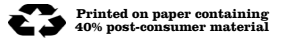




# THE CITY RECORD

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## THE CITY RECORD

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### QUEENS BOROUGH PRESIDENT

#### ■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Borough President of Queens, Helen Marshall, on **Thursday, April 25, 2013** at 10:30 A.M., in the Borough President's Conference Room located at 120-55 Queens Boulevard, Kew Gardens, New York 11424, on the following items:

NOTE: Individuals requesting Sign Language Interpreters should contact the Borough President's Office, (718) 286-2860, TDD users should call (718) 286-2656, no later than FIVE BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

**CD03 - BSA #718-68 BZ** - IN THE MATTER of an application submitted by Sheldon Lobel P.C., on behalf of Zinc Realty, LLC, pursuant to Section 73-11 and 73-211 of the New York City Zoning Resolution, seeking to amend a previously granted special permit (SOC) that allows the operation of an existing automotive service station to permit the addition of two (2) fuel dispensing islands and the conversion of the existing service bays to an accessory convenience store in an R5/C2-2 zoning district located at **71-08 Northern Boulevard**, Block 1244, Lot 01, Zoning Map 9d, Jackson Heights, Borough of Queens.

**CD03 - BSA #27-05 BZ** - IN THE MATTER of an application submitted by Sheldon Lobel P.C. on behalf of Cumberland Farms, Inc., pursuant to Section 11-411 & 11-412 of the Zoning Resolution, for waiver of rules and procedures and extension of term for a period of ten (10) years for an existing gasoline station in a C2-4/R6 district located at **91-11 Roosevelt Avenue**, Block 1479, Lot 3, Zoning Map 9d, Jackson Heights, Borough of Queens.

**CD07 - BSA #347-12 BZ** - IN THE MATTER of an application submitted by the Law Office of Vincent L. Petraro, PLLC and the Law Office of Mitchell S. Ross on behalf of X&Y Development Group, pursuant to Section 72-01 of the NYC Zoning Resolution for a variance to permit transient hotel (UG5) and a special permit to allow projection into flight obstruction area of LaGuardia Airport, at **42-31 Union Street**, located in an R7-1/C1-2 district, Zoning Maps 10B, Flushing, Borough of Queens.

**CD02 - BSA #63-13BZ** - IN THE MATTER of an application submitted by Sheldon Lobel, P.C. on behalf of Cel-Net Holdings Corporation, pursuant to Sections 42-10 and 73-36 of the NYC Zoning Resolution, for a Special Permit to allow operation of a physical culture establishment in an M1-4/R7A district located at **11-11 44th Drive**, Block 447, Lot 13, Zoning Map 9b, Long Island City, Borough of Queens.

a19-25

### STATEN ISLAND BOROUGH PRESIDENT

#### ■ PUBLIC MEETING

Notice of Public Meeting, Wednesday, May 1, 2013, Staten Island Borough Board, Conference Room 122 at 5:30 P.M. Staten Island Borough Hall, Stuyvesant Place, Staten Island, New York 10301.

a25-m1

### BUSINESS INTEGRITY COMMISSION

#### ■ MEETING

Pursuant to Section 104 of the Public Officers Law, notice is hereby given of an open meeting of the Commissioners of the New York City Business Integrity Commission. The meeting will be held on Monday, May 13, 2013 at 12:00 P.M. at Spector Hall, 22 Reade Street, 1st Floor, New York, New York.

a23-26

### CITY COUNCIL

#### LAND USE DIVISION

#### ■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT the Council has scheduled the following public hearings on the matters indicated below:

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the Council Chambers, City Hall, New York City, New York 10007, commencing at 9:30 A.M. on Tuesday, April 30, 2013:

#### CAFÉ ARGENTINO

**BROOKLYN CB - 1** 20135372 TCK  
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Café Argentino, Inc., d/b/a Café Argentino, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 499 Grand Street.

#### OFRENDA

**MANHATTAN CB - 2** 20135340 TCM  
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of L Plus L Productions, LLC, d/b/a Ofrenda, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 113 7th Avenue South.

#### TIN MARIN RESTAURANT & LOUNGE

**BRONX CB - 8** 20135376 TCX  
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Tin Marin Bar & Lounge, Inc., d/b/a Tin Marin Restaurant & Lounge, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 3708 Riverdale Avenue.

#### SUGAR AND PLUMM

**MANHATTAN CB - 7** 20135361 TCM  
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Sugar and Plumm (Upper West), LLC, d/b/a Sugar and Plumm, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 173 West 78th Street.

#### 150 WOOSTER STREET

**MANHATTAN CB - 2** N 120200 ZRM  
Application submitted by MTM Associates, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Section 74-712, concerning a special permit for developments in historic districts in M1-5A and M1-5B districts.

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

#### 74-712 Developments in Historic Districts

Within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may grant a special permit, in accordance with the following provisions:

- a) In M1-5A and M1-5B Districts, on a #zoning lot# that, as of December 15, 2003, is vacant, is #land with minor improvements# or has not more than 20 40 percent of the #lot area# occupied by existing #buildings#, the Commission may modify #use# regulations to permit #residential development# and, below the floor level of the second #story# of any #development#, #uses# permitted under Section 32-15 (Use Group 6), provided that:
  - (1) the #use# modifications meet the following conditions:
    - (i) that #residential development# complies with the requirements of Sections 23-47 (Minimum Required Rear Yards) and 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) pertaining to R8 Districts;
    - (ii) that total #floor area ratio# on the #zoning lot# shall be limited to 5.0;
    - (iii) that the minimum #floor area# of each #dwelling unit# permitted by this Section shall be 1,200 square feet;
    - (iv) that all #signs# for #residential# or #commercial uses# permitted by this Section shall conform to the applicable regulations of Section 32-60 (SIGN REGULATIONS) pertaining to C2 Districts; and
    - (v) that eating and drinking establishments of any size, as set forth in Use Groups 6A and 12A, are not permitted; and
  - (2) the Commission finds that such #use# modifications:
    - (i) have minimal adverse effects on the conforming #uses# in the surrounding area;
    - (ii) are compatible with the character of the surrounding area; and
    - (iii) for modifications that permit #residential use#, result in a #development# that is compatible with the scale of the surrounding area.

b) In all districts, the Commission may modify #bulk# regulations, except #floor area ratio# regulations, for any #development# on a #zoning lot# that is vacant or is #land with minor improvements#, and in M1-5A and M1-5B Districts, the Commission may make such modifications for #zoning lots# where not more than 20 40 percent of the #lot area# is occupied by existing #buildings# as of December 15, 2003, provided the Commission finds that such #bulk# modifications:

- (1) shall not adversely affect structures or #open space# in the vicinity in terms of scale, location and access to light and air; and
- (2) relate harmoniously to #buildings# in the Historic District as evidenced by a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission.

The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# and to minimize adverse effects on the character of the surrounding area.

**150 WOOSTER STREET**  
**MANHATTAN CB - 2 C 120201 ZSM**  
 Application submitted by MTM Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following sections of the Zoning Resolution:

- 1. Section 74-712(a) - to modify the use regulations of Section 42-00 (GENERAL PROVISIONS) and Section 42-14(D)(2)(a) to allow Use Group 2 uses (residential use); and
- 2. Section 74-712(b) - to modify the height and setback requirements of Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks);

to facilitate the development of an 8-story mixed use building, on property located 150 Wooster Street (Block 514, Lots 7 and 9), in an M1-5A District, within the SoHo Cast-Iron Historic District.

**CORNELL NYC TECH CAMPUS**  
**MANHATTAN CB - 8 C 130007 MMM**  
 Application submitted by Cornell University and the New York City Economic Development Corporation, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- the establishment of East Main Street, West Main Street, North Loop Road, South Loop Road, East Loop Road and West Loop Road; and
- the establishment of legal grades necessitated thereby,

including authorization for any disposition or acquisition of real property related thereto, in accordance with Map No. 30241, dated October 11, 2012 and signed by the Borough President.

**CORNELL NYC TECH CAMPUS**  
**MANHATTAN CB - 8 C 130076 ZMM**  
 Application submitted by Cornell University and New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 8d and 9b, by:

- 1. changing from and R7-2 District to a C4-5 District property bounded by North Loop Road\* and its northwesterly and southeasterly prolongations, the U.S. Pierhead and Bulkhead Line, a line 1380 feet southwesterly of the centerline of North Loop Road\* and its northwesterly and southeasterly prolongations, and the U.S. Pierhead and Bulkhead Line; and
- 2. establishing a Special Southern Roosevelt Island District (SRI) bounded by North Loop Road\* and its northwesterly and southeasterly prolongations, the U.S. Pierhead and Bulkhead Line, a line 1380 feet southwesterly of the centerline of North Loop Road\* and its northwesterly and southeasterly prolongations, and the U.S. Pierhead and Bulkhead Line; as shown on a diagram (for illustrative purposes only) dated October 15, 2012.

\* Note: North Loop Road is proposed to be mapped under a concurrent related application (C 130007 MMM) for a change in the City Map.

**CORNELL NYC TECH CAMPUS**  
**MANHATTAN CB - 8 N 130077 ZRM**  
 Application submitted by Cornell University and NYC Economic Development Corporation 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, creating a new special district as Article XIII, Chapter 3 (Special Southern Roosevelt Island District) for the Cornell NYCTech proposal.

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

**11-12**  
**Establishment of Districts**  
 Establishment of the Special Southern Hunters Point District  
 Establishment of the Special Southern Roosevelt Island District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 3, the #Special Southern Roosevelt Island District# is hereby established.

**12-10**  
**Definitions**  
 Establishment of the Special Southern Hunters Point District

\* \* \*  
 The “Special Southern Roosevelt Island District” is a Special Purpose District designated with the letters “SRI” in which regulations set forth in Article XIII, Chapter 3, apply. The #Special Southern Roosevelt Island District# appears on #zoning maps# superimposed on other districts and, where indicated, its regulations supplement, modify and supersede those of the districts on which it is superimposed.

**Article XIII – Special Purpose Districts**

**Chapter 3**  
**Special Southern Roosevelt Island District**

**133-00**  
**GENERAL PURPOSES**  
 The #Special Southern Roosevelt Island District# established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) providing opportunities for the development of an academic and research and development campus in a manner that benefits the surrounding community;
- (b) allowing for a mix of residential, retail, and other commercial uses to support the academic and research and development facilities and complementing the urban fabric of Roosevelt Island;
- (c) establishing a network of publicly accessible open areas that take advantage of the unique location of Roosevelt Island and that integrate the academic campus into the network of open spaces on Roosevelt Island and provide a community amenity;
- (d) strengthening visual and physical connections between the eastern and western shores of Roosevelt Island by establishing publicly accessible connections through the Special District and above grade view corridors;
- (e) encouraging alternative forms of transportation by eliminating required parking and placing a maximum cap on permitted parking;
- (f) providing flexibility of architectural design within limits established to assure adequate access of light and air to the street and surrounding waterfront open areas, and thus to encourage more attractive and innovative building forms; and
- (g) promoting the most desirable use of land in this area and thus conserving the value of land and buildings, and thereby protect the City’s tax revenues.

**133-01**  
**Definitions**  
 Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section 12-10 (DEFINITIONS). Where matter in italics is defined both in Section 12-10 and in this Chapter, the definitions in this Chapter shall govern.

**Base Plane**  
 The definition of “base plane” is hereby modified to mean elevation 19.0, which elevation reflects the measurement in feet above Belmont Island Datum, which is 2.265 feet below the mean sea level at Sandy Hook, NJ.

**Development Parcel**  
 The “Development Parcel” shall mean all of the property located within the boundaries of the #Loop Road#, as shown on Map 1 in Appendix A of this Chapter. The #Development Parcel# shall be deemed a single #zoning lot# for the purpose of applying all regulations of this Resolution.

**Loop Road**  
 The “Loop Road” shall be comprised of the East Loop Road, the North Loop Road, the South Loop Road, and the West Loop Road, as shown on Map 1 in Appendix A of this Chapter. All such roads shall be deemed separate #streets# for the purposes of applying all regulations of this Chapter and shall not generate #floor area#.

