

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
MONDAY, DECEMBER 20, 2010

THE COUNCIL

*Minutes of the
STATED MEETING
of*

Monday, December 20, 2010, 3:00 p.m.

The President Pro Tempore (Council Member Rivera)
Acting Presiding Officer

Council Members

Christine C. Quinn, Speaker

Maria del Carmen Arroyo	Daniel J. Halloran III	Annabel Palma
Charles Barron	Vincent M. Ignizio	Domenic M. Recchia, Jr.
Gale A. Brewer	Robert Jackson	Diana Reyna
Fernando Cabrera	Letitia James	Joel Rivera
Margaret S. Chin	Peter A. Koo	Ydanis A. Rodriguez
Elizabeth S. Crowley	G. Oliver Koppell	Deborah L. Rose
Inez E. Dickens	Karen Koslowitz	James Sanders, Jr.
Erik Martin Dilan	Bradford S. Lander	Larry B. Seabrook
Daniel Dromm	Jessica S. Lappin	Eric A. Ulrich
Mathieu Eugene	Stephen T. Levin	James Vacca
Lewis A. Fidler	Melissa Mark-Viverito	Peter F. Vallone, Jr.
Daniel R. Garodnick	Darlene Mealy	Albert Vann
Vincent J. Gentile	Rosie Mendez	James G. Van Bramer
Sara M. Gonzalez	Michael C. Nelson	Mark S. Weprin
David G. Greenfield	James S. Oddo	Jumaane D. Williams
		Ruben Wills

Excused: Council Members Comrie, Ferreras, Foster, and Gennaro.

The Majority Leader (Council Member Rivera) assumed the Chair as the President Pro Tempore and Acting Presiding Officer.

After being informed by the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the President Pro Tempore (Council Member Rivera).

There were 47 Council Members present at this Stated Meeting held in the lobby of the Emigrant Savings Bank building at 49-51 Chambers Street, New York, N.Y. 10007.

INVOCATION

The Invocation was delivered by Reverend Ray Bagnuolo, Jan Hus Presbyterian Church, 351 East 74th Street, New York, NY 10021.

Good afternoon, everyone.
I commend you on your courage
in giving the microphone

to a preacher in a packed house.
It's a risk, but I promise to honor it.

My name is Bagnuolo
and I am the pastor of
Jan Hus Presbyterian Church and Neighborhood House
on East 74th Street and 1st Avenue.
About a year ago, a gentleman
came into our office downstairs,
it was late at night, I was sitting in my office.
Our receptionist called up on the phone,
she said, "Pastor, there's a man down here
without any pants on." I went, "Oh my God,"
and I went down the steps.
Well, he had his pants on,
they were hospital pants.
He had on a light shirt, he had an IV
hanging out from his arm.
He had been in detox
and decided that wasn't for him,
disconnected himself and came walking over
to Jan Hus in hospital sandals,
in frigid teen temperature weather.
We got him some socks, we got him some pants,
we got him something to eat,
we found a place for him to stay.
And at one point we called the hospital,
we found out where he was from, and said,
"How do we help him to get this out of his arm?"
I thought of it because today before I came here,
he was leaving a twelve-step meeting at our church.
We have more than fifty a week.
And shortly after that event, I saw him and I said,
"Jimmy, what brought you to Jan Hus that night?"
And he said, "I knew God was there."
And to him, that night God was a welcome.
It was a pair of socks, it was a pair of pants,
it was food, it was someone who didn't turn him away.
And so in this prayer today before this Council,
that I am so privileged to stand here
on behalf of Jan Hus,
but in the presence of these commendations
that were given to so many different groups,
to feel so at home in this place
where people's hearts are so committed
to justice and equality in this City for all.
As an openly gay pastor, to be in this City,
and to be in a place
where that can represent to others
not only the path that Speaker Quinn spoke about
to the young people that were here,
but to the resistance,
the refusal to accept any oppression,
any marginalization, at any level.
Not to erase the differences, but to bridge them.
And so with that God in mind,
whatever the God is

that brings you here to this place today,
 that calls you to be who you are in this City,
 to bring good government, good church, good neighbors
 to Jimmy and others that are just looking for a welcome,
 because that to them is God.
 And in all the ways that you may hold those traditions
 tight and close to your heart, and share them here,
 we share the same resources in service
 to one another in this City.
 And we are truly blessed to be in this City,
 as am I to be in your company.
 There is an old saying,
 an old Sanskrit, I believe, saying,
 that goes way back.
 And it's "Namaste".
 And one of the translations is,
 "The spirit in me greets the spirit in you."
 And in this place, and in the work before this Council,
 before all of us that we share in this City,
 I offer you that greeting
 and I invite you to share it back in return.
Namaste.

Amen.

Council Member Lappin moved to spread the Invocation in full upon the Record.

ADOPTION OF MINUTES

Council Member James moved that the Minutes of the Stated Meeting of October 27, 2010 and November 17, 2010 be adopted as printed.

LAND USE CALL UPS

M-333

By Council Member Reyna:

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or Section 20-225 (g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 149 Broadway, Brooklyn, NY 11211, Community Board 1, Application 20115171 TCK shall be subject to review by the Council.

Coupled on Call Up Vote.

LAND USE CALL UP VOTE

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such motion which was decided in the **affirmative** by the following vote:

Affirmative –Arroyo, Barron, Brewer, Cabrera, Chin, Crowley, Dickens, Dilan, Dromm, Eugene, Fidler, Garodnick, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera and the Speaker (Council Member Quinn) – **47**.

At this point, the President Pro Tempore (Council Member Rivera) declared the aforementioned item **adopted** and referred this item to the Committee on Land Use and to the appropriate Land Use subcommittee.

REPORTS OF THE STANDING COMMITTEES

Report for Int. No. 442

Report of the Committee on Education in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to reports on school discipline and police department activity relating to schools.

The Committee on Education, to which the annexed proposed local law was referred on December 8, 2010 (Minutes, page 5095), respectfully

REPORTS:

I. INTRODUCTION

On December 20, 2010, the Education Committee, chaired by Council Member Robert Jackson, and the Public Safety Committee, chaired by Council Member Peter Vallone Jr., will each hold a vote on Introduction No. 442 (Int. 442). The bill would amend the administrative code of the city of New York, to require reports on school discipline and police department activity relating to schools to be delivered to the Council.

Prior to today's vote, the Education Committee, the Public Safety Committee, and the Juvenile Justice Committee, chaired by Council Member Sara M. Gonzalez, held a hearing on Int. 442 on December 16, 2010. Representatives of the Department of Education, the New York City Police Department, student advocacy groups, civil liberties groups, and other concerned members of the community testified at the hearing. The Council has also held several hearings on the topic of safety in schools in recent years. In October of 2007 the Council held an oversight hearing on school safety and in November of 2009 a hearing was held to discuss Proposed Introduction 816-A, a bill that shared certain elements with Int. 442.

II. BACKGROUND

In 1998 the former New York City Board of Education (now the Department of Education, ("DOE")) voted to transfer significant control of school safety and security from its Division of School Safety to the New York City Police Department ("NYPD").¹ The plan included the transfer of jurisdiction over 3,200 School Safety Agents ("SSAs") to the NYPD, which included the responsibility of training, recruiting and managing such agents.²

The relative success of the transfer is debated by many parties. One of the positive aspects of the transfer, according to the NYPD, is that schools have become safer since it gained control of safety procedures in 1998. According to testimony given by the NYPD at a previous City Council hearing on school safety held in October 2007, from the 1999-2000 school year until the 2006-2007 school year, total crime in schools decreased by almost 14%.³ This trend continued; NYPD testimony at a November, 2009 City Council hearing on school safety revealed that from the 1999-2000 school year until the 2008-2009 school year total crime in schools decreased by 34%.⁴ Additionally, the testimony of the NYPD at the 2009 hearing stated that since the 2001/2002 school year, violent crime in schools decreased by 25 %, the seven major index felonies decreased by 33 %, non-criminal incidents, such as harassment, disorderly conduct and trespassing, decreased by 44 %, and possession of weapons and dangerous instruments decreased by 43 %.⁵

The fiscal year 2009 Mayor's Management Report ("MMR") showed a 13% decrease in the seven major felonies in schools from the previous fiscal year and a greater than 20% decrease in other criminal incidents.⁶ The fiscal year 2010 MMR, in turn, showed approximately a 7% decrease in both the seven major felony crimes and in other criminal incidents in schools from the 2009 fiscal year.⁷

for the Lower Ma_____

¹ Lynette Holloway, Board Votes to Give Police Control Over School Security, *The New York Times*, Sept. 17, 1998.

² Id. There are now over 5,000 SSAs in the system.

³ Oral testimony of Assistant Chief James Secreto, Commanding Officer for the NYPD School Safety Division, New York City Council hearing, Oversight – School Safety, p. 21, Oct. 10, 2007.

⁴ Oral testimony of Assistant Chief James Secreto, Commanding Officer for the NYPD School Safety Division, New York City Council hearing, Proposed Int. 816-A, A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to requiring the department of education and the police department to provide information regarding school discipline and school safety agents to the city council, p.32, Nov. 10, 2009.

⁵ Id.

⁶ Mayor's Management Report Fiscal Year 2009, Department of Education, p. 18 available at http://www.nyc.gov/html/ops/downloads/pdf/2009_mmr/0909_mmr.pdf. In fiscal year 2009 the seven major crimes in school dropped from fiscal year 2008's 1,042 to 902 and other criminal categories dropped from 4,533 to 3,559.

⁷ Mayor's Management Report Fiscal Year 2010, Department of Education, p.20 available at <http://www.nyc.gov/html/ops/downloads/pdf/mmr/doe.pdf>. In fiscal year 2010 the seven major crimes in school dropped from fiscal year 2009's 902 to 839 and other criminal categories dropped from 3,559 to 3,302.

Aspects of the transfer that are reportedly less successful, however, involve the allocation of authority regarding school safety decisions and the manner in which school safety enforcement is carried out. Specifically, the concerns focus on: (i) the school safety authority structure; (ii) the apparently harsh punishment meted out by SSAs and NYPD officers in the School Safety Division; and (iii) the need for SSAs to be held accountable for their actions.

School Safety Authority Structure

To govern the initial transfer of power, the then-Board of Education and the NYPD drafted a Memorandum of Understanding (“MOU”) in 1998. According to news reports, however, serious questions regarding who was given authority to make school safety decisions remained.⁸ Furthermore, the MOU was largely thought to have expired in 2002, until The New York Civil Liberties Union (“NYCLU”) reported on June 17, 2009, that an inquiry by Assemblyman Karim Camara uncovered a 2003 renewal of the agreement signed by Mayor Bloomberg and Schools Chancellor Joel Klein.⁹ During an October 2007 City Council oversight hearing about the structure of school safety and the relationship between the NYPD and DOE, some individuals expressed confusion and/or displeasure regarding the authority structure as it related to school safety.¹⁰

One particularly dramatic incident demonstrating the confusion surrounding the chain of command in school safety decisions occurred just one day before the Council’s October 2007 hearing. On October 9, 2007, the principal of East Side Community High School was arrested on charges of obstructing governmental administration and resisting arrest as he tried to intervene in the arrest of a student by an SSA.¹¹ Police stated that the principal became involved in an altercation with another SSA when the principal tried to avoid having a student removed from school via the front door.¹²

Concerns Regarding Harsh Punishment

Other arrests in schools have caused advocates to question whether SSAs are overly harsh in their approach to school safety. On January 17, 2008 a 5-year-old was handcuffed at P.S. 81 in Queens after throwing a tantrum in his kindergarten class and knocking items off a desk in the principal’s office.¹³ Even after his baby-sitter arrived at the school to pick him up, the boy was not released, but instead taken by ambulance to Elmhurst Hospital Center to be evaluated.¹⁴ In a suit later filed against the City, the NYPD, and the DOE, the boy’s parents alleged that the 5-year-old suffered wrist injuries when handcuffed as well as psychological and emotional damage.¹⁵ The parents claim that their son suffered from nightmares after the incident and underwent treatment with a psychologist.¹⁶ This incident is a particularly dramatic one, but there are several other complaints about how students are treated by SSAs.

For example, a report by NYCLU, entitled *Criminalizing the Classroom: The Over-policing of New York City Schools*, found that “the environment created by the massive deployment of inadequately trained police personnel in schools...is often hostile and dysfunctional” and leads to the criminalization of students.¹⁷ NYCLU also argues that SSAs and police often subject students to inappropriate treatment including: derogatory, abusive and discriminatory comments and conduct; intrusive searches; and arrest for minor non-criminal violations of school rules.¹⁸ Such arrests have the potential to lead students into the juvenile justice system, which can in turn lead to the student falling behind in his or her studies and becoming detached from the school environment.¹⁹ On January 20, 2010, the NYCLU, the ACLU and the law firm of Dorsey & Whitney LLP filed a class action suit in the name of five students on behalf of themselves and all similarly situated middle and high school students in the U.S. District Court for the Eastern District of New York.²⁰ The complaint alleges that the NYPD School Safety Division has a policy of unlawfully seizing and arresting students and of using excessive force against students.²¹

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⁸ Randal C. Archibold, *New Era as Police Prepare to Run School Security*, *The New York Times*, Aug. 16, 1998.

⁹ New York Civil Liberties Union, *Secret Agreement between NYPD and DOE over Police in Schools yet another Symptom of Broken System*, June 17, 2009 at <http://www.nyclu.org/node/2480>.

¹⁰ See transcript of the New York City Council hearing, *Oversight – School Safety*, Oct. 10, 2007.

¹¹ Jennifer Medina, *Police Arrest a Student, Then Her Principal, Too*, *The New York Times*, Oct. 10, 2007; see also transcript of the New York City Council hearing, *Oversight – School Safety*, Oct. 10, 2007.

¹² Jennifer Medina, *Police Arrest a Student, Then Her Principal, Too*, *The New York Times*, Oct. 10, 2007.

¹³ Carrie Melago, *School Cop Put Him in Cuffs!*, *Daily News*, Jan. 25, 2008.

¹⁴ *Id.*

¹⁵ Carrie Melago, *15M Suit to Go With Kid Cuffs. 5-Yr.-Old’s Parents Blame City, Cops & Ed. Dept. in Shackling*, *Daily News*, Feb. 21, 2008.

¹⁶ *Id.*

¹⁷ The New York Civil Liberties Union and the American Civil Liberties Union, *Criminalizing the Classroom: The Over-Policing of New York City Schools*, March 2007.

¹⁸ *Id.*

¹⁹ A child’s involvement in the Juvenile Justice System can lead to a protracted involvement in that system that follows them throughout their adolescence and adulthood. The New York City Independent Budget Office reports a high rate of recidivism for youth that are detained: 75% of New York City juveniles released from upstate facilities are rearrested within three years of release. *Alternative to Jail Programs for Juveniles Reduce City Costs*, a report by the New York City Independent Budget Office, July 11, 2006.

²⁰ See NYCLU Press Release, “B.H. et al v. City of New York (Challenging the NYPD’s school safety policies and practices),” available at <http://www.nyclu.org/case/bh-et-al-v-city-of-new-york-challenging-nypds-school-safety-policies-and-practices>.

²¹ *Id.*

Accountability of School Safety Agents

Advocates also argue that SSAs should be held accountable for their actions in a more transparent manner. There are concerns that those who encounter difficulties with SSAs have trouble voicing their complaints because the complaint-filing process is unpublicized and difficult to maneuver. Indeed, there is little information available via either the DOE or NYPD websites that would assist individuals in filing complaints against SSAs.

A complaint may be made by contacting the Internal Affairs Bureau (IAB) of the NYPD, which has jurisdiction over major complaints, such as serious misconduct or corruption. Complaints that constitute less serious conduct are passed to School Safety Investigations.²² Among the complaints that School Safety Investigations handles are cases that involve accusations of force, abuse of authority, discourtesy, or offensive language (“FADO allegations”).²³ At the Council’s 2009 hearing on school safety issues the NYPD testified that, after the Council brought the difficulty of making complaints to its attention, it took steps to fix this problem by working with the Department of Information Technology and Telecommunications to ensure that anyone calling 311 with a complaint against an SSA would have their complaint referred to the IAB.²⁴

III. SCHOOL SAFETY DATA

The issues and concerns surrounding school safety are of great concern to the people of New York City. As many claims are of an anecdotal nature, however, it is difficult to evaluate the reality of the situation. School safety was one of the issues addressed by the State Senate in approving changes to the school governance law for New York City schools in August of 2009.²⁵ An amendment adopted by the Senate (S6106 of 2009), establishes an annual school safety meeting in each school.²⁶ The purpose of this meeting is to provide an opportunity for the school administration and the parents to discuss school safety concerns, including matters related to school safety officers.²⁷ The meetings are intended to be school specific, meaning that they are meant to address safety concerns affecting an individual school.²⁸ Although this amendment died in the Assembly, the DOE agreed to move forward with implementing the plan and changed the Chancellor’s Regulation on March 24, 2010 to require that the school safety committees hold at least one annual meeting that is open to all parents from the school.²⁹ Hopefully such meetings will eventually shed light on the concerns advanced by students, parents, and advocates. In the meantime, however, supporting data are needed to evaluate the safety situation in schools.

Available Data Pertaining to School Safety

Limited data is available in the MMR. The New York City Police Department section of the FY 2010 MMR provides a breakdown of the number of complaints of the seven major crimes that took place in schools. The seven major crimes are murder, rape, robbery, felonious assault, burglary, grand larceny, and grand larceny auto.³⁰ The NYPD section of the FY 2010 MMR also provides the number of school incident complaints that fall into “other criminal categories” and “other incidents.”³¹

The aggregate number of “major crimes, other crimes and non-criminal incidents” that occur within DOE schools can be found in the DOE section of the MMR.³² The DOE collects safety data from schools and is required to submit data on school safety annually to the New York State Education Department (SED). SED’s Uniform Violent and Disruptive Incident Reporting System (known as VADIR) gathers data on violent and disruptive incidents in schools and uses the information to comply with State and federal reporting requirements.³³ Data is required to be submitted annually for each school on incidents involving physical injury or threat of physical injury, (e.g. homicide, sex offense, assault, robbery,

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²² New York City Council hearing, *Oversight – School Safety* (Oct. 10, 2007) at 92.

²³ Letter from NYPD Comm’n Kelly to New York City Council Speaker Quinn, undated (on file with the New York City Council Public Safety Committee).

²⁴ Oral testimony of Assistant Chief James Secreto, Commanding Officer for the NYPD School Safety Division, New York City Council hearing, *Proposed Int. 816-A, A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to requiring the department of education and the police department to provide information regarding school discipline and school safety agents to the city council*, p.36, Nov. 10, 2009.

²⁵ For further information, see briefing paper of the New York City Council Committee on Education, *Oversight: DOE’s Implementation of the New School Governance Law*, September 23, 2009, available at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=513764&GUID=64CCFA70-AB40-4BE4-89A1-E7329B6B7765&Options=&Search=>.

²⁶ See proposed Senate Amendment S6106 of 2009.

²⁷ *Id.*

²⁸ *Id.*

²⁹ See Regulation of the Chancellor, Number A-414, issued March 24, 2010, available at <http://schools.nyc.gov/NR/rdonlyres/381F4607-7841-4D28-B7D5-0F30DDB77DFA/80066/A414FINAL.pdf>.

³⁰ See *Mayor’s Management Report Fiscal Year 2010*, New York City Police Department, available at http://www.nyc.gov/html/ops/downloads/pdf/_mmr/nypd.pdf. In FY 2010 there was one murder, two rapes, 147 robberies, 240 felonious assaults, 81 burglaries, 361 grand larcenies, and 7 incidents of grand larceny auto.

³¹ *Id.* The number of “other criminal categories” was 3,307. The number of “other incidents” was 5,354.

³² See *Mayor’s Management Report Fiscal Year 2010*, Department of Education, available at http://www.nyc.gov/html/ops/downloads/pdf/_mmr/doe.pdf. The number of “seven major crimes” for FY 2010 was 839. Under the DOE portion of the MMR this data is not disaggregated by crime. The number of “other criminal categories” was 3,302. The number of “other incidents” was 5,354.

³³ New York State Education Department (SED), “VADIR - Violent and Disruptive Incidents,” accessed at <http://www.p12.nysed.gov/ssae/schoolsafety/vadir/home.html>.

arson, kidnapping, reckless endangerment) and incidents involving weapons or that disrupt the educational process (e.g. burglary, bomb threat, criminal mischief, false alarm, riot and intimidation, harassment, menacing or bullying).³⁴ For each of these types of incidents schools must report the number of incidents overall; number of incidents involving alcohol or drugs; number of incidents on school transportation; number of offenders (student, staff and other); and number of victims (student, staff and other). Schools are also required to report all consequences of these incidents, that is, how many enrolled student offenders were assigned or referred to: counseling or treatment programs; teacher removal; suspension from class or activities; out-of-school suspension; transfer to alternative education program; and/or law enforcement or juvenile justice.³⁵

Although a significant amount of information pertaining to school safety is available, the data are not standardized and the categories reported can vary from one year to another. Additionally, no data appears to be available that speaks to the relationship between SSAs, students, and teachers. Int. 442 would serve the purpose of making data available that would fill the current information void and would introduce greater transparency into school discipline and safety.

IV. ANALYSIS OF INT. 442

Int. 442 would amend the administrative code of the city of New York in order to increase transparency around school discipline and the activity of police department personnel assigned to the school safety division in schools under the purview of the DOE. The bill would achieve this by requiring the DOE and the NYPD to make reports to the city council. The DOE would be required to report, in substance, on the number of suspensions taking place and the reasons for such suspensions; the NYPD would be required to report on the number of students arrested and/or summonsed by personnel assigned to the school safety division and the reasons for such arrests and summonses. Additionally, all of the disciplinary, arrest and summons data will be disaggregated by, among other things, race/ethnicity, age/grade, gender, and geographical indicators.

DOE Reporting

Section one of the bill would amend title 8 of the administrative code of the city of New York by adding a new chapter 11 with three sections, §8-1101 through §8-1103. The three sections, respectively, would provide definitions of terms, require the DOE to provide an annual report on student discipline to the city council, and would require the DOE to provide a citywide report on suspensions to the council twice a year.

Section 8-1101 defines the term “chancellor” and also provides that the provisions of the law will conform to the confidentiality requirements required by section 1232g of title 20 of the United States Code, the Family and Educational Rights and Privacy Act (FERPA).

Section 8-1102 would require the chancellor to provide an annual report to the city council on the discipline of students. The first part of the report would be disaggregated by school and would contain information on the number of students subjected to principal’s or superintendent’s suspensions. This data would in turn be disaggregated by race/ethnicity, age of the student as of December 31st of the school year during which discipline is imposed, gender, whether the student is receiving special education services or whether the student is an English Language Learner, disciplinary code infraction and length of suspension. In order to ensure compliance with FERPA, and prevent any specific student from being identified via the data, any category containing between 0 and 9 students shall be replaced with a symbol instead of a number. The report will also include the citywide total number of transfers that occurred in connection with a suspension, disaggregated by involuntary and voluntary transfers.

Section 8-1103 would require the chancellor to submit a citywide report on suspensions to the council twice a year, by October 31st and March 31st. Each report will contain six months of citywide data with the total number of suspensions for each of month, disaggregated by superintendent’s and principal’s suspensions.

NYPD Reporting

Section two of the bill would amend chapter one of title 14 of the administrative code of the city of New York by adding a new section 14-152. Part a of the section defines terms such as “School safety agent” and “non-criminal incident.” Non-criminal incident means a reportable incident that is not a felony or a misdemeanor, but which might include: dangerous instruments,³⁶ fireworks, trespass, disorderly conduct, harassment, loitering, or possession of marijuana.

Part b requires the NYPD to submit to the council, on a quarterly basis, a report based on data reflecting summons, arrest and non-criminal incident activity from the preceding quarter. The report is to be disaggregated by patrol borough and include, at a minimum: the number of individuals arrested and/or issued a summons by SSAs or police officers assigned to the school safety division of the NYPD, the charges made in these cases (and whether the charge was a felony, misdemeanor or violation), and the number and type of non-criminal incidents that occurred in the quarter. For all of these categories, the data shall be disaggregated, where practicable based upon the manner in which the applicable records are maintained,

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³⁴ SED, Violent and Disruptive Incidents – Data Collection, accessed at <http://www.p12.nysed.gov/irs/vadir/>. The results of this data for New York City for the 2008-2009 school year, disaggregated by school and type of incident, is available at http://www.p12.nysed.gov/irs/vadir/2010/2008_09VADIR-NYC.xls.

³⁵ *Id.* at <http://www.p12.nysed.gov/irs/vadir/>.

