



# THE CITY RECORD

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## THE CITY RECORD

**MICHAEL R. BLOOMBERG, Mayor**

**ELI BLACHMAN**, Editor of The City Record.

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### BUSINESS INTEGRITY COMMISSION

#### MEETING

Pursuant to Section 104 of the Public Officers Law, notice is hereby given of an open meeting of the Commissioners of the New York City Business Integrity Commission. The meeting will be held on Friday on August 6, 2010 at 10:00 A.M. at Spector Hall, 22 Reade Street, 1st Floor, New York, New York.

a4-6

### CITY PLANNING COMMISSION

#### PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, August 11, 2010 at 10:00 A.M.**

#### BOROUGH OF THE BRONX Nos. 1 & 2

#### THIRD AVENUE-TREMONT AVENUE REZONING AND TEXT AMENDMENT No. 1

**CD 6 C 100407 ZMX**  
**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 3c and 3d:

1. eliminating from within an existing R7-1 District a C1-4 District bounded by East 178th Street, Hughes Avenue, a line 100 feet northeasterly of East Tremont Avenue, Clinton Avenue, a line 150 feet northeasterly of East Tremont Avenue, Marmion Avenue, a line 100 feet southwesterly of East Tremont Avenue, Arthur Avenue, East Tremont Avenue, Third Avenue, a line 100 feet southwesterly of East 178th Street, and a line midway between Third Avenue and Monterey Avenue;
2. eliminating from within an existing R7-1 District a C2-4 District bounded by:
  - a. East 189th Street, Park Avenue (northwesterly portion), East 188th Street, and Webster Avenue; and
  - b. Quarry Road, East 181st Street, Monterey Avenue and its southwesterly centerline prolongation, a line 100 feet southwesterly of East 180th Street, and Third Avenue;

3. changing from an R7-1 District to an R5 District property bounded by:
  - a. East 186th Street, Washington Avenue, a line midway between East 185th Street and East 186th Street, a line 300 feet southeasterly of Park Avenue (southeasterly portion), a line midway between East 184th Street and East 185th Street, Washington Avenue, East 184th Street, a line 100 feet southeasterly of Park Avenue (southeasterly portion), a line 130 feet northeasterly of East 184th Street, and Park Avenue (southeasterly portion); and
  - b. East 180th Street, Bathgate Avenue, a line 330 feet northeasterly of East 179th Street, a line midway between Bathgate Avenue and Third Avenue, a line 110 feet northeasterly of East 178th Street, Bathgate Avenue, East 179th Street, Washington Avenue, a line 220 feet northeasterly of East 178th Street, and a line midway between Park Avenue (southeasterly portion) and Washington Avenue;
4. changing from an R7-1 District to an R6A District property bounded by:
  - a. Cyrus Place, a line 100 feet westerly of Third Avenue, a line 170 feet southeasterly of Park Avenue (southeasterly portion), a line midway between Cyrus Place and East 187th Street, a line 100 feet westerly of Third Avenue, a line 250 feet southeasterly of Park Avenue (southeasterly portion), East 187th Street, a line 100 feet northwesterly of Washington Avenue, East 186th Street, and Park Avenue (southeasterly portion);
  - b. Park Avenue (southeasterly portion), a line 130 feet northeasterly of East 184th Street, a line 100 feet southeasterly of Park Avenue (southeasterly portion), East 184th Street, Washington Avenue, a line midway between East 184th Street and East 185th Street, a line 300 feet southeasterly of Park Avenue (southeasterly portion), a line midway between East 185th Street and East 186th Street, Washington Avenue, East 185th Street, Bassford Avenue, East 184th Street, a line 130 feet northwesterly of Third Avenue, East 181st Street, Bathgate Avenue, East 180th Street, a line midway between Park Avenue (southeasterly portion) and Washington Avenue, and East 183rd Street;
  - c. East 179th Street, Bathgate Avenue, a line 110 feet northeasterly of East 178th Street, a line midway between Bathgate Avenue and Third Avenue, a line 220 feet southwesterly of East 178th Street, Washington Avenue, a line 150 feet northeasterly of East Tremont Avenue, a line 100 feet northwesterly of Washington Avenue, a line 240 feet southwesterly of

- d. East 178th Street, a line midway between Park Avenue (southeasterly portion) and Washington Avenue, a line 220 feet northeasterly of East 178th Street, and Washington Avenue; and
- d. East 180th Street, a line midway between Bathgate Avenue and Third Avenue, a line 330 feet northeasterly of East 179th Street, and Bathgate Avenue;
5. changing from a C4-4 District to an R6A District property bounded by a line 150 feet northeasterly of East Tremont Avenue, Washington Avenue, a line 340 feet southwesterly of East 178th Street, and a line 100 feet northwesterly of Washington Avenue;
6. changing from an C8-3 District to an R6A District property bounded by:
  - a. Cyrus Place, a line 170 feet southeasterly of Park Avenue (southeasterly portion), and a line 100 feet westerly of Third Avenue; and
  - b. a line midway between Cyrus Place and East 187th Street, a line 250 feet southeasterly of Park Avenue (southeasterly portion), and a line 100 feet westerly of Third Avenue;
7. changing from an R7-1 District to an R7X District property bounded by Marmion Avenue, a line 100 feet northeasterly of East Tremont Avenue, Honeywell Avenue, a line 150 feet northeasterly of East Tremont Avenue, Daly Avenue, and a line 100 feet southwesterly of East Tremont Avenue;
8. changing from an R7-1 District to a C4-4A District property bounded by:
  - a. East 181st Street, Monterey Avenue and its southwesterly centerline prolongation, a line 100 feet southwesterly of East 180th Street, and Third Avenue;
  - b. East 181st Street, a line 100 feet northwesterly of Third Avenue, East 180th Street, and Bathgate Avenue; and
  - c. Belmont Avenue, a line 100 feet northeasterly of East Tremont Avenue, Clinton Avenue, a line 150 feet northeasterly of East Tremont Avenue, Marmion Avenue, a line 100 feet southwesterly of East Tremont Avenue, Belmont Avenue, and East Tremont Avenue;
9. changing from a C8-3 District to a C4-4A District property bounded by East 181st Street, Third Avenue, a line 330 feet northeasterly of East 179th Street, a line midway between Bathgate Avenue and Third Avenue, and a line 100 feet northwesterly of Third Avenue;
10. changing from an R7-1 District to a C4-4D District property bounded by East 184th Street, a line 100 feet northwesterly of Third Avenue, East 181st Street, and a line 130 feet northwesterly of Third Avenue;
11. changing from a C8-3 District to a C4-4D District property bounded by East 184th Street, Third Avenue, East 181st Street, and a line 100 feet northwesterly of Third Avenue;
12. changing from an R7-1 District to a C4-5X District property bounded by:
  - a. East 189th Street, Park Avenue (southeasterly portion), East 188th Street, and Webster Avenue;
  - b. Third Avenue, a line 100 feet southwesterly of East 178th Street, a line midway between Third Avenue and

- Monterey Avenue, a line 110 feet northeasterly of East 178th Street, Monterey Avenue, East 178th Street, Hughes Avenue, a line 100 feet northeasterly of East Tremont Avenue, Belmont Avenue, East Tremont Avenue, Belmont Avenue, a line 100 feet southwesterly of East Tremont Avenue, Arthur Avenue, and East Tremont Avenue;
- c. Washington Avenue, a line 220 feet southwesterly of East 178th Street, a line midway between Bathgate Avenue and Third Avenue, and a line 150 feet northeasterly of East Tremont Avenue; and
- d. a line 240 feet southwesterly of East 178th Street, a line 100 feet northwesterly of Washington Avenue, a line 150 feet northeasterly of East Tremont Avenue, and a line midway between Park Avenue (southeasterly portion) and Washington Avenue;
- 13. changing from a C4-4 District to a C4-5X District property bounded by Webster Avenue, a line 150 feet northeasterly of East Tremont Avenue, the northwesterly boundary line of a railroad right-of-way (New York and Harlem R.R. Division), a line 150 feet northeasterly of East Tremont Avenue, a line 100 feet northwesterly of Washington Avenue, a line 340 feet southwesterly of East 178th Street, Washington Avenue, a line 150 feet northeasterly of East Tremont Avenue, Third Avenue, a line 330 feet northeasterly of East 176th Street, Bathgate Avenue, a line 150 feet southwesterly of East Tremont Avenue, a line 220 feet northeasterly of East 176th Street, Washington Avenue, a line 150 feet southwesterly of East Tremont Avenue, a line 200 feet northwesterly of East 176th Street, a line 120 feet northwesterly of Washington Avenue, and a line 100 feet northeasterly of East 176th Street;
- 14. changing from an M1-1 District to a C4-5X District property bounded by:
  - a. a line 220 feet northeasterly of East 178th Street, Park Avenue (northwesterly portion), East 178th Street, and a line 230 feet northwesterly of Park Avenue (northwesterly portion);
  - b. Park Avenue (southeasterly portion), a line 240 feet southwesterly of East 178th Street, a line midway between Park Avenue (southeasterly portion) and Washington Avenue, and a line 150 feet northeasterly of East Tremont Avenue; and
  - c. a line midway between Webster Avenue and Park Avenue (northwesterly portion), a line 300 feet southwesterly of East 178th Street, Park Avenue (northwesterly portion), and a line 150 feet northeasterly of East Tremont Avenue;
- 15. changing from an M1-4 District to a C4-5X District property bounded by:
  - a. a line 150 feet southwesterly of East Tremont Avenue, Bathgate Avenue, and a line 220 feet northeasterly of East 176th Street;
  - b. a line 150 feet southwesterly of East Tremont Avenue, Washington Avenue, and a line 200 feet northeasterly of East 176th Street; and
  - c. a line 150 feet southwesterly of East Tremont Avenue, a line 120 feet northwesterly of Washington Avenue, a line 100 feet northeasterly of East 176th Street, and a line midway between Park Avenue (southeasterly portion) and Washington Avenue;
- 16. changing from a C8-3 District to a C4-5X District property bounded by:
  - a. East 189th Street, a line 100 feet northwesterly of Washington Avenue, a line 100 feet northeasterly of East 188th Street, Washington Avenue, East 188th Street, Third Avenue, Cyrus Place, and Park Avenue (southeasterly portion);
  - b. Webster Avenue, a line 220 feet northeasterly of East 178th Street, a line 230 feet northwesterly of Park Avenue (northwesterly portion), East 178th Street, a line midway between Webster Avenue and Park Avenue (northwesterly portion), and a line 150 feet northeasterly of East Tremont Avenue;
  - c. East 178th Street, a line midway between Third Avenue and Monterey Avenue, a line 100 feet southwesterly of East 178th Street, and Third Avenue; and
  - d. a line midway between Bathgate Avenue and Third Avenue, a line 200 feet southwesterly of East 178th Street, Third Avenue, and a line 150 feet northeasterly of East Tremont Avenue;
- 17. changing from an R7-1 District to an M1-4/R7A District property bounded by:
  - a. a line 170 feet southeasterly of Park Avenue (southeasterly portion), a line 100

- feet southwesterly of Third Avenue, and a line midway between Cyrus Place and East 187th Street; and
- b. a line 250 feet southeasterly of Park Avenue (southeasterly portion), a line 100 feet southwesterly of Third Avenue, and East 187th Street;
- 18. changing from an C4-4 District to an M1-4/R7A District property bounded by Bathgate Avenue, a line 330 feet northeasterly of East 176th Street, a line midway between Bathgate Avenue and Third Avenue, and a line 150 feet southwesterly of East Tremont Avenue;
- 19. changing from a C8-3 District to an M1-4/R7A District property bounded by:
  - a. East 188th Street, Washington Avenue, a line 170 feet southwesterly of East 188th Street, a line perpendicular to the last named course and passing through a point distant 180 feet southeasterly (as measured along the last named course) from the southeasterly street line of Washington Avenue, East 187th Street, Bathgate Avenue, a line 100 feet northeasterly of Third Avenue, Lorillard Place, a line 100 feet northeasterly of Third Avenue, Third Avenue and its northeasterly centerline prolongation, East 184th Street, Bassford Avenue, East 185th Street, Washington Avenue, East 186th Street, a line 100 feet northwesterly of Washington Avenue, a line 100 feet westerly of Third Avenue, a line 250 feet southeasterly of Park Avenue (southeasterly portion), a line midway between Cyrus Place and East 187th Street, a line 100 feet westerly of Third Avenue, a line 170 feet southeasterly of Park Avenue (southeasterly portion), Cyrus Place, and Third Avenue; and
  - b. a line midway between Bathgate Avenue and Third Avenue, a line 330 feet northeasterly of East 179th Street, Third Avenue, East 179th Street, a line midway between Third Avenue and Monterey Avenue, a line 125 feet southwesterly of East 179th Street, Third Avenue, a line 100 feet northeasterly of East 178th Street, a line midway between Third Avenue and Monterey Avenue, East 178th Street, Third Avenue, and a line 200 feet southwesterly of East 178th Street;
- 20. changing from an M1-4 District to an M1-4/R7A District property bounded by a line midway between Park Avenue (southeasterly portion) and Washington Avenue, a line 100 feet northeasterly of East 176th Street, a line 120 feet northwesterly of Washington Avenue, a line 200 feet northeasterly of East 176th Street, Washington Avenue, a line 150 feet southwesterly of East Tremont Avenue, a line 220 feet northeasterly of East 176th Street, Bathgate Avenue, a line 150 feet southwesterly of East Tremont Avenue, a line midway between Bathgate Avenue and Third Avenue, a line 100 feet northeasterly of East 175th Street, Bathgate Avenue, and East 175th Street;
- 21. changing from a C4-4 District to an M1-4/R7X District property bounded by a line 330 feet northeasterly of East 176th Street, Third Avenue, a line 150 feet southwesterly of East Tremont Avenue, and a line midway between Bathgate Avenue and Third Avenue;
- 22. changing from an M1-4 District to an M1-4/R7X District property bounded by a line 150 feet southwesterly of East Tremont Avenue, Third Avenue, East 175th Street, Bathgate Avenue, a line 100 feet northeasterly of East 175th Street, and a line midway between Bathgate Avenue and Third Avenue;
- 23. establishing within an existing R7-1 District a C1-4 District bounded by Third Avenue, a line 400 feet northeasterly of East 181st Street, a line 100 feet southeasterly of Third Avenue, and East 181st Street; and
- 24. establishing a Special Mixed Use District (MX-14) bounded by:
  - a. East 188th Street, Washington Avenue, a line 170 feet southwesterly of East 188th Street, a line perpendicular to the last named course and passing through a point distant 180 feet southeasterly (as measured along the last named course) from the southeasterly street line of Washington Avenue, East 187th Street, Bathgate Avenue, a line 100 feet northeasterly of Third Avenue, Lorillard Place, a line 100 feet northeasterly of Third Avenue, Third Avenue and its northeasterly centerline prolongation, East 184th Street, Bassford Avenue, East 185th Street, Washington Avenue, East 186th Street, a line 100 feet northwesterly of Washington Avenue, East 187th Street, a line 250 feet southeasterly of Park Avenue (southeasterly portion), a line midway between East 187th Street and Cyrus Place, a line 170 feet southeasterly of Park Avenue (southeasterly portion), Cyrus Place, and Third Avenue;
  - b. a line 330 feet northeasterly of East 179th Street, Third Avenue, East 179th Street, a line midway between Third Avenue and Monterey Avenue, a line 125 feet

- southwesterly of East 179th Street, Third Avenue, a line 100 feet northeasterly of East 178th Street, a line midway between Third Avenue and Monterey Avenue, East 178th Street, Third Avenue, a line 200 feet southwesterly of East 178th Street, and a line midway between Bathgate Avenue and Third Avenue; and
- c. a line midway between Park Avenue (southeasterly portion) and Washington Avenue, a line 100 feet northeasterly of East 176th Street, a line 120 feet northwesterly of Washington Avenue, a line 200 feet northeasterly of East 176th Street, Washington Avenue, a line 220 feet northeasterly of East 176th Street, Bathgate Avenue, a line 330 feet northeasterly of East 176th Street, Third Avenue, and East 175th Street;

as shown on a diagram (for illustrative purposes only) dated May 24, 2010 and subject to the conditions in CEQR Declaration E-255.

**No. 2 N 100408 ZRX**

**CD 6 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, relating to Article II, Chapter 3 (Bulk regulations for Residential Buildings in Residence Districts), Section 23-90, and Appendix F (Inclusionary Housing Designated Areas), inclusive, relating to the extension of the Inclusionary Housing Program to proposed R7A, R7X, and R8A districts; and, Article XII, Chapter 3 (Special Mixed Use District), Section 123-63, 123-90, and Appendix D specifying a Special Mixed Use District (MX-14).

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

**23-90 INCLUSIONARY HOUSING**

**23-933 Inclusionary housing designated areas**

The Inclusionary Housing Program shall apply in #Inclusionary Housing designated areas#.

The Inclusionary Housing Program shall also apply in special purpose districts when specific zoning districts or areas are defined as #Inclusionary Housing designated areas# within the special purpose district.

#Inclusionary Housing designated areas# are listed in APPENDIX F of this Resolution.

**Article XII - Special Purpose Districts**

**Chapter 3 Special Mixed Use District**

**123-63 Maximum Floor Area Ratio and Lot Coverage Requirements for Residential Buildings in R6, R7, R8 and R9 Districts**

Where the designated #Residence District# is an R6, R7, R8 or R9 District, the minimum required #open space ratio# and maximum #floor area ratio# provisions of Sections 23-142, 23-143 and paragraph (a) of Section 23-147 shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #developed# or #enlarged# pursuant to the Quality Housing Program, shall comply with the maximum #floor area ratio# and #lot coverage# requirements set forth for the designated district in Section 23-145, or paragraph (b) of Section 23-147 for #non-profit residences for the elderly#. For purposes of this Section, #non-profit residences for the elderly# in R6 and R7 Districts without a letter suffix, shall comply with the provisions for R6A or R7A Districts, respectively, as set forth in paragraph (b) of Section 23-147.

Where the designated district is an R7-3 District, the maximum #floor area ratio# shall be 5.0 and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 80 percent on a #corner lot#.

Where the designated district is an R9-1 District, the maximum #floor area ratio# shall be 9.0, and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 80 percent on a #corner lot#.

The provisions of this Section shall not apply on #waterfront blocks#, as defined in Section 62-11. In lieu thereof, the applicable maximum #floor area ratio# and #lot coverage# requirements set forth for #residential uses# in Section 62-30 (SPECIAL BULK REGULATIONS) through 62-32 (Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks), inclusive, shall apply.

However, in #Inclusionary Housing designated areas#, as listed in the table in this Section, the maximum permitted #floor area ratio# shall be as set forth in Section 23-952. The locations of such districts are specified in APPENDIX F of this Resolution.

Special Mixed Use District	Designated Residence District
<b>MX 2- Community District 2, Brooklyn</b>	<b>R7A R8A</b>
<b>MX 8- Community District 1, Brooklyn</b>	<b>R6 R6A R6B R7A</b>

**MX 11 - Community District 6, Brooklyn R7-2**  
**MX 14 - Community District 6, the Bronx R7A, R7X**

**123-90 SPECIAL MIXED USE DISTRICTS SPECIFIED**

The #Special Mixed Use District# is mapped in the following areas:

#Special Mixed Use District# - 1: Port Morris, the Bronx

The #Special Mixed Use District# - 1 is established in Port Morris in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 13: Lower Concourse, the Bronx

The #Special Mixed Use District# - 13 is established in the Lower Concourse in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 14: Third Avenue, the Bronx

The #Special Mixed Use District# - 14 is established along Third Avenue in the Bronx as indicated on the #zoning maps#.

**APPENDIX D Index of Special Purpose Districts**

SPECIAL DISTRICT (SYMBOL)	SECTION NUMBER	ZONING MAP(S)	CP/ULURP NUMBER*	CPC ADOPTION	BOE/COUNCIL ADOPTION
Mixed Use District-11 (MX-11) Gowanus, Brooklyn	123-00	16a	090049 ZRK	2/17/09	3/11/09
Mixed Use District-13 (MX-13) Lower Concourse, the Bronx	123-00	6a	090302 ZRX	5/20/09	6/30/09
Mixed Use District-14 (MX-14) Third Avenue, the Bronx	123-00	3c 3d	100408 ZRX	(effective date of adoption)	(effective date of adoption)
Natural District-1 (NA-1) Area	105-00	21b 26a 26b 26c 26d 27a 27b	22748(A)	11/18/74	12/19/74

**APPENDIX F Inclusionary Housing Designated Areas**

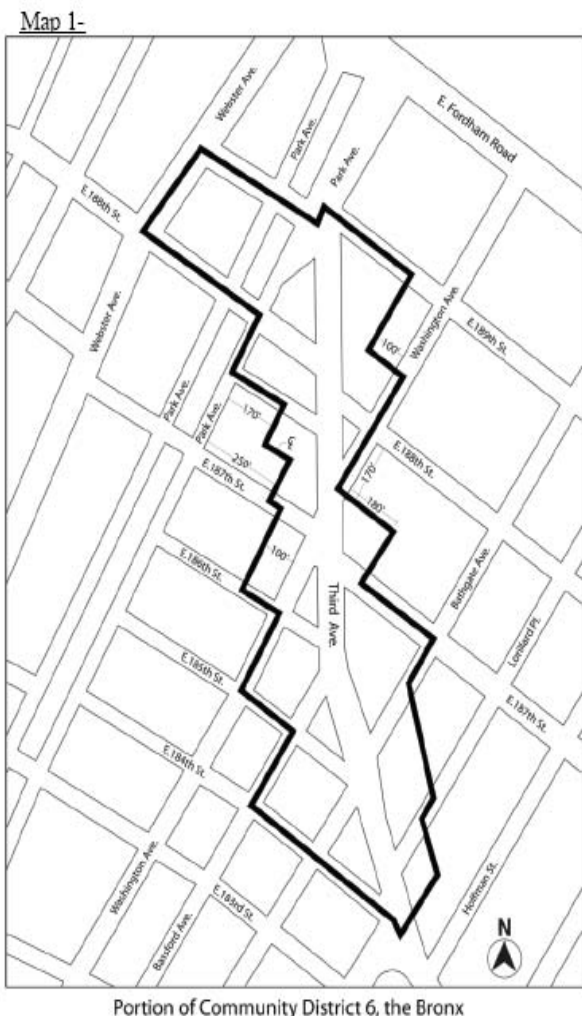
The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by #bulk# regulations of such #Residence Districts#.

**The Bronx, Community District 1**

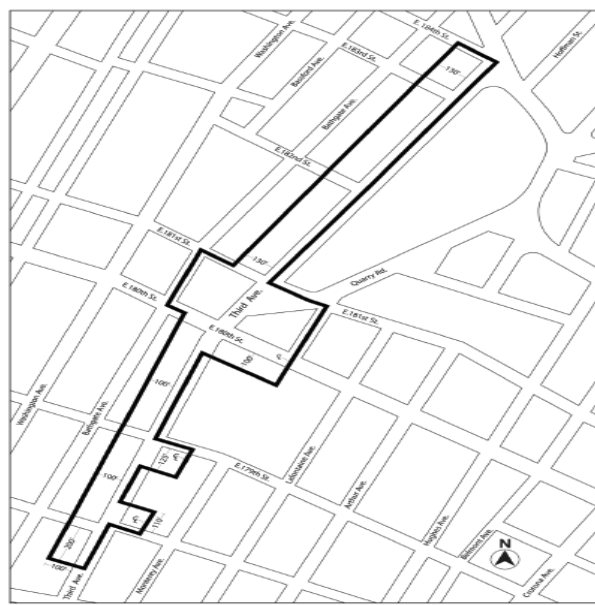
In the R6A, R7-2, R7A, R7X and R8A Districts within the areas shown on the following Map 1:

**The Bronx, Community District 6**

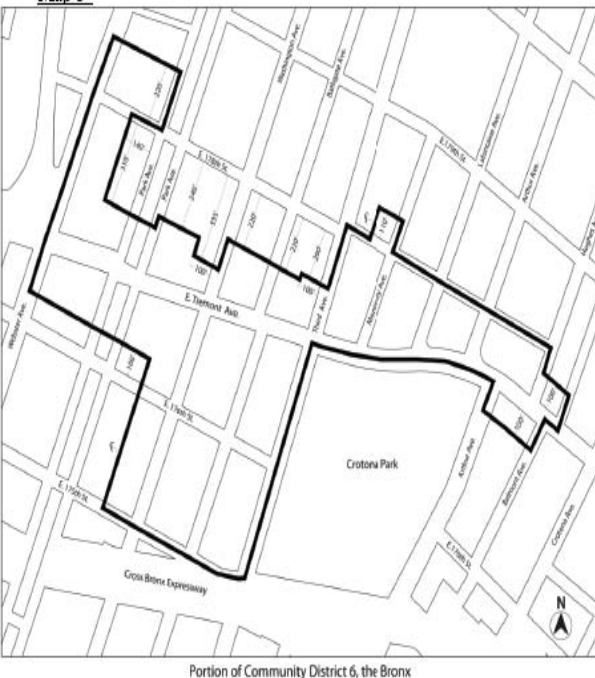
In the R7A, R7X and R8A Districts within the areas shown on the following Maps 1, 2, 3 and 4:



Map 2-



Map 3-



Map 4-



**No. 3 THE CROSSINGS AT SOUTHERN BOULEVARD**

**CD 2 C 100036 ZMX**  
**IN THE MATTER OF** an application submitted by Crossings Partners LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6c:

- eliminating from within an existing R7-1 District a C2-4 District bounded by Southern Boulevard, Hunts Point Avenue, Bruckner Boulevard, a line 200 feet northeasterly of Barretto Street, a line midway between Southern Boulevard and Bruckner Boulevard, and a line 400 feet northeasterly of Barretto Street; and
- changing from an R7-1 District to a C4-5X District property bounded by Southern Boulevard, East 163rd Street, Bruckner Boulevard, a line 200 feet northeasterly of Barretto Street, a line midway between Southern Boulevard and Bruckner Boulevard, and a line 400 feet northeasterly of Barretto Street;

as shown on a diagram (for illustrative purposes only) dated June 7, 2010 and subject to the conditions of CEQR Declaration E258.

**No. 4 3500 PARK AVENUE**

**CD 3 C 080129 ZMX**  
**IN THE MATTER OF** an application submitted by 3500 Park Avenue LLC, pursuant to Sections 197-c and 201 of the New

York City Charter for an amendment of the Zoning Map, Section No. 3d:

- changing from an M1-1 District to an R7-1 District property bounded by East 168th Street, a line midway between Park Avenue and Washington Avenue, a line 100 feet southwesterly of East 168th Street, and Park Avenue; and
- establishing within an existing and proposed R7-1 District a C2-4 District bounded by East 168th Street, Washington Avenue, a line 100 feet southwesterly of East 168th Street, and Park Avenue;

as shown on a diagram (for illustrative purposes only) dated June 7, 2010 and subject to the conditions of CEQR Declaration E-259.

**BOROUGH OF MANHATTAN No. 5 83 SPRING STREET**

**CD 2 C 100249 ZSM**  
**IN THE MATTER OF** an application submitted by 83 Spring Street Associates, LLC and 83 Spring Group LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(b) to allow Use Group 6 uses on the ground floor and cellar floor of an existing 5-story building, on property located at 83 Spring Street (Block 497, Lots 1001-1005), in an M1-5B District, within the SoHo-Cast Iron Historic District.

Plans for this proposal are on file with the City Planning Commission and may be seen at 22 Reade Street, Room 3N, New York, NY 10007.

**Nos. 6, 7 & 8 NORTH TRIBECA REZONING AND TEXT AMENDMENT No. 6**

**CD 1 C 100369 ZMM**  
**IN THE MATTER OF** an application submitted by the NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12a, changing from an M1-5 District to a C6-2A District property bounded by Canal Street, Hudson Street, Vestry Street and its easterly centerline prolongation, Canal Street, Broadway, Walker Street, West Broadway, North Moore Street, a line 100 feet westerly of Varick Street, Ericson Place, Beach Street, Greenwich Street, Hubert Street, Washington Street, Watts Street, and West Street, as shown on a diagram (for illustrative purposes only) dated June 7, 2010 and subject to the conditions of CEQR Declaration E-257.

**No. 7**

**CD 1 N 100370 ZRM**  
**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, concerning Article XI, Chapter I (Special Tribeca Mixed Use District).

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

**Article I**

**Chapter 2 Construction of Language and Definitions**

**12-10 DEFINITIONS**

- Accessory use, or accessory
- An #accessory use# includes:
- (iv) in C6-2M, C6-4M, M1-5M, M1-6M, M1-5A, and M1-5B Districts ~~and the #Special Tribeca Mixed Use District#~~, no living or sleeping accommodation for caretakers is permitted in any #building# which contains a #residential use# or a #joint living-work quarters for artists#.

Joint living-work quarters for artists

A "joint living-work quarters for artists" consists of one or more #rooms# in a non-#residential building#, on one or more floors, with lawful cooking space and sanitary facilities meeting the requirements of the Housing Maintenance Code, occupied:

- and arranged and designed for use by, and is used by, not more than four non-related #artists#, or an #artist# and his household, and including adequate working space reserved for the #artist#, or #artists# residing therein;
- by any household residing therein on September 15, 1986, whose members are all unable to meet the #artist# certification qualifications of the Department of Cultural Affairs that registers with the Department of Cultural Affairs prior to nine months from January 8, 1987; or
- by any person who is entitled to occupancy by any other provision of law.

An #artist# is a person so certified by the New York City Department of Cultural Affairs.

Regulations governing #joint living-work quarters for artists# are set forth in Article I, Chapter 5, Sections 42-14, paragraph (D) (Use Group 17 - Special Uses), 42-141 (Modification by certification of the City Planning Commission of uses in M1-5A and M1-5B Districts), 43-17

(Special Provisions for Joint Living-Work Quarters for Artists); and 74-78 (Conversions of Non-Residential Buildings) and Article XI, Chapter 1 (Special Tribeca Mixed Use District).

\* \* \*
Loft dwelling

A "loft dwelling" is a #dwelling unit# in the #Special Tribeca Mixed Use District#, in a #building# designed for non-#residential use# erected prior to December 15, 1961. Regulations governing #loft dwellings# are set forth in Sections 111-11 (Residential use modification) and 111-40 (REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO (EFFECTIVE DATE)). Article XI, Chapter 1 (Special Tribeca Mixed Use District).

\* \* \*
Chapter 5
Residential Conversion of Existing Non-Residential Buildings
\* \* \*

15-011
Applicability within Special Districts

The provisions of this Chapter shall apply in any #Special Mixed Use District# as modified by Article XII, Chapter 3 (Special Mixed Use District). The provisions of this Chapter shall apply in the #Special Downtown Jamaica District# as modified by Article XI, Chapter 5 (Special Downtown Jamaica District).

The provisions of this Chapter shall apply in the #Special St. George District# as modified by Article XII, Chapter 8 (Special St. George District).

The provisions of this Chapter shall apply in the #Special Coney Island District# as modified by Article XIII, Chapter 1 (Special Coney Island District).

The Preservation Area of the #Special Clinton District# is excluded from the applicability of the provisions of this Chapter.

The provisions of this Chapter shall apply in the #Special Tribeca Mixed Use District# as modified by Article XI, Chapter 1 (Special Tribeca Mixed Use District).

Except as specifically set forth in Sections 15-013 and 15-026, the provisions of this Chapter are not applicable in the #Special Tribeca Mixed Use District#.

\* \* \*
15-013
Building permits and variances issued before the effective date of amendment

- (a) Building permits in Manhattan Community Districts 1, 2, 3, 4, 5 and 6
(2) for all #floor area# for which the Board has made a finding that, as of the date said building permit lapsed, there was substantial construction in compliance with the approved plans pursuant to which said lapsed permit has been granted. A finding of substantial construction shall not be made unless, as of the date said permit lapsed, the #floor area# was either vacant or occupied by #residential# or #joint living-work quarters for artists use#, and unless the expenditures prior to the date said permit lapsed were significant in proportion to the costs of construction of the entire project, not including the costs of acquisition, demolition, professional fees or financing. Notwithstanding anything to the contrary above, the building permit shall only be reinstated pursuant to the provisions of this Section, provided that for any portion of the #building# for which said permit is reinstated:

- (i) the conversion shall comply with the provisions of Sections 15-12, 15-24, or 42-14, paragraph (D)(1)(e), or 111-112, as appropriate in the zoning district in which the #building# being converted is located, except that the Board may modify the requirements of Sections 15-12, 15-24, or 42-14, paragraph (D)(1)(e), or 111-112, provided that the rooftop open space was not permitted under said building permit and the Board determines that the roof either is unsuited for open space #use# or cannot be made suitable for open space #use# at a reasonable cost;

\* \* \*
15-026
Special bulk regulations for certain pre-existing dwelling units, joint living-work quarters for artists and loft dwellings

- (a) The minimum size, #yard#, and density requirements of Sections 15-111, 15-22, 43-17 and 111-111 Section 111-40 (REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO (EFFECTIVE DATE)) may be replaced by the requirements of this Section for #dwelling units#, #joint living-work quarters for artists# or #loft

dwellings#:

- (1) existing on September 1, 1980 for which a determination of #residential# or #joint living-work quarters for artists# occupancy has been made pursuant to Sections 15-021, paragraph (c), 15-215, 42-133, paragraph (a), 42-141, paragraph (b); or 74-782, or 111-201 paragraph (a); or
(2) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or
(3) that the Loft Board determines were occupied for #residential use# or as #joint living-work quarters for artists# on September 1, 1980.

- (b) Unless required by the Loft Board for the legalization of Interim Multiple Dwelling Units in the implementation of Article 7C of the New York State Multiple Dwelling Law, #dwelling units# or #joint living-work quarters for artists# described in paragraph (a) and existing on such dates may not be divided subsequently into units or quarters of less than 1,200 square feet, and #loft dwellings# may not be divided subsequently into dwellings that do not meet the requirements of Section 111-111 paragraphs (a), (b)(1) and (c). Section 111-40.

No #building# that meets the density requirements of Sections 15-111 or paragraph (c) of Section 111-40 111-111 paragraph (e), may subsequently add additional units or quarters except in accordance thereof. No #building# to which the regulations of this Section have been applied may subsequently add additional units or quarters except in accordance with the requirements of Sections 15-111 or 111-111 paragraph (e).

- (c) In lieu of the stated minimum size, #yard#, and density requirements of Sections 15-111, 15-22, 43-17 and Section 111-40 111-111, the following regulations shall apply:

- (1) The minimum size of a #dwelling unit#, #joint livingwork quarters for artists#, or #loft dwelling# may be no less than 415 square feet of #floor area#, provided that all of the following requirements are met:

- (i) the unit or quarters shall contain one or more windows that open onto a #street# or thirty foot #yard#;
(ii) the area of such required window shall be not less than eight percent of the #floor area# of the unit or quarters and 50 percent of the area of such required window shall be openable; and
(iii) the interior dimension of the wall in which such required window is located shall be no less than 12 feet in width; or

- (2) The minimum size of a #dwelling unit#, #joint livingwork quarters for artists#, or #loft dwelling# may be no less than 600 square feet of #floor area#, provided that all of the following requirements are met:

- (i) the unit or quarters shall contain one or more windows that open onto either:
(a) a ten foot #yard#, where the window sill of such required window is at least 23 feet above #curb level#; or
(b) a 15 foot #yard#, where the window sill of such required window is less than 23 feet above #curb level#; or
(c) a #court# with a minimum dimension of 15 feet perpendicular to such required window and 375 square feet or more in area; or
(d) a #street#;

- (ii) the minimum horizontal distance between such required window opening onto a #yard# and any wall opposite such window on the same or another #zoning lot# shall be at least 15 feet;
(iii) the area of such required window shall be no less than five percent of the #floor area#

of the unit or quarters, and 50 percent of the area of such required window shall be openable;

(iv) the interior dimension of the wall in which such required window is located shall be no less than 12 feet in width;

(v) the average width of such unit or quarters shall be no less than 14 feet; and

(vi) not less than two-thirds of the #floor area# of the unit or quarters shall have a floor-to-ceiling height of nine feet or more.

\* \* \*
32-01
Special Provisions for Adult Establishments

In addition to the applicable regulations for the #uses# listed in a permitted Use Group, #adult establishments# shall be subject to the following provisions:

- (a) #Adult establishments# are not permitted in C1, C2, C3, C4, C5, C6-1, C6-2 or C6-3 Districts.
(b) In C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C7 or C8 Districts, no #adult establishment# shall be established less than 500 feet from a house of worship, a #school#, a #Residence District#, a C1, C2, C3, C4, C5-1, C6-1, C6-2 or C6-3 District, or a #Manufacturing District#, other than an M1-6M District, in which new #residences#, or new #joint living-work quarters for artists# or new #loft dwellings# are allowed, under the provisions of the Zoning Resolution, as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences#, or new #joint living-work quarters for artists# or new #loft dwellings# on #commercial# or #manufacturing uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision. However, on or after October 25, 1995, an #adult establishment# that otherwise complies with the provisions of this paragraph shall not be rendered #non-conforming# if a house of worship or a #school# is established on or after April 10, 1995, within 500 feet of such #adult establishment#.

\* \* \*
42-01
Special Provisions for Adult Establishments

In addition to the applicable regulations for the #uses# listed in a permitted Use Group, #adult establishments# shall be subject to the following provisions:

- (a) #Adult establishments# are not permitted in a #Manufacturing District# in which #residences#, or #joint living-work quarters for artists# or #loft dwellings# are, under the provisions of the Zoning Resolution, allowed as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences#, or new #joint living-work quarters for artists# or new #loft dwellings# on #commercial# or #manufacturing uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision.
(b) In all other #Manufacturing Districts#, no #adult establishment# shall be established less than 500 feet from a house of worship, a #school#, a #Residence District#, a C1, C2, C3, C4, C5-1, C6-1, C6-2 or C6-3 District, or a #Manufacturing District#, other than an M1-6M District, in which new #residences#, or new #joint living-work quarters for artists# or new #loft dwellings# are allowed, under the provisions of the Zoning Resolution, as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences#, or new #joint living-work quarters for artists# or new #loft dwellings# on #commercial# or #manufacturing uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision. However, on or after October 25, 1995, an #adult establishment# that otherwise complies with the provisions of this paragraph shall not be rendered #nonconforming# if a house of worship or a #school# is established on or after April 10, 1995, within 500 feet of such #adult establishment#.

\* \* \*
42-53
Surface Area and Illumination Provisions

M1 M2 M3

\* \* \*
No #illuminated sign# shall have a degree or method of illumination that exceeds standards established by the Department of Buildings by rule pursuant to the City Administrative Procedure Act. Such standards shall ensure that illumination on any #illuminated sign# does not project or reflect on #residences#, #loft dwellings# or #joint living-work quarters for artists# so as to interfere with the reasonable use and enjoyment thereof. Nothing herein shall be construed to authorize a #sign# with indirect illumination# to arrange an external artificial source of illumination so that direct rays of light are projected from such artificial source into #residences#, #loft dwellings# or #joint living-work quarters for artists#.

**42-532**  
**Non-illuminated signs**  
 M1 M2 M3

In all districts, as indicated, non-illuminated signs with total surface areas not exceeding six times the street frontage of the zoning lot, in feet, but in no event more than 1,200 square feet for each sign, are permitted.

However, in any Manufacturing District in which residences, loft dwellings or joint living-work quarters for artists are, under the provisions of the Zoning Resolution, allowed as-of-right or by special permit or authorization, the total surface area of all such permitted signs shall not exceed six times the street frontage of the zoning lot, in feet, and that the surface area of each sign shall not exceed 750 square feet.

**42-533**  
**Illuminated or flashing signs**

M1 M2 M3

However, in any Manufacturing District in which residences, loft dwellings or joint living-work quarters for artists are, under the provisions of the Zoning Resolution, allowed as-of-right or by special permit or authorization, the total surface area of all such permitted signs shall not exceed five times the street frontage of the zoning lot, in feet, and that the surface area of each sign shall not exceed 500 square feet.

**42-541**  
**Permitted projection**

M1 M2 M3

In all districts, as indicated, except as otherwise provided in Section 42-542 (Additional regulations for projecting signs), no permitted sign shall project across a street line more than 18 inches for double- or multi-faceted signs or 12 inches for all other signs, except that:

- (a) In M1-5A, M1-5B, M1-5M and M1-6M Districts and in Manufacturing Districts mapped within the Special Tribeca Mixed Use District, for each establishment located on the ground floor, non-illuminated signs other than advertising signs may project no more than 40 inches across a street line, provided that along each street on which such establishment fronts, the number of such signs for each establishment shall not exceed two two-sided signs separated at least 25 feet apart, and further provided that any such sign shall not exceed a surface area of 24 by 36 inches and shall not be located above the level of the first story ceiling.

- (b) For zoning lots occupies . . .

**Article VII**  
**Administration**  
**Chapter 4**  
**Special Permits by the City Planning Commission**

**74-92**  
**Use Groups 3A and 4A Community Facilities and Certain Large Retail Establishments in Manufacturing Districts**

**74-921**  
**Use Groups 3A and 4A community facilities**

- (a) Use modifications for Use Groups 3A and 4A in M1 Districts  
 In M1 Districts, except for houses of worship, the City Planning Commission may permit uses listed in Use Group 4A - Community Facilities and, in M1-5 Districts, except in M1-5A, M1-5B and M1-5M Districts, the Commission may permit museums and non-commercial art galleries as listed in Use Group 3A, provided that such community facility is located not more than 400 feet from the boundary of a district where such facility is permitted as-of-right and the Commission finds that:

- (6) such facility will not impair the essential character of the surrounding area.

The provisions of this special permit relating to Use Group 3A museums and non-commercial art galleries shall be inapplicable to the Special Tribeca Mixed Use District.

**Article XI - Special Purpose Districts**

**Chapter 1**  
**Special Tribeca Mixed Use District**

**111-00**  
**GENERAL PURPOSES**

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

- (a) to retain adequate wage, job producing, stable industries within the Tribeca neighborhood;

- (b) to protect light manufacturing and to encourage stability and growth in the Tribeca neighborhood by permitting light manufacturing and controlled residential uses to coexist where such uses are deemed compatible;
- (c) to provide a limited new housing opportunity of a type and at a density appropriate to this mixed use zone;
- (d) to insure the provision of safe and sanitary housing units in converted buildings; and
- (e) to promote the most desirable use of land and building development in accordance with the Plan for Lower Manhattan as adopted by the City Planning Commission.

**111-02**  
**General Provisions**

The provisions of this Chapter shall apply to all developments, enlargements, extensions, alterations, accessory uses, open and enclosed, and changes in uses within the Special District.

Loft dwellings and joint living work quarters for artists are permitted uses within the Special District and loft dwellings are the only permitted residential use in buildings designed for non-residential use and erected prior to December 15, 1961. Loft dwellings and joint living work quarters for artists converted under the provisions of this Chapter, are not subject to the provisions of Section 22-42 (Location within Buildings).

Buildings designed for non-residential use, and erected prior to December 15, 1961, that have not since been enlarged may be converted to loft dwellings, subject to the bulk regulations of Section 111-11 (Bulk Regulations for Buildings Containing Loft Dwellings or Joint Living Work Quarters for Artists).

Buildings designed for non-residential use, and erected prior to December 15, 1961, that have since been enlarged may be converted to loft dwellings, and buildings designed for non-residential use and erected prior to December 15, 1961, may be enlarged for loft dwellings, provided that such conversion or enlargement shall be made only by special permit of the City Planning Commission pursuant to Section 111-51 (Special Permit for Enlargements of Buildings Containing Loft Dwellings).

A home occupation may occupy a loft dwelling as an accessory use in excess of the floor area limitations of Section 12-10 (DEFINITIONS - Home occupation), and subject to the following:

- (a) Businesses operated as home occupations may have up to three non-residential employees, and
- (b) Notwithstanding the limitation on uses listed in Section 12-10, a home occupation may include a permitted commercial or permitted manufacturing use. It shall not include the sale of merchandise produced elsewhere.
- (c) The Commissioner of Buildings may issue rules and regulations setting forth appropriate standards to implement the intent of this Section.

Museums or non-commercial art galleries are permitted uses within Areas B1 and B2 of the Special District in accordance with the provisions of Section 111-105 (Museums or non-commercial art galleries), and are subject to the bulk regulations applicable to manufacturing uses in Areas B1 and B2.

Except as modified by the express provisions of the District, the regulations of the underlying districts remain in effect.

**111-03**  
**District Map**

The District Map for the Special Tribeca Mixed Use District, in Appendix A, identifies special areas comprising the Special District in which special zoning regulations carry out the general purposes of the Special Tribeca Mixed Use District. These areas are as follows:

- Area A1 - General Mixed Use Area
- Area A2 - Limited Mixed Use Area (Commercial and Residential Uses)
- Area A3 - General Mixed Use Area
- Area A4 - General Mixed Use Area
- Area B1 - Limited Mixed Use Area
- Area B2 - Limited Mixed Use Area
- Area A5 - General Mixed Use Area
- Area A6 - General Mixed Use Area
- Area A7 - General Mixed Use Area

**111-10**  
**SPECIAL USE REGULATIONS**

**111-101**  
**Location of permitted uses in buildings containing loft dwellings or joint living work quarters for artists**  
 Within Areas B1 and B2, loft dwellings and joint living work quarters for artists are not permitted below the floor

level of the third story, unless modified by the Chairperson of the City Planning Commission pursuant to Section 111-20 (MINOR MODIFICATIONS), paragraph (a), by authorization of the City Planning Commission pursuant to Section 111-23 (Modification of Location and Additional Use Regulations by Authorization of the City Planning Commission) or by special permit of the City Planning Commission pursuant to Section 111-50 (SPECIAL PERMIT FOR CONVERSION TO LOFT DWELLINGS OR JOINT LIVING WORK QUARTERS FOR ARTISTS).

**111-11**  
**Residential use modification**

- (a) Loft dwellings  
 Loft dwellings created prior to (effective date) shall be governed by the provisions for loft dwellings in Section 111-40 (REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO (EFFECTIVE DATE)). Such loft dwellings may be extended, enlarged, or subdivided into two or more loft dwellings only in accordance with such provisions. No loft dwellings may be created after (effective date), except as the result of a subdivision of a loft dwelling existing prior to (effective date).

- (b) Home occupations  
 A home occupation may occupy a loft dwelling, or a dwelling unit converted pursuant to Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings), as an accessory use pursuant to Section 15-13 (Special Home Occupation Provision), except that:

- (1) businesses operated as home occupations may have up to three non-residential employees; and
- (2) notwithstanding the limitation on uses listed in Section 12-10, a home occupation may include a permitted commercial or permitted manufacturing use.

**111-102 12**  
**Ground floor use restrictions**

(a) In all areas except Areas A2, A1, A3 and A4G ground floor spaces in separate buildings may not be combined for uses in Use Groups 3, 4, 5 and 6, except in those buildings having frontage on Broadway, Chambers Street, Church Street, Greenwich Street, Hudson Street, Sixth Avenue, Varick Street, West Broadway or West Street.

- (b) Areas B1 and B2
  - (1) Use of the ground floor in buildings constructed prior to March 10, 1976, shall be restricted to uses in Use Groups 7, 9, 11, 16, 17a, 17b, 17c or 17e, except that where a use other than these occupied the ground floor of a building prior to March 10, 1976, it shall be permitted in conformance with the underlying district regulations.
  - (2) In buildings having frontage on Greenwich Street, West Street, Hudson Street, West Broadway or Canal Street, ground floor uses shall be permitted in conformance with the underlying districts except as provided in Section 111-102, paragraph (c).

**111-103 13**  
**Additional use regulations**

- (a) Areas A1, and A3 and A4
  - (1) Uses in Use Groups 16 and 17 shall be permitted, except the following uses are prohibited in all buildings:
    - (i) within Use Group 16A: crematoriums, poultry or rabbit killing establishments, unenclosed automobile, boat, motorcycle or trailer sales, motorcycle rentals;
    - (ii) all Use Group 16B uses, except automotive service stations by special permit pursuant to Section 73-21;
    - (iii) all Use Group 16C uses;
    - (iv) within Use Group 16D: dry cleaning or cleaning or dyeing establishments, with no limitation on type of operation, solvents, floor area or capacity per establishment;
    - (v) within Use Group 17B: manufacture of aircraft, automobiles, trucks, trailers, boats, motorcycles or chemicals; and
    - (vi) all Use Group 17C uses, except agriculture.
  - (2) The following uses are prohibited in buildings that do not front on Chambers Street, Church Street, Greenwich Street, Hudson Street, or West

Broadway ~~or West Street~~:

(i) —all Use Group 8A #uses#;

(ii) —all Use Group 8D #uses#;

(iii) —all Use Group 10A #uses#, except depositories, photographic or motion picture studios, radio or television studios; and

(iv) —all Use Group 12A #uses#.

