



# THE CITY RECORD

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## THE CITY RECORD

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Commissioner, Department of Citywide  
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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### CITY COUNCIL

#### ■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the Council has scheduled the following public hearing, on the matter indicated below:

The Subcommittee on Landmarks, Public Sitings, and Dispositions, will hold a public hearing, accessible both in person and remotely, on the following matters, in the City



Council Committee Room, City Hall, New York, NY 10007, commencing at 10:00 A.M., on September 13, 2021. The hearing will be live-streamed, via the Council's website, at <https://council.nyc.gov/livestream/>. Please visit, <https://council.nyc.gov/land-use/>, in advance for information about how to testify and how to submit written testimony.

#### DORRANCE BROOKS SQUARE HISTORIC DISTRICT MANHATTAN CB - 10 N 210498 HKM

Communication, dated June 25, 2021, from the Executive Director of the Landmarks Preservation Commission regarding the Dorrance Brooks Square Historic District designation, designated by the Landmarks Preservation Commission, on June 15, 2021 (Designation List No. 524/LP No. 2651). The Dorrance Brooks Square Historic District consists of approximately 325 buildings within two sections on either side of Fredrick Douglass Boulevard, generally bounded by St. Nicholas Avenue to the west, West 140th Street to the north, West 136th Street to the south, and Adam Clayton Powell Boulevard to the east.

#### NEW YORK PUBLIC LIBRARY HARLEM BRANCH MANHATTAN CB - 10 N 210499 HIM

Communication, dated June 25, 2021, from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation of the New York Public Library, Harlem Branch, 9 West 124th Street (Block 1722, Lot 30), by the Landmarks Preservation Commission, on June 15, 2021 (Designation List No. 524/LP No. 2652).

#### KIMLAU WAR MEMORIAL LANDMARK MANHATTAN CB - 3 N 220003 HIM

Communication, dated July 1, 2021, from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation of the Kimlau War Memorial (Block 117, Lot 100), by the Landmarks Preservation Commission, on June 22, 2021, (Designation List No. 525/LP-2653).

#### AAKAWAXUNG MUNAHANUNG ARCHAEOLOGICAL SITE STATEN ISLAND CB - 3 N 220005 HIR

Communication, dated July 1, 2021, from the Executive Director of the Landmarks Preservation Commission regarding the landmark

designation of the Aakawaxung Munahanung Archaeological Site, 298-300 Satterlee Street (Block 7857, Lot 1 in part), by the Landmarks Preservation Commission, on June 22, 2021 (Designation List No. 525/LP-2648).

**101 VARICK AVENUE**  
**BROOKLYN CB - 1 C 210329 PCK**

Application, submitted by the New York City Department of Transportation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of a property, located at 101 Varick Avenue (Block 2974, Lot 113), for use as a DOT operations and warehouse facility.

**For questions about accessibility and requests for additional accommodations, please contact [swerts@council.nyc.gov](mailto:swerts@council.nyc.gov), or [nbenjamin@council.nyc.gov](mailto:nbenjamin@council.nyc.gov), or (212) 788-6936, at least three (3) business days before the hearing.**

Accessibility questions: Kaitlin Greer, [kgreer@council.nyc.gov](mailto:kgreer@council.nyc.gov), by: Wednesday, September 8, 2021, 3:00 P.M.



s7-13

**NOTICE IS HEREBY GIVEN that the Council has scheduled the following public hearing on the matter indicated below:**

**The Subcommittee on Zoning and Franchises will hold a public hearing, accessible both in person and remotely, on the following matters in the City Council Chambers, City Hall, New York, NY 10007, commencing at 10:00 A.M. on September 10, 2021. The hearing will be live-streamed via the Council's website, at <https://council.nyc.gov/livestream/>. Please visit <https://council.nyc.gov/testify/> in advance for information about how to testify and how to submit written testimony.**

**ELEVATE TRANSIT - ZONING FOR ACCESSIBILITY**  
**CITYWIDE N 210270 ZRY**

Application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

The proposed text amendment may be seen in the City Planning Calendar of June 23, 2021 (Cal. No. 18), and the Department of City Planning web site: ([www.nyc.gov/planning](http://www.nyc.gov/planning)).

**629-639 West 142nd Street Rezoning**  
**MANHATTAN CB - 9 C 210261 ZMM**

Application submitted by Soma 142, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a, by changing from an existing R6A District to an R9A District property bounded by a line midway between West 142rd Street and West 143rd Street and its westerly prolongation, a line 365 feet westerly of Broadway, West 142nd Street and its westerly prolongation, and the easterly boundary line of Riverside Park, as shown on a diagram (for illustrative purposes only) dated March 15, 2021, and subject to the conditions of CEQR Declaration E-607.

**629-639 West 142nd Street Rezoning**  
**MANHATTAN CB - 9 N 210262 ZRM**

Application submitted by Soma 142, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing Area.

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

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

\* \* \*

**Manhattan**

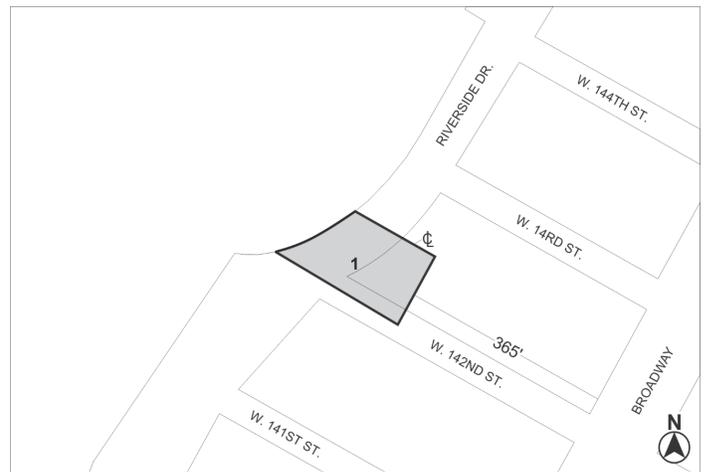
\* \* \*

**Manhattan Community District 9**

\* \* \*

Map 4 - [date of adoption]

[PROPOSED MAP]



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

Area 1 — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 9, Manhattan

\* \* \*

**THE WINDERMERE**

**MANHATTAN CB - 4 C 210202 ZSM**

Application submitted by Windermere Properties LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-711 of the Zoning Resolution to modify:

1. the use regulations of:
  - a. Section 22-10 (Uses Permitted As-of Right) to allow the conversion of residential floor area to commercial floor area; and
  - b. Section 32-421 (Limitation on Floors Occupied by Commercial Uses) to allow commercial use in Use Group 6 uses to be located above the first story of a building occupied by residential use on its upper stories; and
2. the bulk regulations of:
  - c. Sections 35-32 (Open Space Ratio for Residential Portions of Buildings) and 23- 15 (Open Space and Floor Area Regulations in R6 through R10 Districts) to reduce the required amount of open space;
  - d. Section 33-43 (Maximum Height of Walls and Required Setbacks) to allow the building to penetrate the permitted height and setback requirements;
  - e. Section 23-86 (Minimum Distance between Legally Required Windows and Walls or Lot Lines) to reduce the minimum required distance between legally required windows and walls; and
  - f. Section 23-87 (Permitted Obstructions in Courts) to allow portions of the building to be located within the inner court;

in connection with the proposed conversion, alteration and enlargement of an existing 8-story building, on property, located at 400-406 West 57th Street (Block 1066, Lot 32), in C1-8 and R8/C1- 5 Districts, within the Special Clinton District.

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, NY 10271.

**2840 Knapp Street Rezoning**  
**BROOKLYN CB - 15 C 200203 ZMK**

Application submitted by Lipkaw Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 29a, changing from an R5 to an R6 District property bounded by the Shore Parkway (northerly portion), Knapp Street, a line 250 feet northerly of Emmons Avenue, and Brigham Street and its northerly centerline prolongation, as shown on a diagram (for illustrative purposes only) dated April 19, 2021, and subject to the conditions of CEQR Declaration of E-611.

**2840 Knapp Street Rezoning**  
**BROOKLYN CB - 15 N 200204 ZRK**

Application submitted by Lipkaw Realty, LLC, pursuant to Section

201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
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\*\*\* indicates where unchanged text appears in the Zoning Resolution

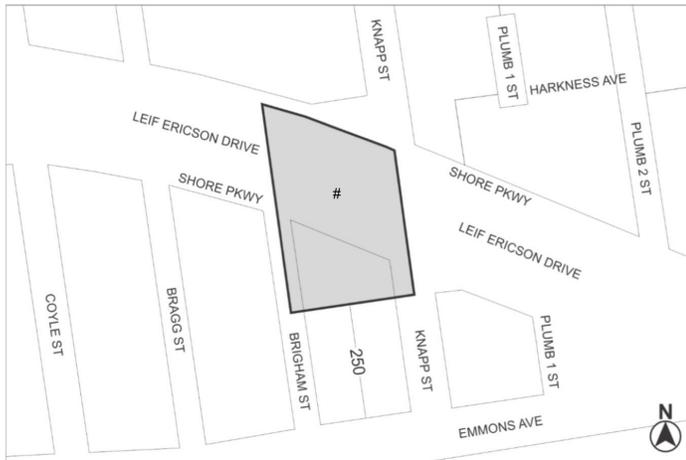
APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

BROOKLYN

Brooklyn Community District 15

Map 2 [date of adoption]



Mandatory Inclusionary Housing Area (see Section 23-154(d)(3))
Area # - [date of adoption] - MIH Program Option 1 and Option 2

Portion of Community District 15, Brooklyn

307 Kent Avenue Rezoning

BROOKLYN CB - 1 C 200306 ZMK

Application submitted by 307 Kent Associates, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d:

- 1. changing from an M3-1 District to an M1-5 District property bounded by South 2nd Street, a line 300 feet northwesterly of Wythe Avenue, South 3rd Street, and Kent Avenue;
2. changing from an M3-1 District to an M1-4/R6A District property bounded by South 2nd Street, a line 210 feet northwesterly of Wythe Avenue, South 3rd Street, and a line 300 feet northwesterly of Wythe Street; and
3. establishing a Special Mixed Use District (MX-8) bounded by South 2nd Street, a line 210 feet northwesterly of Wythe Avenue, South 3rd Street, and a line 300 feet westerly of Wythe Street;

as shown on a diagram (for illustrative purposes only) dated April 5, 2021, and subject to the conditions of CEQR Declaration E-592.

307 Kent Avenue Rezoning

BROOKLYN CB - 1 N 300307 ZRK

Application submitted by 307 Kent Associates, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing Area.

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Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
\*\*\* indicates where unchanged text appears in the Zoning Resolution.

APPENDIX F

INCLUSIONARY HOUSING DESIGNATED AREAS AND

MANDATORY INCLUSIONARY HOUSING AREAS

Brooklyn

Brooklyn Community District 1

\* \* \*

Map 2 - [Date of Adoption]

[Existing Map]



Inclusionary Housing designated area
Excluded Area

[Proposed Map]



Inclusionary Housing designated area
Excluded Area
Mandatory Inclusionary Housing Area (see Section 23-154(d)(3))
Area 2 - [date of adoption] - MIH Program Option 1 and Option 2

Portion of Community District 1, Brooklyn
106-02 ROCKAWAY BEACH BOULEVARD REZONING
QUEENS CB - 14 C 180395 ZMQ

Application submitted by RBB II LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 30a and 30b:

- 1. eliminating from an existing R5D District a C2-3 District bounded by Rockaway Freeway, Beach 106th Street, Rockaway Beach Boulevard, and Beach 108th Street; and
2. changing from an R5D District to a M1-3 District property bounded by Rockaway Freeway, the centerline of a Railroad Right-Of-Way, Beach 106th Street, Rockaway Beach Boulevard, and Beach 108th Street;

as shown in a diagram (for illustrative purposes only) dated April 5, 2021, and subject to the conditions of CEQR Declaration E-215.

For questions about accessibility and requests for additional accommodations, please contact swerts@council.nyc.gov or nbenjamin@council.nyc.gov or (212) 788-6936 at least three (3) business days before the hearing.

Accessibility questions: Kaitlin Greer, kgreer@council.nyc.gov, by: Tuesday, September 7, 2021, 3:00 P.M



s3-10

### CITY PLANNING COMMISSION

#### PUBLIC HEARINGS

In support of the City’s efforts to contain the spread of COVID-19, the City Planning Commission will hold a remote public hearing, via the teleconferencing application Zoom, at 10:00 A.M. Eastern Daylight Time, on Wednesday, September 22, 2021, regarding the calendar items listed below.

The meeting will be live streamed through Department of City Planning’s (DCP’s) website and accessible from the following webpage, which contains specific instructions on how to observe and participate, as well as materials relating to the meeting: https://www1.nyc.gov/site/nycengage/events/city-planning-commission-public-meeting/287262/1

Members of the public should observe the meeting through DCP’s website.

Testimony can be provided verbally by joining the meeting using either Zoom or by calling the following number and entering the information listed below:

- 877 853 5247 US Toll-free
- 888 788 0099 US Toll-free
- 253 215 8782 US Toll Number
- 213 338 8477 US Toll Number

Meeting ID: **618 237 7396**  
[Press # to skip the Participation ID]  
Password: 1

To provide verbal testimony via Zoom please follow the instructions available through the above webpage (link above).

Written comments will also be accepted until 11:59 P.M., one week before the date of vote. Please use the CPC Comments form that is accessible through the above webpage.

Please inform the Department of City Planning if you need a reasonable accommodation, such as a sign language interpreter, in order to participate in the meeting. The submission of testimony, verbal or written, in a language other than English, will be accepted, and real time interpretation services will be provided based on available resources. Requests for a reasonable accommodation or foreign language assistance during the meeting should be emailed to [AccessibilityInfo@planning.nyc.gov] or made by calling [212-720-3508]. Requests must be submitted, at least five business days before the meeting.

#### CITYWIDE No. 1

#### HEALTH AND FITNESS CITYWIDE TEXT AMENDMENT

**CITYWIDE** **N 210382 ZRY**  
**IN THE MATTER OF** an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

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

#### ARTICLE I GENERAL PROVISIONS

#### Chapter 2 Construction of Language and Definitions

\* \* \*

#### 12-10 DEFINITIONS

Words in the text or tables of this Resolution which are italicized shall be interpreted in accordance with the provisions set forth in this Section.

\* \* \*

[Note: This definition is being replaced by the definition #Unlicensed physical treatment establishment#]

Adult physical culture establishments

An “adult physical culture establishment,” is any establishment, club or business by whatever name designated which offers or advertises or is equipped or arranged so as, to provide as part of its services, massages, body rubs, alcohol rubs, baths or other similar treatment, by members of the opposite sex, except for activities which are excluded below or defined under #physical culture or health establishment# in Section 12-10 and which are, therefore, not included within the definition of an #adult physical culture establishment#:

- (1) treatment by a licensed physician, a licensed chiropractor, a licensed osteopath, a New York licensed masseur or masseuse, a licensed practical nurse or a registered professional nurse;
- (2) electrolysis treatment by a licensed operator of electrolysis equipment;
- (3) hospitals, #long-term care facilities#, or ambulatory diagnostic or treatment health care facilities listed in Use Group 4;
- (4) barbershops or beauty parlors which offer massage, to the scalp, the face, the neck or shoulders only; and
- (5) athletic facilities of an educational institution including an alumni club, or of a philanthropic or charitable institution.

#Adult physical culture establishments# are not permitted in any District.

Advertising sign — see Sign, advertising

\* \* \*

#### Health and fitness establishments

A “health and fitness establishment” is any establishment that is equipped and arranged, to provide instruction, services, or activities which improve or affect a person’s physical condition by physical exercise or provide relaxation services.

#Health and fitness establishments# include, but are not limited to, the following:

- (a) establishments containing high-intensity #uses#, including:
  - (1) gymnasiums where the predominant use of floor space involves the use of exercise equipment or weights; or
  - (2) gymnasiums and other indoor recreation establishments used for activities, including basketball, martial arts for adults, handball, paddleball, racquetball, squash, tennis, rock climbing, soccer, or volleyball;
  - (b) other establishments used for exercises including aerobics, exercise dance, youth martial arts, Pilates, or yoga studios; and
  - (c) therapeutic or relaxation service establishments including tanning salons, spas, bathhouses, isolation flotation tanks, or meditation facilities.

Establishments containing high-intensity #uses# listed above are subject to the supplemental #use# regulations of Sections 32-413 and 123-33, as applicable.

For “physical culture or health establishments” existing on [date of adoption] that were allowed, pursuant to special permit by the Board of Standards and Appeals, such establishments may continue under the terms and conditions established, at approval and may continue after the expiration of such special permit, provided that such establishment is not #enlarged#, #expanded#, or otherwise changed in a manner that deviates from the approved establishment.

As an alternative, a “physical culture or health establishment” existing on [date of adoption] may continue pursuant, to the applicable provisions for #health and fitness establishments#, and may #enlarge#, #expand#, or change the range of activities therein, in accordance with the District regulations, provided that any applicable supplemental #use# regulations are met.

Height factor

\* \* \*

Outer court recess — see Court recess, outer-

Physical culture or health establishments

A “physical culture or health establishment” is any establishment or facility, including #commercial# and non-#commercial# clubs, which is

equipped and arranged, to provide instruction, services, or activities which improve or affect a person's physical condition by physical exercise or by massage. Physical exercise programs include aerobics, martial arts or the use of exercise equipment.

Therapeutic or relaxation services, such as sun tanning, baths, showers, tubs, jacuzzis, whirlpools, saunas, steam rooms, isolation floatation tanks and meditation facilities may be provided only as accessory, to the physical exercise program or massage facility. Except as specifically provided in Special Purpose Districts, physical culture or health establishments are only permitted pursuant, to the provisions of Section 73-36. No license or permit shall be issued by the New York City Department of Health in conjunction with any health-related facility/services, pursuant to this Section until a certificate of occupancy has been issued by the Department of Buildings establishing the use of the premises as a physical culture or health establishment.

Plaza \* \* \*

Unlicensed physical treatment establishment

An unlicensed physical treatment establishment is an establishment that includes as part of its services, whether as a principal use or as an accessory use, massages, body rubs, alcohol rubs, baths or other similar treatment administered by a person that is not a healthcare professional licensed by the State of New York, or under the supervision of such licensee. However, unlicensed physical treatment establishments shall not include barbershops or beauty parlors that offer massage, to the scalp, the face, the neck or shoulders only.

Unlicensed physical treatment establishments shall not be permitted in any District.

Urban plaza — see Plaza, urban \* \* \*

ARTICLE II RESIDENCE DISTRICT REGULATIONS

Chapter 2 Use Regulations \* \* \*

22-10 USES PERMITTED AS-OF-RIGHT \* \* \*

22-14 Use Group 4 R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 4 consists primarily of community facilities that:

- (1) may appropriately be located in residential areas, to provide recreational, religious, health and other essential services for the residents; or
(2) can perform their activities more effectively in a residential environment, unaffected by objectionable influences from adjacent medium and heavy industrial uses; and
(3) do not create significant objectionable influences in residential areas.

Those open uses of land which are compatible with a residential environment are also included.

A. Community facilities

Ambulatory diagnostic or treatment health care facilities, limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities licensed by the State of New York, or a facility in which patients are diagnosed or treated by health care professionals, licensed by the State of New York or by persons under the supervision of such licensee for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine, physical culture or health establishments, or ophthalmic dispensing. In buildings containing residences, such facilities shall be limited to locations below the level of the first story ceiling, except that such facilities may be located on a second story provided there is separate access from the outside or directly from a portion of such facility located on the ground floor.

Clubs, except:

- (a) clubs, the chief activity of which is a service predominantly carried on as a business;
(b) non-commercial outdoor swimming pool clubs; or
(c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any lot line; or

- (d) any activity or use listed within the definitions of either adult physical culture establishments or physical culture or health establishments in Section 12-10

\* \* \*

22-20 USES PERMITTED BY SPECIAL PERMIT

22-21 By the Board of Standards and Appeals

In the districts indicated, the following uses are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

\* \* \*

R1 R2 Clubs, except:

- (a) clubs, the chief activity of which is a service predominantly carried on as a business;
(b) non-commercial outdoor swimming pool clubs; or
(c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any lot line; or
(d) any activities or uses listed within the definitions of either adult physical culture establishments or physical culture or health establishments in Section 12-10

\* \* \*

ARTICLE III COMMERCIAL DISTRICT REGULATIONS

Chapter 2 Use Regulations

\* \* \*

32-10 USES PERMITTED AS-OF-RIGHT

\* \* \*

32-15 Use Group 6 C1 C2 C4 C5 C6 C8

Use Group 6 consists primarily of retail stores and personal service establishments which:

- (1) provide for a wide variety of local consumer needs; and
(2) have a small service area and are, therefore, distributed widely throughout the City.

Public service establishments serving small areas are also included. Retail and service establishments are listed in two subgroups, both of which are permitted in all C1 Districts.

\* \* \*

C. Retail or Service Establishments

\* \* \*

Gift shops [PRC-B]

Health and fitness establishments, open or enclosed, limited to 10,000 square feet of floor area per establishment [PRC-B]

Interior decorating establishments, provided that floor area used for processing, servicing or repairs shall be limited to 750 square feet per establishment [PRC-B]

\* \* \*

E. Clubs

Non-commercial clubs, without restrictions on activities or facilities except for any activity or use listed within the definitions of either adult physical culture establishments or physical culture or health establishments in Section 12-10 [PRC-D]

\* \* \*

32-18 Use Group 9 C2 C4 C5 C6 C8

Use Group 9 consists primarily of business and other services which:

- (1) serve a large area and are, therefore, appropriate in secondary, major or central commercial shopping areas, and
(2) are also appropriate in local service districts, since these are typically located on the periphery of major or secondary centers.

A. Retail or Service Establishments

\* \* \*

Docks for sightseeing, excursion or sport fishing vessels, other than gambling vessels, limited, to the following aggregate dock capacities per zoning lot:

200 in C2 Districts; 500 in C4-1, C4-2, C4-3, C4-4, C8-1, C8-2, C8-3 Districts; 2,500 in C4-4A, C4-5, C4-6, C4-7, C5, C6, C8-4 Districts.

“Dock capacity” is the U.S. Coast Guard-certified capacity of the largest vessel using a dock. “Aggregate dock capacity” is the sum of the dock capacities of all docks on the #zoning lot# [PRC-H]

\*Gymnasiums, used exclusively for basketball, handball, paddleball, racketball, squash and tennis. [PRC-B]

\*\*Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment [PRC-B]

\*Medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures or plates, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects [PRC-B1]

\*\*\*

\* In C4 or C5 Districts, a #use# in Use Group 9, marked with an asterisk, shall not be located on the ground floor of a #building# unless such #use# is, at least 50 feet from the #street wall# of the #building# in which it is located, as provided in Section 32-423 (Limitation on ground floor location)

\*\* In C1-8 and C1-9 Districts, and in C1 Districts mapped within an R9 or an R10 District, #uses# marked with two asterisks shall be allowed as-of-right

\*\*\*

**32-23  
Use Group 14  
C2 C3 C7 C8**

Use Group 14 consists of the special services and facilities required for boating and related activities.

**A. Retail or Service**

\*\*\*

Fishing tackle or equipment, rental or sales [PRC-B1]

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment [PRC-B]

Ice vending machines, coin-operated, including those machines that are self-contained, dealing directly with the ultimate consumer. Such self-contained machines shall be limited to 1,600 pounds capacity solely for the use of such self-contained machines

\*\*\*

**B. Clubs**

Non-commercial clubs, without restrictions on activities or facilities except for any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10 [PRC-D]

\*\*\*

**32-30  
USES PERMITTED BY SPECIAL PERMIT**

**32-31  
By the Board of Standards and Appeals**

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3

\*\*\*

C6  
Newspaper publishing establishments

~~C1-8X C1-9 C2 C4 C5 C6 C8~~

~~#Physical culture or health establishments#, including gymnasiums (not permitted under Use Group 9), massage establishments [PRC-B]~~

~~C1 C2 C3 C4 C5 C6 C7 C8~~

~~Public transit or railroad electric substations, limited in each case to a site of not more than 40,000 square feet~~

\*\*\*

**32-40  
SUPPLEMENTARY USE REGULATIONS**

**32-41  
Enclosure Within Buildings  
C1 C2 C3 C4 C5 C6 C8**

In the districts indicated, except as otherwise specifically provided in the Use Groups permitted in such districts and in Sections 36-11 (General Provisions); and 36-61 (Permitted Accessory Off-street Loading Berths) and 73-36 (Physical Culture or Health Establishments), all permitted #uses# which are created by #development#, or which are #enlarged# or #extended#, or which result from a change of #use# shall be subject, to the provisions of this Section with respect to enclosure within #buildings#. With respect, to the #enlargement# or #extension# of an existing #use#, such provisions shall apply, to the #enlarged# or #extended# portion of such #use#.

\*\*\*

**32-413  
Health and Fitness Establishments  
C1 C2 C3 C4 C5 C6**

In the districts indicated, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be subject, to the following additional enclosure and environmental conditions:

(a) such high-intensity #uses# shall be located within #completely enclosed buildings#; and

(b) where such high-intensity #use# is located in a #building# containing any #residential#, #community facility#, or #commercial use#, an acoustical engineer shall verify to the Department of Buildings prior to the issuance of a Certificate of Occupancy that such #use# is designed according to International Organization for Standardization (ISO) or American National Standards Institute (ANSI) standards for noise control to meet the New York City Noise Code, administered by the Department of Environmental Protection.

Such high-intensity #uses# shall meet the following standards for noise and vibration:

(1) impact noise measurement shall comply with ISO 16283-2:2020, or subsequent versions; and

(2) vibration measurement shall comply with ISO 8041:2005 or ANSI/ASA S2.71, or subsequent versions, for on-site vibration measurement and analysis.

\*\*\*

**ARTICLE IV  
MANUFACTURING DISTRICT REGULATIONS**

\*\*\*

**Chapter 2  
Use Regulations**

\*\*\*

**42-10  
USES PERMITTED AS-OF-RIGHT**

\*\*\*

**42-13  
Use Groups 6C, 9A and 12B  
M2 M3**

Use Groups 6C, 9A and 12B as set forth in Sections 32-15, 32-18, and 32-21. Use Group 6C shall be limited to antique stores; art galleries, commercial; artists' supply stores; automobile supply stores; banks; bicycle sales; candy or ice cream stores; cigar or tobacco stores; custom furrier shops; docks for ferries or water taxis; eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less; eating or drinking establishments with musical entertainment but not dancing, with a capacity of 200 persons or less; frozen food lockers; fishing tackle or equipment, rental or sales; #health and fitness establishments#; jewelry or art metal craft shops; locksmith shops; meeting halls; millinery shops; music stores; newsstands, open or closed; paint stores; picture framing shops; and watch or clock repair shops.

Use Group 9A shall be limited to blueprinting or photostating establishments; business schools or colleges; #health and fitness establishments#; medical or dental laboratories; musical instrument repairs; printing establishments; public auction rooms; studios - art, music, dancing, or theatrical; trade or other schools for adults; typewriter or other small business machine sales, rental or repairs; and umbrella repairs.

Use Group 12B shall be limited to antique stores; art galleries, commercial; candy or ice cream stores; cigar or tobacco stores; delicatessen stores; jewelry or art metal craft shops; music stores; and newsstands.

\*\*\*

**42-14  
Use Group 17**

M1 M2 M3

[Note: This Section is also proposed to be amended as part of N 210423 ZRM: SoHo-NoHo Neighborhood Plan]

Use Group 17 consists primarily of #manufacturing uses# that:

- (1) can conform to high performance standards by controlling objectionable influences; and
- (2) in so doing, can limit their impact on adjacent residential areas; and
- (3) normally generate a great deal of traffic, both pedestrian and freight.

\*\*\*

D. Special #uses# in M1-5A and M1-5B Districts

M1-5A M1-5B

(3) In addition, to the above restrictions, the following #uses# are not permitted as of right in any #building or other structure# or on any tract of land in M1-5A or M1-5B Districts:

\*\*\*  
\*\*\*  
\*\*\*

(e) Banquet halls, wedding chapels, and catering establishments, #physical culture or health establishments#, including gymnasiums, reducing salons, massage establishments or steam baths. However, this provision shall not apply to gymnasiums occupying not more than 10,000 square feet and used exclusively for the following sports facilities: basketball, handball, squash and tennis.

\*\*\*

**42-30  
USES PERMITTED BY SPECIAL PERMIT**

**42-31  
By the Board of Standards and Appeals**

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

\*\*\*

M1-5A M1-5B M1-5M M1-6M  
Eating or drinking establishments, with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing [PRC-D]

M1 M2 M3  
#Physical culture or health establishments#, including gymnasiums (not permitted under Use Group 9), and massage establishments

M1 M2 M3  
Radio or television towers, non-#accessory#

\*\*\*

**ARTICLE V  
NON-CONFORMING USES AND NON-COMPLYING BUILDINGS**

**Chapter 2  
Non-Conforming Uses**

\*\*\*

**52-70  
TERMINATION OF CERTAIN NON-CONFORMING USES AFTER AMORTIZATION**

\*\*\*

**52-76  
Adult Physical Culture Establishments**

In all districts, any #adult physical culture establishment#, unless subject to an earlier termination requirement contained in this Resolution, shall terminate not later than one year after November 16, 1978, and thereafter the space formerly occupied by such #use# shall be used only for a conforming #use#.

\*\*\*

**ARTICLE VI  
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

**Chapter 2  
Special Regulations Applying in the Waterfront Area**

\*\*\*

**62-20  
SPECIAL USE REGULATIONS**

**62-21  
Classification of Uses in the Waterfront Area**

\*\*\*

**62-212  
Waterfront-Enhancing (WE) uses**

WE #uses# comprise a group of primarily recreational, cultural, entertainment or retail shopping #uses# that, when located, at the water's edge, add, to the public use and enjoyment of the waterfront. WE #uses# shall be limited, to the following:

\*\*\*

From Use Group 9:

\*Boat showrooms or sales establishments

Catering establishments (also listed in Use Group 13)

Gymnasiums used exclusively for basketball, handball, paddleball, racketball, squash and tennis

#Health and fitness establishments# with no limitation on #floor area# per establishment

Wedding chapels or banquet halls (also listed in Use Group 13)

\*\*\*

**ARTICLE VII  
ADMINISTRATION**

**Chapter 3  
Special Permits by the Board of Standards and Appeals**

\*\*\*

**73-10  
SPECIAL PERMIT USES**

**73-11  
General Provisions**

Subject, to the general findings required by Section 73-03 and in accordance with the provisions contained in Sections 73-12 to 73-36 73-35, inclusive, the Board of Standards and Appeals shall have the power to permit special permit #uses#, and shall have the power to impose appropriate conditions and safeguards thereon.

