at 103 North 13th Street (Block 2279, Lot 34), Borough of Brooklyn, Council District 33, Community District 1.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 13, 2019 (Minutes, page 810) 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. 370 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

## Res. No. 839

**Resolution approving the decision of the City Planning Commission on ULURP No. C 190085 ZSK, for the grant of a special permit (L.U. No. 372).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on March 8, 2019 its decision dated February 27, 2019 (the "Decision"), on the application submitted by North 13 Holdings, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-963 of the Zoning Resolution to reduce the off-street parking requirements of Section 44-20 (Required accessory off-street parking spaces for manufacturing, commercial or community facility uses) and to reduce the loading berth requirements of Section 44-50 (Off-street loading regulations), in connection with a proposed seven-story commercial building within an Industrial Business Incentive Area, on property located at 103 North 13th Street (Block 2279, Lot 34), in an M1-2 District, in the Williamsburg neighborhood of Brooklyn Community District 1, (ULURP No. C 190085 ZSK) (the "Application");

**WHEREAS**, the Application is related to applications N 190083 ZRK (L.U. No. 370), a zoning text amendment to ZR Section 74-96 to add an Industrial Business Incentive Area (IBIA) and C 190084 ZSK (L.U. No. 371), a special permit pursuant to ZR Section 74-962 to increase the maximum permitted floor area ratio of Section 43-12;

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

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 74-963 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 March 19, 2019;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued October 15<sup>th</sup>, 2018 (CEQR No. 18DCP182K), which included (E) designations to avoid the potential for significant adverse impacts related to air quality or noise (E-507) (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-507) 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 190085 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK

TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 3, 2018.

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

Report for L.U. No. 381

**Report of the Committee on Land Use in favor of approving Application No. C 180481 ZMM (245 East 53rd Street Rezoning) submitted by 245 East 53rd Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8d, by establishing within an existing R8B District a C2-5 District bounded by a line 150 feet easterly of Third Avenue, a line midway between East 54th Street and East 53rd Street, a line 100 feet westerly of Second Avenue, a line midway between East 53rd Street and East 52nd Street, a line 160 feet easterly of Third Avenue, and East 53rd Street, in the Borough of Manhattan, Council District 4, Community District 6.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 28, 2019 (Minutes, page 1238) and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **SUBJECT**

**MANHATTAN CB - 6**

**C 180481 ZMM**

City Planning Commission decision approving an application submitted by 245 East 53rd Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8d, by establishing within an existing R8B District a C2-5 District bounded by a line 150 feet easterly of Third Avenue, a line midway between East 54th Street and East 53rd Street, a line 100 feet westerly of Second Avenue, a line midway between East 53rd Street and East 52nd Street, a line 160 feet easterly of Third Avenue, and East 53rd Street.

#### **INTENT**

To approve the amendment to the Zoning Map, Section No. 8d, in order to establish a C2-5 commercial overlay within an existing R8B district, extending 100 feet deep over 27 tax lots along the interior portion of the north and south frontages of East 53<sup>rd</sup> Street to facilitate the conversion of a ground floor community facility space to commercial use in a new six-story mixed-use development on a vacant property located at 245 East 53<sup>rd</sup> Street (Block 1327, Lot 19) (the "Development Site"), within the rezoning area, Community District 6, Borough of Manhattan.

#### **PUBLIC HEARING**

**DATE:** March 19, 2019

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION****DATE:** April 2, 2019

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

**In Favor:**

Moya, Constantinides, Lancman, Levin, Reynoso, Richards, Rivera, Torres, Grodenchik.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** April 3, 2019

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, Koo, Lancman, Miller, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Sr., Moya, Rivera.

**Against:**

None

**Abstain:**

None.

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

Res. No. 840

**Resolution approving the decision of the City Planning Commission on ULURP No. C 180481 ZMM, a Zoning Map amendment (Preconsidered L.U. No. 381).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on March 15, 2019 its decision dated March 13, 2019 (the "Decision"), on the application submitted by 245 East 53rd Street, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 8d, by establishing within an existing R8B District a C2-5 District bounded by a line 150 feet easterly of Third Avenue, a line midway between East 54th Street and East 53rd Street, a line 100 feet westerly of Second Avenue, a line midway between East 53rd Street and East 52nd Street, a line 160 feet easterly of Third Avenue, and East 53rd Street to facilitate the conversion of a ground floor community facility space to commercial use in a new six-story mixed-use development on a vacant property located at 245 East 53<sup>rd</sup> Street (Block 1327, Lot 19) (the "Development Site"), within the rezoning area, (ULURP No. C 180481 ZMM) Community District 6, Borough of Manhattan (the "Application");

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section

197-d(b)(1) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 19, 2019;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued October 29th, 2018 (CEQR No. 19DCP071M), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality (E-511) (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-511) 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 180481 ZMM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is hereby amended by changing the Zoning Map, Section No. 8d, by establishing within an existing R8B District a C2-5 District bounded by a line 150 feet easterly of Third Avenue, a line midway between East 54th Street and East 53rd Street, a line 100 feet westerly of Second Avenue, a line midway between East 53rd Street and East 52nd Street, a line 160 feet easterly of Third Avenue, and East 53rd Street, Borough of Manhattan, Community District 6, as shown on a diagram (for illustrative purposes only) dated October 29, 2018 and subject to the conditions of CEQR Declaration E-511.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 3, 2018.

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

**Report of the Committee on Public Safety**

Report for Int. No. 1427

**Report of the Committee on Public Safety in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to drug testing not permitted by the department of probation.**

The Committee on Public Safety, to which the annexed proposed amended local law was referred on February 13, 2019 (Minutes, page 472), respectfully

## REPORTS:

### I. INTRODUCTION

On April 8, 2019, the Committee on Public Safety, chaired by Council Member Donovan Richards, will on vote on Introduction Number 1427. The Committee previously heard the bill on February 27, 2019, at a joint hearing of the Committee on Public Safety, the Committee on the Justice System, the Committee on Consumer Affairs and Business Licensing, and the Committee on Civil and Human Rights. Representatives from the New York City Mayor’s Office of Criminal Justice (“MOCJ”), the New York City Commission on Human Rights (“CCHR”), District Attorney offices, as well as advocates and other members of the public testified at that hearing. In addition, representatives of the department of probation testified and expressed support for this bill.

### II. HISTORY OF DISPARATE IMPACT IN ENFORCEMENT OF MARIJUANA PROHIBITION

The possession and sale of recreational marijuana is currently illegal under New York State Penal Law Article 221. The racially disparate impact of the enforcement of that prohibition has been well documented. In February 2018, the Data Collaborative for Justice (“DCJ” formerly Misdemeanor Justice Project) at John Jay College of Criminal Justice issued a report entitled “Trends in Arrests for Misdemeanor Charges in New York City, 1993-2016,” which shows that over the past two decades, consistent racial disparities have remained despite extreme fluctuations in the number of arrests for marijuana misdemeanor charges.<sup>1</sup> In 1993, just 5,221 arrests were made in New York City. That number skyrocketed to 60,190 in 2000, and then dropped to 32,745 in 2004.<sup>2</sup> Arrests for marijuana charges rose again to 55,623 in 2010 under Police Commissioner Ray Kelly, and dropped to 21,457 in 2016,<sup>3</sup> three years after a federal judge determined that the New York Police Department’s (“NYPD”) (“Department”) stop-and-frisk practices were unconstitutional and appointed a federal monitor to oversee changes to those practices.<sup>4</sup>

According to the DCJ, over the same period, arrests for marijuana-related charges in New York City were overwhelmingly of Black and Latino men. In 1993, the arrest rate for marijuana charges for Blacks was 20.9 times higher than the arrest rate for Whites.<sup>5</sup> That difference peaked at 23.3 times higher in 1994.<sup>6</sup> In 2016, while the overall arrest rate had begun to decline, the arrest rate for Blacks was still 7.8 times higher than for Whites.<sup>7</sup> The figures below, provided by the report, illustrate the total number of arrests made, between 1993 and 2016, by sex and race.<sup>8</sup>

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<sup>1</sup> Chauhan, P., Tomascak, S., Cuevas, C., Hood, Q. O., & Lu, O. (2018, February). Trends in Arrests for Misdemeanor Charges in New York City, 1993-2016. New York: New York. available at [http://misdemeanorjustice.org/wp-content/uploads/2018/01/2018\\_01\\_24\\_MJP.Charges.FINAL\\_.pdf](http://misdemeanorjustice.org/wp-content/uploads/2018/01/2018_01_24_MJP.Charges.FINAL_.pdf) (Herein Misdemeanor Justice Project Report)

<sup>2</sup> *Id.* at 51

<sup>3</sup> *Id.*

<sup>4</sup> *Floyd v. City of New York*, 959 F. Supp. 2d 540 (S.D.N.Y. 2013)

<sup>5</sup> Chauhan, P., Tomascak, S., Cuevas, C., Hood, Q. O., & Lu, O. (2018, February). Trends in Arrests for Misdemeanor Charges in New York City, 1993-2016. New York: New York. available at [http://misdemeanorjustice.org/wp-content/uploads/2018/01/2018\\_01\\_24\\_MJP.Charges.FINAL\\_.pdf](http://misdemeanorjustice.org/wp-content/uploads/2018/01/2018_01_24_MJP.Charges.FINAL_.pdf) (Herein Misdemeanor Justice Project Report)

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

Figure 50: Number of Misdemeanor Arrests for Marijuana Charges by Sex in New York City, 1993-2016

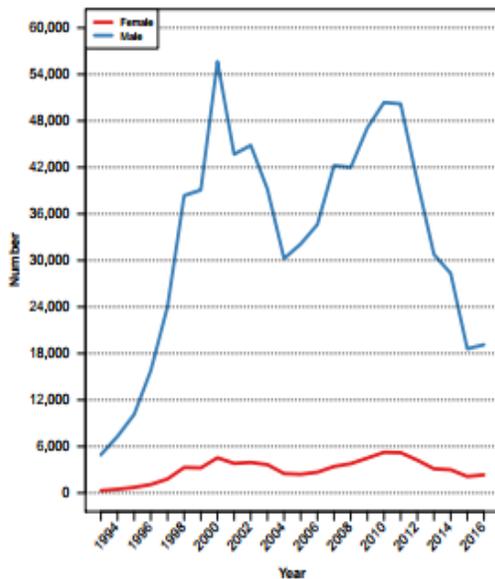
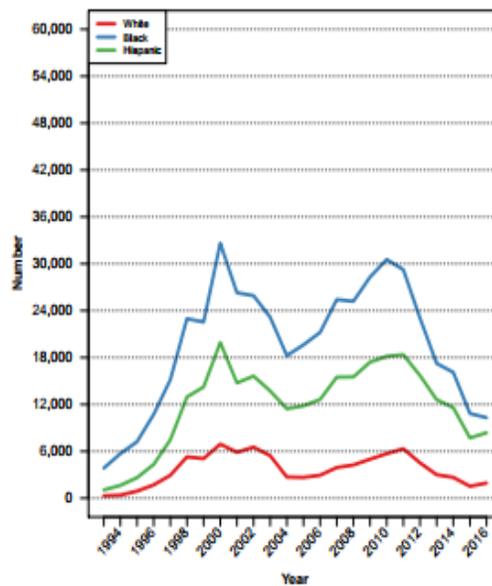


Figure 52: Number of Misdemeanor Arrests for Marijuana Charges by Race/Ethnicity in New York City, 1993-2016



These disparities persist: from January to March of 2018, 93 percent of people arrested for marijuana possession were people of color.<sup>9</sup> Several studies have indicated that despite higher arrest and incarceration rates for Blacks and Latinos, rates of drug use and sales are similar across racial and ethnic identities.<sup>10</sup> Advocates have asserted that the enforcement of marijuana in New York City is a part of “broken windows” policing strategies where officers actively seek marijuana arrests.<sup>11</sup>

The NYPD has maintained that it enforces marijuana laws in response to 911 and 311 calls and community complaints. However, data provided to the City Council suggested there was no correlation between these calls and the volume of marijuana arrests in the City and the racial disparities of arrestees.<sup>12</sup> In addition, research has shown a lack of a connection between marijuana arrests and a reduction in more serious crime.<sup>13</sup>

In June 2018, the Department announced that it would begin issuing criminal summonses in lieu of arrests for the majority of persons found smoking marijuana in public.<sup>14</sup> The exceptions to the new policy include individuals who had been arrested for a violent crime within three years, individuals on probation or parole, and individuals with open arrest warrants.<sup>15</sup> However, the eligibility criteria and decision to utilize a criminal

<sup>9</sup> “Racial Disparities Evident in New York City Arrest Data for Marijuana Possession,” May 14, 2018, <https://www.innocenceproject.org/racial-disparities-in-nyc-arrest-data-marijuana-possession/>

<sup>10</sup> “The Drug War, Mass Incarceration, and Race” The Drug Policy Alliance January 25, 2018 available at <http://www.drugpolicy.org/resource/drug-war-mass-incarceration-and-race-englishspanish>

<sup>11</sup> “Marijuana arrests in city increased in 2016, with large racial disparities”, Politico, available at <https://www.politico.com/states/new-york/city-hall/story/2017/02/marijuana-arrests-in-nyc-increase-in-2016-still-large-racial-disparities-109306> (Last accessed Feb. 22, 2019).

<sup>12</sup> Cheney, Brenden “Data don’t show link between marijuana complaints and arrests” Politico March 7, 2018 available at <https://www.politico.com/states/new-york/city-hall/story/2018/03/07/data-dont-show-link-between-marijuana-complaints-and-arrests-294825> (Last accessed Feb. 22, 2019).

<sup>13</sup> “Reefer Madness: Broken Windows Policing and Misdemeanor Marijuana Arrests in New York” Harcourt and Ludwig, available at: [https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1250&context=public\\_law\\_and\\_legal\\_theory](https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1250&context=public_law_and_legal_theory)

<sup>14</sup> Mueller, Benjamin “New York City Will End Marijuana Arrests for Most People” New York Times June 19, 2018 available at <https://www.nytimes.com/2018/06/19/nyregion/nypd-marijuana-arrests-new-york-city.html> (Last accessed Feb. 22, 2019).

<sup>15</sup> Id.

summons instead of a civil penalty was met with considerable skepticism from advocates.<sup>16</sup> In addition, two of the City's District Attorney's offices have stopped prosecuting marijuana possession cases in circumstances where the NYPD would continue making arrests. Kings County District Attorney Eric Gonzales stopped prosecuting low-level marijuana cases in 2014 and Manhattan District Attorney Cyrus Vance announced that his office would do the same beginning in May 2018.<sup>17</sup>

The harshly disproportionate impact of marijuana enforcement has been notable for decades. Misdemeanor charges for the possession of marijuana could mean the loss of a job, suspension or termination of a professional license, inability to receive federal student loans, eviction from public housing, and child custody and adoption issues.<sup>18</sup> While marijuana use is not the basis for Administration for Children's Services to start a case against a parent,<sup>19</sup> drug testing for marijuana, or subsequent discoveries of it in the home, can limit visitation privileges and delay eventual parent-child reunification.<sup>20</sup> Studies find that mandated reporters are more likely to report a Black parent's drug use to protective services, and that once a case is initiated those services are more likely to ultimately remove children from Black families than others.<sup>21</sup>

Misdemeanor convictions for marijuana possession create criminal records that are easily found by credit agencies, financial institutions, schools, landlords, and employers.<sup>22</sup> One study found that prospective renters with a criminal conviction lowered the probability of even being able to view, let alone rent an apartment in New York City.<sup>23</sup> Even for cases that end without a conviction, attending multiple court appearances can jeopardize jobs, beds in shelters, and educational opportunities. An arrest itself can also endanger immigration status even if the person is otherwise here legally; even before the current administration's immigration policies, in 2013, marijuana possession was the fourth most cited cause of deportation in the country.<sup>24</sup>

One possible remedy to this legacy of racial disparity in marijuana enforcement is to expunge criminal convictions from criminal records. As referenced in the Mayor's Task Force report, most states that have legalized cannabis use for adults have allowed resentencing of past convictions, petitions for expungement or sealing, or both.<sup>25</sup> However, as the State's recent sealing legislation has shown, requiring individuals to petition to have their records sealed or expunged creates a significant barrier.<sup>26</sup> Another option is to expunge or seal these convictions automatically.

### **III. ANALYSIS OF INT. NO. 1427**

Section 1 of the bill would amend title 9 of the administrative code of the City of New York by adding a new section 906, which would prohibit the department of probation from requiring individuals on probation to submit to marijuana testing unless a determination is made that abstinence from marijuana is necessary to lead a law abiding life.

Section 2 of the bill would have it take effect immediately.

<sup>16</sup> "Advocates: De Blasio Plan won't end racial disparities", *City & State New York*, available at: <https://www.cityandstateny.com/articles/policy/criminal-justice/new-york-city-marijuana-summonses-racial-disparities>

<sup>17</sup> Id.

<sup>18</sup> Babe Howell, "Broken Lives from Broken Windows: The Hidden Costs of Aggressive Order-Maintenance Policing," *New York University Review of Law & Social Change* 33(2009)

<sup>19</sup> New York Family Court Act § 1012.

<sup>20</sup> New York Domestic Relations Law Sections 70 & 240.

<sup>21</sup> "The Life-Changing Consequences of a Marijuana Arrest in New York: Family Law" September 2017 Drug Policy Alliance available at [http://smart-ny.com/wp-content/uploads/2017/10/StartSMART\\_DPA\\_Collateral-Consequences-Family-Law\\_09.14.2017.pdf](http://smart-ny.com/wp-content/uploads/2017/10/StartSMART_DPA_Collateral-Consequences-Family-Law_09.14.2017.pdf)

<sup>22</sup> Jenny Roberts, "Why Misdemeanors Matter: Defining Effective Advocacy in the Lower Criminal Courts," *UC Davis Law Review* 45(2011)

<sup>23</sup> D.N. Evans & J.R. Porter, "Criminal History and Landlord Rental Decisions: A New York Quasi-Experimental Study," *Journal of Experimental Criminology* 11(1)

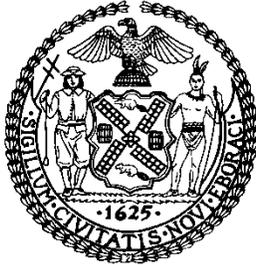
<sup>24</sup> TRAC Immigration "Secure Communities and ICE Deportation: A Failed Program?" April 8, 2014, available at <https://trac.syr.edu/immigration/reports/349/>

<sup>25</sup> "A Fair Approach to Marijuana: Recommendations from the Mayor's Task Force on Cannabis Legislation", available at: <http://criminaljustice.cityofnewyork.us/wp-content/uploads/2018/12/A-Fair-Approach-to-Marijuana.pdf>, p. 17

<sup>26</sup> "Criminal Convictions Behind Them, Few Have Had Their Records Sealed," New York Times, Jan Ransom, July 4, 2018 available at <https://www.nytimes.com/2018/07/04/nyregion/criminal-conviction-records-sealed.html>

This bill has not been amended since it was last heard.

(The following is the text of the Fiscal Impact Statement for Int. No. 1427:)



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

**INT. NO. 1427**  
**COMMITTEE:** Public Safety

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**TITLE:** A Local Law to amend the administrative code of the City of New York, in relation to drug testing not permitted by the Department of Probation. **Sponsors:** By Council Members Richards, Lander, Kallos, and Rosenthal.

**SUMMARY OF LEGISLATION:** Int. No. 1427 would ban the Department of Probation (DOP) from requiring individuals on probation to be tested for marijuana, unless it is deemed to be necessary based on an individual's personal history and circumstances.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Net</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

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

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

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

**ESTIMATE PREPARED BY:** Nevin Singh, Financial Analyst

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

**LEGISLATIVE HISTORY:** This legislation was introduced by the Council on February 13, 2019 as Int. No.

1427, and referred to the Committee on Public Safety. A hearing was held on February 27, 2019 jointly by the Committees on Public Safety, Civil and Human Rights, Consumer Affairs and Business Licensing, and Justice System, and the bill was laid over. The legislation will be considered by the Committee on Public Safety on April 8, 2019. Upon a successful vote by the Committee, Int. No. 1427 will be submitted to the full Council for a vote on April 9, 2019.