(3) In #buildings# fronting on Chambers Street, Church Street, Greenwich Street, Hudson Street, or West Broadway ~~or West Street~~, the following ~~retail facilities~~ #uses# shall be limited to 20,000 square feet of #floor area# on a #zoning lot#, including retail #cellar# space allotted to such #uses#, except as otherwise provided in Section ~~111-40~~ 111-32 (Special Permit For Certain Large Commercial Establishments):

(i) —all #uses# in Use Groups 6A and 6C;

(ii) —all #uses# in Use Group 10 with parking categories B or B1; and

(iii) —the above #uses# when listed in other use groups.

Separate #buildings# on separate #zoning lots# may not be combined for #uses# in Use Groups 6A, ~~and 6C~~ and or all #uses# with parking categories B or B1 in Use Group 10 ~~with parking categories B or B1~~.

In addition, in #buildings# not fronting on the ~~above listed~~ #streets# listed in paragraph (a)(3) of this Section, #uses# listed ~~retail facilities~~ in Use Groups 6A and 6C shall be limited to 10,000 square feet of #floor area# on a #zoning lot#, including retail #cellar# space ~~allotted~~ allocated to such #uses#, except as otherwise provided in Section 111-40.

(b) ~~Areas B1 and B2~~

~~#Loft dwellings# and #joint living work quarters for artists# shall be permitted in #buildings# where the #lot coverage# is less than 5,000 square feet. #Loft dwellings# and #joint living work quarters for artists# shall be permitted in other #buildings# or other structures# only by special permit of the City Planning Commission, pursuant to Section 111-50 (SPECIAL PERMIT FOR CONVERSION TO LOFT DWELLINGS OR JOINT LIVING WORK QUARTERS FOR ARTISTS), or by minor modification of the Chairperson of the City Planning Commission, pursuant to Section 111-20, paragraph (d), or by authorization of the City Planning Commission, pursuant to Section 111-23 (Modification of Location and Additional Use Regulations by Authorization of the City Planning Commission).~~

Areas A4, A5, A6 and A7

(1) All #uses# listed in Use Groups 16B, 16C or 16D shall be permitted.

(2) The following #uses# listed in Use Group 16A shall be permitted:

Carpentry, custom woodworking or custom furniture making shops

Electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating contractors' establishments, open or enclosed, with open storage limited to 5,000 sq. ft.

Household or office equipment or machinery repair shops

Machinery rental or sales establishments.

(3) All #uses# in Use Group 17 shall be permitted, except that the following #uses# shall be prohibited:

Building materials or contractors' yards, open or enclosed

Produce or meat markets, wholesale

Adhesives, including manufacture of basic components

Food products, including slaughtering of meat or preparation of fish for packing

Laboratories, research, experimental or testing

Leather products, including shoes, machine belting, or similar products

Metal stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products

Pharmaceutical products

Plastic products, including tableware, phonograph records, buttons, or similar products

Rubber products, such as washers, gloves, footwear, bathing caps, atomizers, or similar products,

including manufacture of natural or synthetic rubber  
Shoddy  
Soap or detergents.

(4) For establishments with frontage on #wide streets#, #uses# listed in Use Groups 6A, 6C and 10 shall be limited to 10,000 square feet of #floor area#. For establishments that front only upon a #narrow street#, such #uses# shall be limited to 5,000 square feet of #floor area#. For the purposes of this Section, #floor area# shall include retail #cellar# space allocated to such #uses#.

The #floor area# requirements of this paragraph, (b)(4), may be modified only pursuant to Section 111-32 (Special Permit For Certain Large Commercial Establishments).

(c) Eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing, as listed in Use Group 12A, in any location within a #building#, shall be permitted only by special permit of the Board of Standards and Appeals as provided in Section 73-244. ~~In Areas A1, A2, A3 and A4,~~ The Board of Standards and Appeals shall additionally find for establishments of any capacity with dancing, as listed in Use Group 12A, that primary ingress and egress for such #uses# may only be located on Broadway, Chambers Street, Church Street, Greenwich Street, Hudson Street, ~~Sixth Avenue, Varick Street,~~ West Broadway or West Street, with only fire or emergency egress on other #streets#, and that no portion of such #use# may be located more than 100 feet, measured perpendicularly, from the above-listed streets. Furthermore, such #uses# are restricted as provided in paragraph (a)(2) of this Section.

(d) ~~Areas A4, A5, A6 and A7~~

~~#Transient hotels# shall be allowed, except that #developments#, #enlargements#, #extensions# or changes of #use# that result in a #transient hotel# with greater than 100 sleeping units shall only be allowed pursuant to Section 111-31 (Special Permit For Large Transient Hotels).~~

(e) Environmental conditions for Area A2

(1) All #developments# or #enlargements# shall be subject to Ambient Noise Quality Zone Regulations\*. #Uses# listed in Use Group 11A shall be subject to the performance standards of an M1 District.

(2) All new #dwelling units# shall be provided with a minimum 35dB(A) of window wall attenuation in order to maintain an interior noise level of 45dB(A), or less, with windows closed. Therefore, an alternate means of ventilation is required.

\* Ambient Noise Quality Regulations for an M2 District as set forth in the Noise Control Code for the City of New York, Article VI(B).

**111-104**  
**Special provisions for Areas A1, A2, A3, A4 and B2**

**111-20**  
**SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7**

(a) Area A1

The regulations applicable to a C6-2A District shall apply to ~~all new~~ #developments# and #enlargements#, except as set forth herein.

(1) Maximum #floor area ratio#

The maximum #floor area ratio# permitted on a #zoning lot# shall be 5.0.

(2) Special regulations for narrow #buildings#

A #building# or portion of a #building# may be constructed above the maximum height of a #street wall# permitted pursuant to Section 23-692 (Height limitations for narrow buildings or enlargements), provided the portion of a #building# exceeding such height limitation does not exceed a height of one #story# or 15 feet, whichever is less, and provided such portion is set back at least 10 feet from the #street wall# of the #building# facing a #wide street#, and 15 feet from the #street wall# of the #building# facing a #narrow street#.

(b) Area A2

The regulations applicable to a C6-3 District shall apply to ~~all new~~ #developments# and #enlargements#, except as set forth herein.

(1) Maximum #floor area ratio#

No #floor area# bonuses shall be permitted in Area A2.

The maximum #floor area ratio# permitted shall be 7.52. In no case shall

the #floor area ratio# of the #commercial# or #community facility# portion of the #building# be more than 6.0.

(2) #Open space# and #lot coverage# regulations

The #open space# and #lot coverage# regulations of Article II, Chapters 3 and 4, and Article III, Chapter 5, for a #residential building#, or the #residential# portion of a #mixed building#, are not applicable. In lieu thereof, the maximum permitted #lot coverage# on a #zoning lot# shall not exceed 80 percent of the #lot area#. However, any permitted obstruction on a #zoning lot# pursuant to Sections 23-44, 24-12 or 33-23 shall not count as #lot coverage#.

(3) #Yard#, #court# and minimum distance between #buildings# regulations

The #yard# and #court# regulations of a C6-3 District shall apply, except that on a #through lot# the provisions of paragraphs (b) and (c) of Sections 23-533 and 24-382 (Required rear yard equivalents) and 23-71 (Minimum Distance between Buildings on a Single Zoning Lot) shall not apply. On any single #zoning lot# within Area A2, if a #development# or #enlargement# results in two or more #buildings# or portions of #buildings# detached from one another at any level, such #buildings# or portions of #buildings# shall at no point be less than eight feet apart.

(4) #Height factor#, front height and setback regulations

The #height factor#, front height and setback, alternate front setback and tower regulations of a C6-3 District shall not apply. In lieu thereof, for the first two #stories# of any #development# or #enlargement#, the #street wall# shall be located on the #street line# and shall extend the entire width of the #zoning lot# not occupied by existing #buildings# to remain, except that at the intersection of two #street lines# the #street wall# may be located within five feet of the #street line#. Above the ceiling of the second #story# for any #development# or #enlargement#, there shall be mandatory #street walls# extending the entire width of the #zoning lot# not occupied by existing #buildings# to remain, as set forth ~~below in this paragraph, (b)(4).~~ Along #wide streets# and along #narrow streets#, within 75 feet of the intersection with #wide streets#, the #street wall# shall rise for a minimum of 60 feet above #curb level# but shall not exceed a height of 100 feet above #curb level#. Along a #narrow street#, beyond a distance of 75 feet from the intersection of a #wide street# and a #narrow street#, the #street wall# shall rise for a minimum of 60 feet above #curb level# but shall not exceed a height of 85 feet above #curb level#. Notwithstanding the above requirements, for the 25 feet of a #zoning lot# furthest from the intersection of a #wide street# and a #narrow street#, the height of the #street wall# shall be 60 feet or the height of the adjacent #building# fronting on the same #street line#, whichever is greater. Above the ceiling of the second #story#, 75 percent of the aggregate area of the mandatory #street walls# at each #story# shall be within five feet of the #street line#; the mandatory #street wall# shall about the #street line# at least once every 25 feet; and at the intersection of two #street lines# the mandatory #street wall# shall be located within five feet of the #street line#, measured perpendicular to the #street line#. For #residential# and community facility #developments# or #enlargements#, recesses shall comply with the applicable #outer court# provisions of Sections 23-84 and 24-63.

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Chapter.

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the location of the #street wall# of any #building# may vary between the #street wall# location requirements of this Chapter and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.

(5) Curb cuts  
Curb cuts shall not be permitted on

Greenwich Street, Murray Street and Chambers Street.

(c) Area A3

The regulations applicable to a C6-3A District shall apply to all new #developments# and #enlargements#, except as set forth herein.

(1) Height and setback regulations

The height and setback regulations of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall not apply. In lieu thereof, the following height and setback regulations shall apply:

(i) Permitted obstructions

Permitted obstructions for all #buildings# or other structures# shall be as set forth in Section 33-42.

(ii) Measurement of height

Heights of all #buildings# or other structures# shall be measured from the #base plane#.

(iii) #Street wall# location

The #street wall# of any #development# or #enlargement# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings#, and shall rise to at least a height of 60 feet or the height of the #building#, whichever is less. However, to allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection. Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. At any level above the ground floor, but at least 12 feet above the level of the #base plane#, recesses shall be permitted in the #street wall# for #outer courts# or articulation of #street walls# at the intersection of two #street lines# as set forth in this Section. The aggregate width of such recesses shall not exceed 30 percent of the width of the #street wall# at any level.

(iv) Maximum height of #street walls# and required setbacks

The maximum height of a #street wall# before setback shall be 85 feet or the height of an adjoining #building# fronting on the same #street line# with a height of at least 60 feet, whichever is less. Setbacks are required for all portions of #buildings# that exceed these maximum #street wall# heights. At a height not lower than 60 feet nor higher than 85 feet, or the height of an adjoining #building# fronting on the same #street line# which is less than 85 feet, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except that such dimensions may include the depth of any permitted recesses in the #street wall#.

(v) Maximum building height

No #building# or other structure# shall exceed a height of 135 feet.

(vi) Vertical #enlargements# of low #buildings#

Existing #buildings# with #street walls# less than 60 feet in height may be vertically #enlarged# by up to one #story# or 15 feet, whichever is less, without regard to the #street wall# location provisions of paragraph (c)(1)(iii) of this Section.

(2) Special regulations for narrow #buildings#

A #building# or portion of a #building# may be constructed above the maximum height of #street wall# permitted pursuant to Section 23-692 (Height limitations for narrow buildings or enlargements), provided such portion of a #building# exceeding such height limitation does not exceed a height of one #story# or 15 feet, whichever is less, and provided such portion of a #building# is set back at least 10 feet from the #street wall# of the #building# facing a #wide street#, and 15 feet from the #street wall# of a #building# facing a #narrow street#.

(d) Areas A4, A5, A6 and A7

Except as set forth herein, the #bulk# regulations of the underlying district shall apply.

(1) In C6-2A and C6-3A Districts, the #Height and setback regulations, as set forth in Table A of Section 35-24, shall be modified, as follows:

District Area	Minimum base height (in ft.)	Maximum base height (in ft.)	Maximum building height (in ft.)
C6-2A	60	70	110
C6-3A A4	60	70	140
A5	60	70	110
A6	60	85	120
A7	60	85	120

In a C6-3A District, Area A4, a penthouse portion of a #building#, not exceeding ten feet in height, may be constructed above the maximum building height, provided that such penthouse portion is set back at least 25 feet from any #narrow street#.

In Area A4, however, the provisions of this paragraph, (d) (1), shall not apply to any #building# located in Historic Districts designated by the Landmarks Preservation Commission.

(2) The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within Area A4, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts).

(3) In a C6-3A District, the maximum #floor area ratio# permitted on a #zoning lot# shall be 6.5 as follows:

Area	Maximum #floor area ratio#
A4	6.5
A5	5.5
A6	5.4
A7	5.0

(4) In a C6-2A District, the maximum #floor area ratio# permitted on a #zoning lot# shall be 5.5.

Applicability of Inclusionary Housing Program

R8A Districts within Area A6 shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District. The base #floor area ratio# for any #zoning lot# containing #residences# shall be 5.4. Such base #floor area ratio# may be increased to a maximum of 7.2 through the provision of #affordable housing# pursuant to the provisions for #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), except that the height and setback regulations of paragraph (a) of Section 23-954 (Additional requirements for compensated developments) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

(e) Area B2

In Area B2, except as modified by the express provisions of this Chapter, the underlying district regulations are superseded and replaced by the regulations applicable in M2-4 Districts.

111-105 Museums or non-commercial art galleries

Areas B1 and B2

In any #building#, a museum or non-commercial art gallery

is permitted on the ground floor where a #use# in Use Group 6 is permitted pursuant to the provisions of Sections 111-102 and above the ground floor where #joint living work quarters for artists# or #loft dwellings# are permitted pursuant to the provisions of Sections 111-101 or 111-103.

111-11 Bulk Regulations for Buildings Containing Loft Dwellings or Joint Living Work Quarters for Artists

#Joint living work quarters for artists# located within the District shall comply with all the #bulk# regulations of this Section applicable to #loft dwellings#.

111-111 Loft dwelling requirements

(a) All #loft dwellings# shall have one or more windows which open into a #street# or a #yard# of 30 feet minimum depth.

(b) (1) The minimum #floor area# contained within a #loft dwelling# shall be not less than 2,000 square feet, except that:

(i) where a #loft dwelling# occupies the entire usable area of a floor, there shall be no minimum #floor area#;

(ii) where a #loft dwelling# has a minimum clear width of 14 feet throughout and has windows opening onto both a #street# and a #yard# which has a depth of 10 percent of the depth of the #loft dwelling#, there shall be no minimum #floor area#;

(iii) where the ratio in a #loft dwelling# of the window area opening onto a #street# or a #yard# of 30 feet minimum depth to the #floor area# contained within the #loft dwelling# exceeds 5 percent, the minimum #floor area# contained within the #loft dwelling# may be reduced by 200 square feet for each additional percent, to a ratio of 10 percent; or

(iv) where the ratio in a #loft dwelling# of the window area opening onto a #street# or a #yard# of 30 feet minimum depth to the #floor area# contained within the #loft dwelling# equals or exceeds 10 percent, there shall be no minimum #floor area#.

(2) The minimum #loft dwelling# size and #yard# requirement, however, may be replaced by the requirements of Section 15-026 (Special bulk regulations for certain pre-existing dwelling units, joint living work quarters for artists and loft dwellings) for #loft dwellings#:

(i) for which a determination of #residential# occupancy on September 1, 1980 has been made; or

(ii) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or

(iii) that the Loft Board determines were occupied for #residential use# on September 1, 1980.

#Loft dwellings# existing on September 1, 1980, may not be subsequently divided into dwellings that do not meet the requirements of paragraphs (a), (b)(1) and (c) of this Section, unless required by the Loft Board for the legalization of Interim Multiple Dwelling units in the implementation of Article 7C of the New York State Multiple Dwelling Law.

No #building# that meets the density requirements of paragraph (e) of this Section may subsequently add additional units or quarters except in accordance thereof. No #building# to which the regulations of Section 15-026 have been applied may subsequently add additional units or quarters except in accordance with the requirements of paragraph (e).

(e) The number of #loft dwellings# shall not exceed one per 1,000 square feet of #floor area# devoted to #loft dwellings#, except as a result of the application of paragraph (b)(2) of this Section.

(d) Mezzanines constructed pursuant to Chapter 26 of the Administrative Code shall be allowed within individual #loft dwellings#, provided that the gross #floor area# of each mezzanine does not exceed 33 and 1/3 percent of the #floor area# contained within such #loft dwelling#. Such mezzanines are permitted only in #buildings# with an existing #floor area ratio# of 12 or less and only between

floors, or between a floor and a roof, existing on January 22, 1998, that are to remain. Such mezzanines shall not be included as #floor area# for the purpose of calculating the minimum required size of a #loft dwelling# or for calculating #floor area# devoted to #loft dwellings#.

(e) No #building# in Areas B1 and B2 containing #loft dwellings# or #joint living work quarters for artists# shall be #enlarged#, except that such #buildings# containing #loft dwellings# may be #enlarged# by special permit of the City Planning Commission, pursuant to Section 111-51 (Special Permit for Enlargements of Buildings Containing Loft Dwellings). Mezzanines shall be permitted as provided in paragraph (d) of this Section.

**111-112  
Open space equivalent**

At least 30 percent of the gross roof area of a #building# containing 15 or more #loft dwellings# shall be #developed# for recreational #use#.

For each additional #loft dwelling#, 100 square feet of additional roof area shall be #developed# for recreational #use# up to a maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said #loft dwellings# and their guests for whom no fees are charged.

**111-20  
MINOR MODIFICATIONS**

On application, the Chairperson of the City Planning Commission may grant minor modifications to the following provisions of this Chapter:

(a) The requirements of Section 111-101 relating to location of #loft dwellings# or #joint living work quarters for artists# below the floor level of the third #story# of a #building# in Areas B1 and B2, and Section 111-102, paragraph (b), relating to #use# restrictions in #floor area# on the ground floor may be modified provided that the Chairperson finds that the owner of the space has made a good faith effort to rent such space to a mandated #use# at fair market rentals.

Such efforts shall include but not be limited to:

- advertising in local and city wide press;
- listing the space with brokers;
- notifying the New York City Office of Economic Development; and
- informing local and city wide industry groups.

Such efforts shall have been actively pursued for a period of no less than six months for #buildings# under 3,600 square feet and one year for #buildings# over 3,600 square feet prior to the date of the application.

(b) The requirements of Section 111-111 relating to #loft dwellings# may be modified provided that the Chairperson has administratively certified to the Department of Buildings that the design of the #loft dwellings# or #joint living work quarters for artists# provides sufficient light and air to allow minor modifications of these provisions.

(c) The requirements of Section 111-112 relating to roof top #open space# may be modified provided that the Chairperson has administratively certified to the Department of Buildings that the roof either is unsuited for #open space use# or cannot be made suitable for #open space use# at reasonable cost.

(d) The requirements of Section 111-103 (Additional use restrictions), paragraph (b), relating to #loft dwellings# and #joint living work quarters for artists# in #buildings# within Area B1 and B2, where the #lot coverage# is 5,000 square feet or more, may be modified provided that:

- (1) such #floor area# was occupied on September 1, 1980, as #loft dwellings# or #joint living work quarters for artists#, or consists of registered Interim Multiple Dwellings, or is found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law;
- (2) such #building# consisted, on June 21, 1982, of two or more contiguous sections separated structurally by load bearing walls, with independent entrances, independent addresses, and other evidence of the independent functional use of each section of the #building#, which evidence may include but is not limited to separate deeds, separate tax lots, separate certificates of occupancy, or separate utilities or systems for the entirety of each section of the #building#; and
- (3) the section within which such #floor area# is located has a #lot coverage# of less than 5,000 square feet of #lot area#.

A developer must send a copy of any request for modification pursuant to this Section to the applicable Community Board at least ten days prior to the next regularly scheduled

Community Board meeting. If the Community Board elects to comment on such requests, it must do so within 30 days of such notification.

**111-21  
Notice of Filing to Create Loft Dwellings or Joint Living Work Quarters for Artists**

A duplicate copy of the application for an alteration permit shall be sent to the City Planning Commission by the applicant for information purposes only. No building permit shall be issued by the Department of Buildings for such #loft dwellings# or #joint living work quarters for artists# without the acknowledged receipt of such notice by the City Planning Commission.

**111-23  
Modification of Location and Additional Use Regulations by Authorization of the City Planning Commission**

The provisions of Section 111-101 (Location of permitted uses in buildings containing loft dwellings or joint living work quarters for artists), relating to the prohibition of #loft dwellings# or #joint living work quarters for artists# below the level of the third #story# of a #building# in Areas B1 and B2, and Section 111-103 (Additional use regulations), paragraph (b), relating to #loft dwellings# and #joint living work quarters for artists# in #buildings# within Areas B1 and B2 where the #lot coverage# is 5,000 square feet or more, may be modified by authorization of the City Planning Commission, provided that:

- (a) such #building# is either a landmark or lies within a Historic District designated by the Landmarks Preservation Commission;
- (b) any alterations to the subject #building# required in connection with such conversion to #loft dwellings# or #joint living work quarters for artists# have received a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission; and
- (c) a program has been established for continuing maintenance that will result in the preservation of the subject #building# or #buildings# as evidenced by a report from the Landmarks Preservation Commission.

In order to grant an authorization, the City Planning Commission shall find that such modification shall have minimal adverse effects on the conforming #uses# located within the #building# and in the surrounding area.

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

**111-30  
ENVIRONMENTAL CONDITIONS FOR AREA A2**

- (a) All #developments# or #enlargements# shall be subject to Ambient Noise Quality Zone Regulations\*. #Uses# listed in Use Group 11A shall be subject to the performance standards of an M1 District.
- (b) All new #dwelling units# shall be provided with a minimum 35dB(A) of window wall attenuation in order to maintain an interior noise level of 45dB(A), or less, with windows closed. Therefore, an alternate means of ventilation is required.

\* Ambient Noise Quality Regulations for an M2 District as set forth in the Noise Control Code for the City of New York, Article VI(B).

**111-30  
SPECIAL PERMITS**

**111-31  
Special Permit for Large Transient Hotels**

In Areas A4 through A7, the City Planning Commission may permit #transient hotels# that are comprised of more than 100 sleeping units, provided the Commission shall find that such #transient hotel#, resulting from a #development#, #enlargement#, #extension# or change of #use#, is so located as not to impair the essential residential character of, or the future use or development, of the surrounding area.

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

**111-4032  
Special Permit for Certain Large Commercial Establishments SPECIAL PERMIT FOR CERTAIN LARGE RETAIL FACILITIES**

The City Planning Commission may permit the total #floor area# of large commercial establishments retail facilities subject to Section 111-103, paragraph (a)(3) to exceed the underlying limitations #floor area# requirements set forth in Section 111-13, paragraphs (a)(3) and (b)(4) on square feet to exceed 20,000 square feet of #floor area#, including the #floor area# requirements for retail #cellar# space allotted to such #uses#, in #buildings# fronting on Chambers Street, Church Street, Greenwich Street, Hudson Street or West Broadway, and 10,000 square feet of #floor area#, including retail #cellar# space allotted to such #uses#, in #buildings# fronting on other #streets#. , provided

As a condition of granting a special permit for such large #commercial# establishments, the Commission finds that:

- (a) such #development#, #enlargement#, #extension# or change of #use# is so located as not to impair the essential character or the future use of, or development of, the surrounding area; and
- (b) the #streets# providing access to the facility will be adequate to handle the vehicular and pedestrian traffic generated by such #use#.

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

**111-40  
REQUIREMENTS FOR LOFT DWELLINGS  
CONSTRUCTED PRIOR TO (EFFECTIVE DATE)**

The following is applicable to all existing #loft dwellings#, created prior to (effective date), within the #Special Tribeca Mixed Use District#.

- (a) All #loft dwellings# shall have one or more windows which open into a #street# or a #yard# with a minimum depth of 30 feet.
- (b) (1) The minimum #floor area# contained within a #loft dwelling# shall be not less than 2,000 square feet, except that:
  - (i) where a #loft dwelling# occupies the entire usable area of a floor, there shall be no minimum #floor area#;
  - (ii) where a #loft dwelling# has a minimum clear width of 14 feet throughout and has windows opening onto both a #street# and a #yard# which has a depth of 10 percent of the depth of the #loft dwelling#, there shall be no minimum #floor area#;
  - (iii) where the ratio in a #loft dwelling# of the window area opening onto a #street# or a #yard# of 30 feet minimum depth to the #floor area# contained within the #loft dwelling# exceeds five percent, the minimum #floor area# contained within the #loft dwelling# may be reduced by 200 square feet for each additional percent, to a ratio of 10 percent; or
  - (iv) where the ratio in a #loft dwelling# of the window area opening onto a #street# or a #yard# of 30 feet minimum depth to the #floor area# contained within the #loft dwelling# equals or exceeds 10 percent, there shall be no minimum #floor area#.
- (2) The minimum #loft dwelling# size and #yard# requirement may be replaced by the requirements of Section 15-026 (Special bulk regulations for certain pre-existing dwelling units, joint living-work quarters for artists and loft dwellings) for #loft dwellings#:
  - (i) for which a determination of #residential# occupancy on September 1, 1980 has been made;
  - (ii) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or
  - (iii) that the Loft Board determines were occupied for #residential use# on September 1, 1980.

#Loft dwellings# existing on September 1, 1980, may not be subsequently divided into multiple #loft dwellings# that do not meet the requirements of paragraphs (a), (b)(1) and (c) of this Section, unless required by the Loft Board for the legalization of Interim Multiple Dwelling units in the implementation of Article 7C of the New York State Multiple Dwelling Law.

No #building# that meets the density requirements of this paragraph (c) may subsequently add additional units or quarters except in accordance thereof. No #building# to which the regulations of Section 15-026 have been applied may subsequently add additional units or quarters except in accordance with the requirements of paragraph (c).

(c) The number of #loft dwellings# shall not exceed one per 1,000 square feet of #floor area# devoted to #loft dwellings#, except as a result of the application of paragraph (b)(2) of this Section.

No #building# that meets the density requirements of paragraph (c) of this Section may subsequently add additional units or quarters except in accordance thereof. No #building# to which the regulations of Section 15-026 have been applied



may subsequently add additional units or quarters except in accordance with the requirements of paragraph (c).

(d) Mezzanines constructed pursuant to Chapter 26 of the Administrative Code shall be allowed within individual #loft dwellings#, provided that the gross #floor area# of each mezzanine does not exceed 33 and 1/3 percent of the #floor area# contained within such #loft dwelling#. Such mezzanines are permitted only in #buildings# with an existing #floor area ratio# of 12 or less and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain. Such mezzanines shall not be included as #floor area# for the purpose of calculating the minimum required size of a #loft dwelling# or for calculating #floor area# devoted to #loft dwellings#.

(e) At least 30 percent of the gross roof area of a #building# containing 15 or more #loft dwellings# shall be provided for recreational #use#. For each additional #loft dwelling#, 100 square feet of additional roof area shall be #developed# for recreational #use# up to a maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said #loft dwellings# and their guests for whom no fees are charged.

(f) Existing #loft dwellings# may be #extended#, #enlarged#, or subdivided into two or more #loft dwellings# only in accordance with the provisions of this Section. In addition, #floor area# added to an existing #loft dwelling# shall not be subject to the provisions of Section 32-42 (Location within Buildings).

**111-50 SPECIAL PERMIT FOR CONVERSION TO LOFT DWELLINGS OR JOINT LIVING WORK QUARTERS FOR ARTISTS**

The City Planning Commission may permit, in Areas B1 and B2, the modification of the #use# provisions of Sections 111-101 (Location of permitted uses in buildings containing loft dwellings or joint living work quarters for artists), Section 111-102 (Ground floor use restrictions), paragraph (b), or 111-103 (Additional use regulations), paragraph (b), to allow #loft dwellings# or #joint living work quarters for artists# on any #story# in any #building#, provided the Commission finds that:

- (a) the conversion will not harm the commercial and manufacturing sectors of the City's economy;
- (b) the conversion will not harm the commercial and manufacturing character of the surrounding area;
- (c) the process of conversion will not unduly burden #commercial# and #manufacturing uses# in the #building#, and
- (d) the neighborhood in which the conversion is taking place will not be excessively burdened by increased #residential# activity.

All #loft dwellings# or #joint living work quarters for artists# permitted by this special permit shall meet the standards of the applicable district for such units or quarters. The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requiring the preservation of #floor area# for #commercial# or #manufacturing uses#.

**111-51 Special Permit for Enlargements of Buildings Containing Loft Dwellings**

In Area B1, outside of historic districts designated by the Landmarks Preservation Commission, the City Planning Commission may permit:

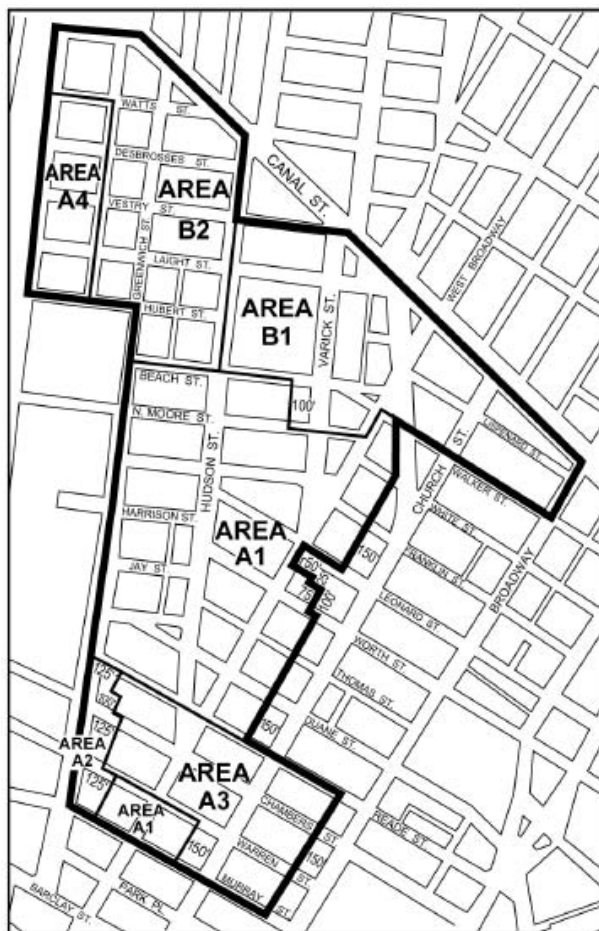
- (a) #loft dwellings# in #buildings# designed for non-#residential use# and erected prior to December 15, 1961, that have since been #enlarged#; or
- (b) the #enlargement# of #buildings# designed for non-#residential use# and erected prior to December 15, 1961, for #loft dwellings#, provided that:

- (1) all #loft dwellings# comply with the requirements of Section 111-111 or have received a certification pursuant to Section 111-20, paragraph (b);
- (2) the #bulk# regulations of an M1-5 District shall apply, except that the #enlarged# portion of the #building# shall comply with the requirements of Sections 23-47 (Minimum Required Rear Yards) and 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) applicable to R8 Districts; and
- (3) the maximum #floor area ratio# for all #loft dwellings# shall not exceed 5.0.

In order to grant a special permit, the City Planning Commission shall find that the process of #enlargement# will not unduly burden #commercial# and #manufacturing uses# in the #building# and the neighborhood in which the #enlargement# is taking place will not be excessively burdened by increased #residential# activity.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requiring the preservation of #floor area# for #commercial# or #manufacturing uses#.

**Appendix A Special Tribeca Mixed Use District Map**



Special Tribeca Mixed Use District Area Boundary



Special Tribeca Mixed Use District Area Boundary

- Area A1: General Mixed Use Area
- Area A2: Limited Mixed Use Area
- Area A3: General Mixed Use Area
- Area A4: General Mixed Use Area
- Area A5: General Mixed Use Area
- Area A6: General Mixed Use Area
- Area A7: General Mixed Use Area

**APPENDIX F Inclusionary Housing Designated Areas**

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by the #bulk# regulations of such #Residence Districts#.

In addition, the following special purpose districts contain #Inclusionary Housing designated areas#, as set forth within such special districts:

- #Special 125th Street District# – see Section 97-421 (Inclusionary Housing)
- #Special Clinton District# – see Section 96-81 (C6-3X Designated District)
- #Special Coney Island District# – see Section 131-321 (Special floor area regulations for residential uses)
- #Special Downtown Jamaica District# – see Section 115-211 (Special Inclusionary Housing regulations)
- #Special Garment Center District# – see Sections 121-31

(Maximum Permitted Floor Area) and 93-23 (Modifications of Inclusionary Housing Program)

#Special Harlem River Waterfront District# – see Section 87-20 (SPECIAL FLOOR AREA REGULATIONS)

#Special Hudson Yards District# – see Section 93-23 (Modifications of Inclusionary Housing Program)

#Special Long Island City Mixed Use District# – see Section 117-631 (Floor area ratio and lot coverage modifications)

#Special Southern Hunters Point District# – see Section 125-22 (Newtown Creek Subdistrict)

#Special Tribeca Mixed-Use District# – see paragraphs (d)(3) and (d)(4) of Section 111-20 (SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7)

#Special West Chelsea District# – see Section 98-26 (Modifications of Inclusionary Housing Program)

\* \* \*

No. 8

**CD 1 N 100370 (A) ZRM 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, concerning Article XI, Chapter I (Special Tribeca Mixed Use District).

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

**Article I**

\* \* \*

**Chapter 2 Construction of Language and Definitions**

\* \* \*

**12-10 DEFINITIONS**

\* \* \*

Accessory use, or accessory

\* \* \*

An #accessory use# includes:

\* \* \*

- (iv) in C6-2M, C6-4M, M1-5M, M1-6M, M1-5A, and M1-5B Districts ~~and the #Special Tribeca Mixed Use District#~~, no living or sleeping accommodation for caretakers is permitted in any #building# which contains a #residential use# or a #joint living-work quarters for artists#.

\* \* \*

Joint living-work quarters for artists

A "joint living-work quarters for artists" consists of one or more #rooms# in a non-#residential building#, on one or more floors, with lawful cooking space and sanitary facilities meeting the requirements of the Housing Maintenance Code, occupied:

- (a) and arranged and designed for use by, and is used by, not more than four non-related #artists#, or an #artist# and his household, and including adequate working space reserved for the #artist#, or #artists# residing therein;
- (b) by any household residing therein on September 15, 1986, whose members are all unable to meet the #artist# certification qualifications of the Department of Cultural Affairs that registers with the Department of Cultural Affairs prior to nine months from January 8, 1987; or
- (c) by any person who is entitled to occupancy by any other provision of law.

An #artist# is a person so certified by the New York City Department of Cultural Affairs.

Regulations governing #joint living-work quarters for artists# are set forth in Article I, Chapter 5, Sections 42-14, paragraph (D) (Use Group 17 - Special Uses), 42-141 (Modification by certification of the City Planning Commission of uses in M1-5A and M1-5B Districts), 43-17 (Special Provisions for Joint Living-Work Quarters for Artists), and 74-78 (Conversions of Non-Residential Buildings) ~~and Article XI, Chapter 1 (Special Tribeca Mixed Use District).~~

\* \* \*

Loft dwelling

A "loft dwelling" is a #dwelling unit# in the #Special Tribeca Mixed Use District#, in a #building# designed for non-#residential use# erected prior to December 15, 1961. Regulations governing #loft dwellings# are set forth in Sections 111-11 (Residential use modification) and 111-40 (REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO (EFFECTIVE DATE)). ~~Article XI, Chapter 1 (Special Tribeca Mixed Use District).~~

\* \* \*

**Chapter 5 Residential Conversion of Existing Non-Residential Buildings**

\* \* \*

**15-011 Applicability within Special Districts**

The provisions of this Chapter shall apply in any #Special Mixed Use District# as modified by Article XII, Chapter 3 (Special Mixed Use District).

The provisions of this Chapter shall apply in the #Special Downtown Jamaica District# as modified by Article XI,

Chapter 5 (Special Downtown Jamaica District).

The provisions of this Chapter shall apply in the #Special St. George District# as modified by Article XII, Chapter 8 (Special St. George District).

The provisions of this Chapter shall apply in the #Special Coney Island District# as modified by Article XIII, Chapter 1 (Special Coney Island District).

The Preservation Area of the #Special Clinton District# is excluded from the applicability of the provisions of this Chapter.

The provisions of this Chapter shall apply in the #Special Tribeca Mixed Use District# as modified by Article XI, Chapter 1 (Special Tribeca Mixed Use District).

Except as specifically set forth in Sections 15-013 and 15-026, the provisions of this Chapter are not applicable in the #Special Tribeca Mixed Use District#.

\* \* \*

**15-013 Building permits and variances issued before the effective date of amendment**

- (a) Building permits in Manhattan Community Districts 1, 2, 3, 4, 5 and 6
(2) for all #floor area# for which the Board has made a finding that, as of the date said building permit lapsed, there was substantial construction in compliance with the approved plans pursuant to which said lapsed permit has been granted. A finding of substantial construction shall not be made unless, as of the date said permit lapsed, the #floor area# was either vacant or occupied by #residential# or #joint living-work quarters for artists use#, and unless the expenditures prior to the date said permit lapsed were significant in proportion to the costs of construction of the entire project, not including the costs of acquisition, demolition, professional fees or financing. Notwithstanding anything to the contrary above, the building permit shall only be reinstated pursuant to the provisions of this Section, provided that for any portion of the #building# for which said permit is reinstated:
(i) the conversion shall comply with the provisions of Sections 15-12, 15-24, or 42-14, paragraph (D)(1)(e), or 111-112, as appropriate in the zoning district in which the #building# being converted is located, except that the Board may modify the requirements of Sections 15-12, 15-24, or 42-14, paragraph (D)(1)(e), or 111-112, provided that the rooftop open space was not permitted under said building permit and the Board determines that the roof either is unsuited for open space #use# or cannot be made suitable for open space #use# at a reasonable cost;

\* \* \*

**15-026 Special bulk regulations for certain pre-existing dwelling units, joint living-work quarters for artists and loft dwellings**

- (a) The minimum size, #yard#, and density requirements of Sections 15-111, 15-22, 43-17 and 111-111 Section 111-40 (REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO (EFFECTIVE DATE)) may be replaced by the requirements of this Section for #dwelling units#, #joint living-work quarters for artists# or #loft dwellings#:
(1) existing on September 1, 1980 for which a determination of #residential# or #joint living-work quarters for artists# occupancy has been made pursuant to Sections 15-021, paragraph (c), 15-215, 42-133, paragraph (a), 42-141, paragraph (b); or 74-782, or 111-201 paragraph (a); or
(2) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or
(3) that the Loft Board determines were occupied for #residential use# or as #joint living-work quarters for artists# on September 1, 1980.
(b) Unless required by the Loft Board for the legalization of Interim Multiple Dwelling Units in the implementation of Article 7C of the New York State Multiple Dwelling Law, #dwelling units# or #joint living-work quarters for artists# described in paragraph (a) and existing on such dates may not be divided subsequently into units or quarters of less than 1,200 square feet, and #loft dwellings# may not be divided subsequently into dwellings that do not meet the requirements of Section 111-

111 paragraphs (a), (b)(1) and (e). Section 111-40.

No #building# that meets the density requirements of Sections 15-111 or paragraph (c) of Section 111-40 111-111 paragraph (e), may subsequently add additional units or quarters except in accordance thereof. No #building# to which the regulations of this Section have been applied may subsequently add additional units or quarters except in accordance with the requirements of Sections 15-111 or 111-111 paragraph (e).

- (c) In lieu of the stated minimum size, #yard#, and density requirements of Sections 15-111, 15-22, 43-17 and Section 111-40 111-111, the following regulations shall apply:
(1) The minimum size of a #dwelling unit#, #joint livingwork quarters for artists#, or #loft dwelling# may be no less than 415 square feet of #floor area#, provided that all of the following requirements are met:
(i) the unit or quarters shall contain one or more windows that open onto a #street# or thirty foot #yard#;
(ii) the area of such required window shall be not less than eight percent of the #floor area# of the unit or quarters and 50 percent of the area of such required window shall be openable; and
(iii) the interior dimension of the wall in which such required window is located shall be no less than 12 feet in width; or
(2) The minimum size of a #dwelling unit#, #joint livingwork quarters for artists#, or #loft dwelling# may be no less than 600 square feet of #floor area#, provided that all of the following requirements are met:
(i) the unit or quarters shall contain one or more windows that open onto either:
(a) a ten foot #yard#, where the window sill of such required window is at least 23 feet above #curb level#; or
(b) a 15 foot #yard#, where the window sill of such required window is less than 23 feet above #curb level#; or
(c) a #court# with a minimum dimension of 15 feet perpendicular to such required window and 375 square feet or more in area; or
(d) a #street#;
(ii) the minimum horizontal distance between such required window opening onto a #yard# and any wall opposite such window on the same or another #zoning lot# shall be at least 15 feet;
(iii) the area of such required window shall be no less than five percent of the #floor area# of the unit or quarters, and 50 percent of the area of such required window shall be openable;
(iv) the interior dimension of the wall in which such required window is located shall be no less than 12 feet in width;
(v) the average width of such unit or quarters shall be no less than 14 feet; and
(vi) not less than two-thirds of the #floor area# of the unit or quarters shall have a floor-to-ceiling height of nine feet or more.
\* \* \*
**32-01 Special Provisions for Adult Establishments**
In addition to the applicable regulations for the #uses# listed in a permitted Use Group, #adult establishments# shall be subject to the following provisions:
(a) #Adult establishments# are not permitted in C1, C2, C3, C4, C5, C6-1, C6-2 or C6-3 Districts.
(b) In C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C7 or C8 Districts, no #adult establishment# shall be established less than 500 feet from a house of worship, a #school#, a #Residence District#, a C1, C2, C3, C4, C5-1, C6-1, C6-2 or C6-3 District, or a #Manufacturing District#, other than an M1-6M District, in which new #residences#, or new #joint

living-work quarters for artists# or new #loft dwellings# are allowed, under the provisions of the Zoning Resolution, as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences#, or new #joint living-work quarters for artists# or new #loft dwellings# on #commercial# or #manufacturing uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision. However, on or after October 25, 1995, an #adult establishment# that otherwise complies with the provisions of this paragraph shall not be rendered #non-conforming# if a house of worship or a #school# is established on or after April 10, 1995, within 500 feet of such #adult establishment#.

\* \* \*

**42-01 Special Provisions for Adult Establishments**

In addition to the applicable regulations for the #uses# listed in a permitted Use Group, #adult establishments# shall be subject to the following provisions:

- (a) #Adult establishments# are not permitted in a #Manufacturing District# in which #residences#, or #joint living-work quarters for artists# or #loft dwellings# are, under the provisions of the Zoning Resolution, allowed as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences#, or new #joint living-work quarters for artists# or new #loft dwellings# on #commercial# or #manufacturing uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision.
(b) In all other #Manufacturing Districts#, no #adult establishment# shall be established less than 500 feet from a house of worship, a #school#, a #Residence District#, a C1, C2, C3, C4, C5-1, C6-1, C6-2 or C6-3 District, or a #Manufacturing District#, other than an M1-6M District, in which new #residences#, or new #joint living-work quarters for artists# or new #loft dwellings# are allowed, under the provisions of the Zoning Resolution, as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences#, or new #joint living-work quarters for artists# or new #loft dwellings# on #commercial# or #manufacturing uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision. However, on or after October 25, 1995, an #adult establishment# that otherwise complies with the provisions of this paragraph shall not be rendered #nonconforming# if a house of worship or a #school# is established on or after April 10, 1995, within 500 feet of such #adult establishment#.

\* \* \*

**42-53 Surface Area and Illumination Provisions**

M1 M2 M3

\* \* \*

No #illuminated sign# shall have a degree or method of illumination that exceeds standards established by the Department of Buildings by rule pursuant to the City Administrative Procedure Act. Such standards shall ensure that illumination on any #illuminated sign# does not project or reflect on #residences#, #loft dwellings# or #joint living-work quarters for artists# so as to interfere with the reasonable use and enjoyment thereof. Nothing herein shall be construed to authorize a #sign with indirect illumination# to arrange an external artificial source of illumination so that direct rays of light are projected from such artificial source into #residences#, #loft dwellings# or #joint living-work quarters for artists#.

\* \* \*

**42-532 Non-illuminated signs**

M1 M2 M3

In all districts, as indicated, non-#illuminated signs# with total #surface areas# not exceeding six times the #street# frontage of the #zoning lot#, in feet, but in no event more than 1,200 square feet for each #sign#, are permitted.

However, in any #Manufacturing District# in which #residences#, #loft dwellings# or #joint living-work quarters for artists# are, under the provisions of the Zoning Resolution, allowed as-of-right or by special permit or authorization, the total #surface area# of all such permitted #signs# shall not exceed six times the #street# frontage of the #zoning lot#, in feet, and that the #surface area# of each #sign# shall not exceed 750 square feet.

\* \* \*

**42-533 Illuminated or flashing signs**

M1 M2 M3

\* \* \*

However, in any #Manufacturing District# in which #residences#, #loft dwellings# or #joint living-work quarters for artists# are, under the provisions of the Zoning Resolution, allowed as-of-right or by special permit or authorization, the total #surface area# of all such permitted #signs# shall not exceed five times the #street# frontage of the #zoning lot#, in feet, and that the #surface area# of each #sign# shall not exceed 500 square feet.

\* \* \*

**42-541 Permitted projection**

M1 M2 M3

In all districts, as indicated, except as otherwise provided in

Section 42-542 (Additional regulations for projecting signs), no permitted #sign# shall project across a #street line# more than 18 inches for double- or multi-faceted #signs# or 12 inches for all other #signs#, except that:

- (a) In M1-5A, M1-5B, M1-5M and M1-6M Districts and in #Manufacturing Districts# mapped within the #Special Tribeca Mixed Use District#, for each establishment located on the ground floor, non-illuminated signs# other than #advertising signs# may project no more than 40 inches across a #street line#, provided that along each #street# on which such establishment fronts, the number of such #signs# for each establishment shall not exceed two two-sided #signs# separated at least 25 feet apart, and further provided that any such #sign# shall not exceed a #surface area# of 24 by 36 inches and shall not be located above the level of the first #story# ceiling.

\* \* \*

- (b) For #zoning lots# occupies . . .

**Article VII Administration**

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

\* \* \*

**74-92 Use Groups 3A and 4A Community Facilities and Certain Large Retail Establishments in Manufacturing Districts**

74-921

**Use Groups 3A and 4A community facilities**

- (a) Use modifications for Use Groups 3A and 4A in M1 Districts  
  
In M1 Districts, except for houses of worship, the City Planning Commission may permit #uses# listed in Use Group 4A - Community Facilities and, in M1-5 Districts, except in M1-5A, M1-5B and M1-5M Districts, the Commission may permit museums and non-commercial art galleries as listed in Use Group 3A, provided that such community facility is located not more than 400 feet from the boundary of a district where such facility is permitted as-of-right and the Commission finds that:

\* \* \*

- (6) such facility will not impair the essential character of the surrounding area.

The provisions of this special permit relating to Use Group 3A museums and non-commercial art galleries shall be inapplicable to the #Special Tribeca Mixed Use District#.

\* \* \*

**Article XI - Special Purpose Districts**

**Chapter 1 Special Tribeca Mixed Use District**

**111-00 GENERAL PURPOSES**

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

- (a) to retain adequate wage, job producing, stable industries within the Tribeca neighborhood;
- (b) to protect light manufacturing and to encourage stability and growth in the Tribeca neighborhood by permitting light manufacturing and controlled residential uses to coexist where such uses are deemed compatible;
- (c) to provide a limited new housing opportunity of a type and at a density appropriate to this mixed use zone;
- (d) to insure the provision of safe and sanitary housing units in converted buildings; and
- (e) to promote the most desirable use of land and building development in accordance with the Plan for Lower Manhattan as adopted by the City Planning Commission.