\*\*\*

**73-36  
Physical Culture or Health Establishments**

(a) In C1-8X, C1-9, C2, C4, C5, C6, C8, M1, M2 or M3 Districts, and in certain special districts as specified in the provisions of such special district, the Board of Standards and Appeals may permit #physical culture or health establishments# as defined in Section 12-10, including gymnasiums (not permitted under Use Group 9) or massage establishments other than #adult physical culture establishments#, for a term not to exceed 10 years, provided the following findings are made:

- (1) that such #use# is so located as not to impair the essential character or the future use or development of the surrounding area; and
- (2) that such #use# contains:
  - (i) one or more of the following regulation size sports facilities: handball courts, basketball courts, squash courts, paddleball courts, racketball courts, tennis courts; or
  - (ii) a swimming pool of a minimum 1,500 square feet; or
  - (iii) facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics or martial arts; or
  - (iv) facilities for the practice of massage by New York State licensed masseurs or masseuses.

Therapeutic or relaxation services may be provided only as #accessory# to programmed facilities as described in paragraphs (a)(2)(i) through (a)(2)(iv) of this Section:

(b) In C4-7, C5-2, C5-3, C5-4, C5-5, C6-4, C6-5, C6-6, C6-7, C6-8 or C6-9 Districts, the Board may permit #physical culture or health establishments# located on the roof of a #commercial building# or the #commercial# portion of a #mixed building#, provided the following additional findings are made:

- (1) that such #use# shall be an incidental part of a permitted #physical culture or health establishment# located within the same #commercial# or #mixed building#;
- (2) that such #use# shall be open and unobstructed, to the sky;
- (3) that such #use# shall be located on a roof not less than 23 feet above #curb level#;
- (4) that the application for such #use# shall be made jointly by the owner of the #building# and the operator of such #physical culture or health establishment#; and
- (5) that the Board shall prescribe appropriate controls to minimize adverse impacts on the surrounding area, including but not limited to, requirements for the location, size and types of signs, limitations on the manner and/or hours of operation, shielding of floodlights, adequate screening, and the control of undue noise including the amplification of sound, music or voices.

(c) No special permit shall be issued, pursuant to this Section unless:

- (1) the Board shall have referred the application, to the Department of Investigation for a background check of the owner, operator and all principals having an interest in any application filed under a partnership or corporate name and shall have received a report from the Department of Investigation which the Board shall determine to be satisfactory; and
- (2) the Board, in any resolution granting a special permit, shall have specified how each of the findings required by this Section are made.

The Board shall retain the right to revoke the special permit, at any time, if it determines that the nature or manner of operation of the permitted #use# has been altered from that authorized.

The Board may prescribe appropriate conditions and safeguards

including location of #signs# and limitations on the manner and/or hours of operation in order to minimize adverse effects on the character of the surrounding community.

73-40 MODIFICATIONS OF USE OR PARKING REGULATIONS

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ARTICLE VII ADMINISTRATION

Chapter 4 Special Permits by the City Planning Commission

\*\*\*

74-74 Large-scale General Development

\*\*\*

74-744 Modification of use regulations

(a) #Use# modifications

\*\*\*

(4) #Physical culture or health establishments#

For a #large-scale general development# located within an #MHI site#, in a C4 District within Queens Community District 14, #physical culture or health establishments# shall be permitted as of right. The special permit provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply.

\*\*\*

ARTICLE VIII SPECIAL PURPOSE DISTRICTS

Chapter 1 Special Midtown District

\*\*\*

81-06 Applicability of Article VII Provisions

81-061 Applicability of Article VII, Chapter 3

\*\*\*

Within the #Special Midtown District#, the following provisions regarding special permits by the Board of Standards and Appeals shall only be applicable as modified below:

Section 73-16 (Public Transit, Railroad or Electrical Utility Substations) shall be applicable subject, to the provisions of the #Special Midtown District#.

Section 73-28 (Newspaper Publishing) shall be applicable subject, to the provisions of the #Special Midtown District#.

Section 73-36 (Physical Culture or Health Establishments) shall be applicable subject, to the locational restrictions of the #Special Midtown District#.

Section 73-51 (Modification of Supplementary Use Regulations) shall be applicable subject, to the height and setback or alternate height and setback regulations of the #Special Midtown District#.

Section 73-52 (Modifications for Zoning Lots Divided by District Boundaries) shall be applicable subject, to the height and setback or alternate height and setback regulations of the #Special Midtown District#.

\*\*\*

81-60 SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT

\*\*\*

81-62 Special Use Provisions

\*\*\*

81-622 Location of uses in mixed buildings

For #mixed buildings developed# on #qualifying sites#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit the following #uses#, subject, to the underlying zoning district regulations, on the same #story# as, or, at any #story# above, #residential uses#, provided that no access exists between such #uses#, at any level above the ground floor:

- open or enclosed observation decks;
open or enclosed publicly accessible spaces;
eating or drinking establishments, as listed in Use Groups 6A, 6C, 10A and 12A;

- bowling alleys, as listed in Use Group 8A and 12A;
theaters, as listed in Use Group 8A;
commercial art galleries, as listed in Use Group 6C;
gymnasiums, used exclusively for basketball, handball, paddleball, racquetball, squash and tennis, as listed in Use Group 9A;
#health and fitness establishments#, as listed in Use Groups 6C and 9A;
wedding chapels and banquet halls, as listed in Use Group 9A;
enclosed skating rinks, as listed in Use Group 12A;
swimming pools and gymnasium #uses# which are #accessory# to any other #use# located within the #building#; and
#physical culture or health establishments# permitted, pursuant to Section 73-36.
For such #uses#, the provisions of Section 32-41 (Enclosure Within Buildings) shall not apply.

\*\*\*

81-70 SPECIAL REGULATIONS FOR THEATER SUBDISTRICT

\*\*\*

81-72 Use Regulations Modified

\*\*\*

81-722 Use Group T

The following #uses# are subject, to the limitations on location and #floor area# of the underlying zoning district:

#Uses# marked with an asterisk (\*) are allowed only on #narrow street# frontages.

#Uses# marked with double asterisks (\*\*) are allowed only on floors other than the ground floor.

#Uses# marked thus (\*\*\*) qualify as #uses# satisfying the requirements of Section 81-724 (Requirements for entertainment-related uses).

#Use# \*\*\*

- Gift shops
\*Gymnasiums
Hair products for headwear
Hardware stores
#Health and fitness establishments#
Historical exhibits - not permitted in C5 Districts

\*\*\*

ARTICLE VIII SPECIAL PURPOSE DISTRICTS

Chapter 3 Special Limited Commercial District

83-00 GENERAL PURPOSES

83-03 Use Group "LC"

Use Group "LC" comprises #residential uses# listed in Use Groups 1 and 2, and a group of specially related #uses# selected from Use Groups 3, 4, 5, 6, 8 and 9, to provide for the special needs, comfort, convenience, enjoyment, education and recreation of the residents of the surrounding communities and of the many visitors who are, attracted to its activities.

\*\*\*

G. Retail or Service Establishments

\*\*\*

- Gift shops
\*Gymnasiums, used exclusively for basketball, handball, squash and tennis
#Health and fitness establishments#
Interior decorating establishments, provided that #floor area# used for processing, servicing, or repairs shall be limited to 750 square feet per establishment

\*\*\*

Photographic studios

\*\*\*Physical culture or health establishments#, including gymnasiums (not listed under Use Group 9); reducing salons, massage establishments or steam baths, but other than #adult physical culture establishments#

Picture framing shops

\* \* \*

\* In #Special Limited Commercial Districts#, a #use# marked with an asterisk (\*) shall not be located on the ground floor of a #building# unless such #use# is, at least 50 feet from the #street# wall of the #building# in which it is located

\*\* In #Special Limited Commercial Districts#, a #use# marked with a double asterisk (\*\*) shall be permitted only by special permit of the Board of Standard and Appeals, pursuant to Section 73-36 (Physical Culture or Health Establishments)

\* \* \*

ARTICLE VIII SPECIAL PURPOSE DISTRICTS

Chapter 4 Special Battery Park City District

\* \* \*

84-00 GENERAL PURPOSES

\* \* \*

84-03 Use Regulations (For Zone A and Zone C)

\* \* \*

84-031 Special permit uses

\* \* \*

The following #uses# are permitted only by special permit of the Board of Standards and Appeals:

Electrical or gas utility substations, open or enclosed, pursuant to Section 73-14

Public utility stations for oil or gas metering or regulating, pursuant to Section 73-15

Telephone exchanges or other communications equipment structures, pursuant to Section 73-14

In Zone A, #physical culture or health establishments# in subzone A-4 only, pursuant to Section 73-36. However, #physical culture or health establishments# located below the level of the first #story# ceiling shall not be permitted to front on the #Esplanade#.

\* \* \*

84-10 ZONE A GENERAL DISTRICT REGULATIONS

\* \* \*

84-12 Use Regulations

In the areas indicated as permitted #commercial# locations in Appendices 2.3 and 3.3, the #use# regulations applying in a C2 District shall apply, except as provided in Sections 84-031 (Special permit uses), 84-032 (Uses not permitted), 84-121 (Uses along Esplanade) and this Section.

In the case of a #mixed building# containing #residential# and #commercial uses#, #residential uses# are permitted on the same #story# as a #commercial use#, provided no access exists between such #uses#, at any level containing #residences# and provided any #commercial uses# are not located over any #residences#. However, such #commercial use# may be located over #residences# by authorization of the City Planning Commission upon finding that sufficient separation of #residences# from #commercial uses# exists within the #building#.

Notwithstanding any other provisions of this Resolution, the permitted #uses# listed in Use Groups 6, 7, 8, 9 or 14 and the additional #uses# permitted hereunder shall be limited, per establishment, to 10,000 square feet of #floor area# of any #story# and shall not be located above the first #story# ceiling, except that:

- (a) in any #building# containing an #arcade# required in Section 84-134 (Mandatory arcades), any permitted #use# may be located above the first #story# ceiling and below the second #story# ceiling; and
(b) supermarkets are permitted with no limitation on #floor area#.

Notwithstanding any other provisions of this Resolution, the #zoning lot# south of First Place and east of Battery Place may contain #residential uses#, #transient hotel uses#, or both #residential# and hotel #uses#.

In the case of hotel #uses# on this #zoning lot#:

- (1) a #physical culture or health establishment# #health and fitness establishment# may be permitted; and
(2) an eating and drinking establishment, as permitted in Section 32-15 (Use Group 6), and a #physical culture and health establishment# #health and fitness establishment# or a non-#residential accessory use#, may be located above a #story# containing #residential uses#.

\* \* \*

84-30 ZONE C

\* \* \*

84-32 Use Regulations

Use regulations applicable in C6-6 Districts shall apply subject, to the provisions of Sections 84-031 (Special permit uses) and 84-032 (Uses not permitted). In addition, the following #uses# shall be permitted:

Indoor interactive entertainment facilities, with eating and drinking, consisting of mechanical, electronic or computer supported games provided that a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms.

Parking facilities, public, subject to Section 84-341

#Physical culture or health establishments#

Sporting goods or equipment, sale or rental, including instruction in skiing, sailing or skin diving, as permitted in Use Group 14

\* \* \*

ARTICLE IX SPECIAL PURPOSE DISTRICTS

Chapter 4 Special Sheepshead Bay District

94-00 GENERAL PURPOSES

\* \* \*

94-06 Special Use Regulations

94-061 Permitted residential, community facility and commercial uses

A. #Residential# and #community facility uses#

#Uses# listed in Use Groups 1, 2, 3 and 4 shall be allowed anywhere within the Special District, except as set forth in Section 94-065 (Restriction on ground floor use).

B. #Commercial uses#

In Areas A, B, C, D and E, as indicated in Appendix A (Special Sheepshead Bay District Map) of this Chapter, only those #commercial uses# listed in Section 94-062 (Use Group SB), those #uses# listed in Section 62-211 (Water-Dependent (WD) uses) from Use Groups 6, 7, 9 and 14, and those #uses# permitted, pursuant to Section 94-063 (Uses permitted by special permit), shall be allowed. In addition, in Area B, a food store, as listed in Section 32-15 (Use Group 6), shall also be allowed on a #zoning lot# existing on May 27, 2015, for a period of 10 years from such date. Such food store shall be limited to one such establishment per #zoning lot# and shall be limited to 15,000 square feet of #floor area# utilized for the sale of food and non-food grocery products, and further such establishment shall be limited to an additional 6,500 square feet of #floor area# for #accessory# office and storage space. There shall be no limitation on the amount of #floor area# utilized for eating or drinking places as listed in Use Group SB, pursuant to Section 94-062.

In Area F, only #commercial uses# listed in Use Group 6 and those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 shall be allowed within the underlying #Commercial Districts#.

In Area G, only #commercial uses# listed in Use Groups 6, 7, 8 and 9 and those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 shall be allowed within the underlying #Commercial Districts#.

In Area H, except for #uses# permitted, pursuant to Section 94-063, #commercial uses# shall be limited to those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 and the following #uses#:

\* \* \*

Gift shops

Gymnasiums, used exclusively for basketball, handball, squash and tennis

#Health and fitness establishments#

Hardware stores, limited to marine supplies

\*\*\*

94-062

Use Group SB

In Areas A, B, C, D and E, except as stated in this Section, all #commercial uses# permitted by Use Group SB shall be limited to a maximum #floor area# of 3,500 square feet per establishment and to a maximum frontage per establishment, at ground floor level of 35 feet when facing any plaza, Emmons Avenue, Sheepshead Bay Road, Ocean Avenue and Bedford Avenue. Any #use# marked with a single asterisk (\*) shall not be located on the ground floor of a #building#.

\*\*\*

C. Retail or service establishments

\*\*\*

Gift shop

\*Gymnasiums, used exclusively for basketball, handball, squash and tennis

#Health and fitness establishments#

Jewelry or art metal shops

\*\*\*

Photographic equipment or supply stores

\*\*#Physical culture or health establishments#, other than #adult physical culture establishments#, including gymnasiums, having a rated capacity of not more than 50 people

Picture framing shops

\*\*\*

\*\* #Uses# listed in Use Group SB, marked with a double asterisk, are permitted only by special permit of the Board of Standards and Appeals, pursuant, to the provisions of Section 73-36

\*\*\*

94-064

Supplementary use regulations

The provisions of Article VII, Chapter 3 (Special Permits by the Board of Standards and Appeals), Sections 73-10 through 73-52, relating to modifications of #use#, shall not apply in the Special District, except that Section 73-36 (Physical Culture or Health Establishments) shall be applicable.

\*\*\*

ARTICLE IX SPECIAL PURPOSE DISTRICTS

Chapter 5 Special Transit Land Use District

95-00 GENERAL PURPOSES

\*\*\*

95-08 Special Use Regulations

\*\*\*

95-081 Use Group T

Use Group T comprises a group of retail establishments selected to promote and strengthen retail business in the Special District. #Uses# marked with an asterisk (\*) shall not be located, at the subway mezzanine level or along the bounding walls of a transit easement volume.

\*\*\*

D. Retail or Service Establishments

\*\*\*

Gift shops

\*\*Gymnasiums, used exclusively for basketball, handball, squash and tennis

#Health and fitness establishments#

\*Ice cream stores

\*\*\*

Photographic studios

\*\*#Physical culture or health establishments#, including gymnasiums (not listed under Use Group 9), reducing salons, massage establishments or steam baths, but other than #adult physical culture establishments#

Picture framing shops

\*\*\*

\*\*#Uses# in Use Group T marked with a double asterisk are permitted only by special permit of the Board of Standards and Appeals, pursuant, to the provisions of Section 73-36

\*\*\*

ARTICLE IX SPECIAL PURPOSE DISTRICTS

Chapter 7 Special 125th Street District

\*\*\*

97-20 LOCATION AND ACCESS REGULATIONS

\*\*\*

97-21 Supplemental Use and Streetscape Regulations Along 125th Street

\*\*\*

97-212 Uses not permitted on the ground floor of buildings

The following #uses# are not permitted within #stories# that have a floor level within five feet of #curb level# in #buildings developed# after April 30, 2008, or within #stories# that have a floor level within five feet of #curb level# within portions of #buildings enlarged# after April 30, 2008, where such #building# or portion of a #building# fronts upon 125th Street, or is within 100 feet from 125th Street. Entranceways and lobby space for access to such #uses# shall be permitted, at the ground floor level, pursuant, to the provisions of Section 97-213 (Access to non-ground floor uses).

\*\*\*

From Use Groups 9A, 9B and 9C:

All #uses#, except for gymnasiums #health and fitness establishments#, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios.

\*\*\*

ARTICLE IX SPECIAL PURPOSE DISTRICTS

Chapter 9 Special Madison Avenue Preservation District

99-00 GENERAL PURPOSES

\*\*\*

99-03 Special Use Regulations

\*\*\*

99-031 Use Group MP

Use Group MP comprises a group of #commercial# establishments selected to promote and strengthen the existing #commercial# character of the Special District. The #commercial uses# listed in Table A of this Section are permitted in any portion of the Special District located within a C1 District. The #commercial uses# listed in Tables A and B of this Section are permitted in any portion of the Special District located within a C5 District.

Table A

\*\*\*

B. Retail or Service Establishments

\*\*\*

Hardware stores

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment

Interior decorating establishments, provided that #floor area# used for processing, servicing, or repairs shall be limited to 750 square feet per establishment

\*\*\*

Table B

A. Retail or Service Establishments

\*\*\*

Furniture stores, with no limitation on #floor area# per establishment

\*Gymnasiums, used exclusively for basketball, handball, squash and tennis

#Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment

\*Medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures, or plates, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects

\*Motion picture production studios

Musical instrument repair shops

Office or business machine stores, sales or rental (limited to 40 linear feet of #street# frontage)

\*\*#Physical culture or health establishments#, including gymnasiums (not listed under Use Group 9), reducing salons, massage establishments or steambaths, but other than #adult physical culture establishments#

Plumbing, heating, or ventilating equipment showrooms, without repair facilities (limited to 40 linear feet of #street# frontage)

\*\*\*

#Uses# in Use Group MP marked with a double asterisk (\*\*) are permitted only by special permit of the Board of Standards and Appeals, pursuant to the provisions of Section 73-36

\*\*\*

ARTICLE X SPECIAL PURPOSE DISTRICTS

Chapter 4 Special Manhattanville Mixed Use District

\*\*\*

104-10 SPECIAL USE REGULATIONS

\*\*\*

104-16 Use Group MMU

Use Group MMU comprises a group of #uses# selected from Use Groups 3, 4, 6, 7, 8, 9, 10, 12 and 17, as modified, including any of such #uses# that are #accessory# to a college or university and open, to the public.

\*\*\*

From Use Group 6C:

\*\*\*

Gift shops

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment

Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment

\*\*\*

From Use Group 9A:

Automobile, motorcycle, #trailer# or boat showrooms or sales, with no repair services and with no preparation of vehicles or boats for delivery

Clothing or costume rental establishments

#Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment

Musical instrument repair shops

\*\*\*

#Accessory uses# to all the above #uses# are permitted.

#Physical culture or health establishments# are subject to a special permit, pursuant to Section 73-36.

\*\*\*

ARTICLE XI SPECIAL PURPOSE DISTRICTS

Chapter 5 Special Downtown Jamaica District

\*\*\*

115-10 SPECIAL USE REGULATIONS

\*\*\*

115-15 Modification of Use Regulations in M1-4 Districts

The #use# regulations of the underlying M1-4 District shall apply, except as modified as follows:

\*\*\*

From Use Group 4A:

Ambulatory diagnostic or treatment health care facilities, limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities in which patients are diagnosed or treated by health care professionals, licensed by the New York State Department of Education or successor agency, for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine, #physical culture or health establishments# or ophthalmic dispensing

Clubs, except:

(a) clubs, the chief activity of which is a service predominantly carried on as a business;

(b) non-commercial outdoor swimming pool clubs; or

(c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#; or

(d) any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10 (DEFINITIONS)

Community centers or settlement houses

\*\*\*

ARTICLE XI SPECIAL PURPOSE DISTRICTS

Chapter 6 Special Stapleton Waterfront District

\*\*\*

116-10 SPECIAL USE REGULATIONS FOR SUBAREAS A, B AND C, THE ESPLANADE, PIER PLACE AND THE COVE

\*\*\*

116-102 Special permit uses

#Physical culture or health establishments# shall be permitted in Subarea B2. The special permit provisions of Section 73-36 shall not apply.

116-103 Supplementary use regulations

The provisions of Section 32-41 (Enclosure Within Buildings) shall be modified as follows: In Subarea B3, a farmers' market may be unenclosed.

The provisions of Section 32-423 (Limitation on ground floor location) shall be modified as follows: In Subareas B1 and B2, the #uses# listed in Section 32-18 (Use Group 9) may be located on the ground floor and within 50 feet of any #street wall# of the #building# and with #show windows# facing on the #street#

\*\*\*

116-60 SPECIAL REGULATIONS IN SUBAREA E

\*\*\*

116-61 Special Use Regulations

The #use# regulations of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply, modified as follows:

(a) the provisions of Section 32-433 (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island) shall not apply; and

(b) the provisions of Section 62-29 (Special Use Regulations for R6, R7, R8, R9 and R10 Districts) are modified to allow #uses# listed in Section 62-212 (Waterfront-Enhancing (WE) uses) to be located anywhere within a #building# existing prior to July 20, 2017, provided that no #commercial floor area# is located above a #dwelling unit#; and

(c) #physical culture or health establishments# shall be permitted as-of-right. The special permit provisions of Section 73-36 shall not apply.

\*\*\*

ARTICLE XII SPECIAL PURPOSE DISTRICTS

Chapter 3 Special Mixed Use Districts

\*\*\*

123-30 SUPPLEMENTARY USE REGULATIONS

\*\*\*

**123-33  
Health and Fitness Establishments**

In M1 Districts paired with a #Residence District#, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be subject, to the following additional enclosure and environmental conditions:

- (a) such high-intensity #uses# shall be located within #completely enclosed buildings#; and
- (b) where such high-intensity #use# is located in a #building# containing any #residential#, #community facility#, or #commercial use#, an acoustical engineer shall verify, to the Department of Buildings prior, to the issuance of a certificate of occupancy that such high-intensity #use# is designed according to International Organization for Standardization (ISO) or American National Standards Institute (ANSI) standards for noise control to meet the New York City Noise Code, administered by the Department of Environmental Protection.

Such high-intensity #uses# shall meet the following standards for noise and vibration:

- (1) impact noise measurement shall comply with ISO 16283-2:2020, or subsequent versions; and
- (2) vibration measurement shall comply with ISO 8041:2005 or ANSI/ASA S2.71, or subsequent versions, for on-site vibration measurement and analysis.

\*\*\*

**ARTICLE XII  
SPECIAL PURPOSE DISTRICTS**

**Chapter 4  
Special Willets Point District**

\*\*\*

**124-10  
SPECIAL USE REGULATIONS**

\*\*\*

**124-12  
Regulation of Commercial Uses in Area B**

(a) Within Area B, as shown on Map 1 in the Appendix to this Chapter, #commercial# and special permit #uses# shall be limited to those #uses# permitted in a C1-4 District and #physical culture or health establishments#, pursuant to Section 73-36; provided that #commercial uses# shall be located no more than 100 feet from a #connector street#, the present or former 34th Avenue or Willets Point Boulevard, or Area A, as shown on Map 1 in the Appendix to this Chapter.

\*\*\*

**124-13  
Uses Permitted As-of-Right**

The following special permits shall not apply. In lieu thereof, such #uses# shall be permitted as-of-right:

\*\*\*

In #buildings# with frontage on 126th Street, the following special permits shall not apply. In lieu thereof, such uses shall be permitted as-of-right:

Section 73-244 (In C2, C3, C4\*, C6-4\*\*, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District) shall not apply for eating and drinking establishments with a capacity of more than 200 persons, which shall be permitted as-of-right within 100 feet of a #Residence District# boundary

Section 73-35 (Amusement Arcades)

Section 73-36 (Physical Culture or Health Establishments)

Section 74-46 (Indoor Interactive Entertainment Facilities)

Section 74-47 (Amusement Arcades)

\*\*\*

**ARTICLE XII  
SPECIAL PURPOSE DISTRICTS**

**Chapter 7  
Special Flushing Waterfront District**

\*\*\*

**126-10  
SPECIAL USE REGULATIONS**

\*\*\*

**127-12  
Physical Culture or Health Establishments**

The provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply. In lieu thereof, #physical culture or health establishments# shall be permitted as-of-right. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9-#use# and shall be within parking requirement category B.

**127-13  
Sign Regulations**

For M1 Districts paired with a #Residence District#, the provisions regulating #signs# in C4 Districts, as set forth in Section 32-60 (SIGN REGULATIONS), inclusive, shall apply to any #signs#.

\*\*\*

**ARTICLE XIII  
SPECIAL PURPOSE DISTRICTS**

**Chapter 1  
Special Coney Island District**

**131-00  
GENERAL PURPOSES**

\*\*\*

**131-04  
Applicability**

\*\*\*

**131-044  
Physical culture or health establishments**

The provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply in the Coney East, Coney North or Coney West Subdistricts. In lieu thereof, #physical culture or health establishments# shall be allowed as-of-right.

**131-045 131-044  
Modification of use and bulk regulations**

\*\*\*

**131-10  
SPECIAL USE REGULATIONS**

\*\*\*

**131-12  
Use Groups A, B and C**

Special Use Groups are established as set forth in this Section, to promote and strengthen the commercial and entertainment character of the Special District.

\*\*\*

**131-123  
Use Group C: Retail and service uses**

Use Group C consists of a group of retail and service #uses#, selected from Use Groups 6, 7, 12 and 14, as modified in this Section:

\*\*\*

Gift shops

#Health and fitness establishments# limited to 10,000 square feet of #floor area# per establishment

Jewelry manufacturing from precious metals

\*\*\*

**131-13  
Special Use Regulations in Subdistricts**

\*\*\*

**131-132  
Coney North and Coney West Subdistricts**

In the Coney North and Coney West Subdistricts, #uses# allowed by the underlying district regulations shall apply, except as modified in this Section for #uses# fronting upon #streets# specified on Map 2 (Mandatory Ground Floor Use Requirements) in the Appendix to this Chapter. For the purposes of this Section, the "building line" shown on Parcel F on Map 2 shall be considered a #street line# of Ocean Way or Parachute Way, as applicable. Furthermore, an open or enclosed ice skating rink shall be a permitted #use# anywhere within Parcel F in the Coney West Subdistrict.

\*\*\*

(b) Prohibited ground floor level #uses# along #streets# other than Riegelmann Boardwalk

No #use# listed in this paragraph, (b), shall be permitted within 50 feet of a #street# specified on Map 2. Lobbies or entryways to non-ground floor level #uses# are permitted, provided the length of #street# frontage occupied by such lobbies or entryways does not exceed, in total, 60 feet.

\*\*\*

From Use Groups 9A, 9B and 9C:

All #uses#, except for gymnasiums #health and fitness establishments#, public auction rooms, photographic developing or

printing establishments for the consumer, or art, music, dancing or theatrical studios

\* \* \*

ARTICLE XIII  
SPECIAL PURPOSE DISTRICTS

Chapter 4: Special Governors Island District

\* \* \*

134-10  
SPECIAL USE REGULATIONS

134-11  
Commercial Uses

The following #commercial uses# shall be allowed

\* \* \*

Any #commercial use# or #physical culture or health establishment# larger than 7,500 square feet in #floor area# shall 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.

The provisions of this Section shall not apply to #commercial uses# permitted, pursuant to Section 134-12 (Authorization for Certain Commercial Uses).

\* \* \*

134-13  
Physical Culture or Health Establishments

#Physical culture or health establishments# shall be permitted in the #Special Governors Island District#, subject, to the requirements of Section 134-11. The special permit provisions of Section 73-36 shall not apply.

134-14  
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.

\* \* \*

ARTICLE XIII  
SPECIAL PURPOSE DISTRICTS

Chapter 5  
Special Bay Street Corridor District

\* \* \*

135-10  
SPECIAL USE REGULATIONS

\* \* \*

135-13  
Physical Culture or Health Establishments

Within the #Special Bay Street Corridor District#, a #physical culture or health establishment# shall be permitted as-of-right in #Commercial Districts#. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and shall be within parking requirement category PRC-B.

135-14  
Breweries

\* \* \*

135-15-135-14  
Modification of Supplemental Use Provisions

\* \* \*

ARTICLE XIII  
SPECIAL PURPOSE DISTRICTS

Chapter 8  
Special East Harlem Corridors District

\* \* \*

138-10  
SPECIAL USE REGULATIONS

\* \* \*

138-13  
Physical Culture or Health Establishments

Within the #Special East Harlem Corridors District#, the provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply. In lieu thereof, #physical culture or health establishments# shall be permitted as-of-right in C2-5, C4-6 and C6-4 Districts, and in M1 Districts paired with an R9 or R10 District.

138-14  
Public Parking Garages

\* \* \*

ARTICLE XIV  
SPECIAL PURPOSE DISTRICTS

Chapter 1  
Special Jerome Corridor District

\* \* \*

141-10  
SPECIAL USE REGULATIONS

\* \* \*

141-12  
Physical Culture or Health Establishments

#Physical culture or health establishments# shall be permitted as-of-right in C2 and C4 Districts. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and shall be within parking requirement category B.

141-13  
Modification of Supplemental Use Provisions

\* \* \*

ARTICLE XIV  
SPECIAL PURPOSE DISTRICTS

Chapter 2  
Special Inwood District

\* \* \*

142-10  
SPECIAL USE REGULATIONS

\* \* \*

142-11  
Permitted Uses

#Physical culture or health establishments# shall be permitted as-of-right in C2-4, C4, C6-2, M1-4 and M1-5 Districts. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and shall be within parking requirement category B.

In Subarea B1, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps, as listed in Use Group 16C, shall be a permitted #use#.

In Subareas B2 and B3, as shown on Map 1, all #uses# listed in Use Groups 3 and 4 shall be permitted #uses#, and Use Group 6A food stores, including supermarkets, grocery stores, or delicatessen stores, shall not be limited to #floor area# per establishment.

In Subdistrict D, as shown on Map 1, #self-service storage facilities# shall be permitted as-of-right in C6-2A Districts.

\* \* \*

APPENDIX A  
Index of Uses

The following is a listing in alphabetical order of #uses# allowed in this Resolution either as #uses# permitted as-of-right, or as #uses#

permitted by special permit, together with the Use Group in which each is listed, the parking requirement category of #commercial uses#, if applicable, and the district or districts in which it is permitted.

When a district associated with a given #use# is designated in the Index with an asterisk (\*), the #use# is permitted in such district only by special permit of the Board of Standards and Appeals, as set forth in the applicable portions of this Resolution.

When a district associated with a given #use# is designated in the Index with a double asterisk (\*\*), the #use# is permitted in such district only by special permit of the City Planning Commission, as set forth in the applicable portions of this Resolution.

#Uses# listed in Use Group 11A, 16, 17, or 18 as permitted #uses# in C8 or #Manufacturing Districts# must also meet the applicable performance standards for these districts.

#Uses# listed in Use Group 18 are permitted in M1 or M2 Districts if they can comply with the applicable performance standards for those districts.

