



# THE CITY RECORD

Official Journal of The City of New York

THE CITY RECORD U.S.P.S. 0114-660  
Printed on paper containing 30% post-consumer material

VOLUME CXLVIII NUMBER 178

WEDNESDAY, SEPTEMBER 15, 2021

Price: \$4.00

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## THE CITY RECORD

**BILL DE BLASIO**

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Published Monday through Friday except legal holidays by the New York City Department of Citywide Administrative Services under Authority of Section 1066 of the New York City Charter.

Subscription \$500 a year, \$4.00 daily (\$5.00 by mail). Periodicals Postage Paid at New York, NY  
 POSTMASTER: Send address changes to THE CITY RECORD, 1 Centre Street, 17th Floor, New York, NY 10007-1602

Editorial Office/Subscription Changes:  
 The City Record, 1 Centre Street, 17th Floor, New York, NY 10007-1602 (212) 386-0055

Visit The New City Record Online (CROL) at [www.nyc.gov/cityrecord](http://www.nyc.gov/cityrecord) for a searchable database of all notices published in the City Record.

## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### BOROUGH PRESIDENT - BROOKLYN

#### PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that, pursuant to Section 201 of the New York City Charter, the Brooklyn borough president will hold a remote ULURP public hearing on the following matters, commencing at 6:00 P.M., on Monday, September 27, 2021.

The hearing will be conducted via the Webex video conferencing system.

Members of the public may join and testify using the following information:

**Event Address:**  
<https://nycbp.webex.com/nycbp/onstage/g.php?MTID=e50040b09ee5560a092673f73fa0f3e7a>

**Event Number:** 179 298 3276

**Event Password:** ulurp

Those wishing to call in without video may do so using the following information:

**Audio Conference:** +1-408-418-9388

**Access Code:** 179 298 3276

#### 1) One Wythe Avenue Industrial Business Incentive Area (IBIA) Special Permit (210272 ZSK)

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 New York City Zoning Resolution (ZR) to allow an increase in the maximum permitted floor area ratio in accordance with ZR Section 74-963 (Permitted floor area increase) and, in conjunction therewith, to waive the off-street parking requirements of ZR 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 eight-story commercial and industrial building within an IBIA, specified on the Maps in Section 74-968 (Maps of IBIA), 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 (CD 1). \*Note: Section 74-96 is proposed to be changed under a concurrent related application (N 210273 ZRK) for a zoning text change.

#### 2) 79 Quay Street Rezoning (210166 ZMK, 210167 ZRK)

Applications submitted by Quay Plaza LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 12c, by changing from an M1-2/R6A District to an M1-4/R7D District for an area fronting the north side of Quay Street

and east side of West Street to within 100 feet of Franklin Street, subject to the conditions of New York City Environmental Quality Review (CEQR) Declaration E-622. The proposed zoning text amendment would designate a Mandatory Inclusionary Housing (MIH) area coterminous with the project area. The requested actions are intended to facilitate a nine-story building, with approximately 10,585 square feet (sq. ft.) of commercial (retail) floor area with a floor area ratio (FAR) of 0.64 and approximately 81,570 sq. ft. of residential floor area (4.94 FAR) with 83 dwelling units in CD 1. Approximately 22 units would be affordable to households earning an average 60 percent of Area Median Income (AMI), pursuant to MIH Option 1, or 26 units would be affordable to households earning an average 80 percent of AMI, pursuant to MIH Option 2.

**3) River Ring (210425 MMK, 220061 MLK, 220062 ZMK, 220063 ZRK, 220064 ZSK, 220070 ZSK)**

Applications for property in Community District 1, Borough of Brooklyn, submitted by River Street Partners LLC, pursuant to Sections 197-c, 199 and 201 of the New York City Charter, and Section 5-430 et seq. of the New York City Administrative Code for the following:

- An amendment to the City Map involving:
  - The elimination, discontinuance and closing of Metropolitan Avenue between River Street and the United States Pierhead Line (USPL)
  - The elimination, discontinuance, and closing of a portion of North First Street from a point 200 feet west of River Street and the USPL
  - The adjustment of grades and block dimensions necessitated thereby; including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. Y-2760 dated August 16, 2021, and signed by the Brooklyn borough president
- To facilitate a landfill of approximately 6,230 sq. ft. located in the East River, in connection with a proposed mixed-use development, within a large-scale general development (LSGD), on property generally bounded by North Third Street, River Street, North First Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the USPL (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20, and 21, and Block 2376, Lot 50; and the above reference intended demapped portions of Metropolitan Avenue and North First Street), in a proposed C6-2 District.
- An amendment of the Zoning Map changing from an M3-1 District to a C6-2 District property bounded by North Third Street, River Street, North First Street, a line 200 feet northwesterly of River Street, a northeasterly boundary line of Grand Ferry Park, and the USPL, and changing from an M3-1 District to an M1-4 District property bounded by North Third Street, Kent Avenue, North First Street, and River Street, and subject to the conditions of CEQR Declaration E-636. The proposed zoning text amendment would designate an MIH area coterminous with the area proposed to be designated as a C6-2A zoning district.
- An application in connection with a proposed mixed-use development, within a LSGD, on property generally bounded by North Third Street, River Street, North First Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the US Pierhead Line (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20 and 21, Block 2376, Lot 50, and the demapped portions of Metropolitan Avenue and North First Street), in a C6-2 District, for the grant of special permits pursuant to the following Sections of the ZR:
  - ZR Section 74-743(a)(2):
    - To modify the height and setback, floor area distribution, maximum residential tower size, and maximum width of building walls facing a shoreline per requirements of ZR Section 62-341 (Developments on land and platforms)
  - Section 74-743(a)(13):
    - To allow existing land projecting seaward of the bulkhead line to be replaced or reconstructed with new platforms and such platform be included as part of the upland lot
    - To allow such new piers and platforms to be considered lot area for the purposes of determining allowable floor area, dwelling units, and other bulk regulations of ZR Section 62-31(b) & (c) (Bulk Computations on Waterfront Zoning Lots)
  - To waive the requirements of ZR Sections 62-242 (Uses on new piers and platforms), 62-54 (Requirements for Public Access on Piers), and ZR Section 62-63 (Design Requirements for Public Access on Piers and Floating Structures)
- An application for the grant of a special permit pursuant to Section 74-533 of the ZR to reduce the number of required accessory off-street parking spaces from 40 percent to 20 percent, for dwelling units in a development within a Transit Zone, which includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, within a LSGD, on property generally bounded by

North Third Street, River Street, North First Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the USPL (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20 and 21; Block 2376, Lot 50, and the intended to be demapped portions of Metropolitan Avenue and North First Street), in a C6-2 District

The requested actions are intended to facilitate two mixed-use towers, one at 49 stories and an approximately 560'-tall tower (600', including bulkhead) and the second being 64 stories and an approximately 710'-tall tower (750' including bulkhead). In total the proposed development is intended to be approximately 1,153,800 sq. ft. (6.17 FAR), with approximately 1,050 dwelling units, a 30,000 sq. ft. community center, 79,000 sq. ft. of commercial space, including office space and local retail, approximately 250 accessory attended parking spaces for at least 20 percent of market-rate dwelling units, 538 required bicycle parking spaces, and approximately 2.9 acres of new public open space comprised of approximately 2.32 acres of accessible in-river space and 0.86 acres of intertidal area. Approximately 263 units (25 percent of residential floor area) would be affordable to households earning an average 60 percent of AMI. Local retail uses on the ground floor of both buildings would activate street frontages along North First and Third streets, and River Street, as well as along the adjacent publicly-accessible open space. No loading docks are required, and none will be provided. A landfill action would add approximately 6,319 sq. ft. of landfill as part of the waterfront public open space plan.

This hearing will be recorded for public transparency and made available on Borough President Adams' YouTube channel, One Brooklyn.

Accessibility questions: Nathan Sherfinski, (718) 802-3857, nathan.sherfinski@brooklynbp.nyc.gov, by: Monday, September 20, 2021, 5:00 P.M.



s14-27

**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 [\[AccessibilityInfo@planning.nyc.gov\]](mailto:AccessibilityInfo@planning.nyc.gov) or made by calling [\[212-720-3508\]](tel: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 alu ni 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 floatation 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 any 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<sup>1</sup>, 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<sup>2</sup>, 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.

(e) 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**

\* \* \*

**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 steam baths, 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 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	C2 C4 C5 C6 C8 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
<del>#Health and fitness establishments#</del>		
<del>Limited as to #floor area#</del>	6	<del>C1 C2 C4 C5 C6 C8 M1 M2 M3</del>
	14	<del>C2 C3 C7 C8</del>
<del>Unlimited</del>	9	<del>C1<sup>30</sup> C2 C4 C5 C6 C8 M1 M2 M3</del>
Health Centers	4	R1-R2 R3-R10 C1 C2 C3 C4 C5 C6 C8 M1**
Health services (see <del>#physical culture or health establishments#</del> <del>#health and fitness establishments#</del> )		

\*\*\*

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

\*\*\*

Photostatting establishments [PRC-B1]	9	C2 C4 C5 C6 C8 M1 M2 M3
<del>#Physical culture or health establishments#[PRC-B]</del>		<del>C1<sup>30*</sup> C2* C4* C5* C6* C8* M1* M2* M3*</del>
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**
<del>Reducing salons (See #Physical culture or health establishments# #Health and fitness establishments#)</del>		
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#, wWhere 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 on 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**

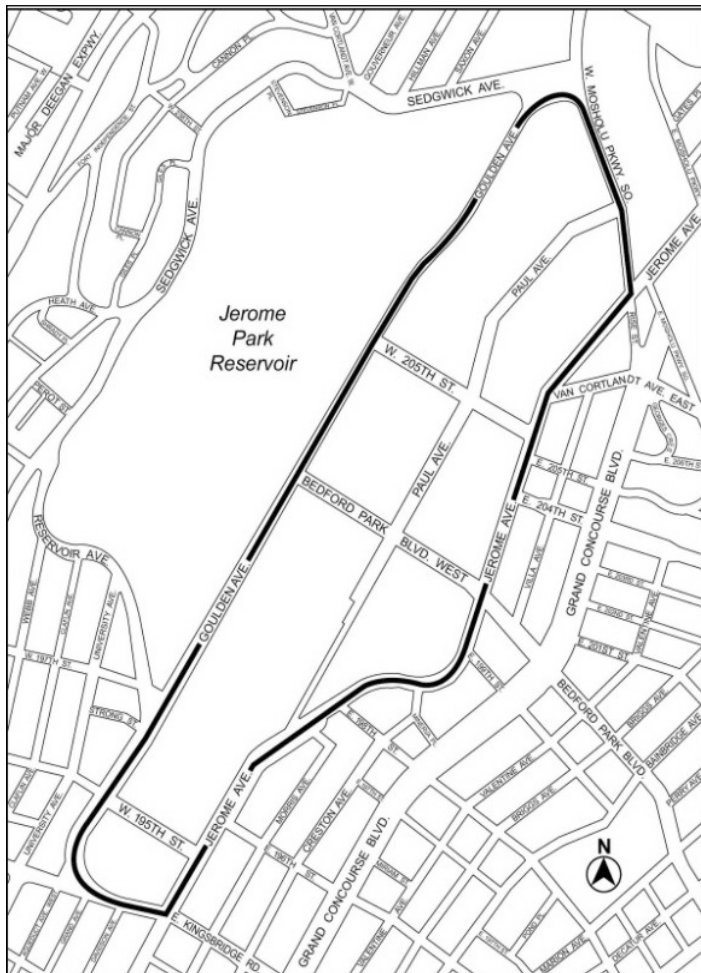
The #FRESH food store# designated areas are; listed by community district and borough in Section 63-02 (Applicability). Excluded portions of community districts are shown on the following maps:

- 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.

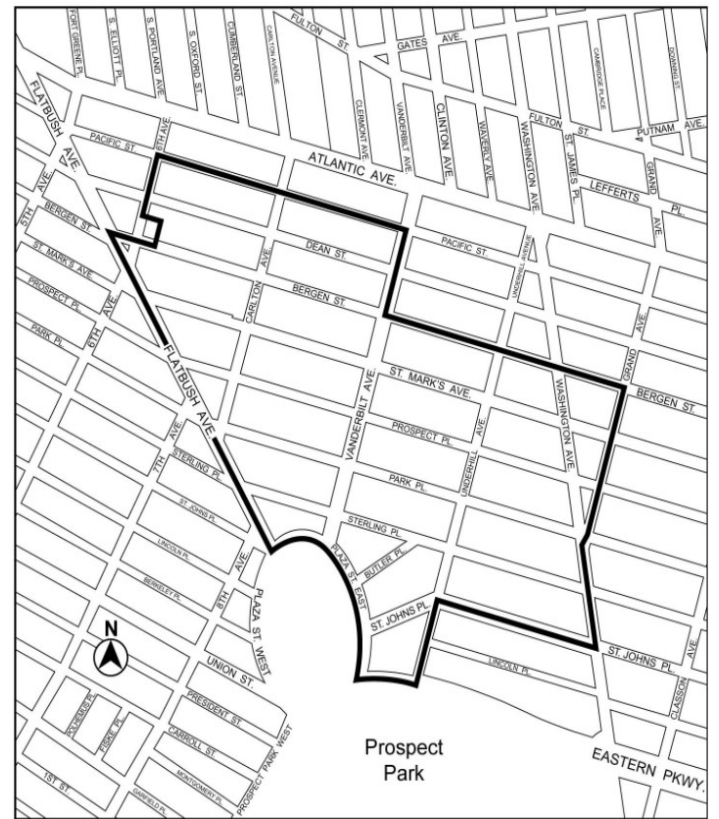
Portions of other Community Districts are shown on Maps 1 through 16 in this Appendix A.

[EXISTING MAPS – TO BE DELETED]

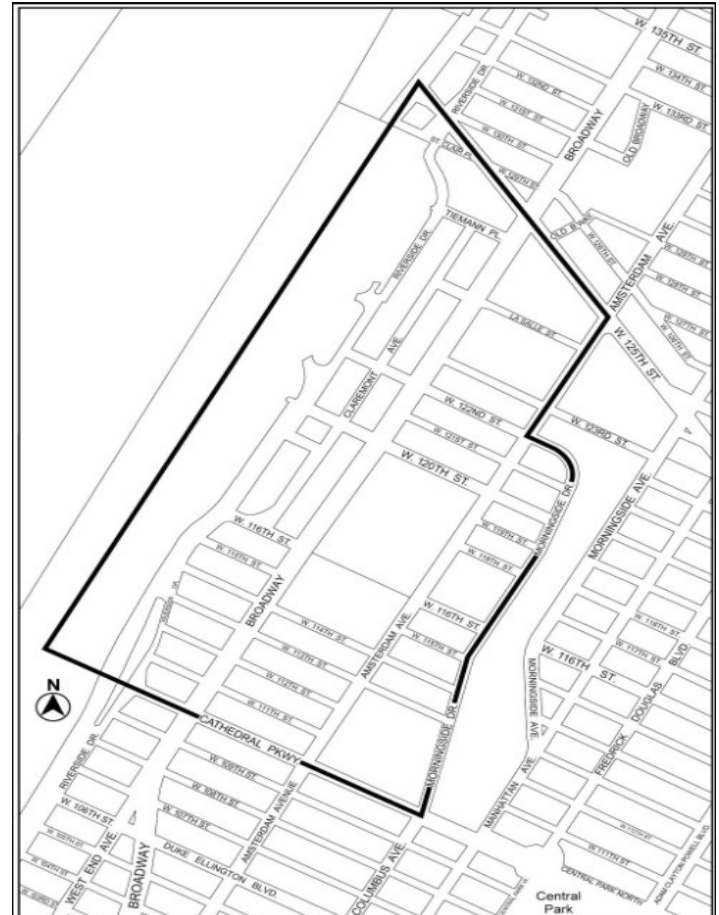
Map 1. Excluded portions of Community District 7, the Bronx



Map 2. Excluded portions of Community District 8, Brooklyn



Map 3. Excluded portions of Community District 9, Manhattan



Map 4. Excluded portions of Community District 12, Manhattan



Map 5. Excluded portions of Community District 12, Queens

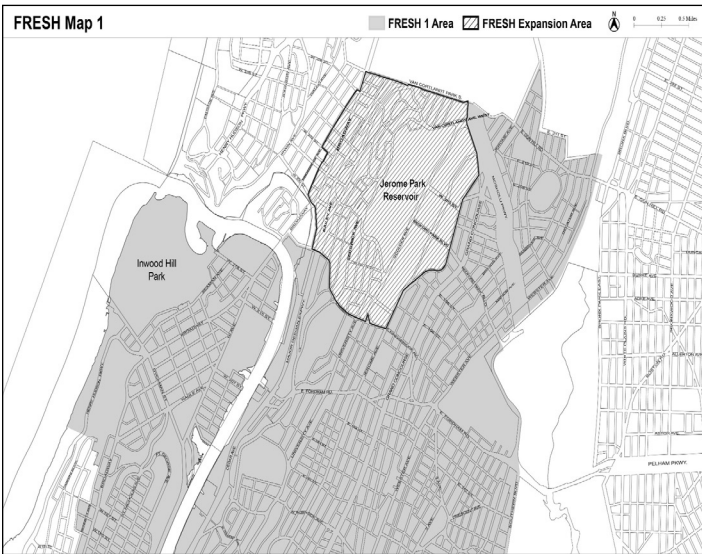
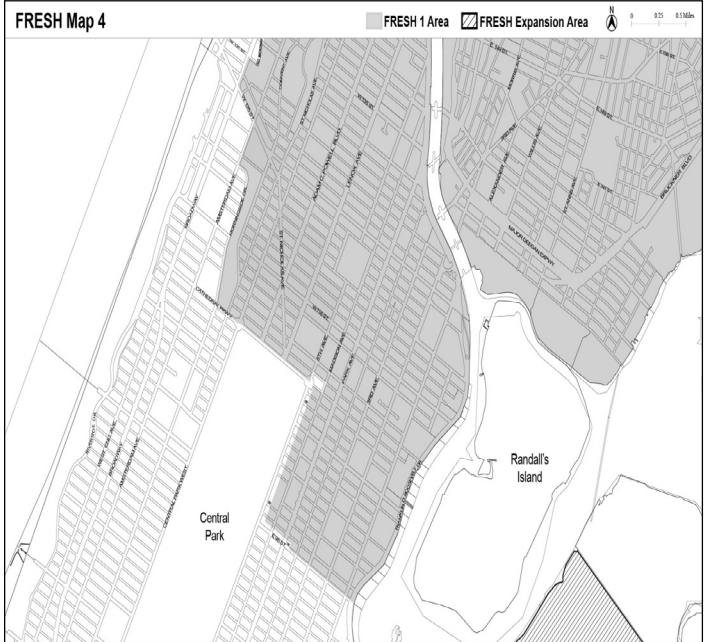
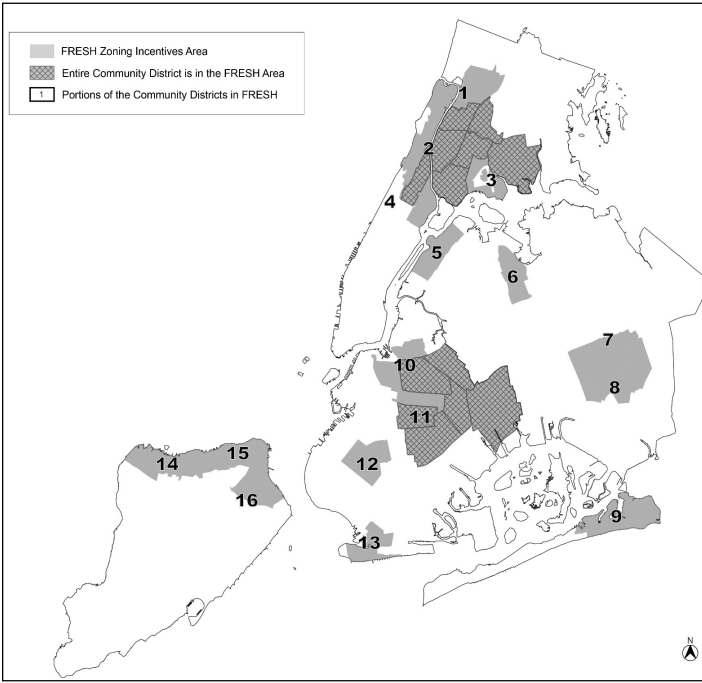