\* \* \*

**111-02 General Provisions**

The provisions of this Chapter shall apply to all #developments, enlargements, extensions#, alterations, #accessory uses#, open and enclosed, and changes in #uses# within the Special District.

#Loft dwellings# and #joint living work quarters for artists# are permitted #uses# within the Special District and #loft dwellings# are the only permitted #residential use# in #buildings# designed for non #residential use# and erected prior to December 15, 1961. #Loft dwellings# and #joint living work quarters for artists# converted under the provisions of this Chapter, are not subject to the provisions of Section 22-42 (Location within Buildings).

#Buildings# designed for non #residential use#, and erected prior to December 15, 1961, that have not since been #enlarged# may be converted to #loft dwellings#, subject to the #bulk# regulations of Section 111-11 (Bulk Regulations for Buildings Containing Loft Dwellings or Joint Living Work Quarters for Artists).

#Buildings# designed for non #residential use#, and erected prior to December 15, 1961, that have since been #enlarged# may be converted to #loft dwellings#, and #buildings# designed for non #residential use# and erected prior to

December 15, 1961, may be #enlarged# for #loft dwellings#, provided that such conversion or #enlargement# shall be made only by special permit of the City Planning Commission pursuant to Section 111-51 (Special Permit for Enlargements of Buildings Containing Loft Dwellings).

A #home occupation# may occupy a #loft dwelling# as an #accessory use# in excess of the #floor area# limitations of Section 12-10 (DEFINITIONS - Home occupation), and subject to the following:

- (a) Businesses operated as #home occupations# may have up to three non #residential# employees, and
- (b) Notwithstanding the limitation on #uses# listed in Section 12-10, a #home occupation# may include a permitted #commercial# or permitted #manufacturing use#. It shall not include the sale of merchandise produced elsewhere.
- (c) The Commissioner of Buildings may issue rules and regulations setting forth appropriate standards to implement the intent of this Section.

Museums or non-commercial art galleries are permitted #uses# within Areas B1 and B2 of the Special District in accordance with the provisions of Section 111-105 (Museums or non-commercial art galleries), and are subject to the #bulk# regulations applicable to #manufacturing uses# in Areas B1 and B2.

Except as modified by the express provisions of the District, the regulations of the underlying districts remain in effect.

**111-03 District Map**

The District Map for the #Special Tribeca Mixed Use District#, in Appendix A, identifies special areas comprising the Special District in which special zoning regulations carry out the general purposes of the #Special Tribeca Mixed Use District#. These areas are as follows:

Area A1 - General Mixed Use Area

Area A2 - Limited Mixed Use Area (Commercial and Residential Uses)

Area A3 - General Mixed Use Area

Area A4 - General Mixed Use Area

Area B1 - Limited Mixed Use Area

Area B2 - Limited Mixed Use Area

Area A5 - General Mixed Use Area

Area A6 - General Mixed Use Area

Area A7 - General Mixed Use Area

**111-10 SPECIAL USE REGULATIONS**

**111-101 Location of permitted uses in buildings containing loft dwellings or joint living work quarters for artists**

Within Areas B1 and B2, #loft dwellings# and #joint living work quarters for artists# are not permitted below the floor level of the third #story#, unless modified by the Chairperson of the City Planning Commission pursuant to Section 111-20 (MINOR MODIFICATIONS), paragraph (a), by authorization of the City Planning Commission pursuant to Section 111-23 (Modification of Location and Additional Use Regulations by Authorization of the City Planning Commission) or by special permit of the City Planning Commission pursuant to Section 111-50 (SPECIAL PERMIT FOR CONVERSION TO LOFT DWELLINGS OR JOINT LIVING WORK QUARTERS FOR ARTISTS).

**111-11 Residential use modification**

- (a) Loft dwellings  
  
#Loft dwellings# created prior to (effective date) shall be governed by the provisions for #loft dwellings# in Section 111-40 (REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO (EFFECTIVE DATE)). Such #loft dwellings# may be #extended#, #enlarged#, or subdivided into two or more #loft dwellings# only in accordance with such provisions. No #loft dwellings# may be created after (effective date), except as the result of a subdivision of a #loft dwelling# existing prior to (effective date).
- (b) Home occupations  
  
A #home occupation# may occupy a #loft dwelling#, or a #dwelling unit# converted pursuant to Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings), as an #accessory use# pursuant to Section 15-13 (Special Home Occupation Provision), except that:

- (1) businesses operated as #home occupations# may have up to three non-#residential# employees; and
- (2) notwithstanding the limitation on #uses# listed in Section 12-10, a #home occupation# may include a permitted #commercial# or permitted #manufacturing use#.

**111-102 12 Ground floor use restrictions**

(a) In all areas except Areas A2, A1, A3 and A4 ground floor spaces in separate #buildings# may not be combined for #uses# in Use Groups 3, 4, 5 and 6, except in those

#buildings# having frontage on Broadway, Chambers Street, Church Street, Greenwich Street, Hudson Street, Sixth Avenue, Varick Street, West Broadway or West Street.

(b) Areas B1 and B2

- (1) Use of the ground floor in #buildings# constructed prior to March 10, 1976, shall be restricted to #uses# in Use Groups 7, 9, 11, 16, 17a, 17b, 17c or 17e, except that where a #use# other than these occupied the ground floor of a #building# prior to March 10, 1976, it shall be permitted in conformance with the underlying district regulations.
- (2) In #buildings# having frontage on Greenwich Street, West Street, Hudson Street, West Broadway or Canal Street, ground floor #uses# shall be permitted in conformance with the underlying districts except as provided in Section 111-103, paragraph (c).

**111-103 13 Additional use regulations**

(a) Areas A1, and A3 and A4

- (1) #Uses# in Use Groups 16 and 17 shall be permitted, except the following #uses# are prohibited in all #buildings#:
  - (i) within Use Group 16A: crematoriums, poultry or rabbit killing establishments, unenclosed automobile, boat, motorcycle or trailer sales, motorcycle rentals;
  - (ii) all Use Group 16B #uses#, except #automotive service stations# by special permit pursuant to Section 73-21;
  - (iii) all Use Group 16C #uses#;
  - (iv) within Use Group 16D: dry cleaning or cleaning or dyeing establishments, with no limitation on type of operation, solvents, #floor area# or capacity per establishment;
  - (v) within Use Group 17B: manufacture of aircraft, automobiles, trucks, trailers, boats, motorcycles or chemicals; and
  - (vi) all Use Group 17C #uses#, except agriculture.

- (2) The following #uses# are prohibited in #buildings# that do not front on Chambers Street, Church Street, Greenwich Street, Hudson Street, or West Broadway or West Street:

- (i) all Use Group 8A #uses#;
- (ii) all Use Group 8D #uses#;
- (iii) all Use Group 10A #uses#, except depositories, photographic or motion picture studios, radio or television studios; and
- (iv) all Use Group 12A #uses#.

- (3) In #buildings# fronting on Chambers Street, Church Street, Greenwich Street, Hudson Street, or West Broadway or West Street, the following retail facilities #uses# shall be limited to 20,000 square feet of #floor area# on a #zoning lot#, including retail #cellar# space allotted to such #uses#, except as otherwise provided in Section 111-40 111-32 (Special Permit For Certain Large Commercial Establishments):

- (i) all #uses# in Use Groups 6A and 6C;
- (ii) all #uses# in Use Group 10 with parking categories B or B1; and
- (iii) the above #uses# when listed in other use groups.

Separate #buildings# on separate #zoning lots# may not be combined for #uses# in Use Groups 6A, and 6C and or #uses# with parking categories B or B1. in Use Group 10 with parking categories B or B1.

In addition, in #buildings# not fronting on the above listed #streets# listed in paragraph (a)(3) of this Section, #uses# listed retail facilities in Use Groups 6A and 6C shall be limited to 10,000 square feet of #floor area# on a #zoning lot#, including retail #cellar# space allotted allocated to such #uses#, except as otherwise provided in Section 111-40 32.

- (b) Areas B1 and B2  
#Loft dwellings# and #joint living work quarters for artists# shall be permitted in #buildings# where the #lot coverage# is less than 5,000 square feet. #Loft dwellings# and #joint living work quarters for artists# shall be permitted in other #buildings# or other structures# only by special permit of the City

Planning Commission, pursuant to Section 111-50 (SPECIAL PERMIT FOR CONVERSION TO LOFT DWELLINGS OR JOINT LIVING WORK QUARTERS FOR ARTISTS), or by minor modification of the Chairperson of the City Planning Commission, pursuant to Section 111-20, paragraph (d), or by authorization of the City Planning Commission, pursuant to Section 111-23 (Modification of Location and Additional Use Regulations by Authorization of the City Planning Commission).

Areas A4, A5, A6 and A7

- (4) All #uses# listed in Use Groups 16B, 16C or 16D shall be permitted.
- (5) The following #uses# listed in Use Group 16A shall be permitted:
- Carpentry, custom woodworking or custom furniture making shops
- Electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating contractors' establishments, open or enclosed, with open storage limited to 5,000 sq. ft.
- Household or office equipment or machinery repair shops
- Machinery rental or sales establishments.
- (6) All #uses# in Use Group 17 shall be permitted, except that the following #uses# shall be prohibited:
- Building materials or contractors' yards, open or enclosed
- Produce or meat markets, wholesale
- Adhesives, including manufacture of basic components
- Food products, including slaughtering of meat or preparation of fish for packing
- Laboratories, research, experimental or testing
- Leather products, including shoes, machine belting, or similar products
- Metal stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products
- Pharmaceutical products
- Plastic products, including tableware, phonograph records, buttons, or similar products
- Rubber products, such as washers, gloves, footwear, bathing caps, atomizers, or similar products, including manufacture of natural or synthetic rubber
- Shoddy
- Soap or detergents.
- (4) For establishments with frontage on #wide streets#, #uses# listed in Use Groups 6A, 6C and 10 shall be limited to 10,000 square feet of #floor area#. For establishments that front only upon a #narrow street#, such #uses# shall be limited to 5,000 square feet of #floor area#. For the purposes of this Section, #floor area# shall include retail #cellar# space allocated to such #uses#.
- The #floor area# requirements of this paragraph, (b)(4), may be modified only pursuant to Section 111-32 (Special Permit For Certain Large Commercial Establishments).
- (c) Eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing, as listed in Use Group 12A, in any location within a #building#, shall be permitted only by special permit of the Board of Standards and Appeals as provided in Section 73-244. In Areas A1, A2, A3 and A4, the Board of Standards and Appeals shall additionally find for establishments of any capacity with dancing, as listed in Use Group 12A, that primary ingress and egress for such #uses# may only be located on Broadway, Chambers Street, Church Street, Greenwich Street, Hudson Street, Sixth Avenue, Varick Street, West Broadway or West Street, with only fire or emergency egress on other #streets#, and that no portion of such #use# may be located more than 100 feet, measured perpendicularly, from the above-listed streets. Furthermore, such #uses# are restricted as provided in paragraph (a)(2) of this Section.
- (d) Areas A4, A5, A6 and A7
- #Transient hotels# shall be allowed, except that #developments#, #enlargements#, #extensions# or changes of #use# that result in a #transient hotel# with greater than 100 sleeping units shall only be allowed pursuant to Section 111-31 (Special Permit For Large Transient Hotels).
- However, any #transient hotel# that received a special permit pursuant to Section 74-711, granted prior to (effective date of amendment), may continue under the terms of such approval.

(e) Environmental conditions for Area A2

(1) All #developments# or #enlargements# shall be subject to Ambient Noise Quality Zone Regulations\*. #Uses# listed in Use Group 11A shall be subject to the performance standards of an M1 District.

(2) All new #dwelling units# shall be provided with a minimum 35dB(A) of window wall attenuation in order to maintain an interior noise level of 45dB(A), or less, with windows closed. Therefore, an alternate means of ventilation is required.

\* Ambient Noise Quality Regulations for an M2 District as set forth in the Noise Control Code for the City of New York, Article VI(B).

**111-104**  
Special provisions for Areas A1, A2, A3, A4 and B2

**111-20**  
SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7

(a) Area A1

The regulations applicable to a C6-2A District shall apply to all new #developments# and #enlargements#, except as set forth herein.

(1) Maximum #floor area ratio#

The maximum #floor area ratio# permitted on a #zoning lot# shall be 5.0.

(2) Special regulations for narrow #buildings#

A #building# or portion of a #building# may be constructed above the maximum height of a #street wall# permitted pursuant to Section 23-692 (Height limitations for narrow buildings or enlargements), provided the portion of a #building# exceeding such height limitation does not exceed a height of one #story# or 15 feet, whichever is less, and provided such portion is set back at least 10 feet from the #street wall# of the #building# facing a #wide street#, and 15 feet from the #street wall# of the #building# facing a #narrow street#.

(b) Area A2

The regulations applicable to a C6-3 District shall apply to all new #developments# and #enlargements#, except as set forth herein.

(1) Maximum #floor area ratio#

No #floor area# bonuses shall be permitted in Area A2.

The maximum #floor area ratio# permitted shall be 7.52. In no case shall the #floor area ratio# of the #commercial# or #community facility# portion of the #building# be more than 6.0.

(2) #Open space# and #lot coverage# regulations

The #open space# and #lot coverage# regulations of Article II, Chapters 3 and 4, and Article III, Chapter 5, for a #residential building#, or the #residential# portion of a #mixed building#, are not applicable. In lieu thereof, the maximum permitted #lot coverage# on a #zoning lot# shall not exceed 80 percent of the #lot area#. However, any permitted obstruction on a #zoning lot# pursuant to Sections 23-44, 24-12 or 33-23 shall not count as #lot coverage#.

(3) #Yard#, #court# and minimum distance between #buildings# regulations

The #yard# and #court# regulations of a C6-3 District shall apply, except that on a #through lot# the provisions of paragraphs (b) and (c) of Sections 23-533 and 24-382 (Required rear yard equivalents) and 23-71 (Minimum Distance between Buildings on a Single Zoning Lot) shall not apply. On any single #zoning lot# within Area A2, if a #development# or #enlargement# results in two or more #buildings# or portions of #buildings# detached from one another at any level, such #buildings# or portions of #buildings# shall at no point be less than eight feet apart.

(4) #Height factor#, front height and setback regulations

The #height factor#, front height and setback, alternate front setback and tower regulations of a C6-3 District shall not apply. In lieu thereof, for the first two #stories# of any #development# or

#enlargement#, the #street wall# shall be located on the #street line# and shall extend the entire width of the #zoning lot# not occupied by existing #buildings# to remain, except that at the intersection of two #street lines# the #street wall# may be located within five feet of the #street line#. Above the ceiling of the second #story# for any #development# or #enlargement#, there shall be mandatory #street walls# extending the entire width of the #zoning lot# not occupied by existing #buildings# to remain, as set forth below in this paragraph, (b)(4). Along #wide streets# and along #narrow streets#, within 75 feet of the intersection with #wide streets#, the #street wall# shall rise for a minimum of 60 feet above #curb level# but shall not exceed a height of 100 feet above #curb level#. Along a #narrow street#, beyond a distance of 75 feet from the intersection of a #wide street# and a #narrow street#, the #street wall# shall rise for a minimum of 60 feet above #curb level# but shall not exceed a height of 85 feet above #curb level#. Notwithstanding the above requirements, for the 25 feet of a #zoning lot# furthest from the intersection of a #wide street# and a #narrow street#, the height of the #street wall# shall be 60 feet or the height of the adjacent #building# fronting on the same #street line#, whichever is greater. Above the ceiling of the second #story#, 75 percent of the aggregate area of the mandatory #street walls# at each #story# shall be within five feet of the #street line#; the mandatory #street wall# shall about the #street line# at least once every 25 feet; and at the intersection of two #street lines# the mandatory #street wall# shall be located within five feet of the #street line#, measured perpendicular to the #street line#. For #residential# and #community facility# #developments# or #enlargements#, recesses shall comply with the applicable #outer court# provisions of Sections 23-84 and 24-63.

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Chapter.

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the location of the #street wall# of any #building# may vary between the #street wall# location requirements of this Chapter and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.

(5) Curb cuts

Curb cuts shall not be permitted on Greenwich Street, Murray Street and Chambers Street.

(c) Area A3

The regulations applicable to a C6-3A District shall apply to all new #developments# and #enlargements#, except as set forth herein.

(1) Height and setback regulations

The height and setback regulations of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall not apply. In lieu thereof, the following height and setback regulations shall apply:

(i) Permitted obstructions

Permitted obstructions for all #buildings# or other structures# shall be as set forth in Section 33-42.

(ii) Measurement of height

Heights of all #buildings# or other structures# shall be measured from the #base plane#.

(iii) #Street wall# location

The #street wall# of any #development# or #enlargement# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings#, and shall rise to at least a height of 60 feet **[remove double-space]** or the height of the #building#, whichever is less. However, to allow articulation of #street walls# at the intersection of two

#street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line **[remove double-space]** connecting such #street lines# at points 15 feet from their intersection. Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. At any level above the ground floor, but at least 12 feet above the level of the #base plane#, recesses shall be permitted in the #street wall# for #outer courts# or articulation of #street walls# at the intersection of two #street lines# as set forth in this Section. The aggregate width of such recesses shall not exceed 30 percent of the width of the #street wall# at any level.

(iv) Maximum height of #street walls# and required setbacks

The maximum height of a #street wall# before setback shall be 85 feet or the height of an adjoining #building# fronting on the same #street line# with a height of at least 60 feet, whichever is less. Setbacks are required for all portions of #buildings# that exceed these maximum #street wall# heights. At a height not lower than 60 feet nor higher than 85 feet, or the height of an adjoining #building# fronting on the same #street line# which is less than 85 feet, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except that such dimensions may include the depth of any permitted recesses in the #street wall#.

(v) Maximum building height  
No #building or other structure# shall exceed a height of 135 feet.

(vi) Vertical #enlargements# of low #buildings#  
Existing #buildings# with #street walls# less than 60 feet in height may be vertically #enlarged# by up to one #story# or 15 feet, whichever is less, without regard to the #street wall# location provisions of paragraph (c)(1)(iii) of this Section.

(2) Special regulations for narrow #buildings#

A #building# or portion of a #building# may be constructed above the maximum height of #street wall# permitted pursuant to Section 23-692 (Height limitations for narrow buildings or enlargements), provided such portion of a #building# exceeding such height limitation does not exceed a height of one #story# or 15 feet, whichever is less, and provided such portion of a #building# is set back at least 10 feet from the #street wall# of the #building# facing a #wide street#, and 15 feet from the #street wall# of a #building# facing a #narrow street#.

(d) Areas A4, A5, A6 and A7

Except as set forth herein, the #bulk# regulations of the underlying district shall apply.

(1) In C6 2A and C6 3A Districts, the #Height and setback regulations, as set forth in Table A of Section 35-24, shall be modified, as follows:

District Area	Minimum base height (in ft.)	Maximum base height (in ft.)	Maximum building height (in ft.)
C6 2A	60	70	110
C6 3A A4	60	70	140
A5	60	70	110
A6	60	85	120
A7	60	85	120

In a C6 3A District, Area A4, a penthouse portion of a #building#, not exceeding ten feet in height, may be constructed above the maximum building height, provided that such penthouse portion is set back at least 25 feet from any #narrow street#.

In Area A4, however, the provisions of this paragraph, (d) (1), shall not apply to any #building# located in Historic Districts designated by the Landmarks Preservation Commission.

(2) The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within Area A4, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts).

(3) In a C6 3A District, the maximum #floor area ratio# permitted on a #zoning lot# shall be 6.5 as follows:

Area	Maximum #floor area ratio#
A4	6.5
A5	5.5
A6	5.4
A7	5.0

(4) In a C6 2A District, the maximum #floor area ratio# permitted on a #zoning lot# shall be 5.5.  
Applicability of Inclusionary Housing Program

R8A Districts within Area A6 shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District. The base #floor area ratio# for any #zoning lot# containing #residences# shall be 5.4. Such base #floor area ratio# may be increased to a maximum of 7.2 through the provision of #affordable housing# pursuant to the provisions for #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), except that the height and setback regulations of paragraph (a) of Section 23-954 (Additional requirements for compensated developments) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

(5) #Buildings# that have received a certification from the Chairperson of the City Planning Commission pursuant to paragraph (c) of the former Section 111-20 (MINOR MODIFICATIONS), prior to (effective date of amendment), to modify the rooftop open space requirements of the former Section 111-112 (Open space equivalent), shall be exempt from the rooftop open space requirements of Section 15-24 (Open Space Equivalent).

(6) Notwithstanding any of the provisions of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued Before Effective Date of Amendment), the #development# of a #building# pursuant to variance granted by the Board of Standards and Appeals under calendar #231-09-BZ to modify #bulk# regulations, may be continued provided that a building permit has been issued, in accordance with the terms of said variance, within two years of the grant of said variance.

(e) Area B2

In Area B2, except as modified by the express provisions of this Chapter, the underlying district regulations are superseded and replaced by the regulations applicable in M2-4 Districts.

**111-105 Museums or non-commercial art galleries**

Areas B1 and B2  
In any #building#, a museum or non-commercial art gallery is permitted on the ground floor where a #use# in Use Group 6 is permitted pursuant to the provisions of Sections 111-102 and above the ground floor where #joint living work quarters for artists# or #loft dwellings# are permitted pursuant to the provisions of Sections 111-101 or 111-103.

**111-11 Bulk Regulations for Buildings Containing Loft Dwellings or Joint Living Work Quarters for Artists**

#Joint living work quarters for artists# located within the District shall comply with all the #bulk# regulations of this Section applicable to #loft dwellings#.

**111-111 Loft dwelling requirements**

(a) All #loft dwellings# shall have one or more windows which open into a #street# or a #yard# of 30 feet minimum depth.

(b) (1) The minimum #floor area# contained within a #loft dwelling# shall be not less than 2,000 square feet, except that:

(i) where a #loft dwelling# occupies the entire usable area of a floor, there shall be no minimum #floor area#;

(ii) where a #loft dwelling# has a minimum clear width of 14 feet throughout and has windows opening onto both a #street# and a #yard# which has a depth of 10 percent of the depth of the #loft dwelling#, there shall be no minimum #floor area#;

(iii) where the ratio in a #loft dwelling# of the window area opening onto a #street# or a #yard# of 30 feet minimum depth to the #floor area# contained within the #loft dwelling# exceeds 5 percent, the minimum #floor area# contained within the #loft dwelling# may be reduced by 200 square feet for each additional percent, to a ratio of 10 percent; or

(iv) where the ratio in a #loft dwelling# of the window area opening onto a #street# or a #yard# of 30 feet minimum depth to the #floor area# contained within the #loft dwelling# equals or exceeds 10 percent, there shall be no minimum #floor area#.

(2) The minimum #loft dwelling# size and #yard# requirement, however, may be replaced by the requirements of Section 15-026 (Special bulk regulations for certain pre-existing dwelling units, joint living work quarters for artists and loft dwellings) for #loft dwellings#:

(i) for which a determination of #residential# occupancy on September 1, 1980 has been made; or

(ii) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or

(iii) that the Loft Board determines were occupied for #residential# use# on September 1, 1980.

#Loft dwellings# existing on September 1, 1980, may not be subsequently divided into dwellings that do not meet the requirements of paragraphs (a), (b)(1) and (c) of this Section, unless required by the Loft Board for the legalization of Interim Multiple Dwelling units in the implementation of Article 7C of the New York State Multiple Dwelling Law.

No #building# that meets the density requirements of paragraph (c) of this Section may subsequently add additional units or quarters except in accordance thereof. No #building# to which the regulations of Section 15-026 have been applied may subsequently add additional units or quarters except in accordance with the requirements of paragraph (c).

(e) The number of #loft dwellings# shall not exceed one per 1,000 square feet of #floor area# devoted to #loft dwellings#, except as a result of the application of paragraph (b)(2) of this Section.

(d) Mezzanines constructed pursuant to Chapter 26 of the Administrative Code shall be allowed within individual #loft dwellings#, provided that the gross #floor area# of each mezzanine does not exceed 33 and 1/3 percent of the #floor area# contained within such #loft dwelling#. Such mezzanines are permitted only in #buildings# with an existing #floor area ratio# of 12 or less and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain. Such mezzanines shall not be included as #floor area# for the purpose of calculating the minimum required size of a #loft dwelling# or for calculating #floor area# devoted to #loft dwellings#.

(e) No #building# in Areas B1 and B2 containing #loft dwellings# or #joint living work quarters for artists# shall be #enlarged#, except that such #buildings# containing #loft dwellings# may be #enlarged# by special permit of the City Planning Commission, pursuant to Section 111-51 (Special Permit for Enlargements of Buildings Containing Loft Dwellings). Mezzanines shall be permitted as provided in paragraph (d) of this Section.

**111-112 Open space equivalent**

At least 30 percent of the gross roof area of a #building# containing 15 or more #loft dwellings# shall be #developed# for recreational #use#.

For each additional #loft dwelling#, 100 square feet of additional roof area shall be #developed# for recreational #use# up to a maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said #loft dwellings# and their guests for whom no fees are charged.

#### 111-20 MINOR MODIFICATIONS

On application, the Chairperson of the City Planning Commission may grant minor modifications to the following provisions of this Chapter:

(a) The requirements of Section 111-101 relating to location of #loft dwellings# or #joint living work quarters for artists# below the floor level of the third #story# of a #building# in Areas B1 and B2, and Section 111-102, paragraph (b), relating to #use# restrictions in #floor area# on the ground floor may be modified provided that the Chairperson finds that the owner of the space has made a good faith effort to rent such space to a mandated #use# at fair market rentals.

Such efforts shall include but not be limited to:

advertising in local and city wide press;

listing the space with brokers;

notifying the New York City Office of Economic Development; and

informing local and city wide industry groups.

Such efforts shall have been actively pursued for a period of no less than six months for #buildings# under 3,600 square feet and one year for #buildings# over 3,600 square feet prior to the date of the application.

(b) The requirements of Section 111-111 relating to #loft dwellings# may be modified provided that the Chairperson has administratively certified to the Department of Buildings that the design of the #loft dwellings# or #joint living work quarters for artists# provides sufficient light and air to allow minor modifications of these provisions.

(c) The requirements of Section 111-112 relating to roof top #open space# may be modified provided that the Chairperson has administratively certified to the Department of Buildings that the roof either is unsuited for #open space use# or cannot be made suitable for #open space use# at reasonable cost.

(d) The requirements of Section 111-103 (Additional use restrictions), paragraph (b), relating to #loft dwellings# and #joint living work quarters for artists# in #buildings# within Area B1 and B2, where the #lot coverage# is 5,000 square feet or more, may be modified provided that:

(1) such #floor area# was occupied on September 1, 1980, as #loft dwellings# or #joint living work quarters for artists#, or consists of registered Interim Multiple Dwellings, or is found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law;

(2) such #building# consisted, on June 21, 1983, of two or more contiguous sections separated structurally by load-bearing walls, with independent entrances, independent addresses, and other evidence of the independent functional use of each section of the #building#, which evidence may include but is not limited to separate deeds, separate tax lots, separate certificates of occupancy, or separate utilities or systems for the entirety of each section of the #building#; and

(3) the section within which such #floor area# is located has a #lot coverage# of less than 5,000 square feet of #lot area#.

A developer must send a copy of any request for modification pursuant to this Section to the applicable Community Board at least ten days prior to the next regularly scheduled Community Board meeting. If the Community Board elects to comment on such requests, it must do so within 30 days of such notification.

#### 111-21 Notice of Filing to Create Loft Dwellings or Joint Living Work Quarters for Artists

A duplicate copy of the application for an alteration permit shall be sent to the City Planning Commission by the applicant for information purposes only. No building permit shall be issued by the Department of Buildings for such #loft dwellings# or #joint living work quarters for artists# without the acknowledged receipt of such notice by the City Planning Commission.

#### 111-23 Modification of Location and Additional Use Regulations by Authorization of the City Planning Commission

The provisions of Section 111-101 (Location of permitted uses in buildings containing loft dwellings or joint living work quarters for artists), relating to the prohibition of #loft dwellings# or #joint living work quarters for artists# below the level of the third #story# of a #building# in areas B1 and B2, and Section 111-103 (Additional use regulations);

paragraph (b), relating to #loft dwellings# and #joint living work quarters for artists# in #buildings# within Areas B1 and B2 where the #lot coverage# is 5,000 square feet or more, may be modified by authorization of the City Planning Commission, provided that:

(a) such #building# is either a landmark or lies within a Historic District designated by the Landmarks Preservation Commission;

(b) any alterations to the subject #building# required in connection with such conversion to #loft dwellings# or #joint living work quarters for artists# have received a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission; and

(c) a program has been established for continuing maintenance that will result in the preservation of the subject #building# or #buildings# as evidenced by a report from the Landmarks Preservation Commission.

In order to grant an authorization, the City Planning Commission shall find that such modification shall have minimal adverse effects on the conforming #uses# located within the #building# and in the surrounding area.

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

#### 111-30 ENVIRONMENTAL CONDITIONS FOR AREA A2

(a) All #developments# or #enlargements# shall be subject to Ambient Noise Quality Zone Regulations\*. #Uses# listed in Use Group 11A shall be subject to the performance standards of an M1 District.

(b) All new #dwelling units# shall be provided with a minimum 35dB(A) of window wall attenuation in order to maintain an interior noise level of 45dB(A), or less, with windows closed. Therefore, an alternate means of ventilation is required.

\* Ambient Noise Quality Regulations for an M2 District as set forth in the Noise Control Code for the City of New York, Article VI(B).

#### 111-30 SPECIAL PERMITS

##### 111-31 Special Permit for Large Transient Hotels

In Areas A4 through A7, the City Planning Commission may permit #transient hotels# that are comprised of more than 100 sleeping units, provided the Commission shall find that such #transient hotel#, resulting from a #development#, #enlargement#, #extension# or change of #use#, is so located as not to impair the essential #residential# character of, or the future use or development, of the surrounding area. The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

##### 111-4032 Special Permit for Certain Large Commercial Establishments SPECIAL PERMIT FOR CERTAIN LARGE RETAIL FACILITIES

The City Planning Commission may permit the total #floor area# of large commercial establishments retail facilities subject to Section 111-103, paragraph (a)(3) to exceed the underlying limitations #floor area# requirements set forth in Section 111-13, paragraphs (a)(3) and (b)(4) on square feet to exceed 20,000 square feet of #floor area#, including the #floor area# requirements for retail #cellar# space allotted to such #uses#, in #buildings# fronting on Chambers Street, Church Street, Greenwich Street, Hudson Street or West Broadway, and 10,000 square feet of #floor area#, including retail #cellar# space allotted to such #uses#, in #buildings# fronting on other #streets#. , provided

As a condition of granting a special permit for such large #commercial# establishments, the Commission shall find that:

(a) such #development#, #enlargement#, #extension# or change of #use# is so located as not to impair the essential character or the future use of, or development of, the surrounding area; and

(b) the #streets# providing access to the facility will be adequate to handle the vehicular and pedestrian traffic generated by such #use#.

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

##### 111-40 REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO (EFFECTIVE DATE)

The following is applicable to all existing #loft dwellings#, created prior to (effective date), within the #Special Tribeca Mixed Use District#.

(a) All #loft dwellings# shall have one or more windows which open into a #street# or a #yard# with a minimum depth of 30 feet.

(b) (1) The minimum #floor area# contained within a #loft dwelling# shall be not less than 2,000 square feet, except that:

(i) where a #loft dwelling# occupies the entire usable area of a floor, there shall be no minimum #floor area#;

(ii) where a #loft dwelling# has a minimum clear width of 14 feet throughout and has windows opening onto both a #street# and a #yard# which has a depth of 10 percent of the depth of the #loft dwelling#, there shall be no minimum #floor area#;

(iii) where the ratio in a #loft dwelling# of the window area opening onto a #street# or a #yard# of 30 feet minimum depth to the #floor area# contained within the #loft dwelling# exceeds five percent, the minimum #floor area# contained within the #loft dwelling# may be reduced by 200 square feet for each additional percent, to a ratio of 10 percent; or

(iv) where the ratio in a #loft dwelling# of the window area opening onto a #street# or a #yard# of 30 feet minimum depth to the #floor area# contained within the #loft dwelling# equals or exceeds 10 percent, there shall be no minimum #floor area#.

(2) The minimum #loft dwelling# size and #yard# requirement may be replaced by the requirements of Section 15-026 (Special bulk regulations for certain pre-existing dwelling units, joint living-work quarters for artists and loft dwellings) for #loft dwellings#:

(i) for which a determination of #residential# occupancy on September 1, 1980 has been made;

(ii) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or

(iii) that the Loft Board determines were occupied for #residential use# on September 1, 1980.

#Loft dwellings# existing on September 1, 1980, may not be subsequently divided into multiple #loft dwellings# that do not meet the requirements of paragraphs (a), (b)(1) and (c) of this Section, unless required by the Loft Board for the legalization of Interim Multiple Dwelling units in the implementation of Article 7C of the New York State Multiple Dwelling Law.

No #building# that meets the density requirements of this paragraph (c) may subsequently add additional units or quarters except in accordance thereof. No #building# to which the regulations of Section 15-026 have been applied may subsequently add additional units or quarters except in accordance with the requirements of paragraph (c).

(c) The number of #loft dwellings# shall not exceed one per 1,000 square feet of #floor area# devoted to #loft dwellings#, except as a result of the application of paragraph (b)(2) of this Section.

No #building# that meets the density requirements of paragraph (c) of this Section may subsequently add additional units or quarters except in accordance thereof. No #building# to which the regulations of Section 15-026 have been applied may subsequently add additional units or quarters except in accordance with the requirements of paragraph (c).

(d) Mezzanines constructed pursuant to Chapter 26 of the Administrative Code shall be allowed within individual #loft dwellings#, provided that the gross #floor area# of each mezzanine does not exceed 33 and 1/3 percent of the #floor area# contained within such #loft dwelling#. Such mezzanines are permitted only in #buildings# with an existing #floor area ratio# of 12 or less and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain. Such mezzanines shall not be included as #floor area# for the purpose of calculating the minimum required size of a #loft dwelling# or for calculating #floor area# devoted to #loft dwellings#.

(e) At least 30 percent of the gross roof area of a #building# containing 15 or more #loft dwellings# shall be provided for recreational #use#. For each additional #loft dwelling#, 100 square feet of additional roof area shall be #developed# for recreational #use# up to a maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said #loft dwellings# and their guests for whom no fees are charged.

(f) Existing #loft dwellings# may be #extended#, #enlarged#, or subdivided into two or more #loft dwellings# only in accordance with the provisions of this Section. In addition, #floor area# added to an existing #loft dwelling# shall not be subject to the provisions of Section 32-42 (Location within Buildings).

111-50 SPECIAL PERMIT FOR CONVERSION TO LOFT DWELLINGS OR JOINT LIVING WORK QUARTERS FOR ARTISTS

The City Planning Commission may permit, in Areas B1 and B2, the modification of the use provisions of Sections 111-101 (Location of permitted uses in buildings containing loft dwellings or joint living work quarters for artists), Section 111-102 (Ground floor use restrictions), paragraph (b), or 111-103 (Additional use regulations), paragraph (b), to allow loft dwellings or joint living work quarters for artists on any story in any building, provided the Commission finds that:

- (a) the conversion will not harm the commercial and manufacturing sectors of the City's economy;
(b) the conversion will not harm the commercial and manufacturing character of the surrounding area;
(c) the process of conversion will not unduly burden commercial and manufacturing uses in the building; and
(d) the neighborhood in which the conversion is taking place will not be excessively burdened by increased residential activity.

All loft dwellings or joint living work quarters for artists permitted by this special permit shall meet the standards of the applicable district for such units or quarters. The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requiring the preservation of floor area for commercial or manufacturing uses.

111-51 Special Permit for Enlargements of Buildings Containing Loft Dwellings

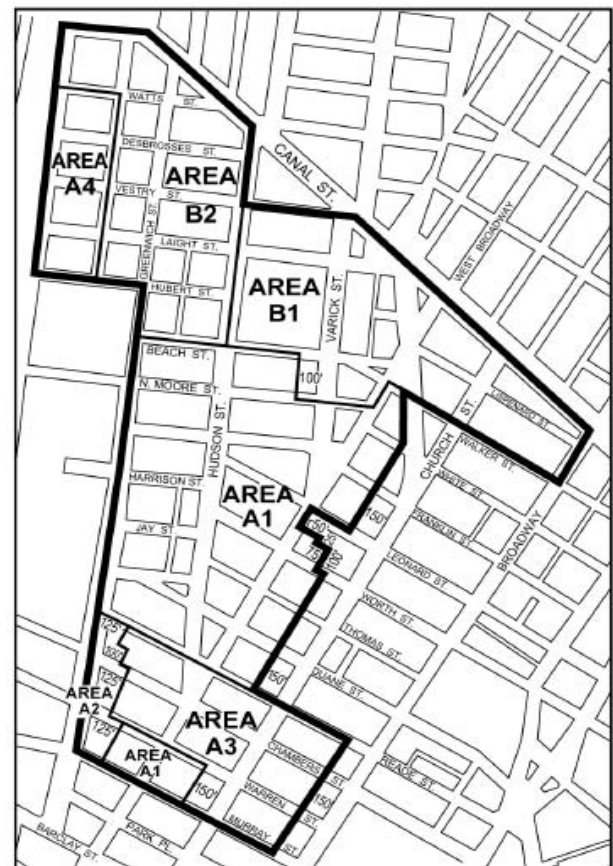
In Area B1, outside of historic districts designated by the Landmarks Preservation Commission, the City Planning Commission may permit:

- (a) loft dwellings in buildings designed for non-residential use and erected prior to December 15, 1961, that have since been enlarged; or
(b) the enlargement of buildings designed for non-residential use and erected prior to December 15, 1961, for loft dwellings, provided that:
(1) all loft dwellings comply with the requirements of Section 111-111 or have received a certification pursuant to Section 111-20, paragraph (b);
(2) the bulk regulations of an M1-5 District shall apply, except that the enlarged portion of the building shall comply with the requirements of Sections 23-47 (Minimum Required Rear Yards) and 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) applicable to R8 Districts; and
(3) the maximum floor area ratio for all loft dwellings shall not exceed 5.0.

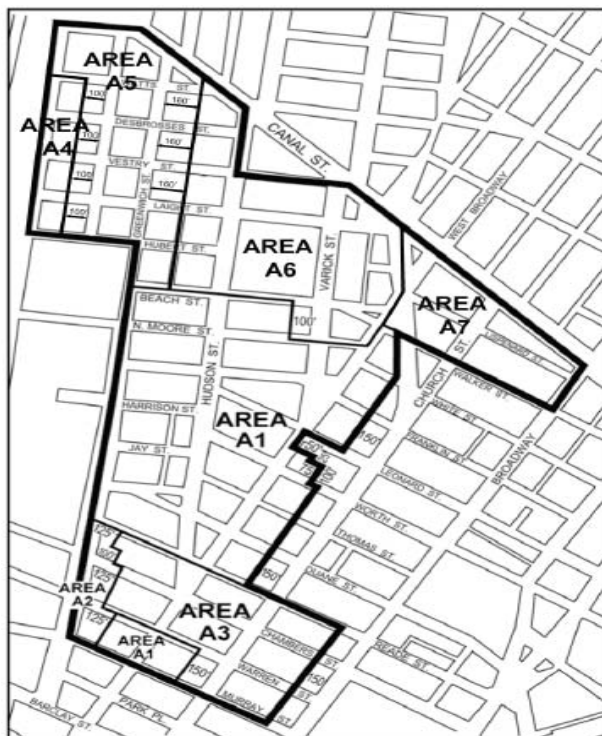
In order to grant a special permit, the City Planning Commission shall find that the process of enlargement will not unduly burden commercial and manufacturing uses in the building and the neighborhood in which the enlargement is taking place will not be excessively burdened by increased residential activity.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requiring the preservation of floor area for commercial or manufacturing uses.

Appendix A Special Tribeca Mixed Use District Map To be deleted



Special Tribeca Mixed Use District Area Boundary



Special Tribeca Mixed Use District Area Boundary

- Area A1: General Mixed Use Area
Area A2: Limited Mixed Use Area
Area A3: General Mixed Use Area
Area A4: General Mixed Use Area
Area A5: General Mixed Use Area
Area A6: General Mixed Use Area
Area A7: General Mixed Use Area

APPENDIX F Inclusionary Housing Designated Areas

The boundaries of Inclusionary Housing designated areas are shown on the maps listed in this Appendix F. The Residence Districts listed for such areas shall include Commercial Districts where residential buildings or the residential portion of mixed buildings are governed by the bulk regulations of such Residence Districts.

In addition, the following special purpose districts contain Inclusionary Housing designated areas, as set forth within such special districts:

- #Special 125th Street District - see Section 97-421 (Inclusionary Housing)
#Special Clinton District - see Section 96-81 (C6-3X Designated District)
#Special Coney Island District - see Section 131-321 (Special floor area regulations for residential uses)
#Special Downtown Jamaica District - see Section 115-211 (Special Inclusionary Housing regulations)
#Special Garment Center District - see Sections 121-31 (Maximum Permitted Floor Area) and 93-23 (Modifications of Inclusionary Housing Program)
#Special Harlem River Waterfront District - see Section 87-20 (SPECIAL FLOOR AREA REGULATIONS)
#Special Hudson Yards District - see Section 93-23 (Modifications of Inclusionary Housing Program)
#Special Long Island City Mixed Use District - see Section 117-631 (Floor area ratio and lot coverage modifications)
#Special Southern Hunters Point District - see Section 125-22 (Newtown Creek Subdistrict)
#Special Tribeca Mixed-Use District - see paragraphs (d)(3) and (d)(4) of Section 111-20 (SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7)
#Special West Chelsea District - see Section 98-26 (Modifications of Inclusionary Housing Program)

No. 9 HUDSON YARDS / WEST CHELSEA FOLLOW-UP CD 4 N 100424 ZRM IN THE MATTER OF an application submitted by the 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, concerning Article IX, Chapter 3 (Special Hudson Yards District), Article IX, Chapter 6 (Special Clinton District), Article IX, Chapter 8 (Special West Chelsea District), and Article XII, Chapter 1 (Special Garment Center District).

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

Article IX - Special Purpose Districts

Chapter 3 Special Hudson Yards District

93-14 Ground Floor Level Requirements

The following provisions shall apply to all Subdistricts in the

#Special Hudson Yards District#, except that the provisions of this Section shall not apply along the northern street frontage of West 35th through West 39th Streets within 100 feet of Eleventh Avenue, as shown on Map 2 (Mandatory Ground Floor Retail) in Appendix A of this Chapter. However, any zoning lot fronting on such streets and partially within 100 feet of Eleventh Avenue may, as an alternative, apply the provisions of this Section to the entire West 35th, West 36th, West 37th, West 38th or West 39th Street frontage of the zoning lot#.

- (a) Retail continuity along designated streets in Subdistricts A, B, C, D and E

Map 2 in Appendix A of this Chapter specifies locations where the special ground floor use and transparency requirements of this Section apply. Such regulations shall apply along either 100 percent or 50 percent of the building's street frontage, as indicated on Map 2.

Uses located on the ground floor level or within five feet of curb level, and within 50 feet of the street line shall be limited to commercial uses permitted by the underlying district, but not including uses listed in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 or 12D.

A building's street frontage shall be allocated exclusively to such uses, except for lobby space, entryways or entrances to subway stations, or other subway-related uses as described in Section 93-65 (Transit Easements). In no event shall the length of street frontage (exclusive of any portion of such street frontage allocated to entrances to subway stations and other subway-related uses) occupied by lobby space or entryways exceed, in total, 40 feet or 25 percent of the building's total street frontage, whichever is less, except that the width of a lobby need not be less than 20 feet.

For any new development or enlargement on such designated streets, glazing shall be provided in accordance with the provisions set forth in paragraph (c) of this Section.

93-65 Transit Easements

(a) Any development or enlargement on a zoning lot that includes the locations listed below southwest corner of West 40th Street and Eighth Avenue shall provide an easement for subway-related use and public access to the subway mezzanine or station as illustrated on Map 5 (Transit Easement for Subway Entrance and Subway-Related Uses) in Appendix A of this Chapter. The easement shall accommodate a relocated subway entrance from the adjoining sidewalk to a location within the development or enlargement.

(a) The area bounded by Tenth Avenue, West 41st Street, a line 100 feet east of and parallel to Tenth Avenue, and a line 55 feet south of and parallel to West 41st Street. The entrance shall be accessed from Tenth Avenue.

(b) For any development or enlargement on a zoning lot that includes the southwest corner of West 40th Street and Eighth Avenue, the transit easement shall accommodate a relocated subway entrance from the adjoining sidewalk to a location within the development or enlargement.

These locations are illustrated on Map 5 (Transit Easements and Subway Entrances) in Appendix A of this Chapter.

The Chairperson of the City Planning Commission shall certify that a plan has been submitted indicating the volume of the easement necessary for future construction of a subway entrance. Such plan shall be developed in consultation with and the approval of the Transit Authority. The Chairperson may alternately certify that a plan has been submitted whereby the applicant agrees to provide the required easement, at the applicant's expense, within two years of request by the Transit Authority or by its designee.

An instrument establishing such transit easement, or agreement to provide one within two years of request by the Transit Authority, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of such certification. Such filing and recording of the instrument shall be a precondition for the filing for or issuance of any building permit for any development or enlargement on the zoning lot. The recording information shall be included on the certificate of occupancy for any building, or portion thereof, on the zoning lot issued after the recording date.

Floor space within such any required transit easement shall be excluded from the definition of floor area, and may be temporarily used by the owner of the zoning lot for any permitted uses until such time as required by the Transit Authority or by its designee for subway purposes. Improvements or construction of a temporary nature within the easement volume for such temporary uses shall be removed by the owner of the zoning lot prior to the time at which public use of the easement area is required. A minimum notice of six months in writing shall be given by the Transit Authority to the owner of the zoning lot in order to vacate the tenants of such temporary uses.

- (b) Any development or enlargement on a zoning lot that includes the locations listed below may establish an easement for subway-related uses, limited to ventilation facilities and other facilities or services used or required in connection with the operation of a subway line or station.

- (1) The volume bounded by Eleventh Avenue, a line 52 feet north of and parallel to West 33rd Street, the western boundary of the #park#, and West 33rd Street, up to a height of 82 feet, as illustrated on Map 5 (Transit Easements for Subway Entrances and Subway-Related Uses) in Appendix A of this Chapter.
- (2) The volume bounded by Eleventh Avenue, West 36th Street, a line 95 feet east of and parallel to Eleventh Avenue, and a line 95 feet south of and parallel to West 36th Street, up to a height of 129 feet, as illustrated on Map 5 (Transit Easements for Subway Entrances and Subway-Related Uses) in Appendix A of this Chapter.
- (3) The volume bounded by West 41st Street, a line 214 feet west of and parallel to Dyer Avenue, a line 67 feet north of and parallel to West 41st Street, and Dyer Avenue, up to a height of 73 feet, as illustrated on the District Map in Appendix A of the #Special Clinton District#.
- (4) The volume bounded by a line 37 feet east of and parallel to Eleventh Avenue, West 26th Street, a line 100 feet east of and parallel to Eleventh Avenue, and a line 95 feet south of and parallel to West 26th Street, up to a height of 60 feet, as illustrated on the District Map in Appendix A of the #Special West Chelsea District#.

If a transit easement for such subway-related #use# is established, an instrument establishing such transit easement shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument. Floor space within such provided transit easement used exclusively for such subway-related #use# shall be excluded from the definition of #floor area#.