This Index is established as a reference guide to this Resolution but is not an integral part thereof. Whenever there is any difference in meaning or implication between the provisions of this Resolution as set forth in Articles I through VII and the text of this Index, the text of the Resolution shall prevail.

#Use# regulations governing the several classes of districts are set forth in the following Chapters of this Resolution:

- Residence Districts Article II, Chapter 2
- Commercial Districts Article III, Chapter 2
- Manufacturing Districts Article IV, Chapter 2

\*\*\*

Barber shops [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Baths, steam (See #Physical culture or health establishments# #Health and fitness establishments#)		
Beaches, commercial [PRC-E]	13	C3* C7 C8 M1 <sup>3</sup> M2 M3

\*\*\*

Gun repairs [PRC-B1]	7	C2 C6 <sup>4</sup> C8 M1 M2 M3
Gymnasiums [PRC-B]: (See #health and fitness establishments#)		
Limited	9	<del>C2 C4 C5</del> <del>C6 C8</del> M1
Unlimited (See #Physical culture or health establishments#)		
Gypsum manufacture	18	M3

\*\*\*

Hat:		
Bodies manufacture	17	M1 M2 M3
Repair shops [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
#Health and fitness establishments#		
Limited as to #floor area#	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
	14	C2 C3 C7 C8
Unlimited	9	C1 <sup>30</sup> C2 C4 C5 C6 C8 M1 M2 M3
Health Centers	4	R1-R2 R3-R10 C1 C2 C3 C4 C5 C6 C8 M1**

Health services (see #physical culture or health establishments# #health and fitness establishments#)		
***		
Markets:		
Retail, including meat (See Food stores)		
Wholesale, produce or meat	17	M1 M2 M3
Masseurs Massage therapists [PRC-B] (See Ambulatory diagnostic and treatment health care facilities)		<del>C2* C4*</del> <del>C5* C6*</del> <del>C8*</del> M1 <sup>30</sup> M2 <sup>30</sup> M3*
Matches manufacture	18	M3

\*\*\*

Photostating establishments [PRC-B1]	9	C2 C4 C5 C6 C8 M1 M2 M3
#Physical culture or health establishments#[PRC-B]		<del>C1** C2*</del> <del>C4* C5*</del> <del>C6* C8*</del> M1* M2* M3*
Picture framing stores [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3

\*\*\*

Rectories	4	R1-R2 R3-R10 C1 C2 C3 C4 C5 C6 C8 M1**
Reducing salons (See #Physical culture or health establishments# #Health and fitness establishments#)		
Refreshment stands, drive-in [PRC-H]	7	C2 C6 <sup>4</sup> C8 M1 M2 M3
	13	C7 C8 M1 <sup>3</sup> M2 M3

\*\*\*

<sup>29</sup> Not permitted in C6-1, C6-2 and C6-3 Districts.

<sup>30</sup> Permitted only in C1-8 and C1-9 Districts and C1 Districts mapped within an R9 or R10 District.

<sup>31</sup> Permitted only in C6-5 and C6-7 Districts.

\*\*\*

**No. 2  
FRESH II ZONING TEXT AMENDMENT**

**CITYWIDE** **N 210380 ZRY**  
**IN THE MATTER OF** an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to modify Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) and related Sections, to expand areas in which the program is applicable and to update various requirements.

Matter underlined is new, to be added;  
 Matter ~~struck out~~ is to be deleted;  
 Matter within # # is defined in Section 12-10, 37-311, 63-01, 97-01, 108-01 or 116-01;  
 \* \* \* indicates where unchanged text appears in the Zoning Resolution

**ARTICLE II  
RESIDENCE DISTRICT REGULATIONS**

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

\*\*\*

**23-10  
OPEN SPACE AND FLOOR REGULATIONS**

\*\*\*

23-15
Open Space and Floor Regulations in R6 Through R10 Districts

\* \* \*

23-154
Inclusionary Housing

[text struck out in this Section is proposed to be relocated to Section 63-21]

\* \* \*

(b) #Inclusionary Housing designated areas#

The #residential floor area# of a #zoning lot# may not exceed the base #floor area ratio# set forth in the table in this paragraph (b), except that such #floor area# may be increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, up, to the maximum #floor area ratio# specified in the table, as applicable. However, the amount of #low income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, or any #floor area# increase for the provision of a #FRESH food store#, on the #compensated zoning lot#.

\* \* \*

ARTICLE IV
MANUFACTURING DISTRICT REGULATIONS

Chapter 2
Use Regulations

\* \* \*

42-10
USES PERMITTED AS-OF-RIGHT

\* \* \*

42-12
Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16

M1 M2 M3

Use Group 3A shall be limited to museums that are ancillary to existing motion picture production studios or radio or television studios, provided they are located within 500 feet of such studios and do not exceed 75,000 square feet of #floor area#.

Use Groups 6A except that food stores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 10,000 square feet of #floor area# per establishment, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16 as set forth in Sections 32-15 to 32-23, inclusive, and Section 32-25. However, in Community District 1, in the Borough of the Bronx, in M1-4 Districts, food stores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 30,000 square feet of #floor area# per establishment. In addition, the regulations of this Section are modified, where applicable, by the regulations of Section 63-11 (Special Use Regulations for FRESH Food Stores in M1 Districts).

\* \* \*

ARTICLE VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

Chapter 3
Special Regulations Applying to FRESH Food Stores

63-00
GENERAL PURPOSES

The provisions of this Chapter establish special regulations that guide the development of FRESH food stores to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

- (a) encourage a healthy lifestyle by facilitating the development of FRESH food stores that sell a healthy selection of food products;
(b) provide greater incentives for FRESH food stores to locate in neighborhoods underserved by such establishments;
(c) encourage FRESH food stores to locate in locations that are easily accessible to nearby residents; and
(d) strengthen the economic base of the City, conserve the value of land and buildings, and protect the City's tax revenues.

63-01
Definitions

FRESH food store

A "FRESH food store" is a food store #use# as listed in Section 32-15 (Use Group 6), where, at least 6,000 square feet of #floor area#, or #cellar# space utilized for retailing, is utilized for allocated, to the sale of a general line of food and non-food grocery products, such as dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, intended for home preparation; and consumption and utilization. Such retail space utilized for the sale of a general line of food and non-food grocery products shall be distributed as follows:

- (a) at least 3,000 square feet or 50 percent of such retail space, whichever is greater, shall be utilized for the sale of a general line of food products intended for home preparation, consumption and utilization; and
(b)(a) at least 2,000 square feet or 3025 percent of such retail space, whichever is greater, shall be utilized for allocated, to the sale of perishable goods that shall include dairy, fresh produce, frozen foods and fresh meats, of which, at least 500 square feet of such retail space shall be designated for the sale of fresh produce;
(b) at least 35 percent of such retail space shall be allocated, to the sale of non-perishable food; and
(c) at least 6,000 square feet of such retail space shall be located on one #story#.

A food store shall be certified as a #FRESH food store# by the Chairperson of the City Planning Commission, pursuant to Section 63-30 (CERTIFICATION FOR A FRESH FOOD STORE).

63-02
Applicability

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.

63-021
Areas permitting FRESH food stores

- (a) The provisions of this Chapter shall apply to all #Commercial# and #Manufacturing Districts# in the following #FRESH food store# designated areas, except as provided in paragraph (b) of this Section Sections 63-022 (Special Purpose Districts where regulations for FRESH food stores are not applicable) and 63-023 (Limitation on location of FRESH food stores):
(1) in the Borough of the Bronx, Community Districts 1, 2, 3, 4, 5, 6 and 7, except portions of Community District 7, as shown on Map 1 in Appendix A of this Chapter;
(2) in the Borough of Brooklyn, Community Districts 3, 4, 5, 8, 9, 16 and 17, except portions of Community District 8, as shown on Map 2 in Appendix A;
(3) in the Borough of Manhattan, Community Districts 9, 10, 11 and 12, except portions of Community District 9 and 12, as shown on Maps 3 and 4 in Appendix A; and
(4) in the Borough of Queens, the #Special Downtown Jamaica District#; portions of Community District 12 outside of the #Special Downtown Jamaica District#, except those portions shown on Maps 5 and 6 in Appendix A; and those portions in Community District 1 shown on Map 1 in Appendix B of this Chapter.

all of Manhattan Community District 10;
all of Bronx Community Districts 1, 4, 5, 6, 7 and 9; and
all of Brooklyn Community Districts 3, 4, 5, 9, 16 and 17.

Portions of other Community Districts in which FRESH food stores are permitted are shown on the maps in Appendix A of this Chapter.

63-022
Special Purpose Districts where regulations for FRESH food stores are not applicable

- (b) The provisions of this Chapter shall not apply, to the following Special Purpose Districts:
#Special Madison Avenue Preservation District#;
#Special Manhattanville Mixed Use District#; and
#Special Park Improvement District#; and
#Special Hunts Point District#.

63-023
Limitation on location of FRESH food stores

After [date of adoption], no certification shall be issued for increased #residential floor area# for a #FRESH food store# where the sum of the increased #residential floor area# generated, pursuant to Section 63-21 (Special Floor Area Regulations) by all #FRESH food stores# within a half-mile radius of the #zoning lot# would exceed 40,000 square feet.

Such calculation shall include increased #residential floor area# on all #zoning lots# containing #FRESH food stores# that have been certified by the Chairperson of the City Planning Commission, pursuant to Section 63-30 (CERTIFICATION FOR A FRESH FOOD STORE), including those issued prior to [date of adoption], provided that such certification has not expired, or has not been superseded by a certification, pursuant to Section 63-40 (CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE) or an authorization, pursuant to Section 63-50 (AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS).

**63-10  
SPECIAL USE REGULATIONS**

\* \* \*

**63-20  
SPECIAL BULK AND PARKING REGULATIONS**

**63-21  
Special Floor Area Regulations**

**63-211  
For mixed buildings and zoning lots containing both residential and commercial or community facility uses in Commercial Districts with FRESH food stores**

Where a #FRESH food store# is provided on a #zoning lot#, the maximum #residential floor area# permitted on the #zoning lot# shall be increased by one square foot for each square foot of #FRESH food store floor area# provided, up to 20,000 square feet, the provisions of Section 35-31 (Maximum Floor Area Ratio) relating, to the maximum permitted #floor area ratio# on a #zoning lot# for each permitted #use# shall apply as modified in this Section.

Where all non-#residential uses# on a #zoning lot# have a permitted #floor area ratio# equal to or less than that permitted for a #residential use# and for #zoning lots# containing #Quality Housing buildings#, the total #floor area# permitted for such #zoning lot# may be increased by one square foot of #residential floor area# for each square foot of #FRESH food store floor area#, up to 20,000 square feet.

However, for #zoning lots# that do not contain a #Quality Housing building#, where any non-#residential use# on such #zoning lot# has a permitted #floor area ratio# greater than that permitted for a #residential use#, the total #residential floor area# permitted for such #zoning lot# may be increased by one square foot for each square foot of #FRESH food store floor area#, up to 20,000 square feet, provided the total #floor area ratio# of the #building# does #zoning lot# shall not exceed the maximum permitted #floor area ratio# for a such non-#residential use#.

For #height factor# and #open space ratio# calculations, where applicable, the increased #residential floor area# generated, pursuant to this Section shall be exempt from such calculations.

For #compensated developments# or #MIH developments#, as defined in Section 23-911 (General definitions), the requirements of Section 23-154 (Inclusionary Housing) shall not apply to the increased #residential floor area# generated, pursuant to this Section.

[text struck out in the Section below is proposed to be included in revisions to Section 63-21 above]

**63-212  
For mixed buildings and zoning lots containing both residential and commercial or community facility uses in Special Mixed Use Districts with FRESH food stores**

Where a #FRESH food store# is provided on a #zoning lot#, the provisions of Section 123-64 (Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Mixed Use Buildings) relating, to the maximum permitted #floor area ratio# on a #zoning lot# for each permitted #use# shall apply, as modified in this Section.

Where all non-#residential uses# on a #zoning lot# have a permitted #floor area ratio# equal to or less than that permitted for a #residential use# and for #zoning lots# containing #Quality Housing buildings#, the total #floor area# permitted for such #zoning lot# may be increased by one square foot of #residential floor area# for each square foot of #FRESH food store floor area#, up to 20,000 square feet.

Where any non-#residential use# on such #zoning lot# has a permitted #floor area ratio# greater than that permitted for a #residential use#, the total #residential floor area# permitted for such #zoning lot# may be increased by one square foot for each square foot of #FRESH food store floor area#, up to 20,000 square feet, provided the total #floor area# of the #building# does not exceed the maximum permitted #floor area# for a non-#residential use#.

\* \* \*

**63-22  
Authorization to Modify Maximum Building Height**

For #zoning lots# #buildings# containing a #FRESH food store# and #residences#, the City Planning Commission may authorize modifications to Sections 35-65 (Height and Setback Requirements for Quality Housing Buildings), and 123-66 (Height and Setback Regulations) or, to the height and setback regulations of any Special Purpose District where maximum height limits apply, to allow the applicable maximum #building# height to be increased by up to 15 feet, provided that the first #story# occupied by a #FRESH food store# has a minimum finished floor to finished ceiling height of 14 feet, and provided that such finished ceiling height is, at least 14 feet above the #base plane# or #curb level#, as applicable.

In order to grant such authorizations, the Commission shall find that:

- (a) such modifications are necessary to accommodate a first #story# utilized as a #FRESH food store#;
- (b) the proposed modifications shall not adversely affect the essential scale and character of the adjacent #buildings# and any adjacent historic resources; and
- (c) the proposed modifications will not unduly obstruct access to light and air of adjacent properties.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**63-23  
Special Transparency Requirements**

For all #developments# containing #FRESH food stores#, or #ground floor level enlargements# containing #FRESH food stores#, the following provisions shall apply. For the portion of the #building# containing a #FRESH food store#, the ground floor level of the #street wall# fronting upon a #primary street frontage#, as defined in Section 37-311, shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

Furthermore, for #buildings# #FRESH food stores# with frontage on two or more #streets#, the Chairperson of the City Planning Commission may certify that the glazing requirements of this Section shall only be applicable, to the #street wall# fronting upon the principal #street#, as determined by the Chairperson.

In addition, the Chairperson may, by certification, allow a reduction in the glazing requirements of this Section, provided that the Chairperson finds that such #mixed building#, or #mixed use building#, as defined in Section 123-11; #building# is a recipient of #public funding# as defined in Section 23-911 (General definitions). For the purposes of this Section, defined terms shall include those in Sections 12-10, 23-911 and 37-311.

**63-24  
Required Accessory Off-street Parking Spaces in Certain Districts**

For #FRESH food stores# provided as part of a #development# or #enlargement#, for any portion of such #FRESH food store# subsequently changed to any other #use#, pursuant to Section 63-40 (CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE) or Section 63-50 (AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS), if such change of #use# occurs less than 25 years after the initial issuance of a certificate of occupancy for such #FRESH food store#, #accessory# off-street parking regulations shall apply to such changed #use# as if the #use# is, at that time occurring as part of a #development# or #enlargement#. Application may be made for an authorization, pursuant to Section 63-50.

- (a) In C1-1, C1-2, C1-3, C2-1, C2-2, C2-3 Districts mapped within R6, R7, R8, R9 and R10 Districts and in C4-2 and C4-3 Districts, the #accessory# off-street parking regulations in Section 36-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY-FACILITY USES) applicable to a C1-4 District shall apply to any #FRESH food store# a #FRESH food store# shall provide one parking space per 1,000 square feet of #floor area# or #cellar# space utilized for retailing. The provisions of Section 36-23 (Waiver of Requirements for Spaces Below Minimum Number) shall not apply to #FRESH food stores#. In lieu thereof, no #accessory# off-street parking spaces shall be required for the #FRESH food store# if the #floor area# of such #use# is less than 40,000 square feet. In cases where there is more than one #commercial use# or #community facility use# on the #zoning lot#, the total number of #accessory# off-street parking spaces required pursuant, to the provisions of Section 36-23 shall not include off-street parking spaces #accessory# to #FRESH food stores#.
- (b) In C1-1, C1-2, C1-3, C2-1, C2-2, C2-3 Districts mapped within R3, R4 and R5 Districts and in C4-1 Districts, a #FRESH food store# shall provide one parking space per 400 square

feet of #floor area# or #cellar# space utilized for retailing. The provisions of Section 36-23 shall not apply to #FRESH food stores#. In lieu thereof, no #accessory# off-street parking spaces shall be required for the #FRESH food store# if the #floor area# of such #use# is less than 10,000 square feet. In cases where there is more than one #commercial use# or #community facility use# on the #zoning lot#, the total number of #accessory# off-street parking spaces required pursuant to the provisions of Section 36-23 shall not include off-street parking spaces #accessory# to #FRESH food stores#.

- (b) In the Borough of Brooklyn, in those portions of Community District 5 located south of Flatlands Avenue and east of the centerline prolongation of Schenck Avenue, and in the Borough of Queens, where applicable in Community District 12 outside of the #Special Downtown Jamaica District#, a #FRESH food store# shall provide #accessory# off-street parking spaces as required for #uses# in parking requirement category B in the applicable #Commercial# and #Manufacturing Districts#.
- (c) In C8-1, C8-2, M1-1, M1-2 and M1-3 Districts, a #FRESH food store# shall provide one parking space per 1,000 square feet of #floor area# or #cellar# space utilized for retailing, up to a maximum of 15,000 square feet. The underlying off-street parking regulations in Sections 36-20 or 44-20 shall apply, to the #floor area# or #cellar# space, in excess of 15,000 square feet, utilized for retailing in such #FRESH food store#.
- (d) The provisions of this Section shall not apply to:
- (1) in the Borough of the Bronx, portions of Community District 7 and in the Borough of Manhattan, portions of Community District 12, as shown on Map 1 in Appendix C of this Chapter;
  - (2)(1) in the Borough of Brooklyn, to M1 Districts in portions of Community Districts 5, 16 and 17, as shown on Maps 1 and 2 in Appendix C-Appendix B of this Chapter; and
  - (3) in the Borough of Brooklyn, portions of Community Districts 16 and 17, as shown on Map 3 in Appendix C; and
  - (4)(2) in the Borough of Queens, to the #Special Downtown Jamaica District#.

### 63-30 CERTIFICATION FOR A FRESH FOOD STORE

Upon application, the Chairperson of the City Planning Commission shall certify that a food store #use# is a #FRESH food store#, provided that:

- (a) drawings have been submitted, to the Chairperson that clearly specify:
- (1) all #floor area# or #cellar# space utilized as a #FRESH food store#, showing in the form of an illustrative layout that such designated space is designed and arranged to meet the requirements for perishable and non-perishable food and non-food grocery products, pursuant to Section 63-01;
  - (2) all #floor area# that will result from any permitted increase in #floor area#, pursuant to Section 63-21, including the location of such #floor area#;
  - (3) the size, format and location of the required #sign#, pursuant to Section 63-12, including detailed information about dimensions of the #sign#, lettering, color and materials; and
  - (4) the location of the ground floor level #street wall# fronting upon a principal #street# #primary street frontage#, pursuant to Section 63-23;
- (b) a signed lease or written commitment from the prospective operator of the #FRESH food store# has been provided in a form acceptable, to the Chairperson for utilization of such #floor area# or #cellar# space and its operation as a #FRESH food store#; and
- (c) for #zoning lots# containing increased #residential floor area# generated, pursuant to Section 63-21 (Special Floor Area Regulations), a legal commitment, in the form of a declaration of restrictions has been executed, in a form acceptable, to the Department of City Planning, binding upon the owner and its successor and assigns, and providing for continued utilization of all #floor area# or #cellar# space as a #FRESH food store#, the operation of which shall commence within a reasonable period following the issuance of a temporary certificate of occupancy for the #floor area# or #cellar# space to be utilized by the #FRESH food store#.

Such declaration of restrictions shall provide that the legal commitment for continued occupancy of the #floor area# or #cellar space# as a #FRESH food store# shall not apply during any:

- (1) six (6) month period from the date such #floor area# or #cellar# space is vacated by the operator, provided that the owner timely notifies the Department of City Planning of such vacancy in accordance with the requirements of the restrictive declaration; or
- (2) event of force majeure, as determined by the Chairperson.

The filing and recordation of the declaration of restrictions in the Office of the City Register of the City of New York against all tax lots comprising the #FRESH food store#, and receipt of proof of recordation of such declaration in a form acceptable, to the Department, shall be a precondition to certification by the Chairperson the issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# under this Chapter.

Certification by the Chairperson shall be a precondition, to the issuance of any building permit, including any foundation or alteration permit, for any #development#, #enlargement# or change of #use# under this Chapter.

In granting the certification, the Chairperson may specify that minor changes in store layout consistent with the definition of a #FRESH food store# shall not warrant further certification, pursuant to this Section.

Changes to the store layout of a #FRESH food store# that has been constructed, pursuant to a previous certification under this Section, where such changes result in a #FRESH food store# that continues to comply with the requirements of this Chapter, shall not require subsequent certification by the Chairperson under this Section. #FRESH food stores# certified prior to [date of adoption] that do not comply with paragraph (c) of the definition of #FRESH food store# may change the floor layout provided that there is no increase in the degree of non-compliance with such requirement.

No later than the date on which an application for certification is first submitted, a copy of the drawings submitted, pursuant to paragraph (a) of this Section shall be submitted by the applicant, to the affected Community Board, which shall have 45 days to review said application. The Chairperson shall not issue a certification for an application during the Community Board review period, unless the Community Board has submitted, to the Chairperson comments regarding such proposal or informed the Chairperson that the Community Board has no comments.

A copy of an application for certification, pursuant to this Section shall be sent by the Department of City Planning, to the affected Community Board, which may review such proposal and submit comments, to the Chairperson. If the Community Board elects to comment on such application, it must be done within 45 days of receipt of such application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 45-day comment period has expired, whichever is earlier.

For #zoning lots# containing increased #residential floor area# generated, pursuant to Section 63-21 (Special Floor Area Regulations), if a #development# or horizontal #enlargement# fails to comply with the provisions of Section 11-331 (Right to construct if foundations completed) with respect to completion of foundations within four years of the date of certification, pursuant to this Section, such building permit shall lapse, and any new building permit will require a new certification, pursuant to this Section.

### 63-31 Requirements for Certificate of Occupancy

No certificate of occupancy shall be issued for any portion of the #development# or #enlargement# identified in the drawings submitted, pursuant to paragraph (a)(2) of Section 63-30 until a temporary certificate of occupancy has been issued for the #FRESH food store# space. No final certificate of occupancy shall be issued for any such portion of the #development# or #enlargement# identified in such drawings until the #FRESH food store# space has been completed in accordance with the drawings submitted, pursuant to paragraph (a)(1) of Section 63-30 and a final certificate of occupancy has been issued for the #FRESH food store# space. The declaration of restrictions, where required, pursuant to paragraph (c) of Section 63-30, shall be noted on any temporary or final certificate of occupancy for the #building#.

### 63-40 CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE

A #FRESH food store# for which a certification has been issued, pursuant to Section 63-30 may be changed to any #use# permitted by the underlying district upon certification by the Chairperson of the City Planning Commission that such change of #use# would not create a new #non-compliance#, increase the degree of #non-compliance# of #buildings# on the #zoning lot#, or result in reduction in the number of required fewer #accessory# off-street parking spaces than required by the new #use#, pursuant to Section 63-24 (Required Accessory Off-street Parking Spaces in Certain Districts) under the applicable district regulations.

If a certification, pursuant to this Section is granted, a notice of cancellation, in a form acceptable, to the Department of City Planning, of the declaration of restrictions recorded, pursuant to Section 63-30 shall be executed and recorded in the Office of the City Register of the City of New York against all tax lots comprising the former #FRESH food store#.

**63-50 AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS**

The City Planning Commission may, by authorization, permit modifications, to the #bulk# and #accessory# off-street parking requirements of the applicable zoning districts when a change of #use# of a #FRESH food store# for which a certification has been issued, pursuant to Section 63-30, would create a new #non-compliance#, increase the degree of #non-compliance# of #buildings# on the #zoning lot#, or result in a reduction in the number of required fewer #accessory# off-street parking spaces than required by the new #use#, pursuant to Section 63-24 (Required Accessory Off-street Parking Spaces in Certain Districts) under the applicable district regulations, provided that such #use# is permitted by the underlying districts.

\* \* \*

**63-60 COMPLIANCE**

No later than June 30th of the year, beginning in the first second calendar year following the calendar year in which certification was made, and, at three-year intervals thereafter, the Chairperson of the City Planning Commission shall be provided with an affidavit, in a form acceptable, to the Department of City Planning, regarding compliance with the requirements of the declaration of restrictions and the regulations of this Chapter, as of a date of inspection which shall be no earlier than June 1st of the year in which the affidavit is filed. Such affidavit shall be provided by the owner(s) of the tax lot(s) on which the #FRESH food store# is located. Such affidavit shall include, without limitation:

\* \* \*

**Appendix A**

**FRESH Food Store Designated Areas: Excluded Portions**

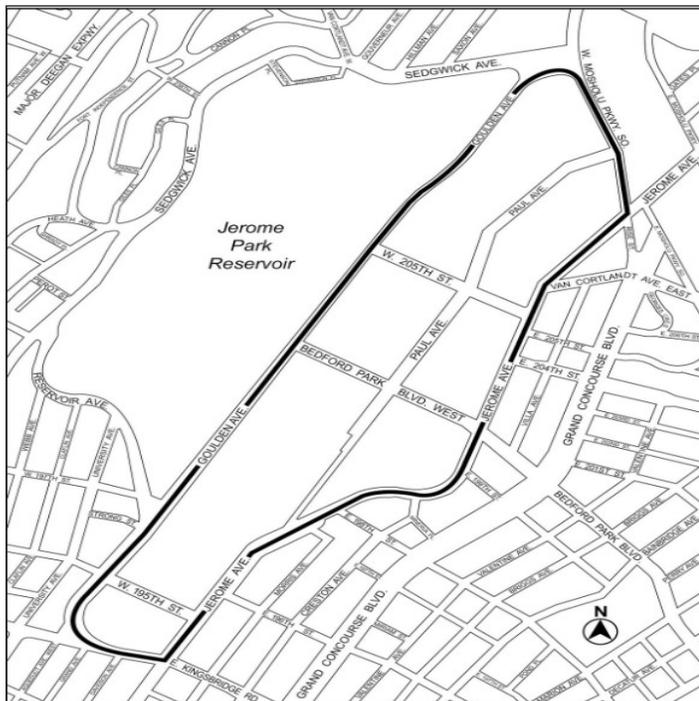
The #FRESH food store# designated areas are; listed by community district and borough in Section 63-02 (Applicability). Excluded portions of community districts are shown on the following maps:

- all of Manhattan Community District 10;
- all of Bronx Community Districts 1, 4, 5, 6, 7 and 9; and
- all of Brooklyn Community Districts 3, 4, 5, 9, 16 and 17.

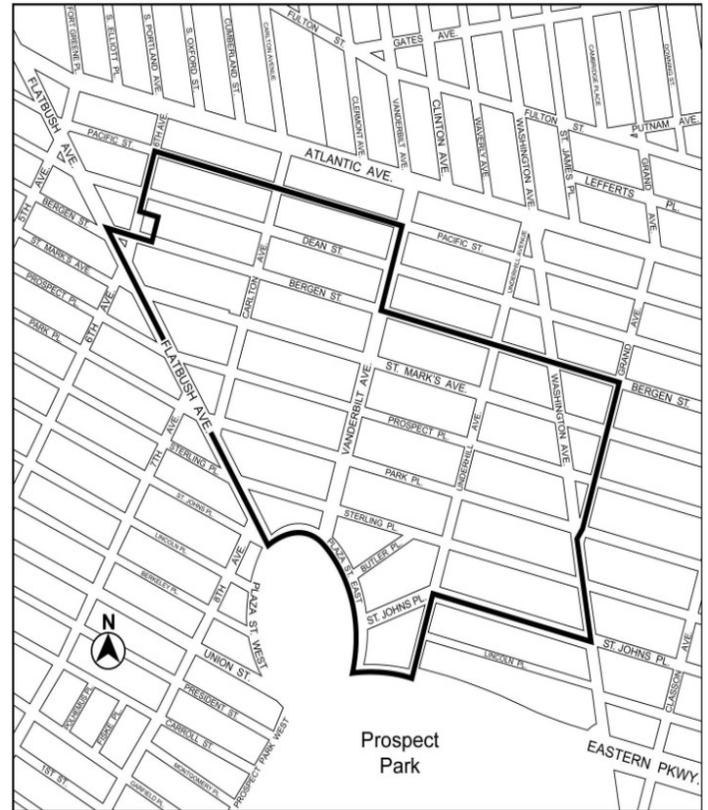
Portions of other Community Districts are shown on Maps 1 through 16 in this Appendix A.