**133-02**  
**General Provisions**  
 The provisions of this Chapter shall apply within the #Special Southern Roosevelt Island District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

**133-03**  
**District Plan and Maps**  
 The regulations of this Chapter are designed to implement the #Special Southern Roosevelt Island# District Plan.

- The District Plan includes the following maps:
- Map 1 – Special Southern Roosevelt Island District, Development Parcel, and Loop Road
  - Map 2 – Public Access Areas

The Maps are located in Appendix A of this Chapter and are hereby incorporated and made part of this Resolution. The Maps are incorporated for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

**133-04**  
**Applicability of Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations)**  
 The provisions of Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations) shall not apply in the #Special Southern Roosevelt Island District#. In lieu thereof, a maximum of 500 #accessory# parking spaces shall be permitted, which may be made available for public use.

However, bicycle parking shall be provided in accordance with the provisions of Section 36-70 (BICYCLE PARKING).

**133-05**  
**Applicability of Special Regulations Applying in the Waterfront Area**

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall not apply in the #Special Southern Roosevelt Island District#. In lieu thereof, the area between the shoreline and the western #street line# of the #West Loop Road# and the area between the shoreline and the eastern #street line# of the #East Loop Road# shall be used exclusively for open recreational uses, and shall be accessible to the public at all times.

**133-10**  
**SPECIAL USE REGULATIONS**

**133-11**  
**Additional Uses**  
 Within the #Development Parcel#, the provisions of Section 32-10 (Uses Permitted As-Of-Right) are modified to permit Use Group 17B research, experimental or testing laboratories. Any Use Group 17B #uses# within the #Development Parcel# shall conform with the performance standards of Section 42-20 (Performance Standards), inclusive, applicable to such #use# as in an M1 zoning district.

**133-12**  
**Location within buildings**  
 Within the #Development Parcel#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) shall not apply.

**133-20**  
**SPECIAL BULK REGULATIONS**  
 Within the #Development Parcel#, the special #bulk# regulations of this Section 133-20, inclusive, shall apply.

**133-21**  
**Floor Area Ratio**  
 The #floor area# provisions of Section 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio), shall be modified to permit a maximum #residential floor area ratio# of 3.44 without regard to #height factor#. In addition, the maximum permitted #floor area ratio# for a Use Group 17B research, experimental or testing laboratory shall be 3.40.

**133-22**  
**Lot Coverage**  
 The #open space ratio# requirements of Section 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio), and the #lot coverage# requirements of Sections 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio) and 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) shall not apply. In lieu thereof, the aggregate #lot coverage# for all #buildings# shall comply with the following:

- (a) The maximum #lot coverage# from the #base plane# to a height that is 20 feet above the #base plane# shall be 70 percent.
- (b) The maximum #lot coverage# from a height that is more than 20 feet above the #base plane# to a height that is 60 feet above the #base plane# shall be 60 percent.
- (c) The maximum #lot coverage# from a height that is more than 60 feet above the #base plane# to a height that is 180 feet above the #base plane# shall be 45 percent.
- (d) The maximum #lot coverage# above a height of 180 feet above the #base plane# shall be 25 percent.

The City Planning Commission may authorize an increase in the maximum #lot coverage# as set forth in paragraph (c) of this section to up to 55%, upon finding that such increase is necessary to achieve the programmatic requirements of the development, and will not unduly restrict access of light and air to publicly accessible areas and #streets#.

**133-23**  
**Height and Setback**  
 The height and setback regulations of Sections 23-60, 24-50, and 33-40 shall apply except as modified by this Section. All heights shall be measured from the #base plane#.

**133-231**  
**Modification of height and setback controls**  
 #Buildings or other structures# may exceed the underlying height and setback regulations for a percentage of the length of each #street line# of the #Loop Road# as follows:

- (a) #North Loop Road#: 65 percent
- (b) #East Loop Road#: 35 percent
- (c) #West Loop Road#: 35 percent
- (d) #South Loop Road#: 65 percent

Furthermore, the #street line# length percentage limitations set forth in paragraphs (a) through (d) of this Section may be exceeded by one percentage point for every two percentage points that the #lot coverage# within 50 feet of a #street line# is less than the following percentage:

- (1) #North Loop Road#: 50 percent
- (2) #East Loop Road#: 30 percent
- (3) #South Loop Road#: 50 percent
- (4) #West Loop Road#: 30 percent

All portions of #buildings or other structures# that exceed the underlying height and setback regulations in accordance with this Section shall comply with the height regulations of Section 133-232.

**133-232**  
**Height regulations**  
 For the portion of any #building or other structure# exceeding the height and setback controls set forth in Section 133-231, the maximum height of such portion located within 500 feet of the #North Loop Road# shall be 320 feet, exclusive

of permitted obstructions allowed by the underlying height and setback regulations, and the maximum height for any such portion on the remainder of the #Development Parcel# shall be 280 feet, exclusive of such permitted obstructions.

**133-233**

**Maximum area of stories above a height of 180 feet**

The gross area of any #story# located entirely above a height of 180 feet shall not exceed 15,000 square feet. Where a single #building# has two or more portions located above 180 feet that are entirely separate from one another above such height, each such portion shall not exceed a gross area of 15,000 square feet for any #story# located in whole or part above 180 feet.

**133-234**

**Permitted Obstructions**

Sections 23-51 (Permitted Obstructions), 24-62 (Permitted Obstructions) and 33-42 (Permitted Obstructions) shall be modified to allow #accessory# energy generating systems on the roof of a #building#, or any other structures supporting such systems, as permitted obstructions, without limitations.

**133-24**

**Distance Between Buildings**

The requirements of Sections 23-70 (Minimum Required Distance Between Two or More Buildings on a Single Zoning Lot) and 23-82 (Building Walls Regulated by Minimum Spacing Requirements) shall not apply, provided that if two or more #buildings# or portions of #buildings# are detached from one another at any level, such #buildings#, or such detached portions of #buildings# shall at no point be less than eight feet apart at or below a height of 180 feet, and shall at no point be less than 60 feet apart above a height of 180 feet.

**133-25**

**Modification of Bulk Regulations**

Within the #Special Southern Roosevelt Island District#, the City Planning Commission may, by special permit, allow a modification of the #bulk# regulations of this Chapter and the underlying #bulk# regulations, except #floor area# regulations, provided the Commission finds that:

- (a) such modifications are necessary to achieve the programmatic requirements of the academic and research and development campus;
- (b) such distribution of #bulk# will result in better site planning and will thus benefit both the residents, occupants or users of the #Special Southern Roosevelt Island District# and the surrounding neighborhood;
- (c) such distribution of #bulk# will permit adequate access of light and air to surrounding public access areas, #streets# and properties; and
- (d) that such distribution of #bulk# will not unduly increase the #bulk# of #buildings# in the #Special Southern Roosevelt Island District#, to the detriment of the occupants or users of #buildings# in the #Special Southern Roosevelt Island District# or on nearby #blocks#.

**133-30**

**PUBLIC ACCESS AREAS**

At least 20 percent of the #lot area# of the #Development Parcel# shall be publicly accessible and shall include, but need not be limited to, a Central Open Area, a North-South Connection, and a Waterfront Connection Corridor, the size and location requirements for which are set forth in Section 133-31. Any supplemental public access areas provided in order to meet the minimum public access #lot area# requirements of this Section shall comply with the requirements of paragraph (d) of Section 133-31. Design and operational standards for such public access areas are set forth in Section 133-32.

**133-31**

**Size and Location of Public Access Areas**

- (a) **Central Open Area**  
A Central Open Area shall front upon the #West Loop Road# for a minimum linear distance of 150 feet and be located at least 300 feet south of the #North Loop Road#, and at least 300 feet north of the #South Loop Road#. The Central Open Area shall be at least 30,000 square feet in area, with no portion having a dimension less than 20 feet in all directions counting towards such minimum area.
- (b) **North-South Connection**  
A continuous pedestrian connection shall be provided through the #Development Parcel# from the #North Loop Road#, or from the #West Loop Road# or #East Loop Road# within 200 feet of the #North Loop Road#, to the #South Loop Road#, or to the #West Loop Road# or #East Loop Road# within 200 feet of the #South Loop Road#. Such North-South connection shall have a minimum width of 50 feet throughout its required length. The North-South Connection shall include at least one segment with a minimum length of 300 feet located more than 100 feet from both the #West Loop Road# and #East Loop Road#. The North-South Connection shall connect to the Central Open Area either directly, or through a supplemental public access area having a minimum width of 30 feet. In the event that the North-South Connection traverses the Central Open Area, the area within the North-South Connection, as determined by its length and minimum required width shall not be included in the 30,000 square foot minimum area of the Central Open Area. There shall be at least one publicly accessible

connection from each of the #East Loop Road# and the #West Loop Road# to the North-South Connection. Such connections shall have a minimum width of 30 feet, and shall be located a minimum of 300 feet south of the #North Loop Road# and a minimum of 300 feet north of the #South Loop Road#. In addition, such connections may be coterminous with the Waterfront Connection Corridor required by paragraph (c) of this Section.

(c) **Waterfront Connection Corridor**

A Waterfront Connection Corridor shall be provided through the #Development Parcel# allowing for pedestrian access between the western boundary of the #East Loop Road# and either the eastern boundary of the #West Loop Road# or the eastern boundary of the Central Open Area. Such corridor shall be located in its entirety in the area located 300 feet south of the #North Loop Road# and 300 feet north of the #South Loop Road#. The Waterfront Connection Corridor shall have a minimum width of 30 feet.

(d) **Supplemental Public Access**

Supplemental public access areas may be located anywhere within the #Development Parcel#, provided such areas have a minimum dimension of 20 feet in all directions and connect directly to one or more of the #Loop Roads#, the North-South Connection, the Central Open Space, and the Waterfront Connection Corridor.

**133-32**

**Design Requirements for Public Access Areas**

- (a) **Level of public access areas and limits on coverage**  
At least 80 percent of publicly accessible areas shall be located at grade level, or within five feet of grade level, as such grade level may change over the #Development Parcel#, and shall be open to the sky. The remainder of such publicly accessible areas may be enclosed, covered by a structure, or located more than five feet above or below grade level, provided that such publicly accessible areas are directly accessible from public access areas that are at grade level or within five feet of grade level, and in all cases have a minimum clear height of 15 feet.

At least 50% of the linear #street# frontage for the Central Open Area required under Section 133-31(a) shall be located at the same elevation as the adjoining sidewalk of the #West Loop Road#. At least 80% of the area of the Central Open Area shall be open to the sky, and the remainder may be open to the sky or covered by a #building# or other structure#. A minimum clear height of 30 feet shall be provided in any area of the Central Open Area covered by a #building# or other structure#.

The northern and southern access points to the North-South Connection shall be located at the same elevation as the adjoining public sidewalk. The elevation of the North-South Connection may vary over the remainder of its length. At least 70 percent of the area of the North-South Connection shall be open to the sky, and the remainder may be open to the sky or covered by a #building# or other structure#. A minimum clear height of 15 feet shall be provided in any area of the North-South Connection covered by a #building# or other structure#.

Any portion of the Waterfront Connection Corridor that is covered by a #building# or located within a #building#, shall have a minimum clear height of 30 feet, provided that overhead walkways, structures and lighting occupying in the aggregate no more than 10 percent of the area of the Waterfront Connection Corridor, as determined by the minimum required width, shall be permitted within the required clear height.

(b) **Clear paths**

The North-South Connection and the Waterfront Connection Corridor shall each have a clear path of 12 feet throughout their entire required lengths, including those connections required between the North-South Connection and the #East# and #West Loop Roads#. All such clear paths shall be accessible to persons with disabilities.

(c) **Permitted obstructions**

Permitted obstructions allowed under paragraph (a) of Section 62-611 may be located within any required public access area, provided that no such permitted obstructions shall be located within a required clear path. Furthermore, kiosks may be up to 500 square feet in area, and open air cafes may occupy not more than five percent of any required public access area.