\* \* \*  
**93-91**  
**Demolition**

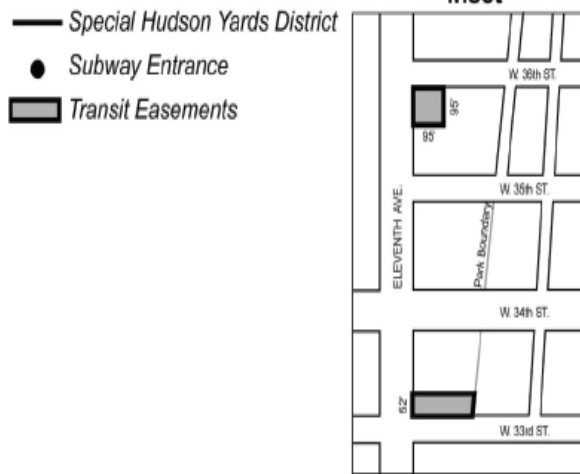
The Department of Buildings shall not issue a permit for the demolition of a #multiple dwelling#, as defined in Section 93-90(a)(14), located within Subareas D4 or D5 or within Preservation Area P-2 of the #Special Garment Center District#, or an alteration permit for the partial demolition of a #multiple dwelling# located within Subareas D4 and D5 or within Preservation Area P-2 of the #Special Garment Center District#, where such partial demolition would decrease the amount of residential #floor area# in such #multiple dwelling# by 20 percent or more, unless:

- (a) such #multiple dwelling# is an unsafe #building# and demolition is required pursuant to the provisions of Title 28, Chapter 2, Article 216 of the New York City Administrative Code, or
- (b) the Commissioner of the Department of Housing Preservation and Development, after providing sixty days notice and opportunity to comment to the local Community Board, has certified:
  - (1) if such #multiple dwelling# is to be substantially preserved, that an alteration permit is required to allow the removal and replacement of 20 percent or more of the #floor area#;
  - (2) if such #multiple dwelling# is not to be substantially preserved, that the Department of Housing Preservation and Development has determined that the rehabilitation of such #multiple dwelling# is not feasible under any active governmentally-funded program; and
  - (3) that the Department of Housing Preservation and Development has issued a #certification of no harassment# pursuant to Section 93-90(c), or has certified compliance with the cure provisions of Section 93-90(d).
- (c) the following structures shall be exempt from the provisions of this Section:
  - (1) any city-owned #multiple dwellings#;
  - (2) any #multiple dwelling# which is the subject of a program approved by the Department of Housing Preservation and Development for the provision of housing for persons of low or moderate income and has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development;
  - (3) any #multiple dwelling# initially occupied for residential purposes after January 1, 1974, except for #buildings# which are or have been "interim multiple dwellings" pursuant to Article 7C of the Multiple Dwelling Law;
  - (4) any #exempt hotel# as defined in Section 93-90;
  - (5) any #multiple dwelling# in which occupancy is restricted to clubhouse or school dormitory use and occupancy was restricted to clubhouse or school dormitory use on June 21, 2004; or
  - (6) any #exempt institutional residence# as defined in Section 93-90.

\* \* \*

**Appendix A**

Map 5. Transit Easements and Subway Entrances and Subway-Related Uses



\* \* \*  
**Article IX - Special Purpose Districts**

**Chapter 6**  
**Special Clinton District**

\* \* \*  
**96-108**  
**Demolition of buildings**  
 No demolition permit or alteration permit for partial demolition involving a decrease of more than 20 percent in the amount of #residential floor area# in a #building# shall be issued by the Department of Buildings for any #building# containing #dwelling units# within the Preservation Area, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Title 28, Chapter 2, Article 216 of the New York City Administrative Code.

\* \* \*  
**96-21**  
**Special Regulations for 42nd Street Perimeter Area**

- (a) Floor area regulations
  - (2) Floor area regulations in Subarea 2
- In Subarea 2 of the 42nd Street Perimeter Area, as shown in Appendix A, the basic #floor area ratio# of any #development# or #enlargement# shall be 10.0. However, the #floor area ratio# of any #development# or #enlargement# containing #residential use# may exceed 10.0 to a maximum of 12.0 only in accordance with the provisions of Section 23-90, except that any units for which a #floor area# increase has been earned pursuant to Section 23-90 shall be within the #Special Clinton District#. For #developments# or #enlargements# that have fully utilized the Inclusionary Housing Program, the maximum permitted #floor area ratio# may be increased from 12.0 to 15.0 for new legitimate theater use in accordance with the provisions of Section 96-25 (Floor Area Bonus for New Theater Use).

Any #development# or #enlargement# on a #zoning lot# that includes the area bounded by a line 129 feet east of and parallel to Tenth Avenue, West 42nd Street, a line 184 feet east of and parallel to Tenth Avenue, and a line 50 feet south of and parallel to West 42nd Street shall provide an easement for public access to the subway mezzanine or station, as illustrated on the District Map in Appendix A of this Chapter

An instrument establishing such transit easement shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument.

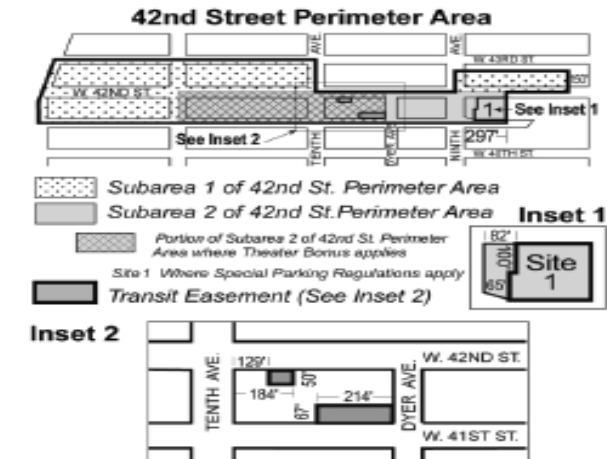
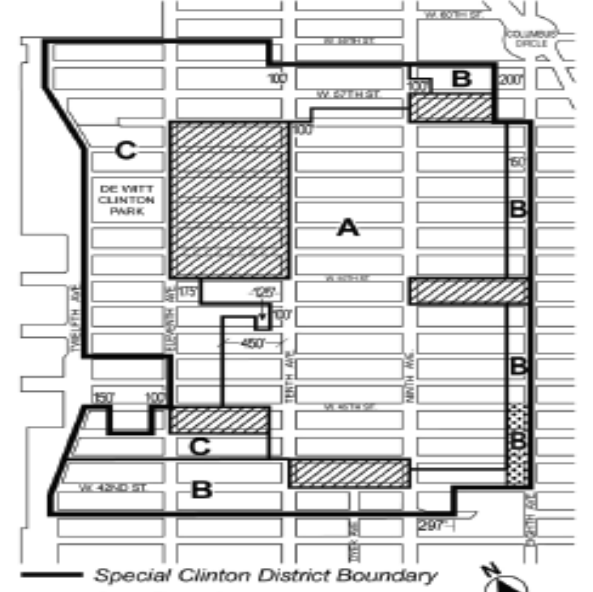
Floor space within such transit easement shall be excluded from the definition of #floor area#, and may be temporarily used by the owner of the #zoning lot# for any permitted #uses# until such time as required by the Transit Authority or by its designee for subway purposes. Improvements or construction of a temporary nature within the easement volume for such temporary #uses# shall be removed by the owner of the #zoning lot# prior to the time at which public #use# of the easement area is required. A minimum notice of six months in writing shall be given by the Transit Authority to the owner of the #zoning lot# in order to vacate the tenants of such temporary #uses#.

The provisions of subsection b of Section 93-65 (Transit Easements) shall apply to any #development# or #enlargement# on a #zoning lot# that includes the volume bounded by West 41st Street, a line 214 feet west of and parallel to Dyer Avenue, a line 67 feet north of and parallel to West 41st Street, and Dyer Avenue, up to a height of 73 feet, as illustrated on the District Map in Appendix A of this

Chapter.

Where a transit easement volume is required on a #zoning lot# in Subarea 2, such easement volume may be temporarily used by the owner of the #zoning lot# for any permitted #uses# until such time as required by the Transit Authority or by its designee for subway purposes. Any such floor spaces occupied by such transit easement volume shall not count as #floor area#. Improvements or construction of a temporary nature within the easement volume for such temporary #uses# shall be removed by the owner of the #zoning lot# prior to the time at which public #use# of the easement area is required. A minimum notice of six months in writing shall be given by the Transit Authority to the owner of the #zoning lot# to vacate the tenants of such temporary #uses#.

\* \* \*  
**Appendix A**  
 Special Clinton District Map



\* \* \*  
**Article IX - Special Purpose Districts**

**Chapter 8**  
**Special West Chelsea District**

**98-23**  
**Special Floor Area and Lot Coverage Rules for Zoning Lots Over Which the High Line Passes**  
 That portion of the #zoning lot# that lies directly beneath the #High Line# shall be exempt from #lot coverage# requirements below the level of the #High Line bed#. The remaining portion of the #zoning lot# shall be considered a separate #zoning lot# for the purposes of calculating maximum #lot coverage#. Easement volumes provided in accordance with the provisions of Section 98-60 (SPECIAL ACCESS REGULATIONS FOR CERTAIN ZONING LOTS) and access structures constructed therein, as well as any structure required pursuant to Appendix D or E in relation to an increase in the basic maximum #floor area ratio# of a #zoning lot# pursuant to Section 98-25 (High Line Improvement Bonus), shall not be considered #floor area# or #lot coverage#.

\* \* \*  
**98-33**  
**Transfer of Development Rights from the High Line Transfer Corridor**

- (d) Stairway easement requirement
- As a condition for the transfer of #floor area#, an easement volume to facilitate pedestrian access to the #High Line# via stairway shall be provided in accordance with the provisions of Sections 98-60 (SPECIAL ACCESS REGULATIONS FOR CERTAIN ZONING LOTS) and 98-63 (Recording of the High Line Access Easement Volume).

\* \* \*  
**98-60**  
**SPECIAL ACCESS REGULATIONS FOR CERTAIN ZONING LOTS**

\* \* \*  
**98-65**  
**Transit Easements**  
 The provisions of subsection b of Section 93-65 (Transit Easements) shall apply to any #development# or #enlargement# on a #zoning lot# that includes the volume bounded by a line 37 feet east of and parallel to Eleventh



Avenue, West 26th Street, a line 100 feet east of and parallel to Eleventh Avenue, and a line 95 feet south of and parallel to West 26th Street, up to a height of 60 feet, as illustrated on the District Map in Appendix A of this Chapter.

\* \* \*

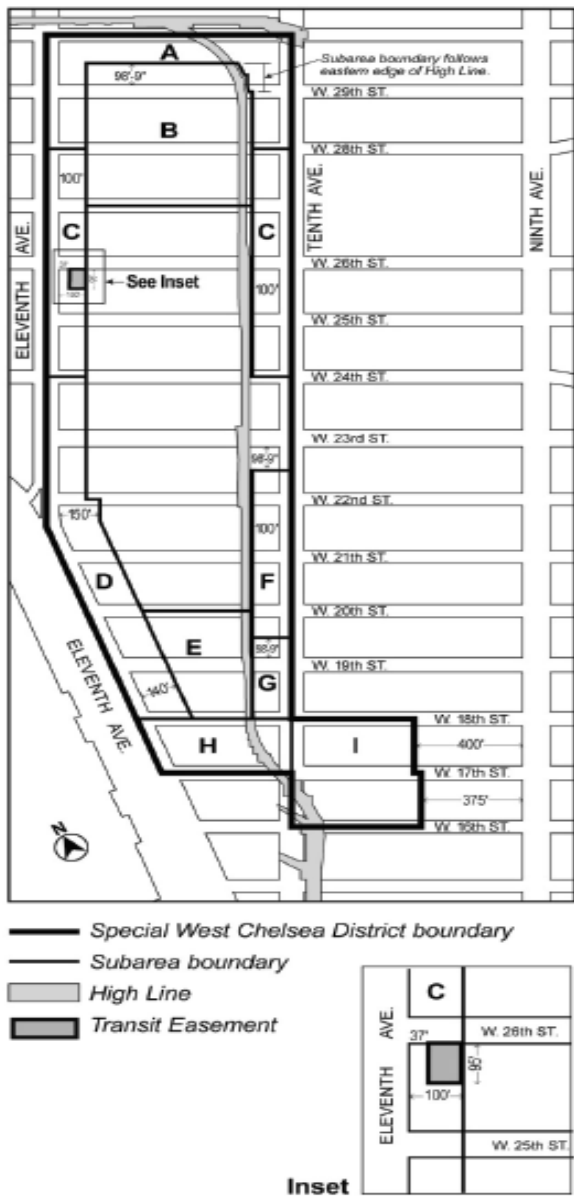
**98-70  
Supplemental Regulations**

- (a) In the #Special West Chelsea District#, the provisions of paragraphs (a) through (d), inclusive, of Section 93-90 (HARASSMENT) shall apply as modified in this Section.
- (b) In the #Special West Chelsea District#, the provisions of Section 93-91 (DEMOLITION) shall apply.

For the purposes of this Section, the following definitions in Section 93-90 shall be modified:

\* \* \*

**Appendix A  
Special West Chelsea District and Subareas**



\* \* \*  
**Article XII - Special Purpose Districts**

**Chapter 1  
Special Garment Center District**

\* \* \*

**121-50  
Supplemental Regulations in Preservation Area P-2**

In Preservation Area P-2, the provisions of Section 93-90 (HARASSMENT) and Section 93-91 (DEMOLITION), inclusive, shall apply.

**BOROUGH OF QUEENS  
No. 10  
ROSEDALE AVENUE REZONING**

**CD 13 C 100436 ZMQ**

**IN THE MATTER** of an application submitted by the NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 19a, 19b, 19c and 19d:

1. eliminating from within an existing R3-2 District a C1-1 bounded by 147th Drive, a boundary line of the City of New York, 148th Avenue, and Hook Creek Boulevard;
2. eliminating from within an existing R3-2 District a C1-2 bounded by:
  - a. Brookville Boulevard, a line 150 feet northeasterly of Francis Lewis Boulevard, a line 150 feet northerly of North Conduit Avenue, 242nd Street, and North Conduit Avenue;
  - b. South Conduit Avenue, Francis Lewis Boulevard, 245th Street, a line 150 feet northeasterly of Francis Lewis Boulevard, 247th Street, a line 150 feet southwesterly of Francis Lewis Boulevard, 245th Street, 243rd Street, and 140th Avenue;
  - c. Caney Road, a line 150 feet southeasterly of 243rd Street, Mayda Road, and a line

150 feet northwesterly of 243rd Street; and

- d. South Conduit Avenue, Hook Creek Boulevard, 248th Street, a line 100 feet southerly of South Conduit Avenue, and 247th Street;
3. eliminating from within an existing R2 District a C2-1 bounded by Brookville Boulevard, a line 150 feet northerly of Merrick Boulevard, 133rd Avenue, 243rd Street, a line 150 feet northerly of Merrick Boulevard, 132nd Road, Hook Creek Boulevard, a line 150 feet southerly of Merrick Boulevard, a line midway between Brookville Boulevard and 241st Street, and 135th Avenue;
4. eliminating from within an existing R3-2 District a C2-1 bounded by:
  - a. North Conduit Avenue, Hook Creek Boulevard, the centerline of the Long Island Railroad right-of-way ( Montauk Division), and Brookville Boulevard; and
  - b. South Conduit Boulevard, a boundary line of the City of New York, a line 100 feet northerly of 149th Street, and Hook Creek Boulevard;
5. changing from an R3-2 District to an R2 District property bounded by:
  - a. a line 150 feet northeasterly of Francis Lewis Boulevard, a line 220 feet southwesterly of 138th Avenue, and a line midway between Brookville Boulevard and 241st Street; and
  - b. a line 150 feet northeasterly of Francis Lewis Boulevard, a line 150 feet northerly of North Conduit Boulevard, 242nd Street, a line 320 feet southwesterly of 138th Avenue, and 241st Street;
6. changing from an R3-2 District to an R3A District property bounded by:
  - a. South Conduit Avenue, 241st Street, a line midway between 140th Avenue and Memphis Avenue, a line 60 feet southeasterly of 214th Street, 142nd Avenue, a line 140 feet northwesterly of 243rd Street, Caney Road, a line 100 feet northwesterly of 243rd Street, Huxley Street, a line perpendicular to the southwesterly street line of Huxley Street distant 120 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Huxley Street and the northerly street line of 147th Avenue, a line 130 feet southwesterly of Huxley Street, a line perpendicular to the northeasterly street line of Edgewood Avenue distant 80 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Huxley Street and the northerly street line of 147th Avenue, Edgewood Avenue, a line midway between 146th Avenue and 147th Avenue, a line 100 feet easterly of Brookville Boulevard, 147th Avenue, and Brookville Boulevard;
  - b. a line 100 feet northerly of 249th Street, a boundary line of the City of New York, a line 100 feet southerly of 250th Street, a line perpendicular to the southerly street line of 250th Street distant 110 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of 250th Street and the northeasterly street line of Hook Creek Boulevard, 250th Street, a line perpendicular to the northerly street line of 250th Street distant 60 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of 250th Street and the northeasterly street line of Hook Creek Boulevard, 249th Street, and a line 85 feet easterly of Hook Creek Boulevard; and
  - c. a line midway between Caney Road and 144th Avenue, 249th Street, Newhall Avenue, a line 120 feet southeasterly of 245th Street, a line 100 feet southwesterly of Newhall Avenue, a line 140 feet southeasterly of 243rd Street, Mayda Road, and a line 100 feet southeasterly of 243rd Street;
7. changing from an R3-2 District to an R3X District property bounded by 140th Avenue, 243rd Street, a line perpendicular to the southeasterly street line of 243rd Street distant 200 feet southwesterly (as measured along the street line), from the point of intersection of the southeasterly street line of 243rd Street and the southerly street line of South Conduit Avenue, 245th Street, a line 135 feet southwesterly of Francis Lewis Boulevard, 246th Street, a line 85 feet southwesterly of Francis Lewis

- Boulevard, a line midway between 246th Street and 247th Street, Francis Lewis Boulevard, 247th Street, a line 85 feet northeasterly of Francis Lewis Boulevard, a line 100 feet northwesterly of 246th Street, a line 330 feet northeasterly of Francis Lewis Boulevard, 246th Street, South Conduit Avenue, 247th Street, a line 250 feet northeasterly of 139th Avenue, a line midway between 247th Street and 248th Street, a line perpendicular to the northwesterly street line of 248th Street distant 130 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 248th Street and the westerly street line of Hook Creek Boulevard, 248th Street, Hook Creek Boulevard, 249th Street, a line perpendicular to the northerly street line of 250th Street distant 60 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of 250th Street and the northeasterly street line of Hook Creek Boulevard, 250th Street, a line perpendicular to the southerly street line of 250th Street distant 110 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of 250th Street and the northeasterly street line of Hook Creek Boulevard, a line 100 feet southerly of 250th Street, a boundary line of the City of New York, 145th Avenue, Hook Creek Boulevard, 148th Avenue, a line 100 feet easterly of Hook Creek Boulevard, 148th Road, a boundary line of the City of New York, Hungary Harbor Road, Hook Creek Boulevard, 148th Drive, a line 100 feet westerly of Hook Creek Boulevard, a line midway between 148th Drive and 149th Avenue, a line 320 feet westerly of Hook Creek Boulevard, 149th Avenue, a line 330 feet westerly of 262nd Street, 149th Road, 262nd Street and its southerly centerline prolongation, a boundary line of the City of New York, a line 50 feet westerly of 259th Street and its southerly prolongation, Craft Avenue, 259th Street, 149th Road, 259th Street, a line midway between 148th Drive and 149th Avenue, 257th Street, 148th Drive, a line 200 feet easterly of Weller Lane, a line midway between 148th Road and 148th Drive, Weller Lane, 149th Road, Weller Lane, 149th Drive, a line midway between 255th Street and Weller Lane, Craft Avenue, a line midway between 254th Street and 255th Street, 149th Drive and its westerly centerline prolongation, a northeasterly and a northerly boundary line of a park and its westerly prolongation, Brookville Boulevard, 149th Avenue, 235th Street, a line midway between 148th Avenue and 148th Road, a line 170 feet southeasterly of 235th Street, 148th Avenue, Brookville Boulevard, a line midway between 147th Drive and 148th Avenue, a line 80 feet northwesterly of Brookville Boulevard, 147th Drive, 235th Street, a northeasterly boundary line of Brookville Park and its southeasterly prolongation, an easterly boundary line of Brookville Park and its northerly prolongation, 147th Avenue, 235th Street, a line 100 feet northeasterly of 147th Road, a line 75 feet westerly of Brookville Boulevard, 147th Road, a line perpendicular to the southwesterly street line of 147th Road distant 80 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of 147th Road and the westerly street line of Brookville Boulevard, a line midway between 147th Road and 147th Drive, Brookville Boulevard, a line midway between 147th Road and 147th Drive, a line 90 feet easterly of Brookville Boulevard, a line 100 feet northerly of 147th Road, a line 100 feet easterly Brookville Boulevard, a line midway between 146th Avenue and 147th Avenue, a line perpendicular to the northeasterly street line of Edgewood Avenue distant 80 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Huxley Street and the northerly street line of 147th Avenue, Huxley Street, a line 100 feet northwesterly of 243rd Street, Mayda Road, a line 140 feet southeasterly of 243rd Street, Newhall Avenue, a line midway between 243rd Street and 245th Street, a line 100 feet southwesterly of Newhall Avenue, a line 120 feet southeasterly of 245th Street, Newhall Avenue, 249th Street, a line midway between Caney Road and 144th Avenue, a line 100 feet southeasterly of 243rd Street, Caney Road, a line 140 feet northwesterly of 243rd Street, 142nd Avenue, a line 60 feet southeasterly of 241st Street, a line midway between 140th Avenue and Memphis Avenue, and a line 100 feet southeasterly of 241st Street; and excluding the area bounded by:
- a. 253rd Street, Weller Lane, a line 540 feet northerly of 147th Avenue, a line midway between Weller Lane and 254th Street, 147th Avenue, Francis Lewis Boulevard, a line 80 feet northerly of 147th Road, a line 110 feet westerly of Weller Lane, 147th Road, a line 50 feet easterly of 253rd Street, 147th Avenue, Mayda Road, a line 420 feet southeasterly of 249th Street, a line midway between 145th Avenue and Mayda Road, a line 280 feet southeasterly of 249th Street, 145th Avenue, a line 360 feet southeasterly of 249th Street, and 144th Avenue; and
  - b. 147th Road, 253rd Street, a line midway

- between 147th Drive and 148th Avenue, a line 150 feet easterly of 253rd Street, 148th Avenue, line 200 feet easterly of 253rd Street, a line midway between 148th Avenue and 148th Road, 253rd Street, a line midway between 148th Road and 148th Drive, a line perpendicular to the southerly street line of 148th road distant 110 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of 148th Road and the northeasterly street line of Huxley Street, 148th Road, 249th Street, 148th Avenue, a line 230 feet easterly of 149th Street, a line midway between 147th drive and 148th Avenue, a line 100 feet westerly of 253rd Street, a line midway between 147th Road and 147th Drive, and a line 75 feet westerly of 253rd Street;
8. changing from an R3-2 District to an R3-1 District property bounded by:
- a. 147th Drive, a line 80 feet northwesterly of Brookville Boulevard, a line midway between 147th Drive and 148th Avenue, Brookville Boulevard, 148th Avenue, a line 170 feet southeasterly of 235th Street, a line midway between 148th Avenue and 148th Road, and 235th Street;
- b. 147th Road, 253rd Street, a line midway between 147th Drive and 148th Avenue, a line 150 feet easterly of 253rd Street, 148th Avenue, line 200 feet easterly of 253rd Street, a line midway between 148th Avenue and 148th Road, 253rd Street, a line midway between 148th Road and 148th Drive, a line perpendicular to the southerly street line of 148th road distant 110 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of 148th Road and the northeasterly street line of Huxley Street, 148th Road, 249th Street, 148th Avenue, a line 230 feet easterly of 149th Street, a line midway between 147th drive and 148th Avenue, a line 100 feet westerly of 253rd Street, a line midway between 147th Road and 147th Drive, and a line 75 feet westerly of 253rd Street;
- c. 253rd Street, Weller Lane, a line 540 feet northerly of 147th Avenue, a line midway between Weller Lane and 254th Street, 147th Avenue, Francis Lewis Boulevard, a line 80 feet northerly of 147th Road, a line 110 feet westerly of Weller Lane, 147th Road, a line 50 feet easterly of 253rd Street, 147th Avenue, Mayda Road, a line 420 feet southeasterly of 249th Street, a line midway between 145th Avenue and Mayda Road, a line 280 feet southeasterly of 249th Street, 145th Avenue, a line 360 feet southeasterly of 249th Street, and 144th Avenue;
- d. 145th Avenue, a boundary line of the City of New York, 147th Drive, and Hook Creek Boulevard;
- e. 149th Drive and its westerly centerline prolongation, a line midway between 254th Street and 255th Street, Craft Avenue, a line midway between 255th Street and Weller Lane, 149th Drive, Weller Lane, 149th Road, Weller Lane, a line midway between 148th Road and 148th Drive, a line 200 feet easterly of Weller Lane, 148th Drive, 257th Street, a line midway between 148th Drive and 149th Avenue, 259th Street, 149th Road, 258th Street, a line 60 feet southerly of 149th Road, a line midway between 257th Street and 258th Street, Craft Avenue, a line 50 feet westerly of 259th Street and its southerly centerline prolongation, a boundary line of the City of New York, and a northeasterly boundary line of a park and its southeasterly prolongation; and
- f. 149th Avenue, a line 320 feet westerly of Hook Creek Boulevard, a line midway between 148th Drive and 149th Avenue, a line 100 feet westerly of Hook Creek Boulevard, 148th Drive, Hook Creek Boulevard, Hungary Harbor Road, a boundary line of the City of New York, 262nd Street, and its southerly centerline prolongation, 149th Road, and a line 330 feet westerly of 262nd Street;
9. establishing within an existing R3-2 District a C1-2 District bounded by 147th Avenue, Brookville Boulevard, 147th Road, a line 75 feet westerly of Brookville Boulevard, a line 100 feet northeasterly of 147th Road, and 235th Street;
10. establishing within an existing R2 District a C1-3 District bounded by a line 150 feet northerly of Merrick Boulevard, 133rd Avenue, 243rd Street, a line 125 feet northerly of Merrick Boulevard, 132nd Street, Hook Creek Boulevard, Merrick Boulevard, 245th Street, a line 100 feet southerly of Merrick Boulevard, 244th Street, a line perpendicular to the northwesterly street line of 244th Street distant 100 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 244th Street and the southerly street line of Merrick Boulevard, a line midway between 243rd Street and 244th Street, a line 360 feet northeasterly of 134th Avenue, 243rd Street, a line 260 feet northeasterly of 134th Avenue, a line midway between 242nd Street and 243rd Street, a line 120 feet northeasterly of 134th Avenue, 242nd Street, a line perpendicular to the northwesterly street line of 242nd Street distant 175 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 242nd Street and the southerly street line of Merrick Boulevard, 241st Street, a line perpendicular to the northwesterly street line of 241st Street distant 115 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 241st Street and the southerly street line of Merrick Boulevard, a line 75 feet northwesterly of 241st Street, a line 275 feet northwesterly of 135th Avenue, and Brookville Boulevard;
11. establishing within an existing R3-2 District a C1-3 District bounded by:
- a. Brookville Boulevard, a line 150 feet northeasterly of Francis Lewis Boulevard, a line midway between Brookville Boulevard and 241st Street, a line 220 feet southwesterly of 138th Avenue, 241st Street, a line 320 feet southwesterly of 138th Avenue, 242nd Street, North Conduit Avenue, a line perpendicular to the southerly street line of North Conduit Avenue distant 230 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of North Conduit Avenue and the northeasterly street line of Francis Lewis Boulevard, Long Island Railroad right-of-way ( Montauk Division), Brookville Boulevard, North Conduit Avenue, and a line 95 feet southwesterly of Francis Lewis Boulevard;
- b. South Conduit Avenue, 246th Street, a line 335 feet northeasterly of Francis Lewis Boulevard, a line 100 feet northwesterly of 246th Street, a line 85 feet northeasterly of Francis Lewis Boulevard, a line 50 feet northwesterly of 247th Street, Francis Lewis Boulevard, a line midway between 246th Street and 247th Street, a line 85 feet southwesterly of Francis Lewis Boulevard, 246th Street, a line 135 feet southwesterly of Francis Lewis Boulevard, 245th Street, a line perpendicular to the southeasterly street line of 243rd Street distant 200 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of 243rd Street and the southerly street line of South Conduit Avenue, 243rd Street, and 140th Avenue; and
- c. South Conduit Avenue, Hook Creek Boulevard, 248th Street, a line perpendicular to the northwesterly street line of 248th Street distant 130 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 248th Street and the westerly street line of Hook Creek Boulevard, a line midway between 247th Street and 248th Street, a line 250 feet northeasterly of 139th Avenue, and 247th Street;
12. establishing within an existing R2 District a C2-3 District bounded by Merrick Boulevard, Hook Creek Boulevard, a line 150 feet southerly of Merrick Boulevard, and 245th Street; and
13. establishing within an existing R3-2 District a C2-3 District bounded by South Conduit Boulevard, a boundary line of the City of New York, a line 100 feet northerly of 249th Street, and Hook Creek Boulevard;
- as shown on a diagram (for illustrative purposes only) dated June 7, 2010.
- Resolution for adoption scheduling August 11, 2010 for a public hearing.**
- No. 11**  
**AUBURNDALE OAKLAND GARDENS REZONING**  
**CDs 7, 8, 11 C 100409 ZMQ**
- IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 10c, 10d, 11b, & 15a:
1. eliminating from within an existing R3-2 District a C1-2 District bounded by:
- a. a line 150 feet northerly of 46th Avenue, Utopia Parkway, 46th Avenue, 189th Street, a line 150 feet southerly of Hollis Court, Utopia Parkway, Ashby Avenue, and Auburndale Lane;
- b. a line 150 feet northwesterly of Horace Harding Expressway, 198th Street, 58th Avenue, a line 100 feet northeasterly of 198th Street, a line 100 feet northwesterly of Horace Harding Expressway, 198th Street, Horace Harding Expressway, and 197th Street;
- c. a line 220 feet northwesterly of Union Turnpike, a line 150 feet northeasterly of Springfield Boulevard, a line 150 feet northerly of Union Turnpike, a line 150 feet westerly of 226th Street, a line 100 feet northerly of Union Turnpike, and a line 125 feet northeasterly of Springfield Boulevard; and
- d. a line 100 feet southerly of Union Turnpike, Springfield Boulevard, a line 150 feet southerly of Union Turnpike, and 222nd Street;
2. eliminating from within an existing R3-2 District a C2-2 District bounded by a line 150 feet northwesterly of the Horace Harding Expressway, 183rd Street, Booth Memorial Avenue, a line 100 feet southwesterly of 185th Street, Horace Harding Expressway, and 182nd Street;
3. changing from an R1-2 District to an R1-2A District property bounded by the southeasterly service road of Horace Harding Expressway, a line midway between 215th Street and Bell Boulevard, a line 175 feet southeasterly of Horace Harding Expressway, Bell Boulevard, 67th Avenue, and 210th Street;
4. changing from an R2 District to an R2A District property bounded by:
- a. Station Road, 168th Street, Station Road, Auburndale Lane, a line 100 feet northeasterly of Northern Boulevard, a line midway between 169th Street and 170th Street, Northern Boulevard, 167th Street, a line 100 feet northeasterly of Northern Boulevard, and 165th Street;
- b. a line 100 feet southwesterly of Northern Boulevard, 168th Street, 43rd Avenue, 170th Street, a line 100 feet southerly of Northern Boulevard, 171st Street, a line 100 feet southerly of Northern Boulevard, a line midway between Utopia Parkway and 172nd Street, a line perpendicular to the easterly street line of 172nd Street distant 120 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of 172nd Street and the southerly street line of 45th Avenue, 172nd Street, a line 150 feet northerly of 46th Avenue, Auburndale Lane, 46th Avenue, a line 100 feet westerly of 166th Street, 45th Avenue, and 166th Street,
- c. Laburnum Avenue, 156th Street, a line 100 feet northerly of Oak Avenue, 164th Street, Meadow Road, Auburndale Lane, Bagley Avenue, Utopia Parkway, 48th Avenue, Hollis Court Boulevard, 50th Avenue, Underhill Avenue, 188th Street, Peck Avenue, 192nd Street, the northwesterly service road of Horace Harding Expressway, 185th Street, 56th Avenue, a line midway between 185th Street and 186th Street, 50th Avenue, Utopia Parkway, 56th Avenue, a line midway between 175th Place and 175th Street, Booth Memorial Avenue, Fresh Meadow Lane, a northerly boundary of Kissena Park, a northeasterly boundary of Kissena Park and its northwesterly prolongation, Underhill Avenue and its northeasterly centerline prolongation, 164th Street, Oak Avenue, Rose Avenue, Parsons Boulevard, Quince Avenue, Bowne Street, a line midway between Quince Avenue and Rose Avenue, Robinson Street, a line 95 feet northwesterly of Oak Avenue, Burling Street, Negundo Avenue, and Parsons Boulevard;
- d. 46th Avenue, 195th Street, a line 100 feet southerly of 45th Avenue, 196th Street, 45th Road, a line 100 feet easterly of 196th Place, 46th Avenue, a line midway between 196th Place and 197th Street, 47th Avenue, 194th Street, a line 100 feet northwesterly of 47th Avenue, and a line midway between 193rd Street and 194th Street;
- e. Weeks Lane, 201st Street, a line 250 feet northwesterly of 48th Avenue, 202nd Street, a line 150 feet northwesterly of 48th Avenue, a line midway between 202nd Street and 203rd Street, a line 100 feet northwesterly of 50th Avenue, a line midway between 203rd Street and the Clearview Expressway, 53rd Avenue, the Clearview Expressway, a line 100 feet northwesterly of Horace Harding Expressway and its northeasterly prolongation, 201st Street, a line 150 feet northerly of Horace Harding Expressway, Francis Lewis Boulevard, 53rd Avenue, 201st Street, a line 140 feet northwesterly of 53rd Avenue, a line midway between 201st Street and 202nd Street, a line 100

- feet southeasterly of 50th Avenue, 201st Street, 50th Avenue, and Francis Lewis Boulevard; and
- f. 76th Avenue, Cloverdale Boulevard, the northwesterly street line of former Motor Parkway, Springfield Boulevard, a line 220 feet northwesterly of Union Turnpike, a line 100 feet southwesterly of Springfield Boulevard, Union Turnpike, 222nd Street, a line 150 feet southeasterly of Union Turnpike, Springfield Boulevard, a northwesterly service road of Grand Central Parkway, 86th Avenue, Bell Boulevard, 86th Road and its westerly centerline prolongation, the southwesterly street line of 212th Street, Hollis Hills Terrace and its southeasterly centerline prolongation, the southeasterly street line of former Motor Parkway, Oceania Street, the centerline of former Motor Parkway, a line 200 feet northeasterly of Bell Boulevard, 77th Avenue, 217th Street, a line 120 feet northwesterly of 77th Avenue, and Springfield Boulevard;
5. changing from an R3-1 District to an R2A District property bounded by a line 100 feet southeasterly of 64th Avenue, 233rd Street, Lee Goldman Lane, 67th Avenue, and a line 100 feet southwesterly of Cloverdale Boulevard;
6. changing from an R3-2 District to an R2A District property bounded by:
- a. the easterly centerline prolongation of Bagley Avenue, 188th Street, 47th Avenue, a line 100 feet southwesterly of 188th Street, 48th Avenue, and Utopia Parkway;
- b. a line 230 feet southeasterly of 47th Avenue, a line midway between 190th Street and 189th Street, 48th Avenue, and a line midway between 189th Street and 188th Street;
- c. a line 205 feet southeasterly of 56th Avenue, 185th Street, Booth Memorial Avenue, and a line midway between 185th Street and 184th Street;
- d. a line 100 feet northerly of 47th Avenue, 194th Street, 47th Avenue, and a line midway between 193rd Street and 194th Street;
- e. a line 100 feet southeasterly of 47th Avenue, 192nd Street, 47th Avenue, Hollis Court Boulevard, a line perpendicular to the northeasterly street line of Hollis Court Boulevard distant 270 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Hollis Court Boulevard and the southwesterly street line of 194th Street, a line 100 feet northeasterly of Hollis Court Boulevard, a line midway between 193rd Street and 194th Street, a line 100 feet southerly of 47th Avenue, 195th Street, 48th Avenue, a line midway between 196th Place and 196th Street, a line 180 feet northwesterly of 48th Avenue, a line midway between 195th Street and 196th Street, 47th Avenue, 197th Street, a line 340 feet northwesterly of 48th Avenue, a line midway between 197th Street and 196th Place, 48th Avenue, 196th Place, a line midway between 48th Avenue and 49th Avenue, Weeks Lane, 49th Avenue, a line 100 feet easterly of Weeks Lane, 48th Avenue, Weeks Lane, Francis Lewis Boulevard, 50th Avenue, a line midway between 199th Street and Francis Lewis Boulevard, 53rd Avenue, Francis Lewis Boulevard, a line 100 feet southeasterly of 58th Avenue, Hollis Court Boulevard, 58th Avenue, a line 100 feet northeasterly of 198th Street, a line 100 feet northwesterly of Horace Harding Boulevard and its southwesterly prolongation, 197th Street, the northwesterly service road of Horace Harding Expressway, 192nd Street, Peck Avenue, 188th Street, Underhill Avenue, 50th Avenue, Hollis Court Boulevard, 48th Avenue, and 190th Street, and excluding the area bounded by Weeks Lane, a line perpendicular to the northwesterly street line of 53rd Avenue distant 140 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of 53rd Avenue and the northeasterly street line of Hollis Court Boulevard, 53rd Avenue, Hollis Court Boulevard, a line 350 feet northwesterly of 56th Avenue, a line 100 feet southwesterly of Hollis Court Boulevard, a line 220 feet northwesterly of 56th Avenue, 196th Street, a line 100 feet northwesterly of 56th Avenue, 194th Street, 56th Avenue, a line midway between 194th Street and 193rd Street, a line 100 feet southeasterly of 53rd Avenue, 196th Street, and Hollis Court Boulevard;
- f. the northeasterly prolongation of a line 100 feet northwesterly of Horace Harding Expressway, a northwesterly service road of Horace Harding Expressway, and 203rd Street;
- g. 69th Avenue, 230th Street, 73rd Avenue, and a line midway between 223rd Street and 222nd Street; and
- h. a line 100 feet southeasterly of Union Turnpike, Springfield Boulevard, a line 150 feet southeasterly of Union Turnpike, and 222nd Street;
7. changing from an R4-1 District to an R2A District property bounded by a line 130 feet northerly of 45th Avenue, 166th Street, 45th Avenue, and a line midway between 165th Street and 166th Street;
8. changing from an R2 District to an R3-1 District property bounded by:
- a. a line 150 feet northwesterly of 48th Avenue, 203rd Street, 48th Avenue, a line 100 feet northwesterly of 50th Avenue, and a line midway between 202nd Street and 203rd Street; and
- b. 50th Avenue, 201st Street, a line 100 feet southeasterly of 50th Avenue, a line midway between 201st Street and 202nd Street, a line 140 feet northwesterly of 53rd Avenue, 201st Street, 53rd Avenue, and Francis Lewis Boulevard;
9. changing from an R3-2 District to an R3-1 District property bounded by:
- a. Holly Avenue, Parsons Boulevard, Laburnum Avenue, and Burling Street;
- b. 50th Avenue, a line midway between 185th Street and 186th Street, 56th Avenue, 185th Street, a line 205 feet southeasterly of 56th Avenue, a line midway between 184th Street and 185th Street, a line 295 feet northwesterly of 58th Avenue, a line 100 feet southwesterly of 184th Street, 56th Avenue, and Utopia Parkway;
- c. Booth Memorial Avenue, 185th Street, the northwesterly service road of Horace Harding Expressway, and Utopia Parkway;
- d. 50th Avenue, Francis Lewis Boulevard, 53rd Avenue, a line midway between 199th Street and Francis Lewis Boulevard;
- e. Rocky Hill Road, 48th Avenue, a line midway between 207th Street and 208th Street, 53rd Avenue, 207th Street, 56th Avenue, 208th Street, 58th Avenue, a line midway between 207th Street and 208th Street, the northwesterly service road of Horace Harding Expressway, a line midway between 206th Street and 207th Street, 56th Avenue, the Clearview Expressway, 53rd Avenue, a line midway between 203rd Street and Clearview Expressway, 48th Avenue, 203rd Street, a line 150 feet northwesterly of 48th Avenue, 202nd Street, a line 250 feet northwesterly of 48th Avenue, and 201st Street; and
- f. 67th Avenue, Bell Boulevard, 69th Avenue, and 210th Street;
10. changing from an R2 District to an R3X District property bounded by:
- a. a line midway between 172nd Street and Utopia Parkway, a line 150 feet northerly of 48th Avenue, 172nd Street, and a line perpendicular to the to the easterly street line of 172nd Street distant 120 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of 172nd Street and the southerly street line of 45th Avenue; and
- b. 45th Avenue, Francis Lewis Boulevard, 47th Avenue, a line midway between 196th Place and 197th Street, 46th Avenue, a 100 feet easterly of 196th Place, 45th Road, 196th Street, a line 100 feet northerly of 45th Avenue, and 196th Street;
11. changing from an R3-1 District to an R3X District property bounded by Horace Harding Expressway, a service exit of Horace Harding Expressway, 233rd Street, a line 100 feet southeasterly of 64th Avenue, and a line 100 feet southwesterly of Cloverdale Boulevard;
12. changing from an R3-2 District to an R3X District property bounded by:
- a. Station Road, 190th Street, 42nd Avenue, 194th Street, a line 100 feet southerly of Station Road, 196th Street, 42nd Avenue, Francis Lewis Boulevard, a line 140 feet southerly of 42nd Road, 196th Street, a line 100 feet southerly of 42nd Avenue,
- 194th Street, a line 100 feet northerly of Northern Boulevard, 192nd Street, a line 270 feet southerly of 42nd Avenue, 191st Street, a line 100 feet northerly of Northern Boulevard, and a line 80 feet easterly of 172nd Avenue;
- b. a line 100 feet southerly of 46th Avenue, a line 100 feet southerly of Hollis Court Boulevard, a line midway between 188th Street and 189th Street, a line 565 feet northwesterly of 47th Avenue, 189th Street, a line 440 feet northwesterly of 47th Avenue, a line midway between 189th Street and 190th Street, a line 340 feet northwesterly of 47th Avenue, 190th Street, a line 100 feet southwesterly of Hollis Court Boulevard, a line 100 feet southwesterly of 192nd Street, 47th Avenue, 188th Street, Bagley Avenue and its easterly centerline prolongation, and Auburndale Lane;
- c. a line 100 feet southerly of Northern Boulevard, a line midway between 193rd Street and 194th Street, a line 100 feet northerly of 45th Avenue, 195th Street, a line 280 feet northerly of 45th Avenue, 196th Street, a line 100 feet northwesterly of 44th Avenue, a line 100 feet southwesterly of Francis Lewis Boulevard, 44th Avenue, Francis Lewis Boulevard, 45th Avenue, 195th Street, 46th Avenue, a line midway between 194th Street and 195th Street, a line 370 feet northerly of 46th Avenue, a line midway between 192nd Street and 193rd Street, Hollis Court Boulevard, a line 220 feet westerly of 192nd Street, a line midway between 46th Avenue and 46th Road, a line 100 feet westerly of 192nd Street, a line midway between 45th Drive and 46th Avenue, a line 100 feet easterly of 189th Street, 46th Avenue, Utopia Parkway, a line perpendicular to the westerly street line of Utopia Parkway distant 360 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Utopia Parkway and the southerly street line of 45th Avenue, and a line midway between 172nd Street and Utopia Parkway; and
- d. 57th Avenue, East Hampton Boulevard, West Alley Place, a service exit of Horace Harding Expressway, Horace Harding Expressway, 229th Street and its southerly centerline prolongation, 57th Road, and the westerly boundary line of a park and its northerly and southerly prolongation;
13. changing from an R5 District to an R3X District property bounded by:
- a. a line 100 feet southerly of Station Road, a line midway between 190th Street and 191st Street, a line 215 feet northerly of 42nd Avenue, 191st Street, 42nd Avenue, and 190th Street; and
- b. a line 240 feet northerly of 42nd Avenue, 194th Street, 42nd Avenue, and 193rd Street;
14. changing from an R5 District to an R4 District property bounded by Station Road, 194th Street, a line 240 feet northerly of 42nd Avenue, 193rd Street, 42nd Avenue, 191st Street, a line 215 feet northerly of 42nd Avenue, a line midway between 191st Street and 190th Street, a line 100 feet southerly of Station Road, and 190th Street;
15. changing from an R1-2 District to an R4-1 District property bounded by the southeasterly service road of Horace Harding Expressway, Bell Boulevard, a line 175 feet southeasterly of Horace Harding Expressway, and a line midway between Bell Boulevard and 215th Street;
16. changing from an R3-2 District to an R4-1 District property bounded by:
- a. a line midway between 45th Drive and 46th Avenue, a line 100 feet westerly of 192nd Street, a line midway between 46th Avenue and 46th Road, a line 220 feet westerly of 192nd Street, Hollis Court Boulevard, 190th Street, a line 340 feet northwesterly of 47th Avenue, a line midway between 189th Street and 190th Street, a line 440 feet northwesterly of 47th Avenue, 189th Street, 46th Avenue, and a line 100 feet easterly of 189th Street,
- b. 64th Avenue, 219th Street, 67th Avenue, and Bell Boulevard; and
- c. 57th Road, 229th Street, a southeasterly service exit of Horace Harding Expressway, and a line 100 feet southwesterly of 229th Street;
17. changing from an R4 District to an R4-1 District property bounded by:
- a. 56th Avenue, 226th Street, a line 470 feet northwesterly of 57th Road, Cloverdale Boulevard, 57th Avenue, the westerly boundary line of a park and its northerly

and southerly prolongations, 57th Road, a line 100 feet southwesterly of 229th Street, a southeasterly service exit of Horace Harding Expressway, Horace Harding Expressway, Springfield Boulevard, 58th Avenue, and 223rd Street; and

- b. the southeasterly service road of Horace Harding Boulevard, a line midway between Bell Boulevard and 217th Street, a line 100 feet northwesterly of 64th Avenue, 218th Street, 64th Avenue, and Bell Boulevard;
18. changing from an R3-2 District to an R4B District property bounded by:
- a. Station Road, a line 80 feet easterly of 172nd Street, a line 100 feet northerly of Northern Boulevard, Auburndale Lane, 42nd Avenue, and 172nd Street; and
- b. Station Road, 195th Street, a line 100 feet southerly of Station Road, and 194th Street;
19. changing from an R5 District to an R4B District property bounded by the southerly railroad right-of-way of the Long Island Rail Road (Northside Division), Francis Lewis Boulevard, Station Road, the northerly prolongation of the westerly street line of 193rd Street;
20. changing from an R2 District to an R5D District property bounded by 77th Avenue, a line 200 feet northeasterly of Bell Boulevard, the northeasterly centerline prolongation of former Motor Parkway, and Bell Boulevard;
21. changing from an R3-2 District to an R5D District property bounded by a line 220 feet northwesterly of Union Turnpike, a line 125 feet northeasterly of Springfield Boulevard, a line 100 feet northwesterly of Union Turnpike, a line 150 feet southwesterly of 226th Street, Union Turnpike, a northwesterly service road of Grand Central Parkway, Springfield Boulevard, a line 100 feet southeasterly of Union Turnpike, 222nd Street, Union Turnpike, and a line 100 feet southwesterly of Springfield Boulevard;
22. changing from an R4 District to an R5D District property bounded by 73rd Avenue, 217th Street, 77th Avenue, Bell Boulevard, the centerline of former Motor Parkway and its northeasterly prolongation, and 210th Street;
23. establishing within a proposed R3-1 District a C1-2 District bounded by a line 150 feet northwesterly of the Long Island Expressway, 183rd Street, Booth Memorial Avenue, a line 100 feet southwesterly of 185th Street, a northwesterly service road of Long Island Expressway, and 182nd Street; and
24. establishing within an existing R3-2 District a C1-3 District bounded by a line 150 feet northerly of 46th Avenue, Utopia Parkway, 46th Avenue, a line 70 feet westerly of 189th Street, Hollis Court Boulevard, a line midway between 189th Street and Utopia Parkway, a line 100 southerly of Hollis Court Boulevard, a line 100 feet southerly of 46th Avenue, Auburndale Lane, 46th Avenue, and Auburndale Lane;

as shown on a diagram (for illustrative purposes only) dated May 24, 2010 and subject to the conditions of CEQR Declaration E253.

**YVETTE V. GRUEL, Calendar Officer**  
**City Planning Commission**  
**22 Reade Street, Room 2E**  
**New York, New York 10007**  
**Telephone (212) 720-3370**

fy29-a11

## CIVILIAN COMPLAINT REVIEW BOARD

### ■ PUBLIC MEETING

The Civilian Complaint Review Board's monthly public meeting has been scheduled for Wednesday, August 11, 2010 at 10:00 A.M. at 40 Rector Street, 2nd Floor, New York, NY 10006.