[EXISTING MAPS – TO BE DELETED]

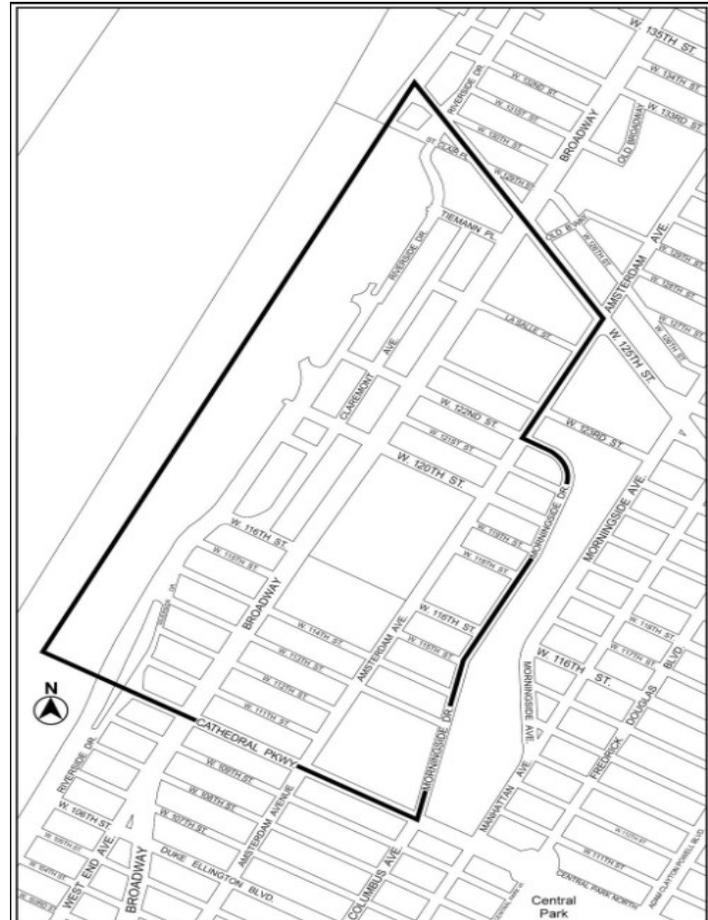
Map 1. Excluded portions of Community District 7, the Bronx



Map 2. Excluded portions of Community District 8, Brooklyn

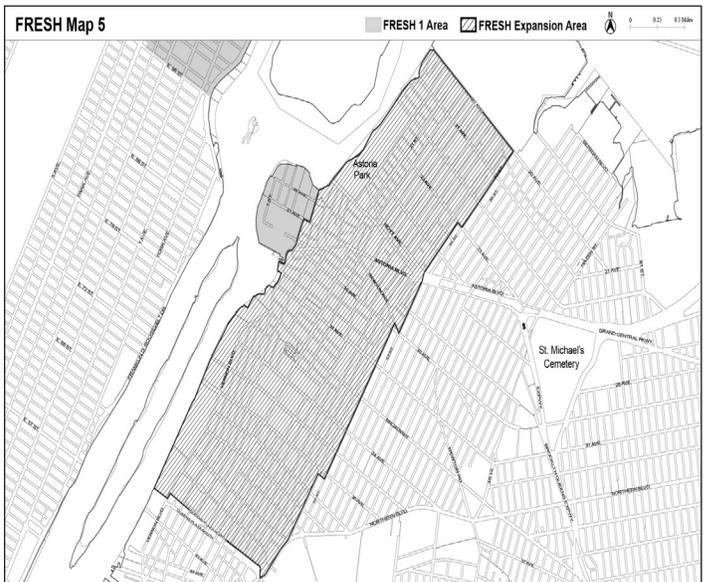
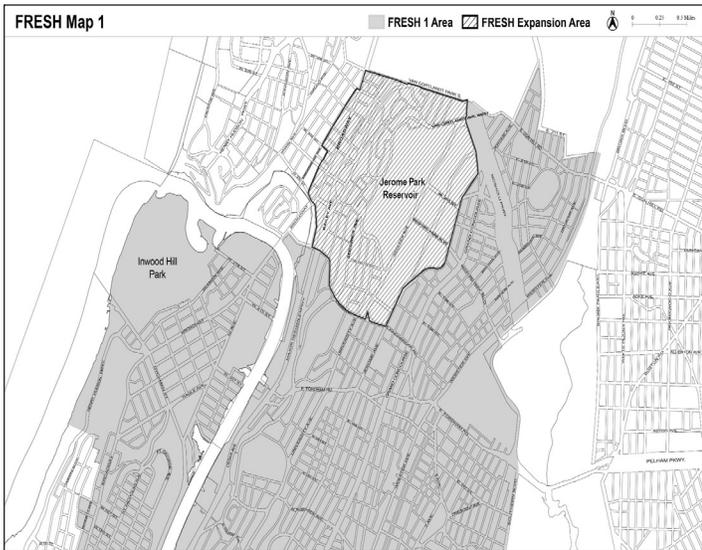
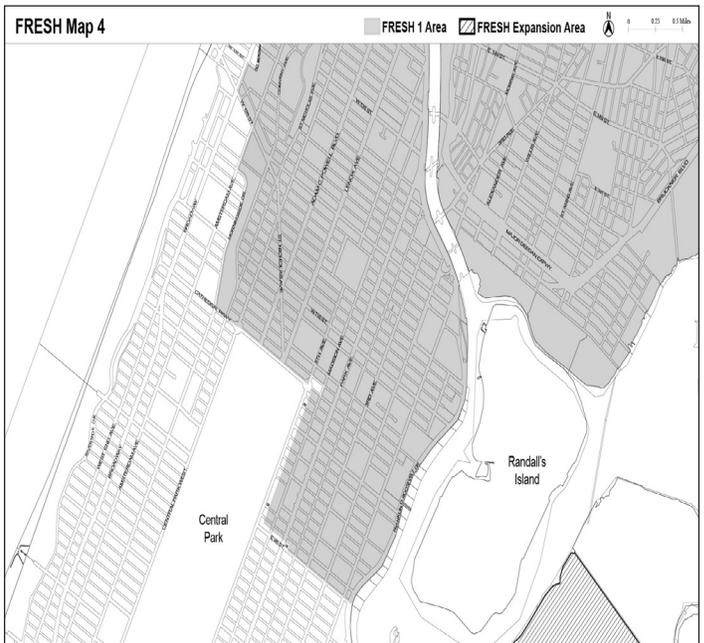
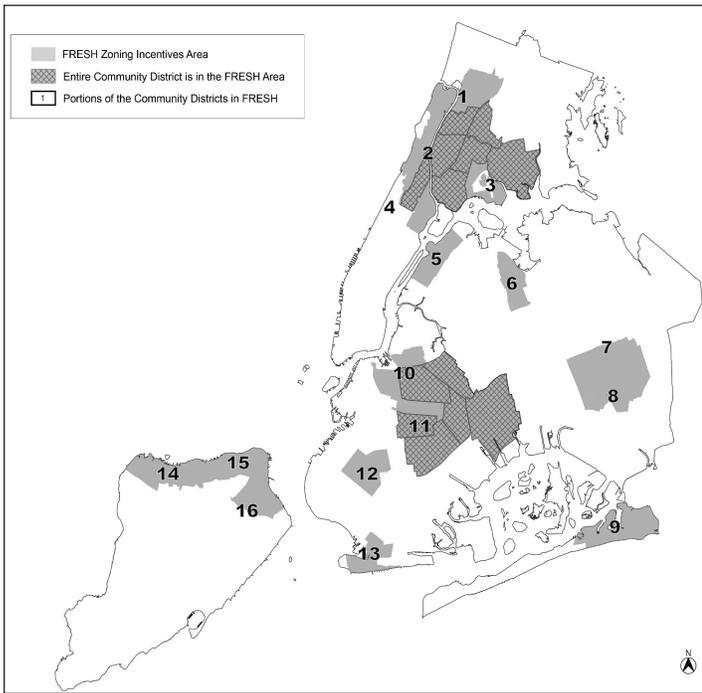


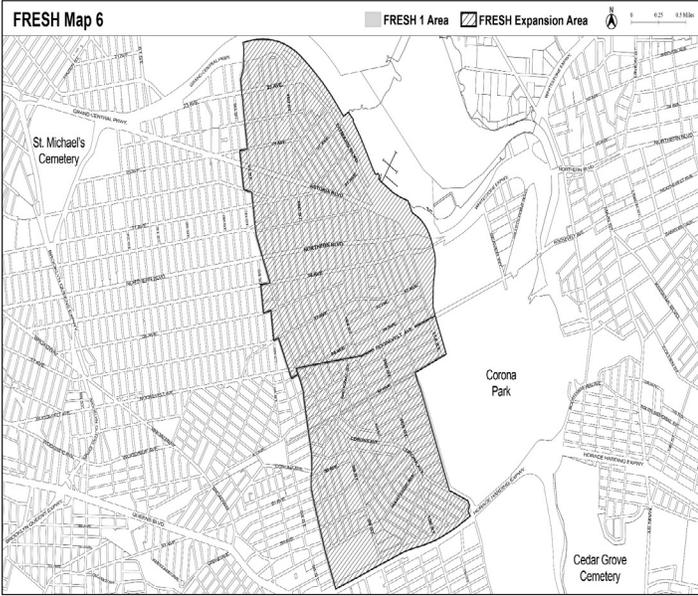
Map 3. Excluded portions of Community District 9, Manhattan

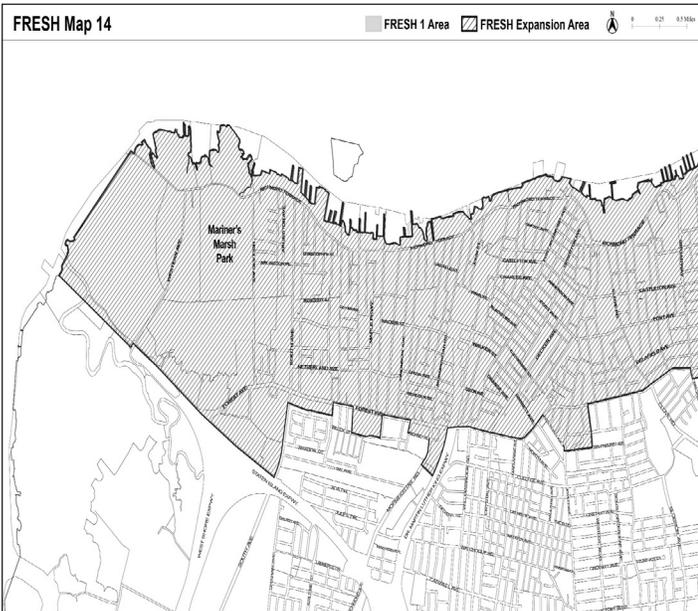
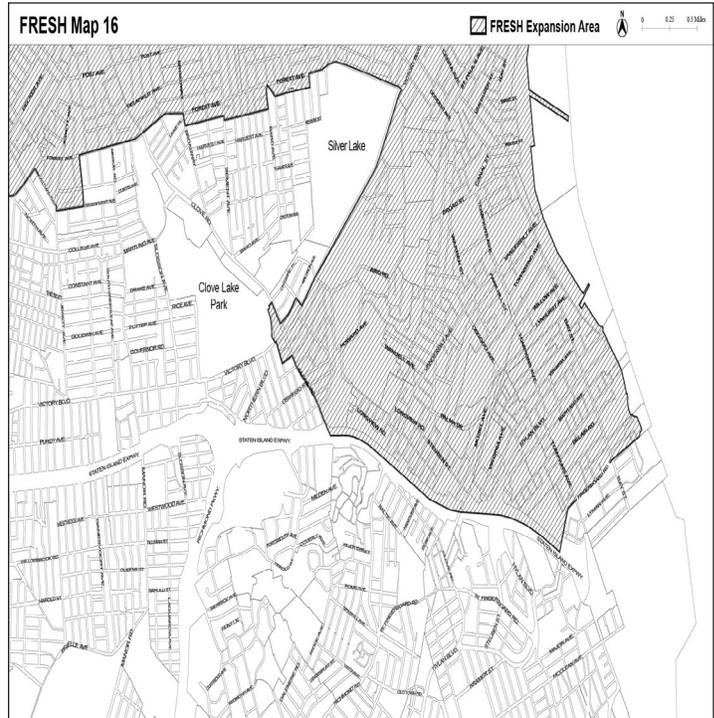
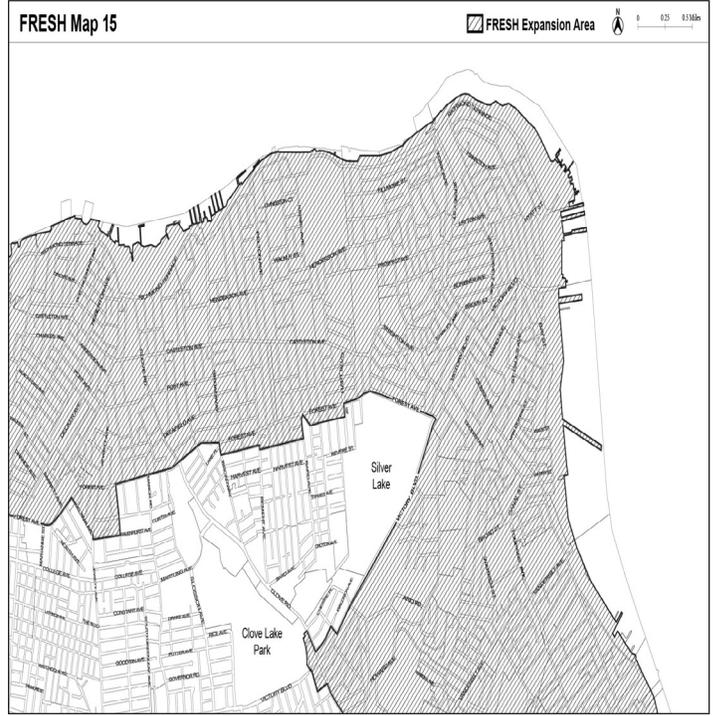




[PROPOSED MAPS]







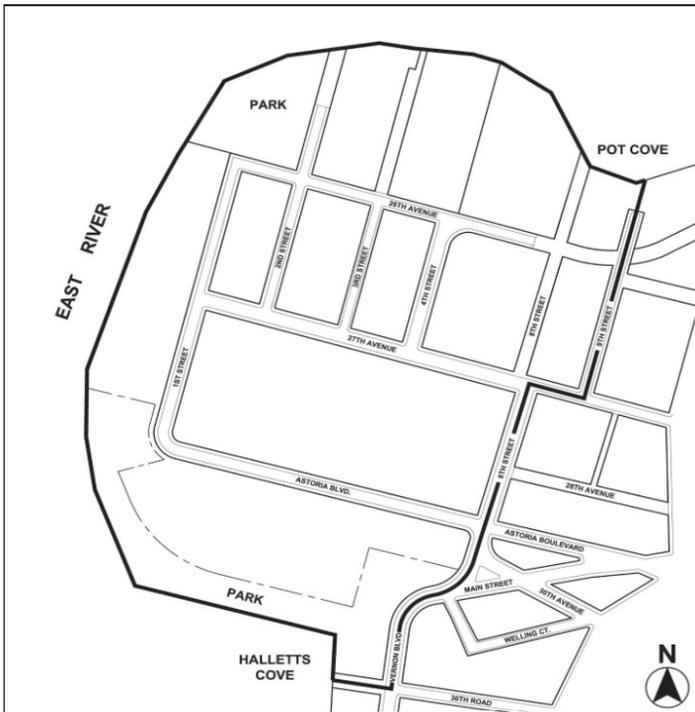
**Appendix B**

**FRESH Food Store Designated Areas: Included Portions**

The FRESH food store designated areas are listed by community district and borough in Section 63-02 (Applicability). When a FRESH food store designated area occupies only a portion of a community district, the included portions of such community districts are shown on the following maps:

Map 1. Included portions of Community District 1, Queens

[EXISTING MAP - TO BE DELETED]

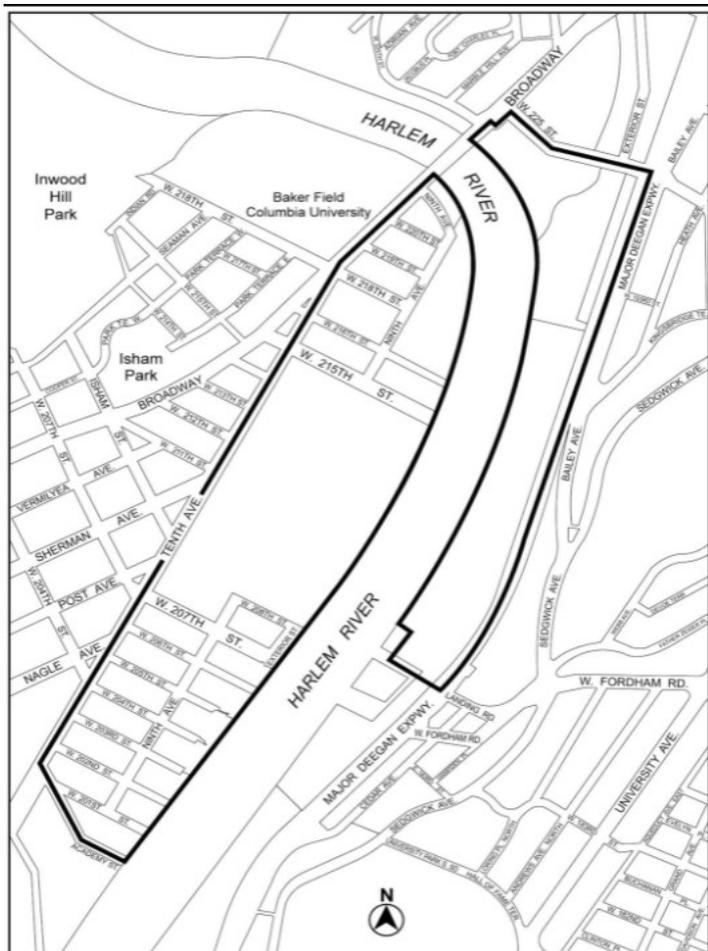


**Appendix C Appendix B**

**Required Off-Street Accessory Parking Exceptions**

Map 1. Excluded portions of Community District 12, Manhattan and a portion of Community District 7, the Bronx

[EXISTING MAP 1 - TO BE DELETED]



Map 2: Map 1. Excluded portions of Community District 5, Brooklyn



Map 3: Map 2. Excluded portions of Community District 16 and 17, Brooklyn



\* \* \*

**ARTICLE IX  
SPECIAL PURPOSE DISTRICTS**

**Chapter 7  
Special 125th Street District**

\* \* \*

**97-40  
SPECIAL BULK REGULATIONS**

\* \* \*

**97-41  
Special Floor Area Regulations**

\* \* \*

**97-412  
Maximum floor area ratio in the Park Avenue Hub Subdistrict**

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the maximum #floor area ratio# for #zoning lots# is set forth in paragraph (a) of this Section, and is modified for certain #zoning lots# in accordance with paragraph (b) of this Section.

- (a) Maximum #floor area ratio#  
The maximum #floor area ratio# shall be 12.0. Where a #development# or #enlargement# contains #residential floor area#, such #zoning lot# shall satisfy the provisions of either:
  - (1) a minimum non-#residential floor area ratio# of 2.0 shall be provided on such #zoning lot#. Such #floor area# shall not include any #floor area# containing a #transient hotel# pursuant, to the provisions of Section 97-14 (Transient Hotels Within the Park Avenue Hub Subdistrict); or
  - (2) a minimum #floor area ratio# of 0.5, or a minimum amount of floor space equivalent to such 0.5 #floor area ratio#, shall be provided on such #zoning lot#. Such #floor area# or equivalent floor space shall be exclusively used for those visual or performing arts #uses#, designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses), and shall be certified by the Chairperson of the City Planning Commission, to the Commissioner of Buildings that the conditions set forth in Section 97-423 (Certification for floor area bonus for visual or performing arts uses) have been met.

Where the provisions of Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) apply, the total #floor area# permitted for such #zoning lot# may be increased by one square foot of #residential floor area# for each square foot of #floor area# of a #FRESH food store#, as defined by Article VI, Chapter 3, up to 20,000 square feet.

- (b) Modified maximum #floor area ratio# for certain #zoning lots#  
For #zoning lots# existing on or before November 30, 2017, with a #lot area# of less than 5,000 square feet, or for #zoning lots# subject, to the provisions of paragraph (d)(4) of Section 23-154 (Inclusionary Housing), the maximum #floor area ratios# set forth in paragraph (a) of this Section shall be modified, as follows:
  - (1) the minimum non-#residential floor area# requirements set forth in paragraph (a) of this Section shall be optional for #zoning lots# existing on or before November 30, 2017, with a #lot area# of less than 5,000 square feet. For #zoning lots# utilizing the provisions of this paragraph, the minimum non-#residential floor area# or visual or performing arts space requirements set forth in paragraph (a) of this Section shall not apply;
  - (2) for #zoning lots#, subject, to the provisions of paragraphs (d)(4)(i) or (d)(4)(iii) of Section 23-154, the maximum #residential floor area# provision of the underlying district as specified in Section 23-153 (For Quality Housing buildings) shall apply; and
  - (3) for #zoning lots# utilizing the provisions of paragraph (b)(1) or (b)(2) of this Section, the maximum overall #floor area ratio# shall be 10.0, except that such maximum #floor area ratio# may be increased pursuant, to the provisions of paragraph (b) of Section 97-422 (Floor area bonus for visual or performing arts uses). For #zoning lots# utilizing the provisions of paragraph (b)(2) of this Section, such maximum #floor area ratio# may also be increased pursuant, to the provisions of Article VI, Chapter 3.

\* \* \*

**ARTICLE X  
SPECIAL PURPOSE DISTRICTS**

**Chapter 8  
Special Hunts Point District**

\* \* \*

**108-01  
General Provisions**

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Hunts Point District#, the provisions of this Chapter shall apply to all #developments# and

#enlargements# within the #Special Hunts Point District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded 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. However, in #floor zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

The provisions of Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) shall apply in the Residential Buffer Subdistrict, and shall not apply in the Food Industry Subdistrict. For any food store subject, to the provisions of Article VI, Chapter 3, the parking regulations of Section 63-24 (Required Accessory Off-street Parking Spaces in Certain Districts) shall supersede the provisions of Section 108-20 (MODIFICATION OF PARKING REQUIREMENTS IN THE RESIDENTIAL BUFFER SUBDISTRICT).

\* \* \*

**ARTICLE XI  
SPECIAL PURPOSE DISTRICTS**

**Chapter 6  
Special Stapleton Waterfront District**

\* \* \*

**116-20  
SPECIAL BULK REGULATIONS FOR SUBAREAS A, B, AND C,  
THE ESPLANADE, PIER PLACE AND THE COVE**

\* \* \*

**116-22  
Maximum Floor Area Ratio**

\* \* \*

**116-221  
Special floor area regulations for mixed buildings**

For #buildings# containing #residences#, the area in such #buildings# occupied by non-#residential uses# on the ground floor, or within two feet of the as-built level of the adjoining sidewalk, shall be excluded from the calculation of permitted #floor area# in the #building#. However, the area occupied by non-#residential uses# on the ground floor shall be included as #floor area# for other purposes including calculating:

- (a) requirements for #accessory# off-street parking spaces;
- (b) #accessory# off-street loading berths; and
- (c) limitations on #floor area# occupied by certain #uses#; and
- (d) satisfying requirements for #FRESH food stores# as defined in Article VI, Chapter 3, and the special #floor area# regulations of that Chapter.

In #floor zones#, the #floor area# exclusion permitted by this Section shall also apply, to the area occupied by non-#residential uses# on the #lowest occupiable floor#, as defined in Section 64-11.

\* \* \*

**No. 3  
CAPA FRESH RULE CHANGE**

**CITYWIDE  
(Proposed modification of Title 62 of the Rules of the City of New York, pursuant to Sections 1043 and 191(b)(2) and ZR Section 63-00, et seq. (as amended by proposed N 210380 ZRY) of the City Charter to facilitate the implementation of the Food Retail Expansion to Support Health Program (FRESH) program as well as to correct aspects of the fee structure for certain applications.**

PLEASE TAKE NOTICE that in accordance with Sections 1043 and 191(b)(2) of the New York City Charter, the New York City Department of City Planning ("City Planning"), proposes to amend rules within Chapter 3 and establish new Chapter 12 of Title 62 of the Rules of the City of New York.

This proposed rule was not included in the Department of City Planning's regulatory agenda for this Fiscal Year because it was not contemplated when the Department of City Planning published the agenda.

The time and place of the hearing have been scheduled as follows:

DATE: September 22, 2021  
TIME: 10:00 A.M.  
LOCATION: Remote

In support of the City's efforts to contain the spread of COVID-19, the City Planning Commission will hold this public hearing remotely. To join the meeting and comment, please visit NYC Engage at <https://www1.nyc.gov/site/nycengage/events/city-planning-commission-public>

meeting/287262/1 or dial 877-853-5247 (US Toll-free), 888-788-0099 (US Toll-free), (253) 215-8782 (Toll number) or (213) 338-8477 (Toll number). If calling into the meeting, please use the following Meeting ID 618 237 7396, and when prompted for a participation code, please enter “#” followed by the password “1” when prompted. Instructions on how to participate, as well as materials relating to the meeting, will be posted on NYC Engage in advance of the meeting. To help the meeting host effectively manage the meeting, those who do not intend to actively participate are invited to watch the meeting through the livestream/LINK provided on NYC Engage or the recording that will be posted after the meeting on DCP’s website.

Any person in, attendance, at this hearing (remotely or in person) shall be given a reasonable opportunity to present oral or written statements and to submit other documents concerning the proposed changes. Each speaker shall be allotted a maximum of three (3) minutes.

Persons who require that a sign language interpreter or other form of reasonable accommodation for a disability be provided, at the hearing are asked to notify Dominick Answini, at the address set forth below, or by telephone, at (212) 720-3676, by September 8, 2021. In addition, written statements may be submitted to City Planning, at the address stated below, provided the comments are received by 5:00 P.M. on September 22, 2021:

New York City Department of City Planning  
Office of the Counsel  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271  
Attention: Dominick Answini

Written comments received and a tape recording of oral comments received, at the hearing will be available for public inspection within a reasonable time after receipt between the hours of 9:00 A.M. and 5:00 P.M., at the Freedom of Information Law Desk, 120 Broadway, 31<sup>st</sup> Floor, telephone number (212) 720-3454.

**The purpose of the hearing is, to provide the public with an opportunity to comment on the proposed rule set forth herein.**

Title 62 of the Rules of the City of New York is amended to read as follows:

**Chapter 3: Fees and Contributions**

\* \* \*

**§ 3-07 Schedule of Charges**

\* \* \*

(e) Applications for zoning certifications and zoning authorizations:

(1) For certification for public school space, pursuant to § 107 – 121 [123] of Article X, Chapter 7 (Special South Richmond Development District) of the Zoning Resolution, the fee shall be \$160.

\* \* \*

(g) Supplemental Fee for Large Projects. In addition to all applicable fees as set forth above, a supplemental fee shall be required for the following applications:

Applications that may result in the development of 500,000 to 999,999 square feet of floor area	\$80,000
Applications that may result in the development of 1,000,000 to 2,499,000 square feet of floor area	\$120,000
Applications that may result in the development of, at least 2,500,000 square feet of floor area	\$160,000

\* \* \*

**Chapter 12: Rules for the Processing of Applications for FRESH Certifications, pursuant to Section 63-30 of the Zoning Resolution of the City of New York**

**§ 12-01 Scope**

This chapter governs the queuing of applications for the Food Retail Expansion to Support Health Program (“FRESH”), pursuant to section 63-00 *et seq.* of the Zoning Resolution as well as the effect such queuing has on closed projects, terminated applications, and lapsed certifications related to such program.

**§ 12-02 Definitions**

For the purposes of this chapter:

Application. The term “Application” means materials filed with the Department, pursuant to section 10-09 of these rules to obtain a Certification in connection with a project.

Certification. The term “Certification” means a Certification by the Chair of the Commission, pursuant to section 63-30 of the Zoning Resolution for a FRESH food store.

Commission. The term “Commission” means the City Planning Commission.

Department. The term “Department” means the Department of City Planning.

FRESH. The term “FRESH” means the Food Retail Expansion to Support Health Program, pursuant to section 63-00 *et seq.* of the Zoning Resolution.

FRESH Application Statement (“FAS”). The term “FRESH Application Statement” or “FAS” means a PAS in accordance with section 10-04 of this title or, if the Department determines that such statement is not necessary, a draft land use application in accordance with section 10-07 of this title, both of which are submitted in connection with a prospective Application.

FRESH Food Store. The term “Fresh Food Store” shall have the same meaning as that term is defined in section 63-01 of the Zoning Resolution.

FRESH Residential Floor Area. The term “FRESH Residential Floor Area” means the additional residential floor area permitted in accordance with this chapter and section 63-21 of the Zoning Resolution as a result of the provision of “FRESH Food Store Floor Area,” as that term is defined in section 63-01 of the Zoning Resolution.

Pre-Application Statement (“PAS”). The term “Pre-Application Statement” or “PAS” means the Pre-Application Statement described in section 10-04 of this title.

Queue. The term “Queue” means a list of projects ranked relative to each other in the order in which the Department received the FAS for each such project, subject, to the provisions of this chapter.

Radius. The term “Radius” means a half-mile radius measured from zoning lots of the proposed FRESH Food Store where the total FRESH Residential Floor Area for all FRESH Food Stores within such radius may not exceed more than 40,000 sq ft. A FRESH Food Store with FRESH Residential Floor Area will be deemed to be included in such radius if any portion of such store’s zoning lot is located within such radius.

**§ 12-03 Review and Queuing of Applications**

(a) The Department shall queue all projects in the order that their respective FAS was received by the Department, provided that, with respect to an FAS that is a PAS, such PAS has been determined by the Department to be complete in accordance with section 10-04(b) of this title.

(b) When two or more projects, including the proposed project, are located within a Radius and the total of FRESH Residential Floor Area among them exceeds 40,000 sq ft, the project for which an FAS was first received and is deemed in compliance with this title shall have priority to obtain all of its requested FRESH Residential Floor Area. The project that is next in the Queue shall then have priority to obtain all the remaining FRESH Residential Floor Area within such Radius which has not been claimed by a project earlier in the Queue. The use of remaining FRESH Residential Floor Area unclaimed by projects earlier in the Queue shall continue in this manner for subsequent projects until there is no additional unclaimed FRESH Residential Floor Area within the Radius.

(c) After a project has been added, to the Queue, if there is no response from the project sponsor within two (2) months after the interdivisional meeting, held in accordance with section 10-05 of this title, or the last communication of instructions from the Department, whichever is later, the Department will notify the project sponsor that its project will be placed on hold if it does not respond within a specified period of time from such notice. If the project sponsor responds within the specified timeframe but does not provide the requested materials, if any, within thirty (30) days of such response, the project will be placed on hold. If a project is on hold for twelve (12) months, the project record will be closed or the corresponding Application terminated, whichever is applicable, and the project will be removed from the Queue. The previously claimed FRESH Residential Floor Area corresponding, to the removed project will now be available to projects remaining in the Queue. For terminated Applications, if the Department permits the applicant to proceed directly to filing a new Application, the Department shall place such Application in the Queue in accordance with subdivision (a) of this section as if such Application were a new FAS.

**§ 12-04 Effect of Lapse of Certification**

If a Certification lapses, pursuant to section 63-30 of the Zoning Resolution, the amount of FRESH Residential Floor Area permitted by such Certification shall become available for other projects within the same Radius as the project with the lapsed building permit. The project sponsor may reapply for FRESH Residential Floor Area but must submit a new FAS Queued in accordance with section 12-03 of this chapter.

Resolution for adoption scheduling September 22, 2021 for a public hearing.

BOROUGH OF THE BRONX
Nos. 4 & 5
WIN POWERS
No. 4

CD 1 C 210398 ZSX
IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-903 of the Zoning Resolution to modify the requirements of ZR 24-111 (Maximum Floor Area Ratio for Certain Community Facility Uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations, in connection with the development of two community facility buildings, on property, located, at 346 Powers Avenue (Block 2572, Lot 6) in an R6 District.

Plans for this proposal are on file with the City Planning Commission and may be seen, at 120 Broadway, 31st Floor, New York, NY 10271.

No. 5

CD 1 C 210399 HAX
IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development (HPD)

- 1. pursuant to Article 16 of the General Municipal Law of New York State for:
a. the designation of property, located, at 346 Powers Avenue (Block 2572, Lot 6), as an Urban Development Action Area; and
b. an Urban Development Action Area Project for such area; and
2. pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the development of two new buildings containing approximately 221 supportive housing units, 95 shelter units, and community facility space.

No. 6
CB 8 OFFICE SPACE

CD 8 N 220033 PXX
IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property, located, at 185 West 231st Street (Block 3267, Lot 76) (Bronx Community Board 8 Office).

