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THE CITY RECORD **MICHAEL R. BLOOMBERG, Mayor**

EDNA WELLS HANDY, Commissioner, Department of Citywide Administrative Services.
ELI BLACHMAN, Editor of The City Record.

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

QUEENS BOROUGH PRESIDENT

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Borough President of Queens, Helen Marshall, on Thursday, March 17, 2011 at 10:30 A.M., in the Borough Presidents Conference Room located at 120-55 Queens Boulevard, Kew Gardens, New York 11424, on the following items:

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

CD11 - BSA #6-11 BZ — IN THE MATTER of an application submitted by Paul F. Bonfillio on behalf of Denis Forde, Rockchapel Realty LLC, pursuant to Section 72-21 of the NYC Zoning Resolution, for a variance to permit the erection of a one-family detached residence which does not conform to side yard and distance requirements in an R2A district located at 50-20 216th Street, Block 7395, Lots 13, 16, Zoning Map 11b, Bayside, Borough of Queens.

CD13 - ULURP #C100342 ZMQ — IN THE MATTER of an application submitted by Gerald J. Caliendo Architects, PC on behalf of Jamaica Associates, Inc. pursuant to Sections 197-c and 201 of the NYC Charter, for an amendment of the Zoning Map Section No. 19a, by establishing within an existing R3-2 District a C1-3 District bounded by a line 100 feet northerly of Linden Boulevard, a line 90 feet easterly of 226th Street, Linden Boulevard, and 226th Street, Block 11327, Lot 7 and part of Lot 1, Cambria Heights, Borough of Queens.

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, March 30, 2011 at 10:00 A.M.

BOROUGH OF MANHATTAN
 No. 1
LOWER MANHATTAN ARCADES TEXT
CD 1 **N 110193 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 arcades within the Special Lower Manhattan District in Community District

1, Borough of Manhattan.
LOWER MANHATTAN ARCADES TEXT AMENDMENT

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

Article IX: Special Purpose Districts

Chapter 1: Special Lower Manhattan District
 * * *

91-03 District Maps
 District maps are located in Appendix A of this Chapter and are hereby incorporated and made an integral part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements, as set forth in the text of this Chapter, apply.

- Map 1 Special Lower Manhattan District
- Map 2 Street Wall Continuity Types 1, 2A, 2B & 3
- Map 3 Street Wall Continuity Types 4 & 5
- Map 4 Designated Retail Streets
- Map 5 Curb Cut Prohibitions
- Map 6 South Street Seaport Subdistrict (Section 91-63)
- Map 7 Subway Station Improvement Areas
- Map 8 Public Access Modification Areas

91-80 PUBLIC ACCESS AREAS

91-81 Certification to modify existing arcades in certain areas

For the purposes of this Section, 'arcade' shall refer to an #arcade# or #through-block arcade# provided in accordance to the provisions of Section 12-10 (DEFINITIONS) and 37-80 (ARCADES); an arcade provided in accordance with paragraphs (a) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces); or an open space provided on a #zoning lot# between the #building street wall# and the #street line# where tables and chairs would otherwise not be allowed as permitted obstructions.

The provisions of this Section shall apply to existing #buildings# providing an arcade within the boundary designated by Map 8 in Appendix A of this Chapter.

Any underlying provisions restricting the placement of tables and chairs within such arcades may be modified where the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that such modifications are consistent with the provisions of this Section, as follows:

- (a) **Seating**
 Moveable seating in the form of public seating and open air café seating, as well as associated moveable tables, umbrellas and other furnishings, shall be permitted obstructions within an arcade, provided that such obstructions conform to the provisions listed below, as applicable. No plastic material shall be permitted in tables or chairs provided within an arcade.
 Where an open air café is provided, it shall be a permanently unenclosed establishment and may have waiter or table service.
- (1) **Amount and size of tables and chairs**
 A minimum of four tables and sixteen chairs shall be provided within an arcade. For the purpose of calculating the percentage of required public seating or open air café seating, every table required by a calculation shall be required to have four chairs.