³⁶ Under the definition provided by NY Penal Law § 10.00(13), a dangerous instrument can encompass any instrument, article or substance, which, depending upon how it is used, attempted to be used, or threatened to be used, is able to cause serious injury or death. When an individual uses a dangerous instrument but is not charged with a felony or misdemeanor, that use should be captured under this section.

by race/ethnicity, year of birth, gender, whether the individual is receiving special education services, and whether the individual is an English Language Learner.

Other Reporting Information

The rest of the bill includes information relating to school safety and discipline reports. Subsection d of the proposed section 14-152 would codify the current practice of 311 operators transferring complaints regarding SSAs to the IAB. This would ensure that the public has an easy and accessible way to file complaints against SSA, thus working towards the goal of holding SSAs accountable for their actions.

Subsection e of the proposed section 14-152 would provide that the disclosure limitations of administrative code section 14-150, which covers other reports provided by the NYPD to the council, apply to the reports produced under 14-152 as well. Subsection f, in turn, provides a timeline for the NYPD to produce the reports.

Section three of the bill describes when the law shall take effect. Most of the law will take effect ninety days after its enactment into law. A few parts, however, such as the DOE data relating to the total number of students subjected to a principal’s suspension, and the disaggregation of data by the DOE by whether the student is an English Language Learner, will take effect later. These provisions will take effect with the reports that cover the 2011-2012 and the 2012-2013 school year, respectively, so that the DOE has time to adjust its systems to ensure this data is captured.

V. CONCLUSION

Today, the Education and Public Safety Committees will each vote on Int. 442. It is the Committees’ hope that the data required by Int. 442 will bring a level of transparency and visibility to school safety procedures and decisions that is currently lacking.

(The following is from the text of the Fiscal Impact Statement for Int. No. 442:)

FISCAL IMPACT STATEMENT:

	Effective FY 11	FY Succeeding Effective FY 12	Full Fiscal Impact FY 11
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There would be no impact on revenues resulting from the enactment of this legislation.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division
Mayor’s Office

ESTIMATE PREPARED BY: Christina Perrotti, Legislative Financial Analyst

HISTORY: Introduced as Intro. 442 by the Council on December 8, 2010 and referred to the Committee on Education. A joint hearing was held by the Committees on Education, Public Safety and Juvenile Justice and the legislation was laid over by the Committees on December 16, 2010. Intro. 442 is scheduled to be voted out of the Education and Public Safety Committees and the Full Council on December 20, 2010.

DATE SUBMITTED TO COUNCIL: December 8, 2010

Accordingly, the Committee on Education and the Committee on Public Safety both recommend the adoption of Int No. 442.

(The following is the text of Int. No. 442:)

Int. No. 442

By Council Members Jackson, Mark-Viverito, Vallone, Jr., Arroyo, Cabrera, Chin, Dromm, Ferreras, Fidler, Gentile, James, Koppell, Lander, Palma, Recchia, Sanders, Van Bramer, Vann, Williams, Mealy, Gonzalez, Lappin, Dickens, Koslowitz, Dilan, Eugene, Rose, Wills, Halloran, Gennaro, Garodnick, Barron, Greenfield, Levin, Nelson, Reyna, Rodriguez and Ignizio.

A Local Law to amend the administrative code of the city of New York, in relation to reports on school discipline and police department activity relating to schools.

Be it enacted by the Council as follows:

Section 1. Title 8 of the administrative code of the city of New York is hereby amended by adding a new chapter 11 to read as follows:

**CHAPTER 11
REPORTS ON STUDENT DISCIPLINE**

§8-1101 *Definition; confidentiality requirements.*

§8-1102 *Annual report on student discipline.*

§8-1103 *Biannual citywide report on suspensions.*

§8-1101. *Definition; confidentiality requirements.* a. For purposes of this chapter, the term “chancellor” shall mean the chancellor of the city school district of the city of New York, or the chancellor’s designee.

b. In no event shall any report submitted pursuant to this chapter release, or provide access to, any personally identifiable information contained in education records in violation of 20 U.S.C. §1232g or information in violation of any other applicable confidentiality requirement in federal or state law.

§8-1102. *Annual report on student discipline.* The chancellor shall submit to the city council by October 31st of each year an annual report, based on data from the preceding school year, on the discipline of students.

a. The data in this report shall be disaggregated by school and shall show the total number of students in each school who have been:

1. subjected to a superintendent’s suspension; or
2. subjected to a principal’s suspension.

b. The data provided pursuant to each of paragraphs one and two of subdivision a shall be disaggregated by race/ethnicity, gender, grade level at the time of imposition of discipline, age of the student as of December 31st of the school year during which discipline is imposed, whether the student is receiving special education services or whether the student is an English Language Learner, disciplinary code infraction and length of suspension. If a category contains between 0 and 9 students, the number shall be replaced with a symbol.

c. The report shall also include the citywide total number of transfers that occurred in connection with a suspension, disaggregated by involuntary and voluntary transfers.

§8-1103. *Biannual citywide report on suspensions.* The chancellor shall submit to the council by October 31st and March 31st of each year a report on the discipline of students citywide, based on data from the first six months of the current calendar year and the second six months of the preceding calendar year respectively. Such report shall include the number of suspensions citywide for each month, disaggregated by superintendent’s and principal’s suspensions.

§2. Chapter one of title 14 of the administrative code of the city of New York is amended to add a new section 14-152 to read as follows:

§14-152. *School activity reporting.* a. *Definitions.* For the purposes of this section the following terms shall have the following meanings:

1. “Non-criminal incident” shall mean an incident occurring within a New York city public school that does not constitute a felony or misdemeanor, and that falls within one of the following types: dangerous instruments; fireworks; trespass; disorderly conduct; harassment; loitering; or possession of marijuana.

2. “School safety agent” shall mean a person employed by the department as a peace officer for the purpose of maintaining safety in New York city public schools.

b. *Report of activity relating to schools.* The department shall submit to the council on a quarterly basis, a report based on data reflecting summons, arrest and non-criminal incident activity from the preceding quarter. Such report shall be disaggregated by patrol borough and include, at a minimum:

1. the number of individuals arrested and/or issued a summons by school safety agents or police officers assigned to the school safety division of the New York city police department;
2. in those cases where arrests were made or summonses were issued: (i) the charges (including penal law section or other section of law), and (ii) whether the charge was a felony, misdemeanor or violation; and
3. the number and type of non-criminal incidents that occurred.

c. The data provided pursuant to paragraphs one through three of subdivision b shall, for each of such paragraphs, where practicable based upon the manner in which the applicable records are maintained, be disaggregated by race/ethnicity, year of birth, gender, whether the individual is receiving special education services, and whether the individual is an English Language Learner.

d. *Public education.* Operators of the 311 system shall inform any caller seeking to make a complaint against a school safety agent that the complaint will be electronically transferred to the internal affairs bureau of the New York city police department.

e. *Disclosure limitations.* The information, data, and reports required by this section shall be subject to the disclosure limitations of section 14-150 of this chapter.

f. *Reports due at end of reporting period.* The information, data, and reports required by this section shall be provided to the council within thirty days of

the end of the reporting period to which the reports correspond or for which the relevant data may be collected, whichever is later. Where necessary, the department may use preliminary data to prepare the required reports and may include an acknowledgment that such preliminary data is non-final and subject to change.

§ 3. This local law shall take effect ninety days after its enactment into law, provided that data relating to the total number of students subjected to a principal’s suspension, as referenced in paragraph two of subdivision a of section 8-1102 of the administrative code of the city of New York, as added by section one of this local law, shall be reported beginning with the annual report relating to the 2011-12 school year, and provided further that disaggregating the data by whether the student is an English Language Learner, as referenced in subdivision b of section 8-1102 of the administrative code of the city of New York, as added by section one of this local law, shall be reported beginning with the annual report relating to the 2012-13 school year.

ROBERT JACKSON, Chairperson; CHARLES BARRON, LEWIS A. FIDLER, DOMENIC M. RECCHIA JR., ALBERT VANN, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, FERNANDO CABRERA, MARGARET S. CHIN, DANIEL DROMM, KAREN KOSLOWITZ, STEPHEN T. LEVIN, DEBORAH L. ROSE, MARK S. WEPRIN, DAVID G. GREENFIELD, VINCENT M. IGNIZIO, ERIC A. ULRICH, Committee on Education, December 20, 2010.

On motion of the Speaker (Council Member Quinn), 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 Finance

Report for Int. No. 437

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

The Committee on Finance, to which the annexed proposed local law was referred on November 30, 2010 (Minutes, page 4947), respectfully

REPORTS:

This proposed local law would authorize an increase in the annual expenditures for eight Business Improvement Districts (“BIDs”) effective as of July 1, 2010.

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

Although this is the only relevant legal requirement for the provision of notice, in the case of other recent requests for budget increases by BIDs, the Finance Committee Chair informed the Department of Small Business Services that it desires written notices of the proposed increases and the hearing date to be mailed to property owners within the BIDs, and has only considered budget increases for those BIDs providing such additional notice.

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

**BID ASSESSMENT INCREASE REQUESTS
FISCAL YEAR 2011**

BID Name	Present Assessment	Proposed Assessment	Purpose of Assessment Increase
125 th Street	\$842,126	\$867,390	Increase in costs of public safety services, and hiring a project manager.
Brighton Beach	\$190,000	\$220,000	Expand sanitation operations during spring/summer season; expand graffiti removal program; enhance promotional events; re-design holiday lights; and implement a new banner program.

Fashion Center	\$5,000,000	\$5,750,000	Create Mannequin Parade, a new promotional program; provide added arts project; upgrade Broadway Boulevard including streetscape maintenance and improvements; and enhance holiday lights.
Fifth Avenue	\$2,562,000	\$2,715,720	Increases in insurance costs; lower staff turnover resulting in higher pension expenses; and costs-of-living increases.
HUB-Third Avenue	\$400,927	\$450,927	Annual maintenance of video surveillance equipment, and trash compactors; increases in advertising campaign; increases in office equipment and supplies; and insurance rates increases.
Myrtle Avenue Brooklyn	\$350,000	\$425,000	Hire two part-time employees; enhance marketing and promotional materials; increases in insurance costs; and increases in sanitation costs.
Times Square	\$10,400,000	\$11,685,440	Enhanced maintenance services for Broadway Plazas and Duffy Square; increases in New Year's Eve project costs, rebuilding cash reserves and cost-of-living increases for sanitation workers.

These increases, which have already been approved by the District Management Associations of the 7 BIDs, would result in a higher assessment on all properties currently subject to BID assessments as a result of the increase in the assessment rate.

When the Committee considers this proposed local law on December 20, 2010, it must answer the following three questions:

1. Were all notice requirements contained in the BID Law complied with?
2. Is it in the public interest to authorize an increase in expenditures for the individual BIDs?
3. Have the tax and debt limits prescribed in section 25-412 of the BID Law been complied with?

If the Committee finds in the affirmative on these three questions then the legislation can be adopted.

Pursuant to section 25-412 of the Administrative code, the budgets of BIDs can not exceed 20 percent of the total real property taxes levied in the year of the budget increase request. The Fiscal 2011 property tax levy is \$18.2 billion. Therefore, the budget of each BID seeking a budget increase cannot exceed \$3.7 billion. As indicated by the above chart, the proposed budgets of each BID requesting an increase in below such amount.

The local law authorizing the increases would be effective immediately, but would be deemed to have been in effect from July 1, 2010.

(The following is from the text of the Fiscal Impact Statement for Int. No. 437:)

FISCAL IMPACT STATEMENT:

	Effective FY 11	FY Succeeding Effective FY 12	Full Fiscal Impact FY 11
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES AND EXPENDITURES: There will be no net impact on revenues or expenditures resulting from the enactment of this legislation on the City's budget adopted for Fiscal 2011. The BID assessments are charges separate from the City's property tax levy and thus do not impact the General Fund. The assessments are levied on the businesses located in the impacted BIDs. The BIDs' budgets for Fiscal 2011 will increase from the Fiscal 2010 amounts (see below) as a result of this legislation.

BID Name Present

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: BID special assessments.

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

ESTIMATE PREPARED BY: Tanisha Edwards, Counsel
Ralph Hernandez, Finance Analyst

FIS HISTORY: To be considered by the Committee on December 20, 2010.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 437:)

Int. No. 437

By Council Members Recchia, Comrie, Koslowitz, Nelson, Seabrook, Rose and Koo (by request of the Mayor).

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

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 25-422.1 of the administrative code of the city of New York, as amended by local law number 61 for the year 2007, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Times Square business improvement district beginning on July 1, [2007] 2010, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [ten million four hundred thousand dollars (\$10,400,000)] *eleven million six hundred eighty-five thousand four hundred forty dollars (\$11,685,440)*.

§2. Subdivision a of section 25-431.1 of the administrative code of the city of New York, as amended by local law number 61 for the year 2007, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Fifth Avenue Association business improvement district beginning on July 1, [2007] 2010, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [two million five hundred sixty-two thousand dollars (\$2,562,000)] *two million seven hundred fifteen thousand seven hundred twenty dollars (\$2,715,720)*.

§3. Subdivision a of section 25-432.1 of the administrative code of the city of New York, as amended by local law number 61 for the year 2007, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Fashion Center business improvement district beginning on July 1, [2007] 2010, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [five million dollars (\$5,000,000)] *five million seven hundred fifty thousand dollars (\$5,750,000)*.

§4. Subdivision a of section 25-434 of the administrative code of the city of New York, as amended by local law number 56 for the year 2006, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Hub Third Avenue business improvement district beginning on July 1, [2006] 2010, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [four hundred thousand nine hundred twenty-seven dollars (\$400,927)] *four hundred fifty thousand nine hundred twenty-seven dollars (\$450,927)*.

§5. Subdivision a of section 25-437.1 of the administrative code of the city of New York, as amended by local law number 93 for the year 2009, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 125th Street business improvement district beginning on July 1, [2009] 2010, and the council having

determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [eight hundred forty-two thousand one hundred twenty-six dollars (\$842,126)] *eight hundred sixty-seven thousand three hundred ninety dollars (\$867,390)*.

§6. Subdivision a of section 25-459 of the administrative code of the city of New York, as amended by local law number 60 for the year 2008, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Brighton Beach business improvement district beginning on July 1, [2008] *2010*, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [one hundred ninety thousand dollars (\$190,000)] *two hundred twenty thousand dollars (\$220,000)*.

§7. Subdivision a of section 25-466.1 of the administrative code of the city of New York, as amended by local law number 61 for the year 2007, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Myrtle Avenue Brooklyn business improvement district beginning on July 1, [2007] *2010*, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [three hundred fifty thousand dollars (\$350,000)] *four hundred twenty-five thousand dollars (\$425,000)*.

§8. This local law shall take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of July 1, 2010.

DOMENIC M. RECCHIA, JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, December 20, 2010.

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

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

Report for Res. No. 607

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

The Committee on Finance, to which the annexed resolution was referred on December 20, 2010, respectfully

REPORTS:

Introduction. The Council of the City of New York (the "Council") annually adopts the City's budget covering expenditures other than for capital projects (the "expense budget") pursuant to Section 254 of the Charter. On June 29, 2010, the Council adopted the expense budget for fiscal year 2011 with various programs and initiatives (the "Fiscal 2011 Expense Budget"). On June 19, 2009, the Council adopted the expense budget for fiscal year 2010 with various programs and initiatives (the "Fiscal 2010 Expense Budget").

Analysis. This Resolution, dated December 20, 2010, amends the description for the Description/Scope of Services for the New York City Industrial and Technical Assistance Corporation (ITAC), an organization receiving local discretionary funding in the amount of \$150,000 within the budget of the Department of Small Business Services. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "To assist New York City manufacturers with relocation and facility efficiency services." This Resolution now changes the Description/Scope of Services to read: "1) \$30,000 will be used for supporting early stage start-ups. 2) \$120,000 will be used to pay two non-ITAC employees via subcontract. The subcontractors will do consulting work with earlier stage firms to assist them to commercialize their technology and establish manufacturing operations in New York City."

Additionally, this Resolution amends the description for the Description/Scope of Services for the St. Raymond Community Outreach, Inc., an organization

receiving local discretionary funding in the amount of \$7,250 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "These funds will help provide an intergenerational gardening program and support social events between the seniors and the youth of the 18th Council District." This Resolution now changes the Description/Scope of Services to read: "These funds will help provide support to programs for the youth of the 18th Council District, including an intergenerational gardening program and social events with the seniors from the Parkchester Enhancement Program (PEP)."

Further, this Resolution amends the description for the Description/Scope of Services for the IlluminArt Productions, an organization receiving local discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "For the "Our Daughters" program." This Resolution now changes the Description/Scope of Services to read: "To support the "For Our Daughters" program."

Moreover, this Resolution amends the description for the Description/Scope of Services for the Merrill Park Civic Association of Springfield Gardens, Inc., an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department for the Aging. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "To replace flooring in reference to dining room, main recreational room, and billiards room." This Resolution now changes the Description/Scope of Services to read: "To provide seniors with luncheon and tickets to an entertainment show."

Also, this Resolution amends the description for the Description/Scope of Services for the Harlem Heights Cultural Council, Inc., an organization receiving local discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Budget. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "Introduction to a new education program provided in the oldest Iberian cultural institution in the USA." This Resolution now changes the Description/Scope of Services to read: "This program will be a noteworthy occasion which will be a celebration both of the return of Sorolla's murals "Vision of Spain" and of classical Spanish music and dance. An introduction to a new education program provided in the oldest Iberian cultural institution in the USA."

Also, this Resolution amends the description for the Description/Scope of Services for the Community League of the Heights, Inc., an organization receiving youth discretionary funding in the amount of \$15,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "To provide after-school program to 90 children from kindergarten to fifth grade." This Resolution now changes the Description/Scope of Services to read: "To provide after-school program to 60 children from kindergarten to fifth grade."

Additionally, this Resolution provides the description for the Description/Scope of Services for the Jewish Community Council of Greater Coney Island, Inc., an organization receiving funding in the amount of \$27,500 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative. The Description/Scope of Services for this organization, as designated on August 25, 2010 by Council Transparency Resolution, will now read: "ESL/Civic."

Moreover, this Resolution approves new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2011 Expense Budget. This Resolution also approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2011 Expense Budget.

Lastly, this Resolution approves the new designation and changes in the designation of organizations receiving local and youth discretionary funding in accordance with the Fiscal 2010 Expense Budget.

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving local, aging, and youth discretionary funding, as well as new designations and/or changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2010 and Fiscal 2011 Expense Budgets.

This resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding, as described in Chart 1; sets forth new designations and changes in the designation of aging discretionary funding pursuant to the Fiscal 2011 Expense Budget, as described in Chart 2; sets forth new designations and changes in the designation of youth discretionary funding pursuant to the Fiscal 2011 Expense Budget, as described in Chart 3; sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2011 Expense Budget, as described in Charts 4-12; and sets forth new designations and changes in the designation of organizations that will receive local discretionary funding pursuant to the Fiscal 2010 Expense Budget, as set forth in Chart 13; and sets forth new designations and changes in the designation of organizations that will receive youth discretionary funding pursuant to the Fiscal 2010 Expense Budget, as set forth in Chart 14.

The charts, attached to the resolution, contain the following information: name of the council member(s) designating the organization to receive funding or name of the initiative, as set forth in Adjustments Summary/Schedule C/ Fiscal 2011 Expense Budget, dated June 29, 2010, or the Adjustments Summary/Schedule C/ Fiscal 2010 Expense Budget, dated June 19, 2009; name of the organization; organization's

Employer Identification Number (EIN), if applicable; agency name; increase or decrease in funding; name of fiscal conduit, if applicable; and the EN of the fiscal conduit, if applicable.

Specifically, Chart 1 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding.

Chart 2 sets forth the new designation and changes in the designation of certain organizations receiving aging discretionary funding.

Chart 3 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding.

Chart 4 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure (CASA) Initiative.

Chart 5 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Infant Mortality Reduction. Chart 5 indicates a name correction. The correct name of an organization with BIN 62-1823291 to receive funding in the amount of \$18,606.94 within the budget of the Department of Health and Mental Hygiene is the Christ the Rock World Restoration Church International, Inc.

Chart 6 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Asthma Control Program Initiative. Funding in the amount of \$55,000 for the Long Island College Hospital within the budget of the Department of Health and Mental Hygiene has been removed, and will be provided to the Queens Comprehensive Perinatal Council.

Chart 7 sets forth the new designation and changes in the designation of organizations receiving funding pursuant to the HIV/AIDS-Faith Based Initiative. Chart 7 indicates a name correction. The correct name of an organization with EIN 11-2342098 to receive funding in the amount of \$6,400 within the budget of the Department of Health and Mental Hygiene is the United Methodist Church of Corona.

Chart 8 sets forth the new designation of a certain organization receiving funding pursuant to the High Tech Connect Initiative. Funding in the amount of \$300,000 will be provided to the Partnership for New York City, Inc within the Department of Small Business Services.

Chart 9 sets forth the new designation of certain organizations receiving funding pursuant to the Jobs to Build On Initiative. Funding in the amount of \$4,000,000 for the Jobs to Build On Initiative within the budget of the Department of Small Business Services will be provided to the Consortium for Worker Education and the Department of Small Business Services-Administrative in the amount of \$3,600,000 and \$400,000, respectively.

Chart 10 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative. Funding in the amount of \$8,889 for the Broadway Temple within the budget of the Department of Youth and Community Development has been removed, and will be provided to the Catholic Charities Community Services, Archdiocese of New York.

Chart 11 sets forth the new designation and changes in the designation of organizations receiving funding pursuant to the EBT at Food Markets Initiative in the amount of \$420,000 within the budget of the Department of Youth and Community Development. Chart 11 indicates a name correction. The correct name of the provider of this Initiative is the Council on the Environment of New York City, Inc. D/B/A GrowNYC, EIN 11-2765465.

Chart 12 sets forth the new designation and changes in the designation of organizations receiving funding pursuant to the Household Composting Pilot Program Initiative in the amount of \$45,000 within the budget of the Department of Youth and Community Development. Chart 12 indicates a name correction. The correct name of the provider of this Initiative is the Council on the Environment of New York City, Inc. D/B/A GrowNYC, EIN 11-2765465.

Chart 13 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2010 Expense Budget. Chart 13 indicates a name correction. The correct name of an organization with BIN 13-1945149 to receive funding in the amount of \$25,000 is Thirteen.

Chart 14 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding within the budget of the Department of Youth and Community Development pursuant to the Fiscal 2010 Expense Budget. Bay Ridge Bensonhurst Beautification and Preservation Alliance, Inc. has been removed as a fiscal conduit receiving funding in the amount of \$3,000, and \$2,500 for the Music Outreach-Learning Through Music, Inc., and Brooklyn Association of the Performing Arts, Inc., respectively.

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

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

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2011 and Fiscal 2010 Expense Budgets. Such resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 607:)

Res. No. 607

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

By Council Members Recchia and Rose.

Whereas, On June 29, 2010 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2011 with various programs and initiatives (the "Fiscal 2011 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the New York City Industrial and Technical Assistance Corporation (ITAC), an organization receiving local discretionary funding in the amount of \$150,000 within the budget of the Department of Small Business Services.; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the St. Raymond Community Outreach, Inc., an organization receiving local discretionary funding in the amount of \$7,250 within the budget of the Department of Youth and Community Development; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the IlluminArt Productions, an organization receiving local discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Merrill Park Civic Association of Springfield Gardens, Inc., an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department for the Aging; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Harlem Heights Cultural Council, Inc., an organization receiving local discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Community League of the Heights, Inc., an organization receiving youth discretionary funding in the amount of \$15,000 within the budget of the Department of Youth and Community Development; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Jewish Community Council of Greater Coney Island, Inc., an organization receiving funding in the amount of \$27,500 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2010 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local and youth discretionary funding in accordance therewith; now, therefore be it

Resolved, That the City Council approves the new Description/Scope of Services for the New York City Industrial and Technical Assistance Corporation (ITAC), an organization receiving local discretionary funding in the amount of \$150,000 within the budget of the Department of Small Business Services. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget will now read: "1) \$30,000 will be used for supporting early stage start-ups. 2) \$120,000 will be used to pay two non-ITAC employees via subcontract. The subcontractors will do consulting work with earlier stage firms to assist them to commercialize their technology and establish manufacturing operations in New York City."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the St. Raymond Community Outreach, Inc., an organization receiving local discretionary funding in the amount of \$7,250 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget will now read: "These funds will help provide support to programs for the youth of the 18th Council District, including an intergenerational gardening program and social events with the seniors from the Parkchester Enhancement Program (PEP)."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the IlluminArt Productions, an organization receiving local discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget will now read: "To support the "For Our Daughters" program."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Merrill Park Civic Association of Springfield Gardens, Inc., an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department for the Aging. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget will now read: "To provide seniors with luncheon and tickets to an entertainment show."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Harlem Heights Cultural Council, Inc., an organization receiving local discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Budget. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget will now read: "This program will be a noteworthy occasion which will be a celebration both of the return of Sorolla's murals "Vision of Spain" and of classical Spanish music and dance. An introduction to a new education program provided in the oldest Iberian cultural institution in the USA."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Community League of the Heights, Inc., an organization receiving youth discretionary funding in the amount of \$15,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget will now read: "To provide after-school program to 60 children from kindergarten to fifth grade."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Jewish Community Council of Greater Coney Island, Inc., an organization receiving funding in the amount of \$27,500 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative. The Description/Scope of Services for this organization, as designated on August 25, 2010 by Council Transparency Resolution, will now read: "ESL/Civic."; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure (CASA) Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Asthma Control Program Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation of the Partnership For New York City, Inc. to receive funding pursuant to the High Tech Connect Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Jobs To Build On Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the EBT at Food Markets Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Household Composting Pilot Program Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding within the budget of the Department of Youth and Community Development in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding within the budget of the Department of Youth and Community Development in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 14.