**DATE PREPARED:** April 5, 2019.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Int. No. 1427:)**

Int. No. 1427

By Council Members Richards, Lander, Kallos, Rosenthal, Lancman, Menchaca, Ayala, Rivera and Miller

**A Local Law to amend the administrative code of the city of New York, in relation to drug testing not permitted by the department of probation**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-206 to read as follows:

*§ 9-206 Marijuana testing*

*a. The department of probation shall not require individuals on probation to submit to marijuana testing unless a determination is made, based on an individual's history and personal circumstances, that abstinence from marijuana is necessary to otherwise lead an otherwise law-abiding life.*

§ 2. This local law takes effect immediately.

DONOVAN J. RICHARDS, Chairperson; YDANIS A. RODRIGUEZ, FENANDO CABRERA, ANDREW COHEN, CHAIM M. DEUTSCH, CARLOS MENCHACA, I. DANEEK MILLER, JUSTIN L. BRANNAN, KEITH POWERS; Committee on Public Safety, April 9, 2019.

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

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

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

Report for Res. No. 841

#### **Report of the Committee on Rules, Privileges and Elections in favor of approving a Resolution to Amend the Rules of the Council, in relation adding Rule 2.45 to the Rules of the Council, modifying Rule 6.00, making certain changes to Chapter VII, Committees, and to Chapter XI, Rules of the Land Use Committee.**

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered resolution, was referred on April 9, 2019, respectfully

#### **REPORTS:**

*Re: Preconsidered Res. No. 841*

Resolution to amend the Rules of the Council to Amend the Rules of the Council, in relation adding Rule 2.45 to the Rules of the Council, modifying Rule 6.00, making certain changes to Chapter VII, Committees, and to Chapter XI, Rules of the Land Use Committee.

**ANALYSIS:** Before the Committee, for its consideration, are proposed changes to the Rules of the Council.

Pursuant to Chapter 2 § 46 of the New York City Charter, the Council sets the rules of its proceedings at the first Stated meeting of the calendar year. These rules may be amended by a resolution introduced and passed by the Council's Committee on Rules, Privileges and Elections ("Rules Committee") followed by a vote of the Council body at the next Stated meeting. The Rules Committee proposes to recommend the following changes at the next Stated meeting:

#### **Chapter II of the Rules of the Council**

The Resolution would amend Rule 2.45, which formalizes the Speaker's prerogative to set procurement procedures for the Council. Rule 2.45 would require that the Speaker publish and distribute such procurement procedures and provide notifications of any modifications.

#### **Chapter VI of the Rules of the Council**

The Resolution would also modify Rule 6.00, eliminating the outmoded requirement that all papers submitted for presentation be presented in quadruplicate. Such a requirement is redundant in the age of electronic mail, which qualifies as a writing and eliminates the need for additional copies.

#### **Chapter VII of the Rules of the Council**

The composition of the Committee on Immigration will be modified. The modified Committee on Immigration will be comprised of the following Council Members: Chair Carlos Menchaca, Council Members Chin, Dromm, Eugene, Gjonaj, Miller and Moya.

Additional Committee membership changes will be made. See Resolution.

Also, Council Member Ben Kallos would replace Council Member Justin Brannon as Chair of the Committee on Contracts.

The Resolution would also create a new Standing Committee, the Committee on Resiliency and Waterfronts. Council Member Justin Brannan would be named Chair of the newly formed committee.

The Committee on Women will be renamed the Committee on Women and Gender Equity.

### **Chapter XI of the Rules of the Council**

The Resolution would amend all subdivisions of the Rules of the Land Use Committee (“Land Use Rules”) to add headings.

The Resolution would also amend Land Use Rule 11.10 as detailed below.

Rule 11.10 subdivision a would be amended to provide that the Land Use Committee shall have a subcommittee on Zoning and Franchises, a subcommittee on Landmarks, Public Sitings and Maritime Uses and such others as determined by the Speaker. This would repeal the requirement that there be a subcommittee on Planning, Dispositions and Concessions.

Rule 11.10 subdivision b would be amended to provide that the chair of a committee or a subcommittee may appoint any member of the Council to act as a temporary chair to conduct a meeting in the chair’s absence. Currently, only a member of the committee or subcommittee may act as temporary chair.

Rule 11.10 subdivision c would relocate language related to when the chair of the Land Use Committee can vote in a subcommittee. The language would be removed from Rule 11.10 subdivision c and Rule 11.50 would be amended to add language related to this topic.

Rule 11.10 subdivision d would be amended to provide that subcommittee meetings must be scheduled in accordance with applicable laws in addition to Council Rules, because particular statutes related to land use matters may have unique notice provisions that go beyond the requirements of all Council Rules.

Rule 11.10 subdivision e would be amended for clarity and conciseness.

The Resolution would amend Rule 11.20 subdivision a to provide that in addition to other enumerated Charter provisions, matters filed with the Council pursuant to Chapter 56 of the Charter (maritime contracts within the jurisdiction of the Department of Small Business Services) and other provisions of State law shall be filed with the Speaker and referred to the applicable subcommittee of the Land Use Committee. The Resolution would repeal a provision of such subdivision that items subject to Council review pursuant to Chapter 29 of the Charter be filed with the Speaker. This reflects the fact that Chapter 29 was repealed in 1991.

The Resolution would amend Rule 11.20 subdivision b to provide that items subject to call-up, pursuant to section 197-d(b)(3) of the Charter or section 20-225 or 20-226 of the Administrative Code, would be subject to the provisions of amended subdivisions c and d.

Rule 11.20 subdivision c would specify that a call-up resolution providing for Council review of a matter pursuant to section 197-d(b)(3) of the Charter or section 20-225 or 20-226 of the Administrative Code may be introduced by the Speaker, seven council members, or the chair of the Land Use Committee. Currently, all call-up resolutions, excluding call-up resolutions sponsored by the Chair of the Land Use Committee, require sponsorship by seven Council members. By allowing the Speaker to introduce such call-up resolutions, the amendment would provide another means to assert jurisdiction over significant discretionary items that are not related to mandatory items.

Rule 11.20 subdivision c would also stipulate that a call-up resolution may be introduced from the date the City Planning Commission or the Department of Consumer Affairs votes to approve the matter or approve the matter with modifications to a date 20 days following the filing of such matter with the Council. Currently, the Council takes no action on such matters until they are filed with the Speaker. This amendment is intended to provide the Council additional time to adopt a call-up resolution before its 20-day deadline expires.

The Resolution would further amend and renumber Rule 11.20 subdivisions c and d to consolidate the rules for matters subject to call-up by the chair of the Land Use Committee.

Rule 11.20 subdivision e would be amended to reflect the statutory requirement of subdivisions f and g of section 197-d of the Charter that a resolution to override a mayoral veto must be adopted by a two-thirds vote of the Council within 10 days of the filing of such veto with the Council, not merely by the next stated meeting.

Rule 11.20 subdivision f would be repealed as redundant because amended subdivision a would include information about how to process matters filed pursuant to Article 16 of the General Municipal Law. The deadline for action established by subdivision f is unaffected to the extent such deadline is contained in State law.

The Resolution would amend Rule 11.30 subdivision a by repealing provisions that would bar a hearing or vote on a matter that is not on the calendar unless two-thirds of the members of the committee or subcommittee vote to hold such hearing or vote. The amendment would provide that failure to include a matter on the calendar is not a bar to holding a hearing on or vote with respect to such matter provided the notice requirements of applicable law and the Council Rules are satisfied. Other provisions of subdivision a would be amended for clarity and conciseness.

Rule 11.30 subdivision b would be renumbered as new subdivision c and will reflect that other provisions of applicable law and the notice requirements of other chapters of these rules will be supplemented by the requirements of this subdivision b.

The Resolution would amend Rule 11.40 subdivision b to provide that each person who submits an appearance form at a public hearing on an item referred to the Land Use Committee or its subcommittees shall be given an opportunity to speak. This amendment would clarify that the committee and its subcommittees are not obliged to take oral testimony on a matter except at a public hearing on such matter. Subdivision b would also be amended to provide that a Council Member presiding at a public hearing of the Land Use Committee or subcommittee may establish a time limit for all members of the public speaking at such hearing. This amendment would conform such subdivision with amended subdivision b of Rule 11.10, which provides that any member of the Council may serve as acting chair of the Land Use Committee or its subcommittees.

The Resolution would amend Rule 11.40 subdivision c to provide that materials filed with the Council in connection with any matter filed pursuant to Rule 11.20, as amended, in addition to all other materials in the record of such matter, shall be made available to Council Members on an ongoing basis. Currently, copies of such items must be "given" to Council Members. This amendment would codify the practice of making such materials available electronically.

The Resolution would amend Rule 11.50 subdivision a to clarify that a majority vote of the Land Use Committee or its subcommittees consists of a majority of all the members present, exclusive of ex-officio members. Currently a majority is defined as a majority of all committee members, including "absences and vacancies" and exclusive of ex-officio members. The meaning remains the same, as this is a clarification. The Resolution would also relocate a provision that the chair of the Land Use Committee may vote on matters before a subcommittee only if the chair's vote is required to break a tie.

The Resolution would amend section 11.60 by renumbering its subdivisions to include subdivisions a through e.

The Resolution would amend subdivision a of section 11.60 to make all matters referred to the Land Use Committee and its subcommittees subject to the automatic discharge provisions of such subdivision. Currently office leases submitted pursuant to Section 195 of the City Charter and discretionary call-ups subject to counsel review pursuant to section 197-d(b)(3) of the City Charter are not subject to automatic discharge and are only subject to discretionary discharge. The effect is that the full Council will have the opportunity to act on a matter before it expires.

The Resolution would amend Rule 11.60 subdivision b to provide that a matter filed with the Council shall be deemed withdrawn if the applicant files or causes the filing of a written statement that the application is withdrawn, and such statement is filed with the chair of the subcommittee or committee to which the matter was referred, the staff of the Land Use Committee, the Speaker, or the Council Member representing the affected district. Such subdivision b would provide that such statement may be submitted by e-mail. Upon the filing of such a statement, the application in question would be void, the committee and its subcommittees would be discharged from further consideration of the matter and no further processing of such application would be undertaken by the Council. Subdivision b would also provide that The Council may vote to file a matter discharged pursuant to such subdivision at any subsequent Stated meeting. Currently, when the Land Use division receives notification that an applicant is withdrawing an application, the committee and its subcommittees take no further action on the matter. However, there is nothing in the Council Rules or the Charter that provides for how such matters should be handled administratively. This amendment mirrors the rules of the City Planning Commission with respect to withdrawn applications, making clear such applications are void.

The Resolution would add a new subdivision c to Rule 11.60 that would provide that upon discharge of a matter from the Land Use Committee pursuant to such section, the record of the public hearing on such matter shall be deemed closed. Currently, Rule 11.60 provides that the Council may close the hearing of such a matter. This amendment would make the closing of the public hearing automatic.

The Resolution would repeal section 11.70 "Modifications of City Planning Commission Actions" in its entirety. This section purports to require the City Planning Commission to fully set forth reasons for finding that a modification proposed by the Council is not in scope. Because the City Planning Commission is not bound by these rules, these provisions have no effect. The remaining substance of the section is set forth in the Charter.

The Resolution would renumber Rule 11.80 as Rule 11.70 and amend such section to repeal a reference to repealed chapter 29 of the Charter and to add chapter 56 and all matters referred to the Land Use Committee and its subcommittees, pursuant to Rule 11.20, as matters subject to action by resolution. This amendment clarifies that matters subject to review of the Land Use Committee pursuant to State law are also subject to action by resolution.

The Resolution would renumber Rule 11.90 as Rule 11.80 and amend such section to provide that when the time period for Council action set forth in any applicable provision of law ends on a Saturday, Sunday or public holiday, the expiration date shall be extended until the next business day in accordance with the provisions of section 20 of the New York State General Construction Law. The purpose of this amendment is to clarify that the method for calculating Council deadlines follows state law.

The Resolution would renumber Rule 11.100 as Rule 11.90.

*Accordingly, this Committee recommends its adoption.*

(The following is the text of Res. No. 841:)

Res. No. 841

**Resolution to Amend the Rules of the Council, in relation adding Rule 2.45 to the Rules of the Council, modifying Rule 6.00, making certain changes to Chapter VII, Committees, and to Chapter XI, Rules of the Land Use Committee.**

By Council Member Koslowitz.

**RESOLVED**, the New York City Council consents to the following:

CHAPTER II – SPEAKER AND OTHER OFFICERS

**2.45. Procurement Procedures** – a. The Speaker shall establish procurement procedures that shall apply to all Council members and Council employees, so as to ensure efficiency, cost control and avoid conflicts of interest in the procurement process. All Council members and Council employees shall be required to comply with the procurement procedures established by the Speaker, as well as any related requirements for training set by the Speaker. The Speaker shall make available to all Council Members and Council employees a copy of such procedures and any changes thereto.

b. The procurement procedures set by the Speaker shall take effect immediately.

**CHAPTER VI – PROPOSED LOCAL LAWS AND RESOLUTIONS**

**6.00. Preparation and Presentation of Papers** - The word paper when used herein shall include all local laws, resolutions, petitions, communications from City, county and borough offices and reports which may be proposed to the Council for action. All papers other than committee reports shall be presented in writing [and in quadruplicate], endorsed with the name of the introducer or originator, and, with the exception of committee reports, must be deposited with the Office of the Speaker before 1 p.m., at least three business days, excluding municipal holidays, preceding the meeting day.

The style of local laws shall be “Be it enacted by the Council as follows.” Every local law shall embrace only one subject. The title shall briefly refer to the subject matter.

**CHAPTER VII -- COMMITTEES**

**700. Appointment** - a. Prior to the establishment of the membership of any other committee, and after the selection of the Speaker, the Council shall elect the membership of the Committee on Rules, Privileges and Elections. All other committees and appointments thereto shall be recommended by the Committee on Rules, Privileges and Elections, approved by the Council and published in the Calendar. All standing committee chairpersons shall be elected by the Council as a whole. Once elected, a standing committee or subcommittee chairperson may be removed prior to the end of the session without their consent only by the uncoupled vote of 2/3 of all the members. The standing committees of the Council shall bear the following titles and possess the following substantive matter jurisdictions:

**AGING** - Department for the Aging and all federal, state and municipal programs pertinent to senior citizens.

**CIVIL AND HUMAN RIGHTS** – Human Rights Commission, Equal Employment Practices Commission and Equal Employment Opportunity.

**CIVIL SERVICE AND LABOR** - Municipal Officers and Employees, Office of Labor Relations, Office of Collective Bargaining, Office of Labor Services, and Municipal Pension and Retirement Systems.

**CONSUMER AFFAIRS AND BUSINESS LICENSING**- Department of Consumer Affairs and Office of Nightlife.

**CONTRACTS** - Procurement Policy Board, review of City procurement policies and procedures, oversight over government contracts, Mayor's Office of Contract Services and collection agency contracts.

**CRIMINAL JUSTICE** – Department of Correction and Department of Probation.

**CULTURAL AFFAIRS, LIBRARIES AND INTERNATIONAL INTERGROUP RELATIONS** - Department of Cultural Affairs, libraries, museums, Art Commission, New York City Commission for the United Nations, Consular Corps and Protocol, Mayor's Office of Special Projects and Community Events, and to encourage harmony among the citizens of New York City, to promote the image of New York City and enhance the relationship of its citizens with the international community.

**ECONOMIC DEVELOPMENT** - Economic Development.

**EDUCATION** - Department of Education, School Construction Authority, and Charter Schools.

**ENVIRONMENTAL PROTECTION** - Department of Environmental Protection and Office of Long Term Planning and Sustainability and Office of Recovery and Resiliency.

**FINANCE** - Executive Budget review and Budget modification, Banking Commission, Comptroller's Office, Department of Design and Construction, Department of Finance, Independent Budget Office and fiscal policy and revenue from any source.

**FIRE AND EMERGENCY MANAGEMENT** - Fire/EMS (non-health-related issues), and Emergency Management Department (OEM).

**GENERAL WELFARE** - Human Resources Administration/Department of Social Services, Administration for Children's Services, Department of Homeless Services, and charitable institutions.

**GOVERNMENTAL OPERATIONS** - Municipal governmental structure and organization, Department of Citywide Administrative Services, Office of Administrative Trials and Hearings, Community Boards, Tax Commission, Board of Standards and Appeals, Campaign Finance Board, Board of Elections, Voter Assistance Commission, Commission on Public Information and Communication, Department of Records and Information Services, Financial Information Services Agency and Law Department.

**HEALTH** - Department of Health and Mental Hygiene, Office of the Chief Medical Examiner and EMS (health-related issues).

**HIGHER EDUCATION** - City University of New York.

**HOSPITALS** - Public and private hospitals, Health and Hospitals Corporation.

**HOUSING AND BUILDINGS** - Department of Housing Preservation and Development, Department of Buildings and rent regulation.

**IMMIGRATION** - Mayor's Office of Immigrant Affairs and other matters affecting immigration.

**JUSTICE SYSTEM** - Mayor's Office of Criminal Justice, courts, legal services, District Attorneys and the Office of the Special Narcotics Prosecutor

**JUVENILE JUSTICE** - Division of Youth and Family Justice within the Administration for Children's Services.

**LAND USE** - City Planning Commission, Department of City Planning, Department of Information Technology and Telecommunications, Landmarks Preservation Commission, land use and landmarks review.

**MENTAL HEALTH, DISABILITIES AND ADDICTION** - Department of Health and Mental Hygiene (issues of mental health, developmental disability and addiction services) and Mayor's Office for People with Disabilities.

**OVERSIGHT AND INVESTIGATIONS** - To investigate any matters within the jurisdiction of the Council relating to property, affairs, or government of New York City and the Department of Investigation.

**PARKS AND RECREATION** - Department of Parks and Recreation.

**PUBLIC HOUSING** - New York City Housing Authority.

**PUBLIC SAFETY** - Police Department and Civilian Complaint Review Board.

**RULES, PRIVILEGES AND ELECTIONS** - Council structure and organization and appointments.

**RESILIENCY AND WATERFRONTS** – Office of Recovery and Resiliency, the Office of Long Term Planning and Sustainability as it relates to efforts to make New York City more resilient in the face of climate change, and preparing for, responding to, and recovering from emergencies, and matters relating to the waterfront.

**SANITATION AND SOLID WASTE MANAGEMENT** - Department of Sanitation and the Business Integrity Commission.

**SMALL BUSINESS** - Department of Small Business Services and matters relating to retail business and emerging industries.

**STANDARDS AND ETHICS** - Conflicts of Interest Board and Council Ethics.

**STATE AND FEDERAL LEGISLATION** - Federal legislation, State legislation and Home Rule requests.

**TECHNOLOGY** - Technology in New York City, Department of Information Technology and Telecommunications (non- land use-related issues), Mayor's Office of Media & Entertainment, NYC TV, and dissemination of public information through the use of technology.

**TRANSPORTATION** - Mass Transportation Agencies and facilities, Taxi and Limousine Commission, Department of Transportation and New York City Transit Authority.

**VETERANS** - Department of Veterans' Services and other veteran related issues.

**WOMEN and GENDER EQUITY** - Issues relating to advancing the economic mobility, social inclusion, leadership and civic participation of women and girls, domestic violence, [Office to Combat Domestic Violence] Office to End Gender-Based Violence and the Commission on Gender Equity.

**YOUTH SERVICES** - Youth Board, Department of Youth and Community Development, Interagency Coordinating Council on Youth, and youth related programs.

b. Each standing committee shall be composed of no fewer than five members.

c. The Speaker may create such subcommittees or special committees as he or she deems necessary and appropriate.