(d) **Seating**

A minimum of one linear foot of seating shall be provided for each 200 square feet of required public access areas. Required seating types may be moveable seating, fixed individual seats, fixed benches with or without backs, and design-feature seating such as seat walls, planter edges or steps. All required seating shall comply with the following standards:

- (1) Seating shall have a minimum depth of 18 inches. Seating with 36 inches or more in depth may count towards two seats, provided there is access to both sides. When required seating is provided on a planter ledge, such ledge must have a minimum depth of 22 inches.

- (2) Seating shall have a height not less than 16 inches nor greater than 20 inches above the level of the adjacent walking surface. However, as described in paragraph (5) of this Section, seating steps may have a height not to exceed 30 inches and seating walls may have a height not to exceed 24 inches.

- (3) At least 50 percent of the linear feet of fixed seating shall have backs at least 14 inches high and a maximum seat depth of 20 inches. Walls located adjacent to a seating surface shall not count as seat backs. All seat backs must either be contoured in form for comfort or shall be reclined from vertical between 10 to 15 degrees.

- (4) Moveable seating shall be credited as 24 inches of linear seating per chair. All moveable seats must have backs and a maximum seat depth of 20 inches. Moveable chairs shall not be chained, fixed, or otherwise secured while the public access area is open to the public.

- (5) Seating steps and seating walls may be used for required seating if such seating does not, in aggregate, represent more than 15 percent of the linear feet of all required seating. Seating steps shall not include any steps intended for circulation and must have a height not less than six inches nor greater than 30 inches and a depth not less than 18 inches. Seating walls shall have a height not greater than 18 inches; such seating walls, however, may have a height not to exceed 24 inches if they are located within 10 feet of an edge of a public access area.

Seating shall be provided in the Central Open Area in an amount equal to a minimum of one linear foot for every 100 square feet of the Central Open Area. Such seating shall include at least one moveable chair for every 500 square feet of the Central Open Area, and at least one other seating type. One table shall be provided for every four moveable chairs. At least 15 percent of the required seating shall be located within 20 feet of any #Loop Road#, and at least 10 percent of such required seating shall be located within 20 feet of the North-South Connection or any Supplemental Public Access Area that connects the Central Open Area to the North-South Connection.

Seating shall be provided in the North-South Connection in an amount equal to at least one linear foot for every 150 square feet of the North-South Connection. At least 20 linear feet of such seating shall be located within 20 feet of its northern entrance and an additional 20 linear feet of such seating shall be located within 20 feet of its southern entrance. There shall be at least two types of seating in the North-South Connection.

Seating for open air cafes may be used by members of the public regardless of whether such persons are patrons of a café when not being used for service.

(e) **Planting**

At least 20 percent of the required public access areas on the #Development Parcel# shall be comprised of planted areas, including planting beds and lawns.

At least 30 percent of the Central Open Area shall be planted with lawns, planting beds, or a combination thereof.

(f) **Hours**

All required public access areas shall be open daily from 6:00 A.M. to 10:00 P.M. Signs stating that the North-South Connection is publicly accessible shall be posted at its northern and southern entrances. Signs indicating that the Central Open Space is publicly accessible shall be posted at its entrance from the West Loop Road and the North-South Connection.

**133-40**  
**BUILDING PERMITS**

The Department of Buildings shall not approve any application for a building permit for a #development# or an #enlargement# unless such application shows the location of the Central Open Area, the North-South Connection and the Waterfront Connection Corridor, and any Supplemental Public Access Areas, for the purposes of demonstrating that the required amount of public access area, as set forth in Sections 133-30 and 133-31, is able to be accommodated on the #Development Parcel#.

**133-50**  
**PHASING**

The public access areas required pursuant to Section 133-30, inclusive, may be built out in phases on the #Development Parcel# in accordance with this Section.

No temporary or permanent certificate of occupancy from the Department of Buildings may be issued for more than 300,000 square feet of #floor area# #developed# or #enlarged# on the #Development Parcel# until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that at least 25,000 square feet of public access area is substantially complete and open to the public.

No temporary or permanent certificate of occupancy from the Department of Buildings may be issued for more than 500,000 square feet of #floor area# #developed# or #enlarged# on the #Development Parcel# until the Chairperson of the City Planning Commission certifies to the Commissioner of

Buildings that at least 40,000 square feet of public access area is substantially complete and open to the public. The Central Open Area shall be part of the public access area required to be substantially completed and open to the public under this paragraph.

No temporary or permanent certificate of occupancy from the Department of Buildings may be issued for each additional 200,000 square feet of #floor area# #developed# or #enlarged# on the #Development Parcel# until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that an additional 12,000 square feet of public access area is substantially completed and open to the public. A portion of the North-South Connection connecting at least one of the #Loop Roads# and the Central Open Area shall be substantially completed and open to the public prior to obtaining a temporary or permanent certificate of occupancy for more than 750,000 square feet of #floor area# #developed# or #enlarged# on the #Development Parcel#. The Waterfront Connection shall be substantially completed and open to the public prior to obtaining a temporary or permanent certificate of occupancy for more than 900,000 square feet of #floor area# #developed# or #enlarged# on the #Development Parcel#.

Except as set forth above, the open space provided pursuant to this Section may include interim open space areas, provided that no temporary or permanent certificate of occupancy from the Department of Buildings may be issued for more than 1,700,000 square feet of #floor area# #developed# or #enlarged# on the #Development Parcel# until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that all of the Central Open Area, the North-South Connection, and the Waterfront Connection are substantially complete and open to the public.

Not more than 20 percent of the #lot area# of the #Development Parcel# shall be required to be improved as public access areas, and the obligation to provide public access areas in accordance with paragraphs (a), (b), (c), and (d) of this Section shall terminate at such time as 20 percent of the #lot area# of the #Development Parcel# has been improved as public access areas and has been opened to the public.

133-60 MODIFICATION OF PUBLIC ACCESS AREAS

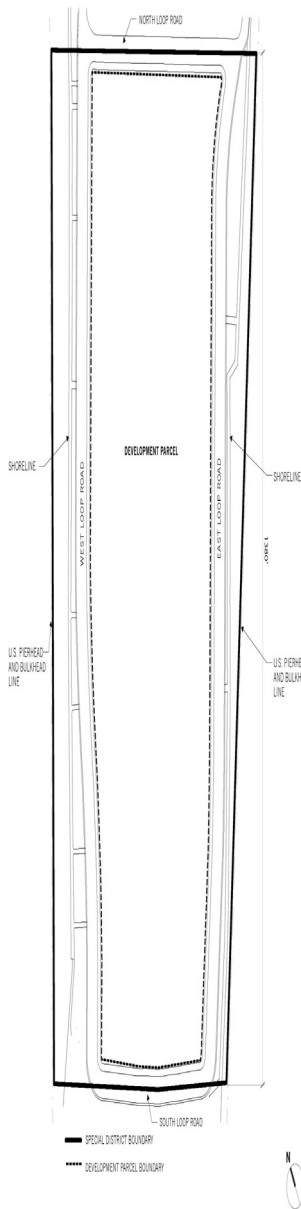
Any public access area may be modified, eliminated, or reconfigured over time, provided that such modification, elimination, or reconfiguration does not reduce the amount of public access area required under Section 133-40 (Phasing) for the amount of #floor area# located on the #Development Parcel# at the time of such activity. Any modified or reconfigured public access area shall comply with the applicable provisions of Section 133-30 (PUBLIC ACCESS AREAS), inclusive.

133-70 NO-BUILD VOLUME

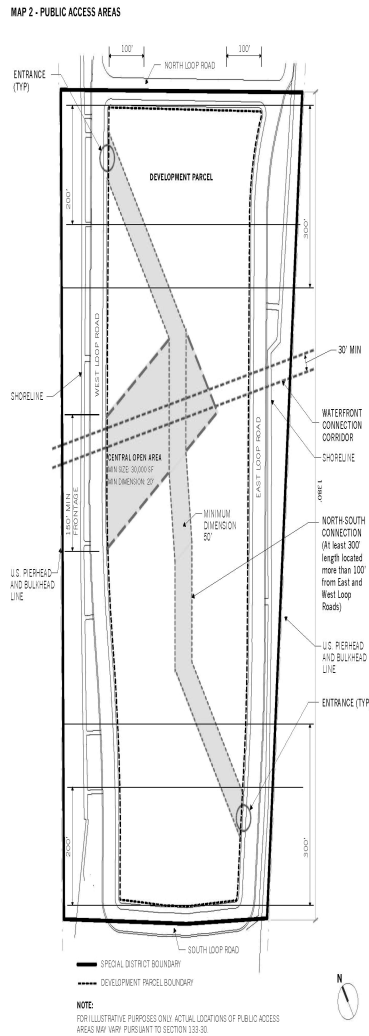
A volume shall be established on the #Development Parcel# between a line that is 300 feet south of the #North Loop Road# and a line that is 300 feet north of the #South Loop Road#. Such volume shall extend from the #East Loop Road# to the #West Loop Road# along a line that is within 30 degrees of the line connecting true east and true west. The minimum width of such volume shall be 50 feet, with its lowest level 60 feet above the #base plane#. Such volume shall be open to the sky. No obstructions of any kind shall be permitted within such volume.

APPENDIX A #Special Southern Roosevelt Island District# Plan

MAP 1 - SPECIAL SOUTHERN ROOSEVELT ISLAND DISTRICT, DEVELOPMENT PARCEL AND LOOP ROAD



Map 2 - Public Access Areas



CORNELL NYC TECH CAMPUS MANHATTAN CB - 8 C 130078 PPM

Application submitted by the NYC Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the disposition to the New York City Land Development Corporation (NYCLDC) of city-owned property located on Block 1373, Lot 20 and p/o Lot 1, pursuant to zoning.

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing in the Committee Room, City Hall, New York City, New York City, New York 10007, commencing at 11:00 A.M. on Tuesday, April 30, 2013.

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing in the Committee Room, City Hall, New York City, New York 10007, commencing at 1:00 P.M. on Tuesday, April 30, 2013.

a24-30

CITY PLANNING COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission Scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street, New York, NY, on Wednesday, May 8, 2013 at 10:00 A.M.

BOROUGH OF MANHATTAN Nos. 1, 2 & 3 SPECIAL GOVERNOR'S ISLAND DISTRICT No. 1

CD 1 N 130189 ZRM IN THE MATTER OF an application submitted by Governor's Island Corporation d/b/a The Trust for Governor's Island pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, to add Article XIII, Chapter 4, establishing the Special Governor's Island District in Community District 1, Borough of Manhattan, and to amend related Sections.

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 I Chapter 2 12-10 DEFINITIONS

Special Governors Island District The "Special Governors Island District" is a Special Purpose District designated by the letters "GI" in which the special regulations set forth in Article XIII, Chapter 4, apply.

Article I Chapter 3 Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and Portions of Community Districts 1 and 2 in the Borough of Queens

13-00 of GENERAL PURPOSES The provisions of this Chapter establish special comprehensive regulations for off-street parking in Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 (with the exception of Roosevelt Island and Governor's Island) and portions of

Queens Community Districts 1 and 2. These regulations are a significant step forward towards bringing the Zoning Resolution into conformity with current environmental programs and safety standards concerning air pollution in the Borough of Manhattan, south of 110th Street. In Long Island City, Borough of Queens, these regulations will allow the city to plan for the parking needs of residents and businesses in a more rational manner and help facilitate a mass transit, pedestrian-oriented Central Business District.

Article XIII - Special Purpose Districts

Chapter 4 Special Governors Island District

134-00 GENERAL PURPOSES

The #Special Governors Island District# established in this Resolution is designed to promote and protect public health, safety and general welfare. These goals include, among others, the following specific purposes:

- (a) promote public use and enjoyment of the Island as a recreational destination that draws upon its location in New York Harbor with singular views and natural beauty;
(b) encourage educational and cultural uses such as the arts, music and dance which bring the public to the Island to enjoy cultural events in a unique setting of historic buildings and green spaces;
(c) promote public use of the Island for water-related recreational and educational activities that benefit from its unique Island setting;
(d) preserve historic buildings in the historic district and encourage their renovation and redevelopment for appropriate educational, cultural, and commercial uses;
(e) facilitate commercial uses including, but not limited to, hotels, restaurants, retail, arts and crafts galleries and related uses that are compatible with the educational, cultural and recreational uses of the Island and with the primary use of the Island by the public as a recreational resource; and
(f) promote the most desirable use of land and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

134-01 General Provisions

For the purposes of this Chapter, the area within the boundaries of the #Special Governors Island District# shall be considered a single #zoning lot#.