A meeting of the Operations Committee will be held from 9:15 A.M. to 10:00 A.M.

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## ENVIRONMENTAL PROTECTION

### BUREAU OF WATER SUPPLY

#### ■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held at the Department of Environmental Protection Offices at 59-17 Junction Boulevard, 17th Floor Conference Room, Flushing, New York, on August 19, 2010 commencing at 10:00 A.M. on the following:

**IN THE MATTER OF** a proposed contract between the Department of Environmental Protection and NYS Department of Transportation, 50 Wolf Road, Albany, New York 12232 for CAT-390A: Drainage Contract NYS Route 10 and 990V Schoharie County. The Contract term shall be 9

months from the date of the written notice to proceed. The Contract amount shall be \$206,660.96 - Location: NYC Watershed Region - E-PIN 82611T0001001.

A copy of the Contract may be inspected at the Department of Environmental Protection, 59-17 Junction Boulevard, Flushing, New York, 11373, on the 17th Floor Bid Room, on business days from August 6, 2010 to August 19, 2010 between the hours of 9:30 A.M. - 12:00 P.M. and from 1:00 P.M. - 4:00 P.M.

Pursuant to Section 2-11(c)(3) of the Procurement Policy Board Rules, if DEP does not receive, by August 13, 2010, from any individual a written request to speak at this hearing, then DEP need not conduct this hearing. Written notice should be sent to Ms. Debra Butlien, NYCDEP, 59-17 Junction Blvd., 17th Floor, Flushing, NY 11373 or via email to dbutlien@dep.nyc.gov.

Note: Individuals requesting Sign Language Interpreters should contract Ms. Debra Butlien, Office of the ACCO, 59-17 Junction Boulevard, 17th Floor, Flushing, New York 11373, (718) 595-3423, no later than FIVE(5) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

**IN THE MATTER OF** a proposed contract between the Department of Environmental Protection and NYS Department of Transportation, 50 Wolf Road, Albany, New York 12232 for CAT-390B: Guide Rails Contract NYS Route 10 and 990V Schoharie County. The Contract term shall be 9 months from the date of the written notice to proceed. The Contract amount shall be \$318,144.31 - Location: NYC Watershed Region - E-PIN 82611T0002001.

A copy of the Contract may be inspected at the Department of Environmental Protection, 59-17 Junction Boulevard, Flushing, New York, 11373, on the 17th Floor Bid Room, on business days from August 6, 2010 to August 19, 2010 between the hours of 9:30 A.M. - 12:00 P.M. and from 1:00 P.M. - 4:00 P.M.

Pursuant to Section 2-11(c)(3) of the Procurement Policy Board Rules, if DEP does not receive, by August 13, 2010, from any individual a written request to speak at this hearing, then DEP need not conduct this hearing. Written notice should be sent to Ms. Debra Butlien, NYCDEP, 59-17 Junction Blvd., 17th Floor, Flushing, NY 11373 or via email to dbutlien@dep.nyc.gov.

Note: Individuals requesting Sign Language Interpreters should contract Ms. Debra Butlien, Office of the ACCO, 59-17 Junction Boulevard, 17th Floor, Flushing, New York 11373, (718) 595-3423, no later than FIVE(5) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

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## BUREAU OF WASTEWATER TREATMENT

### ■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held at the Department of Environmental Protection Offices at 59-17 Junction Boulevard, 17th Floor Conference Room, Flushing, New York, on August 19, 2010 commencing at 10:00 A.M. on the following:

**IN THE MATTER OF** a proposed contract between the Department of Environmental Protection and Arcadis of New York, Inc., 655 Third Avenue, 12th floor, New York, New York 10017 for 1246-PM: Professional Services for Post Closure Management Consultant Services for the Pelham Bay Landfill. The Contract term shall be 1095 ceds with a one year option to renew from the date of the written notice to proceed. The Contract amount shall be \$958,920.00 - Location: Borough of the Bronx, NY - E-PIN 82610P0014001.

A copy of the Contract may be inspected at the Department of Environmental Protection, 59-17 Junction Boulevard, Flushing, New York, 11373, on the 17th Floor Bid Room, on business days from August 6, 2010 to August 19, 2010 between the hours of 9:30 A.M. - 12:00 P.M. and from 1:00 P.M. - 4:00 P.M.

Pursuant to Section 2-11(c)(3) of the Procurement Policy Board Rules, if DEP does not receive, by August 13, 2010, from any individual a written request to speak at this hearing, then DEP need not conduct this hearing. Written notice should be sent to Ms. Debra Butlien, NYCDEP, 59-17 Junction Blvd., 17th Floor, Flushing, NY 11373 or via email to dbutlien@dep.nyc.gov.

Note: Individuals requesting Sign Language Interpreters should contract Ms. Debra Butlien, Office of the ACCO, 59-17 Junction Boulevard, 17th Floor, Flushing, New York 11373, (718) 595-3423, no later than FIVE(5) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

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## FRANCHISE AND CONCESSION REVIEW COMMITTEE

### ■ MEETING

**PUBLIC NOTICE IS HEREBY GIVEN** THAT the Franchise and Concession Review Committee will hold a Public Meeting on Wednesday, August 11, 2010 at 2:30 P.M., at 22 Reade Street, 2nd Floor Conference Room, Borough of Manhattan.

**NOTE:** Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contracts Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, NY 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC MEETING. TDD users should call Verizon relay service.

a2-11

## INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

### ■ PUBLIC HEARINGS

**NOTICE OF A FRANCHISE AND CONCESSION REVIEW COMMITTEE ("FCRC") PUBLIC HEARING** to be held on Monday August 9, 2010 commencing at 2:30 P.M. at 22 Reade Street, Borough of Manhattan, on the following three items relating to changes in the ownership structure of three franchises currently held by direct and indirect subsidiaries of RCN Corporation ("RCN Corp"): (1) a change of control of RCN New York Communications, LLC ("RCN-NYC"), which is a current franchisee, whereby RCN Corp will replace RCN Telecom Services, Inc. as the immediate parent of RCN-NYC, ABRY Partners VI, L.P. will obtain sole indirect voting control of RCN Corp, and ABRY Partners VI, L.P. and ABRY Senior Equity III, L.P. will hold a majority interest in RCN Corp, thus replacing RCN Corp as the ultimate parent entities of RCN-NYC; (2) an assignment by RCN Telecom Services, Inc. ("RCN-TS"), which is a current franchisee, of its New York City franchise and assets to a newly formed company, RCN Telecom Services of New York, LP ("RCN-TSNY"), and a change of control whereby RCN Telecom Services, LLC ("RCN LLC") will become the general partner of RCN-TSNY and ABRY Partners VI, L.P. will obtain sole indirect voting control of and hold an indirect majority interest in RCN LLC, with ABRY Partners VI, L.P. becoming the ultimate parent entity of RCN LLC; and (3) change of control of NEON Transcom, Inc. ("NEON"), which is a current franchisee, whereby ABRY Partners VI, L.P. will obtain sole indirect voting control of RCN Corp, and ABRY Partners VI, L.P. and ABRY Senior Equity III, L.P. will hold a majority interest in RCN Corp, thus replacing RCN Corp as the ultimate parent entities of NEON.

Regarding item number (1), on March 6, 2006, the FCRC held a public hearing regarding the transfer of control of the parent company of Con Edison Communications, LLC to RCN Corporation and name change, to RCN New York Communications, LLC, of a franchisee originally granted a franchise that was approved by the FCRC on September 22, 2000 (Cal. No. 1) and pursuant to which the franchisee is authorized to install, operate and maintain facilities on, over and under the City's inalienable property to provide telecommunications services as defined in the franchise agreement.

Regarding item number (2), on December 9, 1998 (Cal. No. 3), the FCRC approved a franchise between the City and RCN Telecom Services of New York, Inc., (which later changed its name to RCN Telecom Services, Inc.), pursuant to which the company is authorized to install, operate and maintain facilities on, over and under the City's inalienable property to provide telecommunications services as defined in the franchise agreement.

Regarding item number (3), on June 4, 2008 (Cal. No. 1), the FCRC approved an amendment to Appendix G of the franchise agreement and approved change of control of a franchise held by NEON whereby RCN Corp became the ultimate parent company of NEON. NEON is the current holder, after previous changes approved by the FCRC, of the franchise originally granted to Columbia Transmission Communications Corporation on April 12, 2000. Pursuant to this franchise, NEON is authorized to install, operate and maintain facilities on, over and under the City's inalienable property to provide telecommunications services as defined in the franchise agreement.

A copy of the existing franchise agreements and an ownership organization chart reflecting the proposed changes of control ("proposed organizational chart") may be viewed at DoITT, 75 Park Place, 9th Floor, New York, New York 10007, commencing Monday, July 19, 2010 through Monday, August 9, 2010, between the hours of 9:30 A.M. and 3:30 P.M., excluding Saturdays, Sundays and holidays. Hard copies of the franchise agreements and the proposed organization chart may be obtained, by appointment, at a cost of \$.25 per page. All payments shall be made at the time of pickup by check or money order made payable to the New York City Department of Finance. The existing franchise agreements and proposed organization chart may also be obtained in PDF form at no cost, by email request. Interested parties should contact Roxanne Chambers at (212) 788-6610 or by email at RChambers@doitt.nyc.gov.

**NOTE:** Individuals requesting sign language interpreters at the public hearing should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, New York 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay service.

The Hearing may be cablecast on NYCMedia channels.

fy15-a9

## LANDMARKS PRESERVATION COMMISSION

### ■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** THAT PURSUANT to the provisions of 3020 of the New York City Charter and Chapter 3 of Title 24 of the Administrative Code of the City of New York (Sections 25-303 and 25-313) that on **Tuesday, August 10, 2010 at 9:30 A.M.**, at the Landmarks Preservation Commission will conduct a public hearing in the Public Meeting Room of the Landmarks Preservation Commission, located at The Municipal Building, 1 Centre Street, 9th Floor North, City of New York with respect to the following proposed Landmarks and Landmark Sites. Any person requiring reasonable accommodation in order to participate in the hearing should call or write the Landmarks Preservation Commission, [Municipal Building, 1 Centre Street, 9th Floor North, New York, NY 10007, (212) 669-7700] no

later than five (5) business days before the hearing. There will also be a public meeting on that day.

#### ITEMS TO BE HEARD

##### PUBLIC HEARING ITEM NO. 1

LP-2336  
BROOKLYN UNION GAS COMPANY BUILDING, 180 Remsen Street (aka 167-185 Joralemon Street), Brooklyn.  
*Landmark Site:* Borough of Brooklyn Tax Map Block 255 Lot 36 in part

##### PUBLIC HEARING ITEM NO. 2

LP-2416  
ROSSVILLE A.M.E. ZION CHURCH, 584 Bloomingdale Road, Staten Island.  
*Landmark Site:* Borough of Staten Island Tax Map Block 7267, Lot 101

##### PUBLIC HEARING ITEM NO. 3

LP-2415  
565 and 569 BLOOMINGDALE ROAD HOUSE, 565 and 569 Bloomingdale Road, Staten Island.  
*Landmark Site:* Borough of Staten Island Tax Map Block 7020, Lot 4

##### PUBLIC HEARING ITEM NO. 4

LP-2414  
REV. ISAAC COLEMAN and REBECCA GRAY COLEMAN HOUSE, 1482 Woodrow Avenue, Staten Island.  
*Landmark Site:* Borough of Staten Island Tax Map Block 7020 Lot 123

##### PUBLIC HEARING ITEM NO. 5

LP-2253  
W.T. GARNER MANSION, 355 Bard Avenue (aka 345-355 Bard Avenue), Staten Island.  
*Landmark Site:* Borough of Staten Island Tax Map Block 102 Lot 1 in part

##### PUBLIC HEARING ITEM NO. 6

LP-2447  
ABRAHAM L. MERRILL HOUSE, 29 Cottage Place, Staten Island.  
*Landmark Site:* Borough of Staten Island Tax Map Block 1012, Lot 10

##### PUBLIC HEARING ITEM NO. 7

LP-2444  
LAKEMAN HOUSE, 2286 Richmond Road, Staten Island.  
*Landmark Site:* Borough of Staten Island Tax Map Block 3618 Lot 7 in part

**jy26-a9**

NOTICE IS HEREBY GIVEN that pursuant to the provisions of title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **August 10, 2010 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF BROOKLYN 11-0451 - Block 249, lot 36-150 Montague Street - Brooklyn Heights Historic District  
An Anglo-Italianate style rowhouse with commercial ground floor, built c.1861-1879. Application is to install storefront infill and signage. Community District 2.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF BROOKLYN 10-9869 - Block 386, lot 41 - 164 Bond Street - Boerum Hill Historic District  
An apartment building with neo-Grec and Queen Anne style elements, built c.1880. Application is to construct balconies at the rear. Community District 2.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF BROOKLYN 10-9480 - Block 2072, lot 4 - 174 Washington Place - Fort Greene Historic District  
An Italianate style rowhouse built c. 1868. Application is to construct rooftop and rear yard additions. Zoned R-6B. Community District 2.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF BROOKLYN 10-7610 - Block 1961, lot 53-414 Waverly Avenue - Clinton Hill Historic District  
A Vacant lot. Application is to construct new building. Zoned R6B. Community District 2.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF BROOKLYN 10-8640 - Block 297, lot 5-227 Clinton Street - Cobble Hill Historic District  
A rowhouse built in 1842-44. Application is to alter the roof and areway, enlarge window openings, and excavate the rear yard for a swimming pool.  
Community District 6.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 10-6425 - Block 107, lot 50 - 277 Water Street - South Street Seaport Historic District  
A building built in 1881 by Giblin and Lyons. Application is to install storefront infill, signage and a flue.  
Community District 1.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 11-0390 - Block 147, lot 12 - 135 West Broadway - Tribeca South Historic District  
A Federal style house with a commercial base, built in 1810. Application is to install storefront infill and signage.  
Community District 1.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 10-6942 - Block 486, lot 2-

64 Wooster Street - SoHo-Cast Iron Historic District  
A warehouse building designed by E.H. Kendall and built in 1898-99. Application is to install new storefront infill and alter the building's base. Community District 2.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 10-9808 - Block 592, lot 18 - 361 6th Avenue - Greenwich Village Historic District  
A building originally built in 1827 and altered in the early 20th century. Application is to install new storefront infill and signage. Community District 2.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 109898 - Block 841, lot 49 - 452 Fifth Avenue - The Knox Building-Individual Landmark  
A Beaux-Arts style commercial building designed by John Duncan and built in 1901-1902 with an addition built in 1981. Application is to alter the façade of the adjoined building built in connection with a 74-711 special permit.  
Community District 5.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 10-3463 - Block 837, lot 48 - 390 Fifth Avenue - The Gorham Building-Individual Landmark  
A Florentine Renaissance style building designed by Stanford White of McKim, Mead and White and built in 1904-06. Application is to replace windows. Community District 5.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 10-3999 - Block 1381, lot 7504 - 21 East 66th Street - Upper East Side Historic District  
A neo-Gothic style apartment building designed by Fred F. French Company and built in 1921. Application is to construct a rooftop addition. Zoned C5-1.  
Community District 8.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 10-9260 - Block 1498, lot 69 - 1056 Fifth Avenue - Carnegie Hill Historic District  
A modern style apartment building designed by George F. Pelham and built in 1948. Application is to create a master plan governing the future replacement of windows and the creation of new window openings. Zoned R10/R8-B.  
Community District 8.

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#### PUBLIC MEETING

NOTICE IS HEREBY GIVEN THAT PURSUANT to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York that on **Tuesday, August 10, 2010**, there will be a Public Meeting of the Landmarks Preservation Commission in the Public Hearing Chamber at 1 Centre Street, 9th Floor North, Borough of Manhattan, City of New York. For information about the Public Meeting agenda, please contact the Public Information Officer at (212) 669-7817.

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#### OFFICE OF THE MAYOR

##### PUBLIC HEARINGS

#### NOTICE OF PUBLIC HEARING ON PROPOSED LOCAL LAWS

PURSUANT TO STATUTORY REQUIREMENT, NOTICE IS HEREBY GIVEN that proposed local laws numbered and titled hereinafter have been passed by the Council and that a public hearing on such proposed local laws will be held in the Blue Room at City Hall, Borough of Manhattan, New York City, on **Monday, August 16, 2010 at 3:00 P.M.:**

**Int 141- A** - in relation to commercial recycling.

**Int 142- A** - in relation to a paint stewardship pilot program.

**Int 147- A** - in relation to recycling outreach, education and enforcement; and to repeal subdivisions d and e of section 16-305 and section 16-311 of the administrative code of the city of New York, relating to source separation of recyclable materials and recycling centers.

**Int 148- A** - in relation to the designation of rigid plastic containers as recyclable materials, and to repeal subdivision c of section 16-305 of the administrative code of the city of New York, relating to staggering the source separation and collection of designated recyclable materials.

**Int 156- A** - in relation to recycling by city agencies.

**Int 157- A** - in relation to yard waste.

**Int 158- A** - in relation to public space recycling and a citywide textile reuse and recycling program, and the repeal and reenactment of section 16-310 of the administrative code of the city of New York, relating to batteries and tires.

**Int 162- A** - in relation to household hazardous waste collection.

**Int 164- A** - in relation to recycling goals, and to repeal section 16-304, subdivisions a and b of section 16-305 and subchapter three of chapter 3 of title 16 of the administrative code of the city of New York, relating to department-disposed of solid waste, department-collected solid waste and a recycling plan.

**Int 165- A** - in relation to recycling in public and private schools.

**Int 171- A** - in relation to the composting of food waste.

**Int 194- A** - in relation to use of clean heating oil in New York City.

Michael R. Bloomberg  
Mayor

**NOTE:** Individuals requesting Sign Language Interpreters should contact the Mayor's Office of City Legislative Affairs, 253 Broadway, 14th Floor, New York, NY 10007, (212) 788-3678, no later than **five business days prior to the public hearing**. TDD users call Verizon relay service.

## COURT NOTICES

### SUPREME COURT

#### NOTICE

#### QUEENS COUNTY IA PART 8 NOTICE OF PETITION INDEX NUMBER 18977/2010

In the Matter of the Application of the CITY OF NEW YORK, relative to acquiring title in fee, to real property needed for the widening of

**142nd Street from Bascom Avenue to Sutter Avenue, 142nd Street from 135th Avenue to North Conduit Avenue, and 145th Street from 129th Avenue to 133rd Avenue,**

in the Borough of Queens, City and State of New York.

**PLEASE TAKE NOTICE** that the Corporation Counsel of the City of New York intends to make application to the Supreme Court of the State of New York, Queens County, IA Part 8, for certain relief.

The application will be made at the following time and place: At 88-11 Sutphin Boulevard, Jamaica, New York, in the Borough of Queens, City and State of New York, on August 27, 2010, at 10:00 A.M., or as soon thereafter as counsel can be heard.

The application is for an order:

A. authorizing the City to file an acquisition map in the Office of the City Register;

B. directing that upon the filing of said map, title to the property sought to be acquired shall vest in the City;

C. providing that just compensation therefor be ascertained and determined by the Supreme Court without a jury; and

D. providing that notices of claim must be served and filed within one calendar year from the vesting date.

The City of New York, in this proceeding, intends to acquire title in fee to certain real property needed for the widening of 142nd Street from Bascom Avenue to Sutter Avenue, 142nd Street from 135th Avenue to North Conduit Avenue, and 145th Street from 129th Avenue to 133rd Avenue, in the Borough of Queens City and State of New York.

The description of the real property to be acquired is as follows:

#### 142ND STREET, FROM SUTTER AVENUE TO BASCOM AVENUE

Beginning at a point formed by the intersection of the northerly line of Sutter Avenue (70 feet wide) with the westerly line of 142nd Street (60 feet wide);

1. Running thence northwardly along the westerly line of the said 142nd Street, for 243.65 feet to the southerly line of the said Bascom Avenue;

2. Thence, eastwardly along the prolongation of the southerly line of the said Bascom Avenue, deflecting to the right 102 degrees 23 minutes 44.6 seconds from the last mentioned course, for 61.43 feet to the easterly line of the said 142nd Street;

3. Thence, southwardly along the easterly line of the said 142nd Street, deflecting to the right 77 degrees 36 minutes 15.4 seconds from the last mentioned course, for 233.33 feet to the northerly line of the said Sutter Avenue;

4. Thence, westwardly along the prolongation of the northerly line of the said Sutter Avenue, deflecting to the right 92 degrees 43 minutes 55.6 seconds from the last mentioned course, for 60.07 feet back to the point of beginning.

The area to be acquired is shown as 142nd Street on the Final Section No. 138 of the City of New York adopted by the Board of Estimate and Apportionment October 24, 1919, including modification adopted by the Board of Estimate and Apportionment prior to May 15, 1953 and on the Alteration Map Nos. 4738,4358,4271 adopted by the Board of Estimate and Apportionment on October 9, 1980, January 4, 1965, and June 27, 1963 and on the Damage and Acquisition Map No. 5839 dated May 09, 2007.

The properties affected by this proceeding are located in 142nd Street from Bascom Avenue to Sutter Avenue and Queens Tax Blocks 12057 and 12060, as shown on the Tax Map of the City of New York for the Borough and County of Queens, as said Tax Map existed on July 7, 2005.

#### 142ND STREET FROM 135TH AVENUE TO NORTH CONDUIT AVENUE

Beginning at a point formed by the intersection of the northerly line of the said North Conduit Avenue with the westerly line of the said 142nd Street;

1. Running thence northwardly along the westerly line of the said 142nd Street, for 377.78 feet to the southerly line of 135th Avenue (60 feet wide) and to the northerly line of tax lot 6 in Queens tax block 12095, as shown on the Tax Map of the City of New York, for the Borough and County of Queens as said Tax Map existed on July 7, 2005.

2. Thence, eastwardly along the said northerly line of tax lot 6 in Queens tax block 12095, deflecting to the right 75 degrees 55 minutes 25.5 seconds from the last mentioned course, for 10.31 feet to the easterly line of tax lot 6 in Queens tax block 12095;

3. Thence, eastwardly, deflecting to the right 14 degrees 28 minutes 37.7 seconds from the last mentioned course, for 40.00 feet to the northwesterly corner of tax lot 1 in Queens tax block 12099;

4. Thence, eastwardly along a northerly line of the said tax lot 1 in Queens tax block 12099, deflecting to the left 14

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degrees 28 minutes 37.7 seconds from the last mentioned course, for 10.31 feet to the easterly line of the said 142nd Street;

5. Thence, southwardly along the easterly line of the said 142nd Street, deflecting to the right 104 degrees 4 minutes 34.5 seconds from the last mentioned course, for 382.66 feet to the northerly line of the said North Conduit Avenue;

6. Thence, westwardly along the prolongation of the northerly line of the said North Conduit Avenue, deflecting to the right 90 degrees 8 minutes 45.5 seconds from the last mentioned course, for 60.00 feet back to the point of beginning.

The area to be acquired is shown as 142nd Street on the Final Section No. 138 of the City of New York adopted by the Board of Estimate and Apportionment October 24, 1919, including modification adopted by the Board of Estimate and Apportionment prior to May 15, 1953 and on the Alteration Map Nos. 4738, 4358 and 4271 adopted by the Board of Estimate and Apportionment on October 9, 1980, January 4, 1965, and June 27, 1963 and on the Damage and Acquisition Map No. 5839 dated May 09, 2007.

The properties affected by this proceeding are located in 142nd Street from 135th Avenue to North Conduit Avenue and Tax Blocks 12095 and 12099, as shown on the Tax Map of the City of New York for the Borough and County of Queens, as said Tax Map existed on July 7, 2005.

#### 145th STREET FROM 129th AVENUE TO 133rd AVENUE

Beginning at a point formed by the intersection of the northerly line of 133rd Avenue (60 feet wide) with the westerly line of 145th Street (60 feet wide);

1. Running thence northwardly along the westerly line of the said 145th Street, for 846.32 feet to the southerly line of 129th Avenue (50 feet wide);

2. Thence, eastwardly along the prolongation of the southerly line of the said 129th Avenue, deflecting to the right 90 degrees 00 minutes 00 seconds from the last mentioned course, for 60.00 feet to the easterly line of the said 145th Street;

3. Thence, southwardly along the easterly line of the said 145th Street, deflecting to the right 90 degrees 00 minutes 00 seconds from the last mentioned course, for 269.68 feet to the northerly line of 130th Avenue (60 feet wide);

4. Thence, westwardly along the prolongation of the northerly line of the said 130th Avenue, deflecting to the right 90 degrees 00 minutes 00 seconds from the last mentioned course, for 30.00 feet to a point on the centerline of the said 145th Street;

5. Thence, southwardly along the centerline of the said 145th Street; deflecting to the left 90 degrees 00 minutes 00 seconds from the last mentioned course, for 60.00 feet to a point on the prolongation of the southerly line of the said 130th Avenue;

6. Thence, eastwardly along the prolongation of the southerly line of the said 130th Avenue, deflecting to the left 90 degrees 00 minutes 00 seconds from the last mentioned course, for 30.00 feet to a point on the easterly line of the said 145th Street;

7. Thence, southwardly along the easterly line of the said 145th Street, deflecting to the right 90 degrees 00 minutes 00 seconds from the last mentioned course, for 524.03 feet to the northerly line of the said 133rd Avenue;

8. Thence, westwardly along the prolongation of the northerly line of the said 133rd Avenue, deflecting to the right 97 degrees 00 minutes 57 seconds from the last mentioned course, for 60.45 feet back to the point of beginning.

The area to be acquired is shown as 145th Street on the Final Section Map No. 139 of the City of New York adopted by the Board of Estimate and Apportionment June 4, 1920, and on Alteration Map No. 3008 adopted by the Board of Estimate and Apportionment on July 2, 1944 and on Damage and Acquisition Map No. 5839 dated May 09, 2007.

The properties affected by this proceeding are located in 145th Street from 129th Avenue to 133rd Avenue and Tax Blocks 12070, 12080 and 12081, as shown on the Tax Map of the City of New York for the Borough and County of Queens, as said Tax Map existed on July 7, 2005.

As shown on the damage and acquisition map, some of the property shall be acquired subject to encroachments, if any, of the structures, improvements and appurtenances standing or maintained partly upon the above described parcels and partly upon the lands and premises adjoining the same, as long as such encroachments shall stand. Surveys, maps or plans of the property to be acquired are on file in the office of the Corporation Counsel of the City of New York, 100 Church Street, New York, New York 10007.

**PLEASE TAKE FURTHER NOTICE THAT,** pursuant to EDPL § 402(B)(4), any party seeking to oppose the acquisition must interpose a verified answer, which must contain specific denial of each material allegation of the petition controverted by the opponent, or any statement of new matter deemed by the opponent to be a defense to the proceeding. Pursuant to CPLR 403, said answer must be served upon the office of the Corporation Counsel at least seven (7) days before the date that the petition is noticed to be heard.

Dated: July 27, 2010, New York, New York  
MICHAEL A. CARDOZO  
Corporation Counsel of the City of New York  
100 Church Street, Rm 5-196  
New York, New York 10007  
Tel. (212) 788-0716

SEE MAPS ON BACK PAGE

a4-17

## PROPERTY DISPOSITION

### CITYWIDE ADMINISTRATIVE SERVICES

#### DIVISION OF MUNICIPAL SUPPLY SERVICES

##### ■ SALE BY SEALED BID

#### SALE OF: 1 LOT OF AUTOMOTIVE PARTS, UNUSED.

S.P.#: 11002

DUE: August 10, 2010

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.  
DCAS, Division of Municipal Supply Services, 18th Floor Bid Room, Municipal Building, New York, NY 10007.  
For sales proposal contact Gladys Genoves-McCauley (718) 417-2156.

jy28-a10

#### DIVISION OF REAL ESTATE SERVICES

##### ■ AUCTION

PUBLIC NOTICE IS HERBY GIVEN THAT the Deputy Commissioner of the Department of Citywide Administrative Services, Division of Real Estate Services, or his/her designee, will conduct a Sealed Bid Public Lease Auction pertaining to Long-Term Leases, Short-Term Leases and Licenses and Request For Bids pertaining to Occupancy Permits on Thursday, September 2, 2010, at 1 Centre Street, 20th Floor North Conference Room, New York, NY 10007. Sealed bids will be accepted from 10:00 A.M. to 11:00 A.M. and opened at 11:00 A.M.

The offerings, including Terms and Conditions and Special Terms and Conditions are set forth in a brochure. For further information, including a brochure and a bid packet, contact Valeria Vines at 1 Centre Street, 19th Floor North, New York, NY 10007, or call (212) 669-2111. This information is also posted on the DCAS website at nyc.gov/auctions.

In accordance with Section 384 of the City Charter, the properties listed below will be offered at Sealed Bid Public Lease Auction. A Public Hearing was held on July 14, 2010 at 22 Reade Street, in the Borough of Manhattan in the matter of the two properties listed below, located in the Borough of Brooklyn. A Public Hearing will be held on August 10, 2010 at 22 Reade Street, in the Borough of Manhattan in the matter of the property listed below, located in the Borough of the Bronx.

#### Brooklyn, Block 6036, Part of Lot 1

Property Description: Ground floor retail store and basement space located at the east side of Fifth Avenue, approximately 60 feet south of 85th Street  
Minimum Annual Bid: \$91,200  
Inspection Dates:  
Thursday, August 12, 2010, 9:30 A.M. to 10:30 A.M.  
Friday, August 20, 2010, 10:30 A.M. to 11:30 A.M.

#### Brooklyn, Block 6036, Part of Lot 1

Property Description: Ground floor retail store and basement space located at the east side of Fifth Avenue, approximately 18 feet south of 85th Street  
Minimum Annual Bid: \$106,800  
Inspection Dates:  
Thursday, August 12, 2010, 10:30 A.M. to 11:30 A.M.  
Friday, August 20, 2010, 11:30 A.M. to 12:30 P.M.

#### Bronx, Block 3520, Lot 34

Property Description: Single story building with basement located at the south side of Randall Avenue, 50 feet east of Commonwealth Avenue  
Minimum Annual Bid: \$83,000  
Inspection Dates:  
Tuesday, August 10, 2010, 1:30 P.M. to 2:30 P.M.  
Tuesday, August 17, 2010, 10:00 A.M. to 11:00 A.M.

In accordance with New York Administrative Code Section 4-203, the properties listed below will be offered at Sealed Bid Public Lease Auction:

#### Manhattan, Block 1485, Part of Lot 15

Property Description: Unimproved land located at the north side of East 73rd Street, approximately 384 feet east of York Avenue  
Minimum Monthly Bid: \$8,850  
Inspection Dates:  
Thursday, August 12, 2010, 1:30 P.M. to 2:30 P.M.  
Friday, August 20, 2010, 1:30 P.M. to 2:30 P.M.

#### Queens, Block 14260, Part of Lot 1

Property Description: Unimproved land located south of the south side of 146th Avenue between 153rd Court and 157th Street, starting at a point approximately 84 feet west and 50 feet south of the northwest corner of 157th Street and 146th Avenue  
Minimum Monthly Bid: \$22,500  
Inspection Dates:  
Friday, August 13, 2010, 9:30 A.M. to 10:30 A.M.  
Wednesday, August 18, 2010, 1:30 P.M. to 2:30 P.M.

**Queens, Block 13432, Lots:** Part of Lot 6, Part of Lot 20, Part of Lot 21, Part of Lot 40, Part of Lot 46, Part of Lot 49, Part of Lot 53, Part of Lot 59, Part of Lot 65, Part of Lot 67; and  
**Block 13433, Lots:** Part of Lot 2, 5, 10, 15, 20, Part of Lot 23, Part of Lot 29, Part of Lot 34, Part of Lot 36, Part of Lot 53, Part of Lot 55, Part of Lot 57, 59, 69, Part of Lot 999 (formerly known as 150th Road)  
Property Description: Unimproved land located at the east side of 183rd Street, 80 feet north of Rockaway Boulevard  
Minimum Monthly Bid: \$21,750  
Inspection Dates:  
Friday, August 13, 2010, 11:30 A.M. to 12:30 P.M.  
Wednesday, August 18, 2010, 11:30 A.M. to 12:30 P.M.

#### Queens, Block 13420, Lots: 8 and 999

Property Description: Unimproved land located at the west side of 183rd Street, 200 feet south of the southwest corner of 150th Drive and 183rd Street  
Minimum Monthly Bid: \$3,850

Inspection Dates:  
Friday, August 13, 2010, 1:00 P.M. to 2:00 P.M.  
Wednesday, August 18, 2010, 10:00 A.M. to 11:00 A.M.

In accordance with New York City Concession Rules (Title 12 of the Rules of the City of New York), the properties listed below will be offered through Request For Bids:

#### Brooklyn, Block 803, Part of Lot 5

Property Description: Two story building and unimproved land located at the south side of 52nd Street, approximately 865 feet west of 1st Avenue  
Minimum Monthly Bid: \$4,950  
Inspection Dates:  
Tuesday, August 10, 2010, 9:30 A.M. to 10:30 A.M.  
Monday, August 16, 2010, 10:00 A.M. to 11:00 A.M.

#### Brooklyn, Block 803, Part of Lot 5

Property Description: Unimproved land located at the south side of 52nd Street, approximately 465 feet west of 1st Avenue  
Minimum Monthly Bid: \$3,150  
Inspection Dates:  
Tuesday, August 10, 2010, 10:30 A.M. to 11:30 A.M.  
Monday, August 16, 2010, 11:00 A.M. to 12:00 P.M.

NOTE: Individuals requesting Sign Language Interpreters should contact Valeria Vines at 1 Centre Street, 19th Floor North, New York, NY 10007, (212) 669-2111, no later than fourteen (14) days prior to the auction. TDD users should call Verizon relay services.

jy29-s2

## POLICE

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

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

Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.  
Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

#### INQUIRIES

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

#### FOR MOTOR VEHICLES

(All Boroughs):

- \* College Auto Pound, 129-01 31 Avenue, College Point, NY 11354, (718) 445-0100
- \* Gowanus Auto Pound, 29th Street and 2nd Avenue, Brooklyn, NY 11212, (718) 832-3852
- \* Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2029

#### FOR ALL OTHER PROPERTY

- \* Manhattan - 1 Police Plaza, New York, NY 10038, (212) 374-4925.
- \* Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675.
- \* Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806.
- \* Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678.
- \* Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484.

j1-d31

## PROCUREMENT

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

### ADMINISTRATION FOR CHILDREN'S SERVICES

#### ■ INTENT TO AWARD

Human/Client Service

**FAMILY REHABILITATION SERVICES** – Negotiated Acquisition – DUE 08-10-10 AT 9:00 A.M. –  
PIN# 06809X0336CNVN004; PIN# 06809X0340CNVN003; PIN# 06806X0038CNVN006; PIN# 06809X0342CNVN003; PIN# 06810X0001CNVN003; PIN# 06809X0343CNVN004; PIN# 06809X0344CNVN003; PIN# 06810X0020CNVN004; PIN# 06810X0062CNVN005; PIN# 06809X0341CNVN003; PIN# 06810X0040CNVN003; PIN# 06809X0334CNVN003; PIN# 06809X0339CNVN004

To enter into negotiation with thirteen(13) organizations cited below for the provision of Family Rehabilitation Services.

1. Cardinal McCloskey
2. Community Counseling and Mediation Services
3. Episcopal Community Services of Long Island
4. Good Shepherd Services
5. Jewish Child Care Association
6. New York Foundling
7. The Child Center of New York
8. Harlem Children's Zone
9. Safe Space
10. Seaman's Society for Family and Children
11. SCO Family of Services
12. St. Lukes Roosevelt Hospital
13. Women's Prison Association

In accordance with Section 3-04(b)(2)(iii) of the Procurement Policy Board rules, ACS intends to use the Negotiated Acquisition process to extend the subject contracts terms to ensure continuity of mandated services. The terms of the contracts are projected to be from October 1, 2010 to June 30, 2011. Suppliers may express interest in future procurements by contacting Rafael Asusta at ACS' Child Welfare Services Unit, 150 William Street, 9th Floor, NY, NY 10038 or by calling (212) 341-3511 between the hours of 10:00 A.M. and 4:00 P.M. on business days.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Administration for Children's Services, 150 William Street, New York, NY 10038. Rafael Asusta (212) 341-3511, rasusta@acs.nyc.gov.

**FAMILY REHABILITATION SERVICES** – Negotiated Acquisition – DUE 08-10-10 AT 9:00 A.M. – PIN# 06809X0212CNVN002; PIN# 06809X0257CNVN003; PIN# 06809X0045CNVN004; PIN# 06809X0254CNVN003; PIN# 06809X0215CNVN004; PIN# 06809X0296CNVN004

To enter into negotiation with six(6) organizations cited below for the provision of Family Rehabilitation Services.  
1. Cardinal McCloskey Svcs. Inc.  
2. Dominican Sisters Family  
3. Kingsbridge Heights Community Center, The  
4. Leake and Watts Services, Inc.  
5. New York Foundling Hospital  
6. SCAN (Support Children's Advocacy Network) Inc.

In accordance with Section 3-04(b)(2)(iii) of the Procurement Policy Board rules, ACS intends to use the Negotiated Acquisition process to extend the subject contracts terms to ensure continuity of mandated services. The terms of the contracts are projected to be from October 1, 2010 to June 30, 2011. Suppliers may express interest in future procurements by contacting Rafael Asusta at ACS' Child Welfare Services Unit, 150 William Street, 9th Floor, NY, NY 10038 or by calling (212) 341-3511 between the hours of 10:00 A.M. and 4:00 P.M. on business days.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Administration for Children's Services, 150 William Street, New York, NY 10038. Rafael Asusta (212) 341-3511, rasusta@acs.nyc.gov.

**FOSTER CARE SERVICES** – Negotiated Acquisition – DUE 08-10-11 AT 9:00 A.M. – PIN# 06806X0025CNVN002; PIN# 06810X0088CNVN003; PIN# 06810X0089CNVN003; PIN# 06810X0073CNVN003; PIN# 06810X0101CNVN003; PIN# 06810X0104CNVN003; PIN# 06810X0103CNVN003; PIN# 06810X0075CNVN004; PIN# 06810X0065CNVN004; PIN# 06810X0096CNVN003; PIN# 06810X0068CNVN003; PIN# 06810X0095CNVN003; PIN# 06810X0080CNVN003; PIN# 06806X0045CNVN002; PIN# 06806X0030CNVN003; PIN# 06810X0090CNVN003; PIN# 06806X0041CNVN002; PIN# 06810X0087CNVN003; PIN# 06810X0093CNVN003; PIN# 06810X0069CNVN004; PIN# 06810X0098CNVN003; PIN# 06810X0083CNVN003; PIN# 06810X0072CNVN003

To enter into negotiation with twenty-three(23) organizations cited below for the provision of Foster Care Services.  
1. Cardinal McCloskey Svcs. Inc.  
2. Catholic Guardian Society and Home Bureau  
3. Catholic Guardian Society and Home Bureau  
4. Children's Aid Society, The  
5. Children's Village Inc.  
6. Coalition for Hispanic Family Svcs.  
7. Community Counseling and Medtn. Svcs. Inc.  
8. Edwin Gould Services for Children Inc.  
9. Episcopal Social Services Inc.  
10. Forestdale, Inc.  
11. Good Shepherd Services Inc.  
12. Graham Windham Inc.  
13. Harlem Dowling Westside Center  
14. Heartshare  
15. Inwood House Inc.  
16. Jewish Child Care Assoc. Inc.  
17. Lutheran Social Services of Metropolitan NY Inc.  
18. MercyFirst / St. Mary's Children and Family Svcs.  
19. New York Foundling Hospital  
20. Ohel Children's Home Inc.  
21. SCO Family of Services/DBA St. Christopher-Ottillie  
22. Seamen's Society for Children and Families  
23. St. Vincent's Inc.

In accordance with Section 3-04(b)(2)(iii) of the Procurement Policy Board rules, ACS intends to use the Negotiated Acquisition process to extend the subject contracts terms to ensure continuity of mandated services. The terms of the contracts are projected to be from October 1, 2010 to June 30, 2011. Suppliers may express interest in future procurements by contacting Rafael Asusta at ACS' Child Welfare Services Unit, 150 William Street, 9th Floor, NY, NY 10038 or by calling (212) 341-3511 between the hours of 10:00 A.M. and 4:00 P.M. on business days.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Administration for Children's Services, 150 William Street, New York, NY 10038. Rafael Asusta (212) 341-3511, rasusta@acs.nyc.gov.

**FOSTER CARE SERVICES** – Negotiated Acquisition – DUE 08-10-11 AT 9:00 A.M. – PIN# 06809X0288CNVN004; PIN# 06809X0263CNVN004; PIN# 06809X0266CNVN004; PIN# 06809X0265CNVN005; PIN# 06809X0264CNVN004; PIN# 06809X0063CNVN003; PIN# 06809X0287CNVN003; PIN# 06809X0261CNVN003; PIN# 06809X0267CNVN003; PIN# 06809X0286CNVN004; PIN# 06809X0292CNVN003; PIN# 06809X0278CNVN003; PIN# 06809X0262CNVN004

To enter into negotiation with thirteen (13) organizations cited below for the provision of Foster Care Services.

1. Cardinal McCloskey Svcs. Inc.
2. Catholic Guardian Society and Home Bureau
3. Catholic Guardian Society and Home Bureau
4. Children's Aid Society, The
5. Children's Village Inc.
6. Episcopal Social Services Inc.
7. Good Shepherd Services Inc.

8. Graham Windham Inc.
9. Jewish Child Care Assoc. Inc.
10. Leake and Watts Services, Inc.
11. New York Foundling Hospital
12. St. Dominic's Home Inc.
13. Abbott House Inc.

In accordance with Section 3-04(b)(2)(iii) of the Procurement Policy Board rules, ACS intends to use the Negotiated Acquisition process to extend the subject contracts terms to ensure continuity of mandated services. The terms of the contracts are projected to be from October 1, 2010 to June 30, 2011. Suppliers may express interest in future procurements by contacting Rafael Asusta at ACS' Child Welfare Services Unit, 150 William Street, 9th Floor, NY, NY 10038 or by calling (212) 341-3511 between the hours of 10:00 A.M. and 4:00 P.M. on business days.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Administration for Children's Services, 150 William Street, New York, NY 10038. Rafael Asusta (212) 341-3511, rasusta@acs.nyc.gov.

**FOSTER CARE SPECIAL MEDICAL** – Negotiated Acquisition – DUE 08-10-11 AT 9:00 A.M. – PIN# 06810X0021CNVN002; PIN# 06810X0058CNVN002; PIN# 06810X0060CNVN002; PIN# 06810X0061CNVN002; PIN# 06810X0022CNVN002; PIN# 06806X0013CNVN002; PIN# 06810X0016CNVN002

To enter into negotiation with seven (7) organizations cited below for the provision of Foster Care Services for children with Special Medical Needs.

1. Catholic Guardian Society and Home Bureau
2. Children's Aid Society, The
3. Episcopal Social Services Inc.
4. Leake and Watts Services, Inc.
5. Little Flower Children and Family Svcs. of NY
6. New Alternatives Inc.
7. St. Vincent's Inc.

In accordance with Section 3-04(b)(2)(iii) of the Procurement Policy Board rules, ACS intends to use the Negotiated Acquisition process to extend the subject contracts terms to ensure continuity of mandated services. The terms of the contracts are projected to be from October 1, 2010 to June 30, 2011. Suppliers may express interest in future procurements by contacting Rafael Asusta at ACS' Child Welfare Services Unit, 150 William Street, 9th Floor, NY, NY 10038 or by calling (212) 341-3511 between the hours of 10:00 A.M. and 4:00 P.M. on business days.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Administration for Children's Services, 150 William Street, New York, NY 10038. Rafael Asusta (212) 341-3511, rasusta@acs.nyc.gov.

**FOSTER CARE HIV/AIDS** – Negotiated Acquisition – DUE 08-10-11 AT 9:00 A.M. – PIN# 06810X0009CNVN002; PIN# 06810X0009CNVN003; PIN# 06806X0049CNVN002; PIN# 06810X0013CNVN002; PIN# 06810X0051CNVN002

To enter into negotiation with five (5) organizations cited below for the provision of Foster Care Services for children with HIV/AIDS.

1. Catholic Guardian Society and Home Bureau
2. Catholic Guardian Society and Home Bureau
3. Leake and Watts Services, Inc.
4. New Alternatives Inc.
5. St. Vincent's Inc.

In accordance with Section 3-04(b)(2)(iii) of the Procurement Policy Board rules, ACS intends to use the Negotiated Acquisition process to extend the subject contracts terms to ensure continuity of mandated services. The terms of the contracts are projected to be from October 1, 2010 to June 30, 2011. Suppliers may express interest in future procurements by contacting Rafael Asusta at ACS' Child Welfare Services Unit, 150 William Street, 9th Floor, NY, NY 10038 or by calling (212) 341-3511 between the hours of 10:00 A.M. and 4:00 P.M. on business days.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Administration for Children's Services, 150 William Street, New York, NY 10038. Rafael Asusta (212) 341-3511, rasusta@acs.nyc.gov.

**FOSTER CARE** – Negotiated Acquisition – DUE 08-10-11 AT 9:00 A.M. – To enter into negotiation with LITTLE FLOWER CHILDREN and FAMILY SVCS. OF N.Y. five (for the provision of Foster Care Services. In accordance with Section 3-04(b)(2)(iii) of the Procurement Policy Board rules, ACS intends to use the Negotiated Acquisition process to extend the subject contracts terms to ensure continuity of mandated services. The terms of the contracts are projected to be from January 1, 2011 to June 30, 2011. Suppliers may express interest in future procurements by contacting Rafael Asusta at ACS' Child Welfare Services Unit, 150 William Street, 9th Floor, NY, NY 10038 or by calling (212) 341-3511 between the hours of 10:00 A.M. and 4:00 P.M. on business days.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Administration for Children's Services, 150 William Street, New York, NY 10038. Rafael Asusta (212) 341-3511, rasusta@acs.nyc.gov.

## CITYWIDE ADMINISTRATIVE SERVICES

### DIVISION OF MUNICIPAL SUPPLY SERVICES

#### ■ SOLICITATIONS

##### Goods

**VEHICLE, SUV, HYBRID ELECTRIC** – Competitive Sealed Bids – PIN# 8571000952 – DUE 09-01-10 AT 10:30 A.M.

● **COMPACTOR, VIBRATORY ASPHALT ROLLER - DOT** – Competitive Sealed Bids – PIN# 8571000783 – DUE 09-01-10 AT 10:30 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Department of Citywide Administrative Services  
1 Centre Street, Room 1800, New York, NY 10007.  
Anna Wong (212) 669-8610, fax: (212) 669-7603, dcasdmssbids@dcas.nyc.gov

#### ■ AWARDS

##### Goods

**FRESH, FROZEN, CANNED FRUITS, VEG. AND MISC. GROC. - DJJ** – Competitive Sealed Bids –

PIN# 85701000750 – AMT: \$32,008.29 – TO: Jamac Frozen Food Corporation, 570 Grand Street, Jersey City, NJ 07302.

● **FRESH, FROZEN, CANNED FRUITS, VEG. AND MISC. GROC. - DJJ** – Competitive Sealed Bids – PIN# 85701000750 – AMT: \$6,920.00 – TO: Alter Lev Inc., 1004 Cortelyou Road, Brooklyn, NY 11218.

● **FRESH, FROZEN, CANNED FRUITS, VEG. AND MISC. GROC. - DJJ** – Competitive Sealed Bids – PIN# 85701000750 – AMT: \$22,501.47 – TO: Mivila Corp. DBA Mivila Foods, 226 Getty Ave., Paterson, NJ 07503.

**SAUCES, SEASONING, CONDIMENTS AND SPICES - D.O.C.** – Competitive Sealed Bids – PIN# 8571000699 – AMT: \$14,280.00 – TO: Allied Food Products, Inc., 251 St. Marks Avenue, Brooklyn, NY 11238.

● **SAUCES, SEASONING, CONDIMENTS AND SPICES - D.O.C.** – Competitive Sealed Bids – PIN# 8571000699 – AMT: \$101,659.60 – TO: Teri Nichols Institutional Food Merchant LLC, 10101-C Avenue D, Brooklyn, NY 11236.

● **SAUCES, SEASONING, CONDIMENTS AND SPICES - D.O.C.** – Competitive Sealed Bids – PIN# 8571000699 – AMT: \$152,497.86 – TO: Universal Coffee Corp., 123 47th Street, P.O. Box 320187, Brooklyn, NY 11232.