## **CHAPTER XI – RULES OF THE LAND USE COMMITTEE**

11.00. Membership - The Land Use Committee shall include at least one member from each borough.

**11.10. Subcommittees** - a. Jurisdiction - The Land Use Committee shall have [the following subcommittees:] a subcommittee on [(i) Zoning and Franchises[; (ii) Planning Dispositions and Concessions; (iii)], a subcommittee on Landmarks, Public Sitings and Maritime Uses[; and (iv)], and such others as [shall be] determined by the Speaker. The Speaker shall determine the jurisdiction of [the] such subcommittees and shall promulgate a list, which the Speaker may amend from time to time, of those matters within the jurisdiction of each subcommittee.

b. Acting chairs - The chair of the committee or a subcommittee may appoint a member of the [committee or subcommittee as the case may be,] Council to act as a temporary chair to conduct a meeting in the chair's absence.

c. Land Use Chair - The chair of the Land Use Committee shall be an ex-officio member of all the subcommittees. [As an ex-officio member, the chair may vote on matters before a subcommittee only if the chair's vote is required to break a tie.]

d. Scheduling subcommittee meetings - The hearings and meetings of each subcommittee shall be held at the call of the chair of the subcommittee pursuant to the notice and other requirements of section 11.30 and other applicable provisions of [these rules] law.

e. Subcommittees to observe statutory clocks - Each subcommittee shall consider and take action on all matters referred to the subcommittee [at a meeting and shall report on any action it takes to the Land Use Committee] pursuant to a schedule that will enable both the Land Use Committee and the Council to act within any time limits for Council action prescribed by law.

f. Discharge from subcommittees - The chair of the Land Use Committee may call-up to the committee any matter referred to a subcommittee if a call-up is necessary to enable the committee and the Council to act on a matter within any time limit for Council action prescribed by law. The Land Use Committee may close the record of the public hearing on any such matter, if the record has not already been closed by the subcommittee.

**11.20. Referrals to Land Use Committee** - a. Matters to be filed with the Speaker - All matters subject to review by the Council pursuant to chapters 8, 14, [29] 56 and 74 of the City Charter, or other provisions of state or city law, shall be filed with the office of the Speaker. Upon filing, the Speaker shall refer each such matter to the subcommittee that has jurisdiction over the matter in accordance with the list provided for in section 11.10(a), [; provided, however, that matters that may be reviewed by the Council only pursuant to section 197-d(b)(3) of the City Charter and filings by the Mayor pursuant to sections 197-d(f) and 197-d(g) of the City Charter shall be subject to the provisions of subdivisions b, c, d and e of this section.] All such referrals shall be made in a timely manner in order to permit the Council to act within any time limits prescribed by law.

b. Matters subject to call-up – Matters subject to review by the Council pursuant to section 197-d(b)(3) of the City Charter, or section 20-225 or 20-226 of the Administrative Code shall be subject to the provisions of subdivisions c and d of this section.

c. Call-up resolutions - A resolution providing for Council review of a matter pursuant to section 197-d(b)(3) of the City Charter or section 20-225 or 20-226 of the Administrative Code shall be introduced directly to the Council, without referral to a committee or subcommittee; provided, however, that such a resolution may be introduced only if the resolution is sponsored by (i) the Speaker; (ii) seven Council Members; or (iii) [if, pursuant to subdivision c of this section, the resolution is introduced] by the chair of the Land Use Committee

pursuant to subdivision d of this section. Such resolution may be introduced from the date the city planning commission or the department of consumer affairs votes to approve or approve with modifications a matter subject to the provisions of this section, to a date twenty days following the filing of such matter with the Council. Such resolution shall not be subject to debate at a Council meeting. For the purposes of this subdivision, an affected Council district is a district that contains real property that is the subject of the matter to be reviewed. [Any resolution introduced pursuant to this subdivision or subdivision c shall not be subject to debate at a Council meeting.] Upon adoption by the Council of a resolution introduced pursuant to this subdivision [or subdivision d], the matter that is the subject of the resolution shall be considered by the Land Use Committee and its subcommittees.

[c]d. Chair call ups of related matters - If a single project or development involves more than one matter filed with the Council at approximately the same time pursuant to section 197-d(a) of the City Charter and at least one but not all of such related matters are subject to Council review pursuant to sections 197-d(b)(1) or (2), the chair of the Land Use Committee shall introduce directly to the Council, without referral to committee, a resolution providing for Council review pursuant to section 197-d(b)(3) of all such related matters that are not subject to Council review pursuant to sections 197-d(b)(1) or (2). The chair shall introduce all such resolutions promptly upon the filing of such matters with the Council. For purposes of this subdivision, two or more matters shall be deemed to be filed “at approximately the same time” if they are filed with the Council prior to the date on which the Council votes, pursuant to section 197-d(c), on the first of the matters filed. A matter that is the subject of a resolution introduced pursuant to this section shall be referred to the Land Use Committee and its subcommittees together with all related matters as a single package of related matters.

[d. If the Council passes a resolution pursuant to subdivision c of this section to review one or more matters relating to a single project or development that are filed with the Council at the same time, all the related matters that are the subject of such a resolution shall be referred to and reported out of the Land Use Committee as a single package of related matters. For purposes of this subdivision only, two or more matters shall be deemed to be filed “at the same time” if they are filed prior to the date on which the notice for the public hearing on the first of the matters filed is issued.]

e. Council overrides of mayoral disapprovals and objections - A resolution to override a filing by the Mayor pursuant to sections 197-d(f) or 197-d(g) of the City Charter may be introduced by any Council Member at [the next] a Council meeting [following] within 10 days of such filing and shall not be referred to the Land Use Committee or its subcommittees.

[f. All matters subject to review by the Council pursuant to Article 16 of the General Municipal Law shall be filed with the office of the Speaker. Upon filing, the Speaker shall refer each such matter to the subcommittee that has jurisdiction over such matter in accordance with the list provided for in section 11.10(a). All such referrals shall be made in a timely manner in order to permit the Council to act within any time limits prescribed by law. The subcommittee shall hold a public hearing on all such matters within one hundred fifty (150) days of the date of filing with the office of the Speaker.]

**11.30. Calendar and Public Notice** - a. Calendar distribution - The chairs of the Land Use Committee and the subcommittees shall cause to be prepared a regular calendar of the meetings of the Land Use Committee and each of its subcommittees. The calendar shall be posted on the Council’s website, electronically delivered to each Council Member, borough president and community board, [shall be] and made available to the public free of charge at City Hall[, and shall be electronically delivered to each borough president and each community board]. Each calendar shall [include all matters referred to the committee and subcommittees and shall] indicate the meetings of the committee and the subcommittees at which each matter is scheduled for public hearing or consideration. The failure to include a matter in the calendar shall not bar the committee and its subcommittees from holding a public hearing on or voting with respect to the matter, [unless the matter is added to the agenda as far in advance of the meeting at which the vote is to occur as is practicable and not less than two thirds of the members of the committee vote to add the matter to the agenda] provided the notice requirements of these rules and applicable law have been satisfied. [The failure to include a matter in the calendar shall bar the committee and its subcommittees from holding a public hearing on the matter unless (i) the matter is added to the agenda as far in advance of the hearing as is practicable, (ii) any notice requirements in the City Charter are satisfied, and (iii) not less than two thirds of the members of the committee or subcommittee vote to add the matter to the agenda.]

b. Additional meetings - The chair of the Land Use Committee may call meetings of the Land Use Committee in addition to those meetings on the calendar, and the chair of a subcommittee may call meetings of the subcommittee in addition to those meetings on the calendar, pursuant to the notice and other requirements of this section and the other applicable provisions of these rules.

[b]c. Public notice - [of the] The time and place of each Land Use Committee and subcommittee meeting [scheduled at least one week prior thereto shall be given to the news media and] shall be posted on the Council's website. [Public notice of the time and place of every other meeting shall be given, to the extent practicable, to the news media and shall be posted on the Council's website.] In addition, public notice of all public hearings of the Council, the Land Use Committee and its subcommittees required pursuant to section 197-d of the City Charter shall be published in the City Record not less than five days prior to such hearing. The public notice requirements of this subdivision are in addition to any other public notice requirements of these rules and applicable law.

**11.40. Public Hearings** - a. Subject matter - Each subcommittee shall hold on behalf of the Council all public hearings required by law with respect to matters referred to the subcommittee pursuant to rule 11.20. The Land Use Committee shall hold on behalf of the Council all public hearings required by law with respect to matters referred to the committee, which have not been the subject of a subcommittee hearing. If a number of matters relating to a single project or development are filed at the same time pursuant to section 197-d of the City Charter and such matters fall within the jurisdiction of more than one subcommittee, there shall be a single hearing on such related matters. The Speaker shall determine whether the public hearing on such related matters shall be held by the Land Use Committee or by a subcommittee.

b. Appearances - Each person [filling out] who submits an appearance form at a public hearing [required pursuant to section 197-d of the City Charter] on an item referred to the Land Use Committee or its subcommittees pursuant to Rule 11.20 shall be given the opportunity to speak. The Council [m]Member [of the Land Use Committee] presiding at a public hearing of the Land Use Committee or a subcommittee may establish a time limit for all members of the public speaking at such hearing.

c. Record - The Land Use Committee and its subcommittees shall make available to all Council Members the record of all public hearings of the committee and its subcommittees with respect to matters referred to the committee pursuant to section 11.20. The record of a public hearing of the committee or its subcommittees shall consist of a list of the names and affiliations of the speakers at the hearing, each speaker's indication (on a form provided for that purpose) of support or opposition to the matter under consideration, any written statements offered by speakers, any other documents introduced on the record at the hearing, and any transcripts of the hearing. As far in advance as is practicable of consideration by the full Council of any such matter, copies of the items in the record and of materials filed with the Council [as specified in sections 197d(a), 704(g) and 3020(8)] pursuant to chapters 8, 14, 56 and 74 of the City Charter, or other applicable law, shall [either] be [given to Council Members or] made available to Council shall [either] be [given to Council Members or] made available to Council Members on an ongoing basis. All such materials and any related subcommittee and committee reports [, and the other materials referred to in the preceding sentence] shall be made available to the public for inspection by appointment.

**11.50. Voting** - a. Majority of all members required - All Land Use Committee and subcommittee determinations shall be on the affirmative roll call vote of not less than a majority of all the members of the committee or subcommittee[, including vacancies and absences but not including] excluding ex-officio members. The chair of the Land Use Committee may vote on matters before a subcommittee only if the chair's vote is required to break a tie.

b. Closing hearings - Neither the Land Use Committee nor its subcommittees shall vote on a matter until the record of any public hearing required by law on such matter has been closed by the committee or subcommittee.

**11.60. Discharge of Committee** - a. Notwithstanding anything to the contrary in these rules, the Council shall not act upon a matter referred to the Land Use Committee or its subcommittees pursuant to section 11.20 until the committee has reported thereon, except as provided in this section. Any matter referred to the Land Use Committee or its subcommittees for which, by law, there is a time limit for action by the Council, shall [at the last stated meeting of the Council preceding the expiration of such time limit,] be deemed to be discharged from further consideration by the committee and its subcommittees at the last stated meeting of the Council preceding the expiration of such time limit. [; provided, however, that the provisions of this sentence shall not

apply to those matters reviewed by the Council (i) pursuant to section 195 of the City Charter or (ii) by virtue of a resolution under section 197-d(b)(3) of the City Charter, other than a resolution adopted pursuant to section 11.20(c) of these rules. The Land Use Committee may be discharged from further consideration of any matter referred to the committee pursuant to Section 11.20 that is not subject to the automatic discharge provision of the preceding sentence by a majority vote of the Council. A member of the Council shall give written notice, at least five business days in advance, to the chair of the Land Use Committee and the Speaker. Such notice shall be accompanied by a memorandum in support of the motion to discharge, which shall be signed by at least nine members. A proposed resolution on any matter that has been discharged from the committee shall not be voted upon at the same meeting at which the vote on the motion to discharge occurred unless a time limit for Council action under the City Charter would expire prior to the next stated meeting.]

b. Withdrawal – A matter filed with the Council shall be deemed withdrawn if the applicant files or causes the filing of a written statement that the application is withdrawn with the chair of the subcommittee or committee to which the matter was referred, the staff of the Land Use Committee, the Speaker of the Council, or the Council Member representing the affected district. Such statement may be submitted by e-mail. Upon the filing of such a statement, the application in question shall be void, the committee and its subcommittees shall be discharged from further consideration of the matter, and no further processing of such application shall be undertaken by the Council. The Council may vote to file a matter discharged pursuant to this subdivision at any subsequent stated meeting.

c. Record closed upon discharge - Upon discharge of a matter from the Land Use Committee pursuant to this section, [the Council may close] the record of the public hearing on [the] such matter shall be deemed closed [discharged] if the record has not been closed by the committee.

**11.70.** [Modifications of City Planning Commission Actions - a. The word “modification” as used in this section shall mean a change in the language of a resolution of the City Planning Commission that is subject to review by the Council pursuant to section 197-d of the City Charter. A “modification” need not include a minor changes to such a resolution.

b. Either the Council or the Land Use Committee may file with the City Planning Commission a proposed modification pursuant to section 197-d(b) of the City Charter. Such such a proposed modification filed by the committee shall be filed only upon the affirmative vote of not less than a majority of its members.

c. The Land Use Committee and the Council may take action with respect to a modification filed with the City Planning Commission not less than fifteen days after the date the modification is filed with the City Planning Commission unless the Council has received from the Commission a written statement indicating that a majority of the members of the Commission have made one of the findings listed below, together with the reasons therefor:

(i) the proposed modification may result in significant adverse environmental effects that (A) have not been addressed in the environmental review of the application, (B) are required to be addressed under the State Environmental Quality Review Act prior to approval of the proposed modification, and (C) cannot be addressed in the time period remaining for action by the Council under the City Charter; or

(ii) the proposed modification so significantly alters the matter under consideration that the City Charter requires the initiation of a new land use review process pursuant to section 197-c of the City Charter.

Any statement filed by the City Planning Commission pursuant to this section shall fully set forth the reasons for each finding pursuant to clauses (i) and (ii) above. If a modification includes a number of distinct changes to a Commission resolution, any such statement of the Commission shall include separate detailed findings with respect to each such change.

**11.80.] Action by Resolution** - The Council shall act by resolution with respect to all matters subject to review by the Council, pursuant to chapters 8, 14, [29] 56 and 74 of the City Charter or otherwise subject to the review of the Land Use Committee pursuant to Rule 11.20.

**[11.90]11.80. Time Provisions** - If the [expiration of a] time period for Council action set forth in [chapter 8, 14, 29 or 74 of the City Charter] any applicable provision of law [falls] ends on a Saturday, Sunday or [legal] public holiday, the expiration date shall be [deemed] extended until the next [working] business day[.] in accordance with the provisions of Section 20 of the New York State General Construction Law.

**[11.100]11.90. Conflicts with Rules of the Council** - In the event of a conflict between the Rules of the Land Use Committee in this chapter XI and the other chapters of these rules chapter XI shall govern with respect to the Land Use Committee and its subcommittees.

ATTACHMENT:STANDING COMMITTEES OF THE COUNCIL

AGING	CIVIL & HUMAN RIGHTS	CIVIL SERVICE & LABOR	CONSUMER AFFAIRS AND BUSINESS LICENSING
<b>Chin, Chair</b> Ayala Deutsch Diaz, Sr. [Dromm] Eugene Rose Treyger Vallone	<b>Eugene, Chair</b> Dromm [Kallos] Lander Perkins Rodriguez [Rosenthal]	<b>Miller, Chair</b> Adams Dromm King Maisel <u>Moya</u> Ulrich	<b>Espinal, Jr., Chair</b> <u>Brannan</u> Chin Koo Koslowitz Lander <u>Powers</u>
CONTRACTS	CRIMINAL JUSTICE	CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS	ECONOMIC DEVELOPMENT
<b>[Brannan, Chair]</b> <u>Kallos, Chair</u> Barron Perkins Rosenthal Yeger	<b>Powers, Chair</b> Ampry-Samuel Holden Lancman <u>Levine</u> <u>Richards</u> Rivera	<b>Van Bramer, Chair</b> Borelli Cumbo Koslowitz Moya	<b>Vallone, Chair</b> [Adams] Barron Cornegy, Jr. <u>Gjonaj</u> Koo Lander [Levine] Menchaca Powers [Richards] Rivera [Rosenthal]

EDUCATION	ENVIRONMENTAL PROTECTION	FINANCE	FIRE & EMERGENCY MANAGEMENT
<b>Treyger, Chair</b> Ampry-Samuel Barron Borelli Brannan [Cohen] Cornegy, Jr. [Deutsch] Dromm Grodenchik Kallos King Lander Levin Levine Rodriguez Rose Salamanca, Jr. Ulrich	<b>Constantinides, Chair</b> Espinal, Jr. Levin Menchaca Richards Ulrich Yeger	<b>Dromm, Chair</b> Adams Cohen Cornegy, Jr. Cumbo Gibson <u>Gjonaj</u> Grodenchik Lancman Matteo Moya Powers Rosenthal Van Bramer	<b>Borelli, Chair</b> [Ampry-Samuel] Brannan Cabrera <u>Deutsch</u> Maisel
GENERAL WELFARE	GOVERNMENTAL OPERATIONS	HEALTH	HIGHER EDUCATION
<b>Levin, Chair</b> Adams [Ayala] Gibson [Gjonaj] Grodenchik Lander Reynoso Salamanca, Jr. Torres Treyger	<b>Cabrera, Chair</b> Kallos Maisel Perkins Powers Rodriguez Yeger	<b>Levine, Chair</b> Ampry-Samuel Barron <u>Cohen</u> Eugene <u>Holden</u> Powers	<b>Barron, Chair</b> Cumbo [Holden] [Kallos] <u>King</u> <u>Maisel</u> Rodriguez
HOSPITALS	HOUSING & BUILDINGS	IMMIGRATION	JUSTICE SYSTEM
<b>Rivera, Chair</b> Ayala Eugene Levine Maisel Moya Reynoso	<b>Cornegy, Jr., Chair</b> Cabrera Chin Espinal, Jr. Gjonaj Grodenchik Perkins Rivera Rosenthal Torres	<b>Menchaca, Chair</b> <u>Chin</u> Dromm Eugene Gjonaj [Holden] Miller <u>Moya</u> [Yeger]	<b>Lancman, Chair</b> Cohen <u>Dromm</u> <u>Lander</u> Maisel Rose Ulrich

JUVENILE JUSTICE	LAND USE	MENTAL HEALTH, DISABILITY & ADDICTIONS	OVERSIGHT & INVESTIGATIONS
<b>King, Chair</b> Barron Gjonaj Holden Levine Perkins	<b>Salamanca, Jr., Chair</b> Adams Barron Constantinides Deutsch Diaz, Sr. Gibson Grodenchik [Kallos] King Koo Lancman Levin Miller Moya Reynoso Richards Rivera Torres Treyger	<b>Ayala, Chair</b> Ampry-Samuel Cabrera Holden Van Bramer	<b>Torres, Chair</b> <u>Ayala</u> <u>Kallos</u> Lancman Powers <u>Rivera</u> Salamanca, Jr. Treyger Yeger
PARKS & RECREATION	PUBLIC HOUSING	PUBLIC SAFETY	<u>RESILIENCY &amp; WATERFRONTS</u>
<b>Grodenchik, Chair</b> Borelli Brannan Cohen [Constantinides] Gjonaj King [Koo] Moya Ulrich Van Bramer	<b>Ampry-Samuel, Chair</b> Ayala Cumbo Diaz, Sr. <u>Gibson</u> Gjonaj Menchaca Richards Salamanca, Jr. Torres Treyger Van Bramer	<b>Richards, Chair</b> <u>Adams</u> Brannan Cabrera Cohen Deutsch Gibson Lancman Menchaca Miller Powers Rodriguez Vallone	<b>Brannan, Chair</b> <u>Constantinides</u> <u>Diaz, Sr.</u> <u>Rose</u> <u>Ulrich</u>

RULES, PRIVILEGES & ELECTIONS	SANITATION & SOLID WASTE MANAGEMENT	SMALL BUSINESS	STANDARDS & ETHICS
<b>Koslowitz, Chair</b> Adams Chin [Corney, Jr.] Espinal, Jr. Gibson Johnson Lancman Matteo <u>Rose</u> Torres Treyger	<b>Reynoso, Chair</b> Cabrera <u>Chin</u> <u>Constantinides</u> Deutsch Espinal, Jr. Vallone	<b>Gjonaj, Chair</b> [Ayala] <u>Dromm</u> Levin Perkins [Rivera] <u>Rosenthal</u>	<b>Matteo, Chair</b> Chin Gibson Koslowitz Levin
STATE & FEDERAL LEGISLATION	TECHNOLOGY	TRANSPORTATION	VETERANS
<b>Cohen, Chair</b> Cornegy, Jr. Espinal, Jr. Koslowitz Rodriguez	<b>Koo, Chair</b> Holden Lander Ulrich Yeger	<b>Rodriguez, Chair</b> Cabrera [Constantinides] Deutsch Diaz, Sr. Espinal, Jr. Koo Levin Levine Menchaca Miller Reynoso Richards Rose [Salamanca, Jr.]	<b>Deutsch, Chair</b> <u>Ampry-Samuel</u> [Brannan] Eugene Maisel Vallone
WOMEN AND GENDER EQUITY	YOUTH SERVICES		
<b>Rosenthal, Chair</b> Ayala Cumbo Kallos Lander	<b>Rose, Chair</b> Brannan Chin Eugene King		

## LAND USE SUBCOMMITTEES

LANDMARKS, PUBLIC SITING & MARITIME USES	ZONING & FRANCHISES
<b>Adams, Chair</b> <b>Barron</b> <b>Koo</b> <b>Miller</b> <b>Treyger</b>	<b>Moya, Chair</b> <b>Constantinides</b> <b>Grodnychik</b> <b>Lancman</b> <b>Levin</b> <b>Reynoso</b> <b>Richards</b> <b>Rivera</b> <b>Torres</b>

*Removed:* [Subcommittee on PLANNING, DISPOSITIONS & CONCESSIONS:  
Kallos, Chair; Deutsch, Diaz, Sr., Gibson, King].