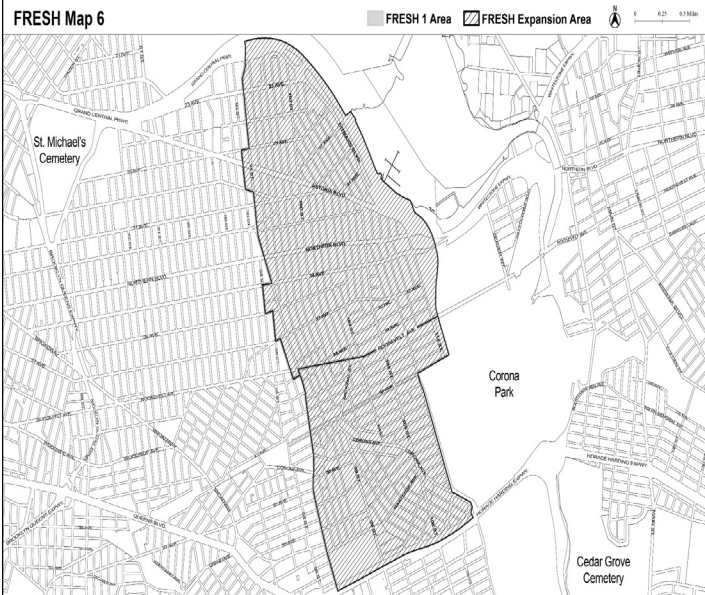
Map 6. Excluded portions of Community District 12, Queens



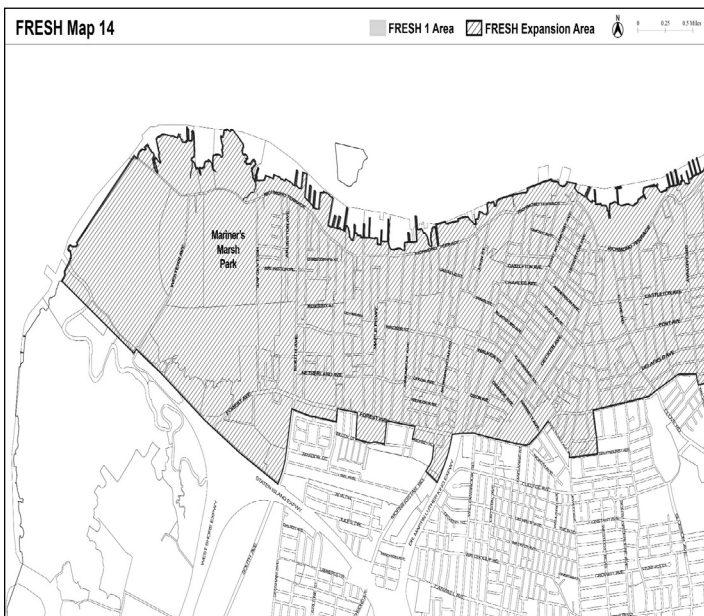
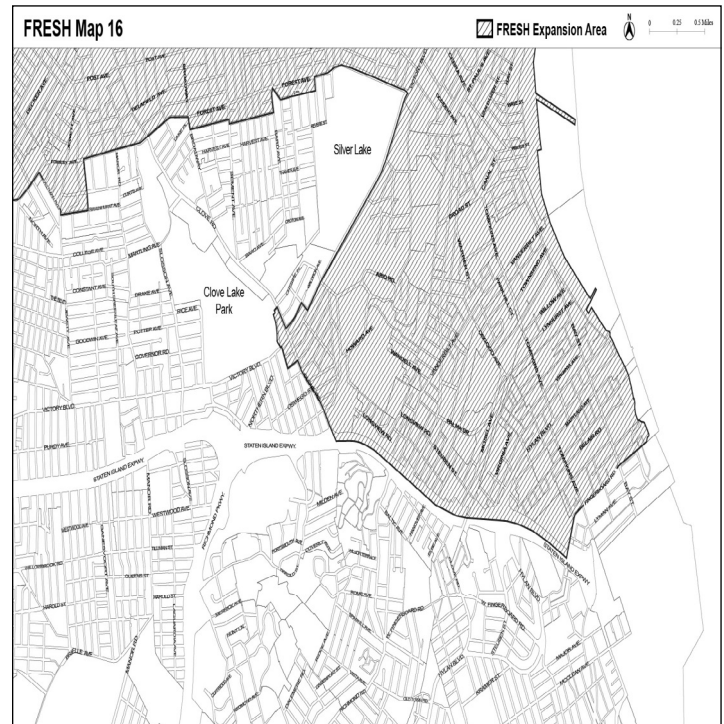


[PROPOSED MAPS]









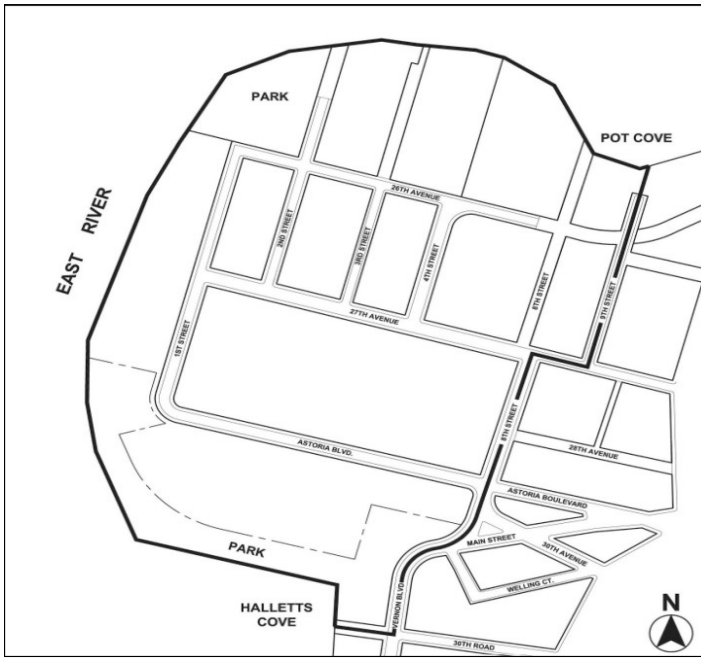
**Appendix B**

**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

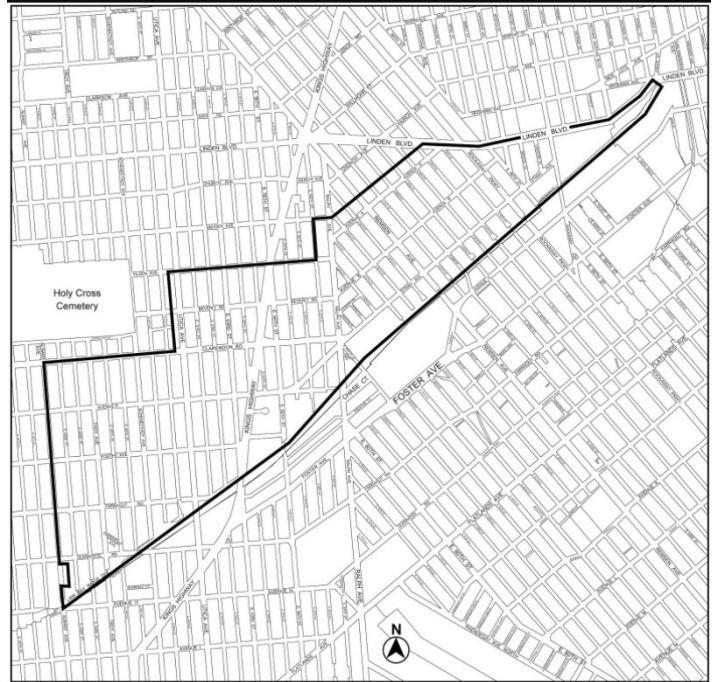
[EXISTING MAP - TO BE DELETED]



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



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

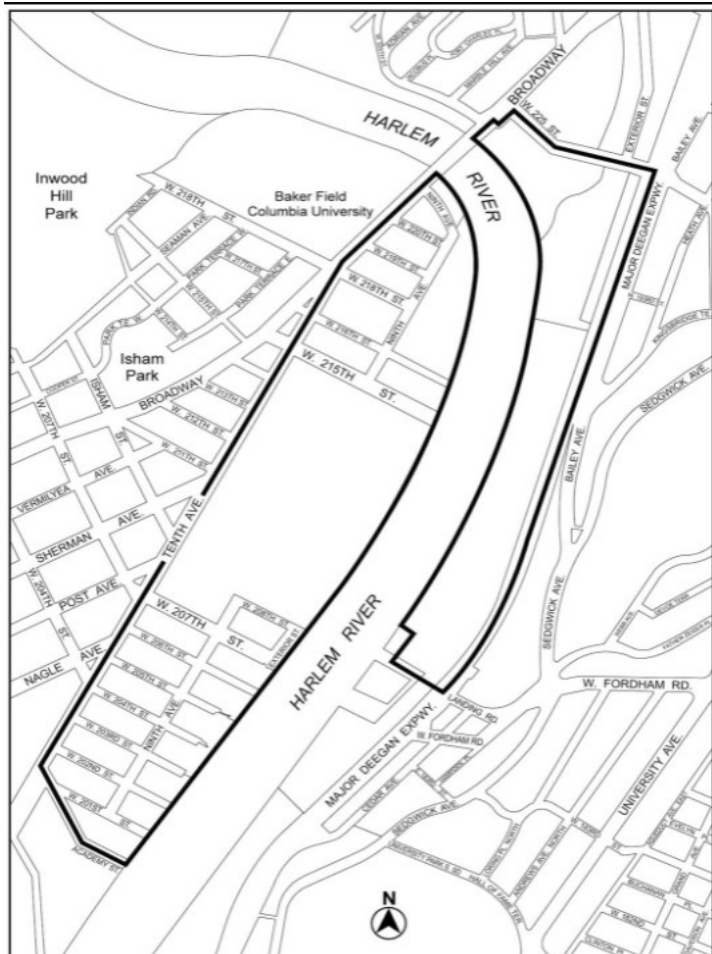


**Appendix C Appendix B**

**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]



\* \* \*

**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).

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		Permitted #floor area ratio# (maximum)
				FAR required to be transferred <sup>1</sup> (minimum)	Increase in FAR for Inclusionary Housing Program (98-26)	
A	6.5	2.65	— <sup>2</sup>	2.65	2.85	12.0
B	5.0	2.5	— <sup>2</sup>	1.25	1.25	7.5
C	5.0	2.5	NA	1.25	1.25	7.5
D <sup>5</sup>	5.0	2.5 <sup>3</sup>	2.5 <sup>3</sup>	1.25	1.25	7.5
E	5.0	1.0 <sup>3</sup>	1.0 <sup>2,3</sup>	NA	NA	6.0
F	5.0	NA	NA	NA	NA	5.0
G	5.0	1.0 <sup>3</sup>	1.0 <sup>3</sup>	NA	NA	6.0
H	7.5	NA	2.5	NA	NA	10.0
I	5.0	2.5	NA	1.25	1.25	7.5
I <sup>4</sup>	5.0	NA	2.5	NA	NA	7.5

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)

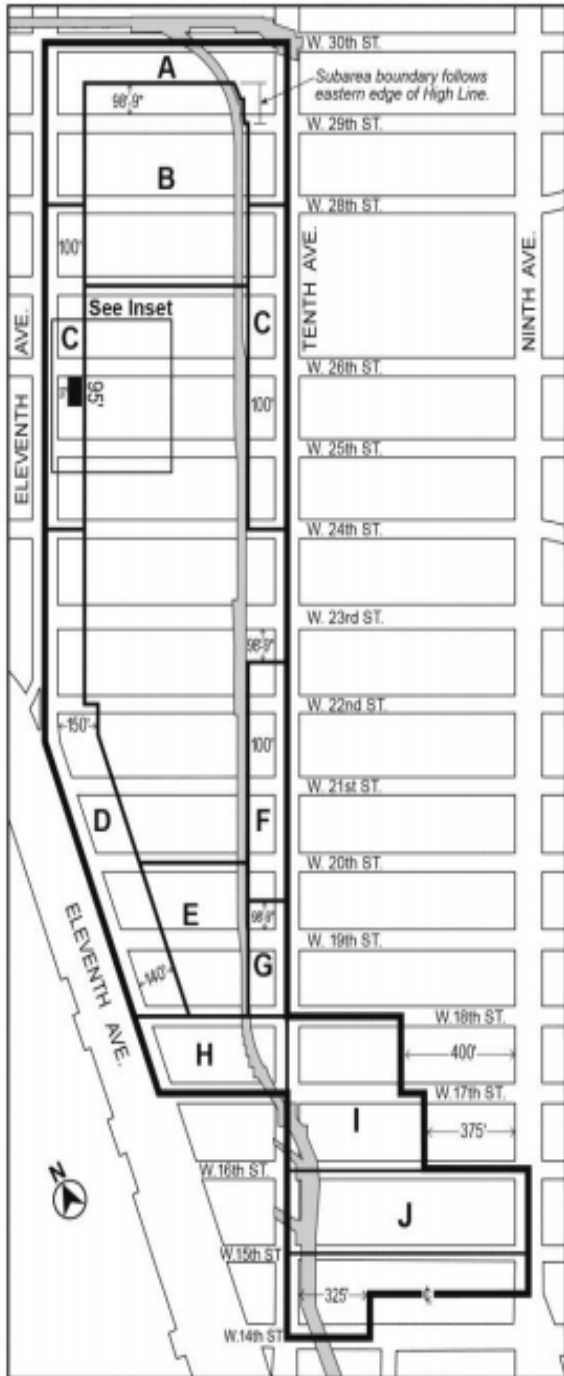
<sup>7</sup> See Section 98-423, paragraph (h)

\* \* \*

**Appendix A**

**Special West Chelsea District and Subareas**

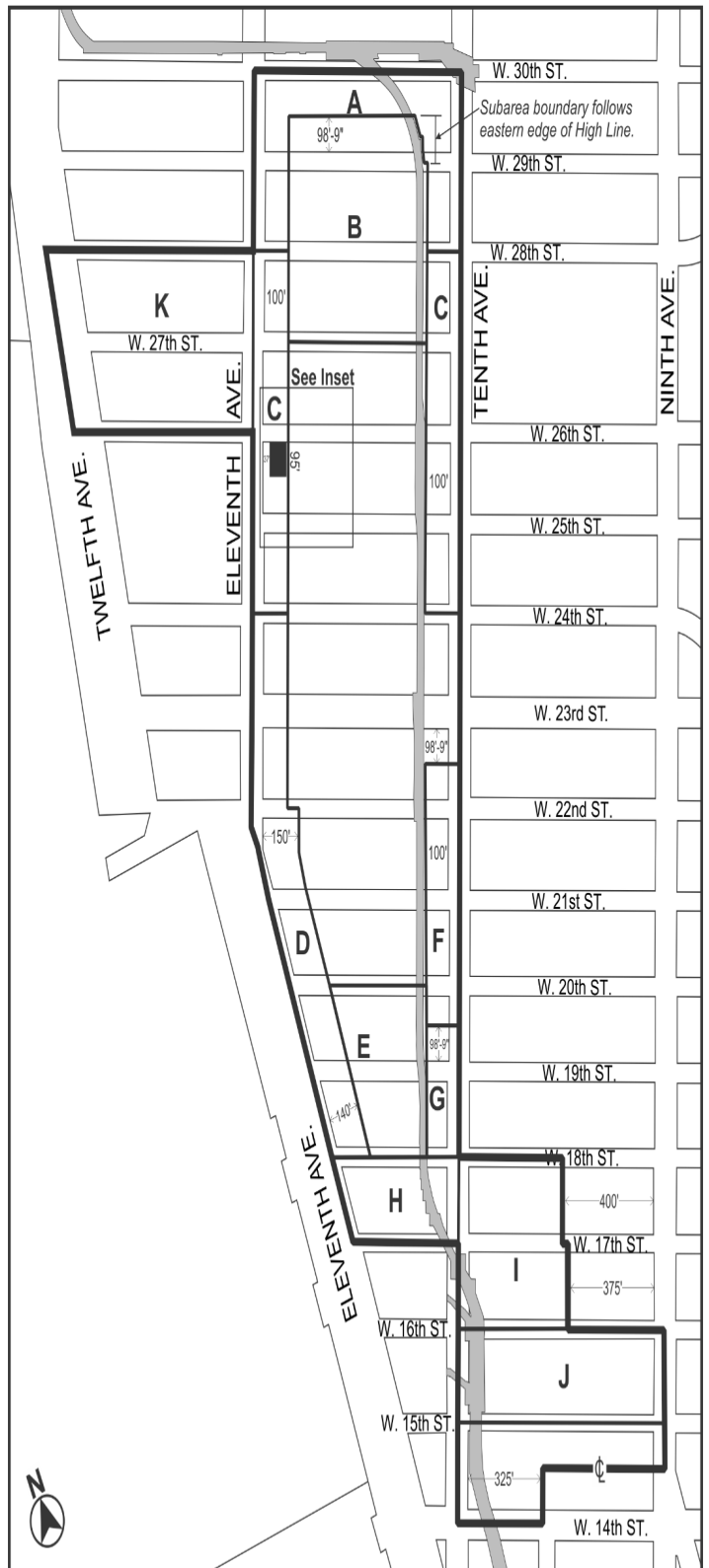
[EXISTING MAP]