Development rights may not be transferred across the boundary of the #Special Governors Island District#.

134-02 Applicability of Parking and Loading Regulations

The off-street parking and loading regulations of the underlying district, and Article I, Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and Portions of Community Districts 1 and 2 in the Borough of Queens), shall not apply. In lieu thereof, off-street parking and loading berths #accessory# to any #use# permitted within the #Special Governors Island District# shall be allowed.

134-03 Applicability Special Regulations Applying in the Waterfront Area

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall not apply, except as set forth in Section 134-22 (Special Height and Setback Regulations).

134-10 SPECIAL USE REGULATIONS

134-11 Commercial Use

All #commercial uses# shall be allowed; however, any #commercial use# larger than 7,500 square feet in #floor area# shall only be permitted provided that, prior to the establishment of such #use#, the applicant shall submit a written description of such #use# to the local community board, together with information to demonstrate that such #use# will promote the goals of the #Special Governors Island District#, complement existing #uses# within the special district, and be compatible with the nature, scale and character of other #uses# within the special district.

The local community board shall have the opportunity to respond to such submission with written comments within forty-five (45) days of receipt and the applicant shall thereafter provide the local community board with a written response to such comments, including a description of any modifications to the proposal or, if a recommendation of the local community board has not been adopted, the reasons such modification has not been made.

No building permit shall be issued with respect to a #commercial use# larger than 7,500 square feet unless the Chairperson of the City Planning Commission shall have certified to the Department of Buildings that the applicant has complied with the provisions of this Section.

134-12 Signs

For #commercial uses#, the #sign# regulations of a C1 District mapped within an R3-2 District shall apply.

134-20 SPECIAL BULK REGULATIONS

**134-21****Special Regulations for Commercial Uses**

For #commercial uses#, the #floor area# regulations of a C1 District mapped within an R3-2 District shall apply.

**134-22****Special Height and Setback Regulations**

The provisions of Section 62-341 (Developments on land and platforms) shall apply to all #buildings# in the #Special Governors Island District#.

**No. 2****CD 1****N 130189(A) ZRM**

**IN THE MATTER OF** an application submitted by Governors Island Corporation d/b/a The Trust for Governors Island pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, to add Article XIII, Chapter 4, establishing the Special Governors Island District in Community District 1, Borough of Manhattan, and to amend related Sections.

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 I****Chapter 2****12-10****DEFINITIONS**

\* \* \*

**Special Governors Island District**

The "Special Governors Island District" is a Special Purpose District designated by the letters "GI" in which the special regulations set forth in Article XIII, Chapter 4, apply.

\* \* \*

**Article I****Chapter 3****Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and Portions of Community Districts 1 and 2 in the Borough of Queens****13-00****GENERAL PURPOSES**

The provisions of this Chapter establish special comprehensive regulations for off-street parking in Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 (with the exception of Roosevelt Island and Governors Island) and portions of Queens Community Districts 1 and 2. These regulations are a significant step forward towards bringing the Zoning Resolution into conformity with current environmental programs and safety standards concerning air pollution in the Borough of Manhattan, south of 110th Street. In Long Island City, Borough of Queens, these regulations will allow the city to plan for the parking needs of residents and businesses in a more rational manner and help facilitate a mass transit, pedestrian-oriented Central Business District.

\* \* \*

**Article XIII – Special Purpose Districts****Chapter 4****Special Governors Island District****134-00****GENERAL PURPOSES**

The #Special Governors Island District# established in this Resolution is designed to promote and protect public health, safety and general welfare. These goals include, among others, the following specific purposes:

- (a) promote public use and enjoyment of the Island as a recreational destination that draws upon its location in New York Harbor with singular views and natural beauty;
- (b) encourage educational and cultural uses such as the arts, music and dance which bring the public to the Island to enjoy cultural events in a unique setting of historic buildings and green spaces;
- (c) promote public use of the Island for water-related recreational and educational activities that benefit from its unique Island setting;
- (d) preserve historic buildings in the historic district and encourage their renovation and redevelopment for appropriate educational, cultural, and commercial uses;
- (e) facilitate commercial uses including, but not limited to, hotels, restaurants, retail, arts and crafts galleries and related uses that are compatible with the educational, cultural and recreational uses of the Island and with the primary use of the Island by the public as a recreational resource; and
- (f) promote the most desirable use of land and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

**134-01****General Provisions**

For the purposes of this Chapter, the area within the boundaries of the #Special Governors Island District# shall be considered a single #zoning lot#.

Development rights may not be transferred across the boundary of the #Special Governors Island District#.

Except as modified by the express provisions of the #Special Governors Island District#, the regulations of the underlying zoning district remain in effect.

**134-02****Applicability of Parking and Loading Regulations**

The off-street parking and loading regulations of the

underlying district, and Article I, Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and Portions of Community Districts 1 and 2 in the Borough of Queens), shall not apply. In lieu thereof, off-street parking and loading berths #accessory# to any #use# permitted within the #Special Governors Island District# shall be allowed.

**134-03****Applicability of Special Regulations Applying in the Waterfront Area**

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall not apply, except as set forth in Section 134-22 (Special Height and Setback Regulations).

**134-10****SPECIAL USE REGULATIONS****134-11****Commercial Use**

All #commercial uses# shall be allowed; however, any #commercial use# or #physical culture or health establishment# larger than 7,500 square feet in #floor area# shall only be permitted provided that, prior to the establishment of such #use#, the applicant shall submit a written description of such #use# to the local community board, together with information to demonstrate that such #use# will promote the goals of the #Special Governors Island District#. complement existing #uses# within the special district, and be compatible with the nature, scale and character of other #uses# within the special district.

The local community board shall have the opportunity to respond to such submission with written comments within forty-five (45) days of receipt and the applicant shall thereafter provide the local community board with a written response to such comments, including a description of any modifications to the proposal or, if a recommendation of the local community board has not been adopted, the reasons such modification has not been made.

No building permit shall be issued with respect to a #commercial use# or #physical culture or health establishment# larger than 7,500 square feet unless the Chairperson of the City Planning Commission shall have certified to the Department of Buildings that the applicant has complied with the provisions of this Section.

**134-12****Physical Culture or Health Establishments**

#Physical culture or health establishments# shall be permitted in the #Special Governors Island District#. The special permit provisions of Section 73-36 shall not apply.

**134-13****Signs**

For #commercial uses# and #physical culture or health establishments#, the #sign# regulations of a C1 District mapped within an R3-2 District shall apply.

**134-20****SPECIAL BULK REGULATIONS****134-21****Special Regulations for Commercial Uses**

For #commercial uses# and #physical culture or health establishments#, the #floor area# regulations of a C1 District mapped within an R3-2 District shall apply.

**134-22****Special Height and Setback Regulations**

The provisions of Section 62-341 (Developments on land and platforms) shall apply to all #buildings# in the #Special Governors Island District#.

**No. 3****CD 1****C 130190 ZMM**

**IN THE MATTER OF** an application submitted by Governors Island Corporation d/b/a The Trust for Governors Island pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16a by establishing a Special Governors Island District (GI) bounded by a line 2675 feet northeasterly from the southwesterly point of Governors Island as measured along a line perpendicular to said line and bisecting the angle formed by the southwesterly boundary lines of Governors Island, and the northerly, northeasterly and southeasterly shorelines of Governors Island, as shown on a diagram (for illustrative purposes only) dated February 19, 2013.

**NOTICE**

**On Wednesday, May 8, 2013, at 10:00 A.M., in Spector Hall, at the Department of City Planning, 22 Reade Street, in Lower Manhattan, a public hearing will be held to receive comments related to a Draft Supplemental Generic Environmental Impact Statement (DSGEIS) for the Phased Redevelopment of Governors Island—North Island Re-tenanting and Park and Public Space Master Plan (CEQR No. 11DME007M). Governors Island Corporation, doing business as The Trust for Governors Island (The Trust), is a not-for-profit corporation and instrumentality of the City of New York. The Trust holds title to 150 acres of the 172-acre island (the Island); the remaining 22 acres is owned by the National Park Service and is a National Monument. Governors Island is located in New York Harbor, approximately 800 yards south of Manhattan and 400 yards west of Brooklyn. The Island comprises the North Island (the area north of the former Division Road) and the South Island (the area south of the former Division Road). The entire island is zoned R3-2. The Trust proposes to create a Special Governors Island District on the North Island, a new zoning district that would generally allow most commercial uses compatible with the use of the Island as a**

recreational, cultural, and educational resource, in the existing R3-2 district; the reuse and re-tenanting of approximately 1.2 million square feet of space in existing historic structures; the full development of the Park and Public Space Master Plan for the entire Island; and expanded seven day a week ferry service to support the re-tenanted buildings.

Written comments are requested on the DSGEIS and will be accepted by the Lead Agency, the Office of the Deputy Mayor for Economic Development, through 5:00 P.M. on Monday, May 20, 2013. This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR) and is held in conjunction with the City Planning Commission's public hearing pursuant to the Uniform Land Use Review Procedure (ULURP).

YVETTE V. GRUEL, Calendar Officer

City Planning Commission

22 Reade Street, Room 2E

New York, New York 10007

Telephone (212) 720-3370

☛ a25-m8

**COMMUNITY BOARDS****■ PUBLIC HEARINGS**

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

**BOROUGH OF THE BRONX**

COMMUNITY BOARD NO. 07 - Thursday, April 25, 2013 at 6:30 P.M., Bronx Community Board 7, 229A East 204th Street, Bronx, NY

**C130120ZMX**

River Plaza Rezoning

IN THE MATTER OF an application submitted by Kingsbridge Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, eliminating from within an existing R6 district a C1-3 district.

a19-25

**LANDMARKS PRESERVATION COMMISSION****■ PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **May 7, 2013 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

**CERTIFICATE OF APPROPRIATENESS**

BOROUGH OF BROOKLYN 14-2618 - Block 208, lot 508-2 Montague Terrace-Brooklyn Heights Historic District A neo-Classical style apartment building built in 1927. Application is to legalize the installation of windows in non-compliance with Certificate of No Effect 13-5412. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**

BOROUGH OF BROOKLYN 14-0652 - Block 261, lot 36-20 Garden Place-Brooklyn Heights Historic District An Anglo-Italianate style rowhouse built c. 1861-1879. Application is to construct rear yard and rooftop additions, and install rooftop HVAC units and windows. Zoned R6. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**

BOROUGH OF BROOKLYN 14-1790 - Block 235, lot 37-105 Willow Street-Brooklyn Heights Historic District An Eclectic-Diverse style rowhouse built between 1861-1879. Application is to excavate the rear yard. Zoned R6, LH-1. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**

BOROUGH OF BROOKLYN 13-8394 - Block 2102, lot 23-225 Cumberland Street-Fort Greene Historic District A vernacular Italianate style rowhouse built in c.1865. Application is to enlarge and alter the two-story rear deck. Zoned R6B. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**

BOROUGH OF BROOKLYN 13-2122 - Block 1963, lot 68-156 St. James Place - Clinton Hill Historic District A vernacular frame house built circa 1865. Application is to alter the facade, replace windows and doors, and install a stoop. Zoned R6B. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**

BOROUGH OF BROOKLYN 10-8501 - Block 291, lot 13-122 Pacific Street-Cobble Hill Historic District A Greek Revival style house built before 1833, and later altered. Application is to alter the facade. Community District 6.