## SUBCOMMITTEES

CAPITAL BUDGET / FINANCE
<b>Gibson, Chair</b> <b>Gjonaj</b> <b>Grodnychik</b> <b>Matteo</b> <b>[Powers]</b> <b>Rosenthal</b>

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, VANESSA L. GIBSON, RAFAEL L. ESPINAL, Jr., MARK TREYGER, ADRIENNE E. ADAMS, THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, April 9, 2019.

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

**GENERAL ORDER CALENDAR**

Report for Int. No. 720

**Report of the Committee on Housing and Buildings in favor of approving and adopting, a Local Law to amend the New York city building code, in relation to clarifying the requirements for site safety training providers.**

The Committee on Housing and Buildings, to which the annexed proposed local law was referred on March 7, 2018 (Minutes, page 1092), and which same item has been laid over by the Council since the March 7, 2018 Stated Meeting (Minutes, page 924), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 720 printed in the Minutes of March 7, 2018, page 1092)**

*Accordingly, this Committee recommends its adoption.*

ROBERT E. CORNEGY, Jr., Chairperson; FERNANDO CABRERA, MARGARET S. CHIN, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA; Committee on Housing and Buildings, March 6, 2018.

Laid Over by the Council.

Report for L.U. No. 360 & Res. No. 842

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180447 ZMQ (Former Parkway Hospital Site Rezoning) submitted by Auberge Grand Central, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14a, changing from an R1-2A District to an R7A District and changing from an R1-2A District to an R7X District property located at Block 2248, Lot 228 and p/o Lot 100 and Block 2246 Lot 11, Borough of Queens, Council District 29, Community District 6.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 28, 2019 (Minutes, page 677) 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-6 – TWO APPLICATIONS RELATED TO FORMER PARKWAY  
HOSPITAL SITE REZONING**

**C 180447 ZMQ (L.U. No. 360)**

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

1. changing from an R1-2A District to an R7A District property bounded by 70<sup>th</sup> Road, a line 100 feet northeasterly of 113<sup>th</sup> Street, the northeasterly prolongation of the southeasterly street line of 71<sup>st</sup> Avenue, 113<sup>th</sup> Street, 71st Avenue, and a line 135 feet southwesterly of 113<sup>th</sup> Street; and
2. changing from an R1-2A District to an R7X District property bounded by 70<sup>th</sup> Road, the southwesterly service road of the Grand Central Parkway, the northeasterly prolongation of the southeasterly street line of 71<sup>st</sup> Avenue, and a line 100 feet northeasterly of 113<sup>th</sup> Street;

as show on a diagram (for illustrative purposes only) dated September 24, 2018, and subject to the conditions of CEQR Declaration E-502.

**N 180448 ZRQ (L.U. No. 361)**

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

**INTENT**

To approve the amendments to the Zoning Map and Text of the Zoning Resolution in order to change the existing R1-2A district to an R7A/R7X district and establish a Mandatory Inclusionary Housing (MIH) area to facilitate the reuse and enlargement of the former Parkway Hospital building for residential and community facility uses and the development of a new residential building in the Forest Hills neighborhood of Queens, Community District 6.

**PUBLIC HEARING**

**DATE:** March 6, 2019

**Witnesses in Favor:** Four

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 2, 2019

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission (“CPC”) on L.U. No. 360 and approve with modifications the decision of the CPC on L.U. No. 361.

**In Favor:**

Moya, Constantinides, Lancman, Levin, Reynoso, Richards, Rivera, Torres, Grodenchik.

**Against:**

None

**Abstain:**

None.

**COMMITTEE ACTION**

**DATE:** April 3, 2019

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, Koo, Lancman, Miller, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Sr., Moya, Rivera.

**Against:**

None

**Abstain:**

None.

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS**

The City Planning Commission filed a letter dated April 8, 2019, with the Council on April 8, 2019, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 842

**Resolution approving the decision of the City Planning Commission on ULURP No. C 180447 ZMQ, a Zoning Map amendment (L.U. No. 360).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on February 15, 2019 its decision dated January 30, 2019 (the "Decision"), on the application submitted by Auberge Grand Central, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 14a, changing from an R1-2A District to an R7A District and changing from an R1-2A District to an R7X District, which in conjunction with the related action would facilitate the reuse and enlargement of the former Parkway Hospital building for residential and community facility uses and the development of a new residential building in the Forest Hills neighborhood of Queens, Community District 6 (ULURP No. C 180447 ZMQ) (the "Application");

**WHEREAS**, the Application is related to application N 180448 ZRQ (L.U. No. 361), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 6, 2019;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued September 24<sup>th</sup>, 2018 (CEQR No. 18DCP021Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-502) (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-502) 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 180447 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

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

1. changing from an R1-2A District to an R7A District property bounded by 70th Road, a line 100 feet northeasterly of 113th Street, the northeasterly prolongation of the southeasterly street line of 71st Avenue, 113th Street, 71st Avenue, and a line 135 feet southwesterly of 113th Street; and
2. changing from an R1-2A District to an R7X District property bounded by 70th Road, the southwesterly service road of the Grand Central Parkway, the northeasterly prolongation of the southeasterly street line of 71st Avenue, and a line 100 feet northeasterly of 113th Street;

as shown on a diagram (for illustrative purposes only) dated September 24, 2018, and subject to the conditions of CEQR Declaration E-502, Community District 6, Borough of Queens.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 3, 2018.

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

Report for L.U. Nos. 361 & Res. No. 843

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 180448 ZRQ (Former Parkway Hospital Site Rezoning) submitted by Auberge Grand Central, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area for property located at Block 2248, Borough of Queens, Council District 29, Community District 6.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 28, 2019 (Minutes, page 677) 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. 360 printed in the General Order Calendar section of these Minutes)**

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

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

Res. No. 843

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 180448 ZRQ, for an amendment of the text of the Zoning Resolution (L.U. No. 361).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on February 15, 2019 its decision dated January 30, 2019 (the "Decision"), on the application submitted by Auberge Grand Central, 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 on the project area Options 1, 2, and 4 (Workforce Option), which in conjunction with the related action would facilitate the reuse and enlargement of the former Parkway Hospital building for residential and community facility uses and the development of a new residential building in the Forest Hills neighborhood of Queens, Community District 6, (Application No. N 180448 ZRQ), (the "Application");

**WHEREAS**, the Application is related to application C 180447 ZMQ (L.U. No. 360), a zoning map amendment changing property from an R1-2A district to an R7A district and an R7X district;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 6, 2019;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued September 24<sup>th</sup>, 2018 (CEQR No. 18DCP021Q), which includes an (E) designation to avoid

the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-502) (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-502) 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, N180448 ZRQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

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

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

Matter ~~double struck out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

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

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

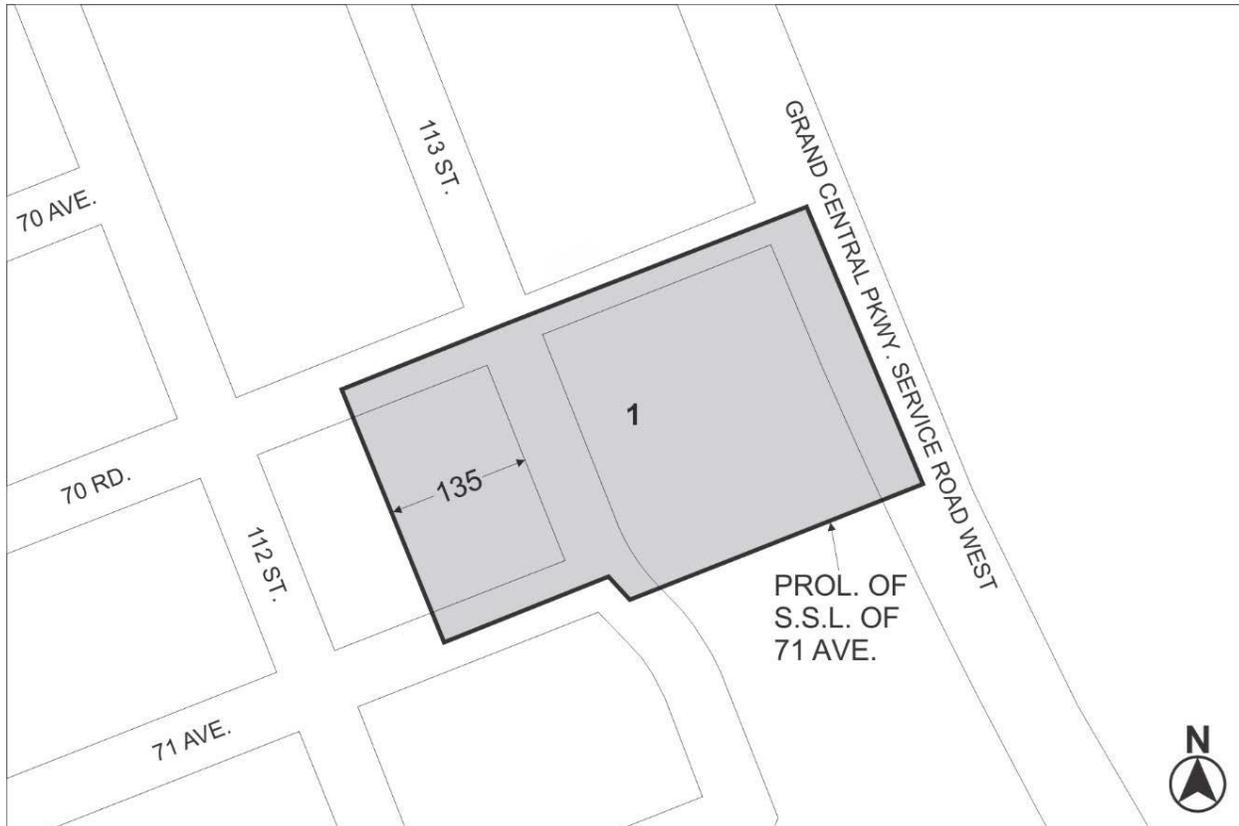
**QUEENS**

\* \* \*

**Queens Community District 6**

Map 1 – (date of adoption)

## [PROPOSED MAP]



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

Area 1 — [date of adoption] — MIH Program Option 1, ~~Option 2 and Workforce Option~~

Portion of Community District 6, Queens

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 3, 2018.

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

**Resolution approving various persons Commissioners of Deeds**

By the Presiding Officer –

Resolved, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

*Approved New Applicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Yerika Polanco	470 Audubon Ave #A5 New York, New York 10040	10
Barbara Cancel	84-23 103rd Ave #FL 3 Queens, New York 11417	32
Margarita Colon	366 South 2nd Street #6D Brooklyn, New York 11211	34

*Approved Reapplicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Taina Garcia	38 Monroe Street #EJ7 New York, New York 10002	1
Polly Schonfeld	63 Avenue A #19H New York, New York 10009	2
Lorraine Catalano	30 Cornelia Street #19 New York, New York 10014	3
Louiselle Romero	1646 First Avenue #12E New York, New York 10028	5
John A. Devlin	205 West 95th Street #1A New York, New York 10025	6
Julie Leung	65 West 90th Street New York, New York 10024	6
Floree Roberson	626 Riverside Drive #22A New York, New York 10031	7
Florinda Laford	101 West 109th Street #4J New York, New York 10025	7

Samuel Ramos	640 Riverside Drive MOGI New York, New York 10031	7
Gamaliel M. Silva	420 East 146 Street #308 Bronx, New York 10455	8
Ivy Soto	325 Pleasant Avenue #3A New York, New York 10035	8
Latreva Vonzella Mumford	420 East 102nd Street #11E New York, New York 10029	8
Melissa Collins	342 East 100th Street #3C New York, New York 10029	8
Linda Fay McCoy	410 St. Nicholas Avenue #23J New York, New York 10027	9
Niurka M. Almonte	1990 Lexington Avenue #15H New York, New York 10035	9
Bianca Williams	3844 Bailey Avenue #GC Bronx, New York 10463	11
Judith Arlene Schultz	3400 A Paul Avenue #13G Bronx, New York 10468	11
Maritza Mejias	3162 Bainbridge Avenue #4B Bronx, New York 10467	11
Wanda I. Diaz	323 East Gun Hill Road #6G Bronx, New York 10467	12
Cortney A. Thornhill	3550 White Plains Road #8 Bronx, New York 10467	12
Darla A. Starks	120 Debs Place #23F Bronx, New York 10475	12
Harriet Lasky	140 Benchley Place #28H Bronx, New York 10475	12
Ruth Brantley	140 Erdman Place #14D Bronx, New York 10475	12
Sheila M. Grierson	3318 Eastchester Road Bronx, New York 10469	12
Albert D'Angelo	1939 Lurting Avenue Bronx, New York 10461	13

Andrea B. Siegel	780 Pelham Parkway South #C11 Bronx, New York 10462	13
Jannette Diaz-Rodriguez	1288 Crosby Avenue #2F Bronx, New York 10461	13
Johnny Lopez	532 Logan Avenue #1 Bronx, New York 10465	13
Aida Luz Colon	2745 Reservoir Avenue #6C Bronx, New York 10468	14
Nubia Imani-Beazer	7 Fordham Hill Oval #5C Bronx, New York 10468	14
Edwina Maria Townes	785 East 181st Street #21 Bronx, New York 10460	15
Linda Fraguada	2144 Crotona Parkway #3C Bronx, New York 10460	15
Kimberlee T. Myers	780 Concourse Village West #20D Bronx, New York 10451	16
Lucia Tiburcio	1244 Ogden Avenue Bronx, New York 10452	16
Rosalind Wiley	800 Grand Concourse #4VS Bronx, New York 10451	16
Maria Abreu	1025 Freeman Street #2A Bronx, New York 10459	17
Yolanda L. Taylor	1315 Prospect Avenue #4C Bronx, New York 10459	17
Iris N. Hernandez	436 Beach Avenue Bronx, New York 10473	18
Kiana Bartley	1545 Archer Rd #4A Bronx, New York 10462	18
Eleni Patras	154-01 9th Avenue #1L Queens, New York 11357	19
Michael Rodamis	33-22 Jordan Street Bayside, New York 11358	19
Demetrias Gamble	98-38 57th Avenue #12M Queens, New York 11368	21
Joyce West	96-15 Jackson Mill Road East Elmhurst, New York 11369	22

Mohammed Haque	30-19 23rd Street #2 Queens, New York 11102	23
Geneline Sakrulla	93-17 Hollis Court Blvd Queens Village, New York 11428	23
Renee Wright	109-65 202nd Street Queens, New York 11412	26
Tracy N. Dash	179-59 Anderson Road Jamaica, New York 11434	27
Renee R. Wilson	102-28 127 Street Queens, New York 11419	28
Noemi Ortiz	61-35 98th Street #5G Rego Park, New York 11374	29
Dorota U. Kuzniar-Zglinska	67-28 78th Street #1 Middle Village, New York 11379	30
Emil Cohill	50-23 59th Place Woodside, New York 11377	30
Frank Zito	65-47 77th Street Queens, New York 11379	30
Joann Siegel	73-26 70th Street Queens, New York 11385	30
Mayyi Flores	65-31 70th Avenue Queens, New York 11385	30
Brazeyl Readon	243-50 Mayda Road Rosedale, New York 11422	31
Marie Souffrant-Santiago	241-31 128th Drive Queens, New York 11422	31
Millicent Nicholas-Richards	142-31 249th Street Rosedale, New York 11422	31
Rosemary Ciulla-Frisone	164-15 96th Street Howard Beach, New York 11414	32
Marion Rago	131 Nassau Avenue Brooklyn, New York 11222	33
Hector J. Gonzalez	1065 Seneca Avenue Ridgewood, New York 11385	34
Lynette Aguayo	5 Ten Eyck Street #3 Brooklyn, New York 11206	34

Maria E. Vega	30 Montrose Avenue #8S Brooklyn, New York 11206	35
W. Valentine Douglas	625 Grand Avenue Brooklyn, New York 11238	35
Charlie Jenkins	75 Monroe Street Brooklyn, New York 11216	36
Rosaria L. Garcia	50 Crescent Street Brooklyn, New York 11208	37
Sait Sarahlee Ramgulam	102 Glen Street #2 Brooklyn, New York 11208	37
Beatrice A. DeSapio	288 17th Street Brooklyn, New York 11215	38
Andrew Toney	213 Herzl Street Brooklyn, New York 11212	41
Jherima Garrett	1839 Prospect Place #3 Brooklyn, New York 11223	41
Farrah Brown	406 Hinsdale Street Brooklyn, New York 11207	42
Lavon Burch	966 Hegeman Avenue #2 Brooklyn, New York 11208	42
Alice Canizio	1251 75th Street Brooklyn, New York 11228	43
Blanche E. Tropiansky	1445 Shore Parkway #2L Brooklyn, New York 11214	43
Edith M. Gugliemelli	1336 85th Street Brooklyn, New York 11228	43
Jacob Landau	1826 50th Street Brooklyn, New York 11204	44
Georgia T. Jackson	3017 Newkirk Avenue Brooklyn, New York 11226	44
Judy DePalma	874 East 28th Street Brooklyn, New York 11210	45
Suzan N. Pack	1556 Schenectady Avenue Brooklyn, New York 11234	45

Sylvia L. Givans	782 East 32nd Street #D6 Brooklyn, New York 11210	45
Annetta Cooper	5995 Shore Parkway #6A Brooklyn, New York 11236	46
Esther Etedgui	2736 East 66 Street Brooklyn, New York 11234	46
Pelham G. Naidu	1674 East 49th Street Brooklyn, New York 11234	46
Stuart M. Feuerstein	1247 East 66 Street Brooklyn, New York 11234	46
Frances Rizzo	2261 East 4th Street Brooklyn, New York 11223	47
Moshe Steinberg	1956 61st Street Brooklyn, New York 11204	47
Pearl Steiner	2035 83rd Street Brooklyn, New York 11214	47
Sofiya Oksenkrug	2547 West 2nd Street #2F Brooklyn, New York 11223	47
Larisa Prizimenter	1925 Quentin Road #3D Brooklyn, New York 11229	48
Lisa Caranci	2066 Homecrest Avenue Brooklyn, New York 11229	48
Mary Ann Marando	2292 East 24th Street Brooklyn, New York 11229	48
Stephen Moran	3712 Shore Parkway Brooklyn, New York 11325	48
Yuliya Blokhina	159 Corbin Place Brooklyn, New York 11235	48
Anna Jernigan	830 Van Duzer Street Staten Island, New York 10304	49
Dolores A. Bannon	1100 Clove Road #6K Staten Island, New York 10301	49
Laurie Warren-Guido	937 Victory Blvd #1K Staten Island, New York 10301	49
Monique A. Debs-Fonte	65 Benedict Avenue Staten Island, New York 10314	49

John Paulicelli	47 Norway Avenue Staten Island, New York 10305	50
Danielle Panza	65 Fraser Street Staten Island, New York 10314	51
Francine Misseri-Olito	73 Mayberry Promenade Staten Island, New York 10312	51
Ralph Carosella	34 Dogwood Drive Staten Island, New York 10312	51
Tiffany Marone	75 Churchill Avenue Staten Island, New York 10309	51