ATTACHMENT:

CHART 1: Local Initiatives

Member	Organization	EIN Number	Agency	Amount	Agcy #	UJA	Fiscal Conduct/Sponsoring Organization	Fiscal Conduct
Genodnick	Friends of Art and Design Inc.***	13-3788768	DYCD	\$3,500.00	260	312	United Activities Unlimited, Inc.	13-2921483
Wills	Samanians of New York, Inc.***	13-3164464	DYCD	\$3,500.00	260	312	United Activities Unlimited, Inc.	13-2921483
Wills	103rd Precinct Community Council	20-5444666	DYCD	\$3,500.00	260	312	Child Center of New York, Inc. The	11-729454
Wills	113th Precinct Community Council	11-3218177	DYCD	\$3,500.00	260	005	Child Center of New York, Inc. The	11-729454
Wills	113th Precinct Community Council	11-3218177	DYCD	\$3,500.00	260	005	Child Center of New York, Inc. The	11-729454
Oddo	FBI/DOJ Community Council, Inc. The	13-3788768	DYCD	\$3,500.00	260	005	United Activities Unlimited, Inc.	13-2921483
Oddo	FBI/DOJ Community Council, Inc. The	13-1353504	DYCD	\$1,500.00	260	005	United Activities Unlimited, Inc.	13-2921483
Oddo	Hellenic Memorial Chapter #84, Disabled American Veterans	31-1728884	DFTA	\$1,500.00	125	005	United Activities Unlimited, Inc.	13-2921483
Oddo	Veterans	31-1728884	DFTA	\$1,500.00	125	003	United Activities Unlimited, Inc.	13-2921483
Roze	Nippon-American Community Association, Inc.	20-0828296	DYCD	\$3,500.00	260	005	United Activities Unlimited, Inc.	13-2921483
Crowley	Ridgewood Volunteer Ambulance Corp., Inc.	23-7405104	FDNY	\$2,000.00	057	005	Greater Ridgewood Youth Council, Inc.	11-29518141
Crowley	Ridgewood Volunteer Ambulance Corp., Inc.	23-7405104	FDNY	\$2,000.00	057	005	Greater Ridgewood Youth Council, Inc.	11-29518141
Oddo	Shalom Society for Children and Families	13-3788768	DYCD	\$2,000.00	260	312	United Activities Unlimited, Inc.	13-2921483
Oddo	Shalom Society for Children and Families	13-3788768	DYCD	\$2,000.00	260	312	United Activities Unlimited, Inc.	13-2921483
Oddo	Shalom Island Recreational Association, Inc.	13-3788768	DYCD	\$1,000.00	260	312	United Activities Unlimited, Inc.	13-2921483
Gentile	United Chinese Association of Brooklyn	37-1488112	DYCD	\$1,000.00	260	005	St. Rosalia Regina Plebs Neighborhood Improvement Association, Inc.	11-2897931
Gentile	United Chinese Association of Brooklyn	37-1488112	DYCD	\$1,000.00	260	312	St. Rosalia Regina Plebs Neighborhood Improvement Association, Inc.	11-2897931
Crowley	Committee of Maspeeth and Elmhurst Together, Inc. (COMET)	11-3190583	DYCD	\$2,000.00	260	005	Maspeeth Town Hall, Inc.	23-7259702
Koslowitz	Committee of Maspeeth and Elmhurst Together, Inc. (COMET)	11-3190583	DYCD	\$5,000.00	260	005	Maspeeth Town Hall, Inc.	23-7259702
Van Brumer	Committee of Maspeeth and Elmhurst Together, Inc. (COMET)	11-3190583	DYCD	\$5,000.00	260	005	Maspeeth Town Hall, Inc.	23-7259702
Crowley	Committee of Maspeeth and Elmhurst Together, Inc. (COMET)	11-3190583	DYCD	\$2,000.00	260	005	Maspeeth Town Hall, Inc.	23-7259702
Koslowitz	Committee of Maspeeth and Elmhurst Together, Inc. (COMET)	11-3190583	DYCD	\$5,000.00	260	005	Maspeeth Town Hall, Inc.	23-7259702
Van Brumer	Committee of Maspeeth and Elmhurst Together, Inc. (COMET)	11-3190583	DYCD	\$5,000.00	260	005	Maspeeth Town Hall, Inc.	23-7259702
Koo	Vietnam Veterans of America, Inc. - Queens Chapter #32	11-2629339	DYCD	\$5,000.00	260	005	Maspeeth Town Hall, Inc.	23-7259702
Comie	Vietnam Veterans of America, Inc. - Queens Chapter #32	11-2629339	DYCD	\$5,000.00	260	005	Maspeeth Town Hall, Inc.	23-7259702
Dromm	Vietnam Veterans of America, Inc. - Queens Chapter #32	11-2629339	DYCD	\$3,500.00	260	005	Maspeeth Town Hall, Inc.	23-7259702
Itallara	Vietnam Veterans of America, Inc. - Queens Chapter #32	11-2629339	DYCD	\$3,500.00	260	005	Maspeeth Town Hall, Inc.	23-7259702
Koo	Vietnam Veterans of America, Inc. - Queens Chapter #32	11-2629339	DYCD	\$5,000.00	260	005	Maspeeth Town Hall, Inc.	23-7259702
Koslowitz	Vietnam Veterans of America, Inc. - Queens Chapter #32	11-2629339	DYCD	\$5,000.00	260	005	Maspeeth Town Hall, Inc.	23-7259702
Ulrich	Vietnam Veterans of America, Inc. - Queens Chapter #32	11-2629339	DYCD	\$3,000.00	260	005	Maspeeth Town Hall, Inc.	23-7259702

* Indicates pending completion of pre-qualification review.
 ** Requires a budget modification for the change to take effect
 *** Connection from Previous Transparency Resolution

CHART 1: Local Initiatives (continued)

Table with columns: Member, Organization, EIN Number, Agency, Amount, Agy #, U/A, Fiscal Conduit/Sponsoring Organization, Fiscal Conduit EIN. Lists various community organizations and their funding details.

CHART 1: Local Initiatives (continued)

Table with columns: Member, Organization, EIN Number, Agency, Amount, Agy #, U/A, Fiscal Conduit/Sponsoring Organization, Fiscal Conduit EIN. Lists various community organizations and their funding details.

CHART 1: Local Initiatives (continued)

Table with columns: Member, Organization, EIN Number, Agency, Amount, Agy #, U/A, Fiscal Conduit/Sponsoring Organization, Fiscal Conduit EIN. Lists various community organizations and their funding details.

CHART 2: Aging Discretionary

Table with columns: Member, Organization, EIN Number, Agency, Amount, Agy #, U/A, Fiscal Conduit/Sponsoring Organization, Fiscal Conduit EIN. Lists various community organizations and their funding details.

* Indicates pending completion of pre-qualification review.
** Requires a budget modification for the change to take effect
*** Correction from Previous Transparency Resolution

* Indicates pending completion of pre-qualification review.
** Requires a budget modification for the change to take effect
*** Correction from Previous Transparency Resolution

* Indicates pending completion of pre-qualification review.

CHART 4: Cultural After School Adventure (CASA)

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA *
Gonzalez	American Museum of the Moving Image - Public School 27K - Agnes V. Humphrey	11-2730714	DCA	(\$20,000.00)	126	022 *
Gonzalez	American Museum of the Moving Image - Public School 503K	11-2730714	DCA	\$20,000.00	126	022 *
Viverito	Education Through Music, Inc. - Public School 43X	13-3613210	DCA	(\$20,000.00)	126	003 *
Viverito	Big Apple Circus, Ltd. - Public School 43X	13-2906037	DCA	\$20,000.00	126	003 *

* Indicates pending completion of pre-qualification review.

CHART 3: Youth Discretionary

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA *	Fiscal Condit
Gardnick	Samaritan of New York, Inc.***	13-3184484	DYCD	(\$3,500.00)	260	312	
Fidler	Friends of Art and Design, Inc.***	13-2788278	DYCD	\$3,500.00	260	312	
Fidler	Casale Baseball Club, Inc.	11-2688901	DYCD	(\$2,000.00)	260	312	Bergen Basin Community Development Corporation abva Millennium Development 11-3198040
Crowley	Casale Baseball Club, Inc.	11-2688901	DYCD	\$2,000.00	260	312	
Crowley	Works Like Leagues, Inc.	11-2949074	DYCD	(\$3,000.00)	260	312	Greater Woodhaves Development Corporation 11-2508180
Fidler	Berget Beach Youth Organization	11-2688350	DYCD	(\$3,750.00)	260	312	Bergen Basin Community Development Corporation abva Millennium Development 11-3198040
William	St. Gabriel's Episcopal Church	11-2648393	DYCD	(\$4,000.00)	260	312	
Mosby	Fighting Obstacles Knowing Ultimate Success, Inc.	20-3150641	DYCD	(\$3,500.00)	260	312	
Mosby	New Life Evangelical Church of Christ	11-2980487	DYCD	\$3,500.00	260	312	
Crowley	Sacred Heart School	11-2202789	DYCD	\$3,200.00	260	312	Greater Ridgeview Youth Council 23-258792
Crowley	Berzon Parents Forum	69-070637	DYCD	(\$3,500.00)	260	312	Greater Ridgeview Youth Council 11-2518141
Brewer	Peace First New York, Inc.	04-3323467	DYCD	(\$3,500.00)	260	312	Greater Ridgeview Youth Council 11-2518141
Brewer	New York Theatrical Alliance	13-2788278	DYCD	(\$3,500.00)	260	312	
Viccia	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811	DYCD	\$1,000.00	260	312	
Brewer	Council on the Environment of New York City, Inc. DIB/A	13-2765468	DYCD	(\$3,500.00)	260	312	
Lapin	Council on the Environment of New York City, Inc. DIB/A	13-2765468	DYCD	(\$3,500.00)	260	312	
Lapin	Council on the Environment of New York City, Inc. DIB/A	13-2765468	DYCD	(\$10,000.00)	260	312	
Quinn	Council on the Environment of New York City, Inc. DIB/A	13-2765468	DYCD	\$10,000.00	260	312	
Crowley	St. Margaret's Sports Association	11-1723800	DYCD	(\$4,500.00)	260	312	Manegeth Town Hall, Inc. 23-258792
Crowley	St. Margaret's Sports Association	11-1723800	DYCD	\$4,500.00	260	312	
Osido	Staten Island Children's Campaign Charitable Trust	13-7081032	DYCD	(\$3,500.00)	260	312	United Activities Unlimited, Inc. 25-2971483
Wills	Bethany Baptist Church	11-2588705	DYCD	(\$9,000.00)	260	312	
Crowley	Young Leaders, Inc.	27-0105011	DYCD	\$9,000.00	260	312	Manegeth Town Hall, Inc. 23-258792
Crowley	Boy Scouts of America Cub Scout Pack 106	74-3190437	DYCD	\$1,000.00	260	312	Catholic Charities Neighborhood Services, Inc. 11-2047181
Genile	Asian Community United Society, Inc.	26-4184117	DYCD	(\$3,000.00)	260	312	Asian Community Council of Greater Conny 11-2887831
Genile	Asian Community United Society, Inc.	26-4184117	DYCD	\$1,000.00	260	312	Asian Community Council of Greater Conny 11-2887831

* Indicates pending completion of pre-qualification review.

CHART 5: Infant Mortality Reduction

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Christ the Rock	62-1823291	DOHMH	(\$18,606.94)	816	113 *
Christ the Rock World Restoration Church International, Inc.	62-1823291	DOHMH	\$18,606.94	816	113 *
			\$0.00		

* Indicates pending completion of pre-qualification review.

CHART 6: Asthma Control Program Initiative

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Long Island College Hospital	11-1018985	DOHMH	(\$55,000.00)	816	113 *
Queens Comprehensive Perinatal Council	11-2879422	DOHMH	\$55,000.00	816	113 *
			\$0.00		

* Indicates pending completion of pre-qualification review.

CHART 8: High Tech Connect

Organization	EIN Number	Agency	Amount	Agy #	UJA *
High Tech Connect	13-6400434	DSBS	(\$300,000.00)	801	006
Partnership For New York City, Inc.	13-3055559	DSBS	\$300,000.00	801	006 *
			\$0.00		

* Indicates pending completion of pre-qualification review.

CHART 7: HIV/AIDS Faith Based Initiative

Organization	EIN Number	Agency	Amount	Agy #	UJA *
First United Methodist Church of the Village	11-2342098	DCHMH	(\$6,400.00)	816	112
United Methodist Church of Corona	11-2342098	DCHMH	\$6,400.00	816	112
			\$0.00		

* Indicates pending completion of pre-qualification review.

CHART 10: Food Pantries

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Broadway Temple		DYCD	(\$8,889.00)	260	005
Catholic Charities Community Services, Archdiocese of New York	13-5562185	DYCD	\$8,889.00	260	005
			\$0.00		

* Indicates pending completion of pre-qualification review.

CHART 9: Jobs To Build On

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Jobs to Build On	13-6400434	DSBS	(\$4,000,000.00)	801	011
Consortium for Worker Education	13-3564313	DSBS	\$3,600,000.00	801	011 *
Department of Small Business Services-Administrative	13-6400434	DSBS	\$400,000.00	801	011
			\$0.00		

* Indicates pending completion of pre-qualification review.

CHART 12: Household Composting Pilot Program

Organization		EIN Number	Agency	Amount	Agy #	U/A *
GrowNYC (formerly Council on the Environment of New York City, Inc.)		13-2765465	DYCD	(\$45,000.00)	260	005
Council on the Environment of New York City, Inc. D/B/A GrowNYC		13-2765465	DYCD	\$45,000.00	260	005
				\$0.00		

* Indicates pending completion of pre-qualification review.

CHART 11: EBT at Food Markets

Organization		EIN Number	Agency	Amount	Agy #	U/A *
GrowNYC (formerly Council on the Environment of New York City, Inc.)		13-2765465	DYCD	(\$420,000.00)	260	005
Council on the Environment of New York City, Inc. D/B/A GrowNYC		13-2765465	DYCD	\$420,000.00	260	005
				\$0.00		

* Indicates pending completion of pre-qualification review.

CHART 14: Youth Discretionary-Fiscal 2010

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *	Fiscal Conduit Sponsoring Organization	Fiscal Conduit EIN
Gentile	Music Outreach - Learning Through Music, Inc.	13-6219897	DYCD	(\$3,000.00)	260	312	Bay Ridge Benschurist Beautification and Preservation Alliance, Inc.	11-3232333
Gentile	Music Outreach - Learning Through Music, Inc.	13-6219897	DYCD	\$3,000.00	260	312		
Gentile	Brooklyn Association of the Performing Arts, Inc.	26-2676766	DYCD	(\$2,500.00)	260	312	Bay Ridge Benschurist Beautification and Preservation Alliance, Inc.	11-3232333
Gentile	Brooklyn Association of the Performing Arts, Inc.	26-2676766	DYCD	\$2,500.00	260	312		
				\$0.00				

* Indicates pending completion of pre-qualification review.

CHART 13: Local Initiatives-Fiscal 2010

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *	Fiscal Conduit Sponsoring Organization	Fiscal Conduit EIN
CC	Educational Broadcasting Corporation (channel 13)	13-1945748	DYCD	(\$25,000.00)	260	312		
CC	Thirteen	13-1945748	DYCD	\$25,000.00	260	312		
				\$0.00				

* Indicates pending completion of pre-qualification review.

DOMENIC M. RECCHIA, JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, December 20, 2010.

On motion of the Speaker (Council Member Quinn), 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 Land Use

Report for L.U. No. 256

Report of the Committee on Land Use in favor of approving Application no. C 100287 ZSM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681of the Zoning Resolution to allow that portion of the railroad or transit right-of-way or yard on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), Borough of Manhattan, Community District 7.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 17, 2010 (Minutes, page 4864), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 256 & Res. No. 614 printed in the General Order Calendar section of these Minutes.)

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, December 8, 2010.

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. 257

Report of the Committee on Land Use in favor of approving Application no. C 100288 ZSM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with maximum capacity of 1,260 spaces on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), Borough of Manhattan, Community District 7.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 17, 2010 (Minutes, page 4864), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 257 & Res. No. 615 printed in the General Order Calendar section of these Minutes.)

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, December 8, 2010.

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. 258

Report of the Committee on Land Use in favor of approving Application no. C 100289 ZSM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with maximum capacity of 322 spaces on portions of the ground floor, cellar, sub-cellar 1 and subcellar 2 of a proposed mixed use development (Parcel 1), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), Borough of Manhattan, Community District 7. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 17, 2010 (Minutes, page 4865), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 258 & Res. No. 616 printed in the General Order Calendar section of these Minutes.)

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, December 8, 2010.

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. 259

Report of the Committee on Land Use in favor of approving Application no. C 100290 ZSM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with maximum capacity of 161 spaces on portions of the ground floor, cellar, sub-cellar 1 and subcellar 2 of a proposed mixed use development (Parcel 2), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), Borough of Manhattan, Community District 7. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 17, 2010 (Minutes, page 4865), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 259 & Res. No. 617 printed in the General Order Calendar section of these Minutes.)

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, December 8, 2010.

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. 260

Report of the Committee on Land Use in favor of approving Application no. C 100291 ZSM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with maximum capacity of 203 spaces on portions of the ground floor, cellar, sub-cellar 1 and subcellar 2 of a proposed mixed use development (Parcel 3), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), Borough of Manhattan, Community District 7. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 17, 2010 (Minutes, page 4866), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 260 & Res. No. 618 printed in the General Order Calendar section of these Minutes.)

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, December 8, 2010.

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. 261

Report of the Committee on Land Use in favor of approving Application no. C 100292 ZSM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with maximum capacity of 259 spaces on portions of the ground floor, cellar, sub-cellar 1 and subcellar 2 of a proposed mixed use development (Parcel 4), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), Borough of Manhattan, Community District 7. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 17, 2010 (Minutes, page 4866), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 261 & Res. No. 619 printed in the General Order Calendar section of these Minutes.)

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, December 8, 2010.

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. 262

Report of the Committee on Land Use in favor of approving Application no. C 100293 ZSM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with maximum capacity of 315 spaces on portions of the ground floor, cellar, sub-cellar 1 and subcellar 2 of a proposed mixed use development (Parcel 5), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), Community District 7.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 17, 2010 (Minutes, page 4867), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 262 & Res. No. 620 printed in the General Order Calendar section of these Minutes.)

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, December 8, 2010.

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. 263

Report of the Committee on Land Use in favor of approving Application no. N 100294 (A) ZRM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06 (c) (1) of the Uniform Land Use Review Procedure for amendment of the Zoning Resolution of the City of New York, concerning Section 23-144, Section 23-954, Section 74-743 and Appendix F, Borough of Manhattan, Community District 7.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 17, 2010 (Minutes, page 4867), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 263 & Res. No. 621 printed in the General Order Calendar section of these Minutes.)

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, December 8, 2010.

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. 264

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure Application no. N 100295 ZRM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for amendment of the Zoning

Resolution of the City of New York, concerning Section 74-74 and Section 74-744, Borough of Manhattan, Community District 7.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 17, 2010 (Minutes, page 4867), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 264 & Res. No. 622 printed in the General Order Calendar section of these Minutes.)

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, December 8, 2010.

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. 265

Report of the Committee on Land Use in favor of approving Application no. C 100296 (A)ZSM / M 920358 (D) ZSM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter, in accordance with Section 2-06 (c) (1) of the Uniform Land Use Review Procedure Rules, for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to allow the location of buildings without regard for the applicable court, distance between buildings, height and setback regulations; the modification of the definition of outer courts and the provisions of Section 23-84; modifications to the Inclusionary Housing Program; approval to modify the original Riverside South general large-scale permit and restrictive declaration in connection with a proposed mixed use development on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165) Borough of Manhattan, Community District 7.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 17, 2010 (Minutes, page 4868), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 265 & Res. No. 623 printed in the General Order Calendar section of these Minutes.)

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, December 8, 2010.

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. 266

Report of the Committee on Land Use in favor of approving Application no. C 100297 ZSM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744 of the Zoning Resolution to allow an automotive sales and services establishment on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), Borough of Manhattan, Community District 7.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 17, 2010 (Minutes, page 4868), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 266 & Res. No. 624 printed in the General Order Calendar section of these Minutes.)

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, December 8, 2010.

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. 272

Report of the Committee on Land Use in favor of approving Application no. 20115271 HKM (N 110093 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.433, LP-2368) by the Landmarks Preservation Commission of the Loew's Canal Street Theatre Building, located at 31 Canal Street (Block 297, part of Lot 1) as a historic landmark, Council District no. 1.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 30, 2010 (Minutes, page 4963), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 3 20115271 HKM (N 110093 HKM)

Designation by the Landmarks Preservation Commission (List No. 433/LP No. 2368), pursuant to Section 3020 of the New York City Charter, regarding the landmark designation of the Loew's Canal Street Theatre, located at 31 Canal Street (Tax Map Block 297, part of Lot 1), as an historic landmark.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: December 14, 2010

The Committee recommends that the Council approve the attached resolution and thereby affirm the designation.

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

Res. No. 610

Resolution affirming the designation by the Landmarks Preservation Commission of the Loew's Canal Street Theatre Building, located at 31 Canal Street (Tax Map Block 297, part of Lot 1), Borough of Manhattan, Designation List No. 433, LP-2368; L.U. No. 272; 20115271 HKM (N 110093 HKM).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on September 23, 2010 a copy of its designation dated September 14, 2010 (the "Designation"), of the Loew's Canal Street Theatre Building, located at 31 Canal Street, Community District 3, Borough of Manhattan, as a landmark and Tax Map Block 297, part of Lot 1, as its landmark site pursuant to Section 3020 of the New York City Charter;

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

WHEREAS, the City Planning Commission submitted to the Council on November 18, 2010 its report on the Designation dated November 17, 2010 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on December 14, 2010; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, December 8, 2010.

On motion of the Speaker (Council Member Quinn), 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. 273

Report of the Committee on Land Use in favor of approving Application no. 20115218 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Wogie's Inc. d.b.a Wogie's Bar & Grill to continue to maintain and operate an unenclosed sidewalk café located at 39 Greenwich Avenue, Borough of Manhattan, Council District no. 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 30, 2010 (Minutes, page 4963), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

20115218 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Wogie's, Inc., d/b/a Wogie's Bar & Grill, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 39 Greenwich Avenue.

INTENT

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

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: December 14, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the Petition.

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 611

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 39 Greenwich Avenue, Borough of Manhattan (20115218 TCM; L.U. No. 273).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on November 15, 2010 its approval dated November 12, 2010 of the petition of Wogie's, Inc., d/b/a Wogie's Bar & Grill, for a revocable consent to continue to maintain and operate an unenclosed small sidewalk café located at 39 Greenwich Avenue, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on December 14, 2010; and

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

RESOLVED:

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, December 8, 2010.

On motion of the Speaker (Council Member Quinn), 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. 274

Report of the Committee on Land Use in favor of approving Application no. 20115210 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Mestizo Inc. d.b.a Good Restaurant to continue to maintain and operate an unenclosed sidewalk café located at 89 Greenwich Avenue, Borough of Manhattan, Council District no. 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 30, 2010 (Minutes, page 4964), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

20115210 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Mestizo, Inc., d/b/a Good Restaurant, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 89 Greenwich Avenue.