**CERTIFICATE OF APPROPRIATENESS**

BOROUGH OF BROOKLYN 14-0208 - Block 5182, lot 65-481 East 18th Street-Ditmas Park Historic District A neo-

Tudor style house designed by Slee & Bryson and built in 1909-10. Application is to alter the enclosed porch. Zoned R 1-2. Community District 14.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 14-2894 - Block 215, lot 7505-157 Hudson Street-Tribeca North Historic District A Renaissance Revival style stable building, designed by Ritch & Griffiths, and built in 1866-67; altered and enlarged in 1898-99 by Edward Hale Kendall and in 1902 by Charles W. Romeyn. Application is to install rooftop pergolas and planters. Community District 1.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 14-2514 - Block 592, lot 38 480 Greenwich Street, aka 502 Canal Street -480 Greenwich Street/502 Canal Street House-Individual Landmark A Federal style residential building with a commercial ground floor built in 1818-19. Application is to reconstruct a portion of the front facade and construct a rear yard addition. Zoned C6-2A. Community District 1.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 14-3116 - Block 592, lot 39-504 Canal Street - 504 Canal Street House-Individual Landmark A Greek Revival style residential building with a commercial base built c. 1841. Application is to modify the ground floor infill and remove the historic fire escape. Zoned C6-2A. Community District 1.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 14-3117 - Block 592, lot 40-506 Canal Street - 506 Canal Street House-Individual Landmark A Federal style residential building with a storefront built in 1826. Application is to install new storefront infill. Zoned C6-2A. Community District 1.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 14-2652 - Block 777, lot 7-321 Canal Street-SoHo-Cast Iron Historic District A Federal style rowhouse built in 1821 and altered in the mid 19th century to accommodate a commercial ground floor. Application is to disassemble and deconstruct the building to address hazardous emergency conditions. Zoned M1-5B. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 14-2567 - Block 230, lot 6-323 Canal Street-SoHo-Cast Iron Historic District A Federal style rowhouse built in 1821 and altered in the mid 19th century to accommodate a commercial ground floor. Application is to disassemble and deconstruct the building to address hazardous emergency conditions. Zoned M1-5B. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 14-2666 - Block 591, lot 45-327 Bleecker Street, aka 88 Christopher Street-Greenwich Village Historic District A building originally constructed as two-story house in 1832-33, and altered in the 19th and 20th century. Application is to disassemble and deconstruct the building to address hazardous emergency conditions. Zoned C1-6 Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-6472 - Block 475, lot 1-337-339 West Broadway, aka 54-58 Grand Street -SoHo-Cast Iron Historic District A store building designed by Peter V. Outcault and built in 1885-1886. Application to replace rooftop HVAC equipment and paint the facades. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 14-2895 - Block 513, lot 28-155 Mercer Street-SoHo-Cast Iron Historic District A fireman's hall building designed by Field & Correja and built in 1854. Application is to install new storefront infill and relocate a flagpole. Community District 2.

**MODIFICATION OF USE AND BULK**  
BOROUGH OF MANHATTAN 14-1926 - Block 513, lot 28-155 Mercer Street-SoHo-Cast Iron Historic District A fireman's hall building designed by Field & Correja and built in 1854. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Use pursuant to Section 74-711 of the Zoning Resolution. Zoned M1-5A. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 14-2590 - Block 521, lot 43-18-24 Bleecker Street, aka 309-311 Elizabeth Street-NoHo East Historic District A Colonial Revival style school and rectory building designed by Silvio A. Minoli and built c. 1926-27. Application is to install door, a canopy, marquee and flagpoles and banner. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 14-1764 - Block 545, lot 11-718 Broadway-NoHo Historic District A neo-Classical style store and loft building designed by Thomas Graham and built in 1906-1908. Application is to install storefront and illuminated signage. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-9587 - Block 568, lot 10-14 East 11th Street-Greenwich Village Historic District A Greek Revival style house built in 1839. Application is to construct rooftop and rear yard additions. Zoned R7-2. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 14-0230 - Block 616, lot 46-63 8th Avenue-Greenwich Village Historic District A service station built in 1976. Application is to replace signage and legalize the installation of storefront infill without Landmarks Preservation Commission permit(s). Zoned C 1-6. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 14-0637 - Block 571, lot 7502-22 East 14th Street-Bauman Brothers Furniture Store - Individual Landmark A store and loft building, designed by David and John Jardine and built in 1880-81, combining elements of the neo-Classical, neo-Grec and Queen Anne styles. Application is to establish a Master Plan governing the future installation of storefront infill, and to install flagpoles and banners, a canopy and signage. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 14-2418 - Block 392, lot 10-605 East 9th Street, aka 605-615 East 9th Street and 350-360 East 10th Street-(Former) Public School 64-Individual Landmark A French Renaissance Revival style school building designed by C.B.J. Snyder and built in 1904-06. Application is to alter and excavate the courtyards to create barrier-free access, alter and create masonry openings and install windows and doors; and install rooftop bulkheads, mechanical equipment, and railings. Zoned R8B. Community District 3.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 14-2414 - Block 821, lot 41-150 Fifth Avenue - Ladies' Mile Historic District A Romanesque Revival style store and loft building designed by Edward H. Kendall and built in 1888-90. Application is to replace the cornice facade panels. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 14-0743 - Block 1196, lot 40-14-16 West 83rd Street-Upper West Side/Central Park West Historic District A pair of Renaissance Revival style rowhouses designed by A.B. Ogden & Son and built in 1890. Application is to alter the front areaway, legalize the installation of window grilles installed without Landmarks Preservation Commission permit(s), install window grilles; install rooftop flues, reconstruct the rear facade and addition, and excavate the cellar. Zoned R8B. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-1235 - Block 1147, lot 19-125 West 75th Street - Upper West Side/Central Park West Historic District A Renaissance Revival style rowhouse designed by Neville & Bagge and built in 1893-94. Application is to alter the areaway and install new walls and railings. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-8564 - Block 1251, lot 15-311 West 90th Street-Riverside West End Historic District A Renaissance Revival style rowhouse, designed by Thomas J. Sheridan and built in 1890-1891. Application is to construct the rear and rooftop additions, replace windows, lower the areaway, and construct a stoop. Zoned R-8. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 14-2531 - Block 1375, lot 67-2-6 East 61st Street, aka 795 Fifth Avenue, The Pierre Hotel-Upper East Side Historic District A neo-Classical style hotel designed by Schultze and Weaver and built in 1929-30. Application is to replace an existing addition. Zoned C-5, R10H. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 14-0337 - Block 1410, lot 26-173 East 75th Street -Upper East Side Historic District Extension A Renaissance Revival style school building designed by Robert J. Reiley and built in 1925-26. Application is to install an awning. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 14-0048 - Block 1408, lot 59-134-136 East 74th Street-Upper East Side Historic District A Modern style house with a commercial ground floor, originally built in 1871-1875 as two rowhouses, with subsequent alterations in 1920, 1928 and 1930. Application is to construct a rooftop addition, alter the rear facade, excavate the cellar, install rooftop mechanical equipment, and alter the front facade and areaway. Zoned C1-8X. Community District 8.

a24-m7

## OFFICE OF THE MAYOR

### OFFICE OF THE DEPUTY MAYOR FOR ECONOMIC DEVELOPMENT

#### ■ NOTICE

#### NOTICE OF PUBLIC SCOPING

#### Office of the Deputy Mayor for Economic Development

#### Draft Scope of Work for an Environmental Impact Statement (EIS)

#### Kingsbridge Armory National Ice Center

NOTICE IS HEREBY GIVEN THAT a public scoping meeting will be held on Thursday, May 23, 2013 beginning at 5:30 P.M. at the Bronx Library Center, 310 East Kingsbridge Road, Bronx, New York. **Please note that any person wishing to speak must register not later than 8:00 P.M.**

The purpose of the scoping meeting is to provide the public with the opportunity to comment on the Draft Scope of Work proposed to be used to develop an Environmental Impact Statement (EIS) for the proposed Kingsbridge Armory National Ice Center project. Comments on the Draft Scope of Work are invited and may be presented at the public scoping meeting and/or may be submitted in writing to the Mayor's Office of Environmental Coordination until 5:00 P.M. Monday,

June 3, 2013.

Directing that an Environmental Impact Statement be prepared, the Environmental Assessment Statement, Positive Declaration, and Draft Scope of Work were issued by the Office of the Deputy Mayor for Economic Development on April 23, 2013, and are available for review from the contact person listed below and on the website of the Mayor's Office of Environmental Coordination ([www.nyc.gov/oecc](http://www.nyc.gov/oecc)).

The proposed project would re-develop the Kingsbridge Armory with approximately 763,000 SF of new development, including 9 ice rinks; approximately 63,000 SF of related program space, including a wellness/off-ice training center, curling rinks, and lockers/equipment storage; approximately 58,000 SF of related food, concession, and retail space; and approximately 50,000 SF of community facility space. The proposed ice rinks are intended for use by neighborhood students and residents, high school and college leagues, open skate, instructional training, adult professional (minor league) and non-professional hockey games, figure and speed skating, and other ice events. The main central rink would have a capacity of 5,000 seats; the other rinks would have temporary bleacher seating.

Additionally, there would be approximately 480 public parking spaces in approximately 193,000 SF in the cellar levels. Entry to the parking and loading dock areas would be from Reservoir Avenue and 195th Street, at the west and north sides of the project block with a new curb cut on Reservoir Avenue.

The Armory is a designated New York City Landmark (NYCL) and is listed on the New York State and National Registers of Historic Places (S/NR). The proposed project would involve some changes to the exterior of the historic Armory structure to provide additional pedestrian and vehicular access, to comply with the Americans with Disabilities Act (ADA), and to accommodate required mechanical systems. These are anticipated to include several new pedestrian entrances and exits on the north side of the building, a new accessible entrance at the southwest corner of the building, a new vehicular entrance and loading dock on the north side of the building, and a new truck entrance on the west side of the building. In addition, there would be several screened openings at the building's roof for the HVAC system, which could be visible from some nearby vantage points, and signage within and adjacent to the Armory structure. Solar panels are proposed to be installed on the upper (flat) portion of the roof on the south side of the building. Alterations to the historic structure would be designed in consultation with and subject to approval by the New York City Landmarks Preservation Commission (LPC) (and, as required, the New York State Office of Parks, Recreation and Historic Preservation [OPRHP]).

It is anticipated that site preparation and construction for the project would commence in late 2014 and is expected it would be complete and operational in 2018.

It is currently anticipated that the proposed project would seek the following discretionary public approvals:

- Disposition of City-owned property to a private developer, which requires approval through the City's Uniform Land Use Review Procedure (ULURP) pursuant to New York City Charter Section 197(c) and separate Mayoral and Borough Board approval pursuant to New York City Charter Section 384(b)(4).
- A zoning text amendment to allow for an arena (the main ice rink) to be located in an historic building in Bronx Community District 7 within 200 feet of a residential zoning district.
- A zoning map amendment to rezone the project block from R6 to C4-5.
- A special permit pursuant to New York City Zoning Resolution (ZR) Section 74-41 to allow the development of an arena of more than 2,500 seats.
- A special permit pursuant to ZR Section 74-52 to allow public parking of up to 480 spaces within the Armory.
- A special permit from the New York City Board of Standards and Appeals (BSA) pursuant to ZR Section 73-36 for a physical culture establishment (proposed wellness center).
- An easement from the City and/or state for the planned use of the property between West 195th Street and the north façade of the Armory, for reconfigured and expanded access driveways, as well as for ingress/egress.

CEQR Number: 13DME013X

Lead Agency: Office of the Deputy Mayor for Economic Development  
Robert R. Kulikowski, Ph.D.  
Assistant to the Mayor

Sponsoring Agency: Office of the Deputy Mayor for Economic Development

Contact: Robert R. Kulikowski, Ph.D.  
Mayor's Office of Environmental Coordination  
100 Gold Street, 2nd Floor  
New York, NY 10038  
Email: [rkulikowski@cityhall.nyc.gov](mailto:rkulikowski@cityhall.nyc.gov)

SEQRA/CEQR Classification: Type I

Location of Action: The proposed project site is located in the Kingsbridge Heights neighborhood of the Bronx and the Armory building occupies most of the site located on the block bounded by West 195 Street, Reservoir Avenue, West Kingsbridge Road, and Jerome Avenue. In addition to the Armory building, the project site includes small landscaped areas east, south, and west of the building.