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

**ROLL CALL ON GENERAL ORDERS FOR THE DAY  
(Items Coupled on General Order Calendar)**

- (1) **Int 944-A -** Department of Correction to notify incarcerated individuals and their legal representatives when an incarcerated individual is held solely due to a bail amount of less than \$10.
- (2) **Int 1053-A -** Water tank inspectors to submit annual inspection reports.
- (3) **Int 1056-B -** Department of Health and Mental Hygiene to conduct periodic inspections of water tanks and to post the results online.
- (4) **Int 1138-A -** Department of Health and Mental Hygiene to review documentation of annual inspections of water tanks.
- (5) **Int 1150-A -** Electronic reporting of water tank inspection and cleaning.
- (6) **Int 1157-B -** Qualifications for persons conducting inspections and maintenance on drinking water tanks.
- (7) **Int 1167-A -** Repair of damaged water tanks.
- (8) **Int 1169-A** Requiring the visual documentation of water tanks during inspections.
- (9) **Int 1199-A -** Removing fees associated with bail payments.
- (10) **Int 1427 -** Drug testing not permitted by the department of probation.
- (11) **Int 1445-A -** Prohibition of drug testing for pre-employment hiring procedures.
- (12) **Res 841 -** Adding Rule 2.45 to the Rules of the Council, modifying Rule 6.00, making certain changes to Chapter VII, Committees, and to Chapter XI, Rules of the Land Use Committee.
- (13) **L.U. 356 & Res 830 -** App. N 190233 HKM [DL 511, LP-2621] (Park Terrace West – West 217th Street Historic District)

- Manhattan, Council District 10,  
Community District 12.
- (14) L.U. 360 & Res 842 - App. C **180447 ZMQ (Former Parkway Hospital Site Rezoning) Queens**, Council District 29, Community District 6.
- (15) L.U. 361 & Res 843 - App. N **180448 ZRQ (Former Parkway Hospital Site Rezoning) Queens**, Council District 29, Community District 6.
- (16) L.U. 362 & Res 831 - App. C **190071 ZMK (809 Atlantic Avenue Rezoning) Brooklyn**, Council District 35, Community District 2.
- (17) L.U. 363 & Res 832 - App. C **190072 ZSK (809 Atlantic Avenue Rezoning) Brooklyn**, Council District 35, Community District 2.
- (18) L.U. 364 & Res 833 - App. C **190073 ZSK (809 Atlantic Avenue Rezoning) Brooklyn**, Council District 35, Community District 2.
- (19) L.U. 365 & Res 834 - App. N **190074 ZRK (809 Atlantic Avenue Rezoning) Brooklyn**, Council District 35, Community District 2.
- (20) L.U. 367 & Res 835 - App. C **180294 ZMK Brooklyn**, Community District 6, Council District 39 (Coupled to be Filed).
- (21) L.U. 368 & Res 836 - App. N **180295 ZRK Brooklyn**, Community District 6, Council District 39 (Coupled to be Filed).
- (22) L.U. 370 & Res 837 - App. N **190083 ZRK (103 North 13th Street Special Permit) Brooklyn**, Council District 33, Community District 1.
- (23) L.U. 371 & Res 838 - App. C **190084 ZSK (103 North 13th Street Special Permit) Brooklyn**, Council District 33, Community District 1.
- (24) L.U. 372 & Res 839 - App. C **190085 ZSK (103 North 13th Street Special Permit)**

**Brooklyn**, Council District 33,  
Community District 1.

- (25) **L.U. 381 & Res 840 - App. C 180481 ZMM (245 East 53rd Street Rezoning) Manhattan**, Council District 4, Community District 6.
- (26) **Resolution approving various persons Commissioners of Deeds.**

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

**Affirmative** – Adams, Ayala, Barron, Brannan, Chin, Cohen, Constantinides, Deutsch, Diaz, Dromm, Espinal, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **44**.

**The General Order vote recorded for this Stated Meeting was 44-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Int. Nos. 944-A and 1199-A:**

**Affirmative** – Adams, Ayala, Barron, Brannan, Chin, Cohen, Constantinides, Deutsch, Diaz, Dromm, Espinal, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **43**.

**Negative** – The Minority Leader (Council Member Mateo) – **1**.

The following was the vote recorded for **Int. No. 1427:**

**Affirmative** – Adams, Ayala, Barron, Brannan, Chin, Cohen, Constantinides, Deutsch, Dromm, Espinal, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **40**.

**Negative** – Diaz, Ulrich, Yeger, and the Minority Leader (Council Member Matteo) - **4**.

The following was the vote recorded for **Int. No. 1445-A**:

**Affirmative** – Adams, Ayala, Barron, Brannan, Chin, Cohen, Constantinides, Deutsch, Dromm, Espinal, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **40**.

**Negative** – Diaz, Ulrich, Yeger, and the Minority Leader (Council Member Matteo) - **4**.

The following was the vote recorded for **Res. No. 841**:

**Affirmative** – Adams, Ayala, Barron, Brannan, Chin, Cohen, Constantinides, Dromm, Espinal, Gibson, Gjonaj, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **35**.

**Negative** – Deutsch, Diaz, Holden, Maisel, Ulrich, Yeger, and the Minority Leader (Council Member Matteo) – **7**.

**Abstention** – Grodenchik and King – **2**.

The following was the vote recorded for **L.U. No. 362 & Res. No. 831; L.U. No. 363 & Res. No. 832; L.U. No. 364 & Res. No. 833; L.U. No. 365 & Res. No. 834**:

**Affirmative** – Adams, Ayala, Brannan, Chin, Cohen, Constantinides, Deutsch, Diaz, Dromm, Espinal, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **43**.

**Negative** – Barron – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:  
Int. Nos. 944-A, 1053-A, 1056-B, 1138-A, 1150-A, 1157-B, 1167-A, 1169-A, 1199-A, 1427, and 1445-A.*

**INTRODUCTION AND READING OF BILLS**

Int. No. 1495

By Council Members Barron, Adams, Cumbo, Ampry-Samuel, Yeger and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to creating a local community and media bill of rights addressing the issues that communities face during film and television production**

*Be it enacted by the Council as follows:*

Section 1. Title 22 of the administrative code of the city of New York is amended by adding a new chapter 12 to read as follows:

**CHAPTER 12**  
**MEDIA AND ENTERTAINMENT INDUSTRY**

*§22-1201 Local community and media bill of rights. a. Not later than July 2020, the commissioner of the mayor's office of media and entertainment, or any other entity designated by the mayor to issue film and television production permits pursuant to section 1301 of the New York city charter, shall prepare a draft local community and media bill of rights for New York city residents.*

*b. Such local community and media bill of rights shall include, but not be limited to guidelines on:*

- 1. parking;*
- 2. safety;*
- 3. sanitation during film and television productions;*
- 4. communication between the public and production companies, including the issuance of notices regarding any temporary loss of parking or a temporary restriction of access to streets or buildings; and*
- 5. any other issue the commissioner deems appropriate.*

*c. Within 90 days following the preparation of such draft local community and media bill of rights and prior to the preparation of a final local community and media bill of rights, the commissioner shall distribute such local community and media bill of rights to the city council, all community boards, and to all others whom the commissioner deems appropriate, and hold a noticed public hearing, at which the public shall be given an opportunity to comment on such draft local community and media bill of rights.*

*d. The commissioner shall prepare a final local community and media bill of rights within thirty days after the conclusion of such public hearing. The commissioner shall review and, at the discretion of the commissioner, may revise such final local community and media bill of rights on a biennial basis. Such review shall require a public hearing.*

*e. The final local community and media bill of rights shall be posted on the website of the mayor's office of media and entertainment.*

*f. Nothing in this section or in such document or draft document shall be construed to create a cause of action or constitute a defense in any legal, administrative, or other proceeding.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Technology.

## Int. No. 1496

By Council Members Brannan, Holden, Moya, Yeger, Cumbo and Powers.

**A Local Law to amend the administrative code of the city of New York, in relation to retrieval of companion animals by an animal shelter after an eviction or legal possession**

*Be it enacted by the Council as follows:*

Section 1. Section 17-802 of the administrative code of the city of New York is amended by adding a new subdivision c-1 to read as follows:

*c-1. "Companion animal" means any dog or cat, and shall also mean any other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal. "Companion animal" does not include a farm animal as defined in section 350 of the agriculture and markets law.*

§ 2. Chapter 8 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-816 to read as follows:

*§ 17-816 Animals discovered during eviction or legal possession. An animal shelter directed by a sheriff or city marshal executing a warrant of eviction or legal possession to retrieve a companion animal from such premises shall retrieve such companion animal no more than 24 hours after receiving such direction.*

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

Referred to the Committee on Health.

## Int. No. 1497

By Council Members Brannan, Holden, Moya and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to creating a penalty for leaving a companion animal outside during inclement weather conditions and subjecting violators to the registration requirements of the Animal Abuse Registry**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.9 to read as follows:

*§ 17-199.9 Outdoor care of companion animals during inclement weather conditions. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Companion animal. The term "companion animal" has the same meaning as is provided in subdivision 5 of section 350 of the agriculture and markets law.*

*Inclement weather. The term "inclement weather" has the same meaning as is provided in paragraph (b) of subdivision 1 of section 353-B of the agriculture and markets law except that the term applies to all companion animals.*

*b. Prohibition. No person shall leave any companion animal unattended outdoors during inclement weather conditions.*

*c. Exception. It is not a violation of this section to leave a dog outdoors in accordance with the provisions of section 353-b of the agriculture and markets law.*

*d. Penalties. Any person who violates the provisions of this section or any of the rules promulgated hereunder is, for a first offense, guilty of a violation punishable by a fine not to exceed \$250, provided that such person shall be issued a written warning instead of such fine for such first offense where such animal was*

*not injured as a result of the violation. For any subsequent offense within a continuous 12-month period, such person is guilty of a class B misdemeanor punishable by a fine not to exceed \$500 or by imprisonment of not more than 3 months, or both. In addition to such penalties, any person who violates this section is liable for a civil penalty of not less than \$250 nor more than \$500.*

§ 2. Subdivision a of section 17-1601 of the administrative code of the city of New York, as amended by local law 55 for the year 2015, is amended to read as follows:

a. “Animal abuse crime” [shall mean] *means* any of the following:

1. animal fighting, as defined in section three hundred fifty-one of the agriculture and markets law;
2. overdriving, torturing or injuring animals; failure to provide proper sustenance, as defined in section three hundred fifty-three of the agriculture and markets law;
3. aggravated cruelty to animals, as defined in section three hundred fifty-three-a of the agriculture and markets law;
4. electrocution of fur-bearing animals, as defined in section three hundred fifty-three-c of the agriculture and markets law;
5. abandonment of animals, as defined in section three hundred fifty-five of the agriculture and markets law;
6. failure to provide proper food and drink to an impounded animal, as defined in section three hundred fifty-six of the agriculture and markets law;
7. poisoning or attempting to poison animals, as defined in section three hundred sixty of the agriculture and markets law;
8. interference with or injury to certain domestic animals, as defined in section three hundred sixty-one of the agriculture and markets law;
9. harming a service animal in the first degree, as defined in section 242.15 of the penal code; [or]
10. *a subsequent offense of leaving a companion animal unattended outdoors during inclement weather conditions, as defined in section 17-199.9 of this chapter; or*
11. *an offense in any other jurisdiction which includes all of the essential elements of any such crime provided for in paragraph one, two, three, four, five, six, seven, eight,[ or] nine, or ten of this subdivision.*

§ 3. This local law takes effect 180 days after it becomes law, except that the department may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Health.

Int. No. 1498

By Council Members Cabrera, Brannan, Holden, Moya, Cumbo and Powers.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York City Police Department to report data regarding animal cruelty complaints**

*Be it enacted by the Council as follows:*

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-175 to read as follows:

*§14-175. Data regarding animal cruelty complaints. a. For the purposes of this section, the term “animal cruelty” means any violation of any of the provisions of article 26 of the agriculture and markets law or sections 17-197 or 17-330 of the code.*

*b. The department shall publish on its website on a semi-annual basis the following data regarding animal cruelty complaints: (1) the number of complaints the department receives alleging an act of animal cruelty; (2) the number of investigations that have been initiated by the department; (3) the number of investigations that*

*have been closed; (4) the number of investigations that remain open more than 30 days after the department receives such complaints; (5) the number of summonses issued as a result of investigations into allegations of acts of animal cruelty conducted by the department; and (6) the number of arrests made as a result of investigations into allegations of acts of animal cruelty conducted by the department. The data required pursuant to this section shall be disaggregated by police precinct.*

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

Referred to the Committee on Public Safety.

Res. No. 826

**Resolution calling on the Mayor of New York City to permanently staff all Fire Department of New York (FDNY) engine companies with five firefighters and an officer at the outset of each tour.**

By Council Members Brannan, Borelli and Holden.

**Whereas**, The Uniformed Firefighters Association of Greater New York (UFA) represents over 8,000 FDNY firefighters and personnel; and

**Whereas**, In labor negotiations between the UFA and the City of New York, whether a FDNY engine company should be staffed with five firefighters and an officer (known as having a “fifth firefighter”) or four firefighters and an officer at the outset of each tour has remained a key bargaining point; and

**Whereas**, Prior to 1988, FDNY engine companies were staffed with five firefighters, and one officer, which was a higher-ranking FDNY member, such as a Lieutenant, that would supervise over the company; and

**Whereas**, However, beginning in 1988, the FDNY began to reduce engine company staffing from five firefighters and an officer to four firefighters and an officer, so that, in 2011, no engine company in the city operated with a fifth firefighter; and

**Whereas**, Notably, the most recently available, although expired, collective bargaining agreement between the UFA and the City looked to change this staffing reduction, allowing the FDNY to designate five engine companies with a fifth firefighter at the outset of each tour, effective February 1, 2016, with an additional five engine companies to be staffed with a fifth firefighter effective February 1, 2017; February 1, 2018; and February 1, 2019; and

**Whereas**, As per this agreement, a total of 20 engine companies throughout the City are staffed with a fifth firefighter, however, this agreement stipulates that the FDNY, on the first day of each month, can review these engine companies’ firefighter availability for the preceding 365 days and in the event that firefighter average medical leave, including both line-of-duty and non-line-of-duty, exceeds the “designated absence rate” of 7.50%, the FDNY will discontinue that engine company’s staffing of a fifth firefighter for the remainder of that month; and

**Whereas**, The FDNY defines the role of the fifth firefighter as the “Door” position, meaning that they facilitate the advancement of the hose-line into the fire area and prevent it from getting stuck if turns need to be made; and

**Whereas**, The UFA, in their support for a fifth firefighter on engine companies, has pointed to a FDNY study done in 1987, where a former division commander for midtown Manhattan concluded that an engine company with only four firefighters is ineffective in service delivery and has a 75 percent increase in hose-stretch time; and

**Whereas**, Although dated, the UFA still looks to these findings as reliable and, potentially, more true now, as the weight that firefighters now carry has drastically increased since 1987; and

**Whereas**, Additionally, a National Institute of Standards and Technology 2013 study analyzed 14 high-risk tasks undertaken by firefighters, finding that three-member firefighter crews took almost 21 minutes longer than five-member crews to complete all tasks, while four-member crews took nine minutes longer than five-member crews to complete those same tasks; and

**Whereas**, Furthermore, the Daily News reported that the FDNY's own studies show that engine companies equipped with a fifth firefighter can get water on a fire twice as quickly; and

**Whereas**, Having a fifth firefighter staffed on an engine company drastically improves the effectiveness of that engine company, thus the permanent staffing of a fifth firefighter on all engine companies throughout the City would decrease the time it takes to put out fires, decrease deaths and injuries due to fires, and reduce overall costs of medical leave and fire damage; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the Mayor of New York City to permanently staff all Fire Department of New York (FDNY) engine companies with five firefighters and an officer at the outset of each tour.

Referred to the Committee on Fire and Emergency Management.

Int. No. 1499

By Council Members Cohen, Rivera, Kallos and Powers.

**A Local Law to amend administrative code of the city of New York, in relation to the provision of tenant screening reports**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 16 of chapter 5 of title 20 of the administrative code of the city of New York, as added by local law number 2 for the year 2010, is amended to add a new section 20-812 to read as follows:

§ 20-812 *Fees prohibited.* a. Any person who requests application information for the purposes of obtaining a tenant screening report from a tenant, prospective tenant or agent acting on behalf of such tenant or prospective tenant shall not charge a fee for such information where such person is aware that the dwelling unit for which such application information is requested in connection with is not, or will not be, available for rent at the time that such tenant, prospective tenant or agent acting on behalf of such tenant or prospective tenant seeks to enter into an agreement for the lease of such dwelling unit.

b. If a tenant screening report is issued to a person requesting application information from a tenant, prospective tenant or agent acting on behalf of such tenant or prospective tenant, such person shall provide a copy of such report to such tenant, prospective tenant or agent upon request, regardless of whether such tenant has entered into an agreement for the lease of a dwelling unit.

§ 2. a. For the purposes of this section, the term "tenant screening report" has the meaning ascribed to it by section 20-807 of the administrative code of the city of New York.

b. By no later than January 1, 2020, the department of consumer affairs shall prepare and file with the mayor and the council, and post on its website, a report analyzing the cost of the city establishing its own tenant screening report system and the feasibility of implementing such a system.

§ 3. Section 1 of this local law takes effect 120 days after it becomes law, except that the commissioner of consumer affairs may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date. Section 2 of this local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 1500

By Council Members Cornegy, Cumbo and Ampry-Samuel.

**A Local Law to amend the administrative code of the city of New York, in relation to notifications pertaining to the expiration dates of affordable housing units**

*Be it enacted by the Council as follows:*

Section 1. The definition of “expiring affordable housing unit” in section 26-2201 of the administrative code of the city of New York, as added by local law number 136 for the year 2018, is amended to read as follows:

Expiring affordable housing unit. The term "expiring affordable housing unit" means, with respect to the report required by sections 26-2204 and 26-2205, an affordable housing unit that, without a change in a federal, state or local law, rule or program or an agreement with the city or a person acting on the city's behalf, will cease to be an affordable housing unit in or before the end of the [second] *fifth* calendar year that commences after the due date of such report.

§ 2. Section 26-2205 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

*c. The department shall submit to each council member by no later than December 31 in each year following implementation of the tracking system required by section 26-2202 a notification identifying each affordable housing unit in the council district that such member represents for which the expiration date of the relevant department regulatory agreement is in the sixteenth calendar year following the date of such notification.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 1501

By Council Member Cornegy.

**A Local Law to amend the New York city building code, in relation to requiring that sidewalk sheds are constructed using an alternative to cross-braced scaffolds to provide greater sidewalk access and safety**

*Be it enacted by the Council as follows:*

Section 1. Section 3307.6.4.2.2 of the New York city building code, is amended by adding a new item 3 to read as follows:

**3307.6.4.2.2 Storage.** Storage on sidewalk sheds shall be as follows:

1. No item shall be stored or placed upon a sidewalk shed designed as a light duty sidewalk shed under Section 3307.6.4.2.
2. No material shall be stored or placed upon a sidewalk shed designed as a heavy duty sidewalk shed under Section 3307.6.4.2 unless the shed is designed for such storage, with such areas of storage or placement clearly designated on the drawings. Where an item is to be stored or placed upon a heavy duty sidewalk shed, and such storage or placement is not in excess of 150 pounds per square foot (732.3 kg/m<sup>2</sup>) on any square foot area of the sidewalk shed, the design live load of 300 pounds per

square foot (1464.6 kg/m) need not be increased. Where an item is to be stored or placed upon a heavy duty sidewalk shed, and such storage or placement is in excess of 150 pounds per square foot (732.3 kg/m<sup>2</sup>) on any square foot area of the sidewalk shed, such shed shall be designed to carry:

2.1 The live load of 300 pounds per square foot (1464.6 kg/m) required of a heavy duty sidewalk shed; and

2.2 The load of the item to be placed or stored upon the shed, minus 150 pounds per square foot (732.3 kg/m<sup>2</sup>).