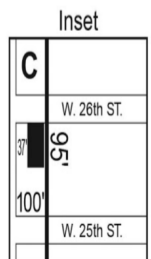
- Special West Chelsea District boundary
- Subarea boundary
- High Line
- Transit Facility



[PROPOSED MAP]



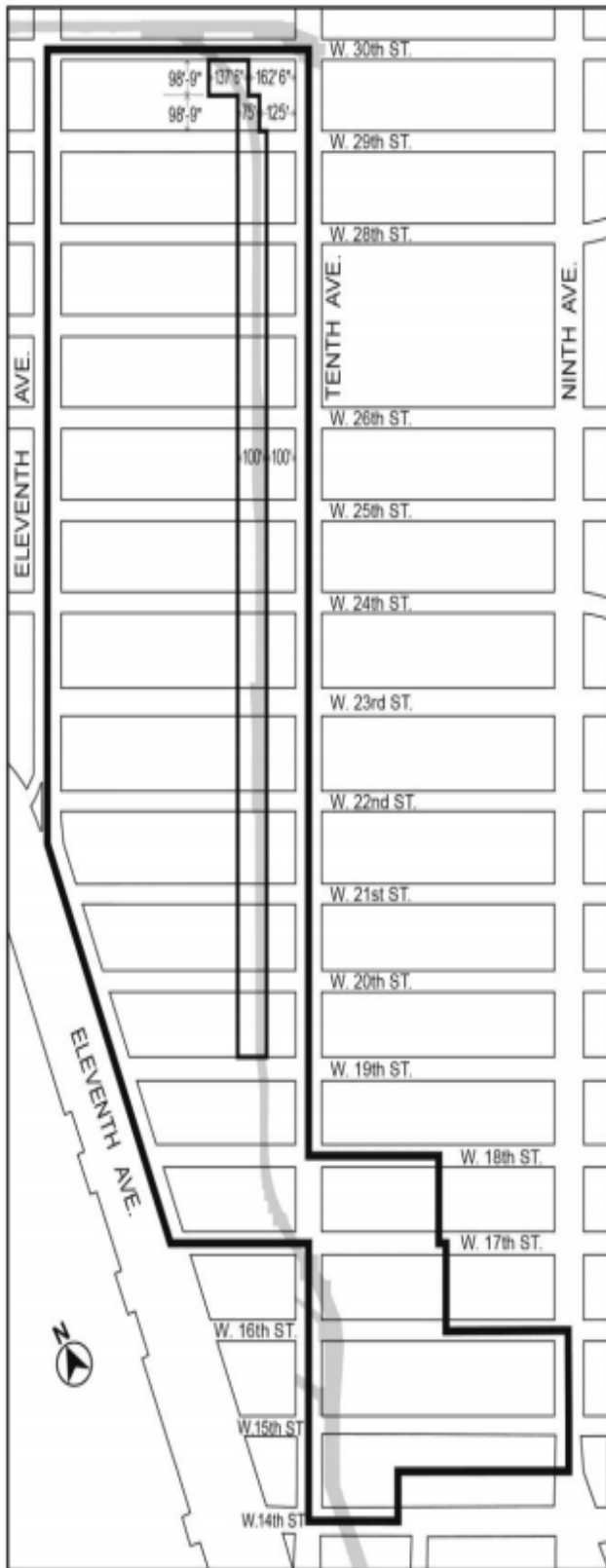
- Special West Chelsea District boundary
- Subarea boundary
- High Line
- Transit Facility





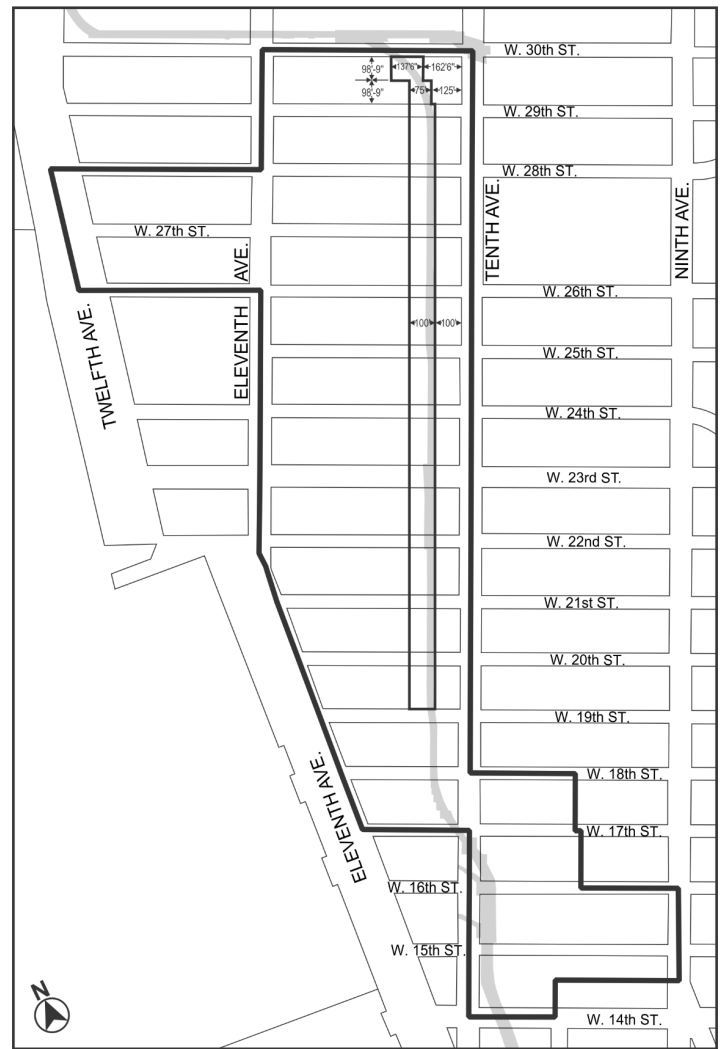
Appendix B  
High Line Transfer Corridor Location

[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, 31st Floor, New York, NY 10271
Telephone (212) 720-3370

3 s8-22

CITYWIDE ADMINISTRATIVE SERVICES

PUBLIC HEARINGS

DIVISION OF CITYWIDE PERSONNEL SERVICES
PROPOSED AMENDMENT TO CLASSIFICATION

PUBLIC NOTICE IS HEREBY GIVEN of a virtual public hearing to amend the Classification of the Classified Service of the City of New York.

A virtual public hearing will be held by the Commissioner of Citywide Administrative Services in accordance with Rule 2.6 of the Personnel Rules and Regulations of the City of New York via Zoom on September 22, 2021, at 10:00 A.M.

Zoom Details:

Topic: DCAS Classification - Public Hearing - Office of the Comptroller [015] - Executive Titles Proposal
Web Address: https://dcas-nyc-gov.zoom.us/j/89010086090?pwd=bFlXb1k5a0JCblnQVFPeIN4b0lGUT09
Phone number: +1 646 558 8656 US (New York) or Find your local number: https://dcas-nyc-gov.zoom.us/j/89010086090
Meeting ID: 890 1008 6090
Passcode: 815017

For more information, go, to the DCAS website, at https://www1.nyc.gov/site/dcas/about/public-hearings.page

RESOLVED, that the Classification of the Classified Service of the City of New York is hereby amended under the heading of OFFICE OF THE COMPTROLLER [015] as follows:

- I. To classify the following managerial titles, with positions as indicated, under the heading OFFICE OF THE COMPTROLLER [015], in the Exempt Class, subject to Rule X:

Table with 4 columns: Title Code Number, Class of Positions, Salary Range, Number of Authorized Positions. Rows include Deputy Comptroller, Director of Communications, and Confidential Assistant to the Comptroller.

# These are Management Classes of positions paid in accordance with the Pay Plan for Management Employees. Salaries for these positions are set, at rates in accordance with duties and responsibilities.

- II. To classify the following managerial titles, with positions as indicated, under the heading OFFICE OF THE COMPTROLLER [015], in the Non-Competitive Class, subject to Rule X, Part I:

Table with 4 columns: Title Code Number, Class of Positions, Salary Range, Number of Authorized Positions. Rows include Assistant Comptroller and Bureau Chief.

Table with 4 columns: Title Code Number, Class of Positions, Salary Range, Number of Authorized Positions. Rows include Confidential Executive Assistant, Chief Internal Auditor, Communications Officer, Director of Budget Studies and Economic Research, Director of Audits, Investment Manager, Director of Investments, and Research and Liaison Coordinator.

# These are Management Classes of positions paid in accordance with the Pay Plan for Management Employees. Salaries for these positions are set, at rates in accordance with duties and responsibilities.

Part I positions are designated as confidential or policy influencing under Rule 3.2.3 (b) of the Personnel Rules and Regulations of the City of New York and therefore are not covered by Section 75 of the Civil Service Law.

Accessibility questions: If you need to request a reasonable accommodation to, attend or have questions about accessibility, please contact DCAS Accessibility, at (212) 386-0256, or accessibility@dcas.nyc.gov., by: Tuesday, September 21, 2021, 9:00 A.M.

3 s13-15

COMMUNITY BOARDS

NOTICE

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=QWhWVdYUzI3cEg0VGxPeWxLeWxrzd09

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

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

### BOROUGH OF BROOKLYN

Community Board No. 10 - Monday September 20, 2021, at 7:00 P.M., via Zoom. Register for Zoom meeting at: [https://us02web.zoom.us/join/register/WN\\_18zi2tBW5yqpo8IZfbNH0w](https://us02web.zoom.us/join/register/WN_18zi2tBW5yqpo8IZfbNH0w).

Public Hearing to review the proposed DCP Open Restaurants Text Amendment which would create a permanent, streamlined Open Restaurants program. As part of this program, the Department of City Planning and Department of Transportation propose a zoning text amendment to remove geographic restrictions on where sidewalk cafes can be located within NYC. The zoning amendment would make thousands of restaurants eligible for a sidewalk café.



s13-20

## EMPLOYEES' RETIREMENT SYSTEM

### MEETING

Please be advised, that the next Common Investment Meeting of the Board of Trustees of the New York City Employees' Retirement System, is Friday, September 17, 2021, at 9:00 A.M.

Due to the Covid-19 pandemic and for everyone's safety, the NYCERS Regular Board of Trustees no longer meet in person and instead the meeting is held over Zoom. However, you can still view only the public session online, at <https://comptroller.nyc.gov/services/financialmatters/pension/common-investment-meeting/>.

Melanie Whinnery, Executive Director

s10-16

## EQUAL EMPLOYMENT PRACTICES COMMISSION

### MEETING

### Notice of NYC Equal Employment Practices Commission Meeting (Open to the Public)

**When and where is the Commission Meeting?** The Equal Employment Practices Commission's upcoming Commission Meeting, will take place at 10:30 A.M., on Wednesday, September 15, 2021, in the Commission's Conference Room/Library, located at 253 Broadway, Suite 602, New York, NY 10007. The meeting will also be conducted by video conference via WebEx using the details below:

**Meeting number (event number): 2347 023 0528**  
**Meeting password: EnmhuJU82k7**

- **Join by internet**  
Click to join meeting

**Join by phone**  
(408) 418-9388 United States Toll

**Join by video system or application**  
Dial 23470230528@webex.com  
You can also dial 173.243.2.68 and enter your meeting number.

**How do I ask questions during the Commission meeting?**  
Anyone can ask questions during the Commission meeting by:

- **WebEx.** You can submit your questions directly through the chat panel of the WebEx once joined via the internet option above
- **Email.** You can email questions to [mpinckney@eepc.nyc.gov](mailto:mpinckney@eepc.nyc.gov)

**Is there a deadline to submit questions?** Yes, you must submit all questions during the meeting session on September 15, 2021.

**Can I review the recording of the Commission Meeting?** Yes, you can review the recorded Commission meeting, which will be made available online by going to the Equal Employment Practices

Commission's YouTube page, <https://www.youtube.com/channel/UCdG AeD4p-esdjymDTdGScfA/featured>, a few days after the meeting.

s14-15

## FRANCHISE AND CONCESSION REVIEW COMMITTEE

### MEETING

**PUBLIC NOTICE IS HEREBY GIVEN** that the Franchise and Concession Review Committee will hold a remote public meeting on Thursday, September 30, 2021 at 2:30 P.M., via Microsoft Teams dial-in. The dial-in information is below:

Dial-in #: +1-646-893-7101  
Access Code: 160 873 244  
Press # on further prompts

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](mailto:DisabilityAffairs@mocs.nyc.gov) or via phone at (646) 872-0231. Any person requiring reasonable accommodation for the public meeting should contact MOCS at least five (5) business days in advance of the meeting to ensure availability.

s15

## HOUSING AUTHORITY

### MEETING

Because of the ongoing COVID-19 health crisis and in relation to Chapter 417 of the Laws of 2021, the Board Meeting of the New York City Housing Authority, scheduled for Wednesday, September 15, 2021, at 10:30 A.M., will be limited to viewing the live-stream or listening via phone instead of attendance in person.

For public access, the meeting will be streamed live on NYCHA's YouTube Channel <http://nyc.gov/nycha> and NYCHA's Website <http://on.nyc.gov/boardmeetings> or can 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, pre-registration is required via email to [corporate.secretary@nycha.nyc.gov](mailto:corporate.secretary@nycha.nyc.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 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.

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@nycha.nyc.gov](mailto:corporate.secretary@nycha.nyc.gov), no later than Tuesday, September 14, 2021 at 5:00 P.M.

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@nycha.nyc.gov](mailto:corporate.secretary@nycha.nyc.gov)

s1-15

The next Board Meeting of the New York City Housing Authority, scheduled for Wednesday, September 29, 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, [on.nyc.gov/boardmeetings](http://on.nyc.gov/boardmeetings).

Because of capacity limitations, the Board Meeting may also be accessed, via Zoom, by calling (646) 558-8656 using Webinar ID: 816 5138 6482 and Passcode: 5692103421.

For those wishing to provide public comment, either in-person or via Zoom, pre-registration is required via email, to [corporate.secretary@nycha.nyc.gov](mailto:corporate.secretary@nycha.nyc.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>, to this web 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 changes to the schedule will be posted here on NYCHA's Website, at <http://www1.nyc.gov/site/nycha/about/board-calendar.page>, to this web 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 Board Meeting, should contact the Office of the Corporate Secretary, by phone, at (212) 306-6088, or by email, at [corporate.secretary@nycha.nyc.gov](mailto:corporate.secretary@nycha.nyc.gov), no later than Wednesday, September 22, 2021, at 5:00 P.M.

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@nycha.nyc.gov](mailto:corporate.secretary@nycha.nyc.gov).

s10-28

**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 28, 2021, at 9:30 A.M., the Landmarks Preservation Commission (LPC or agency) will hold a public hearing by teleconference with respect to the properties list below, 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. The teleconference will be by the Zoom app and will be live streamed on the LPC's YouTube channel [www.youtube.com/nyclpc](http://www.youtube.com/nyclpc). Members of the public should observe the meeting on the YouTube channel 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. Any person requiring language assistance services or other reasonable accommodation in

order to participate in the hearing or attend the meeting should contact the LPC by contacting Anthony Fabre, Director of Community and Intergovernmental Affairs, at [anfahre@lpc.nyc.gov](mailto:anfahre@lpc.nyc.gov), at least five (5) business days before the hearing or meeting. Please note: Due to the City's response to COVID-19, this public hearing and meeting is subject to change and/or cancellation.

**95 Prospect Park West, Prospect Park - Individual Landmark LPC-22-01205 - Block 1117 - Lot 1 - Zoning: Park BINDING REPORT**

An Italianate style mansion, designed by Alexander J. Davis built c. 1850 within a primarily naturalistic style park designed in 1865 by Frederick Law Olmsted and Calvert Vaux. Application is to construct a ramp, replace a door, and install flagpoles.

**189 Argyle Road - Prospect Park South Historic District LPC-21-09930 - Block 5117 - Lot 56 - Zoning: R1-2 CERTIFICATE OF APPROPRIATENESS**

A Colonial Revival style house, designed by Slee & Bryson and built in 1906, and altered in 1924. Application is to replace windows, install skylights and a patio, remove a rear porch and overhang, and demolish a garage.

**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 enlarge an extension, construct a porch and patio, modify the entrance, install a skylight, relocate a driveway and curb cut, and excavate and regrade portions of the site.

**1 Clarkson Street (aka 2-8 Seventh Avenue South) - Greenwich Village Historic District Extension II LPC-21-00211 - Block 582 - Lot 50 - Zoning: C2-6 BINDING REPORT**

A Colonial Revival style public bath house, designed by Renwick, Aspinwall & Tucker and built in 1906-1907, and altered by Jaros Kraus in 1922 and Mitchell Bernstein in 1929. Application is to reconstruct an entrance ramp and stairs.

**275 Mulberry Street - Individual Landmark LPC-22-01500 - Block 510 - Lot 7502 - Zoning: C6-3 CERTIFICATE OF APPROPRIATENESS**

A Romanesque Revival style commercial building, designed by Albert Wagner and built in 1885-86 with alterations in 1892-93 and 1897-99. Application is to install an awning, flagpole, and signage and to create a vitrine.

**657 Greenwich Street - Greenwich Village Historic District LPC-21-10893 - Block 605 - Lot 8 - Zoning: R6 MISCELLANEOUS - AMENDMENT**

A school building, designed by Thomas M. Bell and built in the early 1950's, with additions built in 2012 and 2015. Application is to modify the play cage, railings, and flue extensions approved under Certificate of Appropriateness 16-5387.

**134 Spring Street - SoHo-Cast Iron Historic District LPC-22-01928 - Block 486 - Lot 11 - Zoning: M1-5A CERTIFICATE OF APPROPRIATENESS**

A Beaux-Arts style commercial building, designed by Albert Wagner and built in 1895-96. Application is to establish a Master Plan governing the future installation of painted wall signs.

**77 Greene Street - SoHo-Cast Iron Historic District LPC-21-10696 - Block 486 - Lot 21 - Zoning: M1-5A CERTIFICATE OF APPROPRIATENESS**

A store and loft building designed by Henry Fernbach and built in 1877. Application is to paint the cast iron façade.