This Notice of Public Hearing has been prepared pursuant to Article 8 of the New York State Environmental Conservation Law (the State Environmental Quality Review Act (SEQRA)), its implementing regulations found at 6 NYCRR Part 617, and the Rules of Procedure for City Environmental Quality Review found at 62 RCNY Chapter 5, and Mayoral Executive Order 91 of 1977, as amended (CEQR).

a23-25

## BOARD OF STANDARDS AND APPEALS

### ■ PUBLIC HEARINGS

ADDED CASE  
MAY 7, 2013, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, May 7, 2013, 10:00 A.M., in Spector Hall, 22 Reade Street, New York, N.Y. 10007, on the following matters:

### APPEALS CALENDAR

#### 317-12-A

APPLICANT – Eric Palatnik, P.C., for 4040 Management, LLC, owner.  
SUBJECT – Application November 29, 2012 – Appeal seeking common law vested rights to continue construction commenced under the prior M1-3D zoning district regulations. M1-2/R5B zoning district.  
PREMISES AFFECTED – 40-40 27th Street, between 40th Avenue and 41st Avenue, Block 406, Lot 40, Borough of Queens.  
COMMUNITY BOARD #1Q

#### 346-12-A

APPLICANT – Eric Palatnik, P.C., for Woodpoint Gardens, LLC, owners.  
SUBJECT – Application December 12, 2012 – Application is filed under the common law theory of vested rights and seeks a determination that the owner has completed substantial construction and incurred considerable financial expenditures prior to a zoning amendment, and therefore should be permitted to complete construction in accordance with the previously approved plans and the validly issued building permits. R6B zoning district.  
PREMISES AFFECTED – 179-181 Woodpoint Road, between Jackson Street and Skillman Avenue, Block 2884, Lot 4, Borough of Brooklyn.  
COMMUNITY BOARD #1BK

Jeff Mulligan, Executive Director

a25-26

## TRANSPORTATION

### ■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M. on Wednesday, May 15, 2013. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

#1 In the matter of a proposed revocable consent authorizing The Trustees of Columbia University in the City of New York to continue to maintain and use a conduit under and across Claremont Avenue, south of West 119th Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2012 to June 30, 2022 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2012 to June 30, 2013 - \$1,743  
For the period July 1, 2013 to June 30, 2014 - \$1,790  
For the period July 1, 2014 to June 30, 2015 - \$1,837  
For the period July 1, 2015 to June 30, 2016 - \$1,884  
For the period July 1, 2016 to June 30, 2017 - \$1,931  
For the period July 1, 2017 to June 30, 2018 - \$1,978  
For the period July 1, 2018 to June 30, 2019 - \$2,025  
For the period July 1, 2019 to June 30, 2020 - \$2,072  
For the period July 1, 2020 to June 30, 2021 - \$2,119  
For the period July 1, 2021 to June 30, 2022 - \$2,166

the maintenance of a security deposit in the sum of \$3,030.65 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#2 In the matter of a proposed revocable consent authorizing The Trustees of Columbia University in the City of New York to continue to maintain and use conduits under and across West 168th Street, west of Broadway, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2013 to June 30, 2023 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2013 to June 30, 2014 - \$4,970  
For the period July 1, 2014 to June 30, 2015 - \$5,105  
For the period July 1, 2015 to June 30, 2016 - \$5,240  
For the period July 1, 2016 to June 30, 2017 - \$5,375  
For the period July 1, 2017 to June 30, 2018 - \$8,810  
For the period July 1, 2018 to June 30, 2019 - \$5,645  
For the period July 1, 2019 to June 30, 2020 - \$5,780  
For the period July 1, 2021 to June 30, 2022 - \$6,050  
For the period July 1, 2022 to June 30, 2023 - \$6,185

the maintenance of a security deposit in the sum of \$5,500 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Five Million Dollars (\$2,000,000) aggregate.

#3 In the matter of a proposed revocable consent authorizing

The Trustees of Columbia University in the City of New York to continue to maintain and use pipelines under the easterly curb line of Riverside Drive south of West 172nd Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2012 to June 30, 2022 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2012 to June 30, 2013 - \$10,527  
For the period July 1, 2013 to June 30, 2014 - \$10,813  
For the period July 1, 2014 to June 30, 2015 - \$11,099  
For the period July 1, 2015 to June 30, 2016 - \$11,385  
For the period July 1, 2016 to June 30, 2017 - \$11,671  
For the period July 1, 2017 to June 30, 2018 - \$11,957  
For the period July 1, 2018 to June 30, 2019 - \$12,243  
For the period July 1, 2019 to June 30, 2020 - \$12,529  
For the period July 1, 2020 to June 30, 2021 - \$12,815  
For the period July 1, 2021 to June 30, 2022 - \$13,101

the maintenance of a security deposit in the sum of \$12,480 and the insurance shall be the amount of One Million Dollars (1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#4 In the matter of a proposed revocable consent authorizing The Trustees of Columbia University in the City of New York to continue to maintain and use telecommunications conduits under and across Haven Avenue, west of Fort Washington Avenue; under, across and along West 168th Street between Fort Washington Avenue and Audubon Avenue; under and across West 167th Street between Saint Nicholas Avenue and Audubon Avenue; under, across and along West 166th Street between Broadway and Audubon Avenue, all in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2012 to June 30, 2022 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2012 to June 30, 2013 - \$27,593  
For the period July 1, 2013 to June 30, 2014 - \$28,342  
For the period July 1, 2014 to June 30, 2015 - \$29,091  
For the period July 1, 2015 to June 30, 2016 - \$29,840  
For the period July 1, 2016 to June 30, 2017 - \$30,589  
For the period July 1, 2017 to June 30, 2018 - \$31,338  
For the period July 1, 2018 to June 30, 2019 - \$32,087  
For the period July 1, 2019 to June 30, 2020 - \$32,836  
For the period July 1, 2020 to June 30, 2021 - \$33,585  
For the period July 1, 2021 to June 30, 2022 - \$34,334

the maintenance of a security deposit in the sum of \$26,850 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#5 In the matter of a proposed revocable consent authorizing The Trustees of Columbia University in the City of New York to continue to maintain and use five (5) telecommunications conduits under and across West 121st Street, West 120th Street and West 115th Street, between Amsterdam Avenue and Morningside Drive; under and across West 112th Street, east of Broadway and under Broadway between West 112th and West 110th Streets, then continuing under West 110th Street east of Broadway, all in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2012 to June 30, 2022 and provides among others terms and conditions for compensation payable to the city according to the following schedule:

For the period July 1, 2012 to June 30, 2013 - \$16,735  
For the period July 1, 2013 to June 30, 2014 - \$17,189  
For the period July 1, 2014 to June 30, 2015 - \$17,643  
For the period July 1, 2015 to June 30, 2016 - \$18,097  
For the period July 1, 2016 to June 30, 2017 - \$18,551  
For the period July 1, 2017 to June 30, 2018 - \$19,005  
For the period July 1, 2018 to June 30, 2019 - \$19,459  
For the period July 1, 2019 to June 30, 2020 - \$19,913  
For the period July 1, 2020 to June 30, 2021 - \$20,367  
For the period July 1, 2021 to June 30, 2022 - \$20,821

the maintenance of a security deposit in the sum of \$16,300 and the insurance shall be the amount of One Million Dollars (1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

a25-m15

## PROPERTY DISPOSITION

## CITYWIDE ADMINISTRATIVE SERVICES

### CITYWIDE PURCHASING

#### ■ NOTICE

The Department of Citywide Administrative Services, Office of Citywide Purchasing is currently selling surplus assets on the internet. Visit <http://www.publicsurplus.com/sms/nycdcas.ny/browse/home>. To begin bidding, simply click on 'Register' on the home page. There are no fees to register. Offerings may include but are not limited to: office supplies/equipment, furniture, building supplies, machine tools, HVAC/plumbing/electrical equipment, lab equipment, marine equipment, and more. Public access to computer workstations and assistance with placing bids is available at the following locations:

- DCAS Central Storehouse, 66-26 Metropolitan Avenue, Middle Village, NY 11379
- DCAS, Office of Citywide Purchasing, 1 Centre Street, 18th Floor, New York, NY 10007.

jy24-d1

## POLICE

### OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT.

The following listed property is in the custody, of the Property Clerk Division without claimants.

Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

### INQUIRIES

Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

### FOR MOTOR VEHICLES

(All Boroughs):

- \* Springfield Gardens Auto Pound, 174-20 North Boundary Road, Queens, NY 11430, (718) 553-9555
- \* Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2030

### FOR ALL OTHER PROPERTY

- \* Manhattan - 1 Police Plaza, New York, NY 10038, (646) 610-5906.
- \* Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675.
- \* Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806.
- \* Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678.
- \* Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484.

j1-d31

## PROCUREMENT

"Compete To Win" More Contracts!  
Thanks to a new City initiative - "Compete to Win" - the NYC Department of Small Business Services offers a new set of FREE services to help create more opportunities for minority and women-owned businesses to compete, connect and grow their business with the City. With NYC Construction Loan, Technical Assistance, NYC Construction Mentorship, Bond Readiness, and NYC Teaming services, the City will be able to help even more small businesses than before.

- Win More Contracts at [nyc.gov/competetowin](http://nyc.gov/competetowin)

"The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence."

## ADMINISTRATION FOR CHILDREN'S SERVICES

### ■ INTENT TO AWARD

Services (Other Than Human Services)

DRUG SCREENING SERVICES – Negotiated Acquisition – PIN# 06809B0016CNVN001 – DUE 05-02-13 AT 9:00 A.M. – 1) Counseling Service of E.D.N.Y.  
In accordance with Section 3-04(b)(2)(iii) of the Procurement Policy Board Rules, ACS intends to use the Negotiated Acquisition process to extend the above subject contract's term to ensure continuity of mandated services. The term of the contract is projected to be from February 1, 2013 through January 31, 2014.

Suppliers may express interest in future procurements by contacting Doron Pinchas at ACS Administrative Contracts Unit, 150 William Street, 9th Floor, New York, NY 10038; [doron.pinchas@dfa.state.ny.us](mailto:doron.pinchas@dfa.state.ny.us); or by calling (212) 341-3529 between the hours of 10:00 A.M. and 4:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Administration for Children's Services, 150 William Street, 9th Floor, Doron Pinchas (212) 341-3529;  
Fax: (212) 341-9830; [Doron.Pinchas@dfa.state.ny.us](mailto:Doron.Pinchas@dfa.state.ny.us)

a25-m1

## AGING

### ■ INTENT TO AWARD

Human/Client Services

CAREGIVERS SERVICES – Renewal – DUE 04-26-13 AT 10:00 A.M. – Notice of Intent to Renew with the ten (10) contracts between the Department for the Aging of the City of New York and the contractors listed below for the provision of Caregiving services to the elderly. The contract shall be renewed from July 1, 2013 to June 30, 2016. This renewal is necessary to maintain continuity in services delivered through these contracts.

Sunnyside Community Services, Inc.