BOROUGH OF BROOKLYN
Nos. 7 & 8
506 THIRD AVENUE
No. 7

CD 6 C 210119 ZMK
IN THE MATTER OF an application submitted by PAB 3rd Avenue Holdings LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d, by changing from an existing M2-1 District to a C4-4A District property, bounded by 11th Street, 3rd Avenue, 13th Street, and a line 100 feet northwesterly of 3rd Avenue, as shown on a diagram (for illustrative purposes only) dated May 17, 2021, and subject, to the conditions of CEQR Declaration E-617.

No. 8

CD 6 N 210120 ZRK
IN THE MATTER OF an application submitted by PAB 3rd Avenue Holdings LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;
Matter struck out is to be deleted;
Matter within # # is defined in Section 12-10;
\*\*\* indicates where unchanged text appears in the Zoning Resolution

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

BROOKLYN

Brooklyn Community District 6

Map 3- [date of adoption]
102
Portion of Community District 6, Brooklyn

BOROUGH OF MANHATTAN
Nos. 9 & 10
STARRETT-LEHIGH + TERMINAL WAREHOUSE REZONING
No. 9

CD 4 C 210408 ZMM
IN THE MATTER OF an application submitted by Terminal Fee Owner LP and RXR SL Owner LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8b:

- 1. changing from an M2-3 District to an M2-4 District property, bounded by West 28th Street, Eleventh Avenue, West 26th Street, and Twelfth Avenue; and
2. establishing a Special West Chelsea District (WCh), bounded by West 28th Street, Eleventh Avenue, West 26th Street, and Twelfth Avenue;

as shown on a diagram (for illustrative purposes only) dated June 21, 2021, and subject, to the conditions of CEQR Declaration E-625.

No. 10

CD 4 N 210409 ZRM
IN THE MATTER OF an application submitted by Terminal Fee Owner LP and RXR SL Owner LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing Subarea K within the Special West Chelsea District (Article IX, Chapter 8), and modifying other related Sections.

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

ARTICLE I - GENERAL PROVISIONS

Chapter 4 - Sidewalk Cafe Regulations

\* \* \*

14-44
Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes# however, may be located on #streets# or portions of #streets# within special zoning districts pursuant, to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

Table with 3 columns: Manhattan, #Enclosed Sidewalk Cafe#, #Unenclosed Sidewalk Cafe#. Rows include Manhattan (\*\*\*), West Chelsea District (No, Yes5).

\* \* \*

5 #Unenclosed sidewalk cafes# are allowed only on #wide streets# except they are not allowed on the west side of Ninth Avenue between West 15th Street and West 16th Street. #Unenclosed sidewalk cafes# shall also be allowed on West 27th Street between Eleventh Avenue and Joe DiMaggio Highway.

\* \* \*

ARTICLE IX - SPECIAL PURPOSE DISTRICTS

Chapter 8 - Special West Chelsea District

98-00
GENERAL PURPOSES

\* \* \*

98-04
Subareas and High Line Transfer Corridor

In order to carry out the provisions of this Chapter, Subareas A through J and a #High Line Transfer Corridor# are established within the #Special West Chelsea District#.

\* \* \*

98-10
SPECIAL USE AND PARKING REGULATIONS WITHIN THE SPECIAL WEST CHELSEA DISTRICT

\* \* \*

98-12
Modification of Use Regulations

The #use# regulations of the underlying districts are modified by the provisions of this Section, inclusive.

\* \* \*

98-122
Location within buildings
In Subarea K

[Relocated to Section 98-124 below]

In any C6 District in the #Special West Chelsea District#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #commercial uses# on the same #story# as a #residential use# or on a #story# higher than that occupied by #residential uses#, provided that the #commercial uses#:

- (a) are located in a portion of the #building# that has separate direct access, to the #street# with no access, to the #residential# portion of the #building# at any #story#; and
(b) are not located directly over any portion of a #building# containing #dwelling units#, except this limitation shall not preclude the location of:
(1) #residential# lobby space below or on the same #story# as #commercial uses#; or

(2) a #commercial use# that fronts on the #High Line# and is located within five feet of the level of the #High Line bed#.

In Subarea K, the provisions of Section 42-10 (USES PERMITTED AS-OF-RIGHT), inclusive, shall be modified as follows:

- (a) The following additional #uses# shall be permitted, provided that the floor space allocated to such #uses# does not exceed 25 percent of the total #floor area# of the #building#:
(1) from Use Groups 3 and 4, all #uses#, not otherwise permitted by the underlying regulations, other than those with sleeping accommodations;
(2) from Use Group 6A, food stores, including supermarkets, grocery stores or delicatessen stores, larger than 10,000 square feet;
(3) from Use Groups 6C, 9A, and 12B, all #uses# not otherwise permitted by the underlying regulations; or
(4) from Use Group 10A, all #uses#, not otherwise permitted by the underlying regulations, provided that the floor space allocated to such #uses# does not exceed 15 percent of the total #floor area# of the #building#.

98-123
Adult establishments

\* \* \*

98-124
Location within buildings

[Relocated from Section 98-122 above]

In any C6 District the #Special West Chelsea District#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #commercial uses# on the same #story# as a #residential use# or on a #story# higher than that occupied by #residential uses#, provided that the #commercial uses#:

- (a) are located in a portion of the #building# that has separate direct access, to the #street# with no access, to the #residential# portion of the #building#, at any #story#; and
(b) are not located directly over any portion of a #building# containing #dwelling units#, except this limitation shall not preclude the location of:
(1) #residential# lobby space below or on the same #story# as #commercial uses#; or
(2) a #commercial use# that fronts on the #High Line# and is located within five feet of the level of the #High Line bed#.

\* \* \*

98-15
Signs

\* \* \*

98-151
Modification of sign regulations in Subarea K

Within Subarea K, the #sign# regulations of the underlying district shall apply. However, within 15 feet of the intersection of two #streets#, the provisions of Section 42-562 (Restriction on angle and height above curb level) shall not apply.

\* \* \*

98-17
Modification of Parking and Loading Regulations in Subareas H

[Relocated to Section 98-171 below]

#Accessory# off-street parking spaces for existing or new governmental offices may be located on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that:

- (a) such spaces are located within Subarea H and in a facility, or portion thereof, that is entirely below #curb level#;
(b) the portion of such facility beneath the required public plaza area shown on Diagram 3 in Appendix A of this Chapter is sufficiently below #curb level# so that trees may be planted, at #curb level# within such public plaza but is in no case less than four feet below #curb level#; and
(c) no more than 377 spaces are provided within such facility. For purposes of this Section, the governmental offices on #Block# 688, Lots 1001-1002, as of June 23, 2005, may have up to 377 #accessory# off-street parking spaces in such facility.

The underlying provisions of Article III, Chapter 6 and Article IV, Chapter 4 (Accessory Off-street Parking and Loading Regulations) shall apply within the #Special West Chelsea District#, subject to modification by the regulations of this Section, inclusive.

98-171
Parking regulations in Subarea H

[Relocated from Section 98-17 above]

#Accessory# off-street parking spaces for existing or new governmental offices may be located on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that:

- (a) such spaces are located within Subarea H and in a facility, or portion thereof, that is entirely below #curb level#;
(b) the portion of such facility beneath the required public plaza area shown on Diagram 3 in Appendix A of this Chapter is sufficiently below #curb level# so that trees may be planted, at #curb level# within such public plaza but is in no case less than four feet below #curb level#; and
(c) no more than 377 spaces are provided within such facility.

For purposes of this Section, the governmental offices on #Block# 688, Lots 1001-1002, as of June 23, 2005, may have up to 377 #accessory# off-street parking spaces in such facility.

98-172
Waiver of accessory off-street loading berths in Subarea K

In Subarea K, the provisions of Section 44-52 (Required Accessory Off-street Loading Berths) shall not apply to changes of #use#.

\* \* \*

98-20
FLOOR AREA AND LOT COVERAGE REGULATIONS

\* \* \*

98-22
Maximum Floor Area Ratio and Lot Coverage in Subareas

For all #zoning lots#, or portions thereof, located in Subareas A through J K, the maximum #floor area ratios#, #open space ratios# and #lot coverages# of the applicable underlying district shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial#, #community facility# and #residential uses#, separately or in combination, shall be as specified in the table in this Section. For #residential use#, the maximum #lot coverage# shall be 70 percent for #interior# or #through lots# and no maximum #lot coverage# shall apply to any #corner lot#. For the #conversion# to #dwelling units# of non-#residential floor area# where the total #residential floor area# on the #zoning lot# will exceed the applicable basic maximum #floor area ratio# specified in the table in this Section, such excess #residential floor area# shall only be permitted, pursuant to Section 98-26 (Modifications of Inclusionary Housing Program).

Table with 7 columns: Sub-area, Basic #floor area ratio# (max), Increase in FAR from #High Line Transfer Corridor# (98-30), Increase in FAR with #High Line# Improvement Bonuses (98-25), Inclusionary Housing (FAR required to be transferred 1 (minimum), Increase in FAR for Inclusionary Housing Program (98-26), Permitted #floor area ratio# (maximum) (maximum). Rows A through I 4.

J <sup>6</sup>	5.0	NA	2.5	NA	NA	7.5
K	5.0	NA	NA	NA	NA	5.0

- 1 Minimum #floor area ratios# required to be transferred, pursuant to Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive, before Inclusionary Housing #floor area# bonus can be utilized
- 2 In Subareas A, B, and E, the applicable maximum basic #floor area ratio# of that portion of the #zoning lot# that is within the #High Line Transfer Corridor# may be increased up to a maximum of 1.0, and the applicable maximum permitted #floor area ratio# increased accordingly, by certification of the Chairperson of the City Planning Commission, pursuant to Section 98-35 (High Line Transfer Corridor Bonus)
- 3 For certain zoning lots located in Subareas D, E and G, the provisions of Section 98-25 (High Line Improvement Bonus) may apply in lieu of the provisions of Section 98-30, subject, to the provisions of Section 98-241 (In Subareas D, E and G)
- 4 For #zoning lots# over which the #High Line# passes
- 5 For #zoning lots# between West 22nd Street and West 24th Street, the #floor area ratios# shall be 7.5, and no #floor area# increases shall be permitted
- 6 Bonus contribution subject to provisions of Section 98-25 governing first contribution to Affordable Housing Fund

\* \* \*

**98-40  
SPECIAL YARD, HEIGHT AND SETBACK, AND MINIMUM DISTANCE BETWEEN BUILDINGS REGULATIONS**

\* \* \*

**98-42  
Special Height and Setback Regulations**

\* \* \*

**98-423  
Street wall location, minimum and maximum base heights and maximum building heights**

The provisions set forth in paragraph (a) of this Section shall apply to all #buildings or other structures#. Such provisions are modified for certain subareas as set forth in paragraphs (b) through (g) of this Section.

\* \* \*

(g) Subarea J

The provisions set forth in paragraph (a) of this Section shall not apply to any #development# or #enlargement# that utilizes the provisions of Section 98-25. In lieu thereof, the provisions of this paragraph (g) shall apply.

\* \* \*

(3) Tenth Avenue Zone

The Tenth Avenue Zone shall be that portion of a #zoning lot# within 200 feet of the Tenth Avenue #street line#. Within the Tenth Avenue Zone, any portion of a #building# shall have a maximum #street wall# height of 185 feet before setback and a maximum #building# height of 230 feet, provided that any portion of a #building# located above a height of 90 feet shall be set back not less than 15 feet from the Tenth Avenue #street line#. Any portion of a #building# located above a height of 185 feet shall be set back, at least 10 feet from the West 15th and West 16th Street #street lines#, and, at least 25 feet from the Tenth Avenue #street line#. Any portion of a #building# above a height of 200 feet shall be set back, at least 25 feet from the West 15th and West 16th Street #street lines#, and, at least 35 feet from the Tenth Avenue #street lines#, and any portion of a building located above a height of 215 feet shall be set back, at least 75 feet from the Tenth Avenue #street line#. Permitted obstructions allowed, pursuant to Section 33-42 shall be permitted.

(h) Subarea K

The provisions set forth in paragraph (a) of this Section shall not apply. In lieu thereof, the provisions of the underlying zoning districts shall apply.

**MINIMUM AND MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT  
BY DISTRICT OR SUBAREA**

District or Subarea		Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum #Building# Height (in feet)
M1-5		50	95	135
Subarea A	within 50 feet of a #wide street#	60	85	— <sup>1</sup>
	between 50 and 100 feet of a #wide street#	15	85	— <sup>1</sup>
	for #zoning lots# with only #narrow street# frontage	40	60	— <sup>1</sup>
Subarea B		60	95	135
Subarea C	for #zoning lots# with only #narrow street# frontage	60	110	110
	for #zoning lots# with Tenth Avenue frontage	105 <sup>2</sup>	125 <sup>2</sup>	125 <sup>2</sup>
	for #zoning lots# with Eleventh Avenue frontage	125 <sup>2</sup>	145 <sup>2</sup>	145 <sup>2</sup>
Subarea D		60	90	250 <sup>1</sup>
Subarea E		60	105 <sup>3</sup>	120 <sup>3</sup>
Subarea F		60 <sup>2</sup>	80 <sup>2</sup>	80 <sup>2</sup>
Subarea G	for #zoning lots# with only #narrow street# frontage	60	95	95
	for #zoning lots# with #wide street# frontage	105 <sup>2</sup>	120 <sup>2</sup>	120 <sup>2</sup>
Subarea H		60 <sup>4</sup>	85 <sup>4</sup>	— <sup>4</sup>
Subarea I	within 300 feet of Tenth Avenue between W. 16th St. & W. 17th St.	60	85	120 <sup>5</sup>
	all other areas	60	105	135
Subarea J	Midblock Zone	NA	110 <sup>6</sup>	130 <sup>6</sup>
	Ninth Avenue Zone	NA	130 <sup>6</sup>	135 <sup>6</sup>
	Tenth Avenue Zone	NA	185 <sup>6</sup>	230 <sup>6</sup>
Subarea K		NA <sup>7</sup>	NA <sup>7</sup>	NA <sup>7</sup>

<sup>1</sup> See Section 98-423, paragraph (b)

<sup>2</sup> See Section 98-423, paragraph (c)

<sup>3</sup> See Section 98-423, paragraph (d)

<sup>4</sup> See Section 98-423, paragraph (e)

<sup>5</sup> See Section 98-423, paragraph (f)

<sup>6</sup> See Section 98-423, paragraph (g)

<sup>7</sup> See Section 98-423, paragraph (h)

\* \* \*

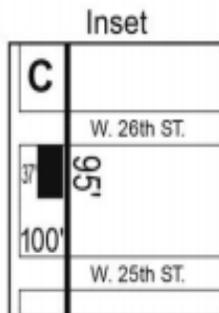
**Appendix A**

**Special West Chelsea District and Subareas**

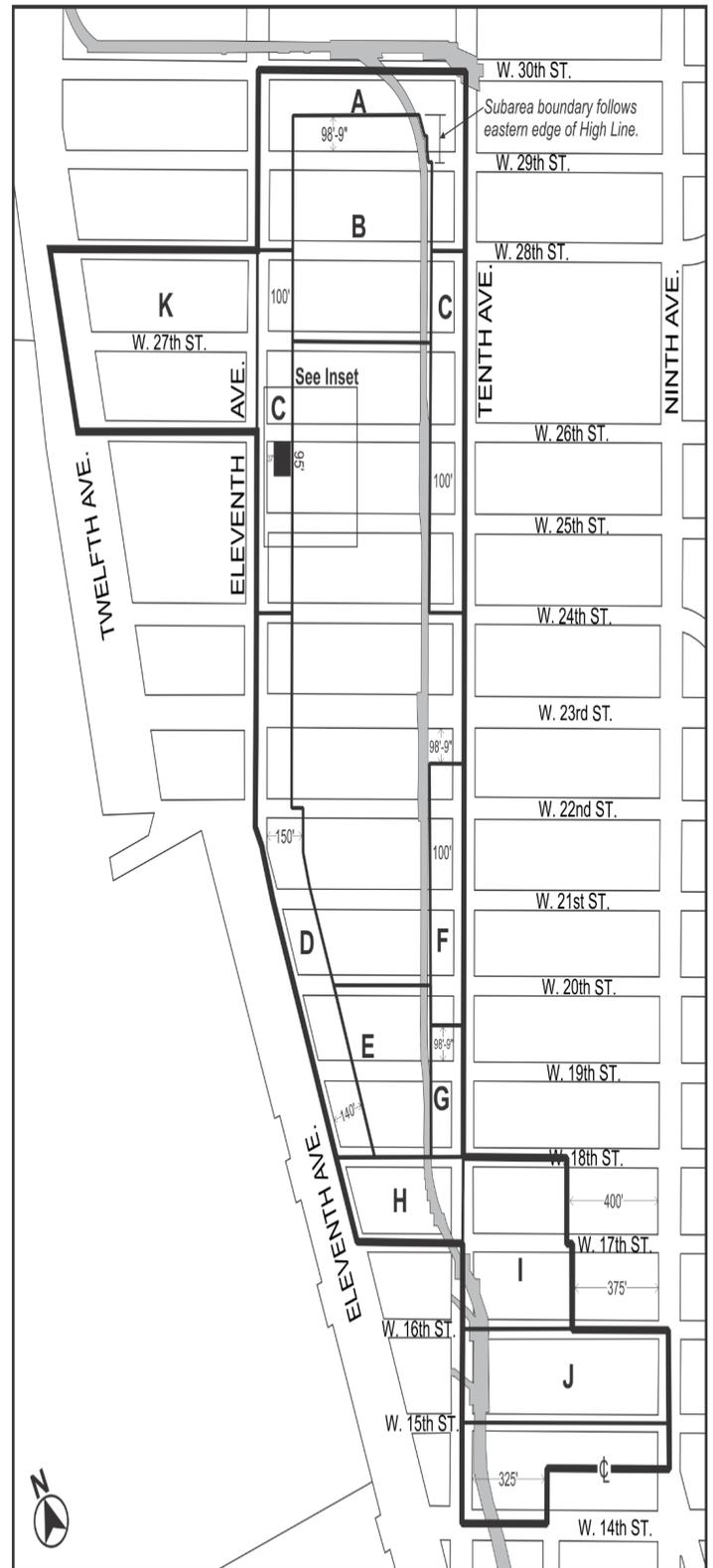
[EXISTING MAP]



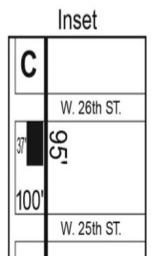
- Special West Chelsea District boundary
- Subarea boundary
- High Line
- Transit Facility



[PROPOSED MAP]

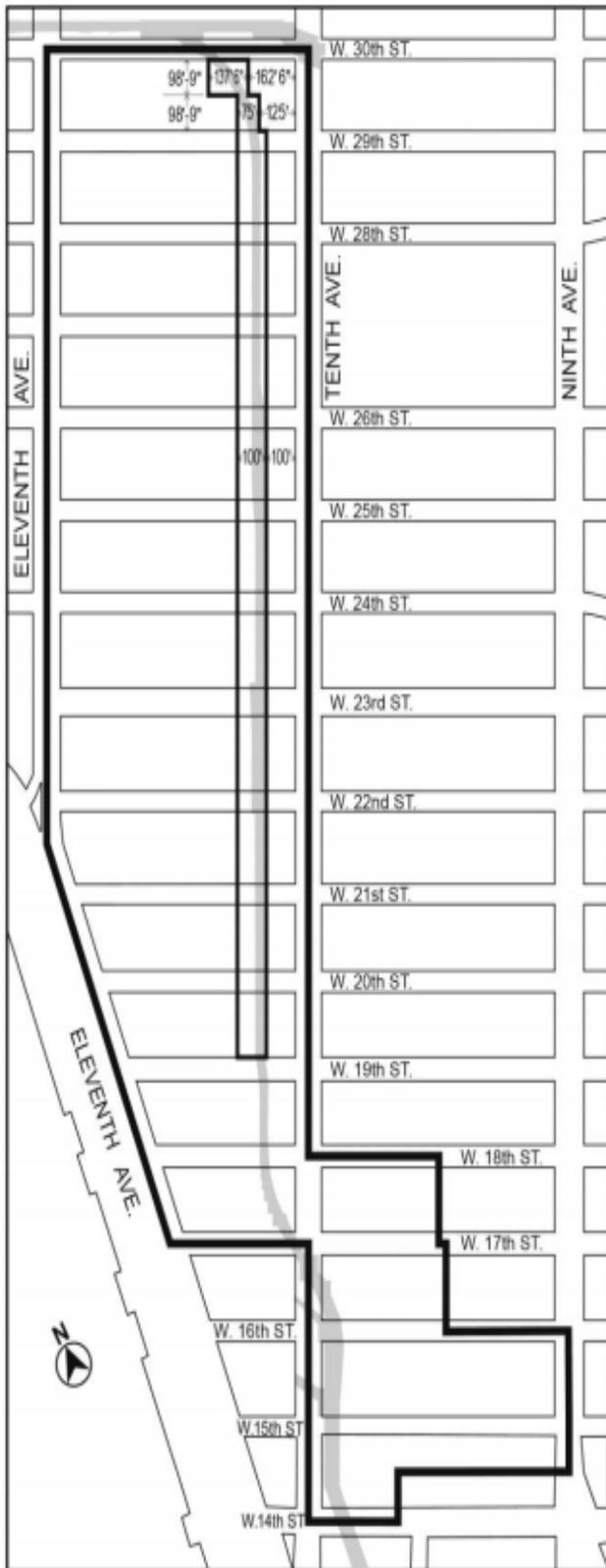


- Special West Chelsea District boundary
- Subarea boundary
- High Line
- Transit Facility



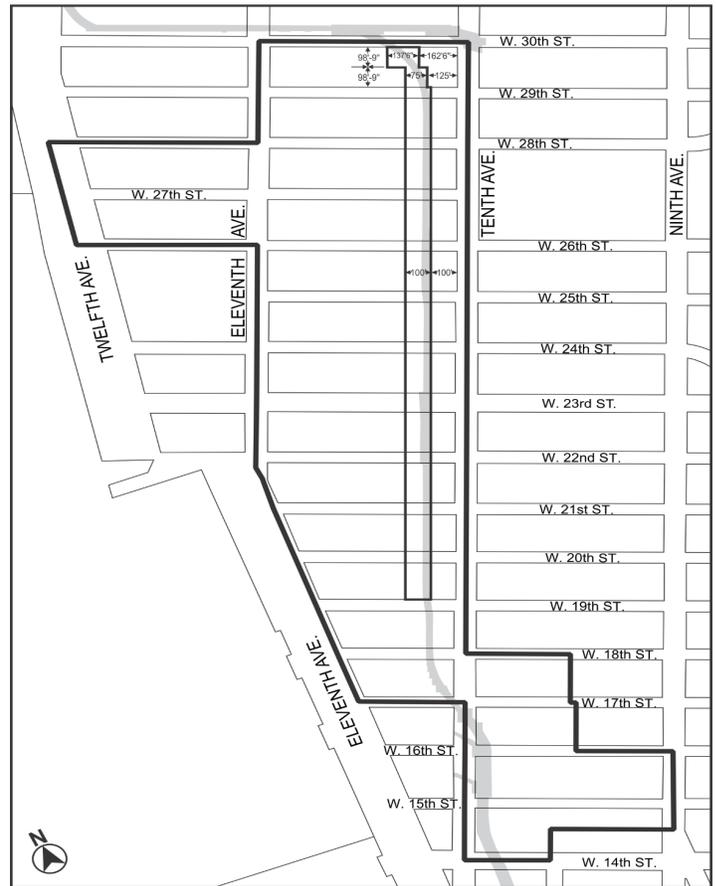
Appendix B  
High Line Transfer Corridor Location

[EXISTING MAP]



- Special West Chelsea District
- High Line Transfer Corridor
- High Line

[PROPOSED MAP]



- Special West Chelsea District boundary
- High Line Transfer Corridor
- High Line

\*\*\*  
**NOTICE**

On September 22, 2021 a remote public hearing is being held by the City Planning Commission (CPC), in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning an application by RXR SL Owner LLC and Terminal Fee Owner LP (the Applicants). The Applicants are seeking a zoning map amendment and zoning text amendment (the Proposed Actions) affecting the two blocks bounded by West 28th Street to the north, Eleventh Avenue to the east, West 26th Street to the south, and Twelfth Avenue/Route 9A to the west (Block 672, Lot 1 and Block 673, Lot 1); these blocks contain the Starrett-Lehigh Building and the Terminal Warehouse (the project area), located in the West Chelsea neighborhood of Manhattan, Community District 4. The zoning map amendment would extend the Special West Chelsea District (WCh) over the project area and change the underlying zoning district from M2-3 to M2-4. The proposed zoning text amendments would create new subarea (Subarea K) in WCh and, within such subarea, modify certain use, signage, sidewalk café, and loading requirements. The Proposed Actions would allow the Applicants to lease space in the Starrett-Lehigh Building and Terminal Warehouse to a more diverse range of tenant types, allowing for flexibility needed to respond to changes in the economy over the long term.

Written comments on the DEIS are requested and will be received and considered by the Lead Agency through Monday, October 4, 2021.

For instructions on how to submit comments and participate remotely, please refer, to the instructions, at the beginning of this agenda.

This hearing is being held, pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 21DCP103M.

YVETTE V. GRUEL, Calendar Officer  
City Planning Commission

120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271  
Telephone (212) 720-3370



s8-22

**COMMUNITY BOARDS**

■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that the following matters have been scheduled for public hearing by Community Board:

**BOROUGH OF BROOKLYN**

COMMUNITY BOARD NO. 18 - Wednesday, September 22, 2021, 7:00 P.M., **Board Office Meeting Room, 1097 Bergen Avenue** and via Zoom for participants who wish to participate online.

**N 210434ZRY - Open Restaurants/Sidewalk Cafes** - The New York City Department of Transportation (DOT) and Department of City Planning (DCP) are proposing a citywide zoning text amendment that will allow the DOT to administer the Permanent Open Restaurant program (POR). The proposal will remove sidewalk café regulations from the Zoning Resolution to increase geography eligibility as sidewalk cafes will become part of a unified sidewalk and roadway outdoor dining program administered at DOT. This Statutory Public Hearing has been duly advertised in the City Record. The Proposal Information is available at: <https://www1.nyc.gov/site/planning/plans/open-restaurants/open-restaurants-overview.page>.

**Please Note:**

- The allowable occupancy for the Board Office Meeting Room (e.g. 70 members of the public will be permitted in the room).
- Videoconferencing information for those who wish to participate online, is as follows:

Brooklyn Community Board 18 is inviting you to a scheduled Zoom meeting.

Topic: REGULAR MONTHLY BOARD MEETING – SEPTEMBER 22, 2021, 7:00 P.M.

Time: September 22, 2021, 7:00 P.M. Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/99482142049?pwd=QWhWVdYUzI3cEgOVGxPeWxLeWxrdz09>

Meeting ID: 994 8214 2049

Passcode: 8Zmasp

All meeting attendees will be required to practice physical distancing and all attendees over the age of two who are medically able to tolerate a face covering will be required to wear a face covering, regardless of vaccination status.



s9-22

**CORRECTED NOTICE**

**NOTICE IS HEREBY GIVEN** that the following matters have been scheduled for public hearing by Community Board:

**BOROUGH OF BROOKLYN**

COMMUNITY BOARD NO. 01 - Tuesday, September 14, 2021, at 6:00 P.M., Public Hearing, via WEBEX,

**Event Address for Attendees** <https://nycb.webex.com/nycb/onstage/g.php?MTID=ed2233ef55e34ff003fc7b91d86ff94d7>

**Event number:** 179 304 0659

**Event password:** UJre7UJjW52

**Audio conference:** +1-646-992-2010 [New York City]

**Access code:** 179 304 0659

**1 WYTHE AVENUE IBIA SPECIAL PERMIT (C 210272 ZSK) – IN THE MATTER OF** an application submitted by One Wythe LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-96\* of the Zoning Resolution to allow an increase in the maximum permitted floor area ratio in accordance with Section 74-963 (Permitted floor area increase) and, in conjunction therewith, to waive the off-street parking requirements of Section 44-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES), and to modify the quantity and size of the loading berth requirements of Section 44-50 (GENERAL PURPOSES), in connection with a proposed 8-story commercial and industrial building within an Industrial Business Incentive Area specified on the maps in Section 74-968 (Maps of

Industrial Business Incentive Areas), on property located at 1 Wythe Avenue (Block 2641, Lots 1, 3 and 4), in a M1-2 District. Borough of Brooklyn, Community District 1.

(\*Note: Section 74-96 is proposed to be changed under a concurrent related application [N 210273 ZRK] for a zoning text change.)

Accessibility questions: Community Board #1, (718) 389-0009, bk01@cb.nyc.gov, by: Wednesday, September 8, 2021, 2:00 P.M.



s7-14

**NOTICE IS HEREBY GIVEN** that the following matters have been scheduled for public hearing by Community Board:

**BOROUGH OF MANHATTAN**

COMMUNITY BOARD NO. 06 - Monday, September 13th, 2021, at 6:30 P.M. through Zoom. Register for the Zoom meeting here: [https://zoom.us/webinar/register/WN\\_AYJc54ehTDOtEQR9IIKrSA](https://zoom.us/webinar/register/WN_AYJc54ehTDOtEQR9IIKrSA)

A public hearing with respect, to the Community District 6 (CD6) Needs Statement and Budget Requests for Fiscal Year 2023.

a31-s13

**NOTICE IS HEREBY GIVEN** that the following matters have been scheduled for public hearing by Community Board:

**BOROUGH OF QUEENS**

Community Board No. 08 - Tuesday, September 14, 2021 at 7:30 P.M. - Joint General Meeting and Public Hearing.

<https://nycb.webex.com/nycb/j.php?MTID=m2d624a83e4cbeb63ff812da8e653bb05>

Event number: **179 289 6292** Event password: **4Fall21 (4325521** from phones)

**Join by phone:** +1-646-992-2010 United States Toll (New York City) +1-408-418-9388 United States Toll Access code: **179 289 6292**

The Board will make recommendations on two matters:

**ULURP 210192 & 210193ZRQ** -185-17 Hillside Avenue aka Block 9954 Lot 56. This application is for a zoning change for a property is in an R3X and R6A/C2-4 zoning district. It will convert it to an R7A/C2-4 zoning district, with a Mandatory Inclusionary Housing (MIH) area along the block, to allow a nine-story mixed use building with accessory parking. This application also proposes map and text changes to the Special Downtown Jamaica District.

**Permanent Open Restaurants Zoning Text Amendment** – Eliminate geographic restrictions for sidewalk cafes. Create new roadway café program. Expand outdoor dining to all NYC neighborhoods.

For speaking time, you **MUST** call the District Office **PRIOR** to the meeting (Monday through Friday during office hours (9:00 A.M. to 5:00 P.M.) at (718) 264-7895.

Remember to log in with the same name that you are registered for speaking time.

s8-10

**BOARD OF CORRECTION**

■ MEETING

The New York City Board of Correction, will hold a public meeting on Tuesday, September 14, 2021, at 9:00 A.M. The Board will discuss issues impacting the New York City jail system.