INTENT

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

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: December 14, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the Petition.

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 612

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 89 Greenwich Avenue, Borough of Manhattan (20115210 TCM; L.U. No. 274).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on November 15, 2010 its approval dated November 12, 2010 of the petition of Mestizo, Inc., d/b/a Good Restaurant, for a revocable consent to continue to maintain and operate an unenclosed small sidewalk café located at 89 Greenwich Avenue, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on December 14, 2010; and

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

RESOLVED:

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, December 8, 2010.

On motion of the Speaker (Council Member Quinn), 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. 275

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application no. 20115001 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 753 Washington Trattoria Inc. d.b.a Baby Buddha to establish, maintain and operate an unenclosed sidewalk café located at 753 Washington Street, Borough of Manhattan, Council District no. 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 30, 2010 (Minutes, page 4964), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

20115001 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 753 Washington Trattoria, Inc., d/b/a Baby Buddha, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 753 Washington Street.

By submission dated December 9, 2010 and submitted to the City Council on December 10, 2010 the Applicant withdrew the Petition.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: December 14, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the motion to file pursuant to withdrawal by the Applicant.

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 613

Resolution approving a motion to file pursuant to withdrawal of the petition for a revocable consent for an unenclosed sidewalk café located at 753 Washington Street, Borough of Manhattan (20115001 TCM; L.U. No. 275).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on November 15, 2010 its approval dated November 12, 2010 of the petition of 753 Washington Trattoria, Inc., d/b/a Baby Buddha, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 753 Washington Street, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, by submission dated December 9, 2010, and submitted to the City Council on December 10, 2010, the Applicant withdrew the application.

RESOLVED:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, December 8, 2010.

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report of the Committee on Public Safety

Report for Int. No. 442

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 reports on school discipline and police department activity relating to schools.

The Committee on Public Safety, to which the annexed proposed local law was referred on December 8, 2010 (Minutes, page 5095), respectfully

REPORTS:

(For text of the Committee Report, Fiscal Impact Statement, and bill, please see the Report of the Committee on Education for Int No. 442 printed in the Reports of the Committee on Education section of these Minutes)

Accordingly, the Committee on Education and the Committee on Public Safety both recommend the adoption of Int No. 442.

PETER F. VALLONE, JR., Chairperson; ERIK MARTIN DILAN, VINCENT J. GENTILE, DANIEL R. GARODNICK, DAVID G. GREENFIELD, DANIEL J. HALLORAN, ERIC A. ULRICH, Committee on Public Safety, December 20, 2010.

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

GENERAL ORDER CALENDAR

Report for L.U. No. 256 & Res. No. 614

Report of the Committee on Land Use in favor of approving Application no. C 100287 ZSM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way or yard on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), Borough of Manhattan, Community District 7.

The Committee on Land Use, to which the annexed Land Use resolution was referred on November 17, 2010 (Minutes, page 4864) and originally reported to the Council on December 20, 2010, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 7

C 100287 ZSM

City Planning Commission decision approving an application submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter, in accordance with Section 2-06 (c) (1) of the Uniform Land Use Review Procedure Rules, for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way or yard which will be completely covered over by a permanent platform and that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area, in connection with a proposed mixed use development on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard.

INTENT

To facilitate the construction of a mixed-use development of approximately three million square feet of residential, commercial, and community facility floor area on a site bounded by West 61st Street, West End Avenue, West 59th Street, and the future alignment of Riverside Boulevard in Manhattan.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: December 8, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission with modifications.

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 614

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 100287 ZSM (L.U. No. 256), for the grant of a special permit* pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow that portion of the railroad or transit right-of-way or yard which will be completely covered over by a permanent platform and that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area, in connection with a proposed mixed use development on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 and 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End

Avenue, West 59th Street and Riverside Boulevard, Borough of Manhattan.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on November 1, 2010 its decision dated October 27, 2010 (the "Decision"), on the application submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP, pursuant to Sections 197-c and 201 of the New York City Charter, in accordance with Section 2-06 (c)(1) of the Uniform Land Use Review Procedure Rules, for the grant of a special permit pursuant to Section 74-68 1 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way or yard which will be completely covered over by a permanent platform and that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area, in connection with a proposed mixed use development on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 and 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard (ULURP No. C 100287 ZSM), Community District 7, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 100288 ZSM (L.U. No. 257), special permit pursuant to Sections 13-562 and 74-52 to allow a public parking garage with a maximum of 1,800 spaces; C 100289 ZSM (L.U. No. 258), C 100290 ZSM (L.U. No. 259), C 100291 ZSM (L.U. No. 260), C 100292 ZSM (L.U. No. 261), C 100293 ZSM (L.U. No. 262), special permits pursuant to Sections 13-562 and 74-52 to allow separate public parking garages with a maximum, respectively, of 460 spaces; 230 spaces; 290 spaces; 370 spaces; and 450 spaces; N 100294(A) ZRM (L.U. No. 263), zoning text amendment to Section 23-144 (In Designated Areas Where the Inclusionary Housing Program Is Applicable), Section 23-954 (Additional Requirements for Compensated Developments), Section 74- 743 (Special Provisions for Bulk Modification), and Appendix F (Inclusionary Housing Designated Areas) to: 1) allow the City Planning Commission to modify, by special permit, the definition of "outer court" to include any open area that is bounded on all sides but one by building walls and is not a yard or an inner court; 2) create a new Inclusionary Housing designated area consisting of the project site; 3) clarify which bulk regulations are applicable to the project site; and 3) allow the Commission to modify, by special permit, the base and maximum floor area ratios in Section 23-952 and the unit distribution requirements of Section 23-96(b); N 100295 ZRM (L.U. No. 264), zoning text amendment to Section 74-744 (Modification of Use Regulations) to allow the Commission to allow, by special permit, automotive sales and service establishments not otherwise permitted by underlying district regulations; C 100296(A) ZSM/M 920358 (D) ZSM (L.U. No. 265), special permit pursuant to Section 74-743 to modify, in a General Large- Scale Development, regulations governing required street wall, tower setbacks and locations, minimum distance between buildings, and courts and the base and maximum floor area ratios and unit distribution requirements in Section 23-90 (Inclusionary Housing) and a concurrent modification to the original Riverside South general large scale special permit and restrictive declaration; and C 100297 ZSM (L.U. No. 266), special permit pursuant to Section 74-744(a)(2) to modify use regulations to allow an automotive sales and service establishment in a general large- scale development;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-681 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 23, 2010;

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 and the Final Supplemental Environmental Impact Statement (FSEIS) for which a Notice of Completion was issued on October 15, 2010, with respect to the Application (CEQR No. 09DCP020M), and the CEQR Technical Memoranda issued on September 10, 2010 and October 26, 2010, with respect to modifications thereto set forth in the Decision, and the CEQR Technical Memorandum issued on December 15, 2010 with respect to the proposed modifications to the Decision;

RESOLVED:

Having considered the FSEIS and the Technical Memoranda dated September 10, 2010; October 26, 2010 and December 15, 2010, with respect to the Decision, the Council finds that:

- (1) The FSEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action to be approved (the Decision), with further modifications set forth and analyzed in the Technical Memorandum dated December 15, 2010, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FSEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration, Exhibit B, attached hereto by reference, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FSEIS and the Technical Memoranda, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision, and based on the environmental determination and consideration described in this report, C 100287 ZSM, incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter in [brackets] is old, to be deleted by the Council;
 Matter in double-underline is new, to be added by the Council.

1. The development that is the subject of this application (C 100287 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans prepared by Goldstein, Hill & West Architects, LLP, Philip Habib & Associates, and Mathews Nielsen Landscape Architects, filed with this application and incorporated in this resolution, and in accordance with the provisions and procedures set forth in the Restrictive Declaration:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-1R	Index of Drawings Zoning Calculations	[October 27, 2010] <u>December 15, 2010</u>
Z-8R	Zoning Compliance & Computations	[October 27, 2010] <u>December 15, 2010</u>
Z-15R	Zoning Lot Plan for Large Scale Plan, Railroad Yard & Right-of-Way Designation	[October 26, 2010] <u>December 15, 2010</u>
Z-100	Roof Plan / Site Plan	[October 27, 2010] <u>December 15, 2010</u>
Z-101	Ground Floor Plan with Building Maximum Envelopes	[October 27, 2010] <u>December 15, 2010</u>
Z-102	Zoning Compliance Tower Lot Coverage Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-103	Zoning Compliance Setback Compliance Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-104	Site Sections 1 of 2	[October 26, 2010] <u>December 15, 2010</u>
Z-105	Site Sections 2 of 2	[October 26, 2010] <u>December 15, 2010</u>
<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-106	Zoning Envelope Building 1	[October 26, 2010] <u>December 15, 2010</u>
Z-107	Zoning Envelope Building 2	[October 26, 2010] <u>December 15, 2010</u>
Z-108	Zoning Envelope Building 3	[October 27, 2010] <u>December 15, 2010</u>
Z-109	Zoning Envelope Building 4	[October 26, 2010] <u>December 15, 2010</u>
Z-110	Zoning Envelope Building 5	[October 26, 2010] <u>December 15, 2010</u>
Z-111	Building Overhang Diagrams Buildings 1 & 2	[October 26, 2010] <u>December 15, 2010</u>
Z-112	Building Overhang Diagrams Buildings 3, 4 & 5	[October 26, 2010] <u>December 15, 2010</u>
Z-113	Outer Court Diagrams	[October 26, 2010] <u>December 15, 2010</u>
Z-114	Inner Court Diagrams	[October 26, 2010] <u>December 15, 2010</u>
Z-115	Minimum Distance Diagrams	[October 26, 2010] <u>December 15, 2010</u>
Z-116	Ground Floor Elevation Streetscape Diagrams Building 1	[October 26, 2010] <u>December 15, 2010</u>
Z-117	Ground Floor Elevation Streetscape Diagrams Building 2	[October 26, 2010] <u>December 15, 2010</u>
Z-118	Ground Floor Elevation Streetscape Diagrams Building 3	[October 26, 2010] <u>December 15, 2010</u>
Z-119	Ground Floor Elevation Streetscape Diagrams Building 4	[October 26, 2010] <u>December 15, 2010</u>
Z-120	Ground Floor Elevation Streetscape Diagrams Building 5	[October 27, 2010] <u>December 15, 2010</u>
Z-121	Tower Top Diagrams	[October 27, 2010] <u>December 15, 2010</u>
Z-138	Ground Floor Auto Dealership Plan	[October 27, 2010] <u>December 15, 2010</u>
Z-139	Cellar Level Auto Dealership Plan	[October 27, 2010] <u>December 15, 2010</u>
Z-140	Ground Floor Garage Plan	[October 27, 2010] <u>December 15, 2010</u>
Z-141	Cellar Garage Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-142	Sub-Cellar 1 Garage Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-143	Sub-Cellar 2 Garage Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-144	Garage B-1 Ground Level	[October 27, 2010] <u>December 15, 2010</u>
Z-145	Garage B-1 Plan Cellar Level, Sub-Cellar 1 Level, Sub-Cellar 2 Level	[October 27, 2010] <u>December 15, 2010</u>
Z-146	Garage B-2 Ground Level	[October 27, 2010] <u>December 15, 2010</u>
Z-147	Garage B-2 Plan Cellar Level, Sub-Cellar 1 Level, Sub-Cellar 2 Level	[October 27, 2010] <u>December 15, 2010</u>
Z-148	Garage B-3 Ground Level	[October 27, 2010] <u>December 15, 2010</u>
Z-149	Garage B-3 Plan Cellar Level, Sub-Cellar 1 Level, Sub-Cellar 2 Level	October 27, 2010
<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>

Z-150	Garage B-4 Ground Level	[October 27, 2010] <u>December 15, 2010</u>
Z-151	Garage B-4 Plan Cellar Level, Sub-Cellar 1 Level, Sub-Cellar 2 Level	[October 27, 2010] <u>December 15, 2010</u>
Z-152	Garage B-5 Ground Level	[October 27, 2010] <u>December 15, 2010</u>
Z-153	Garage B-5 Plan Cellar Level, Sub-Cellar 1 Level, Sub-Cellar 2 Level	[October 27, 2010] <u>December 15, 2010</u>
Z-154	Public Access Easement and Parcelization	October 27, 2010
Z-166	Riverside Center Open Space Plan	[October 27, 2010] <u>December 15, 2010</u>
Z-167	Materials Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-168	Grading Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-169	Planting Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-170	Bench and Site Furnishing Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-171	Site Furnishings	[October 26, 2010] <u>December 15, 2010</u>
Z-172	Lighting Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-173	Site Lighting	[October 26, 2010] <u>December 15, 2010</u>
Z-174	Site Sections	[October 26, 2010] <u>December 15, 2010</u>
Z-175	Site Sections	[October 26, 2010] <u>December 15, 2010</u>
Z-176	Public Space and Access Easements Diagram	[October 26, 2010] <u>December 15, 2010</u>
Z-179	Public Space Signage Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-180	Parcel 1 Interim Open Space Plan	[October 27, 2010] <u>December 15, 2010</u>
Z-181	Parcel 4 Interim Open Space Plan	[October 27, 2010] <u>December 15, 2010</u>
Z-182	Interim Open Space on Platform	[October 26, 2010] <u>December 15, 2010</u>

On motion of the Speaker (Council Member Quinn), 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. 257 & Res. No. 615

Report of the Committee on Land Use in favor of approving Application no. C 100288 ZSM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with maximum capacity of 1,260 spaces on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), Borough of Manhattan, Community District 7.

The Committee on Land Use, to which the annexed Land Use resolution was referred on November 17, 2010 (Minutes, page 4864) and originally reported to the Council on December 20, 2010, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 7

C 100288 ZSM

City Planning Commission decision approving an application submitted by CRP/Extell Parcel L, L.P. and CRP/Extell Parcel N, L.P. pursuant to Sections 197-c and 201 of the New York City Charter, in accordance with Section 2-06 (c) (1) of the Uniform Land Use Review Procedure Rules, for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 1,260 spaces on portions of the ground floor, cellar, sub-cellar 1 and sub-cellar 2 of a proposed mixed use development on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard.

INTENT

To facilitate the construction of a mixed-use development of approximately three million square feet of residential, commercial, and community facility floor area on a site bounded by West 61st Street, West End Avenue, West 59th Street, and the future alignment of Riverside Boulevard in Manhattan.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: December 8, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission with modifications.

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 615

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 100288 ZSM (L.U. No. 257), for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 1,260 spaces on portions of the ground floor, cellar, sub-cellar 1 and sub-cellar 2 of a proposed mixed use development on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 and 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard, Borough of Manhattan.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on November 1, 2010 its decision dated October 27, 2010 (the "Decision"), on the application submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP, pursuant to Sections 197-c and 201 of the New York City Charter, in accordance with Section 2-06(c)(1) of the Uniform Land Use Review Procedure Rules, for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 1,260 spaces on portions of the ground floor, cellar, sub-cellar 1 and sub-cellar 2 of a proposed mixed use development on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 and 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard (ULURP No. C 100288 ZSM), Community District 7, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 100287 ZSM (L.U. No. 256), special permit pursuant to Section 74-681 to allow development in a former rail yard and over a railroad or transit right-of-way and to establish the reference plane of the development;; C 100289 ZSM (L.U. No. 258), C 100290 ZSM (L.U. No. 259), C 100291 ZSM (L.U. No. 260), C 100292 ZSM (L.U. No. 261), C 100293 ZSM (L.U. No. 262), special permits pursuant to Sections 13-562 and 74-52 to allow separate public parking garages with a maximum, respectively, of 460 spaces; 230 spaces; 290 spaces; 370 spaces; and 450 spaces; N 100294(A) ZRM (L.U. No. 263), zoning text amendment to Section 23-144 (In Designated Areas Where the Inclusionary Housing Program Is Applicable), Section 23-954 (Additional Requirements for Compensated Developments), Section 74- 743 (Special Provisions for Bulk Modification), and Appendix F (Inclusionary Housing Designated Areas) to: 1) allow the City Planning Commission to modify, by special permit, the definition of "outer court" to include any open area that is bounded on all sides but one by building walls and is not a yard or an inner court; 2) create a new Inclusionary Housing designated area consisting of the project site; 3) clarify which bulk regulations are applicable to the project site; and 3) allow the Commission to modify, by special permit, the base and maximum floor area ratios in Section 23-952 and the unit distribution requirements of Section 23-96(b); N 100295 ZRM (L.U. No. 264), zoning text amendment to Section 74-744 (Modification of Use Regulations) to allow the Commission to allow, by special permit, automotive sales and service establishments not otherwise permitted by underlying district regulations; C 100296(A) ZSM/M 920358 (D) ZSM (L.U. No. 265), special permit pursuant to Section 74-743 to modify, in a General Large- Scale Development, regulations governing required street wall, tower setbacks and locations, minimum distance between buildings, and courts and the base and maximum floor area ratios and unit distribution requirements in Section 23-90 (Inclusionary Housing) and a concurrent modification to the original Riverside South general large scale special permit and restrictive declaration; and C 100297 ZSM (L.U. No. 266), special permit pursuant to Section 74-744(a)(2) to modify use regulations to allow an automotive sales and service establishment in a general large- scale development;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-52 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 23, 2010;

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 and the Final Supplemental Environmental Impact Statement (FSEIS) for which a Notice of Completion was issued on October 15, 2010, with respect to the Application (CEQR No. 09DCP020M), and the CEQR Technical Memoranda issued on September 10, 2010 and October 26, 2010, with respect to modifications thereto set forth in the Decision, and the CEQR Technical Memorandum issued on December 15, 2010 with respect to the proposed modifications to the Decision;

RESOLVED:

Having considered the FSEIS and the Technical Memoranda issued on September 10, 2010, October 26, 2010 and December 15, 2010, with respect to the Decision, the Council finds that:

- (1) The FSEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action to be approved (the Decision), with further modifications set forth and analyzed in the Technical Memorandum dated December 15, 2010, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FSEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration, Exhibit B, attached hereto by reference, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FSEIS and the Technical Memoranda, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and based on the environmental determination and consideration described in this report, C 100288 ZSM, incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter in [brackets] is old, to be deleted by the Council;
 Matter in double-underline is new, to be added by the Council.

- 1. The development that is the subject of this application (C 100288 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans prepared by Philip Habib & Associates, filed with this application and incorporated in this resolution, and in accordance with the provisions and procedures set forth in the Restrictive Declaration:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-140	Ground Floor Garage Plan	[October 27, 2010] <u>December 15, 2010</u>
Z-141	Cellar Garage Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-142	Sub-Cellar 1 Garage Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-143	Sub-Cellar 2 Garage Plan	[October 26, 2010] <u>December 15, 2010</u>

On motion of the Speaker (Council Member Quinn), 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. 258 & Res. No. 616

Report of the Committee on Land Use in favor of approving Application no. C 100289 ZSM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with maximum capacity of 322 spaces on portions of the ground floor, cellar, sub-cellar 1 and subcellar 2 of a proposed mixed use development (Parcel 1), on property bounded by West 61st Street, West End Avenue, West 59th Street

and Riverside Boulevard (Block 1171, Lots 155 & 165), Borough of Manhattan, Community District 7. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

The Committee on Land Use, to which the annexed Land Use resolution was referred on November 17, 2010 (Minutes, page 4864) and originally reported to the Council on December 20, 2010, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 7

C 100289 ZSM

City Planning Commission decision approving an application submitted by CRP/Extell Parcel L, L.P. and CRP/Extell Parcel N, L.P. pursuant to Sections 197-c and 201 of the New York City Charter, in accordance with Section 2-06(c)(1) of the Uniform Land Use Review Procedure Rules, for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 322 spaces on portions of the ground floor, cellar, sub-cellar 1 and sub-cellar 2 of a proposed mixed use development (Parcel 1), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 and 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard.

INTENT

To facilitate the construction of a mixed-use development of approximately three million square feet of residential, commercial, and community facility floor area on a site bounded by West 61st Street, West End Avenue, West 59th Street, and the future alignment of Riverside Boulevard in Manhattan.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: December 8, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission with modifications.

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 616

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 100289 ZSM (L.U. No. 258), for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution of the City of New York to allow a public parking garage with a maximum capacity of 322 spaces on portions of the ground floor, cellar, sub-cellar 1 and sub-cellar 2 of a proposed mixed use development (Parcel 1), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 and 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard, Borough of Manhattan.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on November 1, 2010 its decision dated October 27, 2010 (the "Decision"), on the application submitted by CRP/Extell Parcel L, L.P. and CRP/Extell Parcel N, L.P., pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution of the City of New York to allow a public parking garage with a maximum capacity of 322 spaces on portions of the ground floor, cellar, sub-cellar 1 and sub-cellar 2 of a proposed mixed use development (Parcel 1), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside

Boulevard (Block 1171, Lots 155 and 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard (ULURP No. C 100289 ZSM), Community District 7, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 100287 ZSM (L.U. No. 256), special permit pursuant to Section 74-681 to allow development in a former rail yard and over a railroad or transit right-of-way and to establish the reference plane of the development; C 100288 ZSM (L.U. No. 257), special permit pursuant to Sections 13-562 and 74-52 to allow a public parking garage with a maximum of 1,800 spaces; C 100290 ZSM (L.U. No. 259), C 100291 ZSM (L.U. No. 260), C 100292 ZSM (L.U. No. 261), C 100293 ZSM (L.U. No. 262), special permits pursuant to Sections 13-562 and 74-52 to allow separate public parking garages with a maximum, respectively, of 460 spaces; 230 spaces; 290 spaces; 370 spaces; and 450 spaces; N 100294(A) ZRM (L.U. No. 263), zoning text amendment to Section 23-144 (In Designated Areas Where the Inclusionary Housing Program Is Applicable), Section 23-954 (Additional Requirements for Compensated Developments), Section 74- 743 (Special Provisions for Bulk Modification), and Appendix F (Inclusionary Housing Designated Areas) to: 1) allow the City Planning Commission to modify, by special permit, the definition of "outer court" to include any open area that is bounded on all sides but one by building walls and is not a yard or an inner court; 2) create a new Inclusionary Housing designated area consisting of the project site; 3) clarify which bulk regulations are applicable to the project site; and 3) allow the Commission to modify, by special permit, the base and maximum floor area ratios in Section 23-952 and the unit distribution requirements of Section 23-96(b); N 100295 ZRM (L.U. No. 264), zoning text amendment to Section 74-744 (Modification of Use Regulations) to allow the Commission to allow, by special permit, automotive sales and service establishments not otherwise permitted by underlying district regulations; C 100296(A) ZSM/M 920358 (D) ZSM (L.U. No. 265), special permit pursuant to Section 74-743 to modify, in a General Large- Scale Development, regulations governing required street wall, tower setbacks and locations, minimum distance between buildings, and courts and the base and maximum floor area ratios and unit distribution requirements in Section 23-90 (Inclusionary Housing) and a concurrent modification to the original Riverside South general large scale special permit and restrictive declaration; and C 100297 ZSM (L.U. No. 266), special permit pursuant to Section 74-744(a)(2) to modify use regulations to allow an automotive sales and service establishment in a general large- scale development;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-52 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 23, 2010;

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 and the Final Supplemental Environmental Impact Statement (FSEIS) for which a Notice of Completion was issued on October 15, 2010, with respect to the Application (CEQR No. 09DCP020M), and the CEQR Technical Memoranda issued on September 10, 2010 and October 26, 2010, with respect to modifications thereto set forth in the Decision, and the CEQR Technical Memorandum issued on December 15, 2010 with respect to the proposed modifications to the Decision;

RESOLVED:

Having considered the FSEIS and the Technical Memoranda dated September 10, 2010, October 26, 2010 and December 15, 2010, with respect to the Decision, the Council finds that:

- (1) The FSEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action to be approved (the Decision), with further modifications set forth and analyzed in the Technical Memorandum dated December 15, 2010, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FSEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration, Exhibit B, attached hereto by reference, those project components related to the environment and

mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and based on the environmental determination and consideration described in this report, C 100289 ZSM, incorporated by reference herein, the Council approves the Decision with the following modification:

Matter in [brackets] is old, to be deleted by the Council;

Matter in double-underline is new, to be added by the Council.

1. The development that is the subject of this application (C 100289 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans prepared by Philip Habib & Associates, filed with this application and incorporated in this resolution, and in accordance with the provisions and procedures set forth in the Restrictive Declaration

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-144	Garage B-1 Ground Level	[October 27, 2010] <u>December 15, 2010</u>
Z-145	Garage B-1 Plan Cellar Level, Sub-Cellar 1 Level, Sub-Cellar 2 Level	[October 27, 2010] <u>December 15, 2010</u>

On motion of the Speaker (Council Member Quinn), 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. 259 & Res. No. 617

Report of the Committee on Land Use in favor of approving Application no. C 100290 ZSM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with maximum capacity of 161 spaces on portions of the ground floor, cellar, sub-cellar 1 and subcellar 2 of a proposed mixed use development (Parcel 2), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), Borough of Manhattan, Community District 7.