- public place or public way.
- (11) *Qualified Retaining Wall Inspector.* An engineer as defined in section 28-101.5 of the administrative code with three years relevant experience as such experience is defined in section 101-07 of the rules of the Department.
- (12) *Repair.* The non-routine fixing and restoring of wall elements to their intended function, including, but not limited to, resetting dislodged stonework, repointing stone masonry, re-grading or reseeding adjacent slopes, patching concrete spalls, mending damaged wire baskets, and repair or replacement of the drainage system.
- (13) *Report of condition assessment ("Report").* A written report filed with the Department by a qualified retaining wall inspector clearly documenting the conditions noted during the assessment; areas that need repair, maintenance, or engineering monitoring; a final wall rating; and any other requirements mandated by this rule.
- (14) *Report filing cycle.* The five-year time interval established by the Commissioner for the filing of each successive report for each successive condition assessment of every retaining wall subject to the requirements of Article 305 of Title 28 of the Administrative Code.
- (15) *Retaining Wall.* A wall that resists lateral or other forces caused by soil, rock, water or other materials, thereby preventing lateral displacement and the movement of the mass by sliding to a lower elevation. Such term does not include basement walls and vault walls that are part of a building, and underground structures, including but not limited to utility vault structures, tunnels, transit stations and swimming pools.
- (16) *Safe.* A final wall rating in which a retaining wall is determined to be fully functional with no action required at the time of assessment.
- (17) *Safe with minor repairs or maintenance.* A final wall rating in which a retaining wall is found at the time of assessment to be safe, but requires minor repair or routine maintenance within the next five years to correct minor deficiencies in order to minimize or delay further wall deterioration and remain safe.
- (18) *Safe with repairs and/or engineering monitoring.* A final wall rating in which a retaining wall is found at the time of assessment to be safe but requires repair within the next five years to correct minor to severe deficiencies in order to minimize or delay further wall deterioration and remain safe. In addition to repair, the qualified retaining wall inspector deems it necessary to regularly monitor and/or investigate further the retaining wall to determine the nature or cause of observed distresses and what action may be required.
- (19) *Subsequent report.* A technical examination report that is filed by a qualified retaining wall inspector after an acceptable report in order to change the status of a retaining wall for that reporting cycle to reflect changed conditions, except where an amended report should be filed.
- (20) *Unsafe.* A condition of a retaining wall and any appurtenances found at the time of assessment that is a hazard to persons or property and requires immediate abatement and/or public protection.
- (b) *Condition assessments.*
- (1) In accordance with Article 305 of Title 28 of the Administrative Code, a condition assessment of all parts of retaining walls with any portion of the wall having a height of ten feet or more at any location and fronting a public right-of-way must be conducted by a qualified retaining wall inspector once every five (5) years. The results of the condition assessment must be submitted to the Department in the form of a report of condition assessment.
- (2) Before performing a condition assessment of a retaining wall, the qualified retaining wall inspector retained by or on behalf of the owner must review the most recent report and any available previous reports. The Department will maintain a file of such reports submitted in conformance with article 305 of Title 28 of the Administrative Code, and provide copies upon payment of fees set forth in the rules of the Department.
- (3) The qualified retaining wall inspector must design and implement an assessment program that is specific to the retaining wall to be assessed, including, but not limited to, observations, data collection and method of evaluation. The assessment program and methods to be employed must be based on the consideration of the wall construction type, wall function, year built, location and failure consequence. Consideration must be given to the retaining wall's history of maintenance and repairs as described in previous reports and submittals to the Department, if applicable. The assessment program must be provided to the Department for approval no fewer than 90 days prior to implementation. The Department reserves the right to object to the proposed program.
- (4) The methods used to assess the retaining wall in question must permit a complete condition assessment of the wall, including, but not limited to, selective probes, cores and measurements of wall dimensions, including, but not limited to, thickness.
- (5) The qualified retaining wall inspector must utilize a professional standard of care to assess the condition of the retaining wall and surrounding elements that impact the wall's stability. The following elements must be assessed as applicable:
- (i) Primary wall elements, including, but not limited to, piles and shafts, lagging, anchor heads, wire or geo-synthetic facing elements, bins or cribs, concrete, shotcrete, mortar, manufactured block or brick, placed stone and wall foundation material.
- (ii) Secondary wall elements and appurtenances, including, but not limited to, wall drains and water management systems, architectural facing, traffic barrier, fencing, roads, sidewalks, shoulders, upslope, downslope, lateral slope, vegetation, culverts, curbs, berms and ditches.
- (6) The qualified retaining wall inspector must amend the scope of the condition assessment and add additional testing and investigation as required to characterize wall distresses, overall performance or if distresses warrant additional investigations.
- (7) During the course of the condition assessment, photographs must be taken and sketches made to document the exact location of all distresses that require repair, maintenance, or monitoring, or that cause a retaining wall to have a final wall rating of unsafe.
- (8) Upon the discovery of an unsafe condition, the qualified retaining wall inspector must notify the Department by calling 311 and then calling the Department directly with the 311 complaint number within 24 hours of discovering the unsafe condition.
- (9) The condition assessment must include close-up inspections of the retaining wall. It is not acceptable to base a condition assessment on a drive-by inspection or a prior report without a close-up inspection of the retaining wall.
- (c) *Report requirements.*
- (1) The qualified retaining wall inspector must file with the Department and submit a copy to the owner of the retaining wall a written report of condition assessment. The report must clearly document all conditions noted during the assessment and state that the assessment was performed and completed in accordance with the Administrative Code and this rule. An acceptable report may be prepared and filed for multiple owners where a retaining wall which is required to comply with article 305 of Title 28 of the Administrative Code and this rule spans numerous blocks and lots.
- (2) Technical information in the report must adhere to and follow the sequence and the labeling of the report requirements as listed in paragraph (3) of this subdivision, and must be provided on such forms and in such format as the Department requires. Additional information may be provided. All items in subparagraphs (i) – (xiii) of paragraph (3) must be listed in the report. If a requirement is not applicable, this must be indicated on the report under the relevant number.
- (3) The report must include an executive overview that consists of a summary of findings and recommendations, a concise statement of the scope of the assessment and findings, the conclusions and recommendations and a final wall rating that categorizes the retaining wall as "safe," "safe with minor repairs or maintenance," "safe with repairs and/or engineering monitoring" or "unsafe." The report must also include, but not be limited to:
- (i) The address, any a.k.a. addresses, the Block and Lot number, the Building Identification Number ("BIN") for the block and lot on which the retaining wall is located, the location from the nearest cross street, and a copy of the Property Profile Overview from the Buildings Information System ("BIS") found on the Department's website;
- (ii) The name, mailing address and telephone number of the owner of the retaining wall, or, if the owner is not an individual, the name, mailing address, telephone number, and position/title of a principal of the owner;
- (iii) A detailed description of any maintenance, repairs, or the results of engineering monitoring performed to the retaining wall since the previous report;
- (iv) A detailed description of the scope and procedures used in making the condition assessment that should include:
- (A) The dates of start and completion of the condition assessment;
- (B) The extent and location of all physical examinations performed;
- (C) A location or plot plan of a discernible scale and with a north arrow that shows the entire earth-retaining length of the wall, all structures located on the block or lot and within the zone of influence of the wall, including the number of stories and the type of occupancy, and any and all public rights-of-way adjacent to the retaining wall; and
- (D) Locations and dates of close-up inspections and tests performed;
- (v) At least one cross-section of the retaining wall with details adequate to indicate the following:
- (A) Retaining wall construction type;
- (B) Architectural finishes or surface treatment;
- (C) Maximum exposed wall height;
- (D) Height of earth on each side of the retaining wall;
- (E) Average vertical distance from the public right-of-way to cut wall toe or ground-line at the top of the fill wall;
- (F) Horizontal distance to wall face from the edge of the public right-of-way;
- (G) Wall face angle (batter) measured from the vertical;
- (H) Maximum earth retaining length of the wall;
- (I) Surcharges applied to the wall; and
- (J) Additional cross-sections when the wall geometry and/or plumbness changes;
- (vi) A description of each significant distress observed with supporting photographic documentation. Distresses must be mapped using gridlines enabling all distresses to be positively located;
- (vii) An analysis of the cause of each significant distress reported;
- (viii) A final wall rating that categorizes the retaining wall as "safe," "safe with minor repairs or maintenance," "safe with repairs and/or engineering monitoring" or "unsafe." A detailed description of the overall rating and factors attributing to the rating assigned must accompany the final wall rating.
- (ix) Where a retaining wall is categorized with a final wall rating of safe with repairs and engineering monitoring:
- (A) A plan detailing the proposed monitoring program;
- (B) The name of the engineer performing the monitoring; and
- (C) A stability analysis of the retaining wall that reports a "factor of safety" which shows that the wall is stable under current and expected loading conditions.
- (x) A comparison of currently observed conditions with conditions observed during the previous report filing cycle examinations, including the status of the repairs or maintenance performed with respect to the prior conditions. The following must be included and discussed:
- (A) Work permit numbers relating to repairs performed;
- (B) Job numbers, status and sign-off dates for any retaining wall related jobs, where applicable; and
- (C) Violation numbers of any open Environmental Control Board ("ECB") violations associated with the retaining wall and the

- (xi) status of the repairs of the conditions cited in the ECB violations.  
Detailed recommendations for repairs or maintenance for retaining walls with final wall ratings of "safe with minor repairs or maintenance" or "safe with repairs and/or engineering monitoring," including:
  - (A) The recommended time frame for such repairs or maintenance to be performed, which must indicate the date by which the work will be performed (MM/YYYY) to prevent the conditions from becoming unsafe and not the date on which work is planned or scheduled;
  - (B) Time frames of less than one (1) year, "ASAP," or "immediately," will not be accepted.
- (xii) A list and description of the work permits required to accomplish the necessary work. If no work permits will be required, the reason must be indicated;
- (xiii) Color photographs of the retaining wall and at least one view of the entire street front elevation for all reports regardless of the retaining wall's final wall rating. Photographs must be at least 3" x 5" (76mm x 127mm) in size, unless otherwise requested by the Department. The photographs must be dated and both the original photographs and all required copies shall be in color. The page/sheet size for attachments must not exceed 11" x 17" (280mm x 430mm).
- (xiv) The seal and signature of the qualified retaining wall inspector under whose direct supervision the condition assessment was performed.
- (4) All reports and supporting documents must be submitted to the Department in an electronic format.
- (d) Report filing requirements.
  - (1) The requirements of this rule apply to owners of retaining walls with a height of ten feet or more and fronting a public right-of-way.
  - (2) Owners of retaining walls who are required to file a report must do so once during each five-year report filing cycle established by the Department, depending on the borough, as described in subsection (5) below. The next complete report filing cycle runs from January 1, 2014 to December 31, 2018.
  - (3) An acceptable report must be filed within the applicable one-year filing window to avoid a late filing penalty.
  - (4) The report must be submitted to the Department along with a filing fee as specified in the rules of the Department.
  - (5) Beginning January 1, 2014 an acceptable report for each retaining wall to which this rule applies is due in accordance with the following filing windows:
    - (i) For retaining walls located within the Borough of the Bronx, an acceptable report must be filed within the filing window starting January 1, 2014 and ending December 31, 2014.
    - (ii) For retaining walls located within the Borough of the Manhattan, an acceptable report must be filed within the filing window starting January 1, 2015 and ending December 31, 2015.
    - (iii) For retaining walls located within the Borough of Staten Island, an acceptable report must be filed within the filing window starting January 1, 2016 and ending December 31, 2016.
    - (iv) For retaining walls located within the Borough of Queens, an acceptable report must be filed within the filing window starting January 1, 2017 and ending December 31, 2017.
    - (v) For retaining walls located within the Borough of Brooklyn, an acceptable report must be filed within the filing window starting January 1, 2018 and ending December 31, 2018.
  - (6) A report must be filed within sixty (60) days of the date on which the qualified retaining wall inspector completed the condition assessment, but not more than one (1) year after completion of the close-up inspection. If the report is not acceptable and is rejected by the Department, a revised report must be filed within forty-five (45) days of the date