- (i) **Public seating**
 Publicly accessible tables, and associated chairs, shall constitute a minimum of 40 percent of the total amount of tables provided within an arcade. Fractions resulting from such calculation shall be rounded to the nearest whole table.
 All tables shall have a minimum diameter of two feet. All publicly accessible chairs shall have seat backs, and the seats shall have a minimum depth of twelve inches and a maximum depth of 20 inches.
- (ii) **Open air café**
 Open air café tables, and associated chairs, shall constitute a maximum of 60 percent of the total amount of tables provided within an arcade. Fractions resulting from such calculation shall be rounded to the nearest whole table.
- (2) **Location restrictions and other prohibitions**
 No tables or chairs shall be permitted within five feet of any #building# entrance. For arcades with a depth of ten feet or less, as measured from the column face furthest from the #street line# to the #street wall#, a clear pedestrian circulation pathway shall be provided in an amount not less than three feet. For arcades with a depth greater than ten feet, such required clear pedestrian pathway shall be increased to an amount not less than six feet. In addition, for #through-block arcades#, a continuous clear path of ten feet shall be provided, connecting each #street# on which the public access area fronts.
- (i) **Public seating**
 Where a proposed modification to an arcade is located on a #zoning lot# with frontage along Water Street, a minimum of 50 percent of the aggregate amount of tables and chairs provided pursuant to paragraph (a)(1)(i) of this Section shall be located within 25 feet of the Water Street #street line#.
- (ii) **Open air café**
 Open air cafes shall be located at the same elevation as the adjoining sidewalk area or #publicly accessible open area#, except that platforms may be provided, provided that they do not exceed a height of six inches.
 Fences, planters, walls, fabric dividers or other barriers that separate open air café areas from other portions of the arcade, or adjacent sidewalks or #publicly accessible open areas# shall be prohibited. No kitchen equipment shall be installed within an open air café.
- (3) **Hours of operation**
 - (i) **Public seating**
 Tables and chairs shall not be chained, fixed, or otherwise secured during the hours of 7:00 am to 9:00 pm. However, during the nighttime hours of 9:00 pm to 7:00 am such tables and chairs may be removed, or secured within the arcade.
 Where public seating and open air café seating are provided within an arcade, such public seating shall be subject to the hours of operation of an open air café, as set forth in paragraph (a)(3)(ii) below.
 - (ii) **Open air café**
 Open air cafes must be in operation and provide service a minimum of 225 days per year.
 All furnishings of an open air café, including tables, chairs, bussing stations, and heating lamps, shall be completely

removed from the arcade when the open air cafe is not in active use, except that tables and chairs may remain in such arcade if they are unsecured and may be used by the public without restriction.

(4) Locating public seating within an adjacent #publicly accessible open area#

Where tables and chairs are provided in an arcade located on the same #zoning lot# as an existing #publicly accessible open area# that fronts upon Water Street, the Chairperson of the City Planning Commission may certify public seating provided pursuant to paragraph (a)(2)(i) of this Section to be located within such a #publicly accessible open area#. The area within such #publicly accessible open area# occupied by public seating provided pursuant to this paragraph shall not be included in calculating the maximum #lot coverage# which permitted obstructions may occupy within such #publicly accessible open area#. Such public seating shall not constitute a design change pursuant to the provisions of Section 37-62 (Changes to Existing Publicly Accessible Open Areas) provided the Chairperson finds that:

- (i) no more than 50 percent of the aggregate amount of public seating required pursuant to paragraph (a)(2)(i) above is located within such #publicly accessible open area#;
(ii) such public seating shall in no event constitute required seating for such existing #publicly accessible open area#; and
(iii) such public seating complies with the hours of operation provisions of paragraph (a)(3) above.

Any proposed design change to an existing #publicly accessible open area# beyond the findings permitted in this Section shall be subject to the requirements of Section 37-62 (Changes to Existing Publicly Accessible Open Areas).

(b) Litter receptacles

Litter receptacles shall be permitted obstructions within an arcade pursuant to the provisions set forth in Section 37-744 (Litter receptacles).

In order to certify the proposed modification to an existing arcade is consistent with the provisions of this Section, the applicant shall submit to the Chairperson:

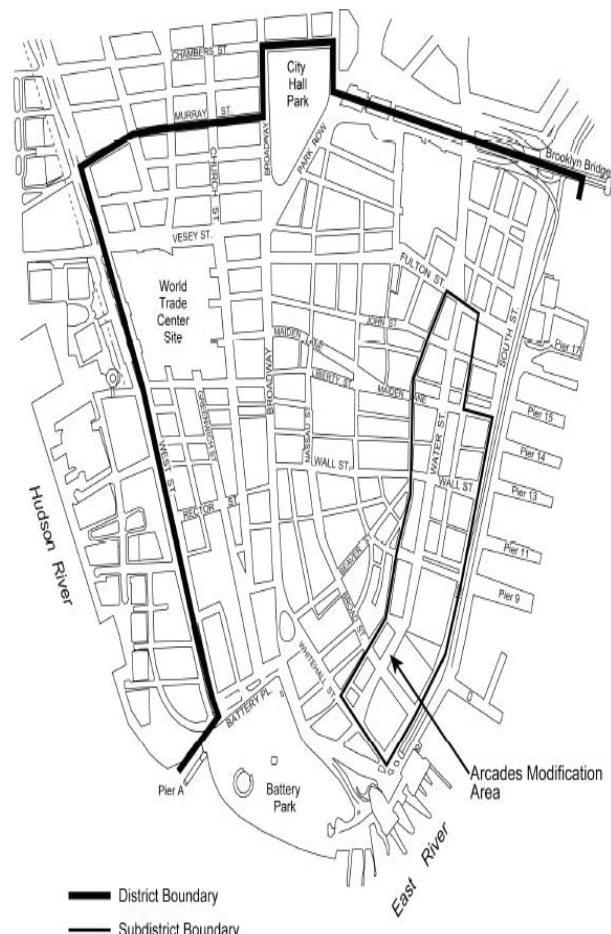
- (1) a site plan demonstrating the proposed obstructions within the existing arcade, and where applicable, the adjacent #publicly accessible open area#; and
(2) a detailed seating plan illustrating conformance with paragraph (a) of this Section.

All plans for arcades or other #publicly accessible open areas# that are the subject of a certification pursuant to this Section 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, in a form satisfactory to the Chairperson, providing notice of the certification of the arcade, pursuant to this Section. Such filing and recording of such instrument shall be a precondition to certification. 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.

Appendix A District Maps

Map 8 Public Access Modification Areas

* * *



* * *

BOROUGH OF QUEENS No. 2 10-24 154th STREET

CD 7 C 100457 ZMQ IN THE MATTER OF an application submitted by 10-24 Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 7d:

- 1. changing from an R2A District to an R3-1 District property bounded by 10th Avenue, 154th Street, 11th Avenue and a line 100 feet westerly of 154th Street; and
2. establishing within an existing and proposed R3-1 District a C2-2 District bounded by 10th Avenue, 154th Street, 11th Avenue and a line 135 feet westerly of 154th Street;

as shown on a diagram (for illustrative purposes only) dated December 13, 2010.

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

m17-30

COMMUNITY BOARDS

PUBLIC HEARINGS

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

BOROUGH OF THE BRONX

COMMUNITY BOARD NO. 04 - Tuesday, March 22, 2011, 6:00 P.M., Bronx Lebanon Hospital Center, 1650 Grand Concourse (Auditorium), Bronx, NY

FY2012 Preliminary Budget for Community District 4.

m16-22

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

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 09 - Tuesday, March 22, 2011 at 7:00 P.M., M.S. 61 - (Auditorium), 400 Empire Boulevard, Brooklyn, NY

A public hearing on the agency responses to Community Board 9's FY 2012 Capital and Expense Budget requests contained in the Mayor's Preliminary Budget.

m16-22

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

BOROUGH OF MANHATTAN

COMMUNITY BOARD NO. 01 - Tuesday, March 22, 2011, 6:00 P.M., Museum of Jewish Heritage, 36 Battery Place (south of Battery Park City), New York, NY

A Public Hearing on the Fiscal Year 2012 Preliminary Budget and to view the City's response to Community Board 1's budget requests.

m16-22

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

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 16 - Tuesday, March 22, 2011 at 7:00 P.M., Brownsville Multi Service Center, 444 Thomas S. Boyland Street, Brooklyn, NY

Mayor's FY 2012 Preliminary Budget and responses to Community Board 16's budget priorities.

m16-22

EMPLOYEES' RETIREMENT SYSTEM

INVESTMENT MEETING

Please be advised that the next Investment Meeting of the Board of Trustees of the New York City Employees' Retirement System has been scheduled for Tuesday, March 22, 2011 at 9:30 A.M. to be held at the New York City Employees' Retirement System, 335 Adams Street, 22nd Floor, Boardroom, Brooklyn, NY 11201-3751.

m15-21

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, March 22, 2011 at 9:30 AM, 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, Landmark Sites, and Historic

Districts. 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-2469 SEARS ROEBUCK AND CO. STORE, 2307 Beverly Road (aka 2301-2323 Beverly Road; 2386-2420 Bedford Avenue), Brooklyn. Landmark Site: Borough of Brooklyn Tax Map Block 5133, Lot 14

PUBLIC HEARING ITEM NO. 2

LP-2471 PUBLIC NATIONAL BANK OF NEW YORK BUILDING, 47 Graham Avenue (aka 47-49 Graham Avenue; 63-73 Varet Street), Brooklyn. Landmark Site: Borough of Brooklyn Tax Map Block 3105, Lot 26