The Committee on Land Use, to which the annexed Land Use resolution was referred on November 17, 2010 (Minutes, page 4865) and originally reported to the Council on December 20, 2010, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 7

C 100290 ZSM

City Planning Commission decision approving an application submitted by CRP/Extell Parcel L, L.P. and CRP/Extell Parcel N, L.P. pursuant to Sections 197-c and 201 of the New York City Charter, in accordance with Section 2-06(c)(1) of the Uniform Land Use Review Procedure Rules, for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 161 spaces on portions of the ground floor, cellar, sub-cellar 1 and sub-cellar 2 of a proposed mixed use development (Parcel 2), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 and 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard.

INTENT

To facilitate the construction of a mixed-use development of approximately three million square feet of residential, commercial, and community facility floor area on a site bounded by West 61st Street, West End Avenue, West 59th Street, and the future alignment of Riverside Boulevard in Manhattan.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: December 8, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission with modifications.

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 617

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 100290 ZSM (L.U. No. 259), for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 161 spaces on portions of the ground floor, cellar, sub-cellar 1 and sub-cellar 2 of a proposed mixed use development (Parcel 2), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 and 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard, Borough of Manhattan.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on November 1, 2010 its decision dated October 27, 2010 (the "Decision"), on the application submitted by CRP/Extell Parcel L, L.P. and CRP/Extell Parcel N, L.P., pursuant to Sections 197-c and 201 of the New York City Charter, in accordance

with Section 2-06(c)(1) of the Uniform Land Use Review Procedure Rules, for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 161 spaces on portions of the ground floor, cellar, sub-cellar 1 and sub-cellar 2 of a proposed mixed use development (Parcel 2), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 and 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard (ULURP No. C 100290 ZSM), Community District 7, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 100287 ZSM (L.U. No. 256), special permit pursuant to Section 74-681 to allow development in a former rail yard and over a railroad or transit right-of-way and to establish the reference plane of the development; C 100288 ZSM (L.U. No. 257), special permit pursuant to Sections 13-562 and 74-52 to allow a public parking garage with a maximum of 1,800 spaces; C 100289 ZSM (L.U. No. 258), C 100291 ZSM (L.U. No. 260), C 100292 ZSM (L.U. No. 261), C 100293 ZSM (L.U. No. 262), special permits pursuant to Sections 13-562 and 74-52 to allow separate public parking garages with a maximum, respectively, of 460 spaces; 230 spaces; 290 spaces; 370 spaces; and 450 spaces; N 100294(A) ZRM (L.U. No. 263), zoning text amendment to Section 23-144 (In Designated Areas Where the Inclusionary Housing Program Is Applicable), Section 23-954 (Additional Requirements for Compensated Developments), Section 74- 743 (Special Provisions for Bulk Modification), and Appendix F (Inclusionary Housing Designated Areas) to: 1) allow the City Planning Commission to modify, by special permit, the definition of "outer court" to include any open area that is bounded on all sides but one by building walls and is not a yard or an inner court; 2) create a new Inclusionary Housing designated area consisting of the project site; 3) clarify which bulk regulations are applicable to the project site; and 3) allow the Commission to modify, by special permit, the base and maximum floor area ratios in Section 23-952 and the unit distribution requirements of Section 23-96(b); N 100295 ZRM (L.U. No. 264), zoning text amendment to Section 74-744 (Modification of Use Regulations) to allow the Commission to allow, by special permit, automotive sales and service establishments not otherwise permitted by underlying district regulations; C 100296(A) ZSM/M 920358 (D) ZSM (L.U. No. 265), special permit pursuant to Section 74-743 to modify, in a General Large- Scale Development, regulations governing required street wall, tower setbacks and locations, minimum distance between buildings, and courts and the base and maximum floor area ratios and unit distribution requirements in Section 23-90 (Inclusionary Housing) and a concurrent modification to the original Riverside South general large scale special permit and restrictive declaration; and C 100297 ZSM (L.U. No. 266), special permit pursuant to Section 74-744(a)(2) to modify use regulations to allow an automotive sales and service establishment in a general large- scale development;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-52 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 23, 2010;

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 and the Final Supplemental Environmental Impact Statement (FSEIS) for which a Notice of Completion was issued on October 15, 2010, with respect to the Application (CEQR No. 09DCP020M), and the CEQR Technical Memoranda issued on September 10, 2010 and October 26, 2010, with respect to modifications thereto set forth in the Decision, and the CEQR Technical Memorandum issued on December 15, 2010 with respect to the proposed modifications to the Decision;

RESOLVED:

Having considered the FSEIS and the Technical Memoranda dated September 10, 2010; October 26, 2010 and December 15, 2010, with respect to the Decision, the Council finds that:

- (1) The FSEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action to be approved (the Decision), with further modifications set forth and analyzed in the Technical Memorandum dated December 15, 2010, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

- (3) The adverse environmental impacts disclosed in the FSEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration, Exhibit B, attached hereto by reference, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FSEIS and the Technical Memoranda, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision, and based on the environmental determination and consideration described in this report, C 100290 ZSM, incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter in [brackets] is old, to be deleted by the Council;
 Matter in double-underline is new, to be added by the Council.

- 1. The development that is the subject of this application (C 100290 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans prepared by Philip Habib & Associates, filed with this application and incorporated in this resolution, and in accordance with the provisions and procedures set forth in the Restrictive Declaration

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-146	Garage B-2 Ground Level	[October 27, 2010] <u>December 15, 2010</u>
Z-147	Garage B-2 Plan Cellar Level, Sub-Cellar 1 Level, Sub-Cellar 2 Level	[October 27, 2010] <u>December 15, 2010</u>

On motion of the Speaker (Council Member Quinn), 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. 260 & Res. No. 618

Report of the Committee on Land Use in favor of approving Application no. C 100291 ZSM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with maximum capacity of 203 spaces on portions of the ground floor, cellar, sub-cellar 1 and subcellar 2 of a proposed mixed use development (Parcel 3), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), Borough of Manhattan, Community District 7.

The Committee on Land Use, to which the annexed Land Use resolution was referred on November 17, 2010 (Minutes, page 4866) and originally reported to the Council on December 20, 2010, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 7

C 100291 ZSM

City Planning Commission decision approving an application submitted by CRP/Extell Parcel L, L.P. and CRP/Extell Parcel N, L.P. pursuant to Sections 197-c and 201 of the New York City Charter, in accordance with Section 2-06(c)(1) of the Uniform Land Use Review Procedure Rules, for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 203 spaces on portions of the ground floor, cellar, sub-cellar 1 and sub-cellar 2 of a proposed mixed use development (Parcel 3), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 and 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard.

INTENT

To facilitate the construction of a mixed-use development of approximately three million square feet of residential, commercial, and community facility floor area on a site bounded by West 61st Street, West End Avenue, West 59th Street, and the future alignment of Riverside Boulevard in Manhattan.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: December 8, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission with modifications.

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 618

Resolution approving with modification the decision of the City Planning Commission on ULURP No. C 100291 ZSM (L.U. No. 260), for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 203 spaces on portions of the ground floor, cellar, sub-cellar 1 and sub-cellar 2 of a proposed mixed use development (Parcel 3), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 and 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard, Borough of Manhattan.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on November 1, 2010 its decision dated October 27, 2010 (the "Decision"), on the application submitted by CRP/Extell Parcel L, L.P. and CRP/Extell Parcel N, L.P., pursuant to Sections 197-c and 201 of the New York City Charter, in accordance with Section 2-06(c)(1) of the Uniform Land Use Review Procedure Rules, for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 203 spaces on portions of the ground floor, cellar, sub-cellar 1 and sub-cellar 2 of a proposed mixed use development (Parcel 3), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 and 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard (ULURP No. C 100291 ZSM), Community District 7, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 100287 ZSM (L.U. No. 256), special permit pursuant to Section 74-681 to allow development in a former rail yard and over a railroad or transit right-of-way and to establish the reference plane of the development; C 100288 ZSM (L.U. No. 257), special permit pursuant to Sections 13-562 and 74-52 to allow a public parking garage with a maximum of 1,800 spaces; C 100289 ZSM (L.U. No. 258), C 100290 ZSM (L.U. No. 259), C 100292 ZSM (L.U. No. 261), C 100293 ZSM (L.U. No. 262), special permits pursuant to Sections 13-562 and 74-52 to allow separate public parking garages with a maximum, respectively, of 460 spaces; 230 spaces; 290 spaces; 370 spaces; and 450 spaces; N 100294(A) ZRM (L.U. No. 263), zoning text amendment to Section 23-144 (In Designated Areas Where the Inclusionary Housing Program Is Applicable), Section 23-954 (Additional Requirements for Compensated Developments), Section 74-743 (Special Provisions for Bulk Modification), and Appendix F (Inclusionary Housing Designated Areas) to: 1) allow the City Planning Commission to modify, by special permit, the definition of "outer court" to include any open area that is bounded on all sides but one by building walls and is not a yard or an inner court; 2) create a new Inclusionary Housing designated area consisting of the project site; 3) clarify which bulk regulations are applicable to the project site; and 3) allow the Commission to modify, by special permit, the base and maximum floor area ratios in Section 23-952 and the unit distribution requirements of Section 23-96(b); N 100295 ZRM (L.U. No. 264), zoning text amendment to Section 74-744 (Modification of Use Regulations) to allow the Commission to allow, by special permit, automotive sales and service establishments not otherwise permitted by underlying district regulations; C 100296(A) ZSM/M 920358 (D) ZSM (L.U. No. 265), special permit pursuant to Section 74-743 to modify, in a General Large- Scale Development, regulations governing required street wall, tower setbacks and locations, minimum distance between buildings, and courts and the base and maximum floor area ratios and unit distribution requirements in Section 23-90 (Inclusionary Housing) and a concurrent modification to the original Riverside South general large scale special permit and restrictive declaration; and C 100297 ZSM (L.U. No. 266), special permit pursuant to Section 74-744(a)(2) to modify use regulations to

allow an automotive sales and service establishment in a general large- scale development;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-52 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 23, 2010;

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 and the Final Supplemental Environmental Impact Statement (FSEIS) for which a Notice of Completion was issued on October 15, 2010, with respect to the Application (CEQR No. 09DCP020M), and the CEQR Technical Memoranda issued on September 10, 2010 and October 26, 2010, with respect to modifications thereto set forth in the Decision, and the CEQR Technical Memorandum issued on December 15, 2010 with respect to the proposed modifications to the Decision;

RESOLVED:

Having considered the FSEIS and the Technical Memoranda dated on September 10, 2010; October 26, 2010 and December 15, 2010, with respect to the Decision, the Council finds that:

- (1) The FSEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action to be approved (the Decision), with further modifications set forth and analyzed in the Technical Memorandum dated December 15, 2010, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FSEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration, Exhibit B, attached hereto by reference, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FSEIS and the Technical Memoranda, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision, and based on the environmental determination and consideration described in this report, C 100291 ZSM, incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter in [brackets] is old, to be deleted by the Council;
Matter in double-underline is new, to be added by the Council.

1. The development that is the subject of this application (C 100291 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans prepared by Philip Habib & Associates, filed with this application and incorporated in this resolution, and in accordance with the provisions and procedures set forth in the Restrictive Declaration

<u>Drawing No.</u>	<u>Title</u>	<u>Last</u>	<u>Date</u>
Z-148	Garage B-3 Ground Level	[October 27, 2010]	<u>December 15, 2010</u>
Z-149	Garage B-3 Plan Cellar Level, Sub-Cellar 1 Level, Sub-Cellar 2 Level	October 27, 2010	

On motion of the Speaker (Council Member Quinn), 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. 261 & Res. No. 619

Report of the Committee on Land Use in favor of approving Application no. C 100292 ZSM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with maximum capacity of 259 spaces on portions of the ground floor, cellar, sub-cellar 1 and subcellar 2 of a proposed mixed use development (Parcel 4), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), Borough of Manhattan, Community District 7.

The Committee on Land Use, to which the annexed Land Use resolution was referred on November 17, 2010 (Minutes, page 4866) and originally reported to the Council on December 20, 2010, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 7

C 100292 ZSM

City Planning Commission decision approving an application submitted by CRP/Extell Parcel L, L.P. and CRP/Extell Parcel N, L.P. pursuant to Sections 197-c and 201 of the New York City Charter, in accordance with Section 2-06(c)(1) of the Uniform Land Use Review Procedure Rules, for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 259 spaces on portions of the ground floor, cellar, sub-cellar 1 and sub-cellar 2 of a proposed mixed use development (Parcel 4), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 and 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard.

INTENT

To facilitate the construction of a mixed-use development of approximately three million square feet of residential, commercial, and community facility floor area on a site bounded by West 61st Street, West End Avenue, West 59th Street, and the future alignment of Riverside Boulevard in Manhattan.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: December 8, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission with modifications.

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 619

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 100292 ZSM (L.U. No. 261), for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 259 spaces on portions of the ground floor, cellar, sub-cellar 1 and sub-cellar 2 of a proposed mixed use development (Parcel 4), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 and 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard, Borough of Manhattan.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on November 1, 2010 its decision dated October 27, 2010 (the "Decision"), on the application submitted by CRP/Extell Parcel L, L.P. and CRP/Extell Parcel N, L.P., pursuant to Sections 197-c and 201 of the New York City Charter, in accordance with Section 2-06 (c) (1) of the Uniform Land Use Review Procedure Rules, for

the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 259 spaces on portions of the ground floor, cellar, sub-cellar 1 and sub-cellar 2 of a proposed mixed use development (Parcel 4), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 and 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard (ULURP No. C 100292 ZSM), Community District 7, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 100287 ZSM (L.U. No. 256), special permit pursuant to Section 74-681 to allow development in a former rail yard and over a railroad or transit right-of-way and to establish the reference plane of the development; C 100288 ZSM (L.U. No. 257), special permit pursuant to Sections 13-562 and 74-52 to allow a public parking garage with a maximum of 1,800 spaces; C 100289 ZSM (L.U. No. 258), C 100290 ZSM (L.U. No. 259), C 100291 ZSM (L.U. No. 260), C 100293 ZSM (L.U. No. 262), special permits pursuant to Sections 13-562 and 74-52 to allow separate public parking garages with a maximum, respectively, of 460 spaces; 230 spaces; 290 spaces; 370 spaces; and 450 spaces; N 100294(A) ZRM (L.U. No. 263), zoning text amendment to Section 23-144 (In Designated Areas Where the Inclusionary Housing Program Is Applicable), Section 23-954 (Additional Requirements for Compensated Developments), Section 74- 743 (Special Provisions for Bulk Modification), and Appendix F (Inclusionary Housing Designated Areas) to: 1) allow the City Planning Commission to modify, by special permit, the definition of "outer court" to include any open area that is bounded on all sides but one by building walls and is not a yard or an inner court; 2) create a new Inclusionary Housing designated area consisting of the project site; 3) clarify which bulk regulations are applicable to the project site; and 3) allow the Commission to modify, by special permit, the base and maximum floor area ratios in Section 23-952 and the unit distribution requirements of Section 23-96(b); N 100295 ZRM (L.U. No. 264), zoning text amendment to Section 74-744 (Modification of Use Regulations) to allow the Commission to allow, by special permit, automotive sales and service establishments not otherwise permitted by underlying district regulations; C 100296(A) ZSM/M 920358 (D) ZSM (L.U. No. 265), special permit pursuant to Section 74-743 to modify, in a General Large- Scale Development, regulations governing required street wall, tower setbacks and locations, minimum distance between buildings, and courts and the base and maximum floor area ratios and unit distribution requirements in Section 23-90 (Inclusionary Housing) and a concurrent modification to the original Riverside South general large scale special permit and restrictive declaration; and C 100297 ZSM (L.U. No. 266), special permit pursuant to Section 74-744(a)(2) to modify use regulations to allow an automotive sales and service establishment in a general large- scale development;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-52 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 23, 2010;

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 and the Final Supplemental Environmental Impact Statement (FSEIS) for which a Notice of Completion was issued on October 15, 2010, with respect to the Application (CEQR No. 09DCP020M), and the CEQR Technical Memoranda issued on September 10, 2010 and October 26, 2010, with respect to modifications thereto set forth in the Decision, and the CEQR Technical Memorandum issued on December 15, 2010 with respect to the proposed modifications to the Decision;

RESOLVED:

Having considered the FSEIS and the Technical Memoranda dated September 10, 2010; October 26, 2010 and December 15, 2010, with respect to the Decision, the Council finds that:

- (1) The FSEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action to be approved (the Decision), with further modifications set forth and analyzed in the Technical Memorandum dated December 15, 2010, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

- (3) The adverse environmental impacts disclosed in the FSEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration, Exhibit B, attached hereto by reference, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FSEIS and the Technical Memoranda, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision, and based on the environmental determination and consideration described in this report, C 100292 ZSM, incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter in [brackets] is old, to be deleted by the Council;
 Matter in double-underline is new, to be added by the Council.

- 1. The development that is the subject of this application (C 100292 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans prepared by Philip Habib & Associates, filed with this application and incorporated in this resolution, and in accordance with the provisions and procedures set forth in the Restrictive Declaration

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-150	Garage B-4 Ground Level	[October 27, 2010] <u>December 15, 2010</u>
Z-151	Garage B-4 Plan Cellar Level, Sub-Cellar 1 Level, Sub-Cellar 2 Level	[October 27, 2010] <u>December 15, 2010</u>

On motion of the Speaker (Council Member Quinn), 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. 262 & Res. No. 620

Report of the Committee on Land Use in favor of approving Application no. C 100293 ZSM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with maximum capacity of 315 spaces on portions of the ground floor, cellar, sub-cellar 1 and subcellar 2 of a proposed mixed use development (Parcel 5), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), Community District 7.

The Committee on Land Use, to which the annexed Land Use resolution was referred on November 17, 2010 (Minutes, page 4867) and originally reported to the Council on December 20, 2010, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 7

C 100293 ZSM

City Planning Commission decision approving an application submitted by CRP/Extell Parcel L, L.P. and CRP/Extell Parcel N, L.P. pursuant to Sections 197-c and 201 of the New York City Charter, in accordance with Section 2-06(c)(1) of the Uniform Land Use Review Procedure Rules, for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 315 spaces on portions of the ground floor, cellar, sub-cellar 1 and sub-cellar 2 of a proposed mixed use development (Parcel 5), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 and 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard.

INTENT

To facilitate the construction of a mixed-use development of approximately three million square feet of residential, commercial, and community facility floor area on a site bounded by West 61st Street, West End Avenue, West 59th Street, and the future alignment of Riverside Boulevard in Manhattan.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: December 8, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission with modifications.

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 620

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 100293 ZSM (L.U. No. 262), for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 315 spaces on portions of the ground floor, cellar, sub-cellar 1 and sub-cellar 2 of a proposed mixed use development (Parcel 5), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 and 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard, Borough of Manhattan.

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on November 1, 2010 its decision dated October 27, 2010 (the "Decision"), on the application submitted by CRP/Extell Parcel L, L.P. and CRP/Extell Parcel N, L.P., pursuant to Sections 197-c and 201 of the New York City Charter, in accordance with Section 2-06 (c) (1) of the Uniform Land Use Review Procedure Rules, for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 315 spaces on portions of the ground floor, cellar, sub-cellar 1 and sub-cellar 2 of a proposed mixed use development (Parcel 5), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 and 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard (ULURP No. C 100293 ZSM), Community District 7, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 100287 ZSM (L.U. No. 256), special permit pursuant to Section 74-681 to allow development in a former rail yard and over a railroad or transit right-of-way and to establish the reference plane of the development; C 100288 ZSM (L.U. No. 257), special permit pursuant to Sections 13-562 and 74-52 to allow a public parking garage with a maximum of 1,800 spaces; C 100289 ZSM (L.U. No. 258), C 100290 ZSM (L.U. No. 259), C 100291 ZSM (L.U. No. 260), C 100292 ZSM (L.U. No. 261), special permits pursuant to Sections 13-562 and 74-52 to allow separate public parking garages with a maximum, respectively, of 460 spaces; 230 spaces; 290 spaces; 370 spaces; and 450 spaces; N 100294(A) ZRM (L.U. No. 263), zoning text amendment to Section 23-144 (In Designated Areas Where the Inclusionary Housing Program Is Applicable), Section 23-954 (Additional Requirements for Compensated Developments), Section 74- 743 (Special Provisions for Bulk Modification), and Appendix F (Inclusionary Housing Designated Areas) to: 1) allow the City Planning Commission to modify, by special permit, the definition of "outer court" to include any open area that is bounded on all sides but one by building walls and is not a yard or an inner court; 2) create a new Inclusionary Housing designated area consisting of the project site; 3) clarify which bulk regulations are applicable to the project site; and 3) allow the Commission to modify, by special permit, the base and maximum floor area ratios in Section 23-952 and the unit distribution requirements of Section 23-96(b); N 100295 ZRM (L.U. No. 264), zoning text amendment to Section 74-744 (Modification of Use Regulations) to allow the Commission to allow, by special permit, automotive sales and service establishments not otherwise permitted by underlying district regulations; C 100296(A) ZSM/M 920358 (D) ZSM (L.U. No. 265), special permit pursuant to Section 74-743 to modify, in a General Large- Scale Development, regulations governing required street wall, tower setbacks and locations, minimum distance between buildings, and courts and the base and maximum floor area ratios and unit distribution requirements in Section 23-90 (Inclusionary Housing) and a concurrent modification to the original Riverside South general large scale special permit and restrictive declaration; and C 100297 ZSM (L.U. No. 266),

special permit pursuant to Section 74-744(a)(2) to modify use regulations to allow an automotive sales and service establishment in a general large- scale development;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-52 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 23, 2010;

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 and the Final Supplemental Environmental Impact Statement (FSEIS) for which a Notice of Completion was issued on October 15, 2010, with respect to the Application (CEQR No. 09DCP020M), and the CEQR Technical Memoranda issued on September 10, 2010 and October 26, 2010, with respect to modifications thereto set forth in the Decision, and the CEQR Technical Memorandum issued on December 15, 2010 with respect to the proposed modifications to the Decision;

RESOLVED:

Having considered the FSEIS and the Technical Memoranda dated September 10, 2010; October 26, 2010 and December 15, 2010, with respect to the Decision, the Council finds that:

- (1) The FSEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action to be approved (the Decision), with further modifications set forth and analyzed in the Technical Memorandum dated December 15, 2010, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FSEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration, Exhibit B, attached hereto by reference, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FSEIS and the Technical Memoranda, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision, and based on the environmental determination and consideration described in this report, C 100293 ZSM, incorporated by reference herein, the Council approves the Decision with modifications:

Matter in [brackets] is old, to be deleted by the Council;

Matter in double-underline is new, to be added by the Council.

1. The development that is the subject of this application (C 100293 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans prepared by Philip Habib & Associates, filed with this application and incorporated in this resolution, and in accordance with the provisions and procedures set forth in the Restrictive Declaration

<u>Drawing No.</u>	<u>Title</u>
Z-152	Garage B-5 Ground Level [October 27, 2010] <u>December 15, 2010</u>
Z-153	Garage B-5 Plan Cellar Level, Sub-Cellar 1 Level, Sub-Cellar 2 Level[October 27, 2010] <u>December 15, 2010</u>

On motion of the Speaker (Council Member Quinn), 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. 263 & Res. No. 621

Report of the Committee on Land Use in favor of approving Application no. N 100294 (A) ZRM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06 (c) (1) of the Uniform Land Use Review Procedure for amendment of the Zoning Resolution of the City of New York, concerning Section 23-144, Section 23-954, Section 74-743 and Appendix F, Borough of Manhattan, Community District 7.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 17, 2010 (Minutes, page 4867), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 7

N 100294(A) ZRM

City Planning Commission decision approving an application submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter, in accordance with Section 2-06(c)(1) of the Uniform Land Use Review Procedure Rules, for an amendment of the Zoning Resolution of the City of New York, concerning Section 23-144 (In designated areas where the Inclusionary Housing Program is applicable), Section 23-954 (Additional requirements for compensated developments), Section 74-743 (Special provisions for bulk modification), and Appendix F (Inclusionary Housing Designated Areas).