More information is available on the Board's website, at <https://www1.nyc.gov/site/boc/meetings/september-14-2021.page>.

s8-14

**HOUSING AUTHORITY**

■ MEETING

The Operations, Compliance and Capital Committee Meeting of the New York City Housing Authority, scheduled for Wednesday, September 22, 2021, at 10:00 A.M., will be held in-person in the Ceremonial Room, on the 5th Floor of 90 Church Street, New York, NY, and will be streamed live on NYCHA's YouTube Channel, <http://nyc.gov/nycha>, and

NYCHA's Website at, <https://www1.nyc.gov/site/nycha/about/operations-compliance-capital-committee.page>.

Because of capacity limitations, the Operations, Compliance and Capital Committee Meeting may also be accessed, via Zoom, by calling (646) 558-8656 using Webinar ID: 893 3638 1515 and Passcode: 4659201494.

For those wishing to provide public comment, either in-person or via Zoom, pre-registration is required via email, to [corporate.secretary@nychanyc.gov](mailto:corporate.secretary@nychanyc.gov), or by contacting (212) 306-6088, no later than 5:00 P.M., on the day prior to the Operations, Compliance and Capital Committee Meeting. No in-person registration will be conducted. When pre-registering, please provide your name, development, or organization name, contact information and item you wish to comment on. You will then be contacted with instructions for providing comment. Comments are limited to the items on the Calendar.

Speaking time will be limited to three (3) minutes. Speakers will provide comment in the order in which the requests to comment are received. The public comment period will conclude upon all speakers being heard or at the expiration of thirty (30) minutes allotted for public comment, whichever occurs first.

Copies of the Calendar are available on NYCHA's Website, at <https://www1.nyc.gov/site/nycha/about/operations-compliance-capital-committee.page>, no earlier than 24 hours before the upcoming Operations, Compliance and Capital Committee Meeting. Copies of the draft Minutes are available on NYCHA's Website, at <https://www1.nyc.gov/site/nycha/about/operations-compliance-capital-committee.page>, no earlier than 3:00 P.M., on the Thursday following the Operations, Compliance and Capital Committee Meeting.

Any changes to the schedule will be posted on NYCHA's Website, at <https://www1.nyc.gov/site/nycha/about/operations-compliance-capital-committee.page>, and via social media, to the extent practicable, at a reasonable time before the meeting.

Any person requiring a reasonable accommodation to participate in the Operations, Compliance and Capital Committee Meeting, should contact the Office of the Corporate Secretary, by phone, at (212) 306-6088, or by email, at [corporate.secretary@nychanyc.gov](mailto:corporate.secretary@nychanyc.gov), no later than Wednesday, September 15, 2021, at 5:00 P.M.

This meeting is open to the public.

- Members of the public attending the Operations, Compliance and Capital Committee Meeting, **regardless of vaccination status**, must wear face coverings while indoors.

For additional information regarding the Operations, Compliance and Capital Committee Meeting, please contact the Office of the Corporate Secretary, by phone, at (212) 306-6088, or by email, at [corporate.secretary@nychanyc.gov](mailto:corporate.secretary@nychanyc.gov).

s7-22

The next Board Meeting of the New York City Housing Authority, scheduled for Wednesday, September 15, 2021, at 10:30 A.M., will be held in-person in the Ceremonial Room, on the 5th Floor of 90 Church Street, New York, NY, and will be streamed live on NYCHA's YouTube Channel, <http://www1.nyc.gov/nycha>, and NYCHA's Website, on [www1.nyc.gov/boardmeetings](http://www1.nyc.gov/boardmeetings).

Because of capacity limitations, the Board Meeting may also be accessed, via Zoom, by calling (646) 558-8656 using Webinar ID: 880 7705 7354 and Passcode: 8754415347.

For those wishing to provide public comment, either in-person or via Zoom, pre-registration is required via email, to [corporate.secretary@nychanyc.gov](mailto:corporate.secretary@nychanyc.gov), or by contacting (212) 306-6088, no later than 5:00 P.M., on the day prior to the Board Meeting. No in-person registration will be conducted. When pre-registering, please provide your name, development, or organization name, contact information and item you wish to comment on. You will then be contacted with instructions for providing comment. Comments are limited to the items on the Calendar.

Speaking time will be limited to three (3) minutes. Speakers will provide comment in the order in which the requests to comment are received. The public comment period will conclude upon all speakers being heard, or at the expiration of thirty (30) minutes allotted for public comment, whichever occurs first.

Copies of the Calendar are available on NYCHA's Website, at <http://www1.nyc.gov/site/nycha/about/board-calendar-page>, no earlier than 24 hours before the upcoming Board Meeting. Copies of the Minutes are available on NYCHA's Website, at <http://www1.nyc.gov/site/nycha/about/board-calendar-page>, no earlier than 3:00 P.M., on the Thursday following the Board Meeting.

Any person requiring a reasonable accommodation to participate in the Board Meeting, should contact the Office of the Corporate Secretary, by phone, at (212) 306-6088, or by email, at [corporate.secretary@nychanyc.gov](mailto:corporate.secretary@nychanyc.gov), no later than Wednesday, September 8, 2021, at 5:00 P.M.

Any changes to the schedule will be posted here on NYCHA's Website,

at <http://www1.nyc.gov/site/nycha/about/board-calendar-page>, and via social media, to the extent practicable, at a reasonable time before the meeting.

This meeting is open to the public.

- Members of the public attending the Board Meeting, **regardless of vaccination status**, must wear face coverings while indoors.

For additional information regarding the Board Meeting, please contact the Office of the Corporate Secretary, by phone, at (212) 306-6088, or by email, at [corporate.secretary@nychanyc.gov](mailto:corporate.secretary@nychanyc.gov).

s1-15

## OFFICE OF LABOR RELATIONS

### MEETING

The New York City Deferred Compensation Board, will hold its next Deferred Compensation Board Hardship meeting on Wednesday, September 15, 2021, at 12:00 P.M. The meeting will be held remotely via conference call. Please visit the below link to access the audio recording of the Board meeting, or to access archived Board meeting audio/videos: <https://www1.nyc.gov/site/olr/deferred/dcp-board-webcasts.page>

s8-15

## 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 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, September 14, 2021, at 9:30 A.M., a public hearing will be held in the public hearing room, at 1 Centre Street, 9th Floor, Borough of Manhattan, and will also be livestreamed and open to public participation by teleconference, with respect to the following properties, and then followed by a public meeting.

The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website, the Friday before the hearing. Please note that the order and estimated times are subject to change. An overflow room is located outside of the primary doors of the public hearing room. The occupancy limit in the public hearing room is 12, and the occupancy limit for the overflow room is 10. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting, should contact the Landmarks Commission no later than five (5) business days before the hearing or meeting. Members of the public not attending in person can observe the meeting on LPC's YouTube channel, at [www.youtube.com/nyclpc](http://www.youtube.com/nyclpc) and may testify on particular matters by joining the meeting using either the Zoom app or by calling in from any phone. Specific instructions on how to observe and testify, including the meeting ID and password, and the call-in number, will be posted on the agency's website, under the "Hearings" tab, <https://www1.nyc.gov/site/lpc/hearings/hearings.page>, on the Monday before the public hearing. Finally, please be aware: COVID-19 safety protocols are in effect at the location; all meeting attendees will be required to practice physical distancing and all attendees over the age of two who are medically able to tolerate a face covering will be required to wear a face covering, regardless of vaccination status. Please see additional information on safety protocols below the itemized agenda.

**187 6th Avenue - Park Slope Historic District**  
**LPC-21-09973** - Block 951 - Lot 4 - Zoning: R6B  
**CERTIFICATE OF APPROPRIATENESS**

A late Italianate style rowhouse, designed by George White and built in 1874. Application is to modify window openings at the rear facade.

**495 Broadway - SoHo-Cast Iron Historic District**  
**LPC-21-06057** - Block 484 - Lot 24 - Zoning: M1-5B  
**CERTIFICATE OF APPROPRIATENESS**

A Beaux-Arts style store and loft building, designed by Alfred Zucker and built in 1892-1893. Application is to construct rooftop bulkheads and railings.

**134 East 38th Street - Murray Hill Historic District**  
**LPC-21-09885** - Block 893 - Lot 271 - Zoning: R10  
**CERTIFICATE OF APPROPRIATENESS**

An altered Second Empire style rowhouse, designed by D. & J. Jardine and built in 1868-69, and altered in 1958 by Thomas F. Hennessy. Application is to install shutters and a flagpole.

**101 Greene Street - SoHo-Cast Iron Historic District**  
**LPC-21-07952** - Block 500 - Lot 7505 - Zoning: M1-5A

**CERTIFICATE OF APPROPRIATENESS**

A modern building constructed in 2002. Application is to alter storefront infill.

**548 Hudson Street - Greenwich Village Historic District**  
LPC-21-10918 - Block 621 - Lot 6 - Zoning: C1-6

**CERTIFICATE OF APPROPRIATENESS**

A Vernacular Italianate style townhouse, built in 1852. Application is to replace entrance infill.

**93 Mercer Street - SoHo-Cast Iron Historic District**

LPC-21-09865 - Block 485 - Lot 22 - Zoning: M1-5A

**CERTIFICATE OF APPROPRIATENESS**

A loft building, designed by Hill & Turner and built in 1900-01. Application is to install a barrier-free access ramp and replace doors.

**744 Fifth Avenue (aka 754 Fifth Avenue, 2 West 58th Street) - Individual Landmark**

LPC-22-01476 - Block 1273 - Lot 33 - Zoning: C5-3

**CERTIFICATE OF APPROPRIATENESS**

A Modern Classical style department store, designed by Buchman & Kahn and built in 1927-28 and with later alterations. Application is to install signage and modify storefront infill.

**744 Fifth Avenue (aka 754 Fifth Avenue, 2 West 58th Street) - Individual Landmark**

LPC-22-01475 - Block 1273 - Lot 33 - Zoning: C5-3

**CERTIFICATE OF APPROPRIATENESS**

A Modern Classical style department store, designed by Buchman & Kahn and built in 1927-28 and with later alterations. Application is to establish a master plan for the installation of seasonal displays.

**89 East 42nd Street - Individual and Interior Landmark**

LPC-22-01019 - Block 1280 - Lot 1 - Zoning: C5-3

**CERTIFICATE OF APPROPRIATENESS**

A French Beaux-Arts style railroad terminal, designed by Reed & Stem and Warren & Wetmore and built in 1903-1913. Application is to replace sidewalk paving and install bollards at the viaduct.

**30 Rockefeller Plaza - Individual and Interior Landmark**

LPC-21-09092 - Block 1265 - Lot 7501 - Zoning: C5-2.5, C5-3

**CERTIFICATE OF APPROPRIATENESS**

An office building and designated lobby, designed by the Associated Architects and featuring artwork by Jose Maria Sert and Frank Brangwyn, and constructed in 1931-33 as part of an Art Deco style office, commercial and entertainment complex. Application is to modify openings, extend walls, and replace light fixtures within the interior lobby, install storefront infill at the ground floor, and install attractions and accretions at the rooftop observation terraces.

**38 East 73rd Street - Upper East Side Historic District**

LPC-20-02642 - Block 1387 - Lot 49 - Zoning: C5-1 R8B

**CERTIFICATE OF APPROPRIATENESS**

A Neo-Grec/Queen Anne style house, designed by Charles Buek & Co. and built in 1886-87. Application is to legalize the construction of a rear yard addition, without Landmarks Preservation Commission permit(s).

**103 West 72nd Street - Upper West Side/Central Park West Historic District**

LPC-21-08152 - Block 1144 - Lot 31 - Zoning: C4-6A

**CERTIFICATE OF APPROPRIATENESS**

An Art Deco style apartment and commercial building, designed by Fellheimer & Wagner and built in 1931-33. Application is to replace storefront infill and construct a rear yard addition.

**945 Madison Avenue - Upper East Side Historic District**

LPC-21-10833 - Block 1389 - Lot 30 - Zoning: C5-1R8B

**CERTIFICATE OF APPROPRIATENESS**

A Modern style museum building, designed by Marcel Breuer & Associates and built in 1964-1966. Application is to install signage.

**356 Hollywood Avenue - Douglaston Hill Historic District**

LPC-20-08873 - Block 8049 - Lot 25 - Zoning: R1-2

**CERTIFICATE OF APPROPRIATENESS**

An English Cottage style free-standing house, designed by Philip Resnyk and built in 1930. Application is to legalize the replacement of windows, alterations to planters and installation of steps in non-compliance or without Landmarks Preservation Commission permit(s).

**15 Shore Road - Douglaston Historic District**

LPC-21-08857 - Block 8044 - Lot 5 - Zoning: R1-1

**CERTIFICATE OF APPROPRIATENESS**

A Colonial Revival style house, designed by George Hardway and built in 1910. Application is to modify a porch, construct a carport and deck, and install a skylight.

**121 Heberton Avenue - Individual Landmark**

LPC-21-10070 - Block 1015 - Lot 9 - Zoning: R3A

**CERTIFICATE OF APPROPRIATENESS**

A Rustic style freestanding house, designed by James G. Burger and built in 1859-1861. Application is to install a parking pad and pergola.

**2 St. Marks Place - St. George/New Brighton Historic District**

LPC-22-01527 - Block 22 - Lot 120 - Zoning: R3A

**CERTIFICATE OF APPROPRIATENESS**

A Neo-Colonial style freestanding house, designed by Gardner & Hoffman and built in 1926-1928. Application is to legalize the replacement of garage doors, alterations to the stoop, and the construction of retaining walls, without Landmarks Preservation Commission permit(s).

a30-s14

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**Cambria Heights - 222nd Street Historic District**

**LP-2655**

**ITEM PROPOSED FOR PUBLIC HEARING**

The proposed Cambria Heights - 222nd Street Historic District consists of the properties bounded by a line beginning on the southern curblines of 115th Road at a point on a line extending northerly from the northwestern property line of 115-60 222nd Street, extending easterly along the southern curblines of 115th Road and across 222nd Street to a point on a line extending northerly from the northeastern property line of 115-59 222nd Street, southerly along said line and the eastern property lines of 115-59 through 115-103 222nd Street, westerly along the southern property line of 115-103 222nd Street, continuing westerly across 222nd Street and the southern property line of 115-104 222nd Street, and northerly along the western property lines of 115-104 through 115-60 222nd Street to the point of beginning.

**Cambria Heights - 227th Street Historic District**

**LP-2656**

**ITEM PROPOSED FOR PUBLIC HEARING**

The proposed Cambria Heights - 227th Street Historic District consists of the properties bounded by a line beginning on the southern curblines of 116th Avenue at a point on a line extending northerly from the northwestern property line of 116-02 227th Street, extending easterly along the southern curblines of 116th Avenue and across 227th Street to a point on a line extending northerly from the northeastern property line of 116-01 227th Street, southerly along said line and the eastern property lines of 116-01 through 116-49 227th Street, westerly along the southern property line of 116-49 227th Street, continuing westerly across 227th Street and the southern property line of 116-50 227th Street, and northerly along the western property lines of 116-50 through 116-02 227th Street to the point of beginning.

a30-s14

**BOARD OF STANDARDS AND APPEALS****■ PUBLIC HEARINGS**

**September 27, 2021, and September 28, 2021, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of hybrid public hearings on Monday, September 27, 2021, at 10:00 A.M., and Tuesday, September 28, 2021, at 10:00 A.M., to be held remotely and in person on the first floor of 22 Reade Street in Manhattan, which has an occupancy limit of 10 people and potential overflow space available in the building for a few additional people; COVID-19 safety protocols are in effect in the building; all meeting attendees will be required to practice physical distancing, and all attendees over the age of two who are medically

able to tolerate a face covering will be required to wear a face covering, regardless of vaccination status; please do not, attend this meeting if: you have experienced any symptoms of COVID-19 within the past 10 days (a fever of 100.0 degrees Fahrenheit or greater, a new cough, new loss of taste or smell, or shortness of breath); you have tested positive for COVID-19 within the past 10 days; you have been in close contact (within 6 feet for, at least 10 minutes over a 24-hour period) with anyone while they had COVID-19 within the past 10 days and are required to quarantine under existing CDC guidance (you have not had COVID-19 within the past 3 months, and you are not fully vaccinated);

**FURTHERMORE**, to accommodate social distancing and address ongoing health concerns, members of the public are strongly encouraged to participate in the hearing remotely; the public hearing will be streamed live through the Board's website (www.nyc.gov/bsa), with remote public participation strongly encouraged, on the following matters:

**SPECIAL ORDER CALENDAR**

**81-74-BZIV**

**APPLICANT** – Gerald J. Caliendo, RA, AIA, for 57 Avenue Market Inc., owner  
**SUBJECT** – Application August 4, 2020 – Extension of Time to Obtain a Certificate of Occupancy for a previously approved variance (§72-21) which permitted the operation of a supermarket (UG 6) which expired on July 23, 2020. C1-2/R6A & R6B zoning district.  
**PREMISES AFFECTED** – 97-27 57th Avenue, Block 1906, Lot(s) 1, Borough of Queens.

**COMMUNITY BOARD #4Q**

**490-72-BZ**

**APPLICANT** – Gerald J. Caliendo, RA, AIA, for Eran Gohari, owner  
**SUBJECT** – Application August 5, 2020 – Extension of Time to Obtain a Certificate of Occupancy of a previously approved variance (§72-21) which permitted the operation of a commercial bank (UG 6) which expired on February 5, 2020; Waiver of the Board's Rules of Practice of Procedures. R4 zoning district.  
**PREMISES AFFECTED** – 4200 Baychester Avenue, Block 5023, Lot 29, Borough of Bronx.

**COMMUNITY BOARD #12BX**

**42-09-BZIII**

**APPLICANT** – Sheldon Lobel, P.C., for Arrow Linen Supply Co., Inc., owner.  
**SUBJECT** – Application June 5, 2020 – Extension of Term of a previously approved variance (expired July 12, 1992) which permitted the extension of a legal non-conforming commercial laundry use (Arrow Linen Supply) within a residential zoning district which expired on August 11, 2019; Extension of Time to Obtain a Certificate of Occupancy which expired on February 11, 2010; Waiver of the Board's Rules. R5B zoning district.  
**PREMISES AFFECTED** – 441-467 Prospect Avenue, Block 1113, Lot(s) 61,73, Borough of Brooklyn

**COMMUNITY BOARD #3BK**

**220-14-BZII thru 221-14-BZII**

**APPLICANT** – Hirschen Singer & Epstein LLP, for Post Industrial Thinking LLC, owner.  
**SUBJECT** – Application January 7, 2021 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) to permit the construction of two 3-story single family residences which expired on January 12, 2020; Waiver of the Board's Rules of Practice and Procedures. M1-1 zoning district.  
**PREMISES AFFECTED** – 8-10 Underhill Avenue, Block 1122, Lot 37, Borough of Brooklyn.

**COMMUNITY BOARD #8BK**

**2017-240-BZ**

**APPLICANT** – Troutman Pepper LLC, for 310 Lenox Avenue LLC & RM 310 Lenox LLC., owner.  
**SUBJECT** – Application February 12, 2021 – Extension of Term of a previously approved Special Permit (§73-244) permitting an eating and drinking establishment without restrictions and no limitation on entertainment and dancing (UG 12A) (Red Rooster Harlem Restaurant located on the cellar level which expires on expiring March 27, 2021. C4-4A (Special 125th Street District).  
**PREMISES AFFECTED** – 310 Lenox Avenue, Block 1723, Lot 69, Borough of Manhattan.

**COMMUNITY BOARD # 10M**

**APPEALS CALENDAR**

**2021-11-BZY**

**APPLICANT** – Kenneth K. Loweinstein, for 559 Development, LLC, owner.  
**SUBJECT** – Application January 21, 2021 – Extension of Time to Complete Construction and Obtain a Certificate of Occupancy (§11-332) for a period of two years from December 20, 2020.  
**PREMISES AFFECTED** – 38-59 11th Street, Block 00473, Lot 559, Borough of Queens.

**COMMUNITY BOARD #1Q**

*Margery Perlmutter, Chair/Commissioner*

**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 remotely, commencing on Wednesday, September 15, 2021, at 2:00 P.M., via the WebEx platform and in person, on the following petitions for revocable consent.

**WebEx:**

**Meeting Number (access code): 182 803 2720**

**Meeting Password: 7eSMUDSMd42**

**#1 IN THE MATTER OF** a proposed revocable consent authorizing Beth Israel Medical Center, to continue to maintain and use the vaults under the south sidewalk of East 17<sup>th</sup> Street east of Nathan D. Perlman Place, and under the east sidewalk of Nathan D. Perlman Place south of East 17<sup>th</sup> Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2019 to June 30, 2029 and provides among other terms and conditions for compensation payable, to the City according, to the following schedule: **R.P. # 1712**

- For the period July 1, 2019 to June 30, 2020 - \$28,470
- For the period July 1, 2020 to June 30, 2021 - \$28,904
- For the period July 1, 2021 to June 30, 2022 - \$29,338
- For the period July 1, 2022 to June 30, 2023 - \$29,772
- For the period July 1, 2023 to June 30, 2024 - \$30,206
- For the period July 1, 2024 to June 30, 2025 - \$30,640
- For the period July 1, 2025 to June 30, 2026 - \$31,074
- For the period July 1, 2026 to June 30, 2027 - \$31,508
- For the period July 1, 2027 to June 30, 2028 - \$31,942
- For the period July 1, 2028 to June 30, 2029 - \$32,376

with the maintenance of a security deposit in the sum of \$32,400 the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#2 IN THE MATTER OF** a proposed revocable consent authorizing Diann Umadevi Beharry and Devindra Narine, to construct, maintain and use a walled-in area with gates and planters on the west sidewalk of 130th Street, between Old South Road and 150<sup>th</sup> Avenue, in the Borough of Queens. The proposed revocable consent is for a term of ten years from the Approval by the Mayor and provides among other terms and conditions for compensation payable, to the City according, to the following schedule: **R.P. # 2549**

From the date of the final approval by the Mayor to June 30, 2031 - \$100/per annum.

with the maintenance of a security deposit in the sum of \$15,450 the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#3 IN THE MATTER OF** a proposed revocable consent authorizing Hudson Transmission Partners LLC, to continue to maintain and use a 345kw cable system under and across Pier 94, under, across and along West 52<sup>nd</sup> Street, and under and along Twelfth Avenue, to Consolidated Edison Company of New York, Inc.'s 49<sup>th</sup> Street Substation, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2021 to June 30, 2031 and provides among other terms and conditions for compensation payable, to the City according, to the following schedule: **R.P. # 2146**

- For the period July 1, 2021 to June 30, 2022 - \$111,639
- For the period July 1, 2022 to June 30, 2023 - \$113,427
- For the period July 1, 2023 to June 30, 2024 - \$115,215
- For the period July 1, 2024 to June 30, 2025 - \$117,003
- For the period July 1, 2025 to June 30, 2026 - \$118,791
- For the period July 1, 2026 to June 30, 2027 - \$120,579
- For the period July 1, 2027 to June 30, 2028 - \$122,367
- For the period July 1, 2028 to June 30, 2029 - \$124,155
- For the period July 1, 2029 to June 30, 2030 - \$125,943
- For the period July 1, 2030 to June 30, 2031 - \$127,731

with the maintenance of a security deposit in the sum of \$127,700 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#4 IN THE MATTER OF** a proposed revocable consent authorizing Iris Foundation, to continue to maintain and use a conduit under and

along West 86<sup>th</sup> Street, between Central Park West and Columbus Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2020 to June 30, 2030 and provides among other terms and conditions for compensation payable, to the City according, to the following schedule: **R.P. # 1733**

- For the period July 1, 2020 to June 30, 2021 - \$9,129
- For the period July 1, 2021 to June 30, 2022 - \$9,274
- For the period July 1, 2022 to June 30, 2023 - \$9,418
- For the period July 1, 2023 to June 30, 2024 - \$9,563
- For the period July 1, 2024 to June 30, 2025 - \$9,708
- For the period July 1, 2025 to June 30, 2026 - \$9,853
- For the period July 1, 2026 to June 30, 2027 - \$9,998
- For the period July 1, 2027 to June 30, 2028 - \$10,143
- For the period July 1, 2028 to June 30, 2029 - \$10,287
- For the period July 1, 2029 to June 30, 2030 - \$10,432

with the maintenance of a security deposit in the sum of \$10,400 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#5 IN THE MATTER OF** a proposed revocable consent authorizing Katz-Auerbacher Corp., to construct, maintain and use a ramp on the west sidewalk of Hudson Street, between Horatio Street and Gansevoort Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Approval Date by the Mayor and provides among other terms and conditions for compensation payable, to the City according, to the following schedule: **R.P. # 2542**

From the date of the final approval by the Mayor to June 30, 2031 - \$25/per annum.

With the maintenance of a security deposit in the sum of \$3,700 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#6 IN THE MATTER OF** a proposed revocable consent authorizing Packer Brown LLC, to construct, maintain and use a fenced-in area, including steps, planters and trash enclosure on the north sidewalk of West 11<sup>th</sup> Street, between West 4<sup>th</sup> Street and Bleecker Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Approval Date by the Mayor and provides among other terms and conditions for compensation payable, to the City according, to the following schedule: **R.P. # 2541**

From the date of the final approval by the Mayor to June 30, 2031 - \$25/per annum.

with the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#7 IN THE MATTER OF** a proposed revocable consent authorizing St. George Theater Restoration, Inc., to construct, maintain and use an accessibility ramp with steps and a drainage channel on the north sidewalk of Hyatt Street east of St. Marks Place, in the Borough of Staten Island. The proposed revocable consent is for a term of ten years from the Approval Date by the Mayor and provides among other terms and conditions for compensation payable, to the City according, to the following schedule: **R.P. # 2547**

From the Approval Date by the Mayor to June 30, 2022 - \$1,525/per annum

- For the period July 1, 2022 to June 30, 2023 - \$1,549
- For the period July 1, 2023 to June 30, 2024 - \$1,573
- For the period July 1, 2024 to June 30, 2025 - \$1,597
- For the period July 1, 2025 to June 30, 2026 - \$1,621
- For the period July 1, 2026 to June 30, 2027 - \$1,645
- For the period July 1, 2027 to June 30, 2028 - \$1,669
- For the period July 1, 2028 to June 30, 2029 - \$1,693
- For the period July 1, 2029 to June 30, 2030 - \$1,717
- For the period July 1, 2030 to June 30, 2031 - \$1,741
- For the period July 1, 2031 to June 30, 2032 - \$1,765

with the maintenance of a security deposit in the sum of \$20,500 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#8 IN THE MATTER OF** a proposed revocable consent authorizing The Lincoln Square Condominium, to continue to maintain and use tree pit light receptacles, together with electrical conduits, in the north

sidewalk of West 67<sup>th</sup> Street, in the south sidewalk of West 68<sup>th</sup> Street, between Broadway and Columbus Avenue, and in the west sidewalk of Columbus Avenue, between West 67<sup>th</sup> and West 68<sup>th</sup> Streets, and an overhead building projection on the west side of Columbus Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2017 to June 30, 2027 and provides among other terms and conditions for compensation payable, to the City according, to the following schedule: **R.P. # 1565**

- For the period July 1, 2021 to June 30, 2022 - \$17,356
- For the period July 1, 2022 to June 30, 2023 - \$17,661
- For the period July 1, 2023 to June 30, 2024 - \$17,966
- For the period July 1, 2024 to June 30, 2025 - \$18,271
- For the period July 1, 2025 to June 30, 2026 - \$18,576
- For the period July 1, 2026 to June 30, 2027 - \$18,881
- For the period July 1, 2027 to June 30, 2028 - \$19,186
- For the period July 1, 2028 to June 30, 2029 - \$19,491
- For the period July 1, 2029 to June 30, 2030 - \$19,796
- For the period July 1, 2030 to June 30, 2031 - \$20,101

with the maintenance of a security deposit in the sum of \$20,100 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#9 IN THE MATTER OF** a proposed revocable consent authorizing 20-30 Hudson Yards Condominium, acting by and through The Board of Managers of the 20-30 Hudson Yards Condominium, has petitioned for consent to construct, maintain and use 133 security bollards in front of 500 West 33<sup>rd</sup> Street, along West 33<sup>rd</sup> Street and along 10<sup>th</sup> Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Approval Date by the Mayor and provides among other terms and conditions for compensation payable, to the City according, to the following schedule: **R.P. # 2467**

There shall be no compensation required for this consent, in accordance with Title 34 Section 7-04(a)(33) of the Rules of the City of New York.

with the maintenance of a security deposit in the sum of \$83,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#10 IN THE MATTER OF** a proposed revocable consent authorizing 125 Broad Condominium, to continue to maintain and use a conduit and pipes under and across Broad Street, north of South Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2020 to June 30, 2030 and provides among other terms and conditions for compensation payable, to the City according, to the following schedule: **R.P. # 981**

- For the period July 1, 2020 to June 30, 2021 - \$18,335
- For the period July 1, 2021 to June 30, 2022 - \$18,631
- For the period July 1, 2022 to June 30, 2023 - \$18,927
- For the period July 1, 2023 to June 30, 2024 - \$19,223
- For the period July 1, 2024 to June 30, 2025 - \$19,519
- For the period July 1, 2025 to June 30, 2026 - \$19,815
- For the period July 1, 2026 to June 30, 2027 - \$20,111
- For the period July 1, 2027 to June 30, 2028 - \$20,407
- For the period July 1, 2028 to June 30, 2029 - \$20,703
- For the period July 1, 2029 to June 30, 2030 - \$20,999

with the maintenance of a security deposit in the sum of \$20,100 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#11 IN THE MATTER OF** a proposed revocable consent authorizing 1301 Properties Owner LP, RXR 1285 Owner LLC, RXR 1285 Owner II LLC and C&K 1285 Owner LLC, continue to maintain and use a pedestrian tunnel under and across West 52<sup>nd</sup> Street, west of Avenue of the Americas, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 18, 2018 to June 30, 2028 and provides among other terms and conditions for compensation payable, to the City according, to the following schedule: **R.P. # 883B**

- For the period July 1, 2018 to June 30, 2019 - \$213,840
- For the period July 1, 2019 to June 30, 2020 - \$217,259
- For the period July 1, 2020 to June 30, 2021 - \$220,678
- For the period July 1, 2021 to June 30, 2022 - \$224,097
- For the period July 1, 2022 to June 30, 2023 - \$227,516
- For the period July 1, 2023 to June 30, 2024 - \$230,935
- For the period July 1, 2024 to June 30, 2025 - \$234,354
- For the period July 1, 2025 to June 30, 2026 - \$237,773
- For the period July 1, 2026 to June 30, 2027 - \$241,192
- For the period July 1, 2027 to June 30, 2028 - \$244,611

with the maintenance of a security deposit in the sum of \$244,700 and

the insurance shall be in the amount of Five Million Dollars (\$5,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Five Million Dollars (\$5,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#12 IN THE MATTER OF** a proposed revocable consent authorizing Levanic, Inc., to construct, maintain and use steps with railing on the south sidewalk of 3<sup>rd</sup> Street, west of 3<sup>rd</sup> Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from the Approval Date by the Mayor and provides among other terms and conditions for compensation payable, to the City according, to the following schedule: **R.P. # 2550**

From the Approval Date by the Mayor to June 30, 2022 - \$3,000/per annum

- For the period July 1, 2022 to June 30, 2023 - \$3,049
- For the period July 1, 2023 to June 30, 2024 - \$3,098
- For the period July 1, 2024 to June 30, 2025 - \$3,147
- For the period July 1, 2025 to June 30, 2026 - \$3,196
- For the period July 1, 2026 to June 30, 2027 - \$3,245
- For the period July 1, 2027 to June 30, 2028 - \$3,294
- For the period July 1, 2028 to June 30, 2029 - \$3,343
- For the period July 1, 2029 to June 30, 2030 - \$3,392
- For the period July 1, 2030 to June 30, 2031 - \$3,441
- For the period July 1, 2031 to June 30, 2032 - \$3,490

with the maintenance of a security deposit in the sum of \$25,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#13 IN THE MATTER OF** a proposed revocable consent authorizing One Vanderbilt Owner LLC, to construct, maintain and use 162 security bollards along the south sidewalk of East 43<sup>rd</sup> Street, the east sidewalk of Madison Avenue, and the north sidewalk of East 42<sup>nd</sup> Street, in front of 10 Vanderbilt Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Approval Date by the Mayor and provides among other terms and conditions for compensation payable, to the City according, to the following schedule: **R.P. # 2517**

There shall be no compensation required for this Consent, in accordance with Title 34 Section 7-04(a)(33) of the Rules of the City of New York.

with the maintenance of a security deposit in the sum of \$143,000' and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#14 IN THE MATTER OF** a proposed modification to a revocable consent authorizing 33 Ninth Retail Owner LLC, to construct, maintain and use an ADA lift and metal stairs and platforms on the north sidewalk of West 13<sup>th</sup> Street, west of Ninth Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Approval Date by the Mayor and provides among other terms and conditions for compensation payable, to the City according, to the following schedule: **R.P. # 1954**

For the period July 1, 2021 to June 30, 2022 - \$7,248/per annum (prorated from the date of Approval by the Mayor)

- For the period July 1, 2022 to June 30, 2023 - \$7,366
- For the period July 1, 2023 to June 30, 2024 - \$7,484
- For the period July 1, 2024 to June 30, 2025 - \$7,602
- For the period July 1, 2025 to June 30, 2026 - \$7,720
- For the period July 1, 2026 to June 30, 2027 - \$7,838
- For the period July 1, 2027 to June 30, 2028 - \$7,956

with the maintenance of a security deposit in the sum of \$7,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#15 IN THE MATTER OF** a proposed revocable consent authorizing New York University, to construct, maintain and use light poles and underground conduit on the south sidewalk of Bleecker Street, between LaGuardia Place and Mercer Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Approval Date by the Mayor and provides among other terms and conditions for compensation payable, to the City according, to the following schedule: **R.P. # 2535**

From the Approval Date by the Mayor to June 30, 2021 - \$1,654/per annum

- For the period July 1, 2021 to June 30, 2022 - \$1,674
- For the period July 1, 2022 to June 30, 2023 - \$1,693
- For the period July 1, 2023 to June 30, 2024 - \$1,712

- For the period July 1, 2024 to June 30, 2025 - \$1,731
- For the period July 1, 2025 to June 30, 2026 - \$1,750
- For the period July 1, 2026 to June 30, 2027 - \$1,769
- For the period July 1, 2027 to June 30, 2028 - \$1,788
- For the period July 1, 2028 to June 30, 2029 - \$1,807
- For the period July 1, 2029 to June 30, 2030 - \$1,826
- For the period July 1, 2030 to June 30, 2031 - \$1,845

with the maintenance of a security deposit in the sum of \$6,500 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

a25-s15

# PROPERTY DISPOSITION

## CITYWIDE ADMINISTRATIVE SERVICES

### SALE

The City of New York in partnership with PropertyRoom.com posts vehicle and heavy machinery auctions online every week, at: <https://www.propertyroom.com/s/nyc+fleet>

All auctions are open, to the public and registration is free.