PUBLIC HEARING ITEM NO. 3

LP-2466 CITIZENS SAVINGS BANK, 150 Canal Street (aka 54-58 Bowery), Manhattan. Landmark Site: Borough of Manhattan Tax Map Block 202, Lot 18 in part

PUBLIC HEARING ITEM NO. 4

LP-2461 HAWTHORNE COURT, 215-37 to 215-43 43rd Avenue and 42-22 to 42-38 216th Street, Queens. Landmark Site: Borough of Queens Tax Map Block 6306, Lot 15

PUBLIC HEARING ITEM NO. 5

LP-2448 PROPOSED CENTRAL RIDGEWOOD HISTORIC DISTRICT, Borough of Queens

Boundary Description

The proposed Central Ridgewood Historic District in the Borough of Queens consists of the properties bounded by a line beginning at the northwest corner of Fresh Pond Road and 71st Avenue, then extending westerly along the northern curblines of 71st Avenue to a point in said curblines formed by its intersection with a line extending northerly from the eastern property line of 60-84 71st Avenue, southerly across 71st Avenue and along said property line, westerly along the southern property lines of 60-84 to 60-56 71st Avenue, across 60th Lane and continuing westerly along the southern property lines of 60-50 to 60-34 71st Avenue, northerly along a portion of the western property line of 60-34 71st Avenue, westerly along the southern property lines of 60-32 to 60-20 71st Avenue, northerly along the western property line of 60-20 71st Avenue and across 71st Avenue to its northern curblines, westerly along said curblines, northerly along the western property line of 59-11 71st Avenue, easterly along the northern property line of 59-11 71st Avenue and a portion of the northern property line of 59-13 71st Avenue, northerly along the western property line of 59-22 70th Avenue and across 70th Avenue to its northern curblines, westerly along said curblines, continuing across Forest Avenue to the northeast corner of 70th Avenue and Onderdonk Avenue, northerly along the eastern curblines of Onderdonk Avenue, easterly along the southern curblines of Catalpa Avenue to the southeast corner of Catalpa Avenue and Forest Avenue, northerly across Catalpa Avenue and along the eastern curblines of Forest Avenue, easterly along the northern property lines of 59-01 to 59-11 Catalpa Avenue, northerly along the western property line of 59-14 68th Road and across 68th Road to its northern curblines, westerly along said curblines, northerly along the western property line of 59-13 68th Road, easterly along a portion of the northern property line of 59-13 68th Road, northerly along the western property line of 59-12 68th Avenue to the southern curblines of 68th Avenue, easterly along said curblines, southerly along the western curblines of 60th Street, westerly along the southern property lines of 68-18 to 68-24 60th Street, easterly along the northern property line of 68-26 60th Street, southerly along the western curblines of 60th Street to the southwest corner of 60th Street and Catalpa Avenue, easterly across 60th Street and along the southern curblines of Catalpa Avenue to a point formed by its intersection with a line extending southerly from the western property line of 60-43 Catalpa Avenue, northerly across Catalpa Avenue and along said property line, westerly along the southern property lines of 60-42 to 60-16 68th Road, northerly along the western property line of 60-16 68th Road, easterly along the southern curblines of 69th Road to a point formed by its intersection with a line extending southerly from the western property line of 60-27 68th Road, northerly across 68th Road and along said property line, westerly along the southern property lines of 60-26 and 60-24 68th Avenue, northerly along the western property line of 60-24 68th Avenue to the northern curblines of 68th Avenue, westerly along said curblines, northerly along the western property line of 60-11 68th Avenue, easterly along the northern property lines of 60-11 to 60-41 68th Avenue, northerly along the western property line of 60-46 67th Avenue to its northern curblines, westerly along said curblines, continuing across 60th Place to the northeast corner of 67th Avenue and 60th Street, northerly along said curblines, continuing across Kleupfel Court to a point in said curblines formed by its intersection with a line extending easterly from the southern property line of 59-32 Putnam Avenue (aka 66-02 60th Street), westerly across 60th Street and along the southern property lines of 59-32 to 59-28 Putnam Avenue and a portion of the southern property line of 59-24 Putnam Avenue, southerly along a portion of the eastern property line of 59-24 Putnam Avenue, westerly along a portion of the southern property line of 59-24 Putnam Avenue, northerly along the western property line of 59-24 Putnam Avenue to the northern curblines of Putnam Avenue, westerly along said curblines to

the northeast corner of Putnam Avenue and Forest Avenue, northerly along the eastern curblin...