*3. The structure shall be capable of sustaining a horizontal live load equal to 2% of its vertical live load.*

§ 2. Section 3307.6.4.3 of the New York city building code, as added by local law number 141 for the year 2013, is amended to read as follows:

**3307.6.4.3 Materials.** Sidewalk sheds shall be constructed out of wood, steel, or other material possessing equivalent strength and suitability. *Any sidewalk shed installed after June 1, 2019, shall be constructed out of light-transmitting plastic material which shall include an anti-slip walking surface integral to the material or as an applied coating.*

§ 3. *Section 3307.6.4.4 of the New York city building code, is amended by adding new items 6 and 7 to read as follows:*

**3307.6.4.4 Vertical members and beams.** Vertical members and beams of the sidewalk shed shall conform with the following:

1. Vertical members and beams shall be adequately braced and connected to prevent displacement or distortion of the framework.

2. The vertical members of the sidewalk shed shall be plumb, with a tolerance of L/100, with "L" measured as the distance from the ground to the first X-brace or bottom of the beam.

3. Vertical members shall not be placed into the street unless approved by the Department of Transportation and protected in accordance with Department of Transportation requirements.

4. Vertical members placed on the sidewalk shall not be placed closer than 18 inches from the face of the curbline.

5. Vertical members shall be placed at least 7 feet (2134 mm) from the edge of a curb cut or vehicular access point, or where placed closer, the vertical members nearest the curb cut or vehicular access point shall be protected against displacement by vehicles, or shall be identified with high visibility marking.

*6. Any sidewalk shed installed after June 1, 2019, shall not include any bracing or struts placed below a height of 8 feet above the sidewalk.*

*7. Any vertical beams installed as part of a sidewalk shed after June 1, 2019, shall have adjustable feet that pivot and extend to accommodate changes in sidewalk pitch.*

§ 4. Section 3307.6.4.5 of the New York city building code, as added by local law number 141 for the year 2013, is amended to read as follows:

**3307.6.4.5 Deck.** The deck of the sidewalk shed shall consist of 2-inch (51 mm) thick wood plank or equivalent material and shall be capable of sustaining the loads required by Section 3307.6.4.2. The deck shall be solid, or shall consist of planking laid close and made tight. Where the edge of the sidewalk shed abuts a building or structure, the decking shall be brought tight to the face of the building or structure.

**[Exception]Exceptions:**

1. Where it is not possible to bring the deck tightly against the face of the building or structure, the deck shall be brought to within 1 inch (25 mm) of the face of the building or structure, with the resulting gap sealed or covered by material of sufficient manner and strength capable of trapping falling debris.

2. *A sidewalk shed deck installed after June 1, 2019 shall be constructed of light-transmitting plastic material and shall be designed to meet the performance requirements of section BC 3307.6.*

§ 5. Section 3307.6.4.6 of the New York city building code, is amended by adding a new item 4 to read as follows:

**3307.6.4.6 Parapet.** A vertical parapet at least 3 feet 6 inches (1067 mm) high, as measured from the deck of the sidewalk shed, shall be constructed along all edges of the sidewalk shed. Such parapet shall consist of solid plywood, corrugated metal, a galvanized wire screen consisting of not less than No. 16 steel wire gage with a 1/2 inch (13 mm) debris mesh, or other equivalent material, and shall be securely attached to the shed with braced uprights. Temporary removal of a portion of the parapet is permitted for the handling of material, provided the parapet is immediately restored at the end of the handling operation.

**Exceptions:**

1. A parapet is not required along the edge of the sidewalk shed that abuts a building or structure.
2. A parapet is not required along the edge of a sidewalk shed that abuts an area that is closed to the public.
3. In lieu of a vertical parapet, angled protection of identical construction to a parapet that inclines outward at an angle of 45 degrees (0.79 rad) may be utilized provided such protection is securely attached to the deck, and provided the angled protection extends to a point that intersects a line drawn 3 feet 6 inches (1067 mm) above the level of the deck.

4. *A sidewalk shed parapet installed after June 1, 2019, shall be constructed of light-transmitting plastic material and shall be designed to meet the performance requirements of section BC 3307.6.*

§ 6. Section 3307.6.4.8 of the New York city building code, is amended by adding a new item 4 to read as follows:

**3307.6.4.8 Lighting.** Sidewalk shed lighting shall be in conformance with the following:

1. The underside of sidewalk sheds shall be illuminated at all times either by daylight or electric light. The level of illumination shall be uniformly distributed along the entire length of the shed with a minimum of 1 foot-candle (11 lux) measured at the level of the walking surface with a minimum luminous efficacy of 45 lumens per watt or greater and be rated to operate at temperatures of 5°F (-15°C) and higher.
2. All lamps shall be enclosed in water-resistant and vandal-resistant fixtures, and all lamps, wiring, and accessory components shall conform to the requirements of the New York City Electrical Code.

3. Photosensors may be used to control electric lighting according to the amount of daylight available. All photosensors shall be equipped for fail-safe operation ensuring that if the sensor or control fails, the lamps will provide the lighting levels required by this section.

4. *Any sidewalk shed installed after June 1, 2019, shall use LED lighting to satisfy the requirements of this section.*

§ 7. Section 3307.6.4.11 of the New York city building code, is amended by adding a new exception to read as follows:

**3307.6.4.11 Color.** Sidewalk sheds erected on or after July 1, 2013, shall be painted the color of hunter green.

*Exception: Any sidewalk shed installed after June 1, 2019, shall be constructed out of light-transmitting plastic material with translucent overhead panels.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 1502

By Council Members Holden, Moya, Reynoso, Cabrera, Grodenchik, Maisel and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to the welfare of shelter animals**

*Be it enacted by the Council as follows:*

Section 1. Section 17-805 of the administrative code of the city of New York, as amended by local law number 59 for the year 2011, is amended to read as follows:

§ 17-805 Reporting requirements. The department shall provide the mayor and the city council with a report by February [twenty-eight] 28 of each year which shall set forth information regarding the management and operation of all full-service shelters performing services pursuant to a contract with the city [of New York], including but not limited to:

a. The following information with respect to the previous calendar year:

(1) [the] *The* total number of animals accepted by each full-service shelter;

(2) [the] *The* total number of animals that were sterilized at each full-service shelter;

(3) [the] *The* total number of animals that were [humanely] euthanized at each full-service shelter;

(4) [the] *The* total number of healthy animals that were [humanely] euthanized at each full-service shelter;

(5) [the] *The* total number of animals that were adopted at each full-service shelter;

(6) [the] *The* total number of animals at each full-service shelter that were returned to their [owner] *respective owners*; and

(7) [the] *The* total number of animals at each full-service shelter that were provided to other shelters for adoption.

b. The following information for each month of the previous calendar year:

(1) [the] *The* total number of animals, disaggregated by borough, picked up by field services during regular business hours and delivered to (A) receiving facilities and (B) full-service shelters;

(2) [the] *The total number of animals, disaggregated by borough, picked up by field services during off hours and delivered to (A) receiving facilities and (B) full-service shelters;*

(3) [the] *The total number of animals taken in and transferred to a full-service shelter from each receiving facility; and*

(4) [the] *The staffing levels at all full-service shelters and receiving facilities.*

c. *The department shall report to the mayor and the council each month the following information:*

(1) *The total number of healthy animals that were [humanely] euthanized at each full-service shelter during the previous month[.] and, for every animal euthanized, whether healthy or otherwise:*

(a) *The specific health, behavioral or other issue that was the basis for euthanasia;*

(b) *The relevant credentials and qualifications of any person who evaluated or assessed the animal's condition and whose diagnosis, findings or opinion was relied upon in making a determination to euthanize the animal;*

(c) *The nature of any evaluation, test or assessment performed to assess the animal's condition in determining whether to euthanize such animal, and the results or findings of any such evaluation, test or assessment, including the prognosis and treatment of any diagnosed condition;*

(d) *Whether, at the time of euthanasia, any empty cages, kennels or other living environments were available for the animal in the shelter, whether there was additional room to set up temporary cages, kennels or living environments for the animal in the shelter and whether the animal was determined unable to share a cage or kennel with another animal, as well as the basis for that determination;*

(e) *Whether the shelter made efforts to release the animal to another pound, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated animal protective association, or to a person for the purpose of adoption, a detailed summary of those efforts, and the reason why such efforts did not result in release or adoption;*

(f) *Whenever practicable, the species, breed, sex, age and name of such animal.*

(2) *The information required by this subdivision shall be posted on the department's website no later than ten days after the last day of the month for which the information is required to be reported or upon submission to the mayor and the council of a report containing the information, whichever is earlier.*

[d. No later than twenty-four months after the effective date of the local law that added this subdivision, the department shall provide to the mayor and the council a report that summarizes and describes trends in the reporting requirements provided annually in accordance with this section.]

§ 3. Chapter 8 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-816 to read as follows:

§ 17-816 *Shelter task force. a. There shall be a task force to develop best practices for animal shelters to promote the welfare of animals housed in such shelters.*

*b. The task force shall consist of the following members:*

(1) *The commissioner or the commissioner's designee;*

(2) *One member appointed by the mayor;*

(3) *One member appointed by the speaker of the council;*

(4) *One member appointed by the comptroller;*

(5) *One representative from each not-for-profit organization operating an animal shelter on the effective date of the local law that added this section;*

(6) *Seven persons appointed by the mayor to represent the city community of animal welfare advocates, three of whom must represent an animal rescue group, and all of whom must hold demonstrated expertise or experience in companion animal welfare issues. In appointing such persons, the mayor shall make best efforts to select persons who collectively represent a diversity of perspectives to promote a robust dialogue within the task force.*

*c. The task force shall select a chair by majority vote. The chair shall set the agenda for meetings.*

*d. The task force shall review the practices of all animal shelters in operation prior to the expiration of this section to identify opportunities to improve the conditions for, and of, animals housed in such shelters, including, but not limited to, reducing the spread of disease or other ailments among such animals, providing competent behavioral evaluations and medical screening for such animals, and that all animals with diagnosed conditions susceptible of rehabilitation or treatment receive such rehabilitation or treatment, as necessary. Upon completing its review, the task force shall develop best practices for animal shelters, to be*

*submitted as recommendations to the department. In developing best practices, the task force shall prioritize the ultimate goal of adoption for all animals whenever possible, and shall explore all humane alternatives to euthanasia for animals for which adoption may not be realized. The task force shall identify legal barriers to implementing best practices. The task force shall estimate the amount of additional funding required to implement such practices, and shall denominate priorities among such practices, giving primary consideration to those practices that are identified as holding the greatest potential for improving the welfare of animals housed in shelters. Where members fundamentally disagree with respect to the recommendation of any practice, such disagreement shall be identified in the report required by subdivision g of this section, and the reason for such disagreement shall be explained in detail.*

*e. The task force shall take any measures necessary and appropriate to obtain information that is relevant to carrying out the tasks set forth in subdivision d of this section, including, but not limited to, consulting with experts.*

*f. The task force shall meet no later than 15 days after the effective date of the local law that added this section, and after such meeting shall meet no less than once every 60 days until the submission of the report required by subdivision g of this section.*

*g. No later than 365 days after the first meeting of the task force, the task force shall submit to the mayor, the speaker of the council and the commissioner a report that contains its findings and conclusions, including the best practices as required by subdivision d of this section, and any additional recommendations for policy or legislation that would aid the implementation of such practices. The commissioner shall post such report on the department's website upon submission.*

*h. This section expires and is deemed repealed after the submission of the report required by subdivision g of this section.*

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

Referred to the Committee on Health.

Int. No. 1503

By Council Member Holden.

**A Local Law to amend the New York city charter, in relation to requiring community board members to use government-issued e-mail addresses to conduct community board business**

*Be it enacted by the Council as follows:*

Section 1. Subdivision d of section 2800 of chapter 70 of the New York city charter is amended to read as follows:

d. Each community board shall:

- (1) Consider the needs of the district which it serves;
- (2) Cooperate with, consult, assist and advise any public officer, agency, local administrators of agencies, legislative body, or the borough president with respect to any matter relating to the welfare of the district and its residents;
- (3) At its discretion hold public or private hearings or investigations with respect to any matter relating to the welfare of the district and its residents, but the board shall take action only at a meeting open to the public;
- (4) Assist city departments and agencies in communicating with and transmitting information to the people of the district;
- (5) Cooperate with the boards of other districts with respect to matters of common concern;
- (6) Render an annual report to the mayor, the council and the borough board within three months of the end of each year and such other reports to the mayor or the borough board as they shall require (such reports or summaries thereof to be published in the City Record);

(7) Elect its own officers; adopt, and make available for reasonable public inspection, by-laws and statements of the duties assigned by the board to its district manager and other professional staff appointed pursuant to subdivision f of this section; and keep a public record of its activities and transactions, including minutes of its meetings, majority and minority reports, and all documents the board is required by law to review, which shall be made available, in accordance with law, to elected officials upon request and for reasonable public inspection;

(8) Request the attendance of agency representatives at meetings of the community board;

(9) Prepare comprehensive and special purpose plans for the growth, improvement and development of the community district;

(10) Prepare and submit to the mayor, on or before a date established by the mayor, an annual statement of community district needs, including a brief description of the district, the board's assessment of its current and probable future needs, and its recommendations for programs, projects, or activities to meet those needs;

(11) Consult with agencies on the capital needs of the district, review departmental estimates, hold public hearings on such needs and estimates and prepare and submit to the mayor capital budget priorities for the next fiscal year and the three succeeding fiscal years;

(12) Conduct public hearings and submit recommendations and priorities to the mayor, the council and the city planning commission on the allocation and use within the district of funds earmarked for community development activities under city, state or federal programs;

(13) Consult with agencies on the program needs of the community district to be funded from the expense budget, review departmental estimates, hold public hearings on such needs and estimates, and prepare and submit to the mayor expense budget priorities for the next fiscal year;

(14) Assist in the planning of individual capital projects funded in the capital budget to be located in the community district and review scopes of projects and designs for each capital project provided, however, that such review shall be completed within thirty days after receipt of such scopes or designs;

(15) Evaluate the progress of capital projects within the community district based on status reports to be furnished to the board;

(16) Be authorized to assign a representative to attend any meeting held by a city agency to determine, in advance of drafting, the form and content of any environmental impact statement required by law for a proposal or application for a project in such board's district;

(17) Exercise the initial review of applications and proposals of public agencies and private entities for the use, development or improvement of land located in the community district, including the conduct of a public hearing and the preparation and submission to the city planning commission of a written recommendation;

(18) Assist agencies in the preparation of service statements of agency objectives, priorities, programs and projected activities within the community district and review such statements;

(19) Evaluate the quality and quantity of services provided by agencies within the community district;

(20) Within budgetary appropriations for such purposes, disseminate information about city services and programs, process complaints, requests, and inquiries of residents of the community district; and

(21) Conduct substantial public outreach, including identifying the organizations active in the community district, maintaining a list of the names and mailing addresses of such community organizations, and making such names and, with the consent of the organization, mailing addresses available to the public upon request; [and]

(22) With assistance and support from the department of information technology and telecommunications, maintain a website that provides adequate public notice of upcoming meetings, minutes from past meetings for the past twelve months, and contact information for the board[.]; and

(23) Use e-mail addresses provided by the department of information technology and telecommunications to conduct all e-mail correspondence related to the business of the board.

§ 2. This local law shall take effect thirty days after it becomes law.

Referred to the Committee on Technology.

## Res. No. 827

**Resolution calling upon the New York State Department of Education to provide one full-time school psychologist for every 500-700 students.**

By Council Member Holden.

**Whereas**, With over 1.1 million students taught in more than 1,800 separate schools, New York City (NYC) is home to the largest public school district in the United States (U.S.); and

**Whereas**, According to the World Health Organization, half of all mental illnesses begin by the age of 14, and up to 20 percent of children and adolescents experience mental disorders; and

**Whereas**, The NYC Department of Education (DOE) reports that of its student population, 19.7 percent are students with disabilities; and

**Whereas**, Studies have shown that neuropsychiatric conditions are the leading cause of disability in young people and, if untreated, they can negatively impact children's development, their educational attainments and their potential to live fulfilling and productive lives; and

**Whereas**, Children with mental disorders face major challenges with stigma and discrimination, which increase social isolation and unmet needs for health care; and

**Whereas**, An analysis of New York State Department of Health (DOH) data by the New York State School Boards Association shows that opioid-related health facility visits by school age children have increased by more than 100 percent in the state since 2010; and

**Whereas**, DOH data show that an average of 79 children and adolescents, aged 10 to 19, died by suicide in the state from 2012 to 2014; and

**Whereas**, Childhood mental disorders, especially when diagnosed early on, can be treated and managed when everyone involved in the child's treatment, including parents, teachers, coaches, therapists and other family members, work closely together to guide the child toward success, as advised by the Centers for Disease Control and Prevention; and

**Whereas**, A study published in February 2019 by the Research Alliance for New York City Schools at New York University found that over 12 percent of students—or, one in eight—who began kindergarten in fall 2012 experienced homelessness before fifth grade; and

**Whereas**, The study also found that homelessness can severely impact a student's educational experience; homeless students change schools more frequently than permanently housed students and struggle with attendance, and homelessness often takes an emotional toll on children, affecting their classroom behavior and academic performance; and

**Whereas**, School psychologists, per the National Association of School Psychologists (NASP), apply expertise in mental health, learning and behavior, and partner with families, teachers, school administrators and other professionals to create safe, healthy and supportive learning environments to help children and youth succeed academically, socially, behaviorally and emotionally; and

**Whereas**, School psychologists are typically responsible for conducting student evaluations for Individualized Education Programs (IEPs), which documents a student's eligibility for special education services and formalizes the plan to provide special education programs and services that are appropriate for the student's unique needs; and

**Whereas**, For Fiscal Year 2019, the DOE reported that there were 531 school psychologists, 26 bilingual school psychologists and three school psychologists on sabbatical, for a total of 560 school psychologist, some of whom serve multiple schools; and

**Whereas**, According to DOE data for the 2017-18 school year, 40,000 special education students—or 22 percent of all students classified as having disabilities—receive only part of the interventions they were entitled to or did not receive any extra support; and

**Whereas**, DOE school support staff generally feel overburdened and lament the fact that they do not have enough one-on-one time with students, and there is even a growing backlog of students who are overdue for an evaluation in whether their special education plans are meeting their needs; and

**Whereas**, The NASP Model for Comprehensive and Integrated School Psychological Services recommends a ratio students to school psychologists of 500-700:1; and

**Whereas**, School psychologists are vital members of school teams that help students navigate everything from class schedules to family crises; now, therefore be it

**Resolved**, That the Council of the City of New York calls upon the New York State Department of Education to provide one full-time school psychologist for every 500-700 students.

Referred to the Committee on Education.

Int. No. 1504

By Council Member Kallos.