Vehicles can be viewed in person, at: Kenben Industries Ltd., 1908 Shore Parkway, Brooklyn, NY 11214 Phone: (718) 802-0022

No previous arrangements or phone calls are needed to preview. Hours are Monday and Tuesday from 10:00 A.M. – 2:00 P.M.

f23-a4

## HOUSING PRESERVATION AND DEVELOPMENT

### PUBLIC HEARINGS

All Notices Regarding Housing Preservation and Development Dispositions of City-Owned Property appear in the Public Hearing Section.

j4-d30

# 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.”**

**HHS ACCELERATOR**

To respond to human services Requests for Proposals (RFPs), in accordance with Section 3-16 of the Procurement Policy Board Rules of the City of New York (“PPB Rules”), vendors must first complete and submit an electronic prequalification application using the City’s Health and Human Services (HHS) Accelerator System. The HHS Accelerator System is a web-based system maintained by the City of New York for use by its human services Agencies to manage procurement. The process removes redundancy by capturing information about boards, filings, policies, and general service experience centrally. As a result, specific proposals for funding are more focused on program design, scope, and budget.

Important information about the new method

- Prequalification applications are required every three years.
- Documents related to annual corporate filings must be submitted on an annual basis to remain eligible to compete.
- Prequalification applications will be reviewed to validate compliance with corporate filings, organizational capacity, and relevant service experience.
- Approved organizations will be eligible to compete and would submit electronic proposals through the system.

The Client and Community Service Catalog, which lists all Prequalification service categories and the NYC Procurement Roadmap, which lists all RFPs to be managed by HHS Accelerator may be viewed, at <http://www.nyc.gov/html/hhsaccelerator/html/roadmap/roadmap.shtml>. All current and prospective vendors should frequently review information listed on roadmap to take full advantage of upcoming opportunities for funding.

**Participating NYC Agencies**

HHS Accelerator, led by the Office of the Mayor, is governed by an Executive Steering Committee of Agency Heads who represent the following NYC Agencies:

- Administration for Children’s Services (ACS)
- Department for the Aging (DFTA)
- Department of Consumer Affairs (DCA)
- Department of Corrections (DOC)
- Department of Health and Mental Hygiene (DOHMH)
- Department of Homeless Services (DHS)
- Department of Probation (DOP)
- Department of Small Business Services (SBS)
- Department of Youth and Community Development (DYCD)
- Housing and Preservation Department (HPD)
- Human Resources Administration (HRA)
- Office of the Criminal Justice Coordinator (CJC)

To sign up for training on the new system, and for additional information about HHS Accelerator, including background materials, user guides and video tutorials, please visit [www.nyc.gov/hhsaccelerator](http://www.nyc.gov/hhsaccelerator)

**CITYWIDE ADMINISTRATIVE SERVICES**

**AWARD**

*Goods*

**NYS CONTR- IT UMBRELLA- LAPTOPS, ETC. -HRA -** Intergovernmental Purchase - PIN# 8572100152 - AMT: \$122,655.00 - TO: Zones, LLC, 1102 15th Street SW, Suite102, Auburn, WA 98001.

← s9

**ADMINISTRATION**

**SOLICITATION**

*Goods*

**ENVELOPE, SPECIAL WINDOWS -** Competitive Sealed Bids - PIN#85721B0238 - Due 10-5-21 at 10:30 A.M.

All bids are done on PASSPort. To review the details for this solicitation and participate, please use the following link below and use the keyword search fields to find the solicitation:

[https://passport.cityofnewyork.us/page.aspx/en/rfp/request\\_browse\\_public](https://passport.cityofnewyork.us/page.aspx/en/rfp/request_browse_public)

If there are any issues with PASSPort, contact: [help@mocs.nyc.gov](mailto:help@mocs.nyc.gov).

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.

Citywide Administrative Services, 1 Centre Street, 18th Floor. Shade James (212) 386-0467; [shajames@dcas.nyc.gov](mailto:shajames@dcas.nyc.gov) / [htian@dcas.nyc.gov](mailto:htian@dcas.nyc.gov)

s3-10

**LABORATORY SUPPLIES, CONSUMABLES AND EQUIPMENT (OCME) -** Competitive Sealed Bids - PIN# 85721B0148 - Due 9-28-21 at 10:30 A.M.

OCP will have bid openings virtually via WebEx and in person. Vendors must register first to attend bid opening via WebEx. <https://nycadminservices.webex.com/nycadminservices/j.php?MTID=m18cb306fb0bd56bbe03c7377493b3a97>

Anyone that wishes to attend the bid opening in person can do so on the date of the bid opening.

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.

Citywide Administrative Services, 1 Centre Street, 18th Floor South, New York, NY 10007. Ebony Roberson (212) 386-0466; [eroberson@dcas.nyc.gov](mailto:eroberson@dcas.nyc.gov)

← s9

**ENERGY MANAGEMENT**

**INTENT TO AWARD**

*Services (other than human services)*

**DEM NREL FUNDS IN AGREEMENT -** Government to Government - PIN# 85622T0002 - Due 9-17-21 at 10:00 A.M.

Pursuant to Section 3-13 of the Procurement Policy Board Rules, the New York City Department of Citywide Administrative Services (“DCAS”), intends to enter into a contract with the Department of Energy National Renewable Energy Laboratory to procure via government to government purchase services for clean renewable energy for DCAS buildings. The term of the agreement is for a three (3) year agreement to support DEM efforts for clean, renewable energy. The proposed contract amount is Five Million Dollars (\$5,000,000.00). The proposed contract is procured via Government-to-Government Purchase, pursuant to Section 3-13 of the Procurement Policy Board Rules.

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.

Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007. Lucy Nguyen (212) 386-0441; [Lucyngu@dcas.nyc.gov](mailto:Lucyngu@dcas.nyc.gov)

← s9-15

**CORRECTION**

**CENTRAL OFFICE OF PROCUREMENT**

**INTENT TO AWARD**

*Services (other than human services)*

**IT CONSULTING SERVICES TO PROVIDE SYSTEM MAINTENANCE AND SUPPORT OF THE INMATE INFORMATION SYSTEM (IIS) FOR THE NYC DEPARTMENT OF CORRECTION.** - Negotiated Acquisition - Other - PIN# 072202201ITS - Due 9-17-21 at 3:00 P.M.

The New York City Department of Correction, is contracting with Rangam Consulting for provision of maintenance and software server support of the Inmate Information System (IIS). The Department is legally obligated to track its inmates in custody and provide for commissary services among other data collection. The work involves making changes to the systems as needed, whether doing backened changes such as an error in the database, as far as reporting where an inmate is in the chain of custody to an error in how much is in an inmate commissary account to software failure glitches that ned to be resolved, staff log in account management and resets, or anything else that needs to be resolved to ensure DOC staff can use the software. any firm which believes it can provide the required services in the future, is invited to express interest via email.

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.

Correction, Bulova Corporate Center, 75-20 Astoria Boulevard, Suite 160, East Elmhurst 11370. Lilliana Alvarez-Cano (718) 546-0686; lilliana.alvarez-cano@doc.nyc.gov

s3-10

ENVIRONMENTAL PROTECTION

INTENT TO AWARD

Services (other than human services)

82622Y0091-EXEC INNOVYZE INFOWORKS LICENSE RENEWAL 2080011X - Request for Information - PIN# 82622Y0091 - Due 9-22-21 at 2:00 P.M.

NYC Environmental Protection, intends to enter into a sole source negotiation, with Innovyze Inc., for the renewal of Innovyze InfoWorks Licenses. Any firm which believes they can also provide this services are invited to respond to this RFI.

s9-16

HEALTH AND MENTAL HYGIENE

ENVIRONMENTAL HEALTH

INTENT TO AWARD

Goods

PROVISION OF THE NITON XL3T 700S GOLDD, A HAND-HELD CONSUMER GOODS ANALYZER. 22EN010701R0X00 - Request for Information - PIN# 81622Y0089 - Due 9-23-21 at 12:00 A.M.

Pursuant to Procurement Policy Board Rule Section 3-05, Department of Health and Mental Hygiene, intends to enter into a sole source agreement with Thermo Fisher Scientific (Asheville) LLC, for the provision of the Niton XL3t 700S GOLDD, a hand-held Consumer Goods Analyzer. This instrument is specifically designed to measure heavy metal content in consumer products. As part of the LeadFreeNYC initiative, the Department will increase surveys of NYC businesses to identify more businesses selling unsafe consumer products.

DOHMH, has determined that Thermo Fisher Scientific (Asheville) LLC, is the sole manufacturer and source for the Niton XL3t 700S GOLDD Series analyzer. All purchases are made directly from Thermo Fisher Scientific.

Any firm which believes is qualified to provide such products are welcome to submit an expression of interest. All related inquiries should be sent via the Discussion Forum in PASSPort, or to Doreen Redmond, at dredmond@health.nyc.gov, no later than September 23, 2021, by 12:00 P.M.

s2-9

HOMELESS SERVICES

INTENT TO AWARD

Human Services/Client Services

NEGOTIATED ACQUISITION EXTENSION CONTRACT WITH WIN INC. FOR POWERS FAMILY RESIDENCE - Negotiated Acquisition - Available only from a single source - PIN# 07122N0001 - Due 9-16-21 at 2:00 P.M.

Department of Homeless Services is requesting the 6 month Negotiated Acquisition Extension contract for Women in Need Inc., for provision of service in the Powers Family Residence, located at 346 Powers Avenue, Bronx, NY 10454.

Contract Amount - \$\$1,271,839.00 Contract Term is 7.1.21 - 12.31.21

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.

Homeless Services, 150 Greenwich Street, 37th Floor, New York, NY 10007. Jacques Frazier (929) 221-5554; frazierjac@dss.nyc.gov

s9-15

HOUSING AUTHORITY

PROCUREMENT

SOLICITATION

Services (other than human services)

SMD SERVICES MOBILE BOILER STACK METRO NORTH HOUSES - 302 EAST 102ND STREET, MN - Competitive Sealed Bids - PIN# 273843-3 - Due 9-30-21 at 10:00 A.M.

The scope of work for this Contract shall include all labor, materials and equipment in accordance with these specifications to design, furnish and install a fully functioning code complaint factory built modular universal exhaust system tested and listed by Underwriters Laboratories Inc., UL. The temporary 38" ID flue shall be connected to a temporary boiler located in a mobile boiler room, on 302 East 102nd Street. Remove the existing 24" diameter flue and store in safe location within the mobile boiler room. Connect a new 24" ID dia. to 38" ID reducer to the existing flue. Rise up with the new 38"ID flue to approximately 5' and elbow over 90 degrees.

Interested vendors are invited to obtain a copy of the opportunity at NYCHA's website, by going to the http://www.nyc.gov/nychabusiness. On the left side, click on "iSupplier Vendor Registration/Login" link. (1) If you have an iSupplier account, then click on the "Login for registered vendors" link and sign into your iSupplier account. (2) If you do not have an iSupplier account you can Request an account by clicking on "New suppliers register in iSupplier" to apply for log-in credentials. Once you have accessed your iSupplier account, log into your account, then choose under the Oracle Financials home page, the menu option "Sourcing Supplier", then choose "Sourcing", then choose "Sourcing Homepage"; and conduct a search in the "Search Open Negotiations" box for RFQ # 273843-3.

Note: In response to the COVID-19 outbreak, we are accepting only electronic bids submitted online via iSupplier. Paper bids will not be accepted or considered. Please contact NYCHA Procurement, at procurement@nych.nyc.gov, for assistance.

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.

Housing Authority, 90 Church Street, 6th Floor, New York, NY 10007. Mimose Julien (212) 306-8141; mimose.julien@nych.nyc.gov

s9

HUMAN RESOURCES ADMINISTRATION

AWARD

Human Services/Client Services

NYNYIII SCATTER SITE HOUSING AND SUPPORTIVE SERVICES FOR PERSONS LIVING WITH AIDS (PLWAS) - 50 UNITS - Negotiated Acquisition - Judgment required in evaluating proposals - PIN# 09614X0056CNVN004 - AMT: \$1,426,935.00 - TO: Bridging Access to Care Inc., 2261 Church Avenue, 3rd Floor, Brooklyn, NY 11226.

Contract Term from 7/1/2021 to 6/30/2022.

s9

NYNYIII SCATTER SITE HOUSING AND SUPPORTIVE SERVICES FOR PERSONS LIVING WITH AIDS (PLWAS) - 50 UNITS - Negotiated Acquisition - Judgment required in evaluating proposals - PIN# 09617X0006CNVN005 - AMT: \$1,429,533.00 - TO: Institute for Community Living Inc., 125 Broad Street, 3rd Floor, New York, NY 10004.

Contract Term from 7/1/2021 to 6/30/2022.

s9

NYNYIII SCATTER SITE HOUSING AND SUPPORTIVE SERVICES FOR PERSONS LIVING WITH AIDS (PLWAS) - 30 UNITS - Negotiated Acquisition - Judgment required in evaluating proposals - PIN# 06909P0013CNVN005 - AMT: \$877,638.00 - TO: Institute for Community Living Inc., 125 Broad Street, 3rd Floor, New York, NY 10004.

Contract Term from 7/1/2021 to 6/30/2022.

s9

**MANAGEMENT AND BUDGET**

■ INTENT TO AWARD

*Goods*

**00222Y0061-QUICKBASE SOLE SOURCE** - Request for Information - PIN#00222Y0061 - Due 9-22-21 at 2:00 P.M.

The New York City Mayor’s Office of Management and Budget, intends to enter into sole source negotiations, with Quickbase, to procure QuickBase Platform annual subscriptions, for three years. Any entity able to provide these annual subscriptions, is invited to express its interest and submit qualifications on the Procurement and Sourcing Solutions Portal (“PASSPort”).

Please upload your expression of interest and submission of qualifications on PASSPort, before 2:00 P.M. EDT, on September 22, 2021, to the RFx EPIN: 00222Y0061.

s7-14

**PARKS AND RECREATION**

■ AWARD

*Services (other than human services)*

**WOLLMAN RINK NOTICE OF AWARD** - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN# M10(5)-A-IS - AMT: \$18,491,315.75 - TO: Wollman Park Partners LLC, 25 Lafayette Street, Newark, NJ 07102.

Solicitation No.: M10(5)-A-IS -2020

Concession Agreement No.: M10(5)-A-IS

Licensee: Wollman Park Partners LLC

The City of New York Department of Parks & Recreation (“Parks”), has awarded a concession to Wollman Park Partners LLC, 25 Lafayette Street, Newark, NJ 07102, for the Operation and Maintenance of the Wollman Rink in Central Park, Manhattan. The concession, which was solicited by a Request for Proposals, will operate pursuant to a Permit for one (1) five (5) year term, with the option for an additional six-month extension, exercisable at Parks’ discretion, for a total possible term of five (5) years and six (6) months. Compensation will be as follows: Operating Year 1: \$3,000,000; Year 2: \$3,150,000; Year 3: \$3,307,500; Year 4: \$3,472,875; Year 5: \$3,646,518.75, Year 6 (6 months, if renewal option is exercised): \$1,914,422.

s9

**YOUTH AND COMMUNITY DEVELOPMENT**

■ AWARD

*Human Services/Client Services*

**126186C- COMPASS 18 PUBLIC SCHOOLS NAE** - Negotiated Acquisition - Other - PIN# 26022N0133001 - AMT: \$807,732.00 - TO: New York Edge Inc, 58-12 Queens Boulevard, Suite 1, 59th Street Entrance, Woodside, NY 11377.

s9

**126185C- COMPASS 18 PUBLIC SCHOOLS NAE** - Negotiated Acquisition - Other - PIN# 26022N0083001 - AMT: \$805,468.00 - TO: New York Edge Inc., 58-12 Queens Boulevard, Suite 1, 59th Street Entrance, Woodside, NY 11377.

s9

**126127B- COMPASS SCHOOL BASE NAE** - Negotiated Acquisition - Other - PIN# 26022N0158001 - AMT: \$953,048.00 - TO: New York Edge Inc., 58-12 Queens Boulevard, Suite 1, 59th Street Entrance, Woodside, NY 11377.

s9

**126126B- COMPASS SCHOOL BASE NAE** - Negotiated Acquisition - Other - PIN# 26022N0054001 - AMT: \$747,796.00 - TO: New York Edge Inc., 58-12 Queens Boulevard, Suite 1, 59th Street Entrance, Woodside, NY 11377.

s9

**PROCUREMENT**

■ INTENT TO AWARD

*Human Services/Client Services*

**ADOLESCENT LITERACY SERVICES** - Negotiated Acquisition - Other - PIN# 26022N0378001 - Due 9-10-21 at 9:00 A.M.

In accordance with Section 3-04 of the of the Procurement Policy Board rules, the Department of Youth and Community Development will negotiate with the following provider for Adolescent Literacy Services in the borough of Queens. The term of this contract shall be from September 1, 2021 through June 30, 2023, with no option to renew. The contract number, contractor name, contract amount and contractor address is outlined below

Contract Number: 26022N0378001

Contractor Name: Sunnyside Community Services

Contract Amount: \$200,000.00

Contractor Address: 43-31 39th Street; Long Island City, NY 11104.

Please be advised, that this publication is for informational purposes only. If you wish to contract DYCD for further information, please send an email, to ACCO@dycd.nyc.gov.

*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.*

*Youth and Community Development, 2 Lafayette Street, 14th Floor, New York, NY 10007. Renise Ferguson (646) 343-6320; re Ferguson@dycd.nyc.gov*

s9

**CONTRACT AWARD HEARINGS**

**NOTE: LOCATION(S) ARE ACCESSIBLE TO INDIVIDUALS USING WHEELCHAIRS OR OTHER MOBILITY DEVICES. FOR FURTHER INFORMATION ON ACCESSIBILITY OR TO MAKE A REQUEST FOR ACCOMMODATIONS, SUCH AS SIGN LANGUAGE INTERPRETATION SERVICES, PLEASE CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES (MOCS) VIA EMAIL, AT DISABILITYAFFAIRS@MOCS.NYC.GOV OR VIA PHONE, AT (212) 788-0010. ANY PERSON REQUIRING REASONABLE ACCOMMODATION FOR THE PUBLIC HEARING, SHOULD CONTACT MOCS, AT LEAST THREE (3) BUSINESS DAYS IN ADVANCE OF THE HEARING, TO ENSURE AVAILABILITY.**



**ENVIRONMENTAL PROTECTION**

■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held by the Department of Environmental Protection via conference call on September 23, 2021 commencing at 10:00 A.M. on the following:

**IN THE MATTER OF** a proposed Purchase Order/Contract between the Department of Environmental Protection and Neta Scientific, Inc. located at 4206 Sylon Blvd., Hainesport, NJ 08036 for Agilent Technologies Equipment. The Contract term shall be eight calendar months from the date of the written notice to proceed. The Contract amount shall be \$274,670.58 Location: 59-17 Junction Blvd, Flushing, NY 11373 PIN#2XC00106 The Vendor was selected by MWBE Noncompetitive Small Purchase pursuant to Section 3-08(c)(1)(iv) of the PPB Rules.

In order to access the Public Hearing and testify, please call 1-347-921-5612, Access Code: 778919078# no later than 9:55 A.M. If you need further accommodations, please let us know at least five business days in advance of the Public Hearing via e-mail at noahs@dep.nyc.gov. Pursuant to Section 2-11(c)(3) of the Procurement Policy Board Rules, if DEP does not receive, by September 15, 2021, from any individual a written request to speak at this hearing, then DEP need not conduct this hearing. Requests should be made to Mr. Noah Shieh via email at noahs@dep.nyc.gov.

s9

## AGENCY RULES

### COMMISSION ON HUMAN RIGHTS

#### ■ NOTICE

#### Notice of Public Hearing and Opportunity to Comment on Proposed Rules

**What are we proposing?** The New York City Commission on Human Rights (the "Commission") is proposing to amend its rules to establish a process by which members of the public may submit a petition for the Commission to consider the adoption of rules.

**When and where is the hearing?** The Commission will hold a public hearing on the proposed rule. The public hearing will take place at 10 a.m. EST on October 14, 2021 and will be held online at <https://nycchr.webex.com/nycchr/j.php?MTID=mdd435388c4f0814615086253eb2a7301>.

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the Commission through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [policy@cchr.nyc.gov](mailto:policy@cchr.nyc.gov). Please include a reference in the subject line to "Propose Rules on Petitions for Rules."
- **Mail.** You can mail comments to Office of the Chair, New York City Commission on Human Rights, 22 Reade Street, New York, New York 10007. Please note, however, that the Commission is currently working remotely and is experiencing a delay in mail delivery.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by emailing [policy@cchr.nyc.gov](mailto:policy@cchr.nyc.gov). You can also sign up during the hearing on October 14, 2021. You can speak for up to three minutes.

**Is there a deadline to submit comments?** You must submit written comments by October 7, 2021.

**What if I need assistance to participate in the hearing?** You must tell the Commission if you need a reasonable accommodation for a disability at the hearing. You must tell us if you need a sign language interpreter. You can email us at [policy@cchr.nyc.gov](mailto:policy@cchr.nyc.gov). You may also tell us by telephone at (212) 416-0261. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by October 7, 2021.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a transcript of the hearing will be available to the public at the Commission's website.

**What authorizes the Commission to make this rule?** Sections 905 and 1043 of the New York City Charter authorize the Commission to make this proposed rule.

**Where can I find the Commission's rules?** The Commission's rules are in title 47 of the Rules of the City of New York.

**What laws govern the rulemaking process?** The Commission must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

#### **Statement of Basis and Purpose of Proposed Rule**

The Commission is proposing to add new rules to implement Section 1043(g) of the New York City Charter, which permits any person to petition a city agency to consider the adoption of any rule and requires each agency to have rules creating a procedure for such petitions.

Specifically, these proposed rules would set forth the procedures that petitioners must follow in petitioning the Commission to consider a new rule. These proposed rules would also set forth the procedure the Commission must follow in considering and responding to petitions. Additionally, these rules would require the Commission to deny or approve petitions within 60 days and would set forth a procedure for

rejecting or adopting petitions.

These proposed rules would amend title 47 of the Rules of the City of New York.

The Commission's authority for these rules is found in sections 905(e) (9) and 1043 of the New York City Charter.

New material is underlined.

[Deleted material is in brackets.]

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Section 1-03 of title 47 of the Official Compilation of the Rules of the City of New York is amended to add a new definition, in alphabetical order, to read as follows:

Rule. For purposes of this chapter, the term "rule" has the meaning set forth in § 1041 of the City Administrative Procedure Act.

Section 2. Chapter 1 of title 47 of the Official Compilation of the Rules of the City of New York is amended to add a new subchapter K:

#### **SUBCHAPTER K**

#### **PETITIONS FOR AGENCY RULEMAKING**

##### **§ 1-101 Procedure for submitting petitions.**

(a) Content of petitions. Any person may petition the Commission to consider the adoption of a rule. The petition should be typewritten and must include the following information:

- (1) A short statement of the purpose of the proposed rule, including an explanation of the problem or issue that the rule is intended to address and an explanation of how the proposed rule would serve to address the identified problem or issue;
- (2) Proposed language for the rule;
- (3) Notice of any local, state, or federal law or regulations of which the person is aware that may implicate the rule, including any laws or regulations that may necessitate such a rule, create potential issues of preemption, or could otherwise impact the application of the rule;
- (4) A short statement of any additional considerations that the person believes are relevant to the Commission's determination on the petition;
- (5) The name, address, telephone number, and email address of the person filing the petition or the person's authorized representative;
- (6) The signature of the person filing the petition, or their representative.

(b) Submission of petitions. All petitions must be submitted to the Office of the Chair at the email address identified on the Commission's website or by mailing or delivering the petition to the Office of the Chair.

(c) Notice of change of contact information. The person filing the petition must promptly notify the Commission of any change to their name, address, or telephone number during the period that the petition is under consideration by the Commission.

##### **§ 1-102 Commission Procedures for Considering and Responding to Petitions for Rulemaking.**

- (a) Requests for supplemental information. The Commission will determine whether additional information is required that would assist the Commission in assessing the petition and will promptly contact the person for any additional information that it determines may be helpful to its determination.
- (b) Timing of determinations. If a petition is submitted in proper form, as required by § 1-101, the Commission will provide written notice of its determination on the petition within 60 days from the date of receipt of the petition, or within 60 days of the receipt of supplemental information from the petitioner if the Commission requests such information pursuant to subdivision (a) of this section.
- (c) Determinations. The Commission has full discretion to grant or deny any portion of a petition for proposed rulemaking and may amend or modify the petition's proposed language. If any portion of a petition is approved by the Commission for future rulemaking, the Commission will provide the petitioner with a non-binding estimate of the timeframe for the proposed rule's publication. If a petition is denied in full, the Commission will take no further action.

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

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE:** Submission of Rulemaking Petitions to Commission on Human Rights

**REFERENCE NUMBER:** CCHR-11

**RULEMAKING AGENCY:** City Commission on Human Rights

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) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro  
Mayor's Office of Operations

August 29, 2021  
Date

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Submission of Rulemaking Petitions to Commission on Human Rights

**REFERENCE NUMBER:** 2021 RG 055

**RULEMAKING AGENCY:** Commission on Human Rights

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

Date: August 27, 2021

Accessibility questions: policy@cchr.nyc.gov, by: Thursday, October 7, 2021, 5:00 P.M.