curblin of West 82nd Street, easterly along the southern curblin of West 82nd Street, southerly along the western...

m7-21

COURT NOTICES

SUPREME COURT

NOTICE

RICHMOND COUNTY IA PART 74 NOTICE OF ACQUISITION INDEX NUMBER (CY) 4002/11

In the Matter of the Application of the CITY OF NEW YORK, relative to acquire title in fee simple to all or parts of,

ALBEE AVENUE

from Amboy Road to approximately 155 feet north of Amboy Road,

AMBOY ROAD

from Alvine Avenue to approximately 20 feet east of Poillon Avenue,

ANNADALE ROAD

from Amboy Road to Approximately 104 feet northeast of Furman Street,

COMMUNITY LANE

from Amboy Road to approximately 10 feet south of Amboy Road,

FURMAN STREET

from Annadale Road to approximately 18 feet southeast of Annadale Road,

PHILIP AVENUE

from Amboy Road to approximately 10 feet south of Amboy Road,

POILLON AVENUE

from Annadale Road to approximately 97 feet southeast of Annadale Road,

POILLON AVENUE

from Amboy Road to approximately 8 feet south of Amboy Road,

in the Borough of Staten Island, City of State of New York

PLEASE TAKE NOTICE, that by order of the Supreme Court of the State of New York, County of Richmond, IA Part 74 (Hon. Wayne P. Saitta, J.S.C.), duly entered in the office of the Clerk of the County of Richmond on March 2, 2011, the application of the City of New York to acquire certain real property, for all or parts of Albee Avenue, Amboy Road, Annadale Road, Community Lane, Furman Street, Philip Avenue, and Poillon Avenue, was granted and the City was thereby authorized to file an acquisition map with the Office of the Clerk of Richmond County.

PLEASE TAKE FURTHER NOTICE, that the City has acquired the following parcels of real property:

Table with 3 columns: Damage Parcel, Block, Part of Lot. Contains 8 rows of parcel data.

Table with 3 columns: Address/Block, Parcel Number, Parcel Number. Lists various parcels from 9 to 6A.

PLEASE TAKE FURTHER NOTICE, that pursuant to said Order, each and every person interested in the real property acquired in the above-referenced proceeding and having any claim or demand on account thereof, shall have a period of one calendar year from the date of service of the Notice of Acquisition of title vesting, to file a written claim with the Clerk of the Court of Richmond County, and to serve within the same time a copy thereof on the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007.

- A) the name and post office address of the condemnee; B) reasonable identification by reference to the acquisition map... C) a general statement of the nature and type of damages claimed... D) if represented by an attorney, the name, address and telephone number...

Pursuant to EDPL § 503(C), in the event a claim is made for fixtures or for any interest other than the fee in the real property acquired, a copy of the claim, together with the schedule of fixture items, if applicable, shall also be served upon the fee owner of said real property.

PLEASE TAKE FURTHER NOTICE, that, pursuant to § 5-310 of the New York City Administrative Code, proof of title shall be submitted to the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007 on or before March 4, 2012 (which is two (2) calendar years from the title vesting date).

Dated: March 7, 2011, New York, New York MICHAEL A. CARDOZO Corporation Counsel of the City of New York Attorney for the Condemnor 100 Church Street New York, New York 10007 Tel. (212) 788-0710

m15-28

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

MUNICIPAL SUPPLY SERVICES

AUCTION

PUBLIC AUCTION SALE NUMBER 11001-M

NOTICE IS HEREBY GIVEN of a public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on Wednesday, April 13, 2011 (SALE NUMBER 11001-M). Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

LOCATION: 570 Kent Avenue, Brooklyn, NY (in the Brooklyn Navy Yard between Taylor and Clymer Streets).

A listing of vehicles to be offered for sale in the next auction can be viewed on our website, on the Friday prior to the sale date at:

http://www.nyc.gov/autoauction OR http://www.nyc.gov/autoauctions

Terms and Conditions of Sale can also be viewed at this site.

For further information, please call (718) 417-2155 or (718) 625-1313.

m3-a13

Section 2-05 of Title 29 of the Rules of the City of New York is amended to read as follows:

§2-05 Registration.

(a) Definitions.

Landlord. As used in these rules [regulations], the term “landlord” shall mean the owner of an interim multiple dwelling (“IMD”), the lessee of a whole building, part of which [is an interim multiple dwelling] contains IMD units, or the agent, executor, assignee of rents, receiver, trustee, or other person having direct or indirect control of such a dwelling.