INTENT

To facilitate the construction of a mixed-use development of approximately three million square feet of residential, commercial, and community facility floor area on a site bounded by West 61st Street, West End Avenue, West 59th Street, and the future alignment of Riverside Boulevard in Manhattan.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: December 8, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission with modifications.

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 621

Resolution approving the decision of the City Planning Commission on Application No. N 100294 (A) ZRM, in accordance with Section 2-06(c)(1) of the Uniform Land Use Review Procedure Rules for an amendment of the Zoning Resolution of the City of New York, concerning Section 23-144 (In designated areas where the Inclusionary Housing Program is applicable), Section 23-954 (Additional requirements for compensated developments), Section 74-743 (Special provisions for bulk modification), and Appendix F (Inclusionary Housing Designated Areas), Borough of Manhattan (L.U. No. 263).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on November 1, 2010 its decision dated October 27, 2010 (the "Decision"), pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification in accordance with Section 2-06 (c) (1) of the Uniform Land Use Review Procedure Rules, regarding an application submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP, for an amendment of the Zoning Resolution of the City of New York, concerning Section 23-144 (In designated areas where the Inclusionary Housing Program is applicable), Section 23-954 (Additional requirements for compensated developments), Section 74-743 (Special provisions for bulk

modification), and Appendix F (Inclusionary Housing Designated Areas), to facilitate construction of a mixed-use development of approximately three million square feet of residential, commercial, and community facility floor area and public parking on a site bounded by West 61st Street, West End Avenue, West 59th Street, and the future alignment of Riverside Boulevard (Application No. N 100294 (A) ZRM), Community District 7, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 100287 ZSM (L.U. No. 256), special permit pursuant to Section 74-681 to allow development in a former rail yard and over a railroad or transit right-of-way and to establish the reference plane of the development; C 100288 ZSM (L.U. No. 257), special permit pursuant to Sections 13-562 and 74-52 to allow a public parking garage with a maximum of 1,800 spaces; C 100289 ZSM (L.U. No. 258), C 100290 ZSM (L.U. No. 259), C 100291 ZSM (L.U. No. 260), C 100292 ZSM (L.U. No. 261), C 100293 ZSM (L.U. No. 262), special permits pursuant to Sections 13-562 and 74-52 to allow separate public parking garages with a maximum, respectively, of 460 spaces; 230 spaces; 290 spaces; 370 spaces; and 450 spaces; N 100295 ZRM (L.U. No. 264), zoning text amendment to Section 74-744 (Modification of Use Regulations) to allow the Commission to allow, by special permit, automotive sales and service establishments not otherwise permitted by underlying district regulations; C 100296(A) ZSM/M 920358 (D) ZSM (L.U. No. 265), special permit pursuant to Section 74-743 to modify, in a General Large- Scale Development, regulations governing required street wall, tower setbacks and locations, minimum distance between buildings, and courts and the base and maximum floor area ratios and unit distribution requirements in Section 23-90 (Inclusionary Housing) and a concurrent modification to the original Riverside South general large scale special permit and restrictive declaration; and C 100297 ZSM (L.U. No. 266), special permit pursuant to Section 74-744(a)(2) to modify use regulations to allow an automotive sales and service establishment in a general large- scale development;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 23, 2010;

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 and the Final Supplemental Environmental Impact Statement (FSEIS) for which a Notice of Completion was issued on October 15, 2010, with respect to the Application (CEQR No. 09DCP020M), and the CEQR Technical Memoranda issued on September 10, 2010 and October 26, 2010, with respect to modifications thereto set forth in the Decision, and the CEQR Technical Memorandum issued on December 15, 2010 with respect to the proposed modifications to the Decision;

RESOLVED:

Having considered the FSEIS and the Technical Memoranda dated September 10, 2010; October 26, 2010 and December 15, 2010, with respect to the Decision, the Council finds that:

- (1) The FSEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action to be approved (the Decision), with further modifications set forth and analyzed in the Technical Memorandum dated December 15, 2010, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FSEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration, Exhibit B, attached hereto by reference, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FSEIS and the Technical Memoranda, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision, and based on the environmental determination and consideration described in this report, N 100294 (A) ZRM, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;
 Matter in ~~strikeout~~ is old, to be deleted;
 Matter within # # is defined in Section 12-10;
 * * * indicates where unchanged text appears in the Zoning Resolution

* * *

ARTICLE II: RESIDENCE DISTRICT REGULATIONS

* * *

**Chapter 3
 Bulk Regulations for Residential Buildings in Residence Districts**

* * *

**23-144
 In designated areas where the Inclusionary Housing Program is applicable**

In #Inclusionary Housing designated areas#, as listed in the table in this Section, the maximum permitted #floor area ratios# shall be as set forth in Section 23-952 (Floor area compensation in Inclusionary Housing designated areas). The locations of such areas are specified in APPENDIX F (Inclusionary Housing Designated Areas) of this Resolution.

Community District	Zoning District
Community District 1, Bronx	R6A R7-2 R7A R7X R8A
Community District 4, Bronx	R8A R9D
Community District 1, Brooklyn	R6 R6A R6B R7A R7-3
Community District 2, Brooklyn	R7A R8A R9A
Community District 3, Brooklyn	R7D
Community District 6, Brooklyn	R7-2
Community District 7, Brooklyn	R7A R8A
Community District 14, Brooklyn	R7A
Community District 3, Manhattan	R7A R8A R9A
Community District 6, Manhattan	R10
Community District 7, Manhattan	R9A R10
Community District 1, Queens	R7A
Community District 2, Queens	R7X

* * *

**23-954
 Additional requirements for compensated developments**

- (a) Height and setback in #Inclusionary Housing designated areas#
 - (1) In #Inclusionary Housing designated areas#, except within #Special Mixed Use Districts# and #general large-scale developments# in C4-7 Districts within the boundaries of Manhattan Community District 7, subject to the provisions of a restrictive declaration, the #compensated development# must comply with the height and setback regulations of Sections 23-633 (Street wall location and height and setback regulations in certain districts) or 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts), as applicable.
 - (2) In #Inclusionary Housing designated areas# within #Special Mixed Use Districts#, the #compensated development# must comply with the provisions of paragraphs (a) or (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations), as applicable. However, where the #Residence District# designation is an R6 District without a letter suffix, the #compensated development# must comply with the height and setback regulations of Section 23-633, regardless of whether the #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.
- (b) Compensated development building permits
 - (1) #HPD# may issue a #permit notice# to the Department of Buildings at any time on or after the #regulatory agreement date#. The Department of Buildings may thereafter issue building permits

to a #compensated development# that utilizes #floor area compensation# based on the #affordable housing# described in such #permit notice#.

- (2) If #HPD# does not receive confirmation that the #regulatory agreement# has been recorded within 45 days after the later of the #regulatory agreement date# or the date upon which #HPD# authorizes the recording of the #regulatory agreement#, #HPD# shall suspend or revoke such #permit notice#, notify the Department of Buildings of such suspension or revocation and not reinstate such #permit notice# or issue any new #permit notice# until #HPD# receives confirmation that the #regulatory agreement# has been recorded. Upon receipt of notice from #HPD# that a #permit notice# has been suspended or revoked, the Department of Buildings shall suspend or revoke each building permit issued pursuant to such #permit notice# which is then in effect for any #compensated development#.
- (c) Compensated development certificates of occupancy
 - (1) The Department of Buildings shall not issue a temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area compensation# until #HPD# has issued a #completion notice# with respect to the #affordable housing# that generates such #floor area compensation#. However, where any #story# of a #compensated development# contains one or more #affordable housing units#, the Department of Buildings may issue any temporary or permanent certificate of occupancy for such #story# if such temporary or permanent certificate of occupancy either includes each #affordable housing unit# located in such #story# or only includes #dwelling units# or #rooming units# that are #affordable housing units#. Nothing in the preceding sentence shall be deemed to prohibit the granting of a temporary or permanent certificate of occupancy for a #super's unit#.
 - (2) #HPD# shall not issue a #completion notice# with respect to any portion of any #generating site# unless:
 - (i) the Department of Buildings has issued temporary or permanent certificates of occupancy for all #affordable housing# described in such #completion notice# and such certificates of occupancy have not expired, been suspended or been revoked; or
 - (ii) where a #generating site# contains #affordable housing# that had a valid certificate of occupancy on the #regulatory agreement date# and no new temporary or permanent certificate of occupancy is thereafter required for the creation of such #affordable housing#, #HPD# has determined that all renovation and repair work required by the applicable #regulatory agreement# has been completed and all obligations with respect to the creation of such #affordable housing# have been fulfilled in accordance with the applicable #regulatory agreement#.

* * *

ARTICLE VII: ADMINISTRATION

* * *

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

* * *

**74-743
 Special provisions for bulk modification**

- (a) For a #general large-scale development#, the City Planning Commission may permit:
 - (1) distribution of total allowable #floor area#, #rooming units#, #dwelling units#, #lot coverage# and total required #open space# under the applicable district regulations within a #general large-scale development# without regard for #zoning lot lines# or district boundaries subject to the following limitations:

- (i) no distribution of #bulk# across the boundary of two districts shall be permitted for a #use# utilizing such #bulk# unless such #use# is permitted in both districts;
- (ii) when a #general large-scale development# is located partially in a #Residence District# or in a C1, C2, C3 or C4-1 District and partially in other #Commercial# or #Manufacturing Districts#, no transfer of commercial #floor area# to a #Residence District# or to a C1, C2, C3 or C4-1 District from other districts shall be permitted;
- (2) location of #buildings# without regard for the applicable #yard#, #court#, distance between #buildings#, or height and setback regulations;
- (3) variation in the location of primary business entrances and #show windows# along frontages adjacent to #zoning lots# outside the #general large-scale development# without regard to regulations applicable near #Residence District# boundaries;
- (4) the maximum #floor area ratio# permitted pursuant to Section 23-142 (In R6, R7, R8 or R9 Districts) for the applicable district without regard for #height factor# or #open space ratio# requirements provided that the #general large-scale development# is located partially in a C6-1, C6-2 or C6-3 District within the boundaries of Community District 7 in Manhattan and that a minimum of 50 percent of the required #open space# is provided within the #general large-scale development#. Required #open space# for the purposes of this paragraph, (a)(4), shall be calculated by utilizing the smallest #open space ratio# at the maximum #floor area ratio# pursuant to Section 23-142 for the applicable district;
- (5) in an #Inclusionary Housing designated area# in a C4-6 or C5 District:
- (i) a portion of the #lot area# that contains a wholly #commercial building# to be excluded from the calculation of #floor area# for any other #buildings# on the remainder of the #zoning lot#; or
- (ii) community facility #floor area# located above the ground floor to be excluded from the calculation of the amount of #affordable housing# required pursuant to Section 23-95; or
- (6) modification of the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) for #developments# or #enlargements#, where:
- (i) the required minimum distance as set forth in Section 23-86 is provided between the #legally required window# in the new #development# or #enlargement# and a wall or #lot line # on an abutting property; and
- (ii) the required minimum distance is provided by a light and air easement acceptable to the Department of City Planning and recorded in the County Clerk's office in the county in which such tracts of land are located.
- (7) modification of the definition of #outer court# in Section 12-10 (DEFINITIONS) and the provisions of Section 23-84 (Outer Court Regulations) to include any open area that is bounded on all sides but one by building walls and is not otherwise a #yard# or an #inner court#, provided that:
- (i) such modifications are permitted only for #general large-scale developments# previously approved by the City Planning Commission in a C4-7 District within the boundaries of Manhattan Community District 7; and
- (ii) the minimum distance between a #legally required window# facing onto such #outer court# and a building wall shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to such window for the full width of the rough window opening.
- (8) In an #Inclusionary Housing designated area# in a C4-7 district within the boundaries of Manhattan Community District 7, for the purpose of applying the Inclusionary Housing Program within such #Inclusionary Housing designated area#:
- (i) modification of the base and maximum #floor area ratios# specified in Section 23-952, not to exceed the maximum #floor area ratios# permitted by the underlying district, based on a proportionality between #affordable floor area# and #residential floor area# in #buildings# containing multiple #uses#; and
- (ii) modification of the requirements regarding distribution of #affordable housing units# specified in Section 23-96(b) as set forth in a restrictive declaration.
- (b) In order to grant a special permit pursuant to this Section for any #general large-scale development#, the Commission shall find that:
- (1) the distribution of #floor area#, #open space#, #dwelling units#, #rooming units# and the location of #buildings#, primary business entrances and #show windows# will result in a better site plan and a better relationship among #buildings# and open areas to adjacent #streets#, surrounding #development#, adjacent open areas and shorelines than would be possible without such distribution and will thus benefit both the occupants of the #general large-scale development#, the neighborhood, and the City as a whole;
- (2) the distribution of #floor area# and location of #buildings# will not unduly increase the #bulk# of #buildings# in any one #block# or unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks# or of people using the public #streets#;
- (3) where a #zoning lot# of a #general large-scale development# does not occupy a frontage on a mapped #street#, appropriate access to a mapped #street# is provided;
- (4) considering the size of the proposed #general large-scale development#, the #streets# providing access to such #general large-scale development# will be adequate to handle traffic resulting therefrom;
- (5) when the Commission has determined that the #general large-scale development# requires significant addition to existing public facilities serving the area, the applicant has submitted to the Commission a plan and timetable to provide such required additional facilities. Proposed facilities that are incorporated into the City's capital budget may be included as part of such plan and timetable;
- (6) where the Commission permits the maximum #floor area ratio# in accordance with the provisions of paragraph (a)(4) of this Section, the #open space# provided is of sufficient size to serve the residents of new or #enlarged buildings#. Such #open space# shall be accessible to and usable by all residents of such new or #enlarged buildings#, have appropriate access, circulation, seating, lighting and paving, and be substantially landscaped. Furthermore, the site plan of such #general large-scale development# shall include superior landscaping for #open space# of the new or #enlarged buildings#;
- (7) where the Commission permits the exclusion of #lot area# or #floor area# in accordance with the provisions of paragraph (a)(5) of this Section or modification of the base and maximum #floor area ratios# or requirements regarding distribution of #affordable housing units# in accordance with paragraph (a)(8) of this Section, such modification will facilitate a desirable mix of #uses# in the #general large-scale development# and a plan consistent with the objectives of the Inclusionary Housing Program and those of Section 74-74 (General Large-Scale Development) with respect to better site planning; and
- (8) a declaration with regard to ownership requirements in paragraph (b) of the #general large-scale development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.
- The Commission may prescribe additional conditions and safeguards to improve the quality of the #general large-scale development# and to minimize adverse effects on the character of the surrounding area.
- For a phased construction program of a multi-building complex, the Commission may, at the time of granting a special permit, require additional information, including but not limited to a proposed time schedule for carrying out the proposed #general large-scale development#, a phasing plan showing the

distribution of #bulk# and #open space# and, in the case of a site plan providing for common #open space#, common open areas or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

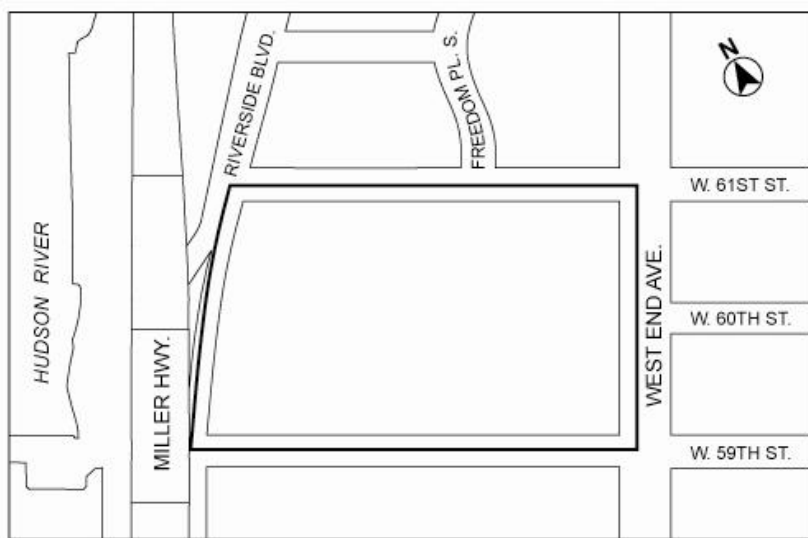
APPENDIX F: INCLUSIONARY HOUSING DESIGNATED AREAS

Manhattan

Manhattan Community District 7

In the R9A and R10 Districts within the areas shown on the following Maps 1 and 2:

Map 2



Portion of Community District 7, Manhattan

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, December 8, 2010.

Report for L.U. No. 264 & Res. No. 622

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure Application no. N 100295 ZRM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for amendment of the Zoning Resolution of the City of New York, concerning Section 74-74 and Section 74-744, Borough of Manhattan, Community District 7.

The Committee on Land Use, to which the annexed Land Use resolution was referred on November 17, 2010 (Minutes, page 4867) and originally reported to the Council on December 20, 2010, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 7

N 100295 ZRM

City Planning Commission decision approving an application submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c

and 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning Section 74-74 (General Large-Scale Development) and Section 74-744 (Modification of Use Regulations).

INTENT

To facilitate the construction of a mixed-use development of approximately three million square feet of residential, commercial, and community facility floor area on a site bounded by West 61st Street, West End Avenue, West 59th Street, and the future alignment of Riverside Boulevard in Manhattan.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: December 8, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission with modifications.

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 622

Resolution approving the decision of the City Planning Commission on Application No. N 100295 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning Section 74-74 (General Large-Scale Development) and Section 74-744 (Modification of use regulations), Borough of Manhattan (L.U. No. 264).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on November 1, 2010 its decision dated October 27, 2010 (the "Decision"), pursuant to Sections 197-c and 201 of the New York City Charter, regarding an application submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP, for an amendment of the Zoning Resolution of the City of New York, concerning Section 74-74 (General Large-Scale Development) and Section 74-744 (Modification of use regulations), to facilitate the construction of a mixed-use development of approximately three million square feet of residential, commercial, and community facility floor area and public parking on a site bounded by West 61st Street, West End Avenue, West 59th Street, and the future alignment of Riverside Boulevard (Application No. N 100295 ZRM), Community District 7, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications Numbers C 100287 ZSM (L.U. No. 256), special permit pursuant to Section 74-681 to allow development in a former rail yard and over a railroad or transit right-of-way and to establish the reference plane of the development; C 100288 ZSM (L.U. No. 257), special permit pursuant to Sections 13-562 and 74-52 to allow a public parking garage with a maximum of 1,800 spaces; C 100289 ZSM (L.U. No. 258), C 100290 ZSM (L.U. No. 259), C 100291 ZSM (L.U. No. 260), C 100292 ZSM (L.U. No. 261), C 100293 ZSM (L.U. No. 262), special permits pursuant to Sections 13-562 and 74-52 to allow separate public parking garages with a maximum, respectively, of 460 spaces; 230 spaces; 290 spaces; 370 spaces; and 450 spaces; N 100294(A) ZRM (L.U. No. 263) zoning text amendment to Section 23-144 (In Designated Areas Where the Inclusionary Housing Program Is Applicable), Section 23-954 (Additional Requirements for Compensated Developments), Section 74- 743 (Special Provisions for Bulk Modification), and Appendix F (Inclusionary Housing Designated Areas) to: 1) allow the City Planning Commission to modify, by special permit, the definition of "outer court" to include any open area that is bounded on all sides but one by building walls and is not a yard or an inner court; 2) create a new Inclusionary Housing designated area consisting of the project site; 3) clarify which bulk regulations are applicable to the project site; and 3) allow the Commission to modify, by special permit, the base and maximum floor area ratios in Section 23-952 and the unit distribution requirements of Section 23-96(b); C 100296(A) ZSM/M 920358 (D) ZSM (L.U. No. 265), special permit pursuant to Section 74-743 to modify, in a General Large- Scale Development, regulations governing required street wall, tower setbacks and locations, minimum distance between buildings, and courts and the base and maximum floor area ratios and unit distribution requirements in Section 23-90 (Inclusionary Housing) and a concurrent modification to the original Riverside South general large scale special permit and restrictive declaration; and C 100297 ZSM (L.U. No. 266), special permit pursuant to Section

74-744(a)(2) to modify use regulations to allow an automotive sales and service establishment in a general large- scale development;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 23, 2010;

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 and the Final Supplemental Environmental Impact Statement (FSEIS) for which a Notice of Completion was issued on October 15, 2010, with respect to the Application (CEQR No. 09DCP020M), and the CEQR Technical Memoranda issued on September 10, 2010 and October 26, 2010, with respect to modifications thereto set forth in the Decision, and the CEQR Technical Memorandum issued on December 15, 2010 with respect to the proposed modifications to the Decision;

RESOLVED:

Having considered the FSEIS and the Technical Memoranda dated September 10, 2010; October 26, 2010 and December 15, 2010, with respect to the Decision, the Council finds that:

- (1) The FSEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action to be approved (the Decision), with further modifications set forth and analyzed in the Technical Memorandum dated December 15, 2010, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FSEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration, Exhibit B, attached hereto by reference, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FSEIS and the Technical Memoranda, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision, and based on the environmental determination and consideration described in this report, N 100295 ZRM, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;
 Matter in ~~strikeout~~ is old, 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**

* * *

**74-74
 General Large-Scale Development**

For #general large-scale developments# involving several #zoning lots# but planned as a unit, the district regulations may impose unnecessary rigidities and thereby prevent achievement of the best possible site plan within the overall density

and #bulk# controls. For these #developments#, the regulations of this Section are designed to allow greater flexibility for the purpose of securing better site planning, while safeguarding the present or future use and development of the surrounding area.

No portion of a #general large-scale development# shall contain any #use# not permitted by the applicable district regulations for such portion, except as otherwise provided in Section 74-744 (Modification of use regulations). When an existing #building# in a #general large-scale development# is occupied by a #non-conforming use#, any #enlargement# of such existing #building# shall be subject to the requirements set forth in Section 52-00 (NON-CONFORMING USES: DEFINITIONS AND GENERAL PROVISIONS).

* * *

**74-744
 Modification of use regulations**

- (a) Use modifications
 - (1) Waterfront and related #commercial uses#

In a C4 District, the City Planning Commission may modify applicable district regulations to allow certain boating and related #uses# listed in Use Group 14A, not otherwise allowed in such district, provided the Commission shall find that:

 - ~~(1)~~(i) the #uses# are appropriate for the location and blend harmoniously with the rest of the #general large-scale development#; and
 - ~~(2)~~(ii) the #streets# providing access to such #uses# will be adequate to handle the traffic generated thereby.
 - (2) Automotive sales and service #uses#

For #general large-scale developments# previously approved by the City Planning Commission in a C4-7 District within the boundaries of Manhattan Community District 7, the City Planning Commission may modify applicable district regulations to allow automotive sales and service establishments that include repair services and preparation for delivery, provided the Commission shall find that:

 - (i) the portion of the establishment used for the servicing and preparation of automobiles is located entirely in a #cellar# level and below grade or established curb level, and the ground floor level of such establishment is used only for showrooms and sales;
 - (ii) sufficient indoor space for storage of vehicles for sale or service has been provided; and
 - (iii) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic or adversely affect pedestrian movement.

- (b) Location of #commercial uses#

For any #general large-scale development#, the City Planning Commission may permit #residential# and non-#residential uses# to be arranged within a #building# without regard for the regulations set forth in Section 32-42 (Location within Buildings), provided the Commission shall find:

 - (1) the #commercial uses# are located in a portion of the #mixed building# that has separate access to the outside with no opening of any kind to the #residential# portion of the #building# at any #story#;
 - (2) the #commercial uses# are not located directly over any #story# containing #dwelling units#; and
 - (3) the modifications shall not have any adverse effect on the #uses# located within the #building#.

* * *

On motion of the Speaker (Council Member Quinn), 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. 265 & Res. No. 623

Report of the Committee on Land Use in favor of approving Application no. C 100296 (A) ZSM / M 920358 (D) ZSM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter, in accordance with Section 2-06 (c) (1) of the Uniform Land Use Review Procedure Rules, for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to allow the location of buildings without regard for the applicable court, distance between buildings, height and setback regulations; the modification of the definition of outer courts and the provisions of Section 23-84; modifications to the Inclusionary Housing Program; approval to modify the original Riverside South general large-scale permit and restrictive declaration in connection with a proposed mixed use development on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165) Borough of Manhattan, Community District 7.