**23 8th Avenue - Greenwich Village Historic District LPC-21-10703 - Block 625 - Lot 38 - Zoning: C1-6 CERTIFICATE OF APPROPRIATENESS**

A rowhouse with commercial ground floor, built in 1845. Application is to legalize and modify a rooftop addition constructed in non-compliance with Certificate of Appropriateness 10-6193, and to install new window openings and a balcony at the lot line facade.

**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.

**330 West End Avenue - West End - Collegiate Historic District Extension LPC-21-10227 - Block 1167 - Lot 64 - Zoning: R10A CERTIFICATE OF APPROPRIATENESS**

An Arts & Crafts style apartment building, designed by Robert M. Farrington and built in 1915-1916. Application is to replace greenhouse structures on balconies.

**780 West End Avenue - Riverside - West End Historic District Extension II**

**LPC-21-08658** - Block 1869 - Lot 7502 - **Zoning:** R8  
**CERTIFICATE OF APPROPRIATENESS**  
 An Arts and Crafts style apartment building, designed by George & Edward Blum and built in 1912-14. Application is to replace windows.

**163 East 69th Street - Upper East Side Historic District**  
**LPC-21-06111** - Block 1404 - Lot 31Zonin R8B  
**CERTIFICATE OF APPROPRIATENESS**  
 A Neo-Georgian style garage and house, designed by Albro & Lindeberg and built in 1909, and later altered in 1954. Application is to construct a rooftop addition, modify a masonry opening, and replace windows and doors.

**300 West End Avenue - West End - Collegiate Historic District Extension**  
**LPC-21-06251** - Block 1166 - Lot 1 - **Zoning:** R10A  
**CERTIFICATE OF APPROPRIATENESS**  
 A Colonial Revival style apartment building, designed by Schwartz & Gross and built in 1916. Application is to extend a rooftop bulkhead.

s14-28



**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



*“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*

**GYM & EXERCISE EQUIPMENT (BRAND SPECIFIC)- PARKS 2**  
 - Competitive Sealed Bids - PIN# 8572000112 - AMT: \$3,186,262.50  
 - TO: Life Fitness Sales Inc, 9525 Bryn Mawr Avenue, Rosemont, IL 60018.

◀ s15

**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; Lucynгу@dcas.nyc.gov

s9-15

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 these services are invited to respond to this RFI.

s9-16

WATER SUPPLY

INTENT TO AWARD

Construction Related Services

82621T0011-BWS - CRO-625 - CITY OF YONKERS WATER DEMAND MGMT ASSISTANCE AGREEMENT - REQ. 6/18/2021 - Government to Government - PIN# 82621T0011 - Due 10-4-21 at 12:00 A.M.

BWS - CRO-625 - City of Yonkers Water Demand Mgmt Assistance Agreement - Req. 6/18/2021.

s15-21

Services (other than human services)

82621N0006-BWS - WMP-16(REN-1) NEGOTIATED ACQUISITION EXTENSION - MANAGEMENT OF WATERFOWL AT NYC DEP UPSTATE RESERVOIRS - Negotiated Acquisition - Other - PIN# 82621N0006 - Due 10-4-21 at 4:00 P.M. BWS - WMP-16(REN-1) Negotiated Acquisition Extension - Management of Waterfowl at NYC DEP Upstate Reservoirs.

The existing contract, HDR, P.C., received the WMP-16 contract through a successful bid in 2015 for a three (3) year plus two (2) additional years of renewal (WMP-16R). DEP executed an additional two (2) six-month extension periods which terminates on July 29, 2021. HDR's has received an "outstanding" performance evaluation by the DEP Project Manager for WMP-16. We have evaluated a cost proposal increase based on the hourly rates for specific staff titles provided by HDR as proposed in the Negotiated Acquisition Extension and determined that the price arrived upon is fair and reasonable. The existing contract, HDR, P.C., received the WMP-16 contract through a successful bid in 2015 for a three (3) year plus two (2) additional years of renewal (WMP-16R). DEP executed an additional two (2) six-month extension periods which terminates on July 29, 2021. HDR's has received an "outstanding" performance evaluation by the DEP Project Manager for WMP-16. We have evaluated a cost proposal increase based on the hourly rates for specific staff titles provided by HDR as proposed in the Negotiated Acquisition Extension and determined that the price arrived upon is fair and reasonable.

s15-21

HEALTH AND MENTAL HYGIENE

AWARD

Human Services/Client Services

FY21 DISCRETIONARY CONTRACT MENTAL HEALTH SERVICES - BP/City Council Discretionary - PIN#81621L0378001 - AMT: \$251,688.00 - TO: The Child Center of NY, Inc., 60-02 Queens Boulevard, Lower Level, Woodside, NY 11377.

s15

AUTISM AWARENESS - BP/City Council Discretionary - PIN#81621L0479001 - AMT: \$140,540.00 - TO: Heartshare Human Services of New York, 12 Metrotech Center, Brooklyn, NY 11201-3858.

s15

ENVIRONMENTAL HEALTH

INTENT TO AWARD

Services (other than human services)

21EN041201R0X00/ GROVEWARE ENTERPRISE TECHNOLOGIES INC - Negotiated Acquisition - Other - PIN#81622N0003 - Due 9-28-21 at 11:00 A.M.

The New York City Department of Health and Mental Hygiene intends to enter into a Negotiated Acquisition with GroveWare Enterprise Technologies Inc for two years, to continue to provide Public Health inspection for module services: Radiological/X Ray, Bathing Establishment, Complaint Materials, Tanning Salon, Sanitary, and Rooftop Tank inspections. DOHMH determined that this procurement is deemed a Negotiated Acquisition limited to GroveWare, as they are the only viable vendor and is uniquely positioned to expand and make changes to DOHMH's existing inspection application to interface with the NYS DOH inspection system. Potential vendors who are interested in future procurements as such services, can submit an expression of interest via email to mnapolitano@health.nyc.gov no later than 9/16/21 at 11:00 A.M.

The Agency has determined that it is in the best interest of the City to utilize the negotiated acquisition method of source selection, because GroveWare is not a sole source provider, however there is a limited pool of vendors that can provide these services. GroveWare is qualified and uniquely positioned to expand and make changes to DOHMH's existing inspection application to interface with the NYS DOH inspection system.

s15-21

FAMILY AND CHILD HEALTH

INTENT TO AWARD

Services (other than human services)

81622T0001-RUTGERS THE STATE UNIVERSITY OF NEW JERSEY - Government to Government - PIN#81622T0001 - Due 9-22-21 at 10:00 A.M.

For PRAMS data collection and operations based on the standard protocol set by Center for Disease Control (CDC).

s15-21

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

HUMAN RESOURCES ADMINISTRATION

AWARD

Human Services/Client Services

RENEWAL - HOMELESS ADULTS AT VARET STREET SHELTER/249 VARET STREET, BROOKLYN NY 11206 - Renewal

- PIN#07117P8282KXLR001 - AMT: \$34,946,748.00 - TO: Project Renewal, 200 Varick Street, New York, NY 10014.

Contract Term from 7/1/2021 to 6/30/2025.

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**SHELTER SERVICES FOR HOMELESS SINGLE ADULTS AT BRC ASSESSMENT CENTER, 146 CLAY STREET, BROOKLYN, NY 11222** - Competitive Sealed Proposals/Pre-Qualified List - PIN#07121P0096001 - AMT: \$48,976,900.00 - TO: Bowery Residents Committee Inc BRC Human Services Corp., 131 West 25th Street, 12th Floor - New York, NY 10001.

Contract Term from 7/1/2021 to 6/30/2026

☛ s15

**EAST FLATBUSH SAFE HAVEN/681 CLARKSON AVENUE. BLDG. 3 & 9, BROOKLYN NY 11203** - Competitive Sealed Proposals/Pre-Qualified List - PIN#07118P8323KXLR001 - AMT: \$25,232,004.00 - TO: Common Ground Management d/b/a Breaking Ground Management, 505 8th Avenue, 15th Floor, New York, NY 10018.

Contract Term from 7/1/2021 to 6/30/2025.

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**SMALL BUSINESS SERVICES**

**PROCUREMENT**

■ INTENT TO AWARD

*Services (other than human services)*

**GOVERNORS ISLAND SOLE SOURCE RFI - FY22** - Request for Information - PIN# 80122Y0038 - Due 9-30-21 at 12:00 A.M.

The New York City Department of Small Business Services, intends to enter into sole source negotiations to purchase the above services from Governors Island Corporation D/B/A The Trust for Governors Island, with experience and in-house expertise in a wide variety of economic development services. Any firm or organization that believes it is qualified and has the in-house expertise to provide such services or would like to provide such services in the future, is invited to respond to the RFI on PASSPort.

To access the Notice of Intent, vendors should visit the PASSPort Public Portal, at <https://www1.nyc.gov/site/mocs/systems/about-go-to-passport.page>, and click on the "Search Funding Opportunities in PASSPort" blue box. This will take you to the Public Portal of all procurements in the PASSPort system. To quickly locate the RFI, insert the EPIN 80122Y0038 into the Keywords search field. If you need assistance submitting a response, please contact [help@mocs.nyc.gov](mailto:help@mocs.nyc.gov).

If you have questions, please send an email to: [procurementhelp@pdsc.sbs.nyc.gov](mailto:procurementhelp@pdsc.sbs.nyc.gov), with the subject line "80122Y0038-GOVERNORS ISLAND SOLE SOURCE RFI - FY22."

Please indicate your interest by responding to the RFI EPIN:80122Y0038 in PASSPort no later than September 30, 2021 at 2:00 P.M.

s10-17

**TRANSPORTATION**

**TRAFFIC OPERATIONS**

■ SOLICITATION

*Services (other than human services)*

**DEVELOPMENT OF AN AUTOMATED BIKE LANE ENFORCEMENT PROGRAM** - Request for Information - PIN#84122Y0087 - Due 10-18-21 at 5:00 P.M.

84122Y0087 - Request for Expressions of Interest ("RFEI") for the Development of an Automated Bike Lane Enforcement Program throughout New York City. The New York City Department of Transportation ("NYCDOT") is releasing this Request for Expressions of Interest ("RFEI") to invite interested vendors ("Respondents") to assist NYCDOT in acquiring information regarding the development, implementation and operation of an effective automated bike lane enforcement program that will discourage vehicles from illegally stopping, standing, parking or otherwise blocking bike lanes throughout the City. This RFEI is released through PASSPort, New York City's online procurement portal. Responses to this RFEI must be submitted via PASSPort. To access the RFEI, vendors should visit the PASSPort public Portal at <https://www1.nyc.gov/site/mocs/systems/about-go-to-passport.page> and click on the "Search Funding Opportunities in PASSPort" blue box. Doing so will take one to the public portal of all procurements in the PASSPort system. To quickly

locate the RFEI, insert the EPIN, 84122Y0087, into the Keyword search field. In order to respond to the RFEI, vendors must create an account within the PASSPort system if they have not already done so. Any inquiries concerning this RFEI should be directed by email, under the subject line "Automated Bike Lane Enforcement RFEI Questions" to the email address of the Authorized Agency Contact David Maco at [dmaco@dot.nyc.gov](mailto:dmaco@dot.nyc.gov). The deadline for the submission of questions is 9/27/21 by 5:00 P.M. The response due date (submission via PASSPort) is 10/18/21 by 5:00 P.M.

☛ s15

**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 E-MAIL AT [DISABILITYAFFAIRS@MOCS.NYC.GOV](mailto: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.**



**YOUTH AND COMMUNITY DEVELOPMENT**

■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on Friday, September 24, 2021 via **MS TEAMS Conference call (Dial In: +1 646-893-7101 / Phone Conference ID: 567 612 60#)** commencing at 10:00 A.M. on the following:

**IN THE MATTER OF** the proposed contract between the Department of Youth and Community Development and the Contractors listed below for Charter Schools to provide startup funding. The term will be July 1, 2019 through June 30, 2020. The school's DYCD PIN numbers, Amount, Name and addresses are indicated below:

**DYCD PIN:** 2392  
**PIN:** 26022N0377  
**Amount:** \$72,385.00  
**Name:** AECI II: NYC Charter High School for Computer Engineering and Innovation  
**Address:** 423 East 138th Street, Bronx, NY 10454

**DYCD PIN:** 2393  
**PIN:** 26022N0376  
**Amount:** \$68,571.00  
**Name:** Bold Charter School  
**Address:** 1090 Close Avenue, Bronx, NY 10472

**DYCD PIN:** 2394  
**PIN:** 26022N0375  
**Amount:** \$53,106.00  
**Name:** Bridge Preparatory Charter School  
**Address:** 715 Ocean Terrace, Staten Island, NY 10301

**DYCD PIN:** 2395  
**PIN:** 26022N0374  
**Amount:** \$70,937.00  
**Name:** Brooklyn Prospect Charter School 15.2  
**Address:** 3002 Fort Hamilton Parkway, Brooklyn, NY 11218

**DYCD PIN:** 2396  
**PIN:** 26022N0373  
**Amount:** \$55,509.00  
**Name:** Brooklyn RISE Charter School  
**Address:** 473 53rd Street, Brooklyn, NY 11220

**DYCD PIN:** 2397  
**PIN:** 26022N0372  
**Amount:** \$77,140.00  
**Name:** Cardinal McCloskey Community Charter School  
**Address:** 685 East 182nd Street, Bronx, NY 10457

**DYCD PIN:** 2398  
**PIN:** 26022N0371  
**Amount:** \$58,548.00  
**Name:** Creo College Preparatory Charter School  
**Address:** 524 Courtlandt Avenue, Bronx, NY 10451

**DYCD PIN:** 2399  
**PIN:** 26022N0370  
**Amount:** \$39,768.00  
**Name:** DREAM Charter School Mott Haven  
**Address:** 411 Wales Avenue, Bronx, NY 10454

**DYCD PIN:** 2400  
**PIN:** 26022N0369  
**Amount:** \$63,776.00  
**Name:** Harlem Village Academy West 2 Charter School  
**Address:** 74 West 124th Street, Manhattan, NY 10027

**DYCD PIN:** 2401  
**PIN:** 26022N0368  
**Amount:** \$47,443.00  
**Name:** Hellenic Classical Charter School - Staten Island  
**Address:** 1641 Richmond Avenue, Staten Island, NY 10314

**DYCD PIN:** 2402  
**PIN:** 26022N0362  
**Amount:** \$65,936.00  
**Name:** Ivy Hill Preparatory Charter School  
**Address:** 475 East 57th Street, Brooklyn, NY 11203

**DYCD PIN:** 2403  
**PIN:** 26022N0367  
**Amount:** \$69,544.00  
**Name:** LEEP Dual Language Academy Charter School  
**Address:** 5323 5th Avenue, Brooklyn, NY 11220

**DYCD PIN:** 2404  
**PIN:** 26022N0366  
**Amount:** \$68,681.00  
**Name:** Neighborhood Charter School: Bronx  
**Address:** 411 Wales Avenue, Bronx, NY 10454

**DYCD PIN:** 2405  
**PIN:** 26022N0365  
**Amount:** \$82,477.00  
**Name:** New Dawn Charter High School II  
**Address:** 89-17 161st Street, Queens, NY 11432

**DYCD PIN:** 2406  
**PIN:** 26022N0364  
**Amount:** \$33,446.00  
**Name:** Storefront Academy Harlem Charter School  
**Address:** 70 East 129th Street, Manhattan, NY 10035

**DYCD PIN:** 2407  
**PIN:** 26022N0363  
**Amount:** \$72,733.00  
**Name:** Valence College Preparatory Charter School  
**Address:** 32-20 108th Street, Queens, NY 11369

The proposed contractor is being selected by Negotiated Acquisition, pursuant to Section 3-04 (b)(2)(ii) of the Procurement Policy Board (PPB) Rules.

In order to access the Public Hearing or to testify, please join the public hearing via **MS TEAMS Conference call (Dial In: +1 646-893-7101 / Phone Conference ID: 567 612 60#)** no later than 9:50 A.M. on the date of the hearing. If you require further accommodations, please Wendy Johnson via email, [wjohnson@dycd.nyc.gov](mailto:wjohnson@dycd.nyc.gov) no later than three business days before the hearing date.

◀ s15

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on Friday, September 24, 2021 via **MS TEAMS Conference call (Dial In: +1 646-893-7101 / Phone Conference ID: 567 612 60#)** commencing at 10:00 A.M. on the following:

**IN THE MATTER OF** the proposed contract between the Department of Youth and Community Development and the Contractors listed below for Workforce Application Portal. The term will be August 16, 2021 through February 15, 2022. The Contractor's PIN, Amount, Name and Addresses are as followed:

**PIN:** 26022W0001001  
**Name:** PruTech Solutions, Inc  
**Address:** 22 Cortland Street, New York, NY 10007  
**Amount:** \$103,530.00

The proposed contractor is being selected by MWBE Small Purchase, pursuant to Section 3-08 the Procurement Policy Board Rules.

In order to access the Public Hearing or to testify, please join the public hearing via **MS TEAMS Conference call (Dial In: +1 646-893-7101 / Phone Conference ID: 567 612 60#)** no later than 9:50 A.M. on the date of the hearing. If you require further accommodations, please Wendy Johnson via email, [wjohnson@dycd.nyc.gov](mailto:wjohnson@dycd.nyc.gov) no later than three business days before the hearing date.

◀ s15

## AGENCY RULES

### HOUSING PRESERVATION AND DEVELOPMENT

#### ■ NOTICE

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

**What are we proposing?** The Department of Housing Preservation and Development (“HPD”) is proposing amendments to Chapter 41 of Title 28 of the Rules of the City of New York (the “Inclusionary Housing Rules”) regarding rents for Mandatory Inclusionary Housing (MIH) affordable housing units in buildings that are subject to Housing Assistance Payments Contracts and addressing issues identified as part of a comprehensive rules review initiative undertaken by the NYC Mayor’s Office of Operations, working with the City’s rulemaking agencies, the Law Department, and the Office of Management and Budget.

**When and where is the Hearing?** HPD will hold a public hearing on the proposed rules online. The public hearing will take place from 10:30 A.M. to 11:30 A.M. on Tuesday, October 19, 2021.

To participate in the public hearing, enter the Webex URL: <https://nychpd.webex.com/nychpd/j.php?MTID=m402ff452c40270196736293b41493081>

If prompted to provide a password or number, please enter the following:

Meeting Number: 2349 347 2404  
Password: MIH2021

You may also join the hearing via device audio or dial-in via phone.