Residential Occupant. As used in these rules [regulations], the term “residential occupant” shall mean an occupant of an IMD [interim multiple dwelling] unit eligible for protection under Article 7-C of the New York State Multiple Dwelling Law (“MDL.”)

Agent. As used in § 284(2) of the MDL and these rules, the term “agent” or “managing agent” shall mean the person in control of and responsible for the maintenance and operation of the IMD building, which person shall be an individual, 21 years of age or older, and shall reside within New York City or customarily and regularly attend a business office located in New York City.

(b) *Procedure for Filing Registration Application.* The following instructions [“Information and Instruction to Owners, Lessees and Agents of Interim Multiple Dwellings”] constitute the procedures for registration of buildings, structures or portions thereof. [Interim Multiple Dwellings] pursuant to MDL § 284(2) [of Article 7-C of the New York State Multiple Dwelling Law]. Applications for registration shall be certified by the landlord in a form prescribed [promulgated] by the Loft Board.

Instructions—Interim Multiple Dwelling Registration Application Form [—Part A].

(1) Print [, using black ink only,] all information in completing the registration application form and return it and the required documents listed in § 2-05(b)(8). Detach this information and instruction sheet and return copies of the form, when completed] to: [“I.M.D.” “IMD REGISTRATION” at the [New York City] Loft Board’s office, together with a check covering the registration and code-compliance monitoring fees, in accordance with subparagraph (3) below.

[Registration forms must be filed for all Interim Multiple Dwellings by January 31, 1983 to avoid payment of an initial registration fee.]

The landlord must serve a copy of the initial registration application form on all occupants of the building including residential, commercial and manufacturing occupants and prime lessees, if different. Service shall be made by regular mail delivered to each occupant at the occupant’s unit, or at a different address in accordance with the terms for delivery of the notice in the occupant’s lease. The registration application form must specify which residential units are being registered as IMD units and include the unit designations and location in the building. Certification of such service to the occupants and prime lessees shall be attached to the registration application form filed with the Loft Board.

(2) The information requested on the registration application form [and Rider(s) are] is required pursuant to MDL §§ 284(2) and 325 [of the New York State Multiple Dwelling Law], and these rules. Additional information may be required pursuant to rules [and regulations which shall be] promulgated by the [New York City] Loft Board.

(3) Pursuant to MDL § 282, the Loft Board may charge and collect reasonable fees. Registration and code compliance monitoring fees shall be payable to the Loft Board in accordance with § 2-11 of these rules. [NO FEE is required if application is filed by January 31, 1983. However, a fee may be imposed if registration forms are filed after January 31, 1983. A renewal registration fee may be established by the Loft Board pursuant to §282 of the Multiple Dwelling Law.]

(4) Completion and submission of a registration [this] application form does not constitute a waiver of the applicant’s right to contest before the Loft Board the coverage of the premises described therein as an IMD building under Article 7-C of the MDL. [Multiple Dwelling Law as an interim multiple dwelling. Nor] nor shall the act of filing [of] the registration application form constitute evidence before the Loft Board that the building [the premises] described therein [are an interim multiple dwelling] is an IMD building. Notwithstanding the foregoing, the failure of an owner, a building occupant or prime lessee to contest the registration application within 45 calendar days after service of the registration application or 45 calendar days after the filing date with the Loft Board, whichever is later, shall constitute a “waiver” to contest coverage of the units registered, and shall preclude the landlord from contesting such coverage status.

In the event the Loft Board or its staff subsequently discovers that a building, structure or portion thereof registered as an IMD does not qualify as an IMD subject to coverage under Article 7-C, in whole or in part, then the Executive Director may revoke such IMD status for the individual unit, or the building in its entirety, as applicable, effective upon notice to the owner, the building occupants and the prime lessees, listed on the registration application form. Any and all applications by a landlord, building occupant or the prime lessee to challenge the denial of a registration application form or the revocation of IMD status of a building or a unit by the Executive Director shall be governed by the terms and provisions of § 1-07.1 of these rules.