● **GROCERIES, MISC. - HRA EFAP** – Competitive Sealed Bids – PIN# 8571000679 – AMT: \$223,580.60 – TO: Universal Coffee Corp., 123 27th Street, P.O. Box 320187, Brooklyn, NY 11232.

● **GROCERIES, MISC. - HRA EFAP** – Competitive Sealed Bids – PIN# 8571000679 – AMT: \$642,786.42 – TO: Robbins Sales Co. Inc., 95 Froehlich Farm Blvd., Woodbury, NY 11797.

● **FRESH, FROZEN, CANNED FRUITS, VEG. AND MISC. GROC. - DJJ** – Competitive Sealed Bids – PIN# 85701000750 – AMT: \$24,973.36 – TO: Frank Gargiulo and Son Inc., 535 Sweetland Avenue, Hillside, NJ 07205.

#### ■ VENDOR LISTS

##### Goods

**ACCEPTABLE BRAND LIST** – In accordance with PPB Rules, Section 2-05(c)(3), the following is a list of all food items for which an Acceptable Brands List has been established.

1. Mix, Biscuit - AB-14-1:92
2. Mix, Bran Muffin - AB-14-2:91
3. Mix, Corn Muffin - AB-14-5:91
4. Mix, Pie Crust - AB-14-9:91
5. Mixes, Cake - AB-14-11:92A
6. Mix, Egg Nog - AB-14-19:93
7. Canned Beef Stew - AB-14-25:97
8. Canned Ham Shanks - AB-14-28:91
9. Canned Corned Beef Hash - AB-14-26:94
10. Canned Boned Chicken - AB-14-27:91
11. Canned Corned Beef - AB-14-30:91
12. Canned Ham, Cured - AB-14-29:91
13. Complete Horse Feed Pellets - AB-15-1:92
14. Canned Soups - AB-14-10:92D
15. Infant Formula, Ready to Feed - AB-16-1:93
16. Spices - AB-14-12:95
17. Soy Sauce - AB-14-03:94
18. Worcestershire Sauce - AB-14-04:94

Application for inclusion on the above enumerated Acceptable Brand Lists for foods shall be made in writing and addressed to: Purchase Director, Food Unit, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-4207.

jy17-j4

#### EQUIPMENT FOR DEPARTMENT OF SANITATION –

In accordance with PPB Rules, Section 2.05(c)(3), an acceptable brands list will be established for the following equipment for the Department of Sanitation:  
A. Collection Truck Bodies  
B. Collection Truck Cab Chassis  
C. Major Component Parts (Engine, Transmission, etc.)

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8610.

jy17-j4

**OPEN SPACE FURNITURE SYSTEMS - CITYWIDE** – In accordance with PPB Rules, Section 2.05(c)(3), an Acceptable Brands List, #AB-17W-1:99, has been established for open space furniture systems.

Application for consideration of product for inclusion on this acceptable brands list shall be made in writing and addressed to: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007, (212) 669-8610.

jy17-j4

## DESIGN & CONSTRUCTION

### AWARDS

*Construction / Construction Services*

**HWD105-01, RESIDENT ENGINEERING INSPECTION SERVICES FOR THE RECONSTRUCTION OF METROPOLITAN AVENUE AND UNIONPORT ROAD MEDIANS IN PARKCHESTER AREA, THE BRONX** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 8502010HW0014P – AMT: \$1,699,185.00 – TO: Ammann and Whitney Consulting Engineers, P.C., 96 Morton Street, New York, NY 10014.

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## ECONOMIC DEVELOPMENT CORPORATION

### SOLICITATIONS

*Goods & Services*

**121 WEST 125TH STREET RETAIL SPACE FOR LEASE** – Request for Proposals – PIN# 9988776654321 – DUE 07-29-11 AT 4:00 P.M. – New York City Economic Development Corporation (“NYCEDC”) is seeking to lease retail spaces ranging from 800 square feet to 4,000 square feet for retail uses at 121 West 125th Street located in Manhattan. NYCEDC wishes to enter into leases with companies to provide services to residents in the neighborhood and to the neighboring communities.

Minority- or woman-owned business enterprise (“M/WBE”) firms are encouraged to apply. To certify with the City of New York as a minority- or woman-owned business, please call 311 or go to [www.nyc.gov/getcertified](http://www.nyc.gov/getcertified).

Interested parties must respond through the Lease Offer, which is available online at <http://www.nycedc.com/RealEstate/LeasingOpportunities/Pages/LeasingOpportunities.aspx>. RESPONSES WILL BE ACCEPTED ON AN ONGOING BASIS, with timeframes set forth more specifically in the Lease Offer. Please submit three (3) sets of your proposal to: NYCEDC, 110 William Street, 6th Floor, New York, NY 10038, Attention: Lee Winter, Vice President. Proposals will be made available to the public as set forth in the Lease Offer. Questions regarding this Lease Offer may be directed by e-mail to [LWinter@nycedc.com](mailto:LWinter@nycedc.com).

*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.*  
*Economic Development Corp., 110 William Street, 6th Floor New York, NY 10038. Douglas Roberts (212) 312-3867 DRoberts@nycedc.com*

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## FINANCIAL INFORMATION SERVICES AGENCY

### SOLICITATIONS

*Goods & Services*

**ALTERNATE DATA CENTER FOLLOW UP NOTICE** – Negotiated Acquisition – PIN# 12711CM00077 – DUE 08-13-10 AT 10:00 A.M. – This notice is a follow-up to a notice that was published in the City Record from May 24 through May 28, 2010 in connection with a Negotiated Acquisition for an Alternate Data Center (PIN 12711CM00077).

The Financial Information Services Agency (FISA) has completed the first phase of the Negotiated Acquisition, and intends to enter into negotiations with the following vendors:

EMC Corporation  
Hewlett Packard Company  
IBM Corporation

FISA is no longer contemplating two additional phases, one with multiple awards, but instead contemplates a single award to the vendor that provides the solution that is most advantageous to the City.

Vendors interested in similar future procurements may contact Marisol Cintron at the Financial Information Services Agency, 450 West 33rd Street, 4th Floor, New York, NY 10001, (212) 857-1540.

*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.*  
*Financial Information Services Agency, 450 West 33rd Street, 4th Floor, New York, NY 10001. Marisol Cintron (212) 857-1540, fax: (212) 857-1004, ADC2010@fisa.nyc.gov*

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## HEALTH AND HOSPITALS CORPORATION

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-4018.

j1-d31

### SOLICITATIONS

*Goods*

**TOPCON TRC-NW8 NONHYDRINATIC RETINAL CAMERA** – Competitive Sealed Bids – PIN# 61211001 – DUE 08-19-10 AT 3:00 P.M.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
*Lincoln Hospital Center, 234 East 149th Street, Bronx, NY 10451. Yolanda Johnson (718) 579-5687, fax: (718) 579-4788 yolanda.johnson@nychhc.org*

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*Goods & Services*

**DESIGN AND INSTALL AQUARIUM** – Competitive Sealed Bids – PIN# 21111011 – DUE 08-13-10 AT 3:00 P.M. – Please be prepared references and company history. Competitive Sealed Bids only. All questions regarding this solicitation must be e-mailed, no exceptions.  
● **MAINTENANCE SERVICE FOR PRINTING EQUIPMENT** – Competitive Sealed Bids – PIN# 21111012 – DUE 08-13-10 AT 3:30 P.M.  
Full service contract for printing equipment. Parts vary specifications in bid package. All potential bidders must be reputable and be prepared to provide references upon request.

*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.*  
*Bellevue Hospital Center, Purchasing, 462 First Avenue, Room# 12 East 32, New York, NY 10016. Ivan Rawls (212) 562-2552, fax: (212) 562-2779, ivan.rawls@nychhc.org*

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## HOMELESS SERVICES

### AWARDS

**TIER II RESIDENCE** – Other – PIN# 071-11S-003-179 – AMT: \$4,481,099.00 – TO: HELP Social Services Corp., 5 Hanover Square, New York, NY 10004. Negotiated Acquisition Extension.  
● **ON-CALL PORTABLE COOLING CITYWIDE** – Competitive Sealed Bids – PIN# 071-09S-02-1411 – AMT: \$227,400.00 – TO: Five Boro Air Conditioning and Refrigeration Corp., 519 Coney Island Avenue, Brooklyn, NY 11218-3414.

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## OFFICE OF CONTRACTS AND PROCUREMENT

### SOLICITATIONS

*Human / Client Service*

**CORRECTION: TRANSITIONAL RESIDENCES FOR HOMELESS/ DROP-IN CENTERS** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 071-00S-003-262Z – DUE 06-27-11 AT 10:00 A.M. – CORRECTION: The Department of Homeless Services is soliciting proposals from organizations interested in developing and operating transitional residences for homeless adults and families including the Neighborhood Based Cluster Residence and drop-in centers for adults. This is an open-ended solicitation; there is no due date for submission.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
*Department of Homeless Services, 33 Beaver Street, 13th Floor, New York, NY 10004. Marta Zmoira (212) 361-0888, mzmzmoira@dhs.nyc.gov*

j6-20

## JUVENILE JUSTICE

### SOLICITATIONS

*Human / Client Service*

**PROVISION OF NON-SECURE DETENTION GROUP HOMES** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 13010DJJ000 – DUE 06-30-11 AT 2:00 P.M. – The Department of Juvenile Justice is soliciting applications from organizations interested in operating non-secure detention group homes in New York City. This is an open-ended solicitation; applications will be accepted on a rolling basis until 2:00 P.M. on 6/30/11.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
*Department of Juvenile Justice, 110 William Street, 14th Floor, New York, NY 10038. Chuma Uwechia (212) 442-7716, cuwechia@djj.*

jj1-d16

## PARKS AND RECREATION

### CONTRACTS

### SOLICITATIONS

*Goods & Services*

**MEDIEVAL FESTIVAL** – Sole Source – Available only from a single source - PIN# 846SP11M000X01 – DUE 08-16-10 AT 5:00 P.M. – Department of Parks and Recreation intends to enter into a Sole Source negotiation with Washington Heights and Inwood Development Corporation to develop and conduct the Medieval Festival at Fort Tryon Park. Any firm that would like to express their interest in providing services for similar projects in the future may do so by joining the City Bidders list by filling out the NYC-FMS Vendor Enrollment application available on-line at “[NYC.gov/selltonyc](http://NYC.gov/selltonyc)” and in hard copy by calling the Vendor Enrollment Center at (212) 856-1680.

*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.*  
*Parks and Recreation, 24 West 61st Street, 3rd Floor New York, NY 10023. Sandra Galante (212) 830-7903, fax: (917) 849-6456, sandra.galante@parks.nyc.gov*

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## PURCHASING AND ACCOUNTING

### SOLICITATIONS

*Goods & Services*

**NYC PARKS ONGOING PROJECT MANAGEMENT** – Sole Source – Available only from a single source - PIN# 84611S0003 – DUE 08-19-10 AT 5:00 P.M. – Department of Parks and Recreation intends to enter into a sole source negotiation with Infor Global Solutions (Michigan), Inc. to provide services to: (a) reconfigure the Inspections Module, (b) deploy the educational curriculum, (c) support server performance enhancements, (d) integrate with the City 311 system, (e) create certain custom reports, (f) provide processes for data storeroom management, and (g) deliver ongoing project management services.

*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.*  
*Parks and Recreation, 24 West 61st Street, NY, NY 10023. Sandra Galante (212) 830-7903, sandra.galante@parks.nyc.gov*

a5-11

## REVENUE AND CONCESSIONS

### SOLICITATIONS

*Services (Other Than Human Services)*

**OPERATION AND MAINTENANCE OF A FERRY FOR SERVICE TO RANDALL'S ISLAND, MANHATTAN** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# M104-B-M – DUE 09-14-10 AT 3:00 P.M. – Parks will hold a recommended proposer meeting on Wednesday, August 25, 2010 at 1:00 P.M. The proposer meeting will start at the entrance to Icahn Stadium in Randall's Island Park. All interested parties are urged to attend.

**TELECOMMUNICATION DEVICE FOR THE DEAF (TDD)**  
212-504-4115

*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.*  
*Parks and Recreation, The Arsenal-Central Park 830 Fifth Avenue, Room 407, New York, NY 10021. Evan George (212) 360-1397, fax: (212) 360-3434 evan.george@parks.nyc.gov*

a4-17

**RENOVATION, OPERATION AND MAINTENANCE OF THREE SNACK BARS/BEACH SHOPS** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# Q163-SB 2010 – DUE 09-13-10 AT 3:00 P.M. – The New York City Department of Parks and Recreation is issuing a Request for Proposals (“RFP”) for the renovation, operation, and maintenance of three (3) snack bars/beach shops and the operation of up to twenty (20) mobile food units at Rockaway Beach.

Parks will hold an on-site proposer meeting and site tour on Friday, August 20th at 2:00 P.M. All interested parties are urged to attend.

**TELECOMMUNICATION DEVICE FOR THE DEAF (TDD)**  
212-504-4115

*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.*  
*Parks and Recreation, The Arsenal-Central Park 830 Fifth Avenue, Room 407, New York, NY 10021. Rachel Aland (212) 360-1397, fax: (212) 360-3434 rachel.aland@parks.nyc.gov*

a2-13

**RENOVATION, OPERATION, AND MAINTENANCE OF FIVE (5) MARINAS** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# B406-M-2010 – DUE 09-07-10 AT 3:00 P.M. – At Paerdegat Basin, Brooklyn, N.Y.

Parks will hold site tours on Tuesday, August 17, 2010 at 10:00 A.M. beginning at the Paerdegat Basin Yacht Club, which is located on the westerly side of Paerdegat Avenue North at the foot of Paerdegat 11th Street, Brooklyn, New York 11236. The recommended proposer meeting will be held directly following the site tours in the meeting room at the Hudson River Yacht Club, which is located at the foot of Avenue U and Bergen Ave., Paerdegat Basin, Brooklyn, NY 11234. All interested parties are urged to attend.

**TELECOMMUNICATION DEVICE FOR THE DEAF (TDD)**  
212-504-4115

*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.*  
*Parks and Recreation, The Arsenal-Central Park 830 Fifth Avenue, Room 407, New York, NY 10021. Davita Maboutakh (212) 360-1397, fax: (212) 360-3434 davita.maboutakh@parks.nyc.gov*

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## SCHOOL CONSTRUCTION AUTHORITY

### CONTRACT ADMINISTRATION

### SOLICITATIONS

*Goods & Services*

**MOBILE KEYBOARD WORKSTATIONS** – Competitive Sealed Bids – PIN# SCA-1102P – DUE 08-26-10 AT 2:30 P.M. – IS 180 (Bronx). SCA-1102P. If interested in receiving the bid documents, please send an email requesting documents including your mailing address and phone number.

*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.*  
*School Construction Authority, 30-30 Thomson Avenue, Long Island City, NY 11101. Rookmin Singh (718) 752-5843, rsingh@nycsca.org*

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## Construction / Construction Services

**BOILER CONVERSION/CLIMATE CONTROL –** Competitive Sealed Bids – PIN# SCA11-12620D-1 – DUE 08-20-10 AT 11:30 A.M. – P.S. 50 (Manhattan) Boiler Conversion/Climate Control. Project Range: \$3,660,000.00 to \$3,851,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

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.  
School Construction Authority, 30-30 Thomson Avenue, Plans Room Window, Room# 1046, Long Island City, NY 11101.  
Anthony Largie (718) 752-5842, alargie@nycsca.org

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**AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS**

**“These Hearings may be cablecast on NYC TV Channel 74 on Sundays, from 5:00 p.m. to 7:00 p.m. For more information, visit: www.nyc.gov/tv” NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor’s Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, N.Y. 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay services.**

**HEALTH AND MENTAL HYGIENE**

## PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on Thursday, August 19, 2010, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

**IN THE MATTER** of a proposed contract between the Department of Health and Mental Hygiene and the Contractor listed below, for a Citywide Supportive SRO Housing program for homeless single adults with a serious mental illness. The term of the contract shall be from July 1, 2010 to June 30, 2013 and will contain two three-year options to renew from July 1, 2013 to June 30, 2016 and from July 1, 2016 to June 30, 2019.

**Contractor/Address**

Community Access, Inc.  
666 Broadway, 3rd Floor, New York, NY 10012

**PIN#** 05MH007023R0X00                      **Amount** \$2,099,208  
**E-PIN** 81610P0051001

The proposed contractor has been selected by means of the Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the New York City Department of Health and Mental Hygiene, Office of the Agency Chief Contracting Officer, 93 Worth Street, Room 812, New York, NY 10013, from August 6, 2010 to August 19, 2010, excluding Saturdays, Sundays and Holidays, between the hours of 10:00 A.M. and 4:00 P.M.

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**LAW**

## PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on Thursday, August 19, 2010, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

**IN THE MATTER** of a proposed contract between the New York City Law Department and The City University of New York, 535 East 80th Street, New York, NY 10075, for the provision of Services in Support of the 2010 NYC Charter Revision Commission. The cost of the contract is in the amount of \$237,000. The contract term shall be from April 1, 2010 to September 10, 2010. PIN#: 02510X100032.

The proposed contract is Government-To-Government, pursuant to Section 3-13 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the New York City Law Department, 100 Church Street, Fourth Floor East Reception Area, New York, NY 10007, from August 6, 2010 to August 19, 2010, excluding Saturdays, Sundays and Holidays, from 9:30 A.M. to 5:00 P.M.

Any individual wishing to speak at such hearing must submit a written request to Samuel A. Moriber, Agency Chief Contracting Officer at the New York City Law Department, 100 Church Street, New York, New York 10007, or by e-mail to smoriber@law.nyc.gov. If the Agency does not receive a written request to speak within five business days after the publication of this notice, the Agency reserves the right not to conduct the public hearing. In such case, a notice will be published in The City Record canceling the public hearing.

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**AGENCY RULES****RENT GUIDELINES BOARD**

## NOTICE

**2010 Apartment & Loft Order #42****June 24, 2010**

**Order Number 42 - Apartments and Lofts**, rent levels for leases commencing **October 1, 2010** through **September 30, 2011**.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY RENT GUIDELINES BOARD BY THE RENT STABILIZATION LAW OF 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended, implemented by Resolution No 276 of 1974 of the New York City Council and extended by Chapter 82 of the Laws of 2003, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Rent Guidelines Board (RGB) hereby **adopts** the following levels of fair rent increases over lawful rents charged and paid on **September 30, 2010**. These rent adjustments will apply to rent stabilized apartments with leases commencing on or after **October 1, 2010** and through **September 30, 2011**. Rent guidelines for loft units subject to Section 286 subdivision 7 of the Multiple Dwelling Law are also included in this order.

ADJUSTMENT FOR RENEWAL LEASES (APARTMENTS)

Together with such further adjustments as may be authorized by law, the annual adjustment for renewal leases for apartments shall be:

For a **one-year** renewal lease commencing on or after **October 1, 2010** and on or before **September 30, 2011**:    **2.25%**

For a **two-year** renewal lease commencing on or after **October 1, 2010** and on or before **September 30, 2011**:    **4.5%**

These adjustments shall also apply to dwelling units in a structure subject to the partial tax exemption program under Section 421a of the Real Property Tax Law, or in a structure subject to Section 423 of the Real Property Tax Law as a Redevelopment Project.

VACANCY ALLOWANCE FOR APARTMENTS

**No vacancy allowance** is permitted except as provided by sections 19 and 20 of the Rent Regulation Reform Act of 1997.

ADDITIONAL ADJUSTMENT FOR RENT STABILIZED APARTMENTS SUBLET UNDER SECTION 2525.6 OF THE RENT STABILIZATION CODE

In the event of a sublease governed by subdivision (e) of section 2525.6 of the Rent Stabilization Code, the allowance authorized by such subdivision shall be **10%**.

ADJUSTMENTS FOR LOFTS (UNITS IN THE CATEGORY OF BUILDINGS COVERED BY ARTICLE 7-C OF THE MULTIPLE DWELLING LAW)

The Rent Guidelines Board **adopts** the following levels of rent increase above the “base rent,” as defined in Section 286, subdivision 4, of the Multiple Dwelling Law, for units to which these guidelines are applicable in accordance with Article 7-C of the Multiple Dwelling Law:

For **one-year** increase periods commencing on or after **October 1, 2010** and on or before **September 30, 2011**:    **2.25%**

For **two-year** increase periods commencing on or after **October 1, 2010** and on or before **September 30, 2011**:    **4.5%**

VACANT LOFT UNITS

No Vacancy Allowance is permitted under this Order. Therefore, except as otherwise provided in Section 286, subdivision 6, of the Multiple Dwelling Law, the rent charged to any tenant for a vacancy tenancy commencing on or after **October 1, 2010** and on or before **September 30, 2011** may not exceed the “base rent” referenced above plus the level of adjustment permitted above for increase periods.

FRACTIONAL TERMS

For the purposes of these guidelines any lease or tenancy for a period up to and including one year shall be deemed a one-year lease or tenancy, and any lease or tenancy for a period of over one year and up to and including two years shall be deemed a two-year lease or tenancy.

ESCALATOR CLAUSES

Where a lease for a dwelling unit in effect on May 31, 1968 or where a lease in effect on June 30, 1974 for a dwelling unit which became subject to the Rent Stabilization Law of 1969, by virtue of the Emergency Tenant Protection Act of 1974 and Resolution Number 276 of the New York City Council, contained an escalator clause for the increased costs of operation and such clause is still in effect, the lawful rent on **September 30, 2010** over which the fair rent under this Order is computed shall include the increased rental, if any, due under such clause except those charges which accrued within one year of the commencement of the renewal lease. Moreover, where a lease contained an escalator clause that the owner may validly renew under the Code, unless the owner elects or has elected in writing to delete such clause, effective no later than **October 1, 2010** from the existing lease and all subsequent leases for such dwelling unit, the increased rental, if any, due under such escalator clause shall be offset against the amount of increase authorized under this Order.

SPECIAL ADJUSTMENTS UNDER PRIOR ORDERS

All rent adjustments lawfully implemented and maintained under previous apartment orders and included in the base rent in effect on **September 30, 2010** shall continue to be included in the base rent for the purpose of computing

subsequent rents adjusted pursuant to this Order.

SPECIAL GUIDELINE

Under Section 26-513(b)(1) of the New York City Administrative Code, and Section 9(e) of the Emergency Tenant Protection Act of 1974, the Rent Guidelines Board is obligated to promulgate special guidelines to aid the State Division of Housing and Community Renewal in its determination of initial legal regulated rents for housing accommodations previously subject to the City Rent and Rehabilitation Law which are the subject of a tenant application for adjustment. The Rent Guidelines Board hereby **adopts** the following Special Guidelines:

For dwelling units subject to the Rent and Rehabilitation Law on **September 30, 2010**, which become vacant after **September 30, 2010**, the special guideline shall be the greater of:

- (1) **50%** above the maximum base rent, or
- (2) The Fair Market Rent for existing housing as established by the United States Department of Housing and Urban Development (HUD) for the New York City Primary Metropolitan Statistical Area pursuant to Section 8(c) (1) of the United States Housing Act of 1937 (42 U.S.C. section 1437f [c] [1] ) and 24 C.F.R. Part 888, with such Fair Market Rents to be adjusted based upon whether the tenant pays his or her own gas and/or electric charges as part of his or her rent as such gas and/or electric charges are accounted for by the New York City Housing Authority.

Such HUD-determined Fair Market Rents will be published in the Federal Register, to take effect on **October 1, 2010**.

DECONTROLLED UNITS

The permissible increase for decontrolled units as referenced in Order 3a which become decontrolled after **September 30, 2010**, shall be the greater of:

- (1) **50%** above the maximum base rent, or
- (2) The Fair Market Rent for existing housing as established by the United States Department of Housing and Urban Development (HUD) for the New York City Primary Metropolitan Statistical Area pursuant to Section 8(c) (1) of the United States Housing Act of 1937 (42 U.S.C. section 1437f [c] [1] ) and 24 C.F.R. Part 888, with such Fair Market Rents to be adjusted based upon whether the tenant pays his or her own gas and/or electric charges as part of his or her rent as such gas and/or electric charges are accounted for by the New York City Housing Authority.

Such HUD-determined Fair Market Rents will be published in the Federal Register, to take effect on **October 1, 2010**.

CREDITS

Rentals charged and paid in excess of the levels of rent increase established by this Order shall be fully credited against the next month’s rent.

STATEMENT OF BASIS AND PURPOSE

The Rent Guidelines Board is authorized to promulgate rent guidelines governing apartment units subject to the Rent Stabilization Law of 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended. The purpose of these guidelines is to implement the public policy set forth in Findings and Declaration of Emergency of the Rent Stabilization Law of 1969 (§26-501 of the N.Y.C. Administrative Code) and in the Legislative Finding contained in the Emergency Tenant Protection Act of 1974 (L.1974 c. 576, §4 [§2]).

The Rent Guidelines Board is also authorized to promulgate rent guidelines for loft units subject to Section 286 subdivision 7 of the Multiple Dwelling Law. The purpose of the loft guidelines is to implement the public policy set forth in the Legislative Findings of Article 7-C of the Multiple Dwelling Law (Section 280).

**Dated: June 24, 2010**

Jonathan L. Kimmel  
Chair  
New York City Rent Guidelines Board

**EXPLANATORY STATEMENT – APARTMENT ORDER #42**

Explanatory Statement and Findings of the Rent Guidelines Board In Relation to 2010-11 Lease Increase Allowances for Apartments and Lofts under the Jurisdiction of the Rent Stabilization Law<sup>1</sup>

Summary of Order No. 42

The Rent Guidelines Board (RGB) by Order No. 42 has set the following maximum rent increases for leases subject to renewal on or after October 1, 2010 and on or before September 30, 2011 for **apartments** under its jurisdiction:

For a **one-year** renewal lease commencing on or after October 1, 2010 and on or before September 30, 2011:    **2.25%**

For a **two-year** renewal lease commencing on or after October 1, 2010 and on or before September 30, 2011:    **4.5%**

<sup>1</sup> This Explanatory Statement explains the actions taken by the Board members on individual points and reflects the general views of those voting in the majority. It is not meant to summarize all the viewpoints expressed.

VACANCY ALLOWANCE

The vacancy allowance is now determined by a formula set forth in the State Rent Regulation Reform Act of 1997 and in Chapter 82 of the Laws of 2003, not by the Orders of the Rent Guidelines Board.

SUBLET ALLOWANCE

The increase landlords are allowed to charge when a rent stabilized apartment is sublet by the primary tenant to another tenant on or after October 1, 2010 and on or before September 30, 2011 shall be **10%**.

ADJUSTMENTS FOR LOFTS

For **Loft units** to which these guidelines are applicable in accordance with Article 7-C of the Multiple Dwelling Law, the Board established the following maximum rent increases for increase periods commencing on or after October 1, 2010

and on or before September 30, 2011. No vacancy allowance or low rent allowance is included for lofts.

1 Year	2 Years
2.25%	4.5%

The guidelines do not apply to hotel, rooming house, and single room occupancy units that are covered by separate Hotel Orders.

Any increase for a renewal lease may be collected no more than once during the guideline period governed by Order No. 42.

### SPECIAL GUIDELINES

Leases for units subject to rent control on September 30, 2010 that subsequently become vacant and then enter the stabilization system are not subject to the above adjustments. Such newly stabilized rents are subject to review by the State Division of Housing and Community Renewal (DHCR). In order to aid DHCR in this review the Rent Guidelines Board has set a special guideline of whichever is greater:

- 50% above the maximum base rent, or
- The Fair Market Rent for existing housing as established by the United States Department of Housing and Urban Development (HUD) for the New York City Primary Metropolitan Statistical Area pursuant to Section 8(c) (1) of the United States Housing Act of 1937 (42 U.S.C. section 1437f [c] [1]) and 24 C.F.R. Part 888, with such Fair Market Rents to be adjusted based upon whether the tenant pays his or her own gas and/or electric charges as part of his or her rent as such gas and/or electric charges are accounted for by the New York City Housing Authority.

Such HUD-determined Fair Market Rents will be published in the Federal Register, to take effect on October 1, 2010.

All rent adjustments lawfully implemented and maintained under previous apartment Orders and included in the base rent in effect on September 30, 2010 shall continue to be included in the base rent for the purpose of computing subsequent rents adjusted pursuant to this Order.

### BACKGROUND OF ORDER NO. 42

The Rent Guidelines Board is mandated by the Rent Stabilization Law of 1969 (Section 26-510(b) of the NYC Administrative Code) to establish annual guidelines for rent adjustments for housing accommodations subject to that law and to the Emergency Tenant Protection Act of 1974. In order to establish guidelines the Board must consider, among other things:

- the economic condition of the residential real estate industry in the affected area including such factors as the prevailing and projected (i) real estate taxes and sewer and water rates, (ii) gross operating and maintenance costs (including insurance rates, governmental fees, cost of fuel and labor costs), (iii) costs and availability of financing (including effective rates of interest), (iv) overall supply of housing accommodations and overall vacancy rates;
- relevant data from the current and projected cost of living indices for the affected area;
- such other data as may be made available to it.

The Board gathered information on the above topics by means of public meetings and hearings, written submissions by the public, and written reports and memoranda prepared by the Board's staff. The Board calculates rent increase allowances on the basis of cost increases experienced in the past year, its forecasts of cost increases over the next year, its determination of the relevant operating and maintenance cost-to-rent ratio, and other relevant information concerning the state of the residential real estate industry.

### Material Considered by the Board

Order No. 42 was issued by the Board following **two** public hearings, **seven** public meetings, its review of written submissions provided by the public, and a review of research and memoranda prepared by the Board's staff. A total of approximately 35 written submissions were received at the Board's offices from many individuals and organizations including public officials, owners and owner groups, and tenants and tenant groups. The Board members were provided with copies of public comments received by the **June 17, 2010** deadline. All of the above listed documents were available for public inspection.

Open meetings of the Board were held following public notice on March 23, April 16, April 27, April 30, and June 3, 2010. On **May 5, 2010**, the Board adopted proposed rent guidelines for apartments, lofts, and hotels.

Public hearings were held on **June 15, 2010** and **June 17, 2010** pursuant to Section 1043 of the New York City Charter and Section 26-510(h) of the New York City Administrative Code. Testimony on the proposed rent adjustments for rent-stabilized apartments and lofts was heard from **4:00 p.m. to 8:00 p.m. on June 15, 2010** and from **10:00 a.m. to 7:15 p.m. on June 17, 2010**. Testimony from members of the public speaking at these hearings was added to the public record. The Board heard testimony from **approximately 58** apartment tenants and tenant representatives, **34** apartment owners and owner representatives, and **6** public officials. In addition, **8** speakers read into the record written testimony from various public officials. On **June 24, 2010** the guidelines set forth in Order No. 42 were adopted.

A written transcription and/or audio recording was made of all proceedings.

### PRESENTATIONS BY RGB STAFF AND HOUSING EXPERTS INVITED BY MEMBERS OF THE BOARD

Each year the staff of the New York City Rent Guidelines Board is asked to prepare numerous reports containing various facts and figures relating to conditions within the residential real estate industry. The Board's analysis is supplemented by testimony from industry and tenant representatives, housing experts, and by various articles and reports gathered from professional publications.

Listed below are the other experts invited and the dates of the public meetings at which their testimony was presented:

*Meeting Date/Name Affiliation*

**March 23, 2010:** Staff presentation, *2010 Mortgage Survey Report*

*Guest Speaker*

- Joseph Rosenberg Deputy Commissioner, Intergovernmental Affairs, NYC Department of Housing Preservation and Development

**April 16, 2010:** Staff presentations  
*2010 Income and Affordability Study*  
*2010 Income & Expense Study*

**April 27, 2010:** Staff presentation, *2010 Price Index of Operating Costs*

*Guest Speakers*  
1. David Frankel Commissioner, NYC Department of Finance

2. Gregory Kern Director for Leased Housing, NYC Housing Authority

**April 30, 2010:**

- Apartment Owners group testimony:*  
Rent Stabilization Association (RSA)  
Massey Knakal Realty Services  
Community Housing Improvement Program (CHIP)  
Langsam Property Services Corp.  
5. Christopher Athineos Small Property Owners of New York (SPONY)  
6. Peter Petrov Property Owner  
7. Dennis Gittens Property Owner  
8. Albert Carrion Property Owner  
9. Constance Nugent-Miller Property Owner  
10. Oscar Perez Property Owner

*Apartment Tenants group testimony:*  
Collins, Dobkin & Miller LLP  
Community Service Society  
Community Service Society  
Coalition for the Homeless  
Mutual Housing NY/MHANY Management Inc.

*Hotel Tenants group testimony:*  
Goddard Riverside SRO Law Project  
MFY Legal Services Inc.  
Goddard Riverside Family Council

**June 3, 2010:** Staff presentations  
*2010 Housing Supply Report*  
*Changes to the Rent Stabilized Housing Stock in New York City in 2009*

*NYS Division of Housing and Community Renewal (DHCR) testimony*  
1. Michael Rosenblatt Deputy Counsel, Office of Rent Administration  
2. Guy Alba Assistant Commissioner, Office of Rent Administration

### SELECTED EXCERPTS FROM ORAL AND WRITTEN TESTIMONY FROM OWNERS AND OWNER GROUPS<sup>2</sup>

Comments from owners and owner groups included:

"The City's policy of dramatically increasing taxes on stabilized property, and the size of total tax liability make it essential that the RGB pass along at least the full value of the PIOC. The income from lower rent apartments does not equal the cost of providing those units of housing. Accordingly the RGB must issue a guideline that brings those rents closer to the actual cost if it is to prevent the deterioration of the housing stock. Apartments at higher rents already are experiencing vacancy rates in excess of 5%, meaning that for those apartments, no real housing emergency exists."

"It is the difficult assignment of this Board to approve a renewal lease rate for one and two year leases of rent stabilized apartments that will promote the health of our housing stock for the benefit of both owners and tenants. To that end, the Board must approve a renewal guideline increase that provides the owners with the financial ability to meet expenses and still reinvest in the improvement and betterment of the housing stock. This goal cannot be accomplished without a rate increase of at least 7-10% for one year and 10-15% for a two-year lease renewal. Any lower rate of increase will only serve to promote the continued demise of affordable rental housing stock which can create a serious housing crisis in New York."

"For the majority of tenants, moderate levels of rent increase do not pose a substantial burden. Let's remember that cops, firemen and sanitation workers, those that some Board members cite as the reason for lower guidelines, continue to receive salary increases averaging 4% per year. For the majority of property owners, moderate rent increases do not mean windfall profits but simply the ability to continue to maintain their affordable housing in a safe and decent condition while continuing to pay the taxes and fees that keep City services operating...For the benefit of the majority of tenants and owners, the RGB can fulfill its obligations this year by enacting rent guidelines of 5% for a one-year lease and 9% for a two-year lease that will at least cover last year's increase in building operating costs."

"Everyone is acutely aware that both owners and tenants are facing tough economic times. The rental housing market, from the owners' perspective, has experienced substantial rising expenses. From the tenants' perspective, the absence of meaningful increases in compensation from employment has reduced the effective buying power to meet their everyday expenses, which include the payment of monthly rent. However the owners of rental properties face even more serious financial hardships imposed due to substantial rises in operating costs (e.g., sky-rocketing increase expenses for water, increases in fuel oil cost and rising property taxes)."

"We are a small operation with one building located in the Bronx. There are many other small property owners in New York who are suffering as well. The same way that you are impacted each time you go to buy anything for your family or yourself, we are impacted even more. Looking after your immediate family is more expensive this year than last year. We look after 48 families, and the increase in real estate tax, water & sewer tax, insurance, fuel, repairs and supplies are un-imaginable."

<sup>2</sup> Sources: Submissions by owner groups and testimony by owners

### SELECTED EXCERPTS FROM ORAL AND WRITTEN TESTIMONY FROM TENANTS AND TENANT GROUPS<sup>3</sup>

Comments from tenants and tenant groups included:

"The indicators for post-2008 New York, since the last HVS, demonstrate that low-income working households continue to be hard hit by the economic recession with increasing unemployment and wage cuts. Whatever has happened at the high end of the rental market, there is little reason to assume that rent pressures at lower levels have decreased in apartments and neighborhoods where low-income New Yorkers live. Rent stresses have become even more dire as incomes shrink and rents rise...During the continuing economic crisis, our leaders called for 'shared sacrifice.' Low income New Yorkers are still bearing the heavy costs of economic losses in a resilient rental market. This is the right time for RGB to ask owners facing marginal increases in operating costs to lower their expectations."

"City and state rent regulation laws provide three major benefits: affordability, habitability, and security of tenure. This system has produced all of these benefits without reducing the quantity or quality of the rental housing stock.

It has allowed owners to obtain a fair – indeed a growing – rate of return on their investments... It has not harmed newcomers or unregulated households, although strong arguments can be made that existing laws should be expanded to offer greater protection to newcomers and unregulated households."

"The number of homeless families in New York City has reached record numbers in the face of a low vacancy rate for apartments and the continuing decline in affordable rent stabilized units, as well as other sources of housing within the reach of low-income New Yorkers. While tenants struggle to find and maintain affordable housing and at the same time pay for other necessities, landlords continue to realize increased profits as rental income is exceeding costs by a great amount. Low-income tenants in rent stabilized apartments have and to shoulder the greatest burden of declining affordability in the New York City rental market, while the rental burden on moderate-income tenants is worsening."

"As regulators, it's important that you always keep in mind that you are making a decision that impacts about one million rent stabilized apartments. Two or four percent rent increases will have a bigger impact on them than a rent freeze will have on property owners, because property owners will still see their rental income grow through vacancies, MCIs, and apartment improvement increases."

"I'm here to call for a rent freeze this year. A rent freeze is justified for two fundamental reasons: 1) The recession is hitting rent stabilized tenants especially hard; and 2) the fact that our research of our community has found that very few landlords are financially distressed. Those that are shouldn't be bailed out because of their greed and bad decision-making... It is very clear that rent stabilized tenants are really hurting in our community and beyond. A significant percentage of tenants that we counsel are out of work, and some have taken in roommates to sleep in their living room so they can cover the rent. In this climate, a rent freeze is warranted. This year, more than ever, rent stabilized tenants need a bailout. Wall Street has gotten theirs; it's time for the streets of the Lower East Side, Uptown, and the outer boroughs to get their bailout. Income continues to be redistributed upward in our economy, a trend that has been underway since the 1980s."

<sup>3</sup> Sources: Submissions by tenant groups and testimony by tenants.

### SELECTED EXCERPTS FROM ORAL AND WRITTEN TESTIMONY FROM PUBLIC OFFICIALS<sup>4</sup>

Comments from public officials included:

"The Board should no longer look at 'cost of living' increases as an adequate justification for rent increases. Landlords' costs have increased slightly, but between 2007-2008 (the years for which the most data is available) landlords' net operating income in rent stabilized buildings grew by 5.8%. Landlords are still making a significant and comfortable profit above costs."

"While it is reasonable to expect tenants and landlords to share the burden of increased operating expenses, this burden must be shared equitably. It is unconscionable for building owners in one of the most profitable economic sectors of our economy to pass all of their expenses onto rent stabilized tenants who have a median household income of \$36,000 and are facing an extremely difficult economic environment...Rent stabilized housing is the only affordable housing resource left to most low- and moderate-income tenants. However, once they have been priced out of their apartments, many rent stabilized tenants have few other options."

"In an economic recession, keeping people in their homes is essential. Without a safe and affordable home it is much harder to find a job, keep kids in school, and remain healthy. The rent stabilization system is New York City's largest affordable housing program and it is essential that, during these tough economic times, stabilized rents remain affordable for tenants. With high unemployment as well as numerous other negative factors, this is absolutely not the right time to impose higher rents on already struggling families."

"Building owner profit margins have been consistently positive for a period of years. In the last four years for which data is available, net operating incomes for rent stabilized buildings have increased by 5.8 percent, 9.3%, 8.8% and 1.6%, respectively...While New York's most vulnerable populations bear a continued and steady erosion of their earnings and incomes, their landlords are by and large enjoying a much different reality."

"We need more, not less, affordable housing in this City. Our vacancy rate is extremely low so tenants who are priced out of their apartments have very limited options. Rents are increasingly unaffordable in the outer boroughs as well as in lower Manhattan; so moving to another less expensive neighborhood is not an option. Moreover, as rents reach the threshold at which they can be taken out of rent stabilization and converted to market rate housing, we lose units of affordable housing this City desperately needs. Every rent increase brings apartments closer to that threshold."

"I ask the Board to reject the proposed increases and follow the lead of Westchester County – freeze our rents. As we all know, these are dire economic times. Every measurement attests to this; production is down, unemployment is up – over 10% in the early months of this year. Personal bankruptcy – up. Earnings of rent stabilized and rent controlled tenants – down, by roughly 1.5% and 2.4%, respectively."

<sup>4</sup> Sources: Submissions by public officials.

### FINDINGS OF THE RENT GUIDELINES BOARD

#### RENT GUIDELINES BOARD RESEARCH

The Rent Guidelines Board based its determination on its consideration of the oral and written testimony noted above, as well as upon its consideration of statistical information prepared by the RGB staff set forth in these findings and the following reports:

- 2010 Mortgage Survey Report*, March 2010, (An evaluation of recent underwriting practices, financial availability and terms, and lending criteria);
- 2010 Income and Expense Study*, April 2010, (Based on income and expense data provided by the Finance Department, the *Income and Expense Study* measures rents, operating costs and net operating income in rent stabilized buildings);
- 2010 Income and Affordability Study*, April 2010,

- (4) 2010 Price Index of Operating Costs for Rent Stabilized Apartment Houses in New York City, April 2010... (5) 2010 Housing Supply Report, June 2010... (6) Changes to the Rent Stabilized Housing Stock in NYC in 2009, June 2010...

The six reports listed above may be found in their entirety on the RGB's website, www.housingnyc.com, and are also available at the RGB offices, 51 Chambers St., Suite 202, New York, NY upon request.

2010 PRICE INDEX OF OPERATING COSTS FOR RENT STABILIZED APARTMENT HOUSES IN NEW YORK CITY

The 2010 Price Index of Operating Costs For Rent Stabilized Apartment Houses in New York City found a 3.4% increase in costs for the period between May 2009 and March 2010.

This year, the PIOC for rent stabilized apartment buildings increased by 3.4%, 0.6 percentage points less than the PIOC percentage change from the year before (4.0% in 2009). The PIOC was driven upward by a significant increase in real estate taxes of 10.1%. More moderate increases were seen in Administrative Costs (4.1%), Labor Costs (3.1%), Contractor Services (2.3%), Parts and Supplies (1.7%) and Replacement Costs (0.9%).

The PIOC Utilities component consists primarily of electricity, natural gas, and water and sewer charges. In fact, water and sewer costs account for more than half of the Utilities component. Telephone and steam costs are a small part of this component.

This year Utilities decreased 1.7%, which is in contrast to last year's increase of 10.9%. Decreases in the costs for gas (22.4%), electricity (5.8%) and steam (8.4%) were offset by an increase in water and sewer costs of 12.9%.

The "core" PIOC, which excludes erratic changes in fuel oil, natural gas, and electricity costs, is useful for analyzing long-term inflationary trends. The core PIOC rose by 6.0% this year and was higher than the overall PIOC primarily due to the exclusion of fuel oil costs that rose only 0.5%.

Table 1

Table with 4 columns: Item, Expenditure Weights, 2009-10 Percentage Δ, 2009-10 Weighted Percentage Δ. Rows include Taxes, Labor Costs, Fuel Costs, Utility Costs, Contractor Services, Administrative Costs, Insurance Costs, Parts & Supplies, Replacement Costs, All Items.

Source: 2010 Price Index of Operating Costs for Rent Stabilized Apartment Houses in New York City. Note: The Δ symbol means change.

5 Totals may not add due to weighting and rounding.

On April 30, 2010 the staff of the Rent Guidelines Board released a memo to Board members with additional information concerning the 2010 Price Index of Operating Costs. An excerpt of that memo follows:

Question 1: Can you compare the tax relatives by borough and Community Districts from the 2010 PIOC to that of 2009?

Table with 3 columns: Borough, 2010 PIOC Tax Relative, 2009 PIOC Tax Relative. Rows include Manhattan, Bronx, and Queens data.

Table with 3 columns: Borough, 2010 PIOC Tax Relative, 2009 PIOC Tax Relative. Rows include Manhattan, Bronx, and Queens data.

Table with 3 columns: Borough, 2010 PIOC Tax Relative, 2009 PIOC Tax Relative. Rows include Wakefield, Eastchester, and Brooklyn data.

Table with 3 columns: Borough, 2010 PIOC Tax Relative, 2009 PIOC Tax Relative. Rows include Queens, Staten Island, and Citywide data.

Table with 3 columns: Borough, 2010 PIOC Tax Relative, 2009 PIOC Tax Relative. Rows include Staten Island, Citywide, and Question 2 data.

Table with 3 columns: Borough, 2010 PIOC Tax Relative, 2009 PIOC Tax Relative. Rows include Staten Island, Citywide, and Question 2 data.

Question 2: Can you give us data comparing the projected PIOC vs. the actual PIOC over the past five years?

Table with 4 columns: Year, Projected PIOC, Actual PIOC, Percentage Point Difference from Projected to Actual. Rows include 2010, 2009, 2008, 2007, 2006.

LOCAL LAW 63/ INCOME & EXPENSE REVIEW

The sample size for the Income and Expense (I&E) Study includes over 14,400 properties containing almost 660,000 units. This is the 18th year that staff has been able to obtain longitudinal data in addition to cross-sectional data.

Table 2

Table with 3 columns: Pre 47, Post 46, All Stabilized. Rows include 2010 Income and Expense Study Average Monthly Operating and Maintenance Costs Per Unit.

Source: 2010 Income and Expense Study, from 2009 Real Property Income and Expense filings for 2008, NYC Department of Finance.

In 1992, the Board benefited from the results of audits conducted on a stratified sample of 46 rent stabilized buildings by the Department of Finance. Audited income and expense (I&E) figures were compared to statements filed by owners.

If we assume that an audit of this year's I&E data would yield similar findings to the 1992 audit, one would expect the average O&M cost for stabilized buildings to be \$725, rather than \$790. As a result, the following relationship between operating costs and residential rental income was suggested by the Local Law 63 data:

Table 2(a)

Table with 6 columns: O&M Costs, Rent, O&M to Rent Ratio, Income, O&M to Income Ratio. Rows include ALL STABILIZED, Stabilized Pre 47, Stabilized Post 46.

Source: 2010 Income and Expense Study, from 2009 Real Property Income and Expense filings for 2008, NYC Department of Finance.

6 Overall O&M expenses were adjusted according to the findings of an income and expenses audit conducted by the Department of Finance in 1992. The unadjusted O&M to Rent ratios would be 0.781 (All), 0.801 (Pre-47), and 0.745 (Post-46), respectively.

FORECASTS OF OPERATING AND MAINTENANCE PRICE INCREASES FOR 2010-11

In order to decide upon the allowable rent increases for two-year leases, the RGB considers price changes for operating costs likely to occur over the next year. In making its forecasts the Board relies on expert assessments of likely price trends for the individual components, the history of changes in prices for the individual components and general economic trends.

Table 3

Table with 3 columns: Price Index 2009-10, Projected Price Index 2010-11. Rows include Taxes, Labor Costs, Fuel Costs, Utility Costs, Contractor Services, Administrative Costs, Insurance Costs, Parts & Supplies, Replacement Costs, Total (Weighted).

Source: 2010 Price Index of Operating Costs for Rent Stabilized Apartment Houses in New York City, which includes the 2011 PIOC Projection.

Overall, the PIOC is expected to grow by 6.7% from 2010 to 2011. Costs are predicted to rise in each component, with Utilities increasing the greatest proportion, by 9.5%. Fuel, the most volatile PIOC component, is expected to increase 8.9%. Taxes, the component that carries the most weight in the Index, is projected to increase 8.3% due to an increase in billable assessments, levy share and the tax rate for Class Two properties.

COMMENSURATE RENT ADJUSTMENT

Throughout its history, the Rent Guidelines Board has used a formula, known as the commensurate rent adjustment, to help determine annual rent guidelines for rent stabilized apartments. In essence, the "commensurate" combines various data concerning operating costs, revenues, and inflation into a single measure indicating how much rents would have to change for net operating income (NOI) in stabilized buildings to remain constant.