To join by video system:

Dial 23493472404@webex.com  
 You can also dial 173.243.2.68 and enter your meeting number.

To dial-in via phone, please use the following dial in number and participant code:

Phone Number: (646) 992-2010  
Access Code: 2349 347 2404

If you have low bandwidth or inconsistent internet connection, use the dial-in option for the hearing. This will reduce the possibility of dropped audio and stutters.

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

- **Website.** You can submit comments to HPD through the NYC rules Web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to [rules@hpd.nyc.gov](mailto:rules@hpd.nyc.gov).
- **Mail.** You can mail written comments to TBD, Department of Housing Preservation and Development, 100 Gold Street, Room 5-G3, New York, NY 10038.
- **Fax.** You can fax written comments to HPD, (212) 863-8242, ATTN: Jessica Bartolini.
- **Speaking at the hearing.** Anyone who wants to comment on the proposed rules at the public hearing must sign up to speak. You can sign up before the hearing by calling (212) 863-6838 or by emailing [Bartolij@hpd.nyc.gov](mailto:Bartolij@hpd.nyc.gov) by October 18, 2021 at 5:00 P.M. While you will be given the opportunity during the hearing to indicate that you would like to provide comments, we prefer that you sign-up in advance. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** All written comments must be submitted before the close of business on October 19, 2021.

**What if I need assistance to participate in the hearing?** You must tell HPD if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us either by email at [Bartolij@hpd.nyc.gov](mailto:Bartolij@hpd.nyc.gov) or by telephone at (212) 863-6838. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by October 12, 2021.



This location has the following accessibility options available: Simultaneous transcription for people who are deaf or hard of hearing and audio-only access for persons with vision impairments.

**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 recording of oral comments concerning the proposed rules will be available to the public.

**What authorizes HPD to make this rule?** Sections 1043 and 1802 of the City Charter and Sections 23-961(b) of the Zoning Resolution authorize HPD to make these proposed rules. This proposed rule was included in HPD's regulatory agenda for this fiscal year.

**Where can I find the HPD rules?** The HPD rules are in title 28 of the Rules of the City of New York.

**What laws govern the rulemaking process?** HPD 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(b) of the City Charter.

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

On March 22, 2016, the City Council approved amendments to the Zoning Resolution of the City of New York establishing a Mandatory Inclusionary Housing ("MIH") program which requires new housing developments, enlargements or conversions of more than 10 dwelling units or more than 12,500 square feet of residential floor area constructed in areas designated for MIH in the Zoning Resolution, to provide permanently affordable housing to qualified households. MIH Areas are designated through the land use review process as part of zoning actions that increase housing capacity.

The amendments also provided that HPD may establish alternative provisions for setting the Monthly Rent for Affordable Housing Units located on MIH Sites. The rule amendments proposed in this rulemaking provide such alternative provisions for Affordable Housing Units in Buildings subject to a project-based Housing Assistance Payments Contract ("HAP Contract"). Such provisions would not apply to buildings participating in the Housing Choice Voucher program or any other tenant-based Section 8 program.

Affordable Housing Units in the MIH program are restricted to occupancy by Qualifying Households with an income not exceeding the applicable Income Band as specified in the Zoning Resolution or as provided by special permit of the Board of Standards and Appeals. Furthermore, the Zoning Resolution caps rents for such units at 30% of the Income Band applicable to that unit, minus the amount of any applicable utility allowance. Since MIH Affordable Housing Units must be registered as rent stabilized with the State Division of Housing and Community Renewal ("DHCR"), the legal regulated rents also cannot exceed 30% of the applicable Income Band.

Currently, Buildings that have a project-based Section 8 contract are eligible for subsidies from the United States Department of Housing and Urban Development ("HUD") covering the difference between the tenant's payment and the HUD Contract Rents for such unit. However, because the MIH program requires Building owners to register rents at no higher than 30% of the applicable Income Band, once such a Building becomes a participant in the MIH program, it would no longer be able to take full advantage of this subsidy. In other words, the subsidy would have otherwise equaled the difference between the tenant's payment and HUD Contract Rents rather than the more limited difference between the tenant's payment and 30% of the applicable Income Band.

The proposed rule amendments would allow such MIH projects to register HUD Contract Rents as the Legal Regulated Rent, which could be above the current cap of 30% of the applicable Income Band. This would allow owners of such projects to continue to collect the full subsidy available through the HAP Contract.

Specifically, the proposed rule amendments authorize rents for rental Affordable Housing Units on MIH Sites that are subject to project-based HAP Contracts during the term of such contract to exceed 30% of the applicable Income Band at initial occupancy and upon lease renewals if:

- (a) such rents do not exceed HAP Contract Rents established by HUD;
- (b) the tenant portion of the rent does not exceed the lesser of:
  - (1) 30% of the applicable Income Band, OR
  - (2) the tenant's maximum payment under the HAP Contract; and
- (c) for any such MIH Site subject to a separate agreement with a federal, state or local governmental agency or instrumentality requiring a number or percentage of dwelling units to be rented to homeless households for initial occupancy and/or for re-rental upon a vacancy, the Affordable Housing Units are

utilized to satisfy this requirement to the extent that there are enough Affordable Housing Units available.

The proposed rule amendments also are part of a comprehensive rules review initiative undertaken by the NYC Mayor's Office of Operations, working with the City's rulemaking agencies, the Law Department, and the Office of Management and Budget. The initiative identified rules that will be repealed or modified to reduce regulatory burdens, increase equity, support small businesses, and simplify and update content to help support public understanding and compliance. The proposed rule amendments advance this initiative by simplifying the language of existing Inclusionary Housing Rules. Furthermore, the proposed rule amendments correct an inaccurate citation to the Zoning Resolution.

HPD's authority for these rules is found in section 1802 of the New York City Charter and section 23-961(b) of the Zoning Resolution.

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 41-01 of Chapter 41 of Title 28 of the Rules of the City of New York is amended to read as follows:

§ 41-01. **Definitions.** As used in this chapter, the following terms shall have the following meanings. Capitalized terms not specifically defined in this chapter[,] shall have the meanings set forth in the Zoning Resolution.

**Administering Agent Agreement.** "Administering Agent Agreement" [shall mean] means an agreement between HPD and an Administering Agent concerning the rights, responsibilities and compensation of such Administering Agent.

**Administering Agent Reserve Account.** "Administering Agent Reserve Account" [shall mean] means an account that is separate from a Building's reserve accounts and is held as determined by HPD, and which shall be used, with HPD approval, to pay the Building's Administering Agent for services rendered in accordance with the Program.

**Annual Household Income.** "Annual Household Income" [shall mean] means the total income as specified by HUD in 24 CFR 5.609, including all net income from Assets with a cash value in excess of \$5,000, to be received by the Household, from all sources for the twelve month period prior to the Income Qualification Date.

**Application Deadline.** "Application Deadline" [shall mean] means the date by which HPD must receive an application to purchase a Homeownership Affordable Housing Unit.

**Appreciation Index At Resale.** "Appreciation Index At Resale" [shall mean] means the quotient of the Appreciation Index on the Contract Date and the Appreciation Index on the previous Sale Date.

**Asset.** "Asset" [shall mean] means property real or personal, tangible or intangible, which may produce financial gain.

**Assisted Affordable Unit.** "Assisted Affordable Unit" [shall have] has the meaning set forth for "Affordable Housing Unit" in Section 421-a(16)(a)(xv) of the Real Property Tax Law.

**Capital Reserve Account.** "Capital Reserve Account" [shall mean] means an account that is separate from a Building's capital reserve account(s) and held as determined by HPD and shall be used, with HPD approval, to pay for all or part of a Homeownership Affordable Housing Unit's proportionate share of such Building's capital expenses.

**Commissioner.** "Commissioner" [shall mean] means the Commissioner of HPD or his or her designee.

**Common Expenses.** "Common Expenses" [shall mean] means and include for a Condominium Association, all expenses of operation thereof and all sums designated common expenses in accordance with Article 9-B, Section 339-e of the Real Property Law and for a Cooperative Corporation all expenses of operation thereof and all sums designated common expenses pursuant to the provisions of the by-laws and proprietary lease for such Cooperative Corporation.

**Community Board.** "Community Board" [shall mean] means a local district advisory board created pursuant to Section 2800 of the New York City Charter that, in part, consults, assists and advises legislative bodies or borough presidents with respect to any matter relating to the welfare of the district and its residents.

**Contract Date.** "Contract Date" [shall mean] means the date a contract to purchase a Homeownership Affordable Housing Unit is executed.

**Council Member.** "Council Member" [shall mean] means an elected member of the New York City Council.

**CPI.** "CPI" [shall mean] means the Consumer Price Index for all urban consumers, as defined by the United States Bureau of Labor Statistics, for the twelve months ended on June 30th.

**Department of Finance or DOF.** "Department of Finance" or "DOF" [shall mean] means the Department of Finance of the City of New York or any successor agency or department thereto.

**DHCR.** "DHCR" [shall mean] means the Division of Housing and Community Renewal of the State of New York or any successor agency.

**Family Member.** "Family Member" [shall have] has the meaning set forth by DHCR in 9 NYCRR §2520.6.

**First Time Homebuyer Preference.** "First Time Homebuyer Preference" [shall mean] means a priority to purchase a Homeownership Affordable Housing Unit which is provided to an Eligible Buyer who is purchasing a Dwelling Unit for the first time.

**Flip Tax.** "Flip Tax" [shall mean] means 7% of net profits from the sale of a Homeownership Affordable Housing Unit.

**HAP Contract.** "HAP Contract" means any project-based Section 8 housing assistance payments contract, as may be amended or renewed, that covers all rental Affordable Housing Units in a Building.

**HAP Contract Rents.** "HAP Contract Rents" means the rent approved by HUD for a Dwelling Unit in an MIH Site with a HAP Contract.

**HDC.** "HDC" [shall mean] means the New York City Housing Development Corporation.

**HHP.** "HHP" [shall mean] means the Household Factor established by HPD, based on the family size adjustment percentages established by HUD.

**Homeless Regulatory Agreement.** "Homeless Regulatory Agreement" means an agreement with a federal, state or local governmental agency or instrumentality requiring a number or percentage of Dwelling Units to be rented to homeless households at initial occupancy and/or upon re-rental at vacancy.

**HUD.** "HUD" [shall mean] means the United States Department of Housing and Urban Development or any successor agency.

**Income Marketing Band.** "Income Marketing Band" [shall mean] means that, except as permitted in the Zoning Resolution, the Monthly Housing Costs of a particular Homeownership Affordable Housing Unit represents not less than 25% and not more than 35% of such Household's Annual Household Income.

**Income Qualification Date.** "Income Qualification Date" [shall mean] means the date upon which the Administering Agent verifies that a potential Homeowner's Annual Household Income complies with the Eligible Buyer requirements for a particular Homeownership Affordable Housing Unit.

**Internal Transfer Preference.** "Internal Transfer Preference" [shall mean] means a priority to purchase a Homeownership Affordable Housing Unit which is provided to an Eligible Buyer who (i) already owns a Homeownership Affordable Housing Unit in the same Building or in the development containing such Building, and (ii) agrees to sell his or her existing Homeownership Affordable Housing Unit on or before the date upon which he or she acquires the new Homeownership Affordable Housing Unit.

**Minimum Quality Standards.** "Minimum Quality Standards" [shall mean] means livability standards that are in compliance with 24 CFR 982.401 or any superseding regulations established by HUD.

**Monthly Housing Costs.** "Monthly Housing Costs" [shall mean] means, for a Household, the sum of Monthly Fees, monthly utility allowances, Mortgage Payments and monthly property taxes, if applicable.

**Operating Reserve Account.** "Operating Reserve Account" [shall mean] means an account that is separate from a Building's operating account(s) and is held as determined by HPD, and which shall be used, with HPD approval, to pay for all or part of a Homeownership Affordable Housing Unit's proportionate share of such Building's Common Expenses, in the form of Monthly Fees.

**Partial Inclusionary Building.** "Partial Inclusionary Building" [shall mean] means a Building that consists of both Affordable Housing and Dwelling Units that are not restricted, in accordance with the Program, to occupancy by Low Income Households, Moderate Income Households or Middle Income Households.

**Prevailing Interest Rate.** "Prevailing Interest Rate" [shall mean] means the single family mortgage rate for a thirty-year fixed rate loan established by the Federal Home Loan Mortgage Association and the Federal National Mortgage Association that is quoted, for Sale or Resale, in the month that the Homeownership Affordable Housing Unit is marketed for Sale or Resale.

**Program.** "Program" [shall mean] means the Zoning Resolution, Regulatory Agreement and this Chapter.

**Public Funding.** "Public Funding" [shall have] has the meaning set forth in Section 23-90 of the Zoning Resolution, except that, in accordance with the authority granted therein with respect to these guidelines, for Regulatory Agreements executed on or after December 1, 2011, "Public Funding" shall not include an exemption of real property taxes pursuant to Article II of the Private Housing Finance Law.

**Rent Guidelines Board.** "Rent Guidelines Board" [shall mean] means the New York City Rent Guidelines Board established pursuant to Chapter 4 of Title 26 of the New York City Administrative Code.

**Reserve Accounts.** "Reserve Accounts" [shall mean] means, for Generating Sites containing at least one Homeownership Affordable Housing Unit, an Operating Reserve Account, a Capital Reserve Account and an Administering Agent Reserve Account.

**Section 8 assistance.** "Section 8 assistance" means a federal rental subsidy pursuant to the Section 8 project-based rental assistance program, or any successor programs, under the United States Housing Act of 1937, as amended.

**Successor.** "Successor" [shall mean] means a Family Member that inherits, by either intestate succession or testamentary disposition, a Homeownership Affordable Housing Unit.

**Zoning Resolution.** "Zoning Resolution" [shall mean] means the Zoning Resolution of the City of New York.

§ 2. Subdivision (b) of section 41-03 of Chapter 6 of Title 28 of the Rules of the City of New York is amended to read as follows:

- (b) Except as otherwise provided in Section 23-962(f)(3) of the Zoning Resolution, the Appreciated Price is calculated by multiplying the Resale price of a Homeownership Affordable Housing Unit on the previous Sale Date by the Appreciation Index At Resale.

§ 3. Chapter 41 of Title 28 of the Rules of the City of New York is amended by adding a new Section 41-25 to read as follows:

§ 41-25 MIH HAP Contract Rents.

For rental Affordable Housing Units in MIH Sites that are subject to a HAP Contract, the Regulatory Agreement shall provide that, during the term of such HAP Contract, the Monthly Rent may exceed the Maximum Monthly Rent at initial occupancy and upon renewal of leases, if

- (a) such Monthly Rent does not exceed the HAP Contract Rents for such rental Affordable Housing Unit,
- (b) such Monthly Rent, less any Section 8 assistance, does not exceed the lesser of the Maximum Monthly Rent or the Legal Regulated Rent, and
- (c) for any such MIH Site that is subject to a Homeless Regulatory Agreement, such rental Affordable Housing Units are to the extent possible utilized to satisfy the requirement of such agreement that a specified number or percentage of Dwelling Units are rented to homeless households at initial occupancy and/or upon re-rental at vacancy.

Commissioner Louise Carroll  
September 15, 2021

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:** Amendment of Inclusionary Housing Rules

**REFERENCE NUMBER:** 2021 RG 066

**RULEMAKING AGENCY:** Department of Housing Preservation and Development

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 25, 2021

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: Amendment of Inclusionary Housing Rules

REFERENCE NUMBER: HPD-82

RULEMAKING AGENCY: Department of Housing Preservation and Development

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 25, 2021  
Date

Accessibility questions: BartoliJ@hpd.nyc.gov, by: Tuesday, October 12, 2021, 5:00 P.M.



cc s15

SPECIAL MATERIALS

COMPTROLLER

ACCOUNTANCY

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 9/22/2021, 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

HOUSING PRESERVATION AND DEVELOPMENT

NOTICE

REQUEST FOR COMMENT  
REGARDING AN APPLICATION FOR A  
CERTIFICATION OF NO HARASSMENT

Notice Date: September 14, 2021

To: Occupants, Former Occupants, and Other Interested Parties

Property: Address	Application #	Inquiry Period
169 Quincy Street, Brooklyn	60/2021	August 19, 2018 to Present
611 West 112 <sup>th</sup> Street, Manhattan	61/2021	August 19, 2018 to Present
337 West 84 <sup>th</sup> Street, Manhattan	71/2021	September 1, 2018 to Present
43 Monroe Street, Brooklyn	74/2021	September 1, 2018 to Present

Authority: SRO, Administrative Code §27-2093

Before the Department of Buildings can issue a permit for the alteration or demolition of a single room occupancy multiple dwelling, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period. Harassment is conduct by an owner that is intended to cause, or does cause, residents to leave or otherwise surrender any of their legal occupancy rights. It can include, but is not limited to, failure to provide essential services (such as heat, water, gas, or electricity), illegally locking out building residents, starting frivolous lawsuits, and using threats or physical force.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at CONH Unit, 100 Gold Street, 6<sup>th</sup> Floor, New York, NY 10038, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement, please call (212) 863-5277 or (212) 863-8211.

For the decision on the Certification of No Harassment Final Determination please visit our website at www.hpd.nyc.gov or call 212-863-8266.

PETICIÓN DE COMENTARIO  
SOBRE UNA SOLICITUD PARA UN  
CERTIFICACIÓN DE NO ACOSO

Fecha de notificación: September 14, 2021

Para: Inquilinos, Inquilinos Anteriores, y Otras Personas Interesadas

Propiedad: Dirección:	Solicitud #:	Período de consulta:
169 Quincy Street, Brooklyn	60/2021	August 19, 2018 to Present
611 West 112 <sup>th</sup> Street, Manhattan	61/2021	August 19, 2018 to Present
337 West 84 <sup>th</sup> Street, Manhattan	71/2021	September 1, 2018 to Present
43 Monroe Street, Brooklyn	74/2021	September 1, 2018 to Present

Autoridad: SRO, Código Administrativo §27-2093

Antes de que el Departamento de Edificios pueda conceder un permiso para la alteración o demolición de una vivienda múltiple de ocupación de cuartos individuales, el propietario debe obtener una "Certificación de No Acoso" del Departamento de Preservación y Desarrollo de la Vivienda ("HPD") que indique que tiene no haber sido hostigado a los ocupantes legales del edificio durante un periodo de tiempo especificado. El acoso es una conducta por parte de un dueño de edificio que pretende causar, o causa, que los residentes se vayan o renuncien a cualquiera de sus derechos legales de ocupación. Puede incluir, entre otros, no proporcionar servicios esenciales (como calefacción, agua, gas o electricidad), bloquear ilegalmente a los residentes del edificio, iniciar demandas frívolas y utilizar amenazas o fuerza física.