(5) *Procedure to Contest a Registration Application.* Any and all applications filed by a landlord, building occupant(s) or prime lessee, if applicable, to contest coverage of a building(s) or individual unit(s) under Article 7-C [by owners, lessees or agents] must be received by the Loft Board within [30] 45 calendar days after [of] [the issue date of the IMD registration number or within 30 days after promulgation of coverage regulations by the Loft Board, whichever is later] service of the registration application form on the building occupants and prime lessee(s) or within 45 calendar days after filing of the registration application form with the Loft Board, whichever is later. Such applications [Applications, by letter in duplicate,] must set forth the extent of coverage being contested, including [and set forth] the facts and rationale upon which coverage is being

contested. [Notice of the filing] A copy of the application must be served on ALL residential, commercial and manufacturing occupants of the building and the prime lessee(s) in the manner described in § 1-06(b) of these rules for service of Loft Board applications, and the application [to] filed with the Loft Board must [state] include a certification that such service has been made. [The notice of application must state that copies of the full application are available for inspection at the Loft Board and that a copy of the full application will be furnished by the landlord upon the written request of an occupant. Until the Loft Board determines otherwise by rule or regulation, service shall be effected in the manner prescribed by Real Property Actions and Proceedings Law §735. Failure of an owner, lessee or agent to contest coverage within 30 days of the issuance of an IMD Registration Number or within 30 days of the promulgation of coverage regulations by the Loft Board, whichever is later, precludes said applicant from contesting coverage.

It is the intent of the Loft Board to provide those wishing to contest coverage an opportunity to do so within 30 days after the promulgation of regulations which directly address the issue upon which the coverage dispute or contestation is predicated.]

(6) [Please be advised that other affected parties] Any occupant in the building may apply for [or contest] coverage under Article 7-C. Such applications shall [should] be filed in accordance with [made following] the procedures set forth in [§2-05(b)(5) above] § 1-06 of these rules, and shall be subject to the terms and provisions of the MDL and these rules, including, without limitation, the deadline for filing coverage applications set forth in MDL § 282-a, § 1-06.1 of the Loft Board’s rules, and the Loft Board’s website [except that notice of filing of the application must be served on the landlord not the occupants].

(7) [Registration applications, if accepted by the Loft Board] An interim multiple dwelling registration number issued by the Loft Board will be effective until such time as determined by the [New York City] Loft Board or its staff.

(8) *Required Documents For A Registration Application.* A registration [A]application[s] must be completed in its entirety. Legible copies of the following must be attached: (i) the current lease for each residential unit claimed to be covered under Article 7-C, or, where there is no current lease, the most recent lease agreement, [(including all executed riders, amendments, modifications and extensions [for all residentially occupied units], (ii) the lease in effect during the qualifying window period set forth in MDL § 281 for each residential unit claimed to be covered under Article 7-C, and if no lease existed during the window period, an owner must file proof of residential occupancy during the window period with the registration form; (iii) the lease in effect on June 21, 2010, if different, and if no lease existed on June 21, 2010, the owner must attach a signed statement outlining the rental agreement in effect on June 21, 2010 – including party names, monthly rent, a description of the premises, use of the premises, and the services provided by the landlord; and (iv) any lease for a unit engaged in commercial, manufacturing, or industrial activity in the building on June 21, 2010 [must be attached regardless of the commercial, residential or manufacturing nature of the lease]. If no lease [exists or] existed for the commercial, manufacturing, or industrial unit on June 21, 2010, the owner must attach a signed statement outlining the rental agreement in effect on June 21, 2010.

For cooperatives, legible copies of [one of] the proprietary [leases and of all coversheets] leases for all units, including the units engaged in commercial, manufacturing, or industrial activity, must be attached. If any units were [are] rented on June 21, 1982 for units seeking coverage pursuant to MDL § 281(1), or July 27, 1987 for units seeking coverage pursuant to MDL § 281(4), or June 21, 2010, for units seeking coverage pursuant to MDL § 281(5), [attach] copies of those leases and subleases or rental agreements must be attached. For condominiums, legible copies of all leases for units that were [are] rented on June 21, 1982 for units seeking coverage pursuant to MDL § 281(1), or July 27, 1987 for units seeking coverage pursuant to MDL § 281(4) or June 21, 2010, for units seeking coverage pursuant to MDL § 281(5), must be attached.

[All personal and confidential information on leases (including all information which could lead to the identification of the premises, landlords and occupants) will not be available under the Freedom of Information Act.]

[An] A registration application form will not be accepted, and an IMD Registration Number will not be [assigned] issued, unless all questions set forth on the registration application form are answered in full, and all required leases or signed statements are attached. If a particular question or piece of information is inapplicable, [or not available] the applicant shall enter “Not Applicable,” or if the information is unavailable, enter “Not Available”, and attach a signed statement explaining the reasons such information is inapplicable or unavailable. The content of [an] a registration application form will be reviewed prior to issuance of an IMD Registration Number [acceptance].