In its simplest form, the commensurate rent adjustment is the amount of rent change needed to maintain landlords' current dollar NOI at a constant level. In other words, the formula provides a set of one- and two-year renewal rent increases or guidelines that will compensate owners for the change in prices measured by the PIOC and keep net operating income "whole."

The first commensurate method is called the "Net Revenue" approach. While this formula takes into consideration the types of leases actually signed by tenants, it does not adjust landlords' NOI for inflation. The "Net Revenue" formula is presented in two ways, first adjusting for the mix of lease terms and second, adding an assumption for stabilized apartment turnover and the impact of revenue from vacancy increases.

The second commensurate method considers the mix of lease terms while adjusting NOI upward to reflect general inflation, keeping both operating and maintenance (O&M) costs and NOI constant. This is commonly called the "CPI-Adjusted NOI" formula. A guideline that would preserve NOI in the face of the 0.53% increase in the Consumer Price Index and the 3.4% increase in the PIOC is 3.0% for a one-year lease and 5.75% for a two-year lease.

The "traditional" commensurate adjustment is the formula that has been in use since the inception of the Rent Guidelines Board. The "traditional" commensurate yields 2.4% for a one-year lease and 4.8% for a two-year lease, given the increase in operating costs of 3.4% found in the 2010 PIOC and the projection of a 6.7% increase next year.

As a means of compensating for cost changes, this "traditional" commensurate rent adjustment has two major flaws. First, although the formula is supposed to keep landlords' current dollar income constant, the formula does not consider the mix of one- and two-year lease renewals.

A second flaw of the "traditional" commensurate formula is that it does not consider the erosion of landlords' income by inflation. By maintaining current dollar NOI at a constant level, adherence to the formula may cause profitability to decline over time.

All of these methods have their limitations. The "traditional" commensurate formula is artificial and does not consider the impact of lease terms or inflation on landlords' income. The "Net Revenue" formula does not attempt to adjust NOI based on changes in interest rates or deflation of landlord profits.

receive on vacancy assumes that turnover rates are constant across the City.

Finally, it is important to note that only the "traditional" commensurate formula uses the PIOC projection and that this projection is not used in conjunction with or as part of the "Net Revenue" and "CPI- Adjusted NOI" formulas. As stated previously, all three formulas attempt to compensate owners for the adjustment in their operating and maintenance costs measured each year in the PIOC. The "Net Revenue" and the "CPI-Adjusted NOI" formulas attempt to compensate owners for the adjustment in O&M costs by using only the known PIOC change in costs (3.4%). The traditional method differs from the other formulas in that it uses both the PIOC's actual change in costs as well as the projected change in costs (6.7%). If the change in projected costs, which may not be an accurate estimate of owner's costs, is added to the "Net Revenue" and "CPI-Adjusted NOI" formulas, the resulting guidelines will likely over- or under-compensate for the change in costs.

Each of these formulae may be best thought of as a starting point for deliberations. The other Rent Guidelines Board annual research reports (e.g. the *Mortgage Survey Report* and the *Income and Expense Study*) and testimony to the Board can be used to modify the various estimates depending on these other considerations.

#### Consideration of Other Factors

Before determining the guideline, the Board considered other factors affecting the rent stabilized housing stock and the economics of rental housing.

<sup>7</sup> The following assumptions were used in the computation of the commensurates: (1) the required change in landlord revenue is 70.0% of the 2010 PIOC increase of 3.4%, or 2.4%. The 70.0% figure is the most recent ratio of average operating costs to average income in stabilized buildings; (2) for the "CPI-Adjusted NOI" commensurate, the increase in revenue due to the impact of inflation on NOI is 30.0% times the latest 12-month increase in the CPI ending February 2010 (0.53%) or 0.16%; (3) these lease terms are only illustrative—other combinations of one- and two-year guidelines could produce the adjustment in revenue; (4) assumptions regarding lease renewals and turnover were derived from the 2008 Housing and Vacancy Survey; (5) for the commensurate formulae, including a vacancy assumption, the 11.13% median increase in vacancy leases found in the rent stabilized apartments that reported a vacancy lease in the 2008 apartment registration file from the Division of Housing and Community Renewal was used; and (6) the collectability of these commensurate adjustments are assumed.

<sup>8</sup> The collectability of legally authorized adjustments is assumed. Calculating the "traditional" commensurate rent adjustment requires an assumption about next year's PIOC. In this case, the 6.7% PIOC projection for 2011 is used.

<sup>9</sup> Whether profits will actually decline depends on the level of inflation, the composition of NOI (i.e. how much is debt service and how much is profit), and changes in tax law and interest rates.

#### EFFECTIVE RATES OF INTEREST

The Board took into account current mortgage interest rates and the availability of financing and refinancing. It reviewed the staff's 2010 *Mortgage Survey Report* of lending institutions. Table 4 gives the reported rate and points for the past nine years as reported by the mortgage survey.

Table 4

2010 Mortgage Survey <sup>1</sup>									
Average Interest Rates and Points for New and Refinanced Permanent Mortgage Loans 2002-2010									
New Financing of Permanent Mortgage Loans, Interest Rate and Points									
	2002	2003	2004	2005	2006	2007	2008	2009	2010
Avg. Rates	7.4%	6.2%	5.8%	5.5%	6.3%	6.3%	5.9%	6.5%	6.3%
Avg. Points	0.79	0.81	0.67	0.56	0.44	0.61	0.47	0.62	0.79
Refinancing of Permanent Mortgage Loans, Interest Rate and Points									
	2002	2003	2004	2005	2006	2007	2008	2009	2010
Avg. Rates	7.4%	6.2%	5.7%	5.5%	6.3%	6.2%	5.8%	6.5%	6.3%
Avg. Points	0.83	0.78	0.60	0.56	0.44	0.61	0.44	0.62	0.83

Source: 2002-2010 Annual Mortgage Surveys, RGB.

<sup>10</sup> Institutions were asked to provide information on their "typical" loan to rent stabilized buildings. Data for each variable in any particular year and from year to year may be based upon responses from a different number of institutions.

**On April 13, 2010 the staff of the Rent Guidelines Board released a memo to Board members with additional Mortgage Survey information. An excerpt from that memo follows:**

In response to the request for the sales volume of the number of rent stabilized buildings that contain 100 or more units, a total of eleven buildings were sold in 2009 (5 in Brooklyn; 3 in Manhattan; 2 in Queens and 1 in the Bronx), while 36 were sold in 2008 (21 in Manhattan; 9 in Brooklyn; and 3 each in Queens and the Bronx).

#### CONDITION OF THE RENT STABILIZED HOUSING STOCK

The Board reviewed the number of buildings owned by the City following *in rem* actions and the number of units that are moving out of the rental market due to cooperative and condominium conversion.

Table 5

City-Owned Properties in Central Management Occupied and Vacant Building Counts, Fiscal Years 2001-2008								
	2001	2002	2003	2004	2005	2006	2007	2008
Occupied Bldgs.	1,203	919	610	373	235	175	133	115
Vacant Bldgs.	633	524	367	275	221	155	92	75

<sup>10</sup> Institutions were asked to provide information on their "typical" loan to rent stabilized buildings. Data for each variable in any particular year and from year to year may be based upon responses from a different number of institutions.

Table 6

Number of Cooperative / Condominium Plans <sup>1</sup> Accepted for Filing, 2001-2009									
	2001	2002	2003	2004	2005	2006	2007	2008	2009
New Construction	145	136	190	268	361	644	573	454	335
Conversion Non-Eviction	12	14	10	16	24	53	66	50	29
Conversion Eviction	2	15	0	15	18	13	16	18	13
Rehabilitation	13	20	18	18	6	0	8	4	1
Total	172	185	218	317	409	710	663	526	378
Subtotal:									
HPD Sponsored Plans	2	15	0	15	18	13	16	18	13

<sup>11</sup> The figures given above for eviction and non-eviction plans include those that are abandoned because an insufficient percentage of units were sold within the 15-month deadline. In addition, some of the eviction plans accepted for filing may have subsequently been amended or resubmitted as non-eviction plans and therefore may be reflected in both categories. HPD sponsored plans are a subset of the total plans.

**On June 9, 2010 the staff of the Rent Guidelines Board released a memo to Board members with additional Housing Supply Report information. The text of that memo follows:**

*Question 1: Can you provide the change in the number of rent controlled units between 2005 and 2008?*

According to data from the 2005 and 2008 *Housing and Vacancy Surveys*, rent controlled units fell from 43,317 in 2005 to 39,901 in 2008, a decline of 3,416 units, or 7.9%. This is a slower decline than that seen between 2002 and 2005, when the number of rent controlled units declined by 16,007 units, or 27.0%.

*Question 2: Can you provide historic vacancy rates for non-regulated housing?*

Vacancy rates for non-regulated housing, as reported by the triennial *Housing and Vacancy Survey* follow. For comparison purposes, the rent stabilized vacancy rates and the overall vacancy rate for each year are also provided.

Year	Non-Regulated Housing	Rent Stabilized Housing	Overall Rental Vacancy Rate
2008	4.75%	2.15%	2.91%
2005	4.11%	2.68%	3.09%
2002	4.07%	2.52%	2.94%
1999	4.98%	2.46%	3.19%
1996	5.29%	3.57%	4.01%
1993	5.06%	3.36%	3.44%

*Question 3: Can you provide First Quarter 2010 building permits by housing size?*

Following are first quarter 2009 and 2010 building permits, and the change over the year, by housing size:

Housing Size	1st Quarter 2009	1st Quarter 2010	% Change
Single Family	78	104	33.3%
Two Family	198	218	10.1%
Three and Four Family	98	55	-43.9%
Five or More Family	703	628	-10.7%
<b>Total</b>	<b>1,077</b>	<b>1,005</b>	<b>-6.7%</b>

*Question 4: Rates were presented for overcrowding and severe overcrowding in the Housing Supply Report. Is there any data related to the underutilization of housing?*

As defined by the Census Bureau and reported in the *Housing Supply Report*, overcrowding is defined as an average of more than one person per room, while severe overcrowding is defined as more than 1.5 persons per room. A room is defined by the Census Bureau as: "...whole rooms used for living purposes, such as living rooms, dining rooms, bedrooms, kitchens, finished attic or basement rooms, recreation rooms, permanently enclosed porches that are suitable for year-round use, and lodger's rooms. Also included are rooms used for offices by a person living in the unit. A partially divided room, such as a dinette next to a kitchen or living room, is a separate room only if there is a partition from floor to ceiling, but not if the partition consists only of shelves or cabinets. Not included in the count of rooms are bathrooms, halls, foyers or vestibules, balconies, closets, alcoves, pantries, strip or Pullman kitchens, laundry or furnace rooms, unfinished attics or basements, other unfinished space used for storage, open porches, trailers used only as bedrooms, and offices used only by persons not living in the unit."

We are not aware of any definitions that exist for underutilization of an apartment. But presented below is information from the 2008 *Housing and Vacancy Survey* for various apartment categories and various ratios of persons per room. As the table illustrates, for rent stabilized housing, 8.2% of apartments have less than 0.333 persons per room (i.e. less than one person per three rooms), while 19.8% have between 0.333 persons per room and 0.499 persons per room (i.e. at least one person per three rooms, but less than one person per two rooms), while 60.4% of rent stabilized apartments have between 0.5 and 1 persons per room (i.e. from one person per two rooms through one person per room) and 11.6% are considered overcrowded (more than one person per room).

Housing Category	Less than 0.333 persons per room	0.333 persons per room to 0.499 persons per room	Between 0.5 and 1 persons per room	More than 1 person per room (overcrowded)
Owner Occupied	20.9%	26.4%	49.1%	3.6%
Rent Stabilized	8.2%	19.8%	60.4%	11.6%
Rent Controlled	30.6%	24.1%	42.7%	2.7%
Mitchell Lama	12.3%	26.6%	56.4%	4.8%
Public Housing	16.9%	18.9%	57.3%	7.0%
Other Regulated	9.0%	27.7%	55.8%	7.5%
Non Regulated	9.2%	18.6%	62.2%	10.0%
<b>Total</b>	<b>13.5%</b>	<b>22.0%</b>	<b>56.5%</b>	<b>8.0%</b>

Apartments can also be analyzed by the number of persons per bedroom. Presented in the table below are the total

number of apartment dwellers in both two-bedroom and three-bedroom apartments for various types of housing. As the table illustrates, 20.9% of rent stabilized two-bedroom apartments are occupied by one person, as are 13.0% of rent stabilized three-bedroom apartments. But 8.9% of rent stabilized two-bedroom apartments are occupied by five or more persons, as are 20.6% of three-bedroom rent stabilized apartments.

Housing Category	# of Persons	2 bedroom apts.		3 bedroom apts.	
		Units	Percent	Units	Percent
Owner Occupied	1	81,822	28.0%	59,413	15.4%
	2	109,681	37.6%	109,488	28.4%
	3	56,930	19.5%	73,231	19.0%
	4	30,988	10.6%	94,242	24.4%
	5 or more	12,656	4.4%	49,553	12.9%
<b>Total</b>		<b>292,077</b>	<b>100.0%</b>	<b>385,927</b>	<b>100.0%</b>
Rent Stabilized	1	66,793	20.9%	9,574	13.0%
	2	101,160	31.6%	12,825	17.4%
	3	75,134	23.5%	17,594	23.9%
	4	48,267	15.1%	18,423	25.0%
	5 or more	28,464	8.9%	15,218	20.6%
<b>Total</b>		<b>319,819</b>	<b>100.0%</b>	<b>73,634</b>	<b>100.0%</b>
Rent Controlled	1	7,457	50.0%	2,389	40.8%
	2	4,686	31.4%	1,464	25.0%
	3	1,596	10.7%	1,157	19.8%
	4	702	4.7%	448	7.6%
	5 or more	461	3.1%	396	6.8%
<b>Total</b>		<b>14,901</b>	<b>100.0%</b>	<b>5,853</b>	<b>100.0%</b>
Mitchell Lama	1	5,230	25.6%	1,600	18.0%
	2	7,827	38.4%	799	9.0%
	3	4,584	22.5%	2,181	24.5%
	4	2,208	10.8%	1,824	20.5%
	5 or more	543	2.7%	2,496	28.1%
<b>Total</b>		<b>20,393</b>	<b>100.0%</b>	<b>8,900</b>	<b>100.0%</b>
Public Housing	1	25,776	31.3%	5,825	16.0%
	2	26,876	32.6%	5,832	16.0%
	3	17,083	20.7%	6,962	19.1%
	4	8,655	10.5%	9,290	25.4%
	5 or more	4,086	4.9%	8,604	23.6%
<b>Total</b>		<b>82,476</b>	<b>100.0%</b>	<b>36,513</b>	<b>100.0%</b>
Other Regulated	1	4,744	26.5%	1,167	14.6%
	2	4,997	30.1%	2,502	31.4%
	3	3,510	21.1%	1,044	13.1%
	4	2,059	12.4%	1,374	17.2%
	5 or more	1,307	7.8%	1,890	23.7%
<b>Total</b>		<b>16,617</b>	<b>100.0%</b>	<b>7,977</b>	<b>100.0%</b>
Non Regulated	1	48,965	16.9%	8,353	6.5%
	2	110,520	38.2%	20,729	16.1%
	3	70,411	24.3%	38,744	30.1%
	4	39,238	13.6%	29,611	23.0%
	5 or more	20,172	7.0%	31,383	24.3%
<b>Total</b>		<b>289,307</b>	<b>100.0%</b>	<b>128,820</b>	<b>100.0%</b>

*Question 5: Can you provide data related to the level of tourism in New York City?*

Data presented in the table below is from NYC & Company, the City's official tourism marketing agency:

Year	Visitors	% Change from Previous Year
2009	45.6 million	-3.0%
2008	47.0 million	2.2%
2007	46.0 million?	5.0%
2006	43.8 million?	2.8%
2005	42.6 million?	6.8%
2004	39.9 million?	5.6%
2003	37.8 million?	7.1%
2002?	35.3 million?	0.3%
2001	35.2 million?	-2.8%
2000	36.2 million	--

*Question 6: How many rent stabilized units are located in co-op or condo buildings?*

There are two sources for this data – DHCR apartment registration filings and the 2008 *Housing and Vacancy Survey*. The files are different in that the total number of rent stabilized units reported Citywide differ significantly (the 2008 HVS reports a total of 1,001,215 rent stabilized units Citywide, while only 833,298 units were registered with DHCR as of March, 2009) and that the HVS is a survey based on a statistically significant, but small, number of respondents, while the DHCR registrations rely on owners/managers of rent stabilized buildings to register their apartments and provide accurate and thorough information about the apartments they own and/or manage.

The 2008 DHCR registration file (released March, 2009) shows 2,382 self-identified co-op or condo buildings, containing a total of 23,029 rent stabilized units. The 2008 *Housing and Vacancy Survey* identified 83,263 rent stabilized units in co-op or condo buildings (58,854 units in co-op buildings and 24,409 units in condo buildings).

These two files can be viewed together to estimate the true number of rent stabilized buildings in co-op and condo buildings, with the figure lying somewhere between a floor of 23,029 units and a ceiling of 83,263 units.

#### CONSUMER PRICE INDEX

The Board reviewed the Consumer Price Index. Table 7 shows the percentage change for the NY-Northeastern NJ Metropolitan area since 2003.

Table 7

Percentage Changes in the Consumer Price Index for the New York City - Northeastern New Jersey Metropolitan Area, 2003-2010 (For "All Urban Consumers")								
	2003	2004	2005	2006	2007	2008	2009	2010
1st Quarter Avg. <sup>1</sup>	3.1%	2.8%	4.1%	3.4%	2.9%	3.7%	1.3%	2.1%
Yearly Avg.	3.1%	3.5%	3.9%	3.8%	2.8%	3.9%	0.4%	--

Source: U.S. Bureau of Labor Statistics. Some 1st Quarter numbers have been revised from prior years.

<sup>12</sup> 1st Quarter Average refers to the change of the CPI average of the first three months of one year to the average of the first three months of the following year.

#### CALCULATING OF THE CURRENT OPERATING AND MAINTENANCE EXPENSE TO RENT RATIO

Each year the Board estimates the current average proportion of the rent roll which owners spend on operating and maintenance costs. This figure is used to ensure that the rent increases granted by the Board compensate owners for the increases in operating and maintenance expenses. This is commonly referred to as the O&M to rent ratio.

Over the first two decades of rent stabilization, the change in the O&M to rent ratio contained in Table 8 (hereinafter, referred to as "Table 14" - its past designation) was updated each year to reflect the changes in operating costs as measured by the PIOC and changes in rents as measured by staff calculations derived from guideline increases. Over the

years, some Board members and other housing experts have challenged the price index methodology and the soundness of the assumptions used in calculating the O&M and rent ratio in "Table 14". Several weaknesses in the table have been acknowledged for some time. However the board has decided to maintain Table 8 in this Explanatory Statement and Findings for historic comparison.

The first problem with "Table 14" is that the calculation does not account for the changes in the housing stock and market factors, both of which have certainly affected the relationship between rents and operating costs to some degree. Next, for the purpose of measuring the relationship between legal regulated rents and operating cost changes, the usefulness of "Table 14" is also limited. The rent index contained in the table does not adjust for administrative rent increases (MCI's and Apartment Improvement increases) and rents charged below established guidelines (preferential).

The operating cost index contained in the table is more troublesome. The .55 base contained in the table reflects an estimate concerning nearly all post-war units. The vast majority of stabilized units (about 7 out of 10) are now in pre-war buildings, which had higher O&M ratios in 1970. The cost index was adjusted (departing from the PIOC) in the 1970's in an attempt to accommodate for this influx of pre-war buildings into the stabilized sector. This attempt was misguided. The rent index reflects changes in rents initially in the post-war sector - so adjustments to the cost index to reflect the influx of pre-war units' results in a one-sided distortion of the changing relationship between costs and rents.

Staff's research suggests that the PIOC may have overstated actual cost increases from 1970 to 1982. Similarly, from 1990 to 2008, the I&E rose 120.1% and the adjusted PIOC rose 123.2%. What remains clear, however, is that "Table 14," in its current form, presents a highly misleading picture of the changing relationship of operating costs to rents over time.

**Table 8 (Formerly Table 14)<sup>13</sup>**

Calculation of Operating and Maintenance Cost Ratio For Rent Stabilized Buildings from 1970 to 2010						
Period	Percent O&M Increase	O&M Index	Period	Percent Rent Increase	Rent Index	O&M/Rent Ratio
4/1/70-3/31/71	-	55	7/1/71-6/30/72	-	100	0.55
4/1/71-3/31/72	5.7	58.14	7/1/72-6/30/73	5.4	105.40	0.55
4/1/72-3/31/73	7.9	62.73	7/1/73-6/30/74	5.4	111.09	0.56
4/1/73-3/31/74	15.5	72.45	7/1/74-6/30/75	5.64	117.36	0.62
4/1/74-3/31/75	6.5	77.16	7/1/75-6/30/76	5.62	123.95	0.62
4/1/75-3/31/76	8.8	83.95	7/1/76-6/30/77	5.33	130.56	0.64
4/1/76-3/31/77	6.9	89.74	7/1/77-6/30/78	5.49	137.73	0.65
4/1/77-3/31/78	0.6	90.28	7/1/78-6/30/79	4.23	143.55	0.63
4/1/78-3/31/79	10.4	99.67	7/1/79-6/30/80	7.73	154.65	0.64
4/1/79-3/31/80	17.0	116.61	7/1/80-9/30/81	10.28	170.55	0.68
4/1/80-3/31/81	14.6	133.64	10/1/81-9/30/82	10.11	187.79	0.71
4/1/81-3/31/82	2.8	137.38	10/1/82-9/30/83	3.52	194.40	0.71
4/1/82-3/31/83	2.6	140.95	10/1/83-9/30/84	4.93	203.96	0.69
4/1/83-3/31/84	6.3	149.83	10/1/84-9/30/85	5.82	215.86	0.69
4/1/84-3/31/85	5.4	157.92	10/1/85-9/30/86	6.55	229.99	0.69
4/1/85-3/31/86	6.4	168.03	10/1/86-9/30/87	6.18	244.21	0.69
4/1/86-3/31/87	2.1	171.56	10/1/87-9/30/88	5.87	258.54	0.66
4/1/87-3/31/88	6.4	182.54	10/1/88-9/30/89	6.39	275.06	0.66
4/1/88-3/31/89	6.7	194.77	10/1/89-9/30/90	6.16	292.01	0.67
4/1/89-3/31/90	10.9	216.00	10/1/90-9/30/91	4.15	304.13	0.71
4/1/90-3/31/91	6.0	228.96	10/1/91-9/30/92	3.93	316.08	0.72
4/1/91-3/31/92	4.0	238.12	10/1/92-9/30/93	3.11	325.91	0.73
4/1/92-3/31/93	4.7	249.31	10/1/93-9/30/94	2.93	335.46	0.74
4/1/93-3/31/94	2.0	254.30	10/1/94-9/30/95	2.73	344.62	0.74
4/1/94-3/31/95	0.1	254.55	10/1/95-9/30/96	4.10	358.74	0.71

<sup>13</sup> Source: Price Index of Operating Costs 1970 – 2010, NYC Housing and Vacancy Surveys.

<sup>14</sup> Estimate of percentage increases are based on the Price Index of Operating Costs for Rent Stabilized Apartment Houses in New York City for the relevant year and adjustments made by the Rent Guidelines Board; detailed explanations are available in the individual Explanatory Statements of the Board.

<sup>15</sup> For explanation of the derivation of individual percentage rent increases see the Explanatory Statements of the Board's previous Orders.

**Table 8 (Formerly Table 14) Continued**

Calculation of Operating and Maintenance Cost Ratio For Rent Stabilized Buildings from 1970 to 2010						
Period	Percent O&M Increase	O&M Index	Period	Percent Rent Increase	Rent Index	O&M/Rent Ratio
4/1/95-3/31/96	6.0	269.82	10/1/96-9/30/97	5.72	379.26	0.71
4/1/96-3/31/97	2.4	276.30	10/1/97-9/30/98	3.66	393.16	0.70
4/1/97-3/31/98	0.1	276.58	10/1/98-9/30/99	3.71	407.75	0.68
4/1/98-3/31/99	0.03	276.65	10/1/99-9/30/00	3.91	423.70	0.65
4/1/99-3/31/00	7.8	298.23	10/1/00-9/30/01	5.04	445.04	0.67
4/1/00-3/31/01	8.7	324.18	10/1/01-9/30/02	4.78	466.29	0.70
4/1/01-3/31/02	-1.6	318.99	10/1/02-9/30/03	3.61	483.10	0.66
4/1/02-3/31/03	16.9	372.90	10/1/03-9/30/04	5.72	510.72	0.73
4/1/03-3/31/04	6.9	398.63	10/1/04-9/30/05	4.75	534.96	0.75
4/1/04-3/31/05	5.8	421.91	10/1/05-9/30/06	4.22	557.54	0.76
4/1/05-3/31/06	7.8	454.86	10/1/06-9/30/07	4.38	581.92	0.78
4/1/06-3/31/07	5.1	477.83	10/1/07-9/30/08	3.57	602.68	0.79
4/1/07-3/31/08	7.8	515.10	10/1/08-9/30/09	8.00	650.80	0.79
4/1/08-3/31/09	4.0	535.71	10/1/09-9/30/10	5.82 <sup>1</sup>	688.78	0.78
4/1/09-3/31/10	3.4	553.92	10/1/10-9/30/11	3.40 <sup>2</sup>	712.17	0.78

<sup>16</sup> The 5.82% increase in rent roll estimated for leases signed during the period 10/1/09-9/30/10 under Order 41 reflects the following: (1) Renewal guidelines are estimated to contribute a 1.75% and 2.76% increase in the rent roll with 34.8% of all units experiencing a one-year lease signing (3% or \$30, whichever is higher) and 52.5% of all units experiencing two-year lease signings (6% or \$60, whichever is higher). These figures are derived from the 2008 Housing and Vacancy Survey (HVS). "Less than one year" was assumed to be a one-year lease and "More than one year" and "More than two years" were assumed to be a two-year lease. These figures for renewal leases (39.8% of stabilized households have a one-year lease and 60.2% have two-year leases) were reduced by the turnover rate of 12.7%, derived from the average households who moved in the 2008

HVS (127,570 is the number of stabilized households that moved in 2007, the most recent full year for which HVS data is available) and taken as percentages of all stabilized lease signers (1,004,837); (2) the median vacancy increase of 11.13% found in the 2008 annual DHCR rent registration data for apartments is estimated to increase overall rent rolls by 1.32% when multiplied by the HVS turnover rate (11.8%), which estimates the percentage of rent stabilized units that will enter into vacancy leases under Order 41. <sup>17</sup> The 3.40% increase in rent roll estimated for leases signed during the period 10/1/10-9/30/11 under Order 42 reflects the following: (1) Renewal guidelines are estimated to contribute a 1.31% and 0.85% increase in the rent roll with 34.8% of all units experiencing a one-year lease signing (2.25%) and 52.5% of all units experiencing two-year lease signings (4.5%). These figures are derived from the 2008 Housing and Vacancy Survey (HVS). "Less than one year" was assumed to be a one-year lease and "More than one year" and "More than two years" were assumed to be a two-year lease. These figures for renewal leases (39.8% of stabilized households have a one-year lease and 60.2% have two-year leases) were reduced by the turnover rate of 12.7%, derived from the average households who moved in the 2008 HVS (127,570 is the number of stabilized households that moved in 2007, the most recent full year for which HVS data is available) and taken as percentages of all stabilized lease signers (1,004,837); (2) the median vacancy increase of 11.13% found in the 2008 annual DHCR rent registration data for apartments is estimated to increase overall rent rolls by 1.41% when multiplied by the HVS turnover rate in 2007 (12.7%), which estimates the percentage of rent stabilized units that will enter into vacancy leases under Order 42.

For years the staff has expressed serious reservations about the usefulness and accuracy of "Table 14". With current longitudinal income and expense data staff has constructed a new and far more reliable index, using 1989 as a base year. Except for the most recent year and the coming year, this new index measures changes in building income and operating expenses as reported in annual income and expense statements. The second to last year in the table will reflect actual PIOC increases and projected rent changes. The last year in the table - projecting into the future - will include staff projections for both expenses and rents. The proposed new index is in Table 9.

While we believe this to be a more reliable index, it is not without limitations. First, as noted, for the past and coming year the index will continue to rely upon the price index and staff rent and cost projections. Second, while the new table looks at the overall relationship between costs and income, it does not measure the specific impact of rent regulation on that relationship. This new table is listed as Table 9.

**Table 9**

Revised Calculation of Operating and Maintenance Cost Ratio for Rent Stabilized Buildings from 1989 to 2011			
	Average Monthly O & M Per d.u. <sup>1</sup>	Average Monthly Income Per d.u.	Average O & M to Income Ratio
1989	\$370 (\$340)	\$567	.65 (.60)
1990	\$382 (\$351)	\$564	.68 (.62)
1991	\$382 (\$351)	\$559	.68 (.63)
1992	\$395 (\$363)	\$576	.69 (.63)
1993	\$409 (\$376)	\$601	.68 (.63)
1994	\$415 (\$381)	\$628	.66 (.61)
1995	\$425 (\$391)	\$657	.65 (.59)
1996	\$444 (\$408)	\$679	.65 (.60)
1997	\$458 (\$421)	\$724	.63 (.58)
1998	\$459 (\$422)	\$755	.61 (.56)
1999	\$464 (\$426)	\$778	.60 (.55)
2000	\$503 (\$462)	\$822	.61 (.56)
2001	\$531 (\$488)	\$868	.61 (.56)
2002	\$570 (\$524)	\$912	.63 (.57)
2003	\$618 (\$567)	\$912	.68 (.62)
2004	\$654 (\$601)	\$969	.67 (.62)
2005	\$679 (\$624)	\$961	.71 (.65)
2006	\$695 (\$638)	\$1,009	.69 (.63)
2007	\$730 (\$671)	\$1,052	.69 (.64)
2008	\$787 (\$723)	\$1,095	.72 (.66)
2009 <sup>2</sup>	\$819 (\$752)	\$1,154	.71 (.65)
2010 <sup>3</sup>	\$847 (\$778)	\$1,236	.69 (.63)
2011 <sup>4</sup>	\$903 (\$830)	\$1,295	.70 (.64)

Source: RGB Income and Expense Studies, 1989-2010, Price Index of Operating Costs 1992 - 2010, RGB Rent Index for 1992 - 2011 (see Table 8).

<sup>18</sup> Operating and expense data listed is based upon unaudited filings with the Department of Finance. Audits of 46 buildings conducted in 1992 suggest that expenses may be overstated by 8% on average. See *Rent Stabilized Housing in New York City, A Summary of Rent Guidelines Board Research 1992*, pages 40-44. Figures in parentheses are adjusted to reflect these findings.

<sup>19</sup> Estimated expense figure includes 2008 expense estimate updated by the PIOC for the period from 4/1/08 through 3/31/09 (4.0%). Income includes the income estimate for 2008 updated by staff estimate based upon renewal guidelines and choice of lease terms for a period from 4/1/08 through 3/31/09 (5.41% - i.e., the 10/1/07 to 9/30/08 rent projection (3.57) times (.583), plus the 10/1/08 to 9/30/09 rent projection (8.00) times (.417)).

<sup>20</sup> Estimated expense figure includes 2009 expense estimate updated by the staff PIOC for the period from 5/1/09 through 3/31/10 (3.4%). Income includes the income estimate for 2009 updated by staff estimate based upon renewal guidelines and choice of lease terms for a period from 4/1/09 through 3/31/10 (7.09% - i.e., the 10/1/08 to 9/30/09 rent projection (8.00) times (.583), plus the 10/1/09 to 9/30/10 rent projection (5.82) times (.417)).

<sup>21</sup> Estimated expense figure includes 2010 expense estimate updated by the staff PIOC projection for the period from 4/1/10 through 3/31/11 (6.7%). Income includes the income estimate for 2010 updated by staff estimate based upon renewal guidelines and choice of lease terms for a period from 4/1/10 through 3/31/11 (4.81% - i.e., the 10/1/09 to 9/30/10 rent projection (5.82) times (.583), plus the 10/1/10 to 9/30/11 rent projection (3.40%) times (.417)).

**CHANGES IN HOUSING AFFORDABILITY**

For the third consecutive year, New York City's economy did not generally improve as compared with the preceding year, with mostly negative economic indicators, including rising unemployment rates and homeless levels, and falling Gross City Product and employment levels. Citywide unemployment

(on an annual basis) increased to 9.5% during 2009, a 4.1 percentage point increase from the prior year. And the annual measure of Gross City Product fell for the first time since 2003, declining by 3.0%, despite growth in the fourth quarter. In addition, cash assistance levels increased for only the second time since 1995, increasing by 1.5% between 2008 and 2009. The number of food stamp recipients is also on the rise, with rates increasing 20.0% in 2009. There was also a 7.5% increase in evictions, the largest proportional rise since 2002, and both non-payment filings in Housing Court and cases "calendered" both rose 2.3%. Homeless levels also rose, increasing to an average of almost 36,000 persons a night, a 7.0% increase. In addition, employment levels fell, decreasing 2.8% in 2009, and real wages in 2008 (the latest available annual data) fell 3.4%, and fell 2.3% during the third quarter of 2009 (the latest quarterly data).

As the economy struggled, inflation remained at historically low levels in New York. Costs rose on average just 0.4% in 2009, the lowest rate of inflation since the deflation of 1955. Gross City Product also increased during the fourth quarter of 2009, rising 0.9%, the first quarterly increase in real terms since the fourth quarter of 2007. Homeless levels also decreased slightly in both November and December of 2009 as compared to the prior month. And non-payment filings in Housing Court dropped 4.5% in the fourth quarter of 2009 as compared with the same quarter in 2008.

**On April 26, 2010 the staff of the Rent Guidelines Board released a memo to Board members with additional information concerning the 2010 Income and Affordability Study. The text of that memo follows:**

*Question 1: Can you provide vacancy rates by housing type?*

Following are vacancy rates for the most common types of housing in New York City, provided by the 2008 New York City Housing and Vacancy Survey. Per New York State Rent Stabilization laws, a "housing emergency" is defined as an overall vacancy rate of less than 5%.

- Total Renter Occupied: 2.91% (62,499 vacant apartments of 2,144,452 rentals)
- Total Rent Stabilized: 2.15% (22,032 vacant apartments of 1,023,247 rentals)
  - Pre-47 Rent Stabilized: 2.36% (16,917 vacant apartments of 717,471 rentals)
  - Post-46 Rent Stabilized: 1.67% (5,115 vacant apartments of 305,775 rental)
- Mitchell-Lama Rentals: 2.32% (1,398 vacant apartments of 60,376 rentals)
- Public Housing: 0.83% (1,530 vacant apartments of 185,339 rentals)
- Non-Regulated (Market-Rate) Housing: 4.75% (36,709 vacant apartments of 772,651 rentals)
- All Other Rental Housing (Article 4/5, HUD Regulated, Loft Board Regulated, In Rem): 1.32% (829 vacant apartments of 62,938 rentals)

*Question 2: Can the unemployment rate be provided for just those 21 and older?*

The local unemployment rate for New York City (9.5% annually in 2009) cannot be disaggregated by age or any other factors. However, the U.S. unemployment rate can be provided for those 16 and up (9.3% annually in 2009), as well as for those 20 years and up. Generally speaking, the unemployment rate for those 20 years and older is 0.5 to 0.6 percentage points lower than that for ages 16 and up.

**On April 30, 2010 the staff of the Rent Guidelines Board released a memo to Board members with additional information concerning the 2010 Income and Affordability Study. The text of that memo follows:**

*How much are vacant apartments being offered for, by borough?*  
Data from the 2008 HVS is organized into two separate files – one with all occupied units, and one with vacant units, and one with all occupied units, and one with vacant units. To determine how much vacant apartments are being rented for, both files were utilized. As with all surveys, the HVS samples a small number of respondents and extrapolates this data for the City as a whole. The larger the sample size, the more accurate the data will be. For instance, the sample size of household income for all renters in New York City is a large number and would be a much more accurate representation than, for instance, the household income of people living in 7-story buildings in Brooklyn, which would be a much smaller sample size. Similarly, the sample size of vacant apartments is very small, with 398 vacant units actually sampled in 2008 and 335 in 2005. This extrapolates to approximately 60,000-65,000 units of housing across all five boroughs. Because of questions about the reliability of the data, we decided to present data for the "asking rent" of vacant apartments only on a Citywide level.

However, using the occupied data file, contract and gross rent levels from the 2008 HVS were analyzed according to the year the tenant moved in to see how much more recent movers are paying to rent apartments than tenants who moved in earlier. Rent levels from 2005 are organized into two groups – by tenants who moved between 2006 and 2008, and tenants who moved between 2002 and 2005. The median rent levels of the group from 2002-2005 were then compared to the median rent levels of those tenants who moved between 2006 and 2008. For instance, Citywide, rent stabilized tenants who moved into their present apartments between 2003 and 2005 are paying 5.2% less in contract rent than rent stabilized tenants who moved into their apartments between 2006 and 2008. Because the sample sizes of this grouping are much larger, data can be presented both by borough and for the whole City.

**Asking Rents, Change Between 2005 and 2008**

Asking Rent (vacant apts.)	All Apartments		Rent Stabilized Apartments		Market Rate Apartments	
	2005 Median Asking Rent	% Increase	2005 Median Asking Rent	% Increase	2005 Median Asking Rent	% Increase
Citywide	\$980	22.4%	\$1,100	18.9%	\$1,300	15.4%

Median Contract and Gross Rents, 2008 HVS Rents by Move-In Date

2008 HVS Rents, Move-In Date: 2006-2008

	Market Rate Apartments			Rent Stabilized Apartments			All Apartments		
	Median Rents (Move-In Date 2006-2008)	% Difference from Rents for Move-In Date 2006-2008	2008 Gross Rent	Median Rents (Move-In Date 2006-2008)	% Difference from Rents for Move-In Date 2006-2008	2008 Gross Rent	Median Rents (Move-In Date 2006-2008)	% Difference from Rents for Move-In Date 2006-2008	2008 Gross Rent
Borough									
Bronx	\$1,200	---	\$1,200	\$1,003	---	\$900	\$1,020	---	\$935
Brooklyn	\$1,200	---	\$1,330	\$1,084	---	\$995	\$1,170	---	\$1,050
Manhattan	\$2,500	---	\$2,625	\$1,519	---	\$1,450	\$2,000	---	\$1,900
Queens	\$1,250	---	\$1,370	\$1,202	---	\$1,106	\$1,280	---	\$1,200
Staten Island	\$900	---	\$1,100	*	---	\$900	\$1,070	---	\$900
Citywide	\$1,400	---	\$1,505	\$1,055	---	\$1,275	\$1,200	---	\$1,200

\* Categories with less than 10,000 units were not analyzed due to possible inaccuracies with small sample sizes.

2008 HVS Rents, Move-In Date: 2003-2005

	Market Rate Apartments			Rent Stabilized Apartments			All Apartments		
	Median Rents (Move-In Date 2003-2005)	% Difference from Rents for Move-In Date 2003-2005	2008 Gross Rent	Median Rents (Move-In Date 2003-2005)	% Difference from Rents for Move-In Date 2003-2005	2008 Gross Rent	Median Rents (Move-In Date 2003-2005)	% Difference from Rents for Move-In Date 2003-2005	2008 Gross Rent
Borough									
Bronx	\$1,016	-3.7%	\$1,100	\$1,004	0.0%	\$900	\$1,016	-0.4%	\$900
Brooklyn	\$1,100	-4.8%	\$1,200	\$1,085	-1.5%	\$980	\$1,085	-6.0%	\$980
Manhattan	\$1,700	-10.5%	\$1,760	\$1,380	-10.3%	\$1,300	\$1,380	-12.0%	\$1,300
Queens	\$1,100	-8.3%	\$1,200	\$1,163	-0.5%	\$1,100	\$1,163	-5.7%	\$1,100
Staten Island	\$900	0.0%	\$1,100	*	2.8%	\$900	\$1,100	2.8%	\$900
Citywide	\$1,050	-12.5%	\$1,000	\$1,100	-5.2%	\$1,300	\$1,100	-8.6%	\$1,000

\* Categories with less than 10,000 units were not analyzed due to possible inaccuracies with small sample sizes.

**BUILDINGS WITH DIFFERENT FUEL AND UTILITY ARRANGEMENTS**

The Board was also informed of the circumstances of buildings with different fuel and utility arrangements including buildings that are master-metered for electricity and that are heated with gas versus oil (see Table 10). Under some of the Board's Orders in the past, separate adjustments have been established for buildings in certain of these categories where there were indications of drastically different changes in costs in comparison to the generally prevailing fuel and utility arrangements. This year the Board made no distinction between guidelines for buildings with different fuel and utility arrangements under Order 42.

Table 10

Changes in Price Index of Operating Costs for Apartments in Buildings with Various Heating Arrangements, 2009-10, and Commensurate Rent Adjustment

Index Type	2009-10 Price Index Change	One-Year Rent Adjustment Commensurate With O&M to Income Ratio of .70
All Dwelling Units	3.43%	2.40%
Pre 1947	1.88%	1.32%
Post 1946	4.72%	3.30%
Oil Used for Heating	4.43%	3.10%
Gas Used for Heating	-0.43%	-0.30%
Master Metered for Electricity	2.06%	1.44%

Note: The O&M to Income ratio is from the 2010 Income and Expense Study.  
Source: RGB's 2010 Price Index of Operating Costs for Rent Stabilized Apartment Houses in New York City.

On June 9, 2010 the staff of the Rent Guidelines Board released a memo to Board members with additional information concerning the *Changes to the Rent Stabilized Housing Stock in New York City in 2009* study. The text of this memo follows:

1) In response to the request for data on rents charged in non-regulated apartments, according to the 2008 NYC Housing and Vacancy Survey, the median asking rent for a market-rate apartment citywide was \$1,500. (By comparison, it was \$1,100 for a rent stabilized apartment).

Examining actual rents paid by tenants who recently moved into their market-rate apartments (that is, tenants whose move-in date was 2006-2008), the median rent paid was \$1,400. (By comparison, for those who recently moved in to rent stabilized apartments, the median was \$1,106.) Specific data on rents charged solely in apartments previously regulated is unavailable.

2) In response to the request for the number of formerly Mitchell-Lama apartments that became rent stabilized or unregulated rentals or owner-occupied units: the total number of units that left the Mitchell-Lama program, including rentals and co-ops, equals 42,224. Of these, 36,446 were rental units, and 18,956 of these units became rent stabilized.

**ADJUSTMENTS FOR UNITS IN THE CATEGORY OF BUILDINGS COVERED BY ARTICLE 7-C OF THE MULTIPLE DWELLING LAW (LOFTS)**

Section 286 sub-division 7 of the Multiple Dwelling Law states that the Rent Guidelines Board "shall annually establish guidelines for rent adjustments for the category of buildings covered by this article." In addition, the law specifically requires that the Board, "consider the necessity of a separate category for such buildings, and a separately determined guideline for rent adjustments for those units in which heat is not required to be provided by the owner, and may establish such separate category and guideline."

In 1986, Abt Associates Inc. conducted an expenditure study of loft owners to construct weights for the Loft Board's index of operating costs and to determine year-to-year price changes. In subsequent years, data from the PIOC for stabilized apartments was used to compute changes in costs and to update the loft expenditure weights. This is the procedure used this year.

The increase in the Loft Index this year was 3.8%, 0.4 percentage points higher than the increase for apartments. This difference is explained by the fact that Fuel rose 4.1% for lofts versus 0.5% for apartments. This higher increase in the Fuel component placed more upward pressure on the Loft Index.

This year's guidelines for lofts are: 2.25% for a one-year lease and 4.5% for a two-year lease.

Table 11

Changes in the Price Index of Operating Costs for Lofts from 2009-2010

All Buildings	Loft O & M Price Index Change
All Buildings	3.8%

Source: 2010 Price Index of Operating Costs for Rent Stabilized Apartment Houses in New York City.

**SPECIAL GUIDELINES FOR VACANCY DECONTROLLED UNITS ENTERING THE STABILIZED STOCK**

Pursuant to Section 26-513(b) of the New York City Administrative Code, as amended, the Rent Guidelines Board establishes a special guideline in order to aid the State Division of Housing and Community Renewal in determining fair market rents for housing accommodations that enter the stabilization system. This year, the Board set the guidelines at the greater of the following:

- 50% above the Maximum Base Rent, or
- The Fair Market Rent for existing housing as established by the United States Department of Housing and Urban Development (HUD) for the New York City Primary Metropolitan Statistical Area pursuant to Section 8(c) (1) of the United States Housing Act of 1937 (42 U.S.C. section 1437f [c] [1]) and 24 C.F.R. Part 888, with such Fair Market Rents to be adjusted based upon whether the tenant pays his or her own gas and/or electric charges as part of his or her rent as such gas and/or electric charges are accounted for by the New York City Housing Authority.

The Board concluded that for units formerly subject to rent control, either an increase to rent levels reflecting the Fair Market Rent guidelines established by the U.S. Department of Housing and Urban Development (HUD), or 50% above the maximum base rent was a desirable minimum increase. Notably, the HUD guidelines differentiate minimum rents on the basis of bedroom count.

**INCREASE FOR UNITS RECEIVING PARTIAL TAX EXEMPTION PURSUANT TO SECTION 421 AND 423 OF THE REAL PROPERTY TAX LAW**

The guideline percentages for 421-A and 423 buildings were set at the same levels as for leases in other categories of stabilized apartments.

This Order does not prohibit the inclusion of the lease provision for an annual or other periodic rent increase over the initial rent at an average rate of not more than 2.2 per cent per annum where the dwelling unit is receiving partial tax exemption pursuant to Section 421-A of the Real Property Tax Law. The cumulative but not compound charge of up to 2.2 per cent per annum as provided by Section 421-A or the rate provided by Section 423 is in addition to the amount permitted by this Order.

**VACANCY ALLOWANCE**

As of June 15, 1997, Vacancy Allowances are now determined by a formula set forth in the State Rent Regulation Reform Act of 1997 and in Chapter 82 of the Laws of 2003.

**SUBLET ALLOWANCE**

The increase landlords are allowed to charge under Order #42 when a rent stabilized apartment is sublet by the primary tenant to another tenant on or after October 1, 2010 and on or before September 30, 2011 shall be 10%.

**VOTES**

The votes of the Board on the adopted motion pertaining to the provisions of Order #42 were as follows:

	Yes	No	Abstentions
Guidelines for Apartment Order #42	7	2	-

Dated: June 24, 2010

Filed with the City Clerk: June 30, 2010

Jonathan L. Kimmel  
Chair  
NYC Rent Guidelines Board

**BIBLIOGRAPHY**

- The City of New York Rent Stabilization Law of 1969 Section 26 - 501 et. seq.
- Chapter 576 of the Laws of 1974 (The Emergency Tenant Protection Act).
- Resolution Number 276 of 1974 of the New York City Council.
- Chapter 203 of the Laws of 1977.
- Chapter 933 of the Laws of 1977 (Open Meetings Law).
- Local Laws of the City of New York for the year 1979, No. 25.
- Chapter 234 of the Laws of 1980.
- Chapter 383 of the Laws of 1981.
- Local Laws of the City of New York for the Year 1982, No. 18.
- Chapter 403 of the Laws of 1983.
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- Rent Regulation Reform Act of 1997
- Chapter 82 of the Laws of 2003.
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**NEW YORK CITY RENT GUIDELINES BOARD**

**2010 Hotel Order #40**

June 24, 2010

**Order Number 40 - Hotels, Rooming Houses, Single Room Occupancy Buildings and Lodging Houses.** Rent levels to be effective for leases commencing October 1, 2010 through September 30, 2011.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY RENT GUIDELINES BOARD BY THE RENT STABILIZATION LAW OF 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended, implemented by Resolution No. 276 of 1974 of the New York City Council and extended by Chapter 82 of the Laws of 2003, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Rent Guidelines Board hereby adopts the following levels of fair rent increases over lawful rents charged and paid on September 30, 2010.

**APPLICABILITY**

This order shall apply to units in buildings subject to the Hotel Section of the Rent Stabilization Law (Sections 26-504(c) and 26-506 of the N.Y.C. Administrative Code), as amended, or the Emergency Tenant Protection Act of 1974 (L.1974, c. 576 §4[5](a)(7)). With respect to any tenant who has no lease or rental agreement, the level of rent increase established herein shall be effective as of one year from the date of the tenant's commencing occupancy, or as of one year from the date of the last rent adjustment charged to the tenant, or as of October 1, 2010, whichever is later. This anniversary date will also serve as the effective date for all subsequent Rent Guidelines Board Hotel Orders, unless the Board shall specifically provide otherwise in the Order. Where a lease or rental agreement is in effect, this Order shall govern the rent increase applicable on or after October 1, 2010 upon expiration of such lease or rental agreement, but in no event prior to one year from the commencement date of the expiring lease, unless the parties have contracted to be bound by the effective date of this Order.