El dueño del edificio identificado anteriormente ha solicitado una Certificación de No Acoso. Si tiene algún comentario o evidencia de acoso en este edificio, notifique a HPD al CONH Unit, 100 Gold Street, 6<sup>th</sup> Floor, New York, NY 10038 por carta con matasellos no

mas tarde que 30 días después de la fecha de este aviso o por una declaración en persona realizada dentro del mismo periodo. Para hacer una cita para una declaración en persona, llame al (212) 863-5277 o (212) 863-8211.

Para conocer la decisión final sobre la Certificación de No Acoso, visite nuestra pagina web en [www.hpd.nyc.gov](http://www.hpd.nyc.gov) o llame al 212-863-8266.

s14-22

**REQUEST FOR COMMENT  
REGARDING AN APPLICATION FOR A  
CERTIFICATION OF NO HARASSMENT**

**Notice Date:** September 14, 2021

**To:** Occupants, Former Occupants, and Other Interested Parties

<u>Property: Address</u>	<u>Application #</u>	<u>Inquiry Period</u>
85 North 6 <sup>th</sup> Street, Brooklyn	73/2021	October 4, 2004 to Present

**Authority:** Greenpoint-Williamsburg Anti-Harassment Area, Zoning Resolution §§23-013, 93-90

Before the Department of Buildings can issue a permit for the alteration or demolition of a multiple dwelling in certain areas designated in the Zoning Resolution, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period. Harassment is conduct by an owner that is intended to cause, or does cause, residents to leave or otherwise surrender any of their legal occupancy rights. It can include, but is not limited to, failure to provide essential services (such as heat, water, gas, or electricity), illegally locking out building residents, starting frivolous lawsuits, and using threats or physical force.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at **CONH Unit, 100 Gold Street, 6<sup>th</sup> Floor, New York, NY 10038**, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement, please call (212) 863-5277 or (212) 863-8211.

*For the decision on the Certification of No Harassment Final Determination please visit our website at [www.hpd.nyc.gov](http://www.hpd.nyc.gov) or call 212-863-8266.*

**PETICIÓN DE COMENTARIO  
SOBRE UNA SOLICITUD PARA UN  
CERTIFICACIÓN DE NO ACOSO**

**Fecha de notificación:** September 14, 2021

**Para:** Inquilinos, Inquilinos Anteriores, y Otras Personas Interesadas

<u>Propiedad: Dirección:</u>	<u>Solicitud #:</u>	<u>Período de consulta:</u>
85 North 6 <sup>th</sup> Street, Brooklyn	73/2021	October 4, 2004 to Present

**Autoridad:** Greenpoint-Williamsburg Anti-Harassment Area, Código Administrativo Zoning Resolution §§23-013, 93-90

Antes de que el Departamento de Edificios pueda conceder un permiso para la alteración o demolición de una vivienda múltiple de ocupación de cuartos individuales, el propietario debe obtener una "Certificación de No Acoso" del Departamento de Preservación y Desarrollo de la Vivienda ("HPD") que indique que tiene no haber sido hostigado a los ocupantes legales del edificio durante un periodo de tiempo especificado. El acoso es una conducta por parte de un dueño de edificio que pretende causar, o causa, que los residentes se vayan o renuncien a cualquiera de sus derechos legales de ocupación. Puede incluir, entre otros, no proporcionar servicios esenciales (como calefacción, agua, gas o electricidad), bloquear ilegalmente a los residentes del edificio, iniciar demandas frívolas y utilizar amenazas o fuerza física.

El dueño del edificio identificado anteriormente ha solicitado una Certificación de No Acoso. Si tiene algún comentario o evidencia de acoso en este edificio, notifique a HPD al **CONH Unit, 100 Gold Street, 6<sup>th</sup> Floor, New York, NY 10038** por carta con matasellos no mas tarde que 30 días después de la fecha de este aviso o por una declaración en persona realizada dentro del mismo periodo. Para hacer una cita para una declaración en persona, llame al (212) 863-5277 o (212) 863-8211.

Para conocer la decisión final sobre la Certificación de No Acoso, visite nuestra pagina web en [www.hpd.nyc.gov](http://www.hpd.nyc.gov) o llame al 212-863-8266.

s14-22

**REQUEST FOR COMMENT  
REGARDING AN APPLICATION FOR A  
CERTIFICATION OF NO HARASSMENT  
PILOT PROGRAM**

**Notice Date:** September 14, 2021

**To:** Occupants, Former Occupants, and Other Interested Parties

<u>Property: Address</u>	<u>Application #</u>	<u>Inquiry Period</u>
296 Schaefer Street, Brooklyn	75/2021	September 1, 2018 to Present

**Authority:** Pilot Program Administrative Code §27-2093.1, §28-505.3

Before the Department of Buildings can issue a permit for the alteration or demolition of a multiple dwelling on the Certification of No Harassment Pilot Program building list, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period. Harassment is conduct by an owner that is intended to cause, or does cause, residents to leave or otherwise surrender any of their legal occupancy rights. It can include, but is not limited to, failure to provide essential services (such as heat, water, gas, or electricity), illegally locking out building residents, starting frivolous lawsuits, and using threats or physical force.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at **CONH Unit, 100 Gold Street, 6<sup>th</sup> Floor, New York, NY 10038**, by letter postmarked not later than 45 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement, please call (212) 863-5277 or (212) 863-8211.

*For the decision on the Certification of No Harassment Final Determination please visit our website at [www.hpd.nyc.gov](http://www.hpd.nyc.gov) or call 212-863-8266.*

**PETICIÓN DE COMENTARIO  
SOBRE UNA SOLICITUD PARA UN  
CERTIFICACIÓN DE NO ACOSO  
PROGRAMA PILOTO**

**Fecha de notificación:** September 14, 2021

**Para:** Inquilinos, Inquilinos Anteriores, y Otras Personas Interesadas

<u>Propiedad: Dirección:</u>	<u>Solicitud #:</u>	<u>Período de consulta:</u>
296 Schaefer Street, Brooklyn	75/2021	September 1, 2018 to Present

**Autoridad:** PILOT, Código Administrativo §27-2093.1, §28-505.3

Antes de que el Departamento de Edificios pueda conceder un permiso para la alteración o demolición de una vivienda múltiple de ocupación de cuartos individuales, el propietario debe obtener una "Certificación de No Acoso" del Departamento de Preservación y Desarrollo de la Vivienda ("HPD") que indique que tiene no haber sido hostigado a los ocupantes legales del edificio durante un periodo de tiempo especificado. El acoso es una conducta por parte de un dueño de edificio que pretende causar, o causa, que los residentes se vayan o renuncien a cualquiera de sus derechos legales de ocupación. Puede incluir, entre otros, no proporcionar servicios esenciales (como calefacción, agua, gas o electricidad), bloquear ilegalmente a los residentes del edificio, iniciar demandas frívolas y utilizar amenazas o fuerza física.

El dueño del edificio identificado anteriormente ha solicitado una Certificación de No Acoso. Si tiene algún comentario o evidencia de acoso en este edificio, notifique a HPD al **CONH Unit, 100 Gold Street, 6<sup>th</sup> Floor, New York, NY 10038** por carta con matasellos no mas tarde que 45 días después de la fecha de este aviso o por una declaración en persona realizada dentro del mismo periodo. Para hacer una cita para una declaración en persona, llame al (212) 863-5277 o (212) 863-8211.

Para conocer la decisión final sobre la Certificación de No Acoso, visite nuestra pagina web en [www.hpd.nyc.gov](http://www.hpd.nyc.gov) o llame al 212-863-8266.

s14-22

**MAYOR'S OFFICE OF CONTRACT SERVICES**

## ■ NOTICE

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2022 Annual Contracting Plan and Schedule

**NOTICE IS HEREBY GIVEN** that the Mayor will be issuing the following solicitation(s) not included in the FY 2022 Annual Contracting Plan and Schedule that is published, pursuant to New York City Charter § 312(a):

Agency: Administration for Children's Services  
 Description of services sought: Pay per Shift (Basic) Car Service  
 Start date of the proposed contract: 1/1/2022  
 End date of the proposed contract: 6/30/2022  
 Method of solicitation the agency intends to utilize: Negotiated Acquisition Extension  
 Personnel in substantially similar titles within agency: Motor Vehicle Operators  
 Headcount of personnel in substantially similar titles within agency: 17

◀ s15

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2021 Annual Contracting Plan and Schedule

**NOTICE IS HEREBY GIVEN** that the Mayor will be issuing the following solicitation(s) not included in the FY 2021 Annual Contracting Plan and Schedule that is published, pursuant to New York City Charter § 312(a):

Agency: Department of Design and Construction  
 Description of services sought: 3865-3880 Construction Management Jewish Children's Museum Interior Renovation - HVAC, BMS and Elevator Upgrades  
 Start date of the proposed contract: 12/1/2021  
 End date of the proposed contract: 6/30/2026  
 Method of solicitation the agency intends to utilize: RFP  
 Personnel in substantially similar titles within agency: Administrative Architect, Administrative Architect NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Project Manager, Administrative Project Manager NM, Architect, Assistant Architect, Assistant Electrical Engineer, Assistant Mechanical Engineer, Assistant Landscape Architect, Assistant Civil Engineer, Associate Project Manager, Civil Engineer, Construction Project Manager, Construction Project Manager Intern, Electrical Engineer, Highways and Sewers Inspector, Mechanical Engineer, Project Manager, Project Manager Intern, Surveyor  
 Headcount of personnel in substantially similar titles within agency: 697

Agency: Department of Design and Construction  
 Description of services sought: Resident Engineering Inspection Services Jewish Children's Museum Interior Renovation - HVAC, BMS and Elevator Upgrades  
 Start date of the proposed contract: 12/1/2021  
 End date of the proposed contract: 6/30/2026  
 Method of solicitation the agency intends to utilize: RFP  
 Personnel in substantially similar titles within agency: Administrative Architect, Administrative Architect NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Project Manager, Administrative Project Manager NM, Architect, Assistant Architect, Assistant Electrical Engineer, Assistant Mechanical Engineer, Assistant Landscape Architect, Assistant Civil Engineer, Associate Project Manager, Civil Engineer, Construction Project Manager, Construction Project Manager Intern, Electrical Engineer, Highways and Sewers Inspector, Mechanical Engineer, Project Manager, Project Manager Intern, Surveyor  
 Headcount of personnel in substantially similar titles within agency: 697

Agency: Department of Design and Construction  
 Description of services sought: Consultant Contract Administration: research, training, data analysis, and expert testimony, including services related to damages for delay claims, Brooklyn Bridge Montgomery Street Coastal Resilience (BMCR)  
 Start date of the proposed contract: 12/1/2021  
 End date of the proposed contract: 6/30/2026  
 Method of solicitation the agency intends to utilize: RFP  
 Personnel in substantially similar titles within agency: Accountant, Administrative Accountant, Administrative Architect, Administrative Architect NM, Administrative City Planner, Administrative City Planner NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landscape Architect, Administrative Landscape Architect NM,

Administrative Manager, Administrative Project Manager, Administrative Project Manager NM, Administrative Staff Analyst, Architect, Architectural Intern, Assistant Architect, Assistant Landscape Architect, Assistant Civil Engineer, Assistant Electrical Engineer, Assistant Landscape Architect, Assistant Mechanical Engineer, Assistant Urban Designer, Associate Investigator, Associate Project Manager, Associate Urban Designer, City Planner, Civil Engineer, Civil Engineering Intern, Construction Project Manager, Construction Project Manager Intern, Electrical Engineer, Estimator (General Construction), Estimator (Mechanical), Investigator, Landscape Architect, Management Auditor, Mechanical Engineer, Mechanical Engineer Inter, Project Manager, Project Manager Intern, Senior Estimator - General Construction, Supervisor of Electrical Installations & Maintenance  
 Headcount of personnel in substantially similar titles within agency: 767

Agency: Department of Design and Construction  
 Description of services sought: Construction Support Services: asbestos, boring, testing, monitoring, sampling, site safety, inspections and environmental, Jewish Children's Museum Interior Renovation - HVAC, BMS and Elevator Upgrades  
 Start date of the proposed contract: 12/1/2021  
 End date of the proposed contract: 6/30/2026  
 Method of solicitation the agency intends to utilize: RFP  
 Personnel in substantially similar titles within agency: Asbestos Hazard Investigator, Assistant Chemical Engineer, Assistant Mechanical Engineer, Assistant Civil Engineer, Associate Project Manager, Civil Engineering Intern, Construction Project Manager, Construction Project Manager Intern, Engineering Technician, Geologist, Industrial Hygienist, Project Manager, Surveyor  
 Headcount of personnel in substantially similar titles within agency: 428

Agency: Department of Design and Construction  
 Description of services sought: Contract Administration: fiscal audit, reconciliation of accounts, preparation of change orders, analyzing and finalizing financial transactions and contract close out, Jewish Children's Museum Interior Renovation - HVAC, BMS and Elevator Upgrades  
 Start date of the proposed contract: 12/1/2021  
 End date of the proposed contract: 6/30/2026  
 Method of solicitation the agency intends to utilize: RFP  
 Personnel in substantially similar titles within agency: Accountant, Administrative Accountant, Administrative Architect, Administrative Architect NM, Administrative City Planner, Administrative City Planner NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Project Manager, Administrative Project Manager, Administrative Project Manager NM, Administrative Project Manager NM, Administrative Staff Analyst, Architect, Architectural Intern, Assistant Architect, Assistant Landscape Architect, Assistant Civil Engineer, Assistant Electrical Engineer, Assistant Landscape Architect, Assistant Mechanical Engineer, Assistant Urban Designer, Associate Investigator, Associate Project Manager, Associate Urban Designer, City Planner, Civil Engineer, Civil Engineering Intern, Construction Project Manager, Construction Project Manager Intern, Electrical Engineer, Estimator (General Construction), Estimator (Mechanical), Investigator, Landscape Architect, Management Auditor, Mechanical Engineer, Mechanical Engineer Inter, Project Manager, Project Manager Intern, Senior Estimator - General Construction, Supervisor of Electrical Installations & Maintenance  
 Headcount of personnel in substantially similar titles within agency: 767

◀ s15

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2021 Annual Contracting Plan and Schedule

**NOTICE IS HEREBY GIVEN** that the Mayor will be issuing the following solicitation(s) not included in the FY 2021 Annual Contracting Plan and Schedule that is published, pursuant to New York City Charter § 312(a):

Agency: Department of Design and Construction  
 Description of services sought: 3889-3896 Construction Management Brooklyn Bridge Montgomery Street Coastal Resilience (BMCR)  
 Start date of the proposed contract: 12/1/2021  
 End date of the proposed contract: 6/30/2026  
 Method of solicitation the agency intends to utilize: RFP  
 Personnel in substantially similar titles within agency: Administrative Architect, Administrative Architect NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Project Manager, Administrative Project Manager NM, Architect, Assistant Architect, Assistant Electrical Engineer, Assistant Mechanical Engineer, Assistant Landscape Architect, Assistant Civil Engineer, Associate Project Manager, Civil Engineer, Construction Project Manager, Construction Project Manager Intern, Electrical

Engineer, Highways and Sewers Inspector, Mechanical Engineer, Project Manager, Project Manager Intern, Surveyor  
Headcount of personnel in substantially similar titles within agency: 697

Agency: Department of Design and Construction  
Description of services sought: Resident Engineering Inspection Services Brooklyn Bridge Montgomery Street Coastal Resilience (BMCR)  
Start date of the proposed contract: 12/1/2021  
End date of the proposed contract: 6/30/2026  
Method of solicitation the agency intends to utilize: RFP  
Personnel in substantially similar titles within agency: Administrative Architect, Administrative Architect NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Project Manager, Administrative Project Manager NM, Architect, Assistant Architect, Assistant Electrical Engineer, Assistant Mechanical Engineer, Assistant Landscape Architect, Assistant Civil Engineer, Associate Project Manager, Civil Engineer, Construction Project Manager, Construction Project Manager Intern, Electrical Engineer, Highways and Sewers Inspector, Mechanical Engineer, Project Manager, Project Manager Intern, Surveyor  
Headcount of personnel in substantially similar titles within agency: 697

Agency: Department of Design and Construction  
Description of services sought: Consultant Contract Administration: research, training, data analysis, and expert testimony, including services related to damages for delay claims, Brooklyn Bridge Montgomery Street Coastal Resilience (BMCR)  
Start date of the proposed contract: 12/1/2021  
End date of the proposed contract: 6/30/2026  
Method of solicitation the agency intends to utilize: RFP  
Personnel in substantially similar titles within agency: Accountant, Administrative Accountant, Administrative Architect, Administrative Architect NM, Administrative City Planner, Administrative City Planner NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Manager, Administrative Project Manager, Administrative Project Manager NM, Administrative Staff Analyst, Architect, Architectural Intern, Assistant Architect, Assistant Landscape Architect, Assistant Civil Engineer, Assistant Electrical Engineer, Assistant Landscape Architect, Assistant Mechanical Engineer, Assistant Urban Designer, Associate Investigator, Associate Project Manager, Associate Urban Designer, City Planner, Civil Engineer, Civil Engineering Intern, Construction Project Manager, Construction Project Manager Intern, Electrical Engineer, Estimator (General Construction), Estimator (Mechanical), Investigator, Landscape Architect, Management Auditor, Mechanical Engineer, Mechanical Engineer Inter, Project Manager, Project Manager Intern, Senior Estimator – General Construction, Supervisor of Electrical Installations & Maintenance  
Headcount of personnel in substantially similar titles within agency: 767

Agency: Department of Design and Construction  
Description of services sought: Construction Support Services: asbestos, boring, testing, monitoring, sampling, site safety, inspections and environmental, Brooklyn Bridge Montgomery Street Coastal Resilience (BMCR)  
Start date of the proposed contract: 12/1/2021  
End date of the proposed contract: 6/30/2026  
Method of solicitation the agency intends to utilize: RFP  
Personnel in substantially similar titles within agency: Asbestos Hazard Investigator, Assistant Chemical Engineer, Assistant Mechanical Engineer, Assistant Civil Engineer, Associate Project Manager, Civil Engineering Intern, Construction Project Manager, Construction Project Manager Intern, Engineering Technician, Geologist, Industrial Hygienist, Project Manager, Surveyor  
Headcount of personnel in substantially similar titles within agency: 428