The Committee on Land Use, to which the annexed Land Use resolution was referred on November 17, 2010 (Minutes, page 4868) and originally reported to the Council on December 20, 2010, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 7 C 100296(A) ZSM/M 920358(D) ZSM

City Planning Commission decision approving an application submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter, in accordance with Section 2-06 (c) (1) of the Uniform Land Use Review Procedure Rules, for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to allow:

1. the location of buildings without regard for the applicable court, distance between buildings, height and setback regulations;
2. the modification of the definition of outer courts and the provisions of Section 23-84 (Outer Court Regulations) to include any open area that is bounded on all sides but one by building walls and is not otherwise a yard or an inner court; and
3. for purposes of applying the Inclusionary Housing Program:
 - a. the modification of the base and maximum floor area ratios, not to exceed the maximum floor area ratio permitted, based on a proportionality between affordable floor area and residential floor area in buildings containing multiple uses; and
 - b. the modification of the requirements regarding distribution of affordable housing units specified in Section 23-96(b);

in connection with a proposed mixed use development, on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 and 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard.

INTENT

To facilitate the construction of a mixed-use development of approximately three million square feet of residential, commercial, and community facility floor area on a site bounded by West 61st Street, West End Avenue, West 59th Street, and the future alignment of Riverside Boulevard in Manhattan.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: December 8, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission with modifications.

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 623

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 100296 (A) ZSM/M 920358 (D) ZSM (L.U. No. 265), for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to allow the location of buildings without regard for the applicable court, distance between buildings, height and setback regulations; the modification of the definition of outer courts and the provisions of Section 23-84 (Outer Court Regulations) to include any open area that is bounded on all sides but one by building walls and is not otherwise a yard or an inner court; and for purposes of applying the Inclusionary Housing Program and for the concurrent modification to the original Riverside South general large-scale special permit and restrictive declaration, Borough of Manhattan.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on November 1, 2010 its decision dated October 27, 2010 (the "Decision"), on the revised modified application submitted by CRP/Extell Parcel L, L.P. and CRP/Extell Parcel N, L.P., pursuant to Sections 197-c and 201 of the New York City Charter, in accordance with Section 2-06 (c)(1) of the Uniform Land Use Review Procedure Rules, for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution of the City of New York to allow:

- 1) the location of buildings without regard for the applicable court, distance between buildings, height and setback regulations;
- 2) the modification of the definition of outer courts and the provisions of Section 23-84 (Outer Court Regulations) to include any open area that is bounded on all sides but one by building walls and is not otherwise a yard or an inner court; and
- 3) for purposes of applying the Inclusionary Housing Program:
 - a. the modification of the base and maximum floor area ratios, not to exceed the maximum floor area ratio permitted, based on a proportionality between affordable floor area and residential floor area in buildings containing multiple uses; and
 - b. the modification of the requirements regarding distribution of affordable housing units specified in Section 23-96(b);

in connection with a proposed mixed use development, on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 and 165), in a

C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard; (ULURP No. C 100296 (A) ZSM/M 920358 (D) ZSM), Community District 7, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 100287 ZSM (L.U. No. 256), special permit pursuant to Section 74-681 to allow development in a former rail yard and over a railroad or transit right-of-way and to establish the reference plane of the development; C 100288 ZSM (L.U. No. 257), special permit pursuant to Sections 13-562 and 74-52 to allow a public parking garage with a maximum of 1,800 spaces; C 100289 ZSM (L.U. No. 258), C 100290 ZSM (L.U. No. 259), C 100291 ZSM (L.U. No. 260), C 100292 ZSM (L.U. No. 261), C 100293 ZSM (L.U. No. 262), special permits pursuant to Sections 13-562 and 74-52 to allow separate public parking garages with a maximum, respectively, of 460 spaces; 230 spaces; 290 spaces; 370 spaces; and 450 spaces; N 100294(A) ZRM (L.U. No. 263) zoning text amendment to Section 23-144 (In Designated Areas Where the Inclusionary Housing Program Is Applicable), Section 23-954 (Additional Requirements for Compensated Developments), Section 74- 743 (Special Provisions for Bulk Modification), and Appendix F (Inclusionary Housing Designated Areas) to: 1) allow the City Planning Commission to modify, by special permit, the definition of "outer court" to include any open area that is bounded on all sides but one by building walls and is not a yard or an inner court; 2) create a new Inclusionary Housing designated area consisting of the project site; 3) clarify which bulk regulations are applicable to the project site; and 3) allow the Commission to modify, by special permit, the base and maximum floor area ratios in Section 23-952 and the unit distribution requirements of Section 23-96(b); N 100295 ZRM (L.U. No. 264), zoning text amendment to Section 74-744 (Modification of Use Regulations) to

allow the Commission to allow, by special permit, automotive sales and service establishments not otherwise permitted by underlying district regulations; and C 100297 ZSM (L.U. No. 266), special permit pursuant to Section 74-744(a)(2) to modify use regulations to allow an automotive sales and service establishment in a general large- scale development;

WHEREAS, the Application includes concurrent modification of the Riverside South restrictive declaration, the terms of which require approval of the Council therefore;

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 74-743 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 23, 2010;

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 and the Final Supplemental Environmental Impact Statement (FSEIS) for which a Notice of Completion was issued on October 15, 2010, with respect to the Application (CEQR No. 09DCP020M), and the CEQR Technical Memoranda issued on September 10, 2010 and October 26, 2010, with respect to modifications thereto set forth in the Decision, and the CEQR Technical Memorandum issued on December 15, 2010 with respect to the proposed modifications to the Decision;

RESOLVED:

Having considered the FSEIS and the Technical Memoranda dated September 10, 2010; October 26, 2010 and December 15, 2010, with respect to the Decision, the Council finds that:

- (1) The FSEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action to be approved (the Decision), with further modifications set forth and analyzed in the Technical Memorandum dated December 15, 2010, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FSEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration, Exhibit B, attached hereto by reference, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FSEIS and the Technical Memoranda, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision, and based on the environmental determination and consideration described in this report, C 100296 (A) ZSM/M 920358 (D) ZSM, incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter in [brackets] is old, to be deleted by the Council;
 Matter in double-underline is new, to be added by the Council.

1. The development that is the subject of this application (C 100296A ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans prepared by Goldstein, Hill & West Architects, LLP, Philip Habib & Associates, and Mathews Nielsen Landscape Architects filed with this application and incorporated in this resolution, and in accordance with the provisions and procedures set forth in the Restrictive Declaration incorporated by reference herein:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-1R	Index of Drawings Zoning Calculations	[October 27, 2010] December 15, 2010
Z-8R	Zoning Compliance & Computations	[October 27, 2010] December 15, 2010
Z-15R	Zoning Lot Plan for Large Scale Plan, Railroad Yard & Right-of-Way Designation	[October 26, 2010] December 15, 2010
Z-100	Roof Plan / Site Plan	[October 27, 2010] December 15, 2010

Z-101	Ground Floor Plan with Building Maximum Envelopes	[October 27, 2010] December 15, 2010
Z-102	Zoning Compliance Tower Lot Coverage Plan	[October 26, 2010] December 15, 2010
Z-103	Zoning Compliance Setback Compliance Plan	[October 26, 2010] December 15, 2010
Z-104	Site Sections 1 of 2	[October 26, 2010] December 15, 2010
Z-105	Site Sections 2 of 2	[October 26, 2010] December 15, 2010
Z-106	Zoning Envelope Building 1	[October 26, 2010] December 15, 2010
Z-107	Zoning Envelope Building 2	[October 26, 2010] December 15, 2010
Z-108	Zoning Envelope Building 3	[October 27, 2010] December 15, 2010
Z-109	Zoning Envelope Building 4	[October 26, 2010] December 15, 2010
Z-110	Zoning Envelope Building 5	[October 26, 2010] December 15, 2010
Z-111	Building Overhang Diagrams Buildings 1 & 2	[October 26, 2010] December 15, 2010
Z-112	Building Overhang Diagrams Buildings 3, 4 & 5	[October 26, 2010] December 15, 2010
Z-113	Outer Court Diagrams	[October 26, 2010] December 15, 2010
Z-114	Inner Court Diagrams	[October 26, 2010] December 15, 2010
Z-115	Minimum Distance Diagrams	[October 26, 2010] December 15, 2010
Z-116	Ground Floor Elevation Streetscape Diagrams Building 1	[October 26, 2010] December 15, 2010
Z-117	Ground Floor Elevation Streetscape Diagrams Building 2	[October 26, 2010] December 15, 2010
Z-118	Ground Floor Elevation Streetscape Diagrams Building 3	[October 26, 2010] December 15, 2010
Z-119	Ground Floor Elevation Streetscape Diagrams Building 4	[October 26, 2010] December 15, 2010
<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-120	Ground Floor Elevation Streetscape Diagrams Building 5	[October 27, 2010] December 15, 2010
Z-121	Tower Top Diagrams	[October 27, 2010] December 15, 2010
Z-138	Ground Floor Auto Dealership Plan	[October 27, 2010] December 15, 2010
Z-139	Cellar Level Auto Dealership Plan	[October 27, 2010] December 15, 2010
Z-140	Ground Floor Garage Plan	[October 27, 2010] December 15, 2010
Z-141	Cellar Garage Plan	[October 26, 2010] December 15, 2010
Z-142	Sub-Cellar 1 Garage Plan	[October 26, 2010] December 15, 2010
Z-143	Sub-Cellar 2 Garage Plan	[October 26, 2010] December 15, 2010
Z-144	Garage B-1 Ground Level	[October 27, 2010] December 15, 2010
Z-145	Garage B-1 Plan Cellar Level, Sub-Cellar 1 Level, Sub-Cellar 2 Level	[October 27, 2010] December 15, 2010
Z-146	Garage B-2 Ground Level	[October 27, 2010] December 15, 2010
Z-147	Garage B-2 Plan Cellar Level, Sub-Cellar 1 Level, Sub-Cellar 2 Level	[October 27, 2010] December 15, 2010
Z-148	Garage B-3 Ground Level	[October 27, 2010] December 15, 2010
Z-149	Garage B-3 Plan Cellar Level, Sub-Cellar 1 Level, Sub-Cellar 2 Level	October 27, 2010
Z-150	Garage B-4 Ground Level	[October 27, 2010] December 15, 2010
Z-151	Garage B-4 Plan Cellar Level, Sub-Cellar 1 Level, Sub-Cellar 2 Level	[October 27, 2010] December 15, 2010
Z-152	Garage B-5 Ground Level	[October 27, 2010] December 15, 2010
Z-153	Garage B-5 Plan Cellar Level, Sub-Cellar 1 Level, Sub-Cellar 2 Level	[October 27, 2010] December 15, 2010
Z-154	Public Access Easement and Parcelization	October 27, 2010
Z-166	Riverside Center Open Space Plan	[October 27, 2010] December 15, 2010
Z-167	Materials Plan	[October 26, 2010] December 15, 2010
Z-168	Grading Plan	[October 26, 2010] December 15, 2010
Z-169	Planting Plan	[October 26, 2010] December 15, 2010
Z-170	Bench and Site Furnishing Plan	[October 26, 2010] December 15, 2010
Z-171	Site Furnishings	[October 26, 2010] December 15, 2010
Z-172	Lighting Plan	[October 26, 2010] December 15, 2010
Z-173	Site Lighting	[October 26, 2010] December 15, 2010
Z-174	Site Sections	[October 26, 2010] December 15, 2010
Z-175	Site Sections	[October 26, 2010] December 15, 2010
<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-176	Public Space and Access Easements Diagram	[October 26, 2010] December 15, 2010
Z-179	Public Space Signage Plan	[October 26, 2010] December 15, 2010
Z-180	Parcel 1 Interim Open Space Plan	[October 27, 2010] December 15, 2010
Z-181	Parcel 4 Interim Open Space Plan	[October 27, 2010] December 15, 2010
Z-182	Interim Open Space on Platform	[October 26, 2010] December 15, 2010

2. The original Riverside South Restrictive Declaration is modified as reflected in Exhibit A, attached hereto and incorporated herein. The new Restrictive Declaration is modified as reflected in Exhibit B as attached hereto and incorporated herein.

The matter in ~~strikeout~~ is old, to be deleted;

The matter in double-underline is new, to be added.

On motion of the Speaker (Council Member Quinn), 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. 266 & Res. No. 624

Report of the Committee on Land Use in favor of approving Application no. C 100297 ZSM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744 of the Zoning Resolution to allow an automotive sales and services establishment on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), Borough of Manhattan, Community District 7.

The Committee on Land Use, to which the annexed Land Use resolution was referred on November 17, 2010 (Minutes, page 4868) and originally reported to the Council on December 20, 2010, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 7

C 100297 ZSM

City Planning Commission decision approving an application submitted by CRP/Extell Parcel L, L.P. and CRP/Extell Parcel N, L.P. pursuant to Sections 197-c and 201 of the New York City Charter, in accordance with Section 2-06(c)(1) of the Uniform Land Use Review Procedure Rules, for the grant of a special permit* pursuant to Section 74-744 of the Zoning Resolution to allow an automotive sales and service establishment that includes repair services and preparation for delivery on portions of the ground floor and cellar of a proposed mixed use development on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 and 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard.

INTENT

To facilitate the construction of a mixed-use development of approximately three million square feet of residential, commercial, and community facility floor area on a site bounded by West 61st Street, West End Avenue, West 59th Street, and the future alignment of Riverside Boulevard in Manhattan.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: December 8, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission with modifications.

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 624

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 100297 ZSM (L.U. No. 266), for the grant of a special permit pursuant to Section 74-744 of the Zoning Resolution of the City of New York to allow an automotive sales and service establishment that includes repair services and preparation for delivery on portions of the ground floor and cellar of a proposed mixed use development on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 and 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End

Avenue, West 59th Street and Riverside Boulevard, Borough of Manhattan.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on November 1, 2010 its decision dated October 27, 2010 (the "Decision"), on the application submitted by CRP/Extell Parcel L, L.P. and CRP/Extell Parcel N, L.P., pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-744 of the Zoning Resolution to allow an automotive sales and service establishment that includes repair services and preparation for delivery on portions of the ground floor and cellar of a proposed mixed use development on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 and 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard (ULURP No. C 100297 ZSM), Community District 7, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 100287 ZSM (L.U. No. 256), special permit pursuant to Section 74-681 to allow development in a former rail yard and over a railroad or transit right-of-way and to establish the reference plane of the development; C 100288 ZSM (L.U. No. 257), special permit pursuant to Sections 13-562 and 74-52 to allow a public parking garage with a maximum of 1,800 spaces; C 100289 ZSM (L.U. No. 258), C 100290 ZSM (L.U. No. 259), C 100291 ZSM (L.U. No. 260), C 100292 ZSM (L.U. No. 261), C 100293 ZSM (L.U. No. 262), special permits pursuant to Sections 13-562 and 74-52 to allow separate public parking garages with a maximum, respectively, of 460 spaces; 230 spaces; 290 spaces; 370 spaces; and 450 spaces; N 100294(A) ZRM (L.U. No. 263), zoning text amendment to Section 23-144 (In Designated Areas Where the Inclusionary Housing Program Is Applicable), Section 23-954 (Additional Requirements for Compensated Developments), Section 74-743 (Special Provisions for Bulk Modification), and Appendix F (Inclusionary Housing Designated Areas) to: 1) allow the City Planning Commission to modify, by special permit, the definition of "outer court" to include any open area that is bounded on all sides but one by building walls and is not a yard or an inner court; 2) create a new Inclusionary Housing designated area consisting of the project site; 3) clarify which bulk regulations are applicable to the project site; and 3) allow the Commission to modify, by special permit, the base and maximum floor area ratios in Section 23-952 and the unit distribution requirements of Section 23-96(b); N 100295 ZRM (L.U. No. 264), zoning text amendment to Section 74-744 (Modification of Use Regulations) to allow the Commission to allow, by special permit, automotive sales and service establishments not otherwise permitted by underlying district regulations; and C 100296(A) ZSM/M 920358 (D) ZSM (L.U. No. 265), special permit pursuant to Section 74-743 to modify, in a General Large- Scale Development, regulations governing required street wall, tower setbacks and locations, minimum distance between buildings, and courts and the base and maximum floor area ratios and unit distribution requirements in Section 23-90 (Inclusionary Housing) and a concurrent modification to the original Riverside South general large scale special permit and restrictive declaration;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-52 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 23, 2010;

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 and the Final Supplemental Environmental Impact Statement (FSEIS) for which a Notice of Completion was issued on October 15, 2010, with respect to the Application (CEQR No. 09DCP020M), and the CEQR Technical Memoranda issued on September 10, 2010 and October 26, 2010, with respect to modifications thereto set forth in the Decision, and the CEQR Technical Memorandum issued on December 15, 2010 with respect to the proposed modifications to the Decision;

RESOLVED:

Having considered the FSEIS and the Technical Memoranda dated September 10, 2010; October 26, 2010 and December 15, 2010, with respect to the Decision, the Council finds that:

(1) The FSEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

(2) Consistent with social, economic, and other

essential considerations, from among the reasonable alternatives thereto, the action to be approved (the Decision), with further modifications set forth and analyzed in the Technical Memorandum dated December 15, 2010, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

(3) The adverse environmental impacts disclosed in the FSEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration, Exhibit B, attached hereto by reference, those project components related to the environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision, and based on the environmental determination and consideration described in this report, C 100297 ZSM, incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter in [bracket] is old, to be deleted by the Council;
 Matter in double-underline is new, to be added by the Council.

1. The development that is the subject of this application (C 100297 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans prepared by Goldstein, Hill and West Architects, LLP, Philip Habib & Associates and Mathews Nielsen Landscape Architects, filed with this application and incorporated in this resolution, and in accordance with the provisions and procedures set forth in the Restrictive Declaration:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-1R	Index of Drawings Zoning Calculations	[October 27, 2010] <u>December 15, 2010</u>
Z-8R	Zoning Compliance & Computations	[October 27, 2010] <u>December 15, 2010</u>
Z-15R	Zoning Lot Plan for Large Scale Plan, Railroad Yard & Right-of-Way Designation	[October 26, 2010] <u>December 15, 2010</u>
Z-100	Roof Plan / Site Plan	[October 27, 2010] <u>December 15, 2010</u>
Z-101	Ground Floor Plan with Building Maximum Envelopes	[October 27, 2010] <u>December 15, 2010</u>
Z-102	Zoning Compliance Tower Lot Coverage Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-103	Zoning Compliance Setback Compliance Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-104	Site Sections 1 of 2	[October 26, 2010] <u>December 15, 2010</u>
Z-105	Site Sections 2 of 2	[October 26, 2010] <u>December 15, 2010</u>
<u>Z-106</u>	<u>Zoning Envelope Building 1</u>	[October 26, 2010] <u>December 15, 2010</u>
<u>Z-107</u>	<u>Zoning Envelope Building 2</u>	[October 26, 2010] <u>December 15, 2010</u>
<u>Z-108</u>	<u>Zoning Envelope Building 3</u>	[October 27, 2010] <u>December 15, 2010</u>
<u>Z-109</u>	<u>Zoning Envelope Building 4</u>	[October 26, 2010] <u>December 15, 2010</u>
<u>Z-110</u>	<u>Zoning Envelope Building 5</u>	[October 26, 2010] <u>December 15, 2010</u>
<u>Z-111</u>	<u>Building Overhang Diagrams Buildings 1 & 2</u>	[October 26, 2010] <u>December 15, 2010</u>
<u>Z-112</u>	<u>Building Overhang Diagrams Buildings 3, 4 & 5</u>	[October 26, 2010] <u>December 15, 2010</u>
<u>Z-113</u>	<u>Outer Court Diagrams</u>	[October 26, 2010] <u>December 15, 2010</u>
<u>Z-114</u>	<u>Inner Court Diagrams</u>	[October 26, 2010] <u>December 15, 2010</u>
<u>Z-115</u>	<u>Minimum Distance Diagrams</u>	[October 26, 2010] <u>December 15, 2010</u>
<u>Z-116</u>	<u>Ground Floor Elevation Streetscape Diagrams Building 1</u>	[October 26, 2010] <u>December 15, 2010</u>
<u>Z-117</u>	<u>Ground Floor Elevation Streetscape Diagrams Building 2</u>	[October 26, 2010] <u>December 15, 2010</u>
<u>Z-118</u>	<u>Ground Floor Elevation Streetscape Diagrams Building 3</u>	[October 26, 2010] <u>December 15, 2010</u>
<u>Z-119</u>	<u>Ground Floor Elevation Streetscape Diagrams Building 4</u>	[October 26, 2010] <u>December 15, 2010</u>
<u>Z-120</u>	<u>Ground Floor Elevation Streetscape Diagrams Building 5</u>	[October 27, 2010] <u>December 15, 2010</u>
<u>Z-121</u>	<u>Tower Top Diagrams</u>	[October 27, 2010] <u>December 15, 2010</u>
<u>Z-138</u>	<u>Ground Floor Auto Dealership Plan</u>	[October 27, 2010] <u>December 15, 2010</u>
<u>Z-139</u>	<u>Cellar Level Auto Dealership Plan</u>	[October 27, 2010] <u>December 15, 2010</u>
<u>Z-140</u>	<u>Ground Floor Garage Plan</u>	[October 27, 2010] <u>December 15, 2010</u>
<u>Z-141</u>	<u>Cellar Garage Plan</u>	[October 26, 2010] <u>December 15, 2010</u>
<u>Z-142</u>	<u>Sub-Cellar 1 Garage Plan</u>	[October 26, 2010] <u>December 15, 2010</u>
<u>Z-143</u>	<u>Sub-Cellar 2 Garage Plan</u>	[October 26, 2010] <u>December 15, 2010</u>
<u>Z-144</u>	<u>Garage B-1 Ground Level</u>	[October 27, 2010] <u>December 15, 2010</u>
<u>Z-145</u>	<u>Garage B-1 Plan Cellar Level, Sub-Cellar 1 Level, Sub-Cellar 2 Level</u>	[October 27, 2010] <u>December 15, 2010</u>

Z-146	Garage B-2 Ground Level	[October 27, 2010] <u>December 15, 2010</u>
Z-147	Garage B-2 Plan Cellar Level, Sub-Cellar 1 Level, Sub-Cellar 2 Level	[October 27, 2010] <u>December 15, 2010</u>
Z-148	Garage B-3 Ground Level	[October 27, 2010] <u>December 15, 2010</u>
Z-149	Garage B-3 Plan Cellar Level, Sub-Cellar 1 Level, Sub-Cellar 2 Level	October 27, 2010
<u>Z-150</u>	<u>Garage B-4 Ground Level</u>	[October 27, 2010] <u>December 15, 2010</u>
<u>Z-151</u>	<u>Garage B-4 Plan Cellar Level, Sub-Cellar 1 Level, Sub-Cellar 2 Level</u>	[October 27, 2010] <u>December 15, 2010</u>
<u>Z-152</u>	<u>Garage B-5 Ground Level</u>	[October 27, 2010] <u>December 15, 2010</u>
<u>Z-153</u>	<u>Garage B-5 Plan Cellar Level, Sub-Cellar 1 Level, Sub-Cellar 2 Level</u>	[October 27, 2010] <u>December 15, 2010</u>
Z-154	Public Access Easement and Parcelization	October 27, 2010
Z-166	Riverside Center Open Space Plan	[October 27, 2010] <u>December 15, 2010</u>
Z-167	Materials Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-168	Grading Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-169	Planting Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-170	Bench and Site Furnishing Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-171	Site Furnishings	[October 26, 2010] <u>December 15, 2010</u>
Z-172	Lighting Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-173	Site Lighting	[October 26, 2010] <u>December 15, 2010</u>
Z-174	Site Sections	[October 26, 2010] <u>December 15, 2010</u>
Z-175	Site Sections	[October 26, 2010] <u>December 15, 2010</u>
Z-176	Public Space and Access Easements Diagram	[October 26, 2010] <u>December 15, 2010</u>
Z-179	Public Space Signage Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-180	Parcel 1 Interim Open Space Plan	[October 27, 2010] <u>December 15, 2010</u>
Z-181	Parcel 4 Interim Open Space Plan	[October 27, 2010] <u>December 15, 2010</u>
Z-182	Interim Open Space on Platform	[October 26, 2010] <u>December 15, 2010</u>

On motion of the Speaker (Council Member Quinn), 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:

(For the Commissioner of Deeds listing, please see the Commissioner of Deeds section printed in the Minutes of the Stated Council Meeting of January 5, 2011).