**RENT GUIDELINES FOR HOTELS, ROOMING HOUSES, SINGLE ROOM OCCUPANCY BUILDINGS AND LODGING HOUSES**

Pursuant to its mandate to promulgate rent adjustments for hotel units subject to the Rent Stabilization Law of 1969, as amended, (§26-510(e) of the N.Y.C Administrative Code) the Rent Guidelines Board hereby adopts the following rent adjustments:

The allowable level of rent adjustment over the lawful rent actually charged and paid on September 30, 2010 shall be:

- 1) Residential Class A (apartment) hotels - 0%

2) Lodging houses -	0%
3) Rooming houses (Class B buildings containing less than 30 units) -	0%
4) Class B hotels -	0%
5) Single Room Occupancy buildings (MDL section 248 SRO's) -	0%

## NEW TENANCIES

No “vacancy allowance” is permitted under this order. Therefore, the rents charged for tenancies commencing on or after **October 1, 2010** and on or before **September 30, 2011** may not exceed the levels over rentals charged on **September 30, 2010** permitted under the applicable rent adjustment provided above.

## ADDITIONAL CHARGES

It is expressly understood that the rents collectible under the terms of this Order are intended to compensate in full for all services provided without extra charge on the statutory date for the particular hotel dwelling unit or at the commencement of the tenancy if subsequent thereto. No additional charges may be made to a tenant for such services, however such charges may be called or identified.

## STATEMENT OF BASIS AND PURPOSE

The Rent Guidelines Board is authorized to promulgate rent guidelines governing hotel units subject to the Rent Stabilization Law of 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended. The purpose of these guidelines is to implement the public policy set forth in Findings and Declaration of Emergency of the Rent Stabilization Law of 1969 (§26-501 of the N.Y.C. Administrative Code) and in the Legislative Finding contained in the Emergency Tenant Protection Act of 1974 (L.1974 c. 576, §4 [§2]).

**Dated: June 24, 2010**

Jonathan L. Kimmel  
Chair  
New York City Rent Guidelines Board

EXPLANATORY STATEMENT - HOTEL ORDER #40  
Explanatory Statement and Findings of the Rent Guidelines Board

In Relation to 2010-11 Lease Increase Allowances for Hotels Under the Jurisdiction of the Rent Stabilization Law

Explanatory Statement and Findings of the Rent Guidelines Board Concerning Increase Allowances for Hotel Units Under the Jurisdiction of the Rent Stabilization Law, Pursuant to Hotel Order Number 40, Effective October 1, 2010 through and including September 30, 2011.<sup>22</sup>

Pursuant to the authority vested in it by the Rent Stabilization Law of 1969 and the Emergency Tenant Protection Act of 1974, implemented by Resolution Number 276 of 1974 of the New York City Council, and extended by Chapter 82 of the Laws of 2003, it is the responsibility of the Rent Guidelines Board to establish guidelines for hotel increases. Hotel Order Number 40, adopted on June 24, 2010, applies to stabilized hotel units occupied by non-transient tenants.

Hotel Order Number 40 provides for an allowable increase of 0% over the lawful rent actually charged and paid on September 30, 2010 for rooming houses, lodging houses, Class B hotels, single room occupancy buildings, and Class A residential hotels. The Order does not limit rental levels for commercial space, non-rent stabilized residential units, or transient units in hotel stabilized buildings during the guideline period. The Order also provides that for any dwelling unit in a hotel stabilized building which is voluntarily vacated by the tenant thereof, the level of rent increase governing a new tenancy shall be the same as the guideline for rent increases set forth above.

<sup>22</sup> This Explanatory Statement explains the actions taken by the Board on individual points and reflects the general views of those voting in the majority. It is not meant to summarize all viewpoints expressed.

## SPECIAL NOTE

In the past the Board has adopted rent increases to the rent stabilized hotel universe. In recent years, when increases were granted, the Board adopted provisos that were designed to deny owners from taking these increases under certain conditions. Since the Board voted a 0% increase for all classifications of rent stabilized hotels, this proviso is not included in Hotel Order 40. In event that increases are considered for subsequent Hotel Orders, at such time the current members of the Rent Guidelines Board urge future Boards to consider reinstating this proviso or some form thereof. Below is the proviso and explanatory language previously adopted in Hotel Order 38:

Rooming house, lodging house, Class B hotel, single room occupancy building, and Class A residential hotel owners shall not be entitled to any of the above rent adjustments, and shall receive a **0% percent adjustment** if permanent rent stabilized or rent controlled tenants paying no more than the legal regulated rent, at the time that any rent increase in this Order would otherwise be authorized, constitute fewer than **85%** of all units in a building that are used or occupied, or intended, arranged or designed to be used or occupied in whole or in part as the home, residence or sleeping place of one or more human beings.

The following outlines the Rent Guidelines Board's intent of the above proviso:

The Board's intention for the meaning of this proviso is that ALL dwelling units in the hotel, whether occupied, vacant, rented to tourists, transients, contract clients, students or other non-permanent tenants, or to permanent rent stabilized tenants, be counted in the denominator of the calculation. The only type of units in the hotel that may be excluded from the denominator are units that are used as stores or for similar business purposes such as doctor's offices. The numerator of the calculation is the number of units occupied by permanent rent stabilized or rent controlled tenants.

Here are two examples. One: a hotel has 100 units and 2 stores. 32 units are rented to permanent rent stabilized tenants, 10 are vacant and 58 are rented to transients and tourists. The calculation is as follows, the denominator is 100 and the numerator is 32. This calculation results in an occupancy percentage of LESS than 85% under the formula (32%) and an increase CANNOT be taken for the permanent stabilized tenants.

Two: a hotel has 150 units, 2 of which are used by a dentist and a doctor for their businesses, 8 are rented to tourists, 5 are vacant and 135 are occupied by permanent rent stabilized tenants. The denominator would be 148 and the numerator would be 135. This calculation results in an occupancy percentage of GREATER than 85% under the formula (91%) and an increase CAN be taken for the permanent stabilized tenants

## Definitions

For the purpose of determining the appropriate classification of a hotel stabilized unit, the Board has set its definitions as follows:

- Residential hotels are “apartment hotels” which are designated as Class A multiple dwellings on the Certificate of Occupancy.
- Rooming houses are Class B multiple dwellings having fewer than thirty sleeping rooms as defined in Section 4(13) of the multiple dwelling law.
- A single room occupancy building is a Class A multiple dwelling which is either used in whole or in part for single room occupancy or as a furnished room house, pursuant to Section 248 of the multiple dwelling law.
- A Class B hotel is a hotel, which carries a Class B Certificate of Occupancy and contains units subject to rent stabilization.
- Lodging houses are those buildings designated as lodging houses on the Certificate of Occupancy.

## Background

Public meetings of the Board were held on March 23, April 16, 27 and 30, and June 3, 2010 following public notices. On May 5, the Board adopted proposed rent guidelines for hotels, apartments, and lofts.

Two public hearings were held on June 15 and June 17, 2010 to hear comments on the proposed rent adjustments for rent stabilized hotels and apartments. The hearings were held from 4:00 P.M. to 8:00 P.M. on June 15 and from 10:00 A.M. to 7:15 P.M. on June 17. The Board heard testimony from approximately 13 hotel tenants and tenant representatives, no hotel owners, and one public official. In addition, the Board's office received approximately two written statements from a tenant and a public official. On June 24, 2010, the guidelines set forth in Hotel Order Number 40 were adopted.

Selected Oral and Written Testimony from Tenants and Tenant Groups:

– “I am here today because if those living in SROs find it unaffordable to continue living there due to RGB increases, they will become homeless. I am here to explain why anything other than a 0% increase for SRO tenants is unacceptable as it will add to an already burgeoning homeless population.”

– “In contrast to Hotel owners, the permanent tenants **do rely on affordable rents for their survival**. SRO tenants are generally on fixed incomes or struggle at subsistence level jobs, including waiters, messengers and vendors, and rent increases will result in major financial hardships or homelessness for many of them... Additionally, the RGB should protect the dwindling number of tenants who rely on this source of housing for their homes. Should the rents escalate beyond their means, they will certainly become homeless as this is truly housing of last resort.”

– “These owners continue to reap profits from this housing stock by deriving the bulk of their income from commercial hotel guests and city placements – **they do not rely on permanent tenants for their financial profit or survival**. SRO owners continue to make new and very lucrative use of their properties, while housing an ever-shrinking number of permanent tenants.”

– “SRO tenants, already one of the poorest, most marginalized populations in the city, have been hurt badly by the downturn. On the other side, all available evidence indicates that owners continue to realize significant profits from their SRO properties. While a rent increase may marginally increase owners' profits, it will take desperately needed income away from a poor population that cannot afford additional expenses.”

– “...The SRO owners are not coming down here and making the case that they need the guideline increase because we really think it's largely immaterial to the economics of them running their buildings.”

– “It is difficult to adequately describe the effect that even small rent increases have on SRO tenants. The majority of SRO tenants live below the poverty line. They pay an unconscionable percentage of the little income they have toward rent. Since the mid-1990s, SRO tenants' rent burdens have actually increased as rent increases have far outstripped income growth. The average SRO tenant now pays around 50% of his/her income toward rent; and approximately one-quarter to one-third pay in excess of 70%.”

– “When landlords argue that ‘everyone is struggling’ they choose to ignore the fact that not everyone is struggling to nearly the same degree, and that the struggle of the many is the direct result of the privilege endowed to a few. The very least this board can do is to vote for a 0% increase for all tenants, including SRO units. While SRO tenants struggle to defend and protect their ability to live in this city, landlords “struggle” to make a larger profit. It is clear to me which struggle is the more difficult and unjust struggle, and I hope you can see this too.”

Selected Oral and Written Testimony from Owners and Owner Groups:

– “Our members are looking to you for relief in a very difficult economy. Please be aware that our stabilization members (for the most part) are hard working people, who provide a unique service for tenants who because of circumstances, find themselves with a need for such living conditions provided by the SRO.”

– “Many buildings provide services such as furniture, utilities, security, linens, switchboards and other telephone services, some provide air-conditioning, etc. These owners are responsible for the upkeep of these services and even though costs of these services have risen dramatically since they initiated them, the increases afforded them in the last 10-15 years have certainly not kept up with their costs. Please remember that these properties are not allowed to suspend services that they provided initially and must continue to bear the raises, which in some cases are unbearable.”

– “Many owners were unable to keep up and have left

their buildings and the City. We are discussing TAX PAYING citizens who provided tenants with affordable housing for many years. These buildings are disappearing and those remaining are in jeopardy. They need your assistance and recognition....Please don't allow these properties to go by the wayside. Without help, they surely will.”

Selected Oral and Written Testimony from Public Officials:

– “**Another major concern I share with my constituents is the operation and proliferation of illegal hotels.** In Manhattan alone, almost **300** buildings are currently operating as illegal hotels. Surely the Board realizes that these illegal practices have converted as many as 10,000 rent-stabilized units into hotel rooms for tourists and corporate interests that charge hundreds of dollars per night for rooms in which New Yorkers once lived before being evicted or paid to leave.”

– “I am here today to request that the members of the Rent Guidelines Board **freeze increases for all regulated rental units**, including Class A Hotels, Single Room Occupancy Buildings, and Rooming Houses.”

– “The severity of the current economic crisis is almost unprecedented. It is not, however, a crisis in landlord costs. It is a crisis of joblessness, and lost income, and escalating health care costs that have driven tens of thousands of New Yorkers from their homes. Is the Board aware that we have a **34%** increase in homelessness rates of New York City families and individuals from a year ago? It is thus hard to believe that the Board would support rent increases for an unthreatened population of landlords, while ensuring that thousands more tenants are forced from their homes.”

## Material Considered by the Board

In addition to oral and written testimony presented at its public hearing, the Board's decision is based upon material gathered from the *2010 Price Index of Operating Costs*, prepared by the staff of the Rent Guidelines Board, reports and testimony submitted by owner and tenant groups relating to the hotel sector, and reports submitted by public agencies. The Board heard and received written testimony from invited guest speakers on April 30, 2010. Guest speakers representing hotel tenants included Susanna Blankley from the Goddard-Riverside Community Center's West Side SRO Law Project, Jonathan Burke from the East Side SRO Law Project of MFY Legal Services, and Larry Wood from the Goddard Riverside Community Center. There were no guest speakers representing hotel landlords at this meeting but Helen Maurizio, Executive Director of the Associated Hotels and Motels of Greater New York, submitted written testimony.

## FINDINGS OF THE RENT GUIDELINES BOARD

## RENT GUIDELINES BOARD RESEARCH

The Rent Guidelines Board based its determination on its consideration of the oral and written testimony noted above, as well as upon its consideration of statistical information prepared by the RGB staff set forth in these findings and the following reports:

- (1) *2010 Mortgage Survey Report*, March 2010 (An evaluation of recent underwriting practices, financial availability and terms, and lending criteria);
- (2) *2010 Income and Affordability Study*, April 2010 (Includes employment trends, housing court actions, changes in eligibility requirements and public benefit levels in New York City);
- (3) *2010 Price Index of Operating Costs*, April 2010 (Measures the price change for a market basket of goods and services which are used in the operation and maintenance of stabilized hotels);
- (4) *2010 Housing Supply Report*, June 2010 (Includes information on the conversion of Hotels to luxury apartments and transient use, new housing construction measured by certificates of occupancy in new buildings and units authorized by new building permits, tax abatement and exemption programs, and cooperative and condominium conversion and construction activities in New York City); and,
- (5) *Changes to the Rent Stabilized Housing Stock in NYC in 2009*, June 2010 (A report quantifying all the events that lead to additions to and subtractions from the rent stabilized housing stock).

The five reports listed above may be found in their entirety on the RGB's website, www.housingnyc.com, and are also available at the RGB offices, 51 Chambers St., Suite 202, New York, NY upon request.

## PRICE INDEX OF OPERATING COSTS FOR RENT STABILIZED HOTEL UNITS

The Hotel Price Index includes separate indices for each of three categories of rent stabilized hotels (due to their dissimilar operating cost profiles) and a general index for all stabilized Hotels. The three categories of hotels are: 1) “traditional” hotels — a multiple dwelling which has amenities such as front desk, maid or linen service; 2) Rooming Houses — a multiple dwelling other than a hotel with thirty or fewer sleeping rooms; and 3) single room occupancy hotels (SROs) — a multiple dwelling in which one or two persons occupy a single room residing separately and independently of other occupants.

The Price Index for all stabilized Hotels increased 3.9% this year, more than the rise of 3.5% witnessed the year before. The Price Index for Hotels was 0.5 percentage points higher overall than the increase in costs measured in the Apartment Price Index. Significant disparities between the Hotel Index and the Apartment Index were seen in the Utilities and Tax components. The decrease in Utilities for all types of Hotels was 5.2% versus 1.7% in apartment buildings. This difference was due to a double-digit increase in water and sewer costs having more weight in the Apartment Index, and declining electricity costs having more weight in the Hotel Index. In addition, Taxes increased 13.5% for Hotels versus the 10.1% increase for apartments. These disparities resulted in a Hotel Index that was higher than that for apartments.

In addition to the changes above, Fuel declined 0.8% for hotels but increased 0.5% for apartments. Similarly, Parts and Supplies decreased 0.3% for hotels but increased 1.7% in the Apartment Index. Prices and costs in all other components in the Hotel Index had similar changes in rates to the same components in the Apartment Index. See the table on this page for changes in costs and prices for all rent stabilized hotels from 2009-10.

Among the different categories of Hotels, the index for "traditional" hotels increased 4.9%, which was higher than increases for both Rooming Houses (2.2%) and SROs (3.2%).

Percent Change in the Components of the Price Index of Operating Costs May 2009 to March 2010, By Hotel Type and All Hotels

Table with 5 columns: Spec #, Item Description, Hotel, RH, SRO, All Hotels. Rows include TAXES, FEES, & PERMITS, LABOR COSTS, FUEL, UTILITIES, CONTRACTOR SERVICES, ADMINISTRATIVE COSTS, INSURANCE COSTS, PARTS AND SUPPLIES, REPLACEMENT COSTS, and ALL ITEMS.

SOURCE: 2010 PRICE INDEX OF OPERATING COSTS

CHANGES IN HOUSING AFFORDABILITY

For the third consecutive year, New York City's economy did not generally improve as compared with the preceding year, with mostly negative economic indicators, including rising unemployment rates and homeless levels, and falling Gross City Product and employment levels.

As the economy struggled, inflation remained at historically low levels in New York. Costs rose on average just 0.4% in 2009, the lowest rate of inflation since the deflation of 1955.

CONSUMER PRICE INDEX

The Board reviewed the Consumer Price Index. The table that follows shows the percentage change for the NY-Northeastern NJ Metropolitan area since 2002.

Table showing Percentage Changes in the Consumer Price Index for the New York City - Northeastern New Jersey Metropolitan Area, 2002-2010. Columns include years 2002-2010 and rows for 1st Quarter Avg. and Yearly Avg.

Source: U.S. Bureau of Labor Statistics.

23 1st Quarter Average refers to the change of the CPI average of the first three months of one year to the average of the first three months of the following year.

EFFECTIVE RATES OF INTEREST

The Board took into account current mortgage interest rates and the availability of financing and refinancing. It reviewed the staff's 2010 Mortgage Survey Report of lending institutions.

Table showing Average Interest Rates and Points for New and Refinanced Permanent Mortgage Loans, 2001-2010. Columns include years 2001-2010 and rows for Avg. Rates and Avg. Points.

Source: 2001-2010 Annual Mortgage Surveys, RGB.

24 Institutions were asked to provide information on their "typical" loan to rent stabilized buildings. Data for each variable in any particular year and from year to year may be based upon responses from a different number of institutions.

HOTEL CONVERSION

Conversion of single room occupancy (SRO) buildings also continued over the past year. SRO owners may convert SRO housing to other uses after obtaining a "Certificate of No

Harassment" from HPD. Certificates are down for the fifth consecutive year, falling to 117 in 2009, down from 127 in 2008 and more than 200 in each year from 2004-2006.

Vote

The vote of the Rent Guidelines Board on the adopted motion pertaining to the provisions of Order Number 40 was as follows:

Table with 3 columns: Yes, No, Abstentions. Row: Guidelines for Hotels, values: 7, 2, -.

Dated: June 24, 2010 Filed with the City Clerk: June 30, 2010

Jonathan L. Kimmel Chair NYC Rent Guidelines Board

BIBLIOGRAPHY

The City of New York Rent Stabilization Law of 1969 Section

26 - 501 et, seq. Chapter 576 of the Laws of 1974 (The Emergency Tenant Protection Act). Resolution Number 276 of 1974 of the New York City Council. Chapter 203 of the Laws of 1977. Chapter 933 of the Laws of 1977 (Open Meetings Law).

SPECIAL MATERIALS

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

NOTICE

OFFICIAL FUEL PRICE SCHEDULE NO. 6513 FUEL OIL AND KEROSENE

Table with 5 columns: CONTRACT NO., ITEM NO., FUEL/OIL TYPE, VENDOR, CHANGE, PRICE EFF. 8/2/2010. Lists various fuel contracts and prices.

OFFICIAL FUEL PRICE SCHEDULE NO. 6514 FUEL OIL, PRIME AND START

Table with 5 columns: CONTRACT NO., ITEM NO., FUEL/OIL TYPE, VENDOR, CHANGE, PRICE EFF. 8/2/2010. Lists fuel contracts and prices.

OFFICIAL FUEL PRICE SCHEDULE NO. 6515 FUEL OIL AND REPAIRS

Table with 5 columns: CONTRACT NO., ITEM NO., FUEL/OIL TYPE, VENDOR, CHANGE, PRICE EFF. 8/2/2010. Lists fuel contracts and prices.

OFFICIAL FUEL PRICE SCHEDULE NO. 6516 GASOLINE

Table with 5 columns: CONTRACT NO., ITEM NO., FUEL/OIL TYPE, VENDOR, CHANGE, PRICE EFF. 8/2/2010. Lists fuel contracts and prices.





Table with 7 columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF\_DATE. Rows include TIRADO ISMAEL, TORRES JESUS M, UWECHIA CHUKWUMA K, VAPNITSKY MARTA, WILSON LEON.

DISTRICT ATTORNEY-MANHATTAN FOR PERIOD ENDING 07/09/10

Table with 7 columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF\_DATE. Rows include ASSAD MICHELLE, BALITZER STEPHANI V, BARTON MARY, BERMAN RACHEL, BONFOEY ALISON M, BONFOEY ALISON M, BRAFMAN SARAH J, CHERRY CHANDRA Y, CLARK JOHN P, COXE ANNE E, DEAN TAYLOR A, DERMIGNY GINA, FISHMAN CHARLOTT E, GANDY MARGARET E, GERSHOWITZ DANIELLE S, GIAIMO CAITLIN E, GRYLL NATHANIE B, HATHAWAY BRIAN E, HERSHKOWITZ MICHELLE A, HOWE WESTON B, HUR SARAH, KLAPPER CAROLINE A, KLUGER ANDREW J, MARCKS GRANT M, MCDERBY KELLY B, MERCADO JANICE, MODERN ALICIA L, MURPHY DANIEL F, PARKER AMY C, RENO MATHIEU J, ROSENBERG ARIELA S, SIELEN SAMUEL J, THOMPSON WILLA A, WOODWARD KATHERIN A.

BRONX DISTRICT ATTORNEY FOR PERIOD ENDING 07/09/10

Table with 7 columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF\_DATE. Rows include CURTIS DAMONE W, FLIEGEL BENJAMIN R, HUTCHINSON JAMILLAH N, LISSELLA TINAMARI E, MEMOLI MARY, MOORE BENJAMIN D, MURIEL CARMEN V, SINGH RANDY, THOMPSON DAVID, TURNER NATASHA.

DISTRICT ATTORNEY KINGS COUNTY FOR PERIOD ENDING 07/09/10

Table with 7 columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF\_DATE. Rows include AISSAOUI MOHAMMED, BROZEN EUGENE L, DEL ROSARIO RIOMAY R, FLEISCHMAN MICHAEL N, NELSON ANTHONY J.

DISTRICT ATTORNEY QNS COUNTY FOR PERIOD ENDING 07/09/10

Table with 7 columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF\_DATE. Rows include FLEMING QUYNDA L, WHELAN WILLIAM.

DISTRICT ATTORNEY RICHMOND COU FOR PERIOD ENDING 07/09/10

Table with 7 columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF\_DATE. Rows include MOLFETTA MICHELE R, SHAPIRO ALEXANDE B.

DISTRICT ATTORNEY-SPECIAL NARC FOR PERIOD ENDING 07/09/10

Table with 7 columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF\_DATE. Rows include FISHMAN CHARLOTT E, GANDY MARGARET E, MOLFETTA MICHELE R.

OFFICE OF THE MAYOR FOR PERIOD ENDING 07/23/10

Table with 7 columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF\_DATE. Rows include BROWNE STEPHANI R, CHAMBLISS COREY M, DIFALCO NICHOLAS A, FORGACS AMY E, FRIED AMANDA K, GONZALEZ TERESA, GORTON MATTHEW M, GUERRERO CLAUDIA N, JACKSON TERRY D, JIMENEZ ANDRES F, JOHNSON EMILY C, KNAPP SARAH F, KUEHNLE CHRISTOP W, LARSEN VICTORIA, MACLEOD ALISON L, OFFEN ALEXIS B, OREN TALIA T, POPPER MIRIAM I, ROBINSON ALICIA B, ROMAN MATILDE L, SHAMA FATIMA A, SOHELLI SHIREEN D, TAVARES MONICA R, TILLOTSON FRANK A.

BOARD OF ELECTION FOR PERIOD ENDING 07/23/10

Table with 7 columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF\_DATE. Rows include ACEVEDO JAKE, ALVARADO ANTHONY.

Table with 10 columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF\_DATE. Rows include AMARANDO PATRICIA M, BELTON DOROTHY D, BENJAMIN KATHLEEN, BUREL BRYSON, CASALASPRO JOHN P, CATALISANO ARIANA, CORREA FRANCESC, CRUZ PATRICIA A, CURTO MARIA, DEARAUJO KIANA P, DOMINGUEZ HILDA D, EDWARDS JOHN, FINNEGAN JULIE K, GOLDFARB MATTHEW, GUIDO ELAINE L, HOLDER MATTHEW K, HUNTE TERRENCE W, IRVINE SAMANTHA A, JACKSON CHRISTOP L, JARRETT NORMA, LAMBERT ASHLEY J, LINDELL LEAH, MAXWELL LAKIA, MORALES RAFAEL, MUNOZ ANGEL G, PFUHLER DAVID, RAZA SYED A, RIVERA JULIO, ROBINS JACQUELI, ROSARIO IRIS D, SANTOS WILKA M, SMITH NICOLE L, SMITH BRIGGS MICHELLE, STERNLIEB MICHAEL S, TORRES RAQUEL, TOWNSON LUCILLE.

CAMPAIGN FINANCE BOARD FOR PERIOD ENDING 07/23/10

Table with 7 columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF\_DATE. Rows include FISHER DOLORES Y, GASTON EDWARD E, NESBITT KIKO.

PRESIDENT BOROUGH OF MANHATTAN FOR PERIOD ENDING 07/23/10

Table with 7 columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF\_DATE. Rows include COOK BRIAN, LODHI PAIMAAN K.

OFFICE OF EMERGENCY MANAGEMENT FOR PERIOD ENDING 07/23/10

Table with 7 columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF\_DATE. Rows include CARTER ELIZABET W, MACLEOD ALISON L.

OFFICE OF MANAGEMENT & BUDGET FOR PERIOD ENDING 07/23/10

Table with 7 columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF\_DATE. Rows include ARCHAMBAULT HANNAH R, BRAY ANDREW N, CARROLL KRISTELL, GUCE DENISE G, OSORIO ANTONIA, TYLER SALEMA S.

LAW DEPARTMENT FOR PERIOD ENDING 07/23/10

Table with 7 columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF\_DATE. Rows include BERNARD TAKA, BESCHONER DINA, BROWN KEITH E, COOPER ABAN, DUKORSKY IRENE, DYER JASON J, GULINELLO MATTHEW, KEPI KLOTILDA, KIM JAY Y, KUCHUKULLA DEEKSHIT R, MACHADO DAVID L, MONTESANO ANNE M, NELSON GUSSIE M, OUYANG WEN CHIA, PANFIL SARA J, PEREZ DANNY, SEALE ST. CLAI A, SHULMAN YELENA, SINGH NAVRAJ, VAROLI DAVID J.

DEPARTMENT OF CITY PLANNING FOR PERIOD ENDING 07/23/10

Table with 7 columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF\_DATE. Rows include FIOLENA CLAUDIA J.

DEPARTMENT OF INVESTIGATION FOR PERIOD ENDING 07/23/10

Table with 7 columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF\_DATE. Rows include ALFRED ANISHA, ALLEN MARQUITA, BALLARD MELISSA A, BALUKAS PAUL, CARROLL MICHAEL J, CHARLES WINSTON, CIMINO LUCIA, COLEMAN ANASTASI, DILLON ALEXANDE M, GIGANTE ROBERT A, GIUNTA VIRGINIA, GLOVER KATHRYN A, KENTON JONATHAN, KONG NICHOLAS, MCCLAIN LISA, OFFSEY MICHELLE A, PIAZZA JOSEPH P, PIECHOCKI MARY T, POORAN NATASHA, RAINEY PERICLES, RUSSO PASQUALI.

LATE NOTICES

AGING

PUBLIC HEARINGS

CANCELLATION OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on August 10, 2010, at the Department for the Aging, 2 Lafayette Street, 4th Floor Conference Room, Borough of Manhattan, commencing at 9:30 A.M. on the following:

IN THE MATTER of the two (2) proposed contracts between the Department for the Aging of the City of New York and the Contractors listed below, for the provision of Senior Employment Services. The contract terms shall each be from July 1, 2010 to June 30, 2013, each with no renewal options. The contract amounts and the Community Districts in which the programs are located are identified below.

Contractor/Address

1) Institute for the Puerto Rican/Hispanic Elderly, Inc. 105 E. 22nd St., Suite 615, NY, NY 10010

E-PIN# 12511P0002 - (12511EMP0E06) Amount \$740,250 Boro/CD Citywide

2) Korean Community Services of Metropolitan New York, Inc. 35-56 159th St., Flushing, NY 11358

E-PIN# 12511P0001 - (12511EMP0E18) Amount \$740,250 Boro/CD Citywide

The proposed contractors have been selected by means of the Competitive Sealed Proposal process pursuant to Section 3-03 of the PPB Rules.

Anyone who wishes to speak at this Public Hearing should request to do so in writing. The written request must be received by the Agency within 5 business days after publication of this notice. Written request to speak should be sent to Betty Lee, ACCO at the Dept for the Aging (DFTA), 2 Lafayette St., 4th Fl., NY, NY 10007. If DFTA receives no

written requests to speak within the prescribed time, DFTA reserves the right not to conduct the Public Hearing.

A draft copy of each of the proposed contract is available for public inspection at the Office of the Department for the Aging, Contract Procurement and Support Services, 2 Lafayette Street, 4th floor, New York, New York 10007, on business days, from July 28, 2010 to August 10, 2010, excluding Holidays, from 10:00 A.M. to 4:00 P.M.

CANCELLATION OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on August 10, 2010, at the Department for the Aging, 2 Lafayette Street, 4th Floor Conference Room, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER of the one (1) proposed contract between the Department for the Aging of the City of New York and the Contractor listed below, for the provision of Senior Employment Services. The contract term shall be from July 1, 2010 to June 30, 2011, with a renewal option from July 1, 2011 to June 30, 2013. The contract amount and the Community District in which the program is located is identified below.

Contractor/Address

Queensboro Council for Social Welfare, Inc. 27-40 Hoyt Ave. South, 2nd Floor, Astoria, NY 11102

E-PIN# 12511P0003 - (12511EMP0E07) Amount \$205,607 Boro/CD Queens, CDs 1-14

The proposed contractor has been selected by means of the Competitive Sealed Proposal process pursuant to Section 3-03 of the PPB Rules.

Anyone who wishes to speak at this Public Hearing should request to do so in writing. The written request must be received by the Agency within 5 business days after publication of this notice. Written request to speak should be sent to Betty Lee, ACCO at the Dept for the Aging (DFTA), 2 Lafayette St., 4th Fl., NY, NY 10007. If DFTA receives no written requests to speak within the prescribed time, DFTA reserves the right not to conduct the Public Hearing.

A draft copy of the proposed contract is available for public inspection at the Office of the Department for the Aging, Contract Procurement and Support Services, 2 Lafayette Street,

4th floor, New York, New York 10007, on business days, from July 28, 2010 to August 10, 2010, excluding Holidays, from 10:00 A.M. to 4:00 P.M.

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HEALTH AND HOSPITALS CORPORATION

SOLICITATIONS

Services (Other Than Human Services)

UPGRADE FOR KITCHEN FREEZERS AND REFRIGERATORS - Competitive Sealed Bids - PIN# QHN2011-1007EHC - DUE 08-31-10 AT 2:00 P.M. - Elmhurst Hospital. Pre-bid meeting is mandatory.

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. Queens Health Network, 82-68 164th Street, "S" Building, 2nd Floor, Jamaica, NY 11432. Boris Goltzman (718) 883-6000, fax: (718) 883-6220, boris.goltzman@nychhc.org

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PARKS AND RECREATION

REVENUE AND CONCESSIONS

JOINT PUBLIC HEARING

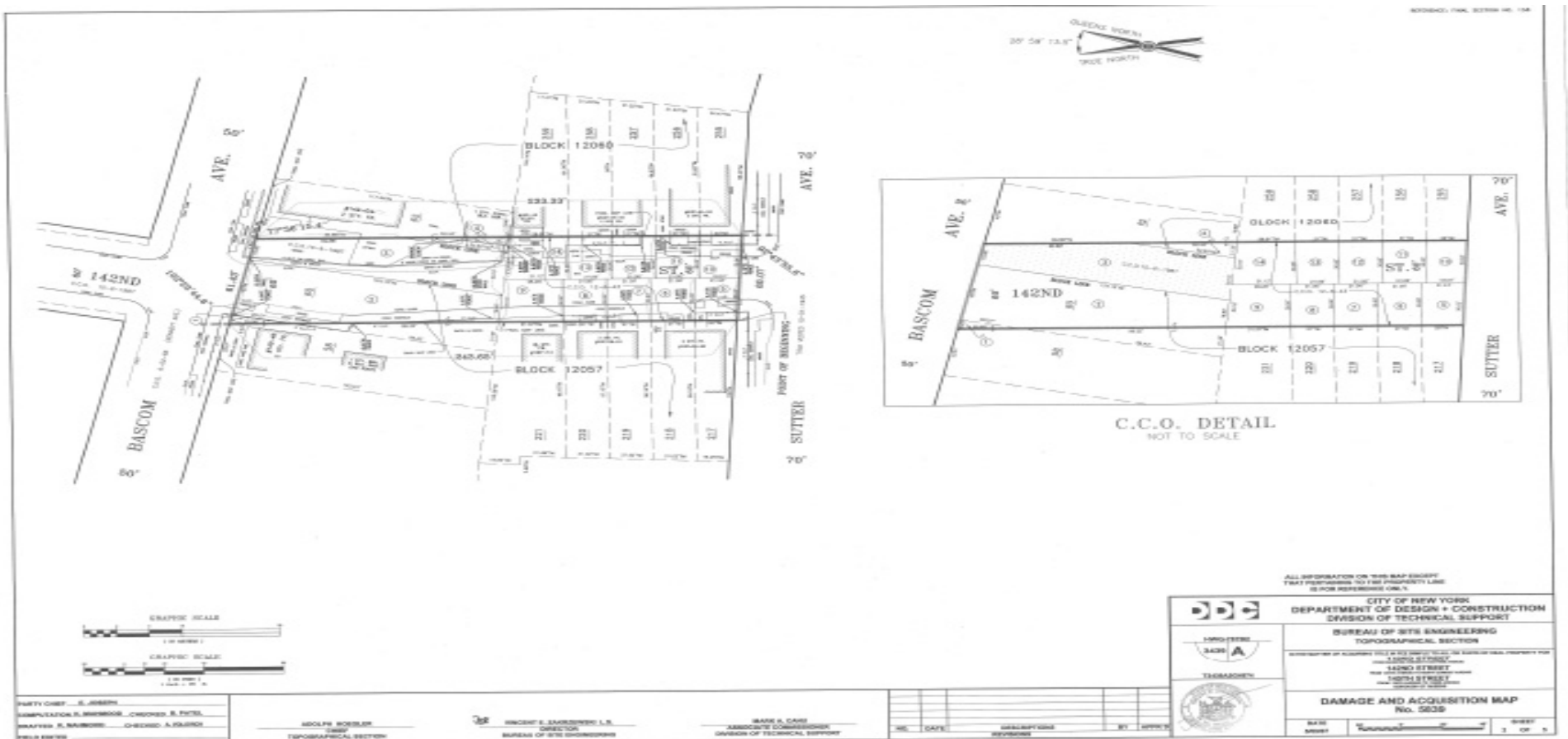
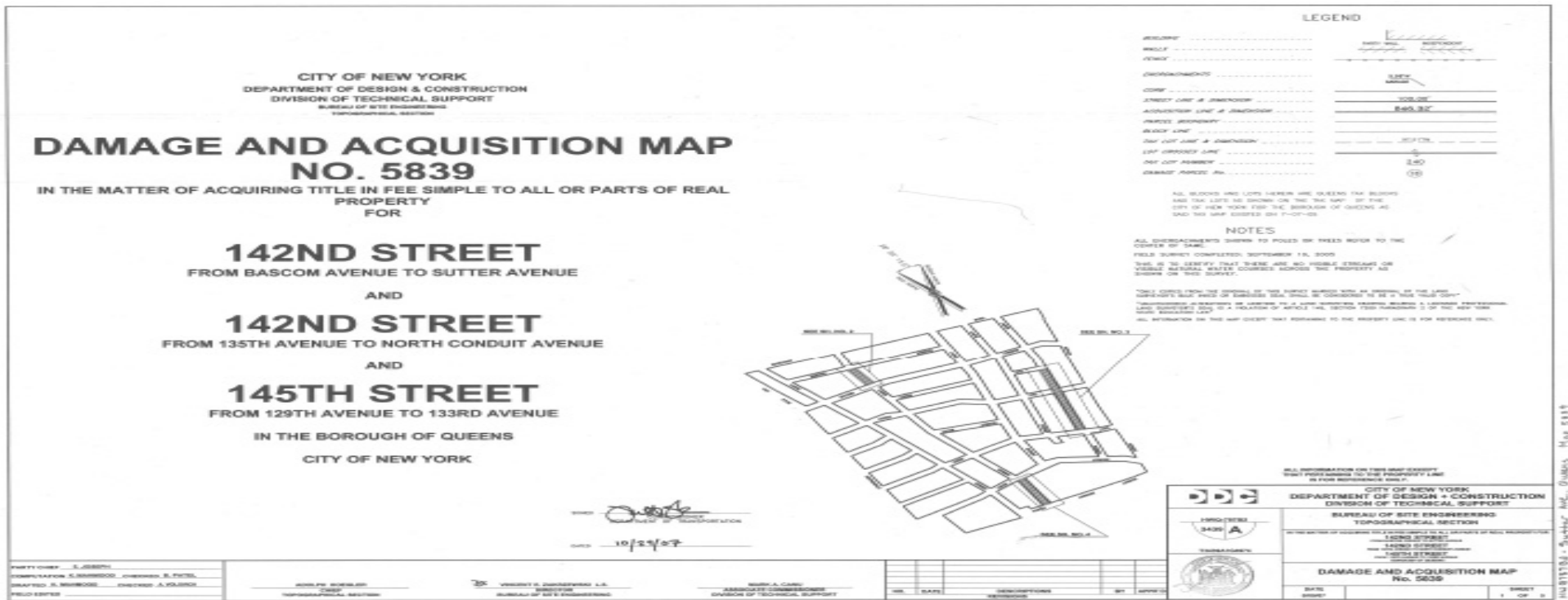
The joint public hearing of the Franchise and Concession Review Committee and the New York City Department of Parks and Recreation which was to be held on Monday, August 9, 2010 at 22 Reade Street, Borough of Manhattan, commencing at 2:30 P.M. relative to the following two (2) items, has been CANCELLED:

The INTENT TO AWARD as a concession the renovation, operation and maintenance of an indoor tennis and sports facility at Alley Pond Park, located at Queens Village, 79-20 Winchester Boulevard, Queens, New York 11427, for one (1) twelve-year term, to Hemo, Inc.

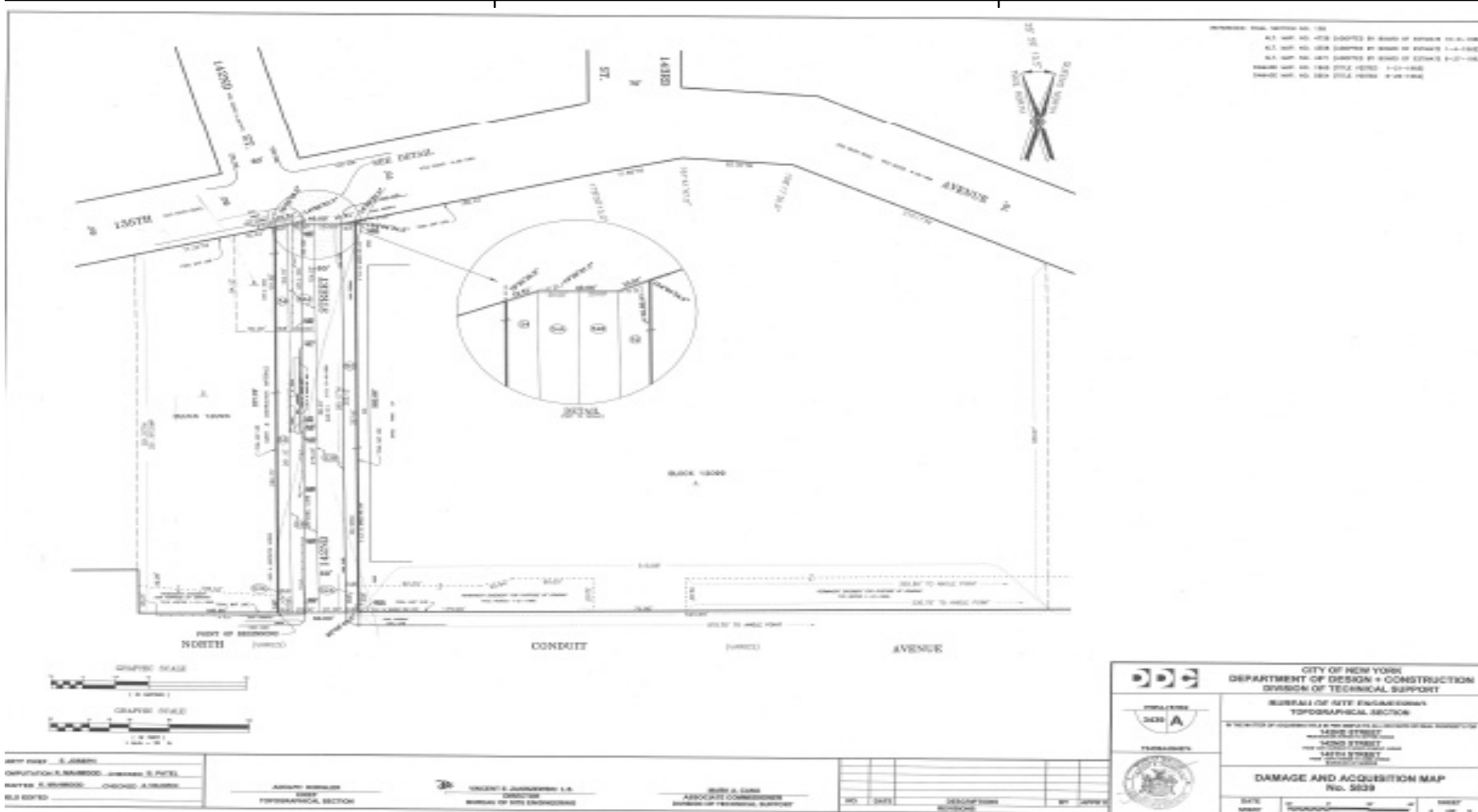
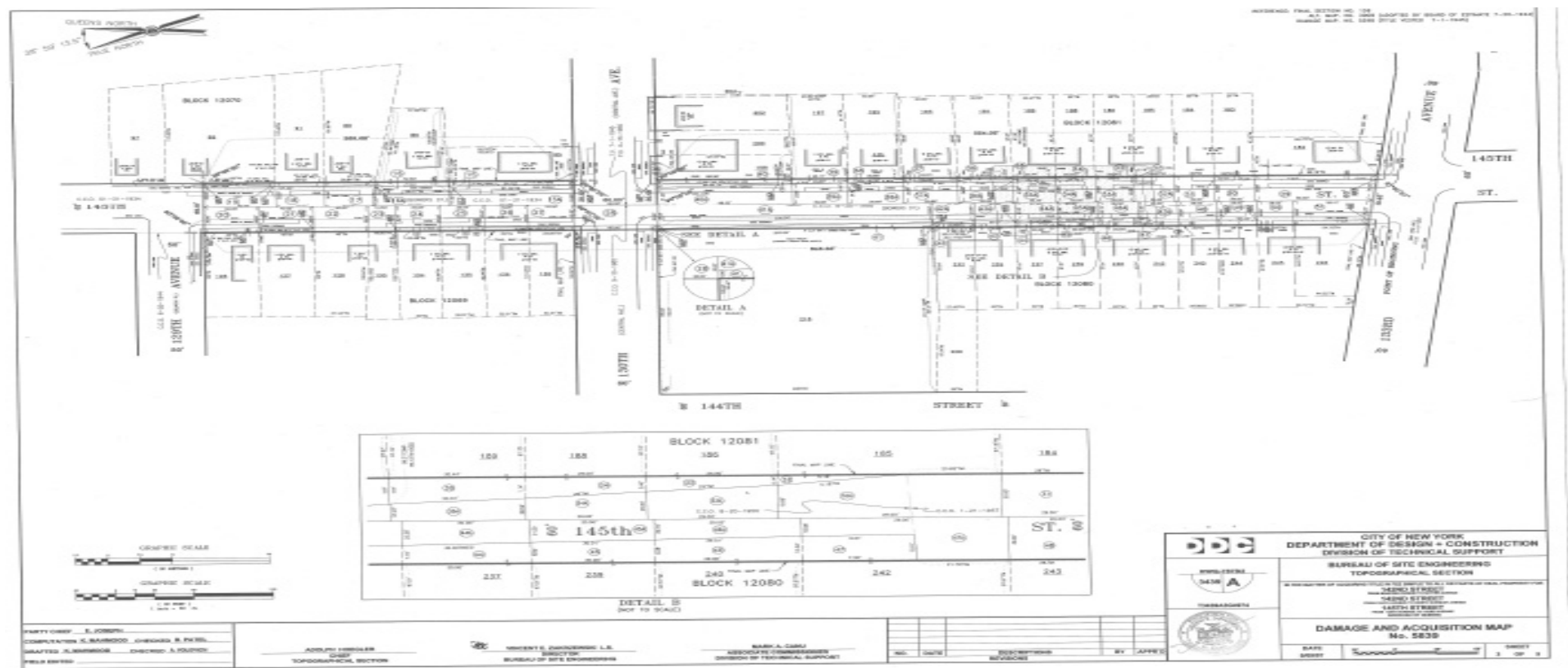
The INTENT TO AWARD as a concession the development and operation of a sports facility and food service facility at Mill Pond Park in the Bronx, for one (1) twenty-year term, to NY Tennis at Mill Pond, LLC.

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COURT NOTICE MAPS FOR 142ND STREET FROM BASCOM AVENUE TO SUTTER AVENUE, 142ND STREET FROM 135TH AVENUE TO NORTH CONDUIT AVENUE, AND 145TH STREET FROM 129TH AVENUE TO 133RD AVENUE



COURT NOTICE MAPS FOR 142ND STREET FROM BASCOM AVENUE TO SUTTER AVENUE, 142ND STREET FROM 135TH AVENUE TO NORTH CONDUIT AVENUE, AND 145TH STREET FROM 129TH AVENUE TO 133RD AVENUE



PARCEL No.	BLOCK	LOT	REPORTED OWNER	AREA IN SQ. FT.	ASSESSED VALUATIONS					
					2005-2006	2006-2007	2007-2008	2008-2009		
					LAND ONLY	TOTAL	LAND ONLY	TOTAL	LAND ONLY	TOTAL
1	130	34	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
2	130	35	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
3	130	36	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
4	130	37	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
5	130	38	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
6	130	39	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
7	130	40	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
8	130	41	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
9	130	42	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
10	130	43	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
11	130	44	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
12	130	45	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
13	130	46	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
14	130	47	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
15	130	48	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
16	130	49	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
17	130	50	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
18	130	51	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
19	130	52	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
20	130	53	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
21	130	54	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
22	130	55	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
23	130	56	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
24	130	57	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
25	130	58	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
26	130	59	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
27	130	60	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
28	130	61	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
29	130	62	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
30	130	63	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
31	130	64	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
32	130	65	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
33	130	66	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
34	130	67	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
35	130	68	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
36	130	69	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
37	130	70	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
38	130	71	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
39	130	72	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
40	130	73	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
41	130	74	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
42	130	75	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
43	130	76	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
44	130	77	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
45	130	78	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
46	130	79	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
47	130	80	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
48	130	81	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
49	130	82	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
50	130	83	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
51	130	84	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
52	130	85	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
53	130	86	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
54	130	87	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
55	130	88	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
56	130	89	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
57	130	90	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
58	130	91	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
59	130	92	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
60	130	93	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
61	130	94	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
62	130	95	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
63	130	96	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
64	130	97	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
65	130	98	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
66	130	99	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088
67	130	100	REDFERN HOLDINGS	57	6,885	21,611	4,071	27,778	4,498	25,088