Agency: Department of Design and Construction  
Description of services sought: Contract Administration: fiscal audit, reconciliation of accounts, preparation of change orders, analyzing and finalizing financial transactions and contract close out, Brooklyn Bridge Montgomery Street Coastal Resilience (BMCR)  
Start date of the proposed contract: 12/1/2021  
End date of the proposed contract: 6/30/2026  
Method of solicitation the agency intends to utilize: RFP  
Personnel in substantially similar titles within agency: Accountant, Administrative Accountant, Administrative Architect, Administrative Architect NM, Administrative City Planner, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Manager, Administrative Project Manager, Administrative Project Manager NM, Administrative Staff Analyst, Architect, Architectural Intern, Assistant Architect, Assistant Landscape Architect, Assistant Civil Engineer, Assistant Electrical Engineer, Assistant Landscape Architect, Assistant Mechanical Engineer, Assistant Urban Designer, Associate Investigator, Associate Project Manager, Associate Urban Designer, City Planner, Civil

Engineer, Civil Engineering Intern, Construction Project Manager, Construction Project Manager Intern, Electrical Engineer, Estimator (General Construction), Estimator (Mechanical), Investigator, Landscape Architect, Management Auditor, Mechanical Engineer, Mechanical Engineer Inter, Project Manager, Project Manager Intern, Senior Estimator – General Construction, Supervisor of Electrical Installations & Maintenance  
Headcount of personnel in substantially similar titles within agency: 767

Agency: Department of Design and Construction  
Description of services sought: Community Outreach Consultants Brooklyn Bridge Montgomery Street Coastal Resilience (BMCR)  
Start date of the proposed contract: 12/1/2021  
End date of the proposed contract: 6/30/2026  
Method of solicitation the agency intends to utilize: RFP  
Personnel in substantially similar titles within agency: None  
Headcount of personnel in substantially similar titles within agency: 0

Agency: Department of Design and Construction  
Description of services sought: Owner's Representative Requirements Contracts Brooklyn Bridge Montgomery Street Coastal Resilience (BMCR)  
Start date of the proposed contract: 12/1/2021  
End date of the proposed contract: 6/30/2026  
Method of solicitation the agency intends to utilize: RFP  
Personnel in substantially similar titles within agency: Administrative Architect, Administrative Architect NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Project Manager, Administrative Project Manager NM, Architect, Assistant Architect, Assistant Electrical Engineer, Assistant Mechanical Engineer, Assistant Landscape Architect, Assistant Civil Engineer, Associate Project Manager, Civil Engineer, Construction Project Manager, Construction Project Manager Intern, Electrical Engineer, Highways and Sewers Inspector, Mechanical Engineer, Project Manager, Project Manager Intern, Surveyor  
Headcount of personnel in substantially similar titles within agency: 697

◀ s15

#### Notice of Intent to Issue New Solicitation(s) Not Included in FY 2021 Annual Contracting Plan and Schedule

**NOTICE IS HEREBY GIVEN** that the Mayor will be issuing the following solicitation(s) not included in the FY 2021 Annual Contracting Plan and Schedule that is published, pursuant to New York City Charter § 312(a):

Agency: Department of Design and Construction  
Description of services sought: 3881-3888 Construction Management Flatbush Avenue Downtown Brooklyn Safety Improvements  
Start date of the proposed contract: 12/1/2021  
End date of the proposed contract: 6/30/2026  
Method of solicitation the agency intends to utilize: RFP  
Personnel in substantially similar titles within agency: Administrative Architect, Administrative Architect NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Project Manager, Administrative Project Manager NM, Architect, Assistant Architect, Assistant Electrical Engineer, Assistant Mechanical Engineer, Assistant Landscape Architect, Assistant Civil Engineer, Associate Project Manager, Civil Engineer, Construction Project Manager, Construction Project Manager Intern, Electrical Engineer, Highways and Sewers Inspector, Mechanical Engineer, Project Manager, Project Manager Intern, Surveyor  
Headcount of personnel in substantially similar titles within agency: 697

Agency: Department of Design and Construction  
Description of services sought: Resident Engineering Inspection Services Flatbush Avenue Downtown Brooklyn Safety Improvements  
Start date of the proposed contract: 12/1/2021  
End date of the proposed contract: 6/30/2026  
Method of solicitation the agency intends to utilize: RFP  
Personnel in substantially similar titles within agency: Administrative Architect, Administrative Architect NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Project Manager, Administrative Project Manager NM, Architect, Assistant Architect, Assistant Electrical Engineer, Assistant Mechanical Engineer, Assistant Landscape Architect, Assistant Civil Engineer, Associate Project Manager, Civil Engineer, Construction Project Manager, Construction Project Manager Intern, Electrical Engineer, Highways and Sewers Inspector, Mechanical Engineer, Project Manager, Project Manager Intern, Surveyor  
Headcount of personnel in substantially similar titles within agency: 697

Agency: Department of Design and Construction  
 Description of services sought: Consultant Contract Administration: research, training, data analysis, and expert testimony, including services related to damages for delay claims, Flatbush Avenue Downtown Brooklyn Safety Improvements  
 Start date of the proposed contract: 12/1/2021  
 End date of the proposed contract: 6/30/2026  
 Method of solicitation the agency intends to utilize: RFP  
 Personnel in substantially similar titles within agency: Accountant, Administrative Accountant, Administrative Architect, Administrative Architect NM, Administrative City Planner, Administrative City Planner NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Manager, Administrative Project Manager, Administrative Project Manager NM, Administrative Staff Analyst, Architect, Architectural Intern, Assistant Architect, Assistant Landscape Architect, Assistant Civil Engineer, Assistant Electrical Engineer, Assistant Landscape Architect, Assistant Mechanical Engineer, Assistant Urban Designer, Associate Investigator, Associate Project Manager, Associate Urban Designer, City Planner, Civil Engineer, Civil Engineering Intern, Construction Project Manager, Construction Project Manager Intern, Electrical Engineer, Estimator (General Construction), Estimator (Mechanical), Investigator, Landscape Architect, Management Auditor, Mechanical Engineer, Mechanical Engineer Inter, Project Manager, Project Manager Intern, Senior Estimator – General Construction, Supervisor of Electrical Installations & Maintenance  
 Headcount of personnel in substantially similar titles within agency: 767

Agency: Department of Design and Construction  
 Description of services sought: Construction Support Services: asbestos, boring, testing, monitoring, sampling, site safety, inspections and environmental, Flatbush Avenue Downtown Brooklyn Safety Improvements  
 Start date of the proposed contract: 12/1/2021  
 End date of the proposed contract: 6/30/2026  
 Method of solicitation the agency intends to utilize: RFP  
 Personnel in substantially similar titles within agency: Asbestos Hazard Investigator, Assistant Chemical Engineer, Assistant Mechanical Engineer, Assistant Civil Engineer, Associate Project Manager, Civil Engineering Intern, Construction Project Manager, Construction Project Manager Intern, Engineering Technician, Geologist, Industrial Hygienist, Project Manager, Surveyor  
 Headcount of personnel in substantially similar titles within agency: 428

Agency: Department of Design and Construction  
 Description of services sought: Contract Administration: fiscal audit, reconciliation of accounts, preparation of change orders, analyzing and finalizing financial transactions and contract close out, Flatbush Avenue Downtown Brooklyn Safety Improvements  
 Start date of the proposed contract: 12/1/2021  
 End date of the proposed contract: 6/30/2026  
 Method of solicitation the agency intends to utilize: RFP  
 Personnel in substantially similar titles within agency: Accountant, Administrative Accountant, Administrative Architect, Administrative Architect NM, Administrative City Planner, Administrative City Planner NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Manager, Administrative Project Manager, Administrative Project Manager NM, Administrative Staff Analyst, Architect, Architectural Intern, Assistant Architect, Assistant Landscape Architect, Assistant Civil Engineer, Assistant Electrical Engineer, Assistant Landscape Architect, Assistant Mechanical Engineer, Assistant Urban Designer, Associate Investigator, Associate Project Manager, Associate Urban Designer, City Planner, Civil Engineer, Civil Engineering Intern, Construction Project Manager, Construction Project Manager Intern, Electrical Engineer, Estimator (General Construction), Estimator (Mechanical), Investigator, Landscape Architect, Management Auditor, Mechanical Engineer, Mechanical Engineer Inter, Project Manager, Project Manager Intern, Senior Estimator – General Construction, Supervisor of Electrical Installations & Maintenance  
 Headcount of personnel in substantially similar titles within agency: 767

Agency: Department of Design and Construction  
 Description of services sought: Community Outreach Consultants Flatbush Avenue Downtown Brooklyn Safety Improvements  
 Start date of the proposed contract: 12/1/2021  
 End date of the proposed contract: 6/30/2026  
 Method of solicitation the agency intends to utilize: RFP  
 Personnel in substantially similar titles within agency: None  
 Headcount of personnel in substantially similar titles within agency: 0

Agency: Department of Design and Construction  
 Description of services sought: Owner's Representative Requirements Contracts Flatbush Avenue Downtown Brooklyn Safety Improvements  
 Start date of the proposed contract: 12/1/2021  
 End date of the proposed contract: 6/30/2026  
 Method of solicitation the agency intends to utilize: RFP

Personnel in substantially similar titles within agency: Administrative Architect, Administrative Architect NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Project Manager, Administrative Project Manager NM, Architect, Assistant Architect, Assistant Electrical Engineer, Assistant Mechanical Engineer, Assistant Landscape Architect, Assistant Civil Engineer, Associate Project Manager, Civil Engineer, Construction Project Manager, Construction Project Manager Intern, Electrical Engineer, Highways and Sewers Inspector, Mechanical Engineer, Project Manager, Project Manager Intern, Surveyor  
 Headcount of personnel in substantially similar titles within agency: 697

• s15

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2022 Annual Contracting Plan and Schedule

**NOTICE IS HEREBY GIVEN** that the Mayor will be issuing the following solicitation(s) not included in the FY 2022 Annual Contracting Plan and Schedule that is published, pursuant to New York City Charter § 312(a):

Agency: Administration for Children's Services  
 Description of services sought: Pay per Hour Car Service  
 Start date of the proposed contract: 1/1/2022  
 End date of the proposed contract: 6/30/2022  
 Method of solicitation the agency intends to utilize: Negotiated Acquisition Extension

Personnel in substantially similar titles within agency: Motor Vehicle Operators  
 Headcount of personnel in substantially similar titles within agency: 17

• s15

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2021 Annual Contracting Plan and Schedule

**NOTICE IS HEREBY GIVEN** that the Mayor will be issuing the following solicitation(s) not included in the FY 2021 Annual Contracting Plan and Schedule that is published, pursuant to New York City Charter § 312(a):

Agency: Department of Design and Construction  
 Description of services sought: Community Outreach Consultants Jewish Children's Museum Interior Renovation - HVAC, BMS and Elevator Upgrades  
 Start date of the proposed contract: 12/1/2021  
 End date of the proposed contract: 6/30/2026  
 Method of solicitation the agency intends to utilize: RFP  
 Personnel in substantially similar titles within agency: None  
 Headcount of personnel in substantially similar titles within agency: 0

Agency: Department of Design and Construction  
 Description of services sought: Owner's Representative Requirements Contracts Jewish Children's Museum Interior Renovation - HVAC, BMS and Elevator Upgrades  
 Start date of the proposed contract: 12/1/2021  
 End date of the proposed contract: 6/30/2026  
 Method of solicitation the agency intends to utilize: RFP  
 Personnel in substantially similar titles within agency: Administrative Architect, Administrative Architect NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Project Manager, Administrative Project Manager NM, Architect, Assistant Architect, Assistant Electrical Engineer, Assistant Mechanical Engineer, Assistant Landscape Architect, Assistant Civil Engineer, Associate Project Manager, Civil Engineer, Construction Project Manager, Construction Project Manager Intern, Electrical Engineer, Highways and Sewers Inspector, Mechanical Engineer, Project Manager, Project Manager Intern, Surveyor  
 Headcount of personnel in substantially similar titles within agency: 697

Agency: Department of Design and Construction  
 Description of services sought: Design Services Green infrastructure for St. Albans Cloudburst Demonstration Project  
 Start date of the proposed contract: 12/1/2021  
 End date of the proposed contract: 6/30/2026  
 Method of solicitation the agency intends to utilize: RFP

Personnel in substantially similar titles within agency: Administrative Architect, Administrative Architect NM, Administrative Construction Project Manager, Administrative City Planner, Administrative City Planner NM, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Project Manager, Administrative Project Manager NM, Architect, Assistant Architect, Assistant Chemical Engineer, Assistant Civil Engineer, Assistant Electrical Engineer, Assistant Landscape Architect,



Assistant Mechanical Engineer, Assistant Urban Designer, Associate Project Manager, Associate Urban Designer, Civil Engineer, Civil Engineer Intern, City Planner, Electrical Engineer, Highways and Sewers Inspector, Landscape Architect, Mechanical Engineer, Mechanical Engineering Intern, Project Manager, Project Manager Inter  
Headcount of personnel in substantially similar titles within agency: 618

Agency: Department of Design and Construction  
Description of services sought: Construction Management Green infrastructure for St. Albans Cloudburst Demonstration Project  
Start date of the proposed contract: 12/1/2021  
End date of the proposed contract: 6/30/2026  
Method of solicitation the agency intends to utilize: RFP  
Personnel in substantially similar titles within agency: Administrative Architect, Administrative Architect NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Project Manager, Administrative Project Manager NM, Architect, Assistant Architect, Assistant Electrical Engineer, Assistant Mechanical Engineer, Assistant Landscape Architect, Assistant Civil Engineer, Associate Project Manager, Civil Engineer, Construction Project Manager, Construction Project Manager Intern, Electrical Engineer, Highways and Sewers Inspector, Mechanical Engineer, Project Manager, Project Manager Intern, Surveyor  
Headcount of personnel in substantially similar titles within agency: 697

Agency: Department of Design and Construction  
Description of services sought: Resident Engineering Inspection Services Green infrastructure for St. Albans Cloudburst Demonstration Project  
Start date of the proposed contract: 12/1/2021  
End date of the proposed contract: 6/30/2026  
Method of solicitation the agency intends to utilize: RFP  
Personnel in substantially similar titles within agency: Administrative Architect, Administrative Architect NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Project Manager, Administrative Project Manager NM, Architect, Assistant Architect, Assistant Electrical Engineer, Assistant Mechanical Engineer, Assistant Landscape Architect, Assistant Civil Engineer, Associate Project Manager, Civil Engineer, Construction Project Manager, Construction Project Manager Intern, Electrical Engineer, Highways and Sewers Inspector, Mechanical Engineer, Project Manager, Project Manager Intern, Surveyor  
Headcount of personnel in substantially similar titles within agency: 697

Agency: Department of Design and Construction  
Description of services sought: Consultant Contract Administration: research, training, data analysis, and expert testimony, including services related to damages for delay claims, Green infrastructure for St. Albans Cloudburst Demonstration Project  
Start date of the proposed contract: 12/1/2021  
End date of the proposed contract: 6/30/2026  
Method of solicitation the agency intends to utilize: RFP  
Personnel in substantially similar titles within agency: Accountant, Administrative Accountant, Administrative Architect, Administrative Architect NM, Administrative City Planner, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Manager, Administrative Project Manager, Administrative Project Manager NM, Administrative Staff Analyst, Architect, Architectural Intern, Assistant Architect, Assistant Landscape Architect, Assistant Civil Engineer, Assistant Electrical Engineer, Assistant Mechanical Engineer, Assistant Urban Designer, Associate Investigator, Associate Project Manager, Associate Urban Designer, City Planner, Civil Engineer, Civil Engineering Intern, Construction Project Manager, Construction Project Manager Intern, Electrical Engineer, Estimator (General Construction), Estimator (Mechanical), Investigator, Landscape Architect, Management Auditor, Mechanical Engineer, Mechanical Engineer Inter, Project Manager, Project Manager Intern, Senior Estimator – General Construction, Supervisor of Electrical Installations & Maintenance  
Headcount of personnel in substantially similar titles within agency: 767

Agency: Department of Design and Construction  
Description of services sought: Construction Support Services: asbestos, boring, testing, monitoring, sampling, site safety, inspections and environmental, Green infrastructure for St. Albans Cloudburst Demonstration Project  
Start date of the proposed contract: 12/1/2021  
End date of the proposed contract: 6/30/2026  
Method of solicitation the agency intends to utilize: RFP  
Personnel in substantially similar titles within agency: Asbestos Hazard Investigator, Assistant Chemical Engineer, Assistant Mechanical Engineer, Assistant Civil Engineer, Associate Project Manager, Civil Engineering Intern, Construction Project Manager,

Construction Project Manager Intern, Engineering Technician, Geologist, Industrial Hygienist, Project Manager, Surveyor  
Headcount of personnel in substantially similar titles within agency: 428

Agency: Department of Design and Construction  
Description of services sought: Contract Administration: fiscal audit, reconciliation of accounts, preparation of change orders, analyzing and finalizing financial transactions and contract close out, Green infrastructure for St. Albans Cloudburst Demonstration Project  
Start date of the proposed contract: 12/01/2021  
End date of the proposed contract: 06/30/2026  
Method of solicitation the agency intends to utilize: RFP  
Personnel in substantially similar titles within agency: Accountant, Administrative Accountant, Administrative Architect, Administrative Architect NM, Administrative City Planner, Administrative City Planner NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Manager, Administrative Project Manager, Administrative Project Manager NM, Administrative Staff Analyst, Architect, Architectural Intern, Assistant Architect, Assistant Landscape Architect, Assistant Civil Engineer, Assistant Electrical Engineer, Assistant Mechanical Engineer, Assistant Urban Designer, Associate Investigator, Associate Project Manager, Associate Urban Designer, City Planner, Civil Engineer, Civil Engineering Intern, Construction Project Manager, Construction Project Manager Intern, Electrical Engineer, Estimator (General Construction), Estimator (Mechanical), Investigator, Landscape Architect, Management Auditor, Mechanical Engineer, Mechanical Engineer Inter, Project Manager, Project Manager Intern, Senior Estimator – General Construction, Supervisor of Electrical Installations & Maintenance  
Headcount of personnel in substantially similar titles within agency: 767

Agency: Department of Design and Construction  
Description of services sought: Community Outreach Consultants Green infrastructure for St. Albans Cloudburst Demonstration Project  
Start date of the proposed contract: 12/1/2021  
End date of the proposed contract: 6/30/2026  
Method of solicitation the agency intends to utilize: RFP  
Personnel in substantially similar titles within agency: None  
Headcount of personnel in substantially similar titles within agency: 0

Agency: Department of Design and Construction  
Description of services sought: Owner's Representative Requirements Contracts Green infrastructure for St. Albans Cloudburst Demonstration Project  
Start date of the proposed contract: 12/1/2021  
End date of the proposed contract: 6/30/2026  
Method of solicitation the agency intends to utilize: RFP  
Personnel in substantially similar titles within agency: Administrative Architect, Administrative Architect NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Project Manager, Administrative Project Manager NM, Architect, Assistant Architect, Assistant Electrical Engineer, Assistant Mechanical Engineer, Assistant Landscape Architect, Assistant Civil Engineer, Associate Project Manager, Civil Engineer, Construction Project Manager, Construction Project Manager Intern, Electrical Engineer, Highways and Sewers Inspector, Mechanical Engineer, Project Manager, Project Manager Intern, Surveyor  
Headcount of personnel in substantially similar titles within agency: 697

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#### Notice of Intent to Issue New Solicitation(s) Not Included in FY 2022 Annual Contracting Plan and Schedule

**NOTICE IS HEREBY GIVEN** that the Mayor will be issuing the following solicitation(s) not included in the FY 2022 Annual Contracting Plan and Schedule that is published, pursuant to New York City Charter § 312(a):

Agency: Administration for Children's Services  
Description of services sought: Pay per Shift (AVL) Car Service  
Start date of the proposed contract: 1/1/2022  
End date of the proposed contract: 6/30/2022  
Method of solicitation the agency intends to utilize: Negotiated Acquisition Extension  
Personnel in substantially similar titles within agency: Motor Vehicle Operators  
Headcount of personnel in substantially similar titles within agency: 17

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CHANGES IN PERSONNEL

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

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for the Department of Education Admin for the period ending 07/09/21.