- (7) of the Department's rejection. Failure to submit a revised report addressing the Department's objections within one (1) year of the initial filing requires a new conditional assessment, including a new close-up assessment.  
A subsequent report may be filed within a five-year report filing cycle to change a retaining wall's status for that cycle.
- (e) Unsafe conditions.
  - (1) If any retaining wall is found in an unsafe condition, the qualified retaining wall inspector or the person in charge of the retaining wall must notify the Department by calling 311 and then calling the Department directly with the 311 complaint number within 24 hours of discovering the unsafe condition.
  - (2) Upon discovery of an unsafe condition, the owner of the retaining wall, his or her agent, or the person in charge of the retaining wall must immediately commence such repairs or reinforcements and any other appropriate measures required to secure the safety of the public and to make the retaining wall safe.
  - (3) Within two weeks after repairs to correct the unsafe condition have been completed, the qualified retaining wall inspector must inspect the premises. The qualified retaining wall inspector must obtain permit sign-offs as appropriate and must promptly file with the Department a detailed amended report stating the revised report status of the retaining wall, along with a filing fee as specified in the rules of the Department. Protective measures must remain in place until an amended report is accepted; however, the qualified retaining wall inspector may request permission for the removal of the protective measures upon submission of a signed and sealed statement certifying that an assessment was conducted, the conditions were corrected, and the protective measures are no longer required. Permission may be granted at the Commissioner's sole discretion.
  - (4) The Commissioner may grant an extension of time of up to ninety (90) days to complete the repairs required to remove an unsafe condition upon receipt and review of an initial extension application submitted by the qualified retaining wall inspector on behalf of the owner, together with:
    - (i) A copy of the original report for that report filing cycle and all required documentation submitted with such report;
    - (ii) Notice that the retaining wall and surrounding area have been secured for public safety by means of a shed, bracing, or other appropriate measures as may be required;
    - (iii) A copy of the contract indicating scope of work to remedy unsafe conditions;
    - (iv) The qualified retaining wall inspector's estimate of length of time required for repairs;
    - (v) A statement of all applicable permit requirements;
    - (vi) A notarized affidavit by the owner of the retaining wall that work will be completed within the time of the qualified retaining wall inspector's stated estimate; and
    - (vii) a fee as specified in the rules of the Department.
  - (5) Financial considerations will not be accepted as a reason for granting an extension.  
A further extension will be considered only upon receipt and review of a further extension application, together with notice of:
    - (i) An unforeseen delay (e.g., weather, labor strike) affecting the substantially completed work; or
    - (ii) Unforeseen circumstances; or
    - (iii) The nature of the hazard that requires more than ninety (90) days to remedy (e.g., new retaining wall to be built).
  - (6) Financial considerations will not be accepted as a reason for granting an extension.  
Notwithstanding any extensions granted to commence the repair of an unsafe condition, all work to repair an unsafe condition must be completed within 365 days of filing a report of an unsafe condition with the Department.
- (f) Conditions classified as safe with repair and/or engineering monitoring.
  - (1) The owner of the retaining wall is responsible for ensuring that the conditions described in the report of condition assessment as safe with repair and/or engineering monitoring are repaired, the wall is restored to a safe condition, and all actions recommended

- by the qualified retaining wall inspector are completed within the time frame recommended by the qualified retaining wall inspector, and are not left to deteriorate into unsafe conditions before the next condition assessment. It is the owner's responsibility to notify the Department of any deviation from the timeframe to make corrections as specified in qualified retaining wall inspector's report. Such notification must be accompanied by supporting documents from the qualified retaining wall inspector justifying the request for a new time frame. The Department may approve or disapprove such request.
- (2) A report may not be filed describing the same condition and pertaining to the same location on the retaining wall as safe with repair and/or engineering monitoring for two consecutive report filing cycles.
- (3) The qualified retaining wall inspector must certify the correction of each condition reported as requiring repair in the previous report filing cycle, or report conditions that were reported as safe with repair and/or engineering monitoring in the previous report filing cycle as unsafe if not corrected at the time of the current assessment.
- (g) Civil Penalties.
  - (1) Failure to file. An owner who fails to file the required acceptable condition assessment report will be liable for a civil penalty of one thousand dollars (\$1,000) per year immediately after the end of the applicable filing window.
  - (2) Late filing. In addition to the penalty for failure to file, an owner who submits a late filing will be liable for a civil penalty of two hundred fifty dollars (\$250.00) per month, commencing on the day following the filing deadline of the assigned filing window period and ending on the filing date of an acceptable initial report.
  - (3) In addition to the penalties provided in this section, an owner who fails to correct an unsafe condition will be liable for a civil penalty of one thousand dollars (\$1,000) per month, pro-rated daily, until the unsafe condition is corrected, unless the commissioner grants an extension of time to complete repairs pursuant to this section. This penalty will be imposed until the Department receives an acceptable amended report indicating the unsafe conditions were corrected, or until an extension of time is granted.
- (h) Challenge of civil penalty.
  - (1) An owner may challenge the imposition of any civil penalty authorized to be imposed pursuant to this subdivision by providing proof of compliance. Examples of such proof must include, but are not limited to, a copy of an acceptable initial report, a copy of the acceptable amended report, copies of approved extension of time requests while work was/is in progress, or written proof from a qualified retaining wall inspector that the unsafe conditions observed at the retaining wall were corrected and the violation was dismissed.
  - (2) Challenges must be made in writing within thirty (30) days from the date of service of the violation by the Department and must be sent to the office/unit of the Department that issued the violation. The decision to dismiss or uphold the penalty is at the sole discretion of the Department.
- (i) Penalty waivers; eligibility and evidentiary requirements. Owners may request a waiver of penalties assessed for violation of Article 305 of Title 28 of the Administrative Code, or rules enforced by the Department. Requests must be made in writing and must meet eligibility and evidentiary requirements as follows:
  - (1) Owner status.
    - (i) A new owner requesting a waiver due to change in ownership must submit proof of a recorded deed showing evidence of transfer of ownership to the current owner after penalties were incurred, as well as any other documentation requested by the Department. The new owner may only request a waiver in one of the following circumstances:
      - (A) The new owner has obtained full tax exemption status from the New York City Department of Finance; or
      - (B) The new owner took title of the property as part of an economic development program sponsored by a government agency.
    - (ii) A new owner of a government-owned property requesting a waiver due to change in ownership must submit official documentation from the government entity affirming that the premises was entirely owned by the government entity

(iii) during the period for which a waiver is requested. An owner may be granted a waiver of penalties upon submission of a copy of a bankruptcy petition, together with proof that either the Department or the New York City Law Department was served with a "Notice of Bar Date."

(2) Retaining wall status. An owner requesting a waiver because the wall was removed must submit city or Departmental records showing evidence of the removal of the retaining wall prior to the filing deadline.

(j) Alternate report filing requirements for owners of more than 200 retaining walls in multiple boroughs. Notwithstanding any other provisions of this section, the inspection and reporting requirements set forth above for retaining walls shall not apply to owners of 200 or more retaining walls in multiple boroughs with a height of ten feet or more and fronting on a public right-of-way who on the effective date of this rule (i) employ full-time professional engineers and (ii) have an established inspection procedure for such retaining walls acceptable to the Department. Such inspection procedure must comply with Article 305 of Title 28 of the Administrative Code. Such owners must file inspection reports for all such retaining walls in a form acceptable to the Department.

NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087

CERTIFICATION PURSUANT TO CHARTER §1043(d)

RULE TITLE: Retaining wall inspections, penalties and waivers
REFERENCE NUMBER: 2102 RG 070
RULEMAKING AGENCY: Department of Buildings

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
(ii) is not in conflict with other applicable rules;
(iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
(iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel
April 12, 2013
Date

NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400

CERTIFICATION / ANALYSIS PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Retaining Wall Inspections, Penalties and Waivers
REFERENCE NUMBER: DOB-36
RULEMAKING AGENCY: Department of Buildings

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
(ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
(iii) Provides a cure period.

/s/ Kelly Shultz
Mayor's Office of Operations
April 17, 2013
Date

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HEALTH AND MENTAL HYGIENE

NOTICE

COMMISSIONER OF HEALTH AND MENTAL HYGIENE

NOTICE OF ADOPTION OF THE REPEAL OF CHAPTER 5 AND CHAPTER 8 OF TITLE 24 OF THE RULES OF THE CITY OF NEW YORK

In compliance with §1043 (a) of the New York City Charter (the "Charter"), a notice of intention to repeal Chapter 5 and Chapter 8 of Title 24 of the Rules of the City of New York ("RCNY") was published in the City Record on April 7, 2013. The notice of intention indicated that no public hearing would be held, and that any comments on the proposed repeal should be submitted on or before April 9, 2013. No comments were received.

Statement of Basis and Purpose

Statutory Authority

The repeal of Chapter 5 and Chapter 8 of Title 24 of the Rules of the City of New York is authorized by §§556 and 1043 of the New York City Charter (the "Charter").
• Section 556 of the Charter authorizes the Department of Health and Mental Hygiene (the "Department") to regulate

all matters affecting health in the city of New York.
• Section 1043 of the Charter gives the Department rulemaking powers.

Background
Chapter 5 (Inhalation Therapy Service) and Chapter 8 (Examination, Licensing and Procedure Relating to Motion Picture Theatre Matrons) of Title 24 of the Rules of the City of New York are being repealed as both provisions are outdated and no longer needed.

Repeal Chapter 5 of Title 24 of the Rules of the City of New York

Chapter 5, licensing suppliers ('purveyors') and persons who administer "inhalation therapy" and regulating how equipment containing medical gases is to be safely used and maintained was added to the Department's rules in 1943 to implement §17-335 (formerly §561-3.0) of the Administrative Code of the City of New York (Administrative Code). At the time the law was enacted and these rules were adopted there were no other applicable federal and state laws and regulations. This is no longer the case, and both the manufacture and administration of medical gases are regulated by the federal and state governments. Currently manufacturing of containers and gases used for medical purposes is regulated by the U.S. Food and Drug Administration and the gases must conform to the quality standards established in the US Pharmacopeia. People qualified to administer medical gases to patients are licensed professionals, including respiratory therapists and respiratory therapy technicians, regulated in New York State by Article 164 of the State Education Law. Use and handling of tanks holding gases for medical uses is regulated in hospitals by the State Department of Health, and flammable gases must be used in accordance with applicable fire codes. Although the Department continues to issue a small number — less than a dozen — inhalation therapy purveyor and therapist licenses per year, it has not had the expertise or resources to enforce its rules for many years, and as these rules are no longer current, are duplicative of other law, and no longer necessary this Chapter is being repealed.

Repeal Chapter 8 of Title 24 of the Rules of the City of New York

In 1937, Chapter 2 of Title 20 (Consumer Affairs) of the City's Administrative Code was amended to add a new Subchapter 1 (Motion Picture Exhibitions), licensing motion picture theatres, and a new Subchapter 2 (Admission of Children) to regulate admission of children to motion picture theatres without adult escorts. Chapter 8 of the Department's rules was adopted in 1943 to provide for examination and licensing requirements for motion picture theatre matrons to implement Administrative Code §20-209 (formerly §B 32-30.0) of Subchapter 2. After both subchapters were repealed in 1995, no further matron licenses were issued by the Department. Accordingly, this chapter is being repealed.

The rule is as follows:

Section 1. Chapter 5 (Inhalation Therapy Service) of Title 24 of the Rules of the City of New York is repealed.

§2. Chapter 8 (Examination, Licensing and Procedure Relating to Motion Picture Matrons) of Title 24 of the Rules of the City of New York, is repealed.

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SPECIAL MATERIALS

CHANGES IN PERSONNEL

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF\_DATE. Lists personnel changes for the Department of Transportation for the period ending 03/29/13.

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF\_DATE. Lists personnel changes for the Department of Parks & Recreation for the period ending 03/29/13.

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LATE NOTICE

DESIGN & CONSTRUCTION

CONTRACTS SOLICITATIONS

Construction / Construction Services

CORRECTION: EMERGENCY RECONSTRUCTION OF WATER MAINS, CITYWIDE - Request for Qualifications - PIN# 8502013WM0015C - DUE 05-20-13 AT 4:00 P.M. - CORRECTION: PROJECT NO.: GE-354.

CORRECTION: EMERGENCY SEWERS, CITYWIDE - Request for Qualifications - PIN# 8502013SE0035C - DUE 05-20-13 AT 4:00 P.M. - CORRECTION: PROJECT NO.: SEC20004R.

Request pre-qualification forms, in person, Mr. Gurdip Saini, P.E., Assistant Commissioner, Infrastructure/Design, Department of Design and Construction, 30-30 Thomson Avenue, 3rd Floor, Long Island City, N.Y. 11101.

The RFQ is available on the City Record website: http://a856-internet.nyc.gov/nycvendonline/vendorsearch/asp/Postings.asp
The RFQ is also available on the DDC website: http://ddcftp.nyc.gov/rfqweb/

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Department of Design and Construction, 30-30 Thomson Avenue, 1st Floor, Long Island City, NY 11101. Ben Perrone (718) 391-2200; Fax: (718) 391-2615.

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