← s9

**SPECIAL MATERIALS**

**COMPTROLLER**

■ NOTICE

**NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT, to the STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 629, New York, NY 10007 on 9/15/2021, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:**

Damage Parcel No.	Block	Lot
104A, 105A, 106A, 107A, 108A, 109A, 110A, 111A, 111B, 112A, 113A	13606	ADJACENT TO LOT 53, 52, 50, 47, 45, 44, 42, 40, 39, 36

Acquired in the proceeding entitled: ROSEDALE AVENUE AREA STREETS – STAGE 1 subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

Scott M. Stringer  
Comptroller  
a31-s14

**NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT, TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 629, New York, NY 10007 on 9/22/2021, to the person or persons legally entitled an amount as certified, to the Comptroller by the Corporation Counsel on damage parcels, as follows:**

Damage Parcel No.	Block	Lot
17A-3, 17A-4, 17A-5, 17A-6, 17A-7, 17A-8, 17A-9, 17A-10, 17A-11	ADJACENT TO 6146	ADJACENT TO 160, 166, 172, 183, 185, 186, 187, 188, 191

Acquired in the proceeding entitled: WEST CASTOR PLACE subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

Scott M. Stringer  
Comptroller  
s8-21

**CHANGES IN PERSONNEL**

DEPARTMENT OF EDUCATION ADMIN FOR PERIOD ENDING 07/09/21										
NAME	TITLE			SALARY	ACTION	PROV	EFF DATE	AGENCY		
	NUM									
D'INTRONO	LISA	A	51221	\$66.5500	APPOINTED	NO	06/28/21	740		
D'SOUZA	SHALINI	A	51221	\$66.9300	APPOINTED	NO	06/28/21	740		
DA SILVA	MELANIE		51221	\$66.5500	APPOINTED	NO	06/28/21	740		
DAAR	MINDY		51222	\$66.9300	APPOINTED	NO	06/28/21	740		
DABBRACCIO	CHRISTIN	M	51222	\$66.9300	APPOINTED	NO	06/28/21	740		
DABROWSKI	SHARON	M	51222	\$66.9300	APPOINTED	NO	06/28/21	740		
DAGNESE-STASSI	DENISE		51221	\$66.9300	APPOINTED	NO	06/28/21	740		
DALEY	LESLIE		51221	\$66.5500	APPOINTED	NO	06/28/21	740		
DALEY	MARSHALE		50910	\$59.8900	APPOINTED	YES	06/28/21	740		
DALLAS	LAMBROS		51221	\$66.1700	APPOINTED	NO	06/28/21	740		
DALONZO	NICHOLAS	J	51222	\$62.1400	APPOINTED	YES	06/28/21	740		
DANDREA	KRISTYN	L	5124A	\$75.5200	APPOINTED	NO	06/28/21	740		
DANG	JOANN		51221	\$66.5500	APPOINTED	NO	06/28/21	740		
DANIEL	INGRID		51221	\$66.5500	APPOINTED	NO	06/28/21	740		
DANIEL	WILSON	J	51221	\$66.9300	APPOINTED	NO	06/28/21	740		
DANSO AYESU	ESTHER		50910	\$62.6000	APPOINTED	YES	06/28/21	740		
DANTE	REX DANT		51222	\$66.9300	APPOINTED	NO	06/28/21	740		
DANTEC	ALEXANDR		51221	\$62.1400	APPOINTED	YES	06/28/21	740		
DANY	RIVKAH		51221	\$66.5500	APPOINTED	NO	06/28/21	740		
DAQUILA	SUSAN	E	51221	\$66.9300	APPOINTED	NO	06/28/21	740		
DARAMOLA	ABIOLA		50910	\$60.5500	APPOINTED	YES	06/28/21	740		
DARBOUZE	JASMINE		51221	\$66.9300	APPOINTED	NO	06/28/21	740		
DASH	MAURISHA		51221	\$66.9300	APPOINTED	NO	06/28/21	740		
DAVE	ARTI	B	51222	\$66.9300	APPOINTED	NO	06/28/21	740		
DAVID	ILANA	T	51221	\$66.9300	APPOINTED	NO	06/28/21	740		
DAVID	TASHINA	J	50910	\$60.1100	APPOINTED	YES	06/28/21	740		
DAVIDOV	ELIZABET		51221	\$65.4200	APPOINTED	NO	06/28/21	740		
DAVIDOVICH	ARIELLA	M	51221	\$64.9800	APPOINTED	NO	06/28/21	740		
DAVIDSON	YASMIN	N	50910	\$60.4400	APPOINTED	YES	06/28/21	740		
DAVILA	JOSE	A	51222	\$66.9300	APPOINTED	NO	06/28/21	740		
DAVIS	JESSICA		51221	\$66.9300	APPOINTED	NO	06/28/21	740		
DAVIS	OSCAR		56073	\$61893.0000	APPOINTED	YES	06/27/21	740		
DAVIS	PATRICE		50910	\$61.2100	APPOINTED	YES	06/28/21	740		
DAVIS	TASHUNDA		51221	\$66.9300	APPOINTED	NO	06/28/21	740		
DAVIS-OVERTON	LISA	M	50910	\$62.6000	APPOINTED	YES	06/28/21	740		
DAVISON	MARISA		51221	\$66.1700	APPOINTED	NO	06/28/21	740		
DAMOOD	SAMER		51222	\$66.9300	APPOINTED	NO	06/28/21	740		
DE BLASI	ELIZABET	A	51221	\$66.9300	APPOINTED	NO	06/28/21	740		
DE CHAVEZ	KATHERIN		51221	\$60.5100	APPOINTED	YES	06/28/21	740		
DE FOREST	DIANNE		50910	\$62.6000	APPOINTED	YES	06/28/21	740		
DE GUZMAN	CHRISTOP	G	51221	\$66.9300	APPOINTED	NO	06/28/21	740		
DE LOS RIOS	PAMELA		51221	\$66.1700	APPOINTED	NO	06/28/21	740		
DE SADOW	MARIA		51221	\$66.9300	APPOINTED	NO	06/28/21	740		

DEPARTMENT OF EDUCATION ADMIN  
FOR PERIOD ENDING 07/09/21

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees such as DEACON RHONDA, DEANGELIS ROSALIA, DEATS KATHERIN A, etc.

DEPARTMENT OF EDUCATION ADMIN  
FOR PERIOD ENDING 07/09/21

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees such as DESKOVICH MARY, DESMOND JAMIE, DESROULEAUX CARINE M, etc.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees such as DOLENGO-SANTIAG LORRAINE, DORADO SARAH, DORMAN JENNIFER L, etc.

DEPARTMENT OF EDUCATION ADMIN  
FOR PERIOD ENDING 07/09/21

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees such as DOTY MARY, DOUGHERTY LOUISE C, DOWD MARY, etc.

DEPARTMENT OF EDUCATION ADMIN  
FOR PERIOD ENDING 07/09/21

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees such as EGHAREVBA OSAMEDE I, EHRENBURG DEBRA, EHSBERG RACHEL, etc.

ESPARRA	AVELYN	51221	\$66.9300	APPOINTED	NO	06/28/21	740
ESPOSITO	ELIZABET	51221	\$63.6500	APPOINTED	NO	06/28/21	740
ESPOSITO	MAUREEN A	51221	\$66.9300	APPOINTED	NO	06/28/21	740
ESRAL	TALIA	51221	\$62.1400	APPOINTED	YES	06/28/21	740
ESTEVEZ	RAMONA B	51221	\$66.1700	APPOINTED	NO	06/28/21	740
ESTRADA	MARIA	50910	\$60.5500	APPOINTED	YES	06/28/21	740
EUDOVIC	SIMONE	51222	\$63.6500	APPOINTED	NO	06/28/21	740
EUSTACHE	LESLEY	51221	\$66.9300	APPOINTED	NO	06/28/21	740
EVANGELISTA	KERRI A	51221	\$66.9300	APPOINTED	NO	06/28/21	740
EVANS	CHRISTIN	51221	\$66.5500	APPOINTED	NO	06/28/21	740
EVELKIN	MICHAELA	51221	\$66.5500	APPOINTED	NO	06/28/21	740
EVENSEN SALISKI	RUTH	51222	\$66.9300	APPOINTED	NO	06/28/21	740
EVIN	OKSANA	51221	\$66.5500	APPOINTED	NO	06/28/21	740
EXANTUS	NICOLE	50910	\$61.9000	APPOINTED	YES	06/28/21	740
EZEONU	JIDROBI Y	51221	\$60.5100	APPOINTED	YES	06/28/21	740
FABIAN	LEAH	51221	\$66.5500	APPOINTED	NO	06/28/21	740
FABLE	SHANELLE	51221	\$66.1700	APPOINTED	NO	06/28/21	740
FAGBEMI	BOSEDE	51222	\$66.9300	APPOINTED	NO	06/28/21	740
FAHY	MICHELLE	50910	\$58.5700	APPOINTED	YES	06/28/21	740

DEPARTMENT OF EDUCATION ADMIN  
FOR PERIOD ENDING 07/09/21

TITLE							
NAME		NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
FAISON	ANDRE	56073	\$62257.0000	RETIRED	YES	06/20/21	740
FALESTO	LAURA M	51221	\$62.1400	APPOINTED	NO	06/28/21	740
FALLON	PATRICIA A	50910	\$62.2600	APPOINTED	YES	06/28/21	740
FALTISCHEK	ELIZABET R	51221	\$66.9300	APPOINTED	NO	06/28/21	740
FAMANILA	JANOVLY G	51221	\$66.5500	APPOINTED	NO	06/28/21	740
FARBER	TANYA L	51221	\$66.5500	APPOINTED	NO	06/28/21	740
FARKAS	RACHEL	50910	\$60.5500	APPOINTED	YES	06/28/21	740
FARMER	CAROL	50910	\$62.6000	APPOINTED	YES	06/28/21	740
FASH	NANCY	51221	\$66.9300	APPOINTED	NO	06/28/21	740
FASTOVETSKY	SVYATOSL	51221	\$65.4200	APPOINTED	NO	06/28/21	740
FASULO	VENKA D	50910	\$60.1100	APPOINTED	YES	06/28/21	740
FATOLA	HANNAH O	50910	\$58.5700	APPOINTED	YES	06/28/21	740
FAUDE	TODD F	51221	\$66.9300	APPOINTED	NO	06/28/21	740
FAUSKE	PATRICIA E	50910	\$62.6000	APPOINTED	YES	06/28/21	740
FAUSTIN	MARIE	50910	\$62.6000	APPOINTED	YES	06/28/21	740
FAUSTIN LAVERNE	GUERDA	51221	\$66.9300	APPOINTED	NO	06/28/21	740
FAYZIYEV	SVETLANA	51221	\$66.5500	APPOINTED	NO	06/28/21	740
FAZAL	LEAH	51221	\$66.1700	APPOINTED	NO	06/28/21	740
FEARON	RUSHELL M	51221	\$66.5500	APPOINTED	NO	06/28/21	740
FEHER	NANCY	51221	\$66.9300	APPOINTED	NO	06/28/21	740
FEINSILVER	RACHEL	51221	\$66.1700	APPOINTED	NO	06/28/21	740
FELICIANO	SALLY AN	51222	\$66.9300	APPOINTED	NO	06/28/21	740
FELICIANO MACA	LUDY ANN	51222	\$66.9300	APPOINTED	NO	06/28/21	740
FELIX	MICHELLE	51222	\$62.1400	APPOINTED	NO	06/28/21	740
FENLATAR	KERENE	54503	\$35634.0000	RETIRED	YES	04/30/21	740
FERENCE	RIVKA	51221	\$65.4200	APPOINTED	NO	06/28/21	740
FERGUSON	TANYA	51222	\$66.5500	APPOINTED	NO	06/28/21	740
FERGUSON	TASHAWNA	51221	\$66.5500	APPOINTED	NO	06/28/21	740
FERIL	KHRISTIN	51222	\$66.9300	APPOINTED	NO	06/28/21	740
FERNANDEZ	JUAN	51221	\$60.5100	APPOINTED	YES	06/28/21	740
FERNANDEZ	LORI A	51221	\$66.9300	APPOINTED	NO	06/28/21	740
FERNANDEZ	SANDY	51222	\$66.9300	APPOINTED	NO	06/28/21	740
FERRARA	CHRISTIN	51221	\$66.9300	APPOINTED	NO	06/28/21	740
FERRARA	JOANN M	50910	\$61.0000	APPOINTED	YES	06/28/21	740
FERRARO	LISA J	51221	\$66.9300	APPOINTED	NO	06/28/21	740
FERRER	IRENE	51222	\$66.9300	APPOINTED	NO	06/28/21	740
FIA	STELLA Y	50910	\$62.6000	APPOINTED	YES	06/28/21	740
FICO	HEA JUNG	51222	\$66.9300	APPOINTED	NO	06/28/21	740
FIEVRE	NICKYVES	51221	\$66.9300	APPOINTED	NO	06/28/21	740
FIGUEROA	CLARA	50910	\$62.6000	APPOINTED	YES	06/28/21	740
FIGUEROA	PETER P	51222	\$66.9300	APPOINTED	NO	06/28/21	740
FILIPPOUSI	ELEFTHER	51222	\$66.5500	APPOINTED	NO	06/28/21	740
FINKEL	SANDRA	51221	\$66.9300	APPOINTED	NO	06/28/21	740
FINKELSTEIN	ALISA T	51222	\$66.9300	APPOINTED	NO	06/28/21	740
FIORAVANTI	SUSAN M	06165	\$76.7000	APPOINTED	YES	06/28/21	740
FIRESTONE	DEBRAH	51221	\$66.5500	APPOINTED	NO	06/28/21	740
FISCHER	RITA B	51221	\$66.5500	APPOINTED	NO	06/28/21	740
FISCHER	TAWANA	51221	\$66.9300	APPOINTED	NO	06/28/21	740
FISHBAUM	YAEI	51221	\$66.9300	APPOINTED	NO	06/28/21	740
FISHER	DEBRA	51221	\$66.9300	APPOINTED	NO	06/28/21	740
FISHER	MARY	51221	\$66.9300	APPOINTED	NO	06/28/21	740

DEPARTMENT OF EDUCATION ADMIN  
FOR PERIOD ENDING 07/09/21

TITLE							
NAME		NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
FISHER	PETER	51222	\$66.9300	APPOINTED	NO	06/28/21	740
FISHER	YELENA	51222	\$66.9300	APPOINTED	NO	06/28/21	740
FISHMAN	REBECCA L	51221	\$66.5500	APPOINTED	NO	06/28/21	740
FITZGERALD	MARY BET	5124A	\$75.5200	APPOINTED	NO	06/28/21	740
FITZPATRICK	MARY	50910	\$62.6000	APPOINTED	YES	06/28/21	740
FLEURY	HANNAH	51221	\$66.5500	APPOINTED	NO	06/28/21	740
FLIEGELMAN	DEBRA A	51221	\$66.9300	APPOINTED	NO	06/28/21	740
FLORENDO	RHYAN	51222	\$66.9300	APPOINTED	NO	06/28/21	740
FLORES	ARNEL	51221	\$66.5500	APPOINTED	NO	06/28/21	740
FLORES	MARY JAN	50910	\$62.6000	APPOINTED	YES	06/28/21	740
FLORIO	EDWARD A	51221	\$66.1700	APPOINTED	NO	06/28/21	740
FOGARTY	ALANNA M	51221	\$66.5500	APPOINTED	NO	06/28/21	740
FOGEL	CHAVA J	51221	\$66.9300	APPOINTED	NO	06/28/21	740
FOLEY	NANCY	50910	\$62.6000	APPOINTED	YES	06/28/21	740
FONSECA	SILVIA	51222	\$66.9300	APPOINTED	NO	06/28/21	740
FONTAINE	LAURA	51221	\$66.5500	APPOINTED	NO	06/28/21	740
FONTANA	PAIGE	51221	\$62.1400	APPOINTED	YES	06/28/21	740
FONTANEZ	PEDRO M	51222	\$66.9300	APPOINTED	NO	06/28/21	740
FOOKSMAN	TATYANA	51222	\$66.9300	APPOINTED	NO	06/28/21	740
FORBES	PAMELA	50910	\$61.0000	APPOINTED	YES	06/28/21	740
FORDE	NINA D	51221	\$63.6500	APPOINTED	YES	06/28/21	740
FORDE	SINEAD B	51221	\$66.9300	APPOINTED	NO	06/28/21	740

FORDYCE	TRICELY	50910	\$61.2100	APPOINTED	YES	06/28/21	740
FORMAN	PHYLLIS	51222	\$66.9300	APPOINTED	NO	06/28/21	740
FORMOSO SANTOS	MARICRIS	5124A	\$75.5200	APPOINTED	NO	06/28/21	740
FORTE	MICHELE	51221	\$66.9300	APPOINTED	NO	06/28/21	740
FOSTER BARRETT	EUGENE	50910	\$62.6000	APPOINTED	YES	06/28/21	740
FOX	DEAN	51222	\$66.9300	APPOINTED	NO	06/28/21	740
FRADELLA	TARA	51222	\$66.9300	APPOINTED	NO	06/28/21	740
FRANCAVILLA	MARIA	51222	\$66.9300	APPOINTED	NO	06/28/21	740
FRANCESCO	CHRISTIN	51221	\$63.2800	APPOINTED	YES	06/28/21	740
FRANCOIS	KATIANA	51221	\$66.5500	APPOINTED	NO	06/28/21	740
FRANCOIS	ROSIE	50910	\$61.2100	APPOINTED	YES	06/28/21	740
FRANCOIS DUNCOM	KAREN	51221	\$66.9300	APPOINTED	NO	06/28/21	740
FRANCOIS-FORTE	LUNELLE	56057	\$38235.0000	APPOINTED	YES	06/23/21	740
FRASER	DIANNE	50910	\$62.6000	APPOINTED	YES	06/28/21	740
FRASER-PARSLEY	KAYANA	51221	\$66.1700	APPOINTED	NO	06/28/21	740
FRAZIER	PAULA	50910	\$60.5500	APPOINTED	YES	06/28/21	740
FREDERICK	JOYLYN V	50910	\$62.6000	APPOINTED	YES	06/28/21	740
FREDERICK	RAHEEMAN	50910	\$62.6000	APPOINTED	YES	06/28/21	740
FREDMAN	LINDA J	51221	\$66.9300	APPOINTED	NO	06/28/21	740
FREEMAN	MARSLYN	50910	\$62.2600	APPOINTED	YES	06/28/21	740
FREIBERG	SARA B	51221	\$66.9300	APPOINTED	NO	06/28/21	740
FREY	AMY	51221	\$66.1700	APPOINTED	NO	06/28/21	740
FRIAS	DAMARIS	06745	\$90031.0000	INCREASE	YES	06/22/21	740
FRIAS	ROCIO I	51221	\$66.9300	APPOINTED	NO	06/28/21	740
FRIDMAN	ANNA	51222	\$66.5500	APPOINTED	NO	06/28/21	740
FRIDMAN	ERIKA	51221	\$66.9300	APPOINTED	NO	06/28/21	740
FRIEDLANDER	RACHEL	51222	\$66.9300	APPOINTED	NO	06/28/21	740
FRIEDMAN	CHAYA	51222	\$66.5500	APPOINTED	NO	06/28/21	740
FRIEDMAN	EDWIN	51221	\$66.9300	APPOINTED	NO	06/28/21	740

DEPARTMENT OF EDUCATION ADMIN  
FOR PERIOD ENDING 07/09/21

TITLE							
NAME		NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
FRIEDMAN	EILEEN	51221	\$66.9300	APPOINTED	NO	06/28/21	740
FRIEDMAN	FAYE	51221	\$65.4200	APPOINTED	NO	06/28/21	740
FRIEDMAN	JACQUELI E	56058	\$62055.0000	RESIGNED	YES	06/30/21	740
FRIEDMAN	REBECCA	51221	\$66.5500	INCREASE	NO	06/28/21	740
FRIELE	CHANTAL	51221	\$66.9300	APPOINTED	NO	06/28/21	740
FROHLICH	GABRIEL	51221	\$66.5500	APPOINTED	NO	06/28/21	740
FROHLICH	MICHELLE	51222	\$66.9300	APPOINTED	NO	06/28/21	740
FUERTE	AMY	51221	\$66.1700	APPOINTED	NO	06/28/21	740
FUNARO	JOAN	50910	\$61.0000	APPOINTED	YES	06/28/21	740
FUNDARO	HELEN	50910	\$62.6000	APPOINTED	YES	06/28/21	740
FURMAN	ELLEN	51221	\$66.9300	APPOINTED	NO	06/28/21	740
FURMAN	JENNIFER	51221	\$66.9300	APPOINTED	NO	06/28/21	740
FUZAYLOVA	MARIYA	51221	\$66.9300	APPOINTED	NO	06/28/21	740
GABRIEL JR	BERNARD	50910	\$60.1100	APPOINTED	YES	06/28/21	740
GABRIEL-GIACCOB	LISA	51221	\$66.9300	APPOINTED	NO	06/28/21	740
GABRIEL	BEAUBRUN	56058	\$53961.0000	RESIGNED	YES	06/15/21	740
GACHECHILADZE	IRMA	50910	\$60.5500	APPOINTED	YES	06/28/21	740
GADINGAN	KHATERIN M	51222	\$66.9300	APPOINTED	NO	06/28/21	740
GADOR	ANNE LYN	51222	\$66.9300	APPOINTED	NO	06/28/21	740
GAFNI	NINA	51222	\$66.5500	APPOINTED	NO	06/28/21	740
GAIKOWSKI	ERIN	51221	\$66.9300	APPOINTED	NO	06/28/21	740
GALATRO	DIANE	51222	\$66.9300	APPOINTED	NO	06/28/21	740
GALERA RIUS	MARIA CR F	51222	\$66.9300	APPOINTED	NO	06/28/21	740
GALLAGHER	MARYBETH	51222	\$66.9300	APPOINTED	NO	06/28/21	740
GALLANO	MICHAEL	51222	\$66.9300	APPOINTED	NO	06/28/21	740
GALLARO	GILDA D	51221	\$66.5500	APPOINTED	NO	06/28/21	740
GALLO	ANDREA	51221	\$66.5500	APPOINTED	NO	06/28/21	740
GALLO	JENNIFER	51221	\$62.9000	APPOINTED	YES	06/28/21	740
GALPERIN	IAN	51221	\$66.1700	APPOINTED	NO	06/28/2	

# READER'S GUIDE

The City Record (CR) is published each business day. The Procurement section of the City Record is comprised of notices of proposed New York City procurement actions, contract awards, and other procurement-related information. Notice of solicitations and other notices for most procurement methods valued at or above \$100,000 for goods, services, and construction must be published once in the City Record, among other requirements. Other procurement methods authorized by law, such as sole source procurements, require notice in the City Record for five consecutive editions. Unless otherwise specified, the agencies and offices listed are open for business Monday through Friday from 9:00 A.M. to 5:00 P.M., except on legal holidays.

## NOTICE TO ALL NEW YORK CITY CONTRACTORS

The New York State Constitution ensures that all laborers, workers or mechanics employed by a contractor or subcontractor doing public work are to be paid the same wage rate that prevails in the trade where the public work is being done. Additionally, New York State Labor Law §§ 220 and 230 provide that a contractor or subcontractor doing public work in construction or building service must pay its employees no less than the prevailing wage. Section 6-109 (the Living Wage Law) of the New York City Administrative Code also provides for a "living wage", as well as prevailing wage, to be paid to workers employed by City contractors in certain occupations. The Comptroller of the City of New York is mandated to enforce prevailing wage. Contact the NYC Comptroller's Office at [www.comptroller.nyc.gov](http://www.comptroller.nyc.gov), and click on Prevailing Wage Schedules to view rates.

## CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION-RELATED SERVICES

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.

## VENDOR ENROLLMENT APPLICATION

New York City procures approximately \$17 billion worth of goods, services, construction and construction-related services every year. The NYC Procurement Policy Board Rules require that agencies primarily solicit from established mailing lists called bidder/proposer lists. Registration for these lists is free of charge. To register for these lists, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application, which can be found online at [www.nyc.gov/selltonyc](http://www.nyc.gov/selltonyc). To request a paper copy of the application, or if you are uncertain whether you have already submitted an application, call the Vendor Enrollment Center at (212) 857-1680.

## SELLING TO GOVERNMENT TRAINING WORKSHOP

New and experienced vendors are encouraged to register for a free training course on how to do business with New York City. "Selling to Government" workshops are conducted by the Department of Small Business Services at 110 William Street, New York, NY 10038. Sessions are convened on the second Tuesday of each month from 10:00 A.M. to 12:00 P.M. For more information, and to register, call (212) 618-8845 or visit [www.nyc.gov/html/sbs/nycbiz](http://www.nyc.gov/html/sbs/nycbiz) and click on Summary of Services, followed by Selling to Government.

## PRE-QUALIFIED LISTS

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstances. When an agency decides to develop a pre-qualified list, criteria for pre-qualification must be clearly explained in the solicitation and notice of the opportunity to pre-qualify for that solicitation must be published in at least five issues of the CR. Information and qualification questionnaires for inclusion on such lists may be obtained directly from the Agency Chief Contracting Officer at each agency (see Vendor Information Manual). A completed qualification questionnaire may be submitted to an Agency Chief Contracting Officer at any time, unless otherwise indicated, and action (approval or denial) shall be taken by the agency within 90 days from the date of submission. Any denial or revocation of pre-qualified status can be appealed to the Office of Administrative Trials and Hearings (OATH). Section 3-10 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists. For information regarding specific pre-qualified lists, please visit [www.nyc.gov/selltonyc](http://www.nyc.gov/selltonyc).

## NON-MAYORAL ENTITIES

The following agencies are not subject to Procurement Policy Board Rules and do not follow all of the above procedures: City University, Department of Education, Metropolitan Transportation Authority, Health & Hospitals Corporation, and the Housing Authority. Suppliers interested in applying for inclusion on bidders lists for Non-Mayoral entities should contact these

entities directly at the addresses given in the Vendor Information Manual.

## PUBLIC ACCESS CENTER

The Public Access Center is available to suppliers and the public as a central source for supplier-related information through on-line computer access. The Center is located at 253 Broadway, 9th floor, in lower Manhattan, and is open Monday through Friday from 9:30 A.M. to 5:00 P.M., except on legal holidays. For more information, contact the Mayor's Office of Contract Services at (212) 341-0933 or visit [www.nyc.gov/mocs](http://www.nyc.gov/mocs).

## ATTENTION: NEW YORK CITY MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES

Join the growing number of Minority and Women-Owned Business Enterprises (M/WBEs) that are competing for New York City's business. In order to become certified for the program, your company must substantiate that it: (1) is at least fifty-one percent (51%) owned, operated and controlled by a minority or woman and (2) is either located in New York City or has a significant tie to New York City's business community. To obtain a copy of the certification application and to learn more about this program, contact the Department of Small Business Services at (212) 513-6311 or visit [www.nyc.gov/sbs](http://www.nyc.gov/sbs) and click on M/WBE Certification and Access.

## PROMPT PAYMENT

It is the policy of the City of New York to pay its bills promptly. The Procurement Policy Board Rules generally require that the City pay its bills within 30 days after the receipt of a proper invoice. The City pays interest on all late invoices. However, there are certain types of payments that are not eligible for interest; these are listed in Section 4-06 of the Procurement Policy Board Rules. The Comptroller and OMB determine the interest rate on late payments twice a year: in January and in July.

## PROCUREMENT POLICY BOARD RULES

The Rules may also be accessed on the City's website at [www.nyc.gov/selltonyc](http://www.nyc.gov/selltonyc)

## COMMON ABBREVIATIONS USED IN THE CR

The CR contains many abbreviations. Listed below are simple explanations of some of the most common ones appearing in the CR:

ACCO	Agency Chief Contracting Officer
AMT	Amount of Contract
CSB	Competitive Sealed Bid including multi-step
CSP	Competitive Sealed Proposal including multi-step
CR	The City Record newspaper
DP	Demonstration Project
DUE	Bid/Proposal due date; bid opening date
EM	Emergency Procurement
FCRC	Franchise and Concession Review Committee
IFB	Invitation to Bid
IG	Intergovernmental Purchasing
LBE	Locally Based Business Enterprise
M/WBE	Minority/Women's Business Enterprise
NA	Negotiated Acquisition
OLB	Award to Other Than Lowest Responsive Bidder/Proposer
PIN	Procurement Identification Number
PPB	Procurement Policy Board
PQL	Pre-qualified Vendors List
RFEI	Request for Expressions of Interest
RFI	Request for Information
RFP	Request for Proposals
RFQ	Request for Qualifications
SS	Sole Source Procurement
ST/FED	Subject to State and/or Federal requirements

## KEY TO METHODS OF SOURCE SELECTION

The Procurement Policy Board (PPB) of the City of New York has by rule defined the appropriate methods of source selection for City procurement and reasons justifying their use. The CR procurement notices of many agencies include an abbreviated reference to the source selection method utilized. The following is a list of those methods and the abbreviations used:

CSB	Competitive Sealed Bidding including multi-step Special Case Solicitations/Summary of Circumstances:
CSP	Competitive Sealed Proposal including multi-step
CP/1	Specifications not sufficiently definite
CP/2	Judgement required in best interest of City
CP/3	Testing required to evaluate
CB/PQ/4	CSB or CSP from Pre-qualified Vendor List/ Advance qualification screening needed
CP/PQ/4	Demonstration Project
DP	Sole Source Procurement/only one source
RS	Procurement from a Required Source/ST/FED
NA	Negotiated Acquisition
	<i>For ongoing construction project only:</i>
NA/8	Compelling programmatic needs
NA/9	New contractor needed for changed/additional work
NA/10	Change in scope, essential to solicit one or limited number of contractors
NA/11	Immediate successor contractor required due to termination/default
	<i>For Legal services only:</i>

NA/12	Specialized legal devices needed; CSP not advantageous
WA	Solicitation Based on Waiver/Summary of Circumstances (Client Services/CSB or CSP only)
WA1	Preventing loss of sudden outside funding
WA2	Existing contractor unavailable/immediate need
WA3	Unsuccessful efforts to contract/need continues
IG	Intergovernmental Purchasing (award only)
IG/F	Federal
IG/S	State
IG/O	Other
EM	Emergency Procurement (award only): An unforeseen danger to:
EM/A	Life
EM/B	Safety
EM/C	Property
EM/D	A necessary service
AC	Accelerated Procurement/markets with significant short-term price fluctuations
SCE	Service Contract Extension/insufficient time; necessary service; fair price Award to Other Than Lowest Responsible & Responsive Bidder or Proposer/Reason (award only) anti-apartheid preference
OLB/a	local vendor preference
OLB/b	recycled preference
OLB/c	other: (specify)

## HOW TO READ CR PROCUREMENT NOTICES

Procurement notices in the CR are arranged by alphabetically listed Agencies, and within Agency, by Division if any. The notices for each Agency (or Division) are further divided into three subsections: Solicitations, Awards, and Lists & Miscellaneous notices. Each of these subsections separately lists notices pertaining to Goods, Services, or Construction.

Notices of Public Hearings on Contract Awards appear at the end of the Procurement Section.

At the end of each Agency (or Division) listing is a paragraph giving the specific address to contact to secure, examine and/or to submit bid or proposal documents, forms, plans, specifications, and other information, as well as where bids will be publicly opened and read. This address should be used for the purpose specified unless a different one is given in the individual notice. In that event, the directions in the individual notice should be followed.

The following is a SAMPLE notice and an explanation of the notice format used by the CR.

## SAMPLE NOTICE

## POLICE

### DEPARTMENT OF YOUTH SERVICES

#### ■ SOLICITATIONS

*Services (Other Than Human Services)*

**BUS SERVICES FOR CITY YOUTH PROGRAM**  
-Competitive Sealed Bids- PIN# 056020000293 -  
DUE 04-21-03 AT 11:00 A.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.

*NYPD, Contract Administration Unit,  
51 Chambers Street, Room 310, New York, NY 10007.  
Manuel Cruz (646) 610-5225.*

◀m27-30

ITEM	EXPLANATION
POLICE DEPARTMENT	Name of contracting agency
DEPARTMENT OF YOUTH SERVICES	Name of contracting division
■ SOLICITATIONS	Type of Procurement action
<i>Services (Other Than Human Services)</i>	Category of procurement
BUS SERVICES FOR CITY YOUTH PROGRAM	Short Title
CSB	Method of source selection
PIN #056020000293	Procurement identification number
DUE 04-21-03 AT 11:00 A.M.	Bid submission due 4-21-03 by 11:00 A.M.; bid opening date/time is the same.
<i>Use the following address unless otherwise specified or submit bid/proposal documents; etc.</i>	Paragraph at the end of Agency Division listing providing Agency
◀	Indicates New Ad
m27-30	Date that notice appears in The City Record