On motion of the Speaker (Council Member Quinn), 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 437 --** Authorizing an increase in the amount to be expended in seven business improvement districts.
- (2) **Int 442 --** Reports on school discipline and police department activity relating to schools.
- (3) **Res 607 --** Approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget (**Transparency Resolution, December 20, 2010**).
- (4) **L.U. 256 & Res 614 --** App. C 100287 ZSM West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard, Manhattan, CD 7.
- (5) **L.U. 257 & Res 615 --** App. C 100288 ZSM Riverside Boulevard (Block 1171, Lots 155 & 165), Borough of Manhattan,

- Community District 7.
- (6) L.U. 258 & Res 616 -- App. C 100289 ZSM Riverside Boulevard (Block 1171, Lots 155 & 165), Borough of Manhattan, Community District 7.
- (7) L.U. 259 & Res 617 -- App. C 100290 ZSM Riverside Boulevard (Block 1171, Lots 155 & 165), Borough of Manhattan, Community District 7.
- (8) L.U. 260 & Res 618 -- App. C 100291 ZSM Riverside Boulevard (Block 1171, Lots 155 & 165), Borough of Manhattan, Community District 7.
- (9) L.U. 261 & Res 619 -- App. C 100292 ZSM Riverside Boulevard (Block 1171, Lots 155 & 165), Borough of Manhattan, Community District 7.
- (10) L.U. 262 & Res 620 -- App. C 100293 ZSM Riverside Boulevard (Block 1171, Lots 155 & 165), Community District 7.
- (11) L.U. 263 & Res 621 -- App. N 100294 (A) ZRM concerning Section 23-144, Section 23-954, and Appendix F, Manhattan, Community District 7.
- (12) L.U. 264 & Res 622 -- ULURP, App. N 100295 ZRM Section 74-74 and Section 74-744, Borough of Manhattan, Community District 7.
- (13) L.U. 265 & Res 623 -- App. C 100296 (A) ZSM Riverside Boulevard (Block 1171, Lots 155 & 165) Borough of Manhattan, Community District 7.
- (14) L.U. 266 & Res 624 -- App. C 100297 ZSM Riverside Boulevard (Block 1171, Lots 155 & 165), Borough of Manhattan, Community District 7.
- (15) L.U. 272 & Res 610 -- App. 20115271 HKM (N 110093 HKM), Loew's Canal Street Theatre Building, 31 Canal Street as a historic landmark, Council District no. 1.
- (16) L.U. 273 & Res 611 -- App. 20115218 TCM, Wogie's Inc. unenclosed sidewalk café 39 Greenwich Avenue, Borough of Manhattan, CD 3.
- (17) L.U. 274 & Res 612 -- App. 20115210 TCM, Mestizo Inc., unenclosed sidewalk café, 89 Greenwich Avenue, Borough of Manhattan, CD 3.
- (18) L.U. 275 & Res 613 -- App. 20115001 TCM, 753 Washington Trattoria Inc. unenclosed sidewalk café, 753 Washington Street, Manhattan, CD 3 (Coupled to be Filed pursuant to a Letter of Withdrawal).
- (19) Resolution approving various persons Commissioners of Deeds.

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such reports which were decided in the affirmative by the following vote:

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Crowley, Dickens, Dilan, Dromm, Eugene, Fidler, Garodnick, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – 47.

The General Order vote recorded for this Stated Meeting was 47-0-0 as shown above.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 437 and 442.

INTRODUCTION AND READING OF BILLS

Int. No. 446

By The Speaker (Council Member Quinn) and Council Members Brewer, Cabrera, Fidler, Gentile, Koslowitz, Nelson and Koo (in conjunction with the Mayor).

A Local Law in relation to the naming of Ed Koch Queensboro Bridge.

Be it enacted by the Council as follows:

Section 1. The following bridge name, in the Boroughs of Manhattan and Queens, is hereby designated as hereafter indicated. Such name change shall be reflected on the city map.

New Name	Present Name
Ed Koch Queensboro Bridge	Queensboro Bridge

§2. This local law shall take effect immediately.

Referred to the Committee on Parks and Recreation.

Res. No. 605

Resolution calling on the United States Congress to pass H.R. 147 to allow taxpayers to designate a portion of their income tax payment to provide assistance to homeless veterans.

By Council Members Dromm, Arroyo, Brewer, Cabrera, Chin, Gentile, James, Koslowitz, Lander, Mendez, Nelson, Palma, Rose, Sanders, Vann, Williams, Koppell, Levin, Eugene, Halloran, Koo and Ulrich.

Whereas, It has been estimated that there are 107,000 homeless veterans on any given night in the United States; and

Whereas, Further, it has been estimated that over the course of the year over 200,000 veterans will experience homelessness; and

Whereas, Some assert that 1,500,000 veterans are at risk of homelessness due to poverty, lack of support networks or substandard housing; and

Whereas, Veterans represent only about 11% of the civilian population, but 26% of the homeless population consists of veterans; and

Whereas, The estimated numbers of homeless veterans in New York City are over 3200 citywide, 910 in Queens, 776 in Brooklyn, 629 in Manhattan, 549 in the Bronx and 358 on Staten Island; and

Whereas, Beginning in 2008, legislation has been introduced in Congress to amend the Internal Revenue Code to establish in the Treasury the Homeless Veterans Assistance Fund and to allow individual taxpayers to designate a portion of their tax returns to be paid over to such Fund to provide assistance to homeless veterans; and

Whereas, New York's Ironworkers Local 361 supported this legislation; and

Whereas, Most recently, H.R. 147 was introduced on January 6, 2009 by Representative Steve Israel; and

Whereas, H.R. 147 would amend the Internal Revenue Code to establish the Homeless Veterans Assistance Fund and to allow individual taxpayers to designate on their tax returns \$3.00 of income taxes (\$6.00 in the case of joint returns) to be paid over to such Fund to provide assistance to homeless veterans; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Congressional delegation to support H.R. 147; and, be it further

Resolved, That the Council of the City of New York calls on the United States Congress to pass H.R. 147 to allow taxpayers to designate a portion of their income tax payment to provide assistance to homeless veterans.

Referred to the Committee on Veterans.

Int. No. 447

By Council Members Foster, Cabrera, Chin, Fidler, James, Koslowitz, Lander, Mealy, Mendez, Palma, Sanders, Vann, Williams, Nelson and Koo.

A Local Law to amend the New York city charter, in relation to requiring that community planning boards also receive the annual report submitted to the mayor, the council and the borough presidents on all jobs retained and created as a result of the sale of city-owned property through an agreement with entities which enter into contracts with the department of small business services.

Be in enacted by the Council as follows:

Section 1. Paragraph b of subdivision 1 of section 1301 of the New York City charter is amended to read as follows:

b. to serve as liaison for the city with local development corporations, other not-for-profit corporations and all other entities involved in economic development within the city. In furtherance of this function, the department shall include in any contract with a local development corporation under which such local development corporation is engaged in providing or administering economic development benefits on behalf of the city and expending city capital appropriations in connection therewith, a requirement that such local development corporation submit to the mayor, the council, the city comptroller, the public advocate, [and:] the borough presidents *and community planning boards* by January 31 of each year, a report for the prior year in the form prescribed hereunder with regard to projected and actual jobs created and retained in connection with any project undertaken by such local development corporation for the purpose of the creation or retention of jobs, whether or not such project involves the expenditure of city capital appropriations, if in connection with such project assistance to a business entity was provided by such local development corporation in the form of a loan, grant or tax benefit in excess of one hundred fifty thousand dollars, or a sale or lease of land where the project is estimated to retain or create not less than twenty-five jobs. With regard to any project for which the project agreement and any other documents applicable to such project have been executed on or after July 1, 2005, the report shall be for the period commencing on the date that the project agreement and any other documents applicable to such project have been executed through the final year that such entity receives assistance for such project, except that, as to projects consisting of a lease or sale of city-owned land, the report shall commence from the date of the lease or conveyance of title by the city and shall continue for seven years or such longer period as is deemed appropriate by the department. For projects in existence prior to July 1, 2005, the report shall be made with regard to each such project for the first seven years from the date when any project agreement or other document applicable to the project is executed by the entity receiving such assistance with such local development corporation and the report shall contain, for the current reporting year, the following information with respect thereto: (i) the project's name; (ii) its location; (iii) the time span over which the project is to receive any such assistance; (iv) the type of such assistance provided, including the name of the program or programs through which assistance is provided; (v) for projects that involve a maximum amount of assistance, a statement of the maximum amount of assistance available to those projects over the duration of the project agreement, and for those projects that do not have a maximum amount, the current estimated amount of assistance over the duration of the project agreement, the amount of tax exempt bonds issued during the current reporting year and the range of potential cost of those bonds; project assistance to be reported shall include, but shall not be limited to, PILOT savings, which shall be defined for the purposes of this paragraph as the difference between the PILOT payments made and the property tax that would have been paid in the absence of a PILOT agreement, the amount of mortgage recording fees waived, related property tax abatements, sales tax abatements, the dollar value of energy benefits and an estimated range of costs to the city of foregone income tax revenues due to the issuance of tax exempt bonds; (vi) the total number of employees at all sites covered by the project at the time of the project agreement including the number of permanent full-time jobs, the number of permanent part-time jobs, the number of full-time equivalents, and the number of contract employees where contract employees may be included for the purpose of determining compliance with job creation or retention requirements; (vii) the number of jobs that the entity receiving benefits is contractually obligated to retain and create over the life of the project, except that such information shall be reported on an annual basis for project agreements containing annual job retention or creation requirements, and, for each reporting year, the base employment level the entity receiving benefits agrees to retain over the life of the project agreement, any job creation scheduled to take place as a result of the project, and where applicable, any job creation targets for the current reporting year; (viii) the estimated amount, for that year and cumulatively to date, of retained or additional tax revenue derived from the project, excluding real property tax revenue other than revenue generated by property tax improvements; (ix) the amount of assistance received during the year covered by the report, the amount of assistance received since the beginning of the project period, and the present value of the future assistance estimated to be given for the duration of the project period; (x) for the current reporting year, the total actual number of employees at all sites covered by the project, including the number of permanent full-time jobs, the number of permanent part-time jobs, the number of contract jobs, and, for entities receiving benefits that employ two hundred fifty or more persons, the percentage of total employees within the "exempt and "non-exempt" categories, respectively, as those terms are defined under the United States fair labor standards act, and for employees within the "non-exempt" category, the percentage of employees earning up to twenty-five thousand dollars per year, the percentage of employees earning more than twenty-five thousand per year up to forty-thousand dollars per year and the percentage of employees earning more than

forty thousand dollars per year up to fifty thousand dollars per year; (xi) whether the employer offers health benefits to all full-time employees and to all part-time employees; (xii) for the current reporting year, with respect to the entity or entities receiving assistance and their affiliates, the number and percentage of employees at all sites covered by the project agreement who reside in the city of New York. For the purposes of this subparagraph, "affiliate" shall mean (i) a business entity in which more than fifty percent is owned by, or is subject to a power or right of control of, or is managed by, an entity which is a party to an active project agreement, or (ii) a business entity that owns more than fifty percent of an entity that is party to an active project agreement or that exercises a power or right of control of such entity; (xiii) a projection of the retained or additional tax revenue to be derived from the project for the remainder of the project period; (xiv) a list of all commercial expansion program benefits, industrial and commercial incentive program benefits received through the project agreement and relocation and employment assistance program benefits received and the estimated total value of each for the current reporting year; (xv) a statement of compliance indicating whether, during the current reporting year, the local development corporation has reduced, cancelled or recaptured benefits for any company, and, if so, the total amount of the reduction, cancellation or recapture, and any penalty assessed and the reasons therefore; (xvi) for business entities for which project assistance was provided by such local development corporation in the form of a loan, grant or tax benefit of one hundred fifty thousand dollars or less, or a sale or lease of city-owned land where the project is estimated to retain or create less than twenty-five jobs, the data should be included in such report in the aggregate using the format required for all other loans, grants or tax benefits; and (xvii) an indication of the sources of all data relating to numbers of jobs. The report shall be submitted by the statutory due date and shall bear the actual date that the report was submitted. Such report shall include a statement explaining any delay in its submission past the statutory due date. Upon its submission, the report shall simultaneously be made available in electronic form on the website on the local development corporation or, if no such website is maintained, on the website of the city of New York. Reports with regard to projects for which assistance was rendered prior to July 1, 2005, need only contain such information required by this subdivision as is available to the local development corporation, can be reasonably derived from available sources, and can be reasonably obtained from the business entity to which assistance was provided.

Section 2. This local law shall take effect immediately upon enactment.

Referred to the Committee on Economic Development.

Int. No. 448

By Council Members Halloran and Koo.

A Local Law in relation to renaming six thoroughfares and public places, Prospect Avenue, Borough of Queens, Hamilton Avenue, Borough of Queens, Orient Avenue, Borough of Queens, Church Street, Borough of Queens, Pine Street, Borough of Queens, Poplar Street, Borough of Queens and to amend the official map of the city of New York accordingly.

Be it enacted by the Council as follows:

Section 1. The following street name, in the Borough of Queens, is hereby renamed as hereafter indicated.

New Name	Present Name	Limits
Prospect Avenue	240 th Street	Between 43 rd Avenue and Depew Avenue

§2. The following street name, in the Borough of Queens, is hereby renamed as hereafter indicated.

New Name	Present Name	Limits
Hamilton Avenue	242 nd Street	Between 43 rd Avenue and 44 th Avenue

§3. The following street name, in the Borough of Queens, is hereby renamed as hereafter indicated.

New Name	Present Name	Limits
Orient Avenue	243 rd Street	Between 44 th Avenue and the dead end at Depew Avenue

§4. The following street name, in the Borough of Queens, is hereby renamed as hereafter indicated.

New Name	Present Name	Limits
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Church Street	44 th Avenue	Between Douglaston Parkway and 244 th Street
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§5. The following street name, in the Borough of Queens, is hereby renamed as hereafter indicated.

New Name	Present Name	Limits
Pine Street	43 rd Avenue	At the intersection of Douglaston Parkway at 240 th Street and 243 rd Street

§6. The following street name, in the Borough of Queens, is hereby renamed as hereafter indicated.

New Name	Present Name	Limits
Poplar Street	42 nd Avenue	Between the Long Island Railroad dead end and 243 rd Street

§7. The official map of the city of New York shall be amended in accordance with the provisions of sections one through six of this local law.

§8. This local law shall take effect immediately.

Referred to the Committee on Parks and Recreation.

Int. No. 449

By Council Members Koppell, Cabrera, Chin, James, Mealy, Mendez, Nelson, Palma, Vann, Williams and Greenfield.

A Local Law to amend the administrative code of the city of New York, in relation to the livery passenger bill of rights.

Be it enacted by the Council as follows:

Section 1. Subdivision d of section 19-537 of the administrative code of the city of New York is amended by adding a new paragraph 12 to read as follows:

12. *request an accessible vehicle if you are a passenger who needs wheelchair accessible transportation and be provided with equivalent service with regard to response time, fares charged, hours and days of service availability, reservations, restrictions based upon trip purpose and other limitations on capacity or service availability.*

§ 2. This local law shall take effect ninety days after its enactment into law.

Referred to the Committee on Transportation.

Res. No. 606

Resolution urging the Board of Elections to provide data to be included in the Mayor's Management Report and to make such data available to the public on the Board's website.

By Council Members Lander, Brewer, Cabrera, Dromm, Gentile, James, Mendez, Palma, Vann, Williams, Halloran and Koo.

Whereas, It is vital that City officials and members of the public have access to information regarding the performance of the Board of Elections ("Board") following election events; and

Whereas, The Preliminary Mayor's Management Report and the Mayor's Management Report, mandated by Section 12 of the New York City Charter, provide important information on the performance of city agencies and allow City officials and members of the public to evaluate the performance of such agencies; and

Whereas, The City Council and the Mayor have called on the Board to provide information to be included in such reports in areas including machine breakdown rates, repair response times, poll site accessibility, poll site wait times and poll site opening times; and

Whereas, The Board has refused to provide such information for inclusion in the Preliminary Mayor's Management Report and Mayor's Management Report; and

Whereas, Such performance information should also be made available to the general public on the Board's website; now, therefore, be it

Resolved, That the Council of the City of New York urges the Board of Elections to provide data to be included in the Mayor's Management Report and to make such data available to the public on the Board's website.

Referred to the Committee on Governmental Operations.

Res. No. 607

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

By Council Members Recchia and Rose.

Whereas, On June 29, 2010 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2011 with various programs and initiatives (the "Fiscal 2011 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the New York City Industrial and Technical Assistance Corporation (ITAC), an organization receiving local discretionary funding in the amount of \$150,000 within the budget of the Department of Small Business Services.; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the St. Raymond Community Outreach, Inc., an organization receiving local discretionary funding in the amount of \$7,250 within the budget of the Department of Youth and Community Development; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the IlluminArt Productions, an organization receiving local discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Merrill Park Civic Association of Springfield Gardens, Inc., an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department for the Aging; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Harlem Heights Cultural Council, Inc., an organization receiving local discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Community League of the Heights, Inc., an organization receiving youth discretionary funding in the amount of \$15,000 within the budget of the Department of Youth and Community Development; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Jewish Community Council of Greater Coney Island, Inc., an organization receiving funding in the amount of \$27,500 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2010 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local and youth discretionary funding in accordance therewith; now, therefore be it

Resolved, That the City Council approves the new Description/Scope of Services for the New York City Industrial and Technical Assistance Corporation (ITAC), an organization receiving local discretionary funding in the amount of \$150,000 within the budget of the Department of Small Business Services. The Description/Scope of Services for such organization listed n the Fiscal 2011 Expense Budget will now read: "1) \$30,000 will be used for supporting early stage start-ups. 2) \$120,000 will be used to pay two non-ITAC employees via subcontract. The subcontractors will do consulting work with earlier stage firms to assist them to commercialize their technology and establish manufacturing operations in New York City."; and be it further

Resolved, That the City Council approves the new Description/Scope of

Services for the St. Raymond Community Outreach, Inc., an organization receiving local discretionary funding in the amount of \$7,250 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget will now read: "These funds will help provide support to programs for the youth of the 18th Council District, including an intergenerational gardening program and social events with the seniors from the Parkchester Enhancement Program (PEP)."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the IlluminArt Productions, an organization receiving local discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget will now read: "To support the "For Our Daughters" program."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Merrill Park Civic Association of Springfield Gardens, Inc., an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department for the Aging. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget will now read: "To provide seniors with luncheon and tickets to an entertainment show."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Harlem Heights Cultural Council, Inc., an organization receiving local discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Budget. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget will now read: "This program will be a noteworthy occasion which will be a celebration both of the return of Sorolla's murals "Vision of Spain" and of classical Spanish music and dance. An introduction to a new education program provided in the oldest Iberian cultural institution in the USA."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Community League of the Heights, Inc., an organization receiving youth discretionary funding in the amount of \$15,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget will now read: "To provide after-school program to 60 children from kindergarten to fifth grade."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Jewish Community Council of Greater Coney Island, Inc., an organization receiving funding in the amount of \$27,500 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative. The Description/Scope of Services for this organization, as designated on August 25, 2010 by Council Transparency Resolution, will now read: "ESL/Civic."; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure (CASA) Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Asthma Control Program Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation and changes in

the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation of the Partnership For New York City, Inc. to receive funding pursuant to the High Tech Connect Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Jobs To Build On Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the EBT at Food Markets Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Household Composting Pilot Program Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding within the budget of the Department of Youth and Community Development in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding within the budget of the Department of Youth and Community Development in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 14.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibits, please see the Attachment to the resolution following the Report of the Committee on Finance for Res No. 607 printed in these Minutes).

Int. No. 450

By Council Members Vallone, Jr., Williams, Oddo, Crowley, Arroyo, Brewer, Cabrera, Dromm, Fidler, Gentile, Jackson, James, Koppell, Koslowitz, Lander, Mealy, Mendez, Nelson, Palma, Recchia, Rodriguez, Vacca, Vann, Lappin, Garodnick, Halloran, Koo and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to increasing the maximum age for qualifying for membership in the fire department.

Be it enacted by the Council as follows:

Section 1. Paragraph 3 of subdivision a of section 15-103 of the administrative code of the city of New York, as amended by local law 2 for the year 1968, is amended to read as follows:

3. Shall have passed his or her eighteenth birthday but not his or her [twenty-ninth] *thirty-sixth* birthday on the date of the filing of his or her application for civil service examination. No person who qualifies under this requirement shall be disqualified from membership in the department because of having passed his or her [twenty-ninth] *thirty-sixth* birthday subsequent to the filing of his or her application. However no person shall be appointed unless he or she shall have attained his or her twenty-first birthday.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Fire and Criminal Justice Services.

Res. No. 608

Resolution calling upon the New York State Legislature to enact legislation that requires a father to be named on a child's birth certificate before the mother of such a child is considered eligible to receive child support.

By Council Members Vallone Jr., Cabrera, Mealy, Rose, Vacca, Williams, Halloran, Koo and Ulrich.

Whereas, Child support is financial support provided by a noncustodial parent, which includes, but is not limited to: cash payments, child care, and health insurance for a child; and

Whereas, Child support helps parents promote the well being and development of their children; and

Whereas, The New York State Office of Child Support Enforcement ("OCSE") helps to strengthen families by securing financial support from noncustodial parents and to lower the cost to the state and local government of providing benefits to families with absent parents; and

Whereas, OCSE is responsible for the collection and distribution of child support payments to custodial parents; and

Whereas, According to the U.S. Department of Health and Human Services, during Fiscal Year 2009, OCSE collected and distributed \$1,622,629,967 and reported an arrears amount of \$4,962,424,065; and

Whereas, It is often difficult for the state to locate and collect child support payments from non-custodial parents; and

Whereas, Fathers who have the financial means to contribute child support to a custodial parent, but evade such duties are often termed "Deadbeat Dads;" and

Whereas, Deadbeat Dads cost the state millions of dollars each year by failing to pay child support, thus placing the financial burden on the state of supporting their children; and

Whereas, According to OCSE, the most important piece of information that the custodial parent can provide to assist OCSE in identifying and locating a noncustodial parent is a document showing the noncustodial parent's name; and

Whereas, Requiring a mother to include a father's name on a child's birth certificate before a mother can be considered eligible for child support will assist the state to locate estranged noncustodial parents and collect delinquent child support payments; and

Whereas, Regular collection of noncustodial parents' payments will help the state and New York City save millions of dollars annually, allowing the state to properly reinvest such monies into alternate public services; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to enact legislation that requires a father to be named on a child's birth certificate before the mother of such a child is considered eligible to receive child support.

Referred to the Committee on General Welfare.

Res. No. 609

Resolution calling on the New York State Legislature to amend the Penal Law by classifying certain sexual assaults as class A felonies.

By Council Members Vallone, Jr., Cabrera, Koppell, Koslowitz, Palma, Vacca, Koo and Ulrich.

Whereas, Perpetrators who commit any sexual assault crime inflict immeasurable pain on many victims; and

Whereas, According to the U.S. Department of Justice's National Crime Victimization Survey, there were 248,300 sexual assaults in 2007; and

Whereas, In response to the magnitude of this problem, on April 8, 2009, President Obama proclaimed April 2009 as Sexual Assault Awareness Month in order to raise awareness about this issue; and

Whereas, Under the current New York State Penal Law, most of the egregious sex offenses including rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, and course of sexual conduct against a child in the first degree are class B felonies that carry a maximum sentence of 25 years in prison; and

Whereas, Given the reported high rate of recidivism by convicted sex offenders released into society, defendants charged with committing such predatory crimes should be subject to harsher sentences; and

Whereas, In order to begin to address this issue, Assemblymember Michael Cusick and Senator Andrew Lanza introduced legislation (A.7402/S.479), which would amend the Penal Law by increasing the punishment available for the crime of rape in the first degree; and

Whereas, If enacted, the bill would increase the crime of rape in the first degree from a class B felony to an A-I felony, which carries a sentence of life imprisonment without parole and renders the perpetrator ineligible for parole or conditional release; and

Whereas, Rape and sexual assault have a lifelong impact on victims, and perpetrators of these heinous crimes should be subject to the most serious punishment; and

Whereas, Passing legislation to increase the punishment for serious sexual assaults is significant progress in the right direction; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to amend the Penal Law by classifying certain sexual assaults as class A felonies.

Referred to the Committee on Public Safety.

L.U. No. 280

By Council Member Comrie:

Application no. 20115171 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 149 Broadway Restaurant LLC d.b.a Dressler to continue to maintain and operate an unenclosed sidewalk café located at 149 Broadway, Borough of Brooklyn, Council District no. 34. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

At this point the Speaker (Council Member Quinn) made the following announcements:

ANNOUNCEMENTS:

The Next Stated Council Meeting

Will be

The Charter Meeting

On Wednesday, January 5, 2011

12:00 Noon

Emigrant Savings Bank

49-51 Chambers Street

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Charter Meeting on Wednesday, January 5, 2011.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