**A Local Law to amend the New York city charter, in relation to the disclosure of the industries of campaign contributors**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 3 of subdivision a of section 1053 of the New York city charter is amended to read as follows:

3. information on each candidate, including but not limited to name, party affiliation, present and previous public offices held, present occupation and employer, prior employment and other public service experience, educational background, a listing of major organizational affiliations and endorsements, *a summary of the industries indicated by contributors to each candidate including but not limited to a pie chart displaying the industries, from the list posted pursuant to subdivision 3 of section 3-713 of the code, of campaign contributors as a percentage of total dollars contributed to such candidate to the extent known*, and a concise statement by each candidate of his or her principles, platform or views;

§ 2. Paragraph (d) of subdivision 1 of section 3-703 of the administrative code of the city of New York is amended to read as follows:

(d) obtain and furnish to the campaign finance board, and his or her principal committee or authorized committees must obtain and furnish to the board, any information it may request relating to his or her campaign expenditures or contributions and furnish such documentation and other proof of compliance with this chapter as may be requested by such board, provided, however, that the board shall accept such required documentation through an electronically scanned transmission. For contributions submitted in support of a claim for matching funds, the following records shall be maintained by a candidate and his or her principal or authorized committee:

(i) for a contribution by cash, a contribution card containing the contributor's name, *industry, employer* and residential address and the amount of the contribution;

(ii) for a contribution by money order, a copy of the money order, [provided that] *and* a contribution card containing the contributor's name, *industry, employer* and residential address [shall be required if such information is not printed upon such money order by the issuing institution];

(iii) for a contribution by check, a copy of the check, made out to the principal or authorized committee[, provided that] *and* a contribution card from the contributor *containing the contributor's name, industry, employer and residential address* [demonstrating an intent to contribute shall be required if such check is signed by a person other than the contributor];

(iv) for a contribution by credit card, text message contribution or other contribution from a payment account, a record from the merchant, processor or vendor containing the contributor's name, *industry, employer, residential address*, the amount of the contribution and an indicator showing that the contribution was charged to the contributor's account and processed. For a contribution by text message, the contributor's phone number must also be included, as well as the name, residential address and phone number of the registered user of the specific mobile device used to initiate the contribution, to the extent such information may be reasonably obtained under law;

(v) A contribution card shall not be required, except where specified, for contributions pursuant to subparagraphs (ii), (iii), and (iv) of this paragraph. Where a contribution card is required, such card may be completed by the candidate or his or her principal or authorized committee after the contribution has been made, provided that such card is dated, and signed or electronically affirmed by the contributor after such card has been completed by the candidate or his or her principal or authorized committee. *Where industry information is required to be provided, such information shall be furnished through the use of check boxes, with one check box for each industry pursuant to subdivision 3 of section 3-713, for printed cards and a drop down menu when collected electronically. The industry of a contributor that is not currently employed shall be considered to be the industry of the person on which they are primarily dependent, if any, provided that if such contributor's primary source of income is from a pension or retirement account, the industry shall be considered to be the industry in which they were primarily previously employed. Neither the candidate nor his or her principal or authorized committee shall be penalized for a failure by a contributor to furnish information on industry or employer, except that a failure to furnish or obtain such information shall disqualify a contribution from being matchable.* Neither the candidate nor his or her principal or authorized committee shall alter or change a signed or affirmed contribution card;

§ 3. Section 3-713 of the administrative code of the city of New York is amended to add a new subdivision 3, to read as follows:

*3. The campaign finance board shall develop and post to its website a list of general industries in the city of New York, with a description of each, representing the majority of industries within the city, including but not limited to: i) real estate, ii) finance and insurance; iii) government employee; iv) organized labor; and v) lobbying. Such list shall be updated at the time that the report required by subdivision 1 of this section is submitted, and at such other times as the board may choose.*

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

Referred to the Committee on Governmental Operations.

Int. No. 1505

By Council Member King.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing the penalties for businesses selling synthetic drugs and the landlords of such businesses**

*Be it enacted by the Council as follows:*

Section 1. Subdivision d of section 10-203 of the administrative code of the city of New York, as added by local law number 97 for the year 2015, is amended to read as follows:

d. In addition to the penalties prescribed in subdivision c of this section, any person, [or] entity, *or owner of a building with any retail tenant* that violates subdivision a of this section shall be liable for a civil penalty of not less than \$1,000 and not more than \$10,000 recoverable in a proceeding before any tribunal established within the office of administrative trials and hearings or within any agency of the city of New York designated to conduct such proceedings, provided that upon the first such violation, and any other such violations by the same person or entity on the same day as such first violation, such person or entity shall be liable for a civil penalty of not less than \$500 and not more than \$5,000 if such violation is not in conjunction with the commission of any crime other than possession, manufacture, distribution or sale of any synthetic cannabinoid, synthetic phenethylamine, or other substance described in subdivision a of this section. The manufacture, distribution, sale, offer for sale, display for sale, or possession with intent to sell of each packet, individual container or other separate unit of substance described in subdivision a of this section shall constitute a separate violation under this subdivision, with a maximum civil liability of [\$50,000] *\$100,000* for violations in a day for a single person or entity under this subdivision.

§2. Subdivision f of section 10-203 of the administrative code of the city of New York, as added by local law number 97 for the year 2015, is amended to read as follows:

f. Whenever a police officer, or sheriff, undersheriff, or deputy sheriff of the city of New York, or any peace officer acting pursuant to his or her special duties, discovers any substance described in subdivision a being possessed in a manner that violates such subdivision, such officer is authorized and empowered to seize and take possession of such substance, which shall be destroyed or used either for law enforcement purposes or for evidentiary purposes in connection with any enforcement proceeding conducted pursuant to this section[.], *and if the entity is a retail business that is duly licensed to sell alcohol under the provisions of the alcohol and beverage control law such officer shall notify the local community board of such violation.*

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

Referred to the Committee on Public Safety.

Int. No. 1506

By Council Members Levin, Ayala and Chin.

**A Local Law to amend the New York city building code, in relation to power-operated and power-assisted doors**

*Be it enacted by the Council as follows:*

Section 1. Section BC 1109 of the New York city building code is amended by adding a new section 1109.16 to read as follows:

**1109.16 Power-operated doors.** *At least one door at an accessible entrance and egress to any Assembly Group A, Business Group B, Education Group E, Institutional Group I-1, I-2 or I-3, Mercantile Group M, Residential Group R-1 or Group R-2 occupancy shall be a power-operated or power-assisted and low-energy door that complies with Section 1008.1.4.2.*

§ 2. Section 1110.2 of the New York city building code is amended by adding a new item 6 to read as follows:

*6. At each entrance or egress to a building required to have a power-operated or power-assisted and low-energy door in accordance with Section 1109.16, the nearest such power-operated door.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 1507

By Council Member Levine.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing the daily fee for after-hours work variances**

*Be it enacted by the Council as follows:*

Section 1. Table 28-112.8 of section 28-112.8 of article 112 of chapter 1 of title 28 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

**Table 28-112.8**

<b>Service Type</b>	<b>Fee</b>	<b>Renewals</b>	<b>Comments</b>
Accelerated plan review.	As provided by department rules		
Accelerated inspection.	As provided by department rules		
Certificate of occupancy.	As provided by department rules		
Accelerated certificate of occupancy request.	As provided by department rules		
Application for temporary certificate of occupancy.	\$100	\$100	
Reinspection made necessary by a failure to correct a condition or respond to a request to correct that results in issuance of a violation or other order	As provided by department rules		
Temporary place of assembly certificate of operation.	\$100	\$100	
Temporary use letter (does not include fees for any associated temporary structure).	For the initial 30 days of duration \$100. \$100 for each additional 30 day period of permit duration.	\$100 for each additional 30 days	
Temporary use letter for place of assembly.	\$250		Application shall be submitted at least ten work days prior to the event; late fees shall be imposed at \$100 for each day following required submission date that the application is received by the

			department.
Subpoena	As provided by applicable state or federal law		
Place of assembly certificate of operation.	\$200		\$100 amendment
Ordinary plumbing work.	\$100 for each report.		
Limited plumbing alteration.	Filing fee as calculated for respective building alteration		
Limited sprinkler and/or standpipe alteration.	Filing fee as calculated for respective building alteration		
Limited oil burner/boiler alteration	Filing fee as calculated for respective building alteration		
<b>Application or acceptance of materials, assemblies and equipment</b>			
Application for approval of materials.	\$600		
Application for amendment of prior approval of materials.	\$500		
Application for change of identification (change of ownership, corporate name or name of product) of prior approval.	\$350		
Application for approval of materials evaluated by an approved testing agency.	\$200		

<b>Other fees</b>			
Certificate of pending violation: Multiple and private dwellings.	As provided by department rules		
Certificate of pending violation: All other buildings.	As provided by department rules		
Certified copy of license.	As provided by department rules		
Records Management of applications for new buildings and alterations and associated documentation for certificates of occupancy, temporary certificates of occupancy, "compliance reports" and/or letters of completion, as required by rule of the commissioner.	As provided by department rules		
Preparing only or preparing and certifying a copy of a record or document filed in the department.	As provided by department rules		
Notification of, the installation or removal of an adjustable suspended scaffold	\$35		
Issuance of a core certificate of completion, which indicates completion of the building structure, the elevator systems, stairs, and all fire safety systems	\$100		

Issuance of letter of no objection to or classification of a specified occupancy of a premises, as follows:			
· 1, 2, or 3 family homes	\$25		
· All other premises	\$100		
Fees for after-hours work variances.			
· The initial application fee for an after-hours variance	\$100		
· The renewal application fee for an after-hours variance	\$100		
· For each day for which such variance is granted or renewed	[\$80] \$500		
Application for approved agency approval	As provided by department rules		
Application for special inspector authorization	As provided by department rules		
Failure to keep a scheduled plan examination appointment	As provided by department rules		
Failure to keep a scheduled inspection appointment	As provided by department rules		

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

Referred to the Committee on Housing and Buildings.

Int. No. 1508

By Council Member Levine.

**A Local Law to amend the New York city building code, in relation to requiring that vents in elevator hoistway enclosures be closed to prevent air leakage**

*Be it enacted by the Council as follows:*

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

**§28-315.9 Hoistway vents in existing buildings.** *Existing buildings shall comply with the retroactive requirements of section 3004.5.1 of the New York city building code by December 31, 2019.*

§ 2. Section 3004.5.1 of the New York City building code, as amended by local law 141 for the year 2013, is amended to read as follows:

**3004.5.1 Vents in the hoistway enclosures.** Hoistway enclosures may be vented in accordance with the following:

**Location of vents.**

1.1. The vents in the side of the hoistway enclosure below the elevator machine room floor or in the roof of the hoistway shall open either directly to the outer air or through noncombustible ducts to the outer air.

1.2. The vents in the wall or roof of an overhead elevator machine room through the smoke hole in the top of the elevator hoistway shall be vented to the outer air through noncombustible ducts.

**Area of vents.** The area of vents in the hoistway or the elevator machine room and the smoke hole shall be not less than 3½ percent of the area of the hoistway nor less than 3 square feet (0.28 m<sup>2</sup>) for each elevator car, whichever is greater. Such vents shall comply with the following requirements:

2.1. [Open vents. Of the total required vent area, not less than one-third shall be permanently open or equipped with an openable hinged damper. The smoke hole shall be permanently open.] **Automated vents.** *The total required vent area shall be closed and all of the vent openings shall automatically open:*

*2.1.1. Upon detection of smoke in the elevator lobbies or hoistway;*

*2.1.2. Upon power failure (except when provided with a code compliant standby power supply from an approved standby power source); or*

*2.1.3. Upon activation of a manual override control, which shall be located in an approved location.*

2.2. [Closed vents. The two-thirds closed portion of the required vent area either in the hoistway enclosure or in the elevator machine room may consist of windows or skylights glazed with annealed glass not more than 1/8-inch (3.2 mm) thick. A closed damper that opens upon the activation of a smoke detector placed at the top of the hoistway shall be considered closed.] **Vents in existing buildings.** *In existing buildings, of the total required vent area:*

*2.2.1. One-third and the smoke hole shall be permanently open; and*

2.2.2. *Two-thirds shall be closed and may consist of windows or skylights glazed with annealed glass not more than 1/8-inch (3.2 mm) thick. A closed damper that opens upon the activation of a smoke detector placed at the top of the hoistway shall be considered closed.*

2.2.3. *This Item 2.2 shall be retroactive and shall apply to all buildings in existence on the effective date of this provision and such buildings shall achieve compliance no later than December 31, 2019.*

[Exception: The total required open vent area shall not be required to be permanently open where all of the vent openings automatically open upon detection of smoke in the elevator lobbies or hoistway, upon power failure (except when provided with a code compliant standby power supply from an approved standby power source) or upon activation of a manual override control. The manual override control shall be capable of opening and closing the vents and shall be located in an approved location.]

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 828

**Resolution calling on the State Legislature to pass, and the Governor to sign, the “Protect Our Courts Act” (A.2176 / S.425), in order to protect certain interested parties or people from civil arrest while going to, remaining at, or returning from the place of such court proceeding.**

By Council Members Menchaca and Lancman.

**Whereas**, Under the Trump administration, U.S. Immigration and Customs Enforcement (ICE) arrests of immigrants have increased overall, and targeting tactics that were rare under the Obama administration have become commonplace; and

**Whereas**, The Immigrant Defense Project (IDP) reports that since 2016, ICE operations in and around New York courthouses rose 1700%; and

**Whereas**, IDP reports that New York City accounts for 75% of ICE courthouse interactions between 2016 and 2018, with Queens and Brooklyn reporting the largest numbers of courthouse arrests and sightings; and

**Whereas**, In April 2017, the New York State Office of Court Administration (OCA) issued an updated protocol related to law enforcement agency activities in courthouses; and

**Whereas**, OCA’s policy requires law enforcement officials to: identify themselves, inform the judge if a participant in a case before them is a target, and clarifies that OCA personnel remain responsible for “ensuring public safety and decorum in the courthouse at all times;” and

**Whereas**, In January 2018, ICE released its first policy on enforcement actions in courthouses; and

**Whereas**, After this release, IDP reports that ICE agents expanded the reach of courthouse arrests, continuing to target friends and family members accompanying individuals to court; and

**Whereas**, In 2019, the media publication ‘Documented’ obtained documents through Freedom of Information Law request detailing six instances between February 2017 and August 2018 in which OCA officers or clerks assisted ICE agents in making arrests; and

**Whereas**, When ICE arrests a defendant during an unrelated court proceeding, ICE is under no obligation to produce them for such court appearance; and

**Whereas**, The fear of deportation acts as a deterrent for victims of crime, witnesses to crime, and defendants, to engage in the criminal court system; and

**Whereas**, In January 2019, New York State Senator Hoylman and New York State Assembly Member Solages introduced the “Protect our Courts Act” (A.2176/S.425), which would exempt individuals from civil arrest while “going to, remaining at, or returning from the place of such court proceeding;” and

**Whereas**, Absent a signed judicial warrant or judicial order authorizing a civil arrest, A.2176/S.425 would prohibit the civil arrest of any person attending a court proceeding “duly and in good faith;” and

**Whereas**, The legislation would designate the willful violation of the exemption as contempt of the court and false imprisonment, and would grant individuals the ability to bring a civil action for appropriate equitable and declaratory relief in instances of violation of the exemption; and

**Whereas**, The unchecked interference of federal law enforcement, specifically ICE, in the state court system endangers New Yorkers’ access to due process and public safety, generally, by making witnesses to crime and victims of crime less likely to engage in the court system; and

**Whereas**, Federal interference additionally removes criminal defendants from our jurisdiction, making it impossible to seek justice in their ongoing, non-immigration related cases; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the State Legislature to pass, and the Governor to sign, the “Protect Our Courts Act” (A.2176 / S.425), in order to protect certain interested parties or people from civil arrest while going to, remaining at, or returning from the place of such court proceeding.

Referred to the Committee on Immigration.

Res. No. 829

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.1343B/A.5493, which would reform revocation presumptive release, parole, conditional release, and post-release supervision.**

By Council Members Powers, Ampry-Samuel, Rivera, Rosenthal Lander, Ayala and Levin.

**Whereas**, In 2017, about sixteen percent of New York City’s jail population were parole violators, according to the Mayor’s Office of Criminal Justice; and

**Whereas**, In 2016, about sixty-five percent of parole violators in New York State were incarcerated for technical violations, meaning the person broke conditions of their release, such as missing curfew or a parole appointment, or testing positive for marijuana; and

**Whereas**, In New York City, the number of people detained on technical parole violations has grown significantly since 2014, accounting for forty-eight percent of the incarcerated parole population in 2017, according to Columbia Justice Lab report; and

**Whereas**, Of people on parole whom New York officials sent back to prison in 2016, over 6,300, or 65%, were re-incarcerated for technical parole violations, as opposed to new crimes; and

**Whereas**, According to Criminal Justice Lab, black people are detained in New York City’s jails for technical parole violations at more than 12 times the rate of white people, making parole reform a racial justice issue; and

**Whereas**, In a recent *New York Daily News* opinion piece, New York and Kings County District Attorneys acknowledged that parole is a significant contributor to mass incarceration and must be reformed to be less punitive and more rehabilitative; and

**Whereas**, Governor Cuomo has stated, “New York jails and prisons should not be filled with people who may have violated the conditions of their parole, but present no danger to our communities;” and

**Whereas**, This has occurred while the number of people released from state prison into city homeless shelters nearly doubled from 2014 to 2018; and

**Whereas**, the increasing number of persons detained for state parole violations in New York City’s jails not only overuses incarceration for crimeless, technical violations but is also slowing the closure of the city’s jails on Rikers Island and increasing the estimated size of replacement, borough-based facilities; and

**Whereas**, S.1343B, introduced by State Senator Brian Benjamin, and companion bill A.5493, introduced by State Assembly member Walter Mosely, would reform parole: conditional release, revocation presumptive release, and post-release supervision to reduce the number of people held in jails and prisons in New York State; and

**Whereas**, S.1343B/A5493 grant “earned time credits” to parolees to encourage positive behavior and accelerate discharge from supervision and ensures parolees who are alleged to have violated the terms of their release receive a hearing in a local criminal court to ascertain whether they should be detained in jail pending adjudication of the alleged violation; and

**Whereas**, S.1343B/A5493 also shortens the timeframe for adjudicatory hearings and limits technical violation terms and jail time for such terms to ensure people on parole are not needlessly re-incarcerated; and

**Whereas**, Other states, such as Arizona, South Carolina, Utah, Arkansas, Georgia, Idaho, Louisiana, and Mississippi, have implemented similar reforms proposed in S.1343B/A5493 and, as a result, have experienced a decline in recidivism and compliance revocations; and

**Whereas**, New York County, Bronx County, and King County District Attorneys have expressed their support for S.1343B/A.5493, asserting that it would increase public safety and reduce unnecessary incarceration; and

**Whereas**, Without parole reform, the growing number of technical parole violators in New York City’s jails could potentially hamstring the city's efforts to reduce the city jail population and close Rikers Island; and, now, therefore be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and Governor to sign, S.1343B/A5493, which would reform revocation presumptive release, parole, conditional release, and post-release supervision

Referred to the Committee on Criminal Justice.

Int. No. 1509

By Council Member Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to report on arrests for false personation**

*Be it enacted by the Council as follows:*

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-181 to read as follows:

*§ 14-181 Reporting of arrests and summonses for false personation*

*a. No later than 30 days after the quarter ending July 1, 2019 and 30 days after every quarter thereafter, the department shall submit to the council and publish on its website a report of each case in which a person was arrested under section 190.23 of the penal law. Such report shall include the following information for each such arrest:*

- 1. The basis for asking for the person’s actual name, date of birth, or address.*
- 2. Whether the district attorney declined to prosecute, and the reason for declining to prosecute.*
- 3. The borough and precinct of arrest.*
- 4. Whether the person was arrested in an area operated in whole or in part by the office of court administration, the New York city housing authority, the department of homeless services, the human resources administration, or the social security administration.*
- 5. Whether a body worn camera recorded the arrest.*
- 6. The race, ethnic origin, age, and gender of the person arrested.*
- 7. Whether the person arrested is transgender.*

8. *Whether the person arrested is non-binary or gender non-conforming.*

*b. No later than 30 days after the quarter ending July 1, 2019 and 30 days after every quarter thereafter, the department shall publish the information required in subdivision a of this section in the aggregate, including the number and percentage of each data point, provided that such information that cannot be aggregated need not be included in such report. Such reports shall be stored on the department's website for at least ten years.*

§2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 1510

By Council Members Salamanca, Ayala, Cohen, Gjonaj, Dromm, Moya, Adams, Richards, Constantinides, Holden, Diaz and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to creating borough-based traffic request response teams**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-159.2 to read as follows:

*§ 19-159.2 Traffic request response teams. a. Definitions. For purposes of this section, the term "traffic request" means a request submitted to the department relating to the review of vehicular traffic or a traffic calming device, as defined in section 19-193, or an alteration to a street, as defined in section 1-112, or a sidewalk, as defined in section 19-101.*

*b. The commissioner shall assign department staff to each borough tasked with responding to traffic requests in such borough, provided that the staffing level of each borough's traffic request response staff shall be proportionate to the volume of traffic requests in such borough. Traffic request response staff shall respond to traffic requests within three months of submission to the extent practicable.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 1511

By Council Members Salamanca, Ayala, Cohen, Gjonaj, Dromm, Adams, Moya, Constantinides, Holden and Diaz.

**A Local Law to amend the administrative code of the city of New York, in relation to restricting the parking of mobile homes and trailers near schools and parks**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-170.1 to read as follows:

*§ 19-170.1 Restricted parking for mobile homes and trailers near schools and parks. a. Definitions. As used in this subchapter, the following terms shall have the following meanings:*

*Mobile home. The term "mobile home" shall have the same meaning as set forth in section 122-c of the vehicle and traffic law or any successor provision.*

*Trailer. The term "trailer" shall have the same meaning as set forth in section 156 of the vehicle and*

*traffic law or any successor provision.*

*b. The commissioner shall designate zones on streets that abut a school or park where any person shall be prohibited from parking a mobile home or trailer on a street within such zone, provided that such zones, at no time, shall permit the parking of such mobile home or trailer within 1000 feet of a school or a park.*

*c. Any mobile home or trailer parked in violation of subdivision b of this section shall be subject to impoundment by the department, the police department or any other authorized agency. The commissioner and the police commissioner shall promulgate rules and regulations concerning the procedure for the impoundment of mobile homes or trailers.*

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

Referred to the Committee on Transportation.