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

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Continues listing personnel changes for the Department of Education Admin for the period ending 07/09/21.

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

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Continues listing personnel changes for the Department of Education Admin for the period ending 07/09/21.

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

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Continues listing personnel changes for the Department of Education Admin for the period ending 07/09/21.

PELAEZ	VENUS	B	51221	\$66.9300	APPOINTED	NO	06/28/21	740
PELLEGRINO	DANIELLE		51222	\$66.9300	APPOINTED	NO	06/28/21	740
PENA	CHRISTIN		51221	\$58.7400	APPOINTED	YES	06/28/21	740
PENA	MELISSA		51221	\$60.5100	APPOINTED	YES	06/28/21	740
PENDERGIST	ERIN		51221	\$58.7400	APPOINTED	YES	06/28/21	740
PERCODANI	LAUREN		51221	\$66.5500	APPOINTED	NO	06/28/21	740
PEREIRA	ELIZABET		06165	\$76.7000	APPOINTED	YES	06/28/21	740
PEREZ	ALINA		51221	\$66.9300	APPOINTED	NO	06/28/21	740
PEREZ	LOUBELLE		51222	\$66.9300	APPOINTED	NO	06/28/21	740
PERFETTO	ANTOINET		51221	\$66.9300	APPOINTED	NO	06/28/21	740
PERFETTO-ROLDAN	CAMILLE	A	51221	\$66.9300	APPOINTED	NO	06/28/21	740
PERLMUTTER	HAYLEY	A	51221	\$66.9300	APPOINTED	NO	06/28/21	740
PERNERSTORFER	MONICA	A	51222	\$66.9300	APPOINTED	NO	06/28/21	740
PEROSI	GINA		51222	\$66.9300	APPOINTED	NO	06/28/21	740
PERSAUD	PATTIE		50910	\$62.6000	APPOINTED	YES	06/28/21	740
PERSRAM	CAROLYN		51221	\$66.9300	APPOINTED	NO	06/28/21	740
PESANTEZ	MARIANA		51221	\$66.5500	APPOINTED	YES	06/28/21	740
PESSOA	DIONNE		50910	\$61.2100	APPOINTED	YES	06/28/21	740
PETER	JOSEPH	C	51222	\$66.9300	APPOINTED	NO	06/28/21	740
PETERS	PAULINE	T	51221	\$66.5500	APPOINTED	NO	06/28/21	740
PETERSON	MONROE		51221	\$66.5500	APPOINTED	NO	06/28/21	740
PETTITO	JANINE	M	51221	\$66.1700	APPOINTED	NO	06/28/21	740
PETROGLIA	ANTONINA	M	51221	\$66.5500	APPOINTED	NO	06/28/21	740
PETROSINELLI	TANYA		50910	\$57.9200	APPOINTED	YES	06/28/21	740
PETROSYAN	LANA		51222	\$66.9300	APPOINTED	NO	06/28/21	740

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

TITLE		NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
PETRUNGARO	ADRIANA	51222	\$63.6500	APPOINTED	NO	06/28/21	740
PEYRONEL	CARA	B 51221	\$66.9300	APPOINTED	NO	06/28/21	740
PHILIPPE	THOMAS	51221	\$66.9300	APPOINTED	NO	06/28/21	740
PHILLIP	CHRISTIN	51221	\$66.1700	APPOINTED	NO	06/28/21	740
PHILLIPS	ARDISSA	51221	\$66.5500	APPOINTED	NO	06/28/21	740
PHILLIPS	MARCIA	50910	\$60.1100	APPOINTED	YES	06/28/21	740
PHILLIPS PATERS	NADINE	S 50910	\$60.5500	APPOINTED	YES	06/28/21	740
PIAZZA JR	JOSEPH	5124A	\$75.5200	APPOINTED	YES	06/28/21	740
PICAZO	FRENA LY M	51221	\$66.5500	APPOINTED	NO	06/28/21	740
PICHARDO NETO	YVONNE	51221	\$66.9300	APPOINTED	NO	06/28/21	740
PIERRE	KAREN	51222	\$66.5500	APPOINTED	NO	06/28/21	740
PIERRE- LOUIS	MADONE	50910	\$58.5700	APPOINTED	YES	06/28/21	740
PILLINER	DOROTH	50910	\$62.6000	APPOINTED	YES	06/28/21	740
PIMENTEL	JONATHAN M	51221	\$65.4200	APPOINTED	NO	06/28/21	740
PINCUS	LAURA	51221	\$66.9300	APPOINTED	NO	06/28/21	740
PINCUS	MARINA	51221	\$66.9300	APPOINTED	NO	06/28/21	740
PINKERTON	RACHEL	51221	\$66.9300	APPOINTED	NO	06/28/21	740
PINTAC	KIM	51222	\$66.9300	APPOINTED	NO	06/28/21	740
PINTO	ANNA	51221	\$66.9300	APPOINTED	NO	06/28/21	740
PINTO	JOYITA	51221	\$66.9300	APPOINTED	NO	06/28/21	740
PIPIA	KHATRA	K 51221	\$66.5500	INCREASE	NO	06/28/21	740
PIROZZI	VALERIE	A 51221	\$66.9300	APPOINTED	YES	06/28/21	740

LATE NOTICE

HEALTH AND MENTAL HYGIENE

MEETING

NOTICE IS HEREBY GIVEN that the Board of Health will hold a meeting on Friday, September 17, 2021 at 4:00 P.M. The meeting will be online and the live-streamed event can be viewed on the NYC DOHMH YouTube channel: <https://www.youtube.com/user/NYCHHealth>.

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CITYWIDE ADMINISTRATIVE SERVICES

ADMINISTRATION

SOLICITATION

Goods

TRUCK, 3-4 CUBIC YARD WITH DUMP BODY - DPR - Other - PIN# 857PS2200026 - Due 9-30-21 at 11:00 A.M.

A Pre-Solicitation Conference for the above mentioned commodity is scheduled for September 30, 2021 at 9:30 A.M. at 1 Centre Street, New York, NY 10007, 18th floor via: WebEx Conference Call Number: +1-646-992-2010 1-650-479-3208 Call-in toll number (Global) WebEx: Please email [ple@dcas.nyc.gov](mailto:ple@dcas.nyc.gov) to request the weblink and invite for the video conference.

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. Peter Le (212) 386-0418; [ple@dcas.nyc.gov](mailto:ple@dcas.nyc.gov)

s15

TRUCK, LOADER, FORESTRY, W/DUMP BODY - PARKS - Other - PIN#857PS2200027 - Due 9-30-21 at 9:30 A.M.

A Pre-Solicitation Conference for the above mentioned commodity is scheduled for September 30, 2021 at 9:30 A.M. at 1 Centre Street, New York, NY 10007, 18th floor via: WebEx Conference Call Number: +1-646-992-2010 1-650-479-3208 Call-in toll number (Global) WebEx: Please email [ple@dcas.nyc.gov](mailto:ple@dcas.nyc.gov) to request the weblink and invite for the video conference.

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. Peter Le (212) 386-0418; [ple@dcas.nyc.gov](mailto:ple@dcas.nyc.gov)

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BOARD OF STANDARDS AND APPEALS

NOTICE

NOTICE OF ADOPTION OF FINAL RULES

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE BOARD OF STANDARDS AND APPEALS by Sections 666 and 1043 of the New York City Charter that the Board of Standards and Appeals has adopted Board rules that enable its digital operations.

The proposed Rule was published in the City Record on July 19, 2021. A public hearing was held on August 24, 2021, and the Board completed its review on September 13, 2021. The Board of Standards and Appeals now adopts the following Rule.

STATEMENT OF BASIS AND PURPOSE

Background About the Board of Standards and Appeals

Since 1916 the Board of Standards and Appeals (the "Board") has worked to administer zoning, building, and housing regulations in a fair and just manner to protect the City's interest in safeguarding the general welfare while balancing private property interests.

Under the New York City Charter, the Board is an independent agency that consists of five full-time commissioners. Three commissioners must have experience in architecture, urban planning, and engineering, and at the present time the Board's two other commissioners have knowledge of real-property feasibility analysis and applicable law. Using their technical expertise and independent judgment, each commissioner scrutinizes every land use application with the utmost of care.

For each application, the Board holds hearings that are open to the general public where applicants and their team of design professionals present proposals to the Board. Other stakeholders, including tenants, members of the community, other government agencies, and elected officials, are also welcome to present additional information that the Board should consider before voting on an application. Commissioners' reviews frequently require analyzing intricate construction documents, financial statements, testimony from other government agencies, and site conditions observed through visits to the properties and neighborhoods at issue. After considering the record in its entirety and deliberating, the Board votes on an application. A majority of the Board must affirmatively approve an application; otherwise, the application is denied.

PURPOSE OF PROPOSED RULE

Despite the rapid transition to remote work during the onset of the pandemic in March 2020, the Board rolled out numerous digital systems to prevent its operations from shuttering. Some (like its digital filing system) had been in the works for years; others were immediately envisioned and put into place. The Board has since witnessed that this transition to fully digital applications reduces its ongoing storage needs for the maintenance of paper records and improves efficiency by providing more immediate public access to materials that otherwise would be stored in an off-site location.

Despite the Board's implementation of this robust digital filing system that allows it to maintain application documents in a digital format, the Board's rules do not yet reflect this new digital reality, which was only enabled by executive order.

Accordingly, the proposed rule is necessary to accommodate this digital-application initiative by removing references to paper documents and other modifications to modernize and better reflect the Board's current operations.

The Board of Standards and Appeals' authority for these rules is found in sections 666 and 1043 of the New York City Charter.

**New material is underlined**  
**[Deleted matter is in brackets]**

**Section 1. Section 1-09.1 of Chapter 1 of Title 2 of the Rules of the City of New York is amended to read as follows:**

**§ 1-09.1 Application Form.**

All applications must be on the applicable form, and must include information required in the forms and the accompanying instructions. All applications must be filed in [person] accordance with the applicable instructions on the Board's website, and the Board will only accept complete applications. After the application is calendared for public hearing, the Board will determine at its review session and public hearing whether additional plans, drawings, exhibits, or other information are required.

Any communication from an applicant submitted in a manner other than as described in these Rules will be regarded as a mere notice of intention to seek relief and will have no force or effect until it is made in the form required. Upon receipt of any such communication, the Board will direct the applicant to the proper forms and instructions for completing an application. Such communication will not stay the thirty (30) day time period for filing an application referred to in 2 RCNY §§ 1-05.3, 1-06.3, and 1-07.3(a).

**§ 2. Section 1-09.3 of Chapter 1 of Title 2 of the Rules of the City of New York is amended to read as follows:**

**§ 1-09.3 Drawings and Other Exhibits.**

All drawings submitted with an application must be properly titled, numbered, dimensioned, dated, drawn to scale, and must otherwise conform to the applicable instructions. All drawings must be clear and bear a legible seal and signature of a registered architect or licensed professional engineer. [All drawings and other exhibits, unless otherwise accepted by the executive director, must be on 8 1/2 x 14 inch sheets or on 11 x 17 inch sheets that are folded to 8 1/2 x 11 inches.]

**§ 3. Section 1-10.4 of Chapter 1 of Title 2 of the Rules of the City of New York is amended to read as follows:**

**§ 1-10.4 Hearing Calendar.**

The Board will issue a hearing calendar at least five (5) days before the date of the scheduled hearing. The hearing calendar will identify the date and time of the hearing and list each application to be heard by calendar number, applicant, and property address. Such calendar will be posted [at the Board office,] in the Bulletin[,] and on the Board's website.

**§ 4. Section 1-10.6 of Chapter 1 of Title 2 of the Rules of the City of New York is amended to read as follows:**

**§ 1-10.6 Application Referral and Hearing Notice.**

The applicant must forward copies of a filed application and hearing notice to individuals and entities required by these Rules by regular mail, certified mail, express delivery service, [or] personal delivery, or by another means acceptable to the Board as indicated by the applicable instructions on the Board's website.

All materials required to be provided to the affected community board(s) (and borough board, if applicable), and the City Planning Commission must be addressed to the respective chairperson. Individuals or entities, including the affected community board(s) (and borough board, if applicable), will be deemed to have received a referred application on the day of personal delivery or five (5) calendar days after the date of the mailing of the application to such individuals or entities.

See Appendix A for a summary of application referral and hearing notice requirements.

**§ 5. Section 1-10.7 of Chapter 1 of Title 2 of the Rules of the City of New York is amended to read as follows:**

**§ 1-10.7 Proof of Service for Application Referral and Hearing Notice.**

The applicant must demonstrate proof of service of an application referral or hearing notice, in accordance with 2 RCNY § 1-10.6, by submitting to the Board: (1) the completed form of Proof of Notification of Hearing; and (2) a U.S. Postal Service receipt if by regular mail, a signed U.S. Postal Service receipt if by certified mail, a receipt if by express delivery service, [or] an affidavit of service if by personal delivery, or such evidence required by the applicable instructions on the Board's website if by another means.

The applicant must submit to the Board proof of service of the application referral within ten (10) days of the initial filing. The applicant must submit to the Board proof of service of the hearing notice within ten (10) days of the date of the mailing or personal delivery.

See Appendix A for a summary of proof of service requirements.

**§ 6. Section 1-11.1 of Chapter 1 of Title 2 of the Rules of the City of New York is amended to read as follows:**

**§ 1-11.1 Public Hearings.**

Public hearings of the Board will be held [on Tuesdays at 10:00 A.M. for the SOC and the A calendars, and at 1:30 2:00 P.M. for the BZ calendar or] on days and times to be scheduled by the Board as may be deemed necessary. Hearings will be devoted to the consideration of applications which the Board has jurisdiction to hear as referenced in 2 RCNY § 1-01.

**§ 7. Section 1-11.3 of Chapter 1 of Title 2 of the Rules of the City of New York is amended to read as follows:**

**§ 1-11.3. Review Sessions.**

Sessions for Board review of cases calendared for hearing will be held [on the Monday preceding the calendared hearing date or] as determined by the Board. The public may attend all review sessions, but may not participate.

**§ 8. Section 1-11.9 of Chapter 1 of Title 2 of the Rules of the City of New York is amended to read as follows:**

**§ 1-11.9 Continued and Closed Hearings.**

The Board may continue the hearing to a new date for additional testimony. All scheduled submissions from all parties must be [delivered to and stamped in at] submitted to the Board [office with the requisite number of copies] in accordance with the applicable instructions on the Board's website.

Upon motion of the Chair or any commissioner, the Board may vote to close the hearing and to permit no further testimony. In appropriate cases, the Chair may permit the record to remain open until a given date for submissions of written evidence. The Chair may also permit technical and other minor revisions to be accepted after the hearing is closed but before the vote. Factors the Board will consider in determining whether the revision is technical or minor include: whether the revision would have any material impact on the Board's findings, whether the revisions were discussed at a public session by the Board, or whether the revision is essentially an administrative correction.

**§ 9. Section 1-13.3 of Chapter 1 of Title 2 of the Rules of the City of New York is amended to read as follows:**

**§ 1-13.3 Hearing Records.**

A complete record of the public hearings will be maintained by the Board. Requests for typewritten transcripts of the record may be made to the designated Freedom of Information Officer and may be ordered by the public for a prescribed fee. After final disposition, the entire application will be retained [in] by the Board [office]. All applications, except materials otherwise exempt, will, upon request to the Freedom of Information officer, be accessible to the public during normal business hours.

**§ 10. Section 1-13.4 of Chapter 1 of Title 2 of the Rules of the City of New York is amended to read as follows:**

**§ 1-13.4 Archival Files.**

The Board will retain [within its office] files for all completed (i.e., approved, withdrawn, or denied) applications, [for approximately five (5) years. After five (5) years, the files will be stored] digitally or off-site. The public may request that the Board obtain the files from the off-site location. Such request will be subject to the requisite fee requirement, in accordance with 2 RCNY § 1-09.2

**STATEMENT OF SUBSTANTIAL NEED FOR EARLIER IMPLEMENTATION**

I hereby find, pursuant to § 1043 of the New York City Charter, and hereby represent to the Mayor, that there is a substantial need for the earlier implementation of amendments to Title 2 of the Rules of the City of New York to enable the Board of Standards and Appeals to continue its digital operations.

During the onset of the pandemic in March 2020, the Board implemented a robust digital filing system during its rapid transition to remote work that reduces its ongoing storage needs for the maintenance of paper records and improves efficiency. These digital systems were enabled by executive orders, which have since lapsed.

The Board wishes to continue its digital operations as soon as possible to address ongoing health concerns and space limitations and to minimize disruption to members of the public caused by the rapid re-implementation of paper-based application materials. These rules facilitate the Board's digital-application initiative and enhance the public's ability to participate in the Board's public hearing process. It is therefore urgent for these rules to take effect as soon as possible.

Therefore, there is a substantial need for the earlier implementation of the proposed rules to enable the Board to continue its digital operations. Consequently, the attached rules shall be effective upon final publication in the City Record, and the requirement that thirty days first elapse after such publication shall not apply.

Margery Perlmutter, R.A., Esq.  
Chair, Board of Standards and Appeals

Approved:

Bill de Blasio  
Mayor

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