Int. No. 1512

By Council Members Vallone and Rodriguez.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the establishment of a director of ferry operations**

*Be it enacted by the Council as follows:*

Section 1. Subdivision c of section 2903 of chapter 71 of the New York city charter is amended to read as follows:

*c. Ferries and related facilities. The commissioner shall appoint a director of ferry operations. Such director shall:*

(1) maintain and operate the ferries of the city, *including such ferry services established pursuant to an agreement between the city and a contracted entity as such term is defined in section 22-821 of the administrative code;*

(2) be responsible for constructing, acquiring, operating, maintaining or controlling all ferry boats, ferry houses, ferry terminals and equipment thereof and all wharf property and marginal roads adjacent to such wharves, ferry houses and terminals necessary for the operation of the ferries and related facilities, including parking sites; any ferry and any other such property, including but not limited to, all or part of such wharf property, may be leased in the same manner as other wharf property, provided, however, that from and after the sixtieth day next succeeding the date on which the provisions of this paragraph as hereby amended take effect, no substantial or general change in the level of services furnished upon any such ferry facility under the jurisdiction of the *director* [commissioner] shall be instituted, allowed or continued except upon not less than thirty days notice to the city planning commission and the council. Provided, further that notice of such change shall be conspicuously posted in a public place at each ferry house and terminal for a continuous period of at least thirty days in advance of any such change taking effect and in addition, such notice shall further be published at least once during such thirty day period in a daily newspaper of general circulation in the city;

(3) have [charge and control of all marine operations within the city and] the power to regulate public and private ferry operations originating or terminating within the city, *including evaluation of existing ferry sites and development of sites for expansion of ferry service;*

(4) establish tours of ferry facilities and their related operations as well as tours of the New York harbor at fees to be established *in coordination with* [by] the commissioner, together with the authority to publicize and advertise the same;

(5) issue permits for the control of television and photography activities within or upon ferries and related facilities; and

(6) construct, operate and maintain marinas and public boat launching ramps and related facilities of ferry property and collect fees for the use thereof; such fees to be deposited in a special fund for the continued maintenance, operation or reconstruction of public marine facilities.

§ 2. Section 2903 of the New York city charter is amended by adding a new subdivision c-1 to read as follows:

*c-1. Marine operations.*

*The commissioner shall have charge and control of all marine operations within the city not reserved to the director of ferry operations.*

§ 3. Chapter 3 of title 19 of the administrative code of the city of New York is amended to read as follows:

Chapter 3  
*Ferry Operations [Ferries].*

§ 19-301. Ferry property; acquisition.

The *director of ferry operations* [commissioner] may acquire by purchase, condemnation or otherwise as provided in section 22-105 of the code, the title to such wharf property and uplands within the city, as he or she shall deem necessary for the equipment, maintenance or operation of a ferry, the terminal facilities therefor and the approaches thereto, whether or not such wharf property or uplands have previously been taken for a public use.

§ 19-302. Ferry property; provisions in leases.

Leases of any ferry or any wharf property necessary for the use of a ferry may provide for the character of transportation service to be furnished by the lessee including the character and speed of the boats to be used, frequency of trips, rates of fare and commutation and freight charges, and may provide for forfeiture of the lease in the event of failure to comply with its provisions in relation thereto.

§ 19-303. Ferry fares to be paid over daily.

The *director of ferry operations* [commissioner] shall pay over daily to the commissioner of finance all moneys collected for ferry fares.

§ 4. Title 19 of the administrative code of the city of New York is amended by adding a new chapter 3-A to read as follows:

*Chapter 3-A  
Staten Island Ferry Service; Marine Operations*

§ 5. Sections 19-304, 19-305, 19-306 and 19-307 of title 19 of the administrative code of the city of New York are moved to chapter 3-A added by this local law.

§ 6. Subdivision a of section 19-304 of chapter 3-A of title 19 of the administrative code of the city of New York is amended to read as follows:

a. There shall be no rate of ferriage charged for foot passengers by any city owned and operated ferry operating between the borough of Manhattan and the borough of Staten Island, *unless such ferry service is administered by the director of ferry operations.*

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

Referred to the Committee on Economic Development.

Preconsidered L.U. No. 386

By Council Member Salamanca:

**Application No. C 190160 HAK (1921 Atlantic Avenue) submitted by the NYC Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for the designation of properties located at 17-23 Prescott Place, 18-22 Bancroft Place and 1911-1923 Atlantic Avenue (Block 1557, Lots 1, 2, 3, 4, 23, 26, 28, 31, 32, 33, 34, 35, 36, 37 and 38) as an Urban Development Action Area; and an Urban Development Action Area Project for such area; and pursuant to Section 197-c of the New York City Charter for the disposition of**

**properties located at Block 1557, Lots 3, 4, 23, 26, 28, 31, 32, 33, 34, 35, 36 and 37 to a developer to be selected by HPD, Borough of Brooklyn, Council District 41, Community District 3.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 387

By Council Member Salamanca:

**Application No. C 190161 ZMK (1921 Atlantic Avenue) submitted by NYC Department of Housing Preservation and Development and DTF Atlantic, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 17a, eliminating a Special Mixed Use District (MX-10), changing an M1-1/R7D District to an R8A District, and establishing within the proposed R8A District a C2-4 District, for property located in the Borough of Brooklyn, Council District 41, Community District 3.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 388

By Council Member Salamanca:

**Application No. N 190162 ZRK (1921 Atlantic Avenue) submitted by NYC Department of Housing Preservation and Development and DTF Atlantic, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, for property located in the Borough of Brooklyn, Council District 41, Community District 3.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 389

By Council Member Salamanca:

**Application No. C 190163 HUK (1921 Atlantic Avenue) submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the first amendment to the Saratoga Square Urban Renewal Plan for the Saratoga Square Urban Renewal Area, for property located in the Borough of Brooklyn, Council District 41, Community District 3.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

L.U. No. 390

By Council Member Salamanca:

**Application No. N 190180(A) ZRM (270 Park Avenue) submitted by JPMorgan Chase Bank, N.A., pursuant to Section 201 of the New York City Charter, for an amendment of Article VIII, Chapter 1 (Special Midtown District) of the Zoning Resolution of the City of New York, modifying retail continuity, street wall and plaza design requirements for publicly accessible spaces in the East Midtown Subdistrict, at 270 Park Avenue (Block 1283, Lot 21), Borough of Manhattan, Council District 4, Community District 5.**

Referred to the Committee on Land Use and the Subcommittee on Zoning &amp; Franchises.

L.U. No. 391

By Council Member Salamanca:

**Application No. C 160175 ZMK (1050 Pacific Street Rezoning) submitted by 1050 Pacific LLC pursuant to Sections 197c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c by changing from an M1-1 District to an M1-4/R7A District and establishing a Special Mixed Use District (MX-20), for property located in the Borough of Brooklyn, Council District 35, Community District 8.**

Referred to the Committee on Land Use and the Subcommittee on Zoning &amp; Franchises.

L.U. No. 392

By Council Member Salamanca:

**Application No. C 160176 ZRK (1050 Pacific Street Rezoning) submitted by 1050 Pacific 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 XII, Chapter 3 (Special Mixed Use District) for the purpose of establishing a Special Mixed Use District (MX-20) and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, for property located in the Borough of Brooklyn, Council District 35, Community District 8.**

Referred to the Committee on Land Use and the Subcommittee on Zoning &amp; Franchises.

L.U. No. 393

By Council Member Salamanca:

**Application No. C 180042 ZMK (1010 Pacific Street Rezoning) submitted by 1010 Pacific Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 16c, changing from an M1-1 District to an R7D District and establishing within the proposed R7D District a C2-4 District, for property located in the Borough of Brooklyn, Council District 35, Community District 8.**

Referred to the Committee on Land Use and the Subcommittee on Zoning &amp; Franchises.

L.U. No. 394

By Council Member Salamanca:

**Application No. N 180043 ZRK (1010 Pacific Street Rezoning) submitted by 1010 Pacific Street LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, for property located in the Borough of Brooklyn, Council District 35, Community District 8.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

NEW YORK CITY COUNCIL

**A N N O U N C E M E N T S**

**Wednesday, April 10, 2019**

Committee on Health

Mark Levine, Chairperson

**Oversight** - Accessing the State’s Medical Marijuana Program and its Intersection with a Recreational Marijuana Program.

**Res 221** – By Council Member Levine - **Resolution** calling upon the New York State Legislature and the Governor to expand the Compassionate Care Act, which legalized the medicinal use of marijuana.

**Res 765** - By Council Member Rivera - **Resolution** calling on the New York State Legislature to pass, and the Governor to sign, legislation rectifying any conflicts between the state’s medical marijuana regulations and recreational marijuana regulations.

Council Chambers – City Hall.....10:00 a.m.

Committee on General Welfare jointly with the

Stephen Levin, Chairperson

Committee on Hospitals

Carlina Rivera, Chairperson

**Oversight** – Impact of Marijuana Policies on Child Welfare.

**Int 1161** – By Council Members Richards and Levin – **A Local Law** to amend the administrative code of the city of New York, in relation to enhanced reporting on the child welfare system.

**Int 1426** – By Council Members Reynoso and Levin – **A Local Law** to amend the administrative code of the city of New York, in relation to reporting on investigations initiated by the administration for children’s services resulting from drug screenings performed at facilities managed by the New York city health and hospitals corporation.

**Res 740** – By Council Members Lander, Levin, Treyger and Rivera – **Resolution** calling upon the New York City Administration for Children’s Services to implement a policy finding that a person’s mere possession or use of marijuana does not by itself create an imminent risk of harm to a child, warranting the child’s removal.

**Res 746** – By Council Members Rivera and Levin – **Resolution** calling on the New York State Legislature to pass, and the Governor to sign, legislation requiring the New York State Department of Health to create clear and fair regulations for hospitals on drug testing those who are pregnant or giving birth, including informing patients of their rights before any discussion of drug use or drug testing.

Council Chambers – City Hall.....1:00 p.m.

[Committee on Immigration](#) jointly with the  
[Committee on Justice System](#)

Carlos Menchaca, Chairperson  
Rory Lancman, Chairperson

**Oversight** - ICE Out of New York Courts.

**Res 828** - By Council Members Menchaca and Lancman - **Resolution** calling on the State Legislature to pass, and the Governor to sign, the “Protect Our Courts Act” (A.2176 / S.425), in order to protect certain interested parties or people from civil arrest while going to, remaining at, or returning from the place of such court proceeding.

Committee Room – City Hall.....1:00 p.m.

**Thursday, April 11, 2019**

[Committee on Consumer Affairs & Business Licensing](#)

Rafael L. Espinal, Chairperson

**Int 287** - By Council Member Rodriguez - **A Local Law** to amend the administrative code of the city of New York, in relation to permitting street vendors to vend within two feet from the curb.

**Int 288** - By Council Member Rodriguez - **A Local Law** to amend the administrative code of the city of New York, in relation to permitting street vendors to vend 25 feet from a bus stop or taxi stand.

**Int 292** - By Council Member Rodriguez - **A Local Law** to amend the administrative code of the city of New York, in relation to permitting food vendors to place items on their vending vehicle or pushcart.

**Int 832** - By Council Members Chin, Levine and Ayala - **A Local Law** to amend the administrative code of the city of New York, in relation to allowing ill or incapacitated street vendors to transfer their license to a family member.

**Proposed Int 1116-A** - By Council Members Chin, Menchaca, Lander, Rose, Miller, Koslowitz, Reynoso, Dromm, Barron, Treyger, Levine, Ayala, Brannan, Diaz, Levin, Kallos, the Public Advocate (Mr. Williams), Rodriguez, Eugene, Ampry-Samuel, Perkins, Cornegy, Holden, Rivera, King and Ulrich - **A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to expanding the availability of food vendor permits, creating an office of street vendor enforcement, and establishing a street vendor advisory board.

**Int 1479** - By Council Member Chin - **A Local Law** to amend the administrative code of the city of New York, in relation to permitting food vending and general vending on certain streets.

Council Chambers – City Hall.....10:00 a.m.

[Committee on Housing and Buildings](#)

Robert Cornegy, Jr., Chairperson

**Int 341** - By Council Members Rose, King and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to retroactively requiring secondary power for lighting for egress paths and elevators.

**Int 414** - By Council Members Chin and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to safety signs in elevators.

**Int 565** - By Council Members Treyger and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to elevator service outage accommodations.

**Int 786** - By Council Members Torres, Cornegy, Ampry-Samuel and Rosenthal - **A Local Law** in relation to requiring the department of buildings to report on the efficacy of elevator brake monitors and remote elevator monitoring systems.

**Int 787** - By Council Members Torres, Cornegy, Ampry-Samuel, Yeger, Rosenthal, Richards, the Public Advocate (Mr. Williams) and Gjonaj - **A Local Law** to amend the New York city building code, in relation to maintaining brake monitors and elevator monitoring systems.

**Proposed Int 788-A** - By Council Members Torres, Cornegy and Ampry-Samuel - **A Local Law** to amend the administrative code of the city of New York, in relation to elevator maintenance company licenses and elevator maintenance company director licenses.

**Int 1508** - By Council Member Levine - **A Local Law** to amend the New York city building code, in relation to requiring that vents in elevator hoistway enclosures be closed to prevent air leakage.

**Preconsidered Int \_\_\_** - By The Public Advocate (Mr. Williams) and Council Member Menchaca - **A Local Law** to amend the New York city building code, in relation to the definition of site safety training full compliance date and site safety training second compliance date.  
 Committee Room – City Hall.....10:00 a.m.

**Monday, April 15, 2019**

[Committee on Environmental Protection](#) Costa Constantinides, Chairperson

**Oversight** – The Environmental Impacts of the Proposed Williams Pipeline.

**Preconsidered Res \_\_\_** - By Council Members Constantinides and Richards - **Resolution** calling upon the New York State Department of Environmental Conservation to deny the Water Quality Certification permit for the construction of the Northeast Supply Enhancement pipeline through New York Harbor.  
 Council Chambers - City Hall.....10:00 a.m.

[Committee on Public Housing](#) Alicka Ampry-Samuel, Chairperson

**Oversight** – NYCHA Management of Tenant Participation Activity (TPA) Funds.  
 Committee Room – City Hall.....10:00 a.m.

[Committee on Fire and Emergency Management](#) Joseph Borelli, Chairperson

**Oversight** - FDNY Ambulance Costs.  
**Int 1475** - By Council Members Ulrich, Borelli and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the fire department to report on ambulance transport costs.  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....1:00 p.m.

**Note Location Change**  
[Committee on Governmental Operations](#) Fernando Cabrera, Chairperson

**Proposed Int 732-A** - By Council Members Kallos, Cabrera, Powers, Cohen, Richards, Constantinides, Levin, Rosenthal, Espinal, Dromm, Lander, Brannan, Grodenchik, Vallone, Torres, Reynoso, Chin, Maisel, Cornegy, Menchaca, Rivera, The Public Advocate (Mr. Williams), Ayala, Perkins, Treyger, Lancman, Rose, Van Bramer, Levine, Adams, Ampry-Samuel, Deutsch, Koslowitz 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 establishing a full public match campaign finance system.  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor.....1:00 p.m.

[Subcommittee on Landmarks, Public Siting & Maritime Uses](#) Adrienne Adams, Chairperson

**See Land Use Calendar**  
 Committee Room – City Hall.....1:00 p.m.

**Deferred**  
~~[Subcommittee on Planning, Dispositions & Concessions](#)~~ ~~Ben Kallos, Chairperson~~

~~**See Land Use Calendar**~~  
~~Council Chambers – City Hall..... 1:00 p.m~~

**Tuesday, April 16, 2019**

[Subcommittee on Zoning & Franchises](#) Francisco Moya, Chairperson

**See Land Use Calendar**  
 Council Chambers – City Hall..... 9:30 a.m

Committee on Contracts

Justin Brannan, Chairperson

**Proposed Int 1238-A** - By Council Members Rosenthal and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring additional disclosure of large contract modifications.

**Int 1311** - By Council Members Rosenthal and Ayala - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring immediate disclosure of certain large contract modifications.

**Int 1448** - By Council Members Brannan and Holden - **A Local Law** to amend the New York city charter, in relation to expediting the inter-agency oversight review process of certain unregistered contracts.

**Int 1449** - By Council Members Brannan, Rosenthal and Holden - **A Local Law** to amend the administrative code of the city of New York, in relation to the provision of bridge loans to contractors.

**Int 1450** - By Council Members Brannan, Levin, Holden and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to interest to be paid on late contract payments to non-profit contractors.

Committee Room – City Hall.....1:00 p.m.

Deferred

Committee on Environmental Protection

Costa Constantinides, Chairperson

~~Oversight~~ – The Environmental Impacts of the Proposed Williams Pipeline.

~~Council Chambers~~ – City Hall.....1:00 p.m.

Committee on Parks and Recreation

Barry Grodenchik, Chairperson

**Oversight** - Examining Water Quality at the Parks Department's Beaches.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor.....1:00 p.m.

**Wednesday, April 17, 2019**

Committee on Land Use

Rafael Salamanca, Jr., Chairperson

**All items reported out of the Subcommittees**

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall.....11:00 a.m.

Note Topic Addition

Committee on Governmental Operations jointly with the

Fernando Cabrera, Chairperson

Committee on Economic Development

Paul Vallone, Chairperson

**Int 982** - By Council Members Rose, Brannan, Levine, Reynoso, Constantinides, Chin, Richards, Powers, Vallone, Kallos, Adams, Rosenthal, Ayala, Grodenchik, Barron, Gibson, Gjonaj, Maisel, Cornegy, Rivera, Holden, Koo, the Public Advocate (Mr. Williams), Rodriguez, Dromm, Cabrera, Torres, Lancman, Van Bramer, Cohen, Moya, Koslowitz, Deutsch, Treyger, Perkins, Espinal, Lander, Ampry-Samuel, Eugene, Levin, Menchaca, King, Miller, Cumbo, Salamanca and Ulrich - **A Local Law** to amend the New York city charter, in relation to establishing an office of the waterfront.

**Int 1512** - By Council Members Vallone and Rodriguez - **A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to the establishment of a director of ferry operations.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....1:00 p.m.

Committee on Juvenile Justice

Andy King, Chairperson

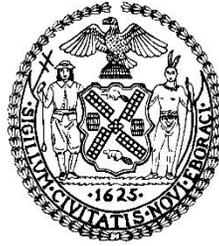
**Tour:** Crossroads Juvenile Detention Center

Details Attached.....1:00

p.m.

**Thursday, April 18, 2019**

*Stated Council Meeting*.....*Ceremonial Tributes – 1:00 p.m.*  
.....*Agenda – 1:30 p.m.*

**MEMORANDUM**

April 3, 2019

**TO:** ALL COUNCIL MEMBERS**RE:** TOUR BY THE COMMITTEE ON JUVENILE JUSTICE

Please be advised that all Council Members are invited to attend a tour to:

**Crossroads Juvenile Detention Center**

The Tour will be on **Wednesday, April 17, 2019 beginning at 1:00 p.m.** A van will be leaving City Hall at **12:15 p.m. sharp.**

Council Members interested in riding the van should call William Hongach at **212-482-5429.**

Andy King, Chairperson  
Committee on Juvenile Justice

Corey Johnson  
Speaker of the Council

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) wished Council Member Richards a happy birthday.

Whereupon on motion of the Speaker (Council Member Johnson), the Public Advocate (Mr. Williams) adjourned these proceedings to meet again for the Stated Meeting on Thursday, April 18, 2019.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Local Law Note: Int. Nos. 268-A, 353-B, 424-A, 425-A, 862-A, and 979, all adopted at the February 28, 2019 Stated Meeting, were returned unsigned by the Mayor on March 29, 2019. These items became law on March 31, 2019 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 58 through 63 of 2019, respectively,*