In the space provided on the registration application form, an applicant must specify which units it seeks to register with the Loft Board for coverage under Article 7-C. The applicant shall enter [Enter] the number of residential units occupied for residential purposes by families living independently from one another, the periods of such residential occupancy, and indicate the units’ location [and the number of floors] in the building. [A family] “Family” shall have the meaning provided in MDL § 4(5), and may consist of a person or persons, regardless of whether they are related by marriage or ancestry. [Enter the number of residentially occupied units on each floor so occupied. Rider A which specifically identifies each of the units in the building must be completed and returned with the application.]

(9) The acceptance of the registration application form in no way legalizes the residential occupancy. If the registration application form is accepted by the Loft Board staff, a copy of the form with the assigned [I.M.D.] IMD Registration Number will be returned to the applicant [you]. That number must be included on all future correspondence with the Loft Board regarding the building [with the office]. The Loft Board reserves the right to reject, revoke or amend an [I.M.D.] IMD Registration Number for a building. The Loft Board also reserves the right to revoke, at any time, the Article 7-C coverage for a unit in a building issued an IMD

Registration Number.

(10) For each building potentially subject to Article 7-C, the owner, the lessee of the whole building, if applicable, and the agent [or other person having control of the premises] must each sign the [file a separate] registration application form thereby certifying to the truth, accuracy and completeness of the information contained therein. If the building is known by more than one address [is known by other addresses], the applicant shall list each address on [them on a separate sheet of paper and attach to] the application form.

If the owner, lessee of the whole building[, or agent [or other person] is a corporation, other than a corporation listed as exempt from the provisions of [the Multiple Dwelling Law] MDL §.325, the names, business, and residence addresses and phone numbers of each of its officers must be listed on the form.

Other officers, including treasurer or chief fiscal officer, and stockholders who own or control at least 10 percent of the corporation’s stock, must be listed on a separate attachment.

If the owner, lessee of the whole building or agent [or other person] is other than an individual or a corporation, the names, business and residential addresses and phone numbers for each member, general partner or participant in a partnership, [or] joint venture or limited liability company must be listed on a separate attachment.

At least one of the phone numbers [entered] filed with the registration application [on the] form must be a confidential telephone number where a responsible party can reasonably be expected to be reached 24 hours a day, 7 days a week [at all times] for emergencies. Such number(s) must be within 50 miles radius of New York City limits, and must be indicated on a separate signed sheet of paper [and] filed with the registration application form. Such responsible party shall be twenty-one years or older, and shall reside within New York City or customarily and regularly attend a business office located in New York City. The emergency number shall be confidential pursuant to the Freedom of Information Law (Public Officers Law §.84, et. seq.) as amended from time to time. Any change in the emergency number, managing agent information, owner’s address or ownership shall be sent to the Loft Board within 5 days of the change. The failure to report such change is a violation of the Loft Board rules and the owner may be subject to civil penalties up to \$17,500.00.

(11) All [owners, lessees of whole buildings, and agents or other persons having control of the premises] landlords who file a registration application form [for I.M.D. Registration Numbers] agree to provide the minimum housing maintenance standards established [or to be established by the Loft Board] by § 2-04 of these rules, as it may be amended from time to time, to all residentially occupied units covered under Article 7-C of the MDL [for as long as the I.M.D. Registration Number is valid].

(12) [The “managing agent” defined as the person in control of and responsible for the maintenance and operation of the dwelling, must be an individual over 21 years of age with a business office or residence in New York City] Reserved.

(13) [An identification sign] A notice, in the form prescribed by the Loft Board, [containing the building address, the I.M.D. Registration Number assigned by the Loft Board for the purpose of identifying the building and the owner and managing agent] as designated on the Loft Board’s website, shall be posted in the lobby of [in] every IMD building [interim multiple dwelling] [with] within five (5) business days after the issuance of the [I.M.D.] IMD Registration Number. Failure to post such notice may subject the landlord to civil penalties of up to \$17,500 per day. [A sample sign with instructions will be sent to you when the IMD Number is issued.] Such notice must contain:
(A) the building address;
(B) the IMD Registration Number assigned by the Loft Board for the purpose of identifying the building;
(C) the contact information for the owner and managing agent; and
(D) the Loft Board’s phone number.

(14) If additional space is required to respond to any of the questions set forth on the registration application form, the applicant shall attach a signed separate sheet of paper [identifying the question(s) being answered] to complete the response.

(c) *Rent claims.* A [Landlords] landlord of [interim multiple dwellings] a building for which an IMD Registration Number has been issued[,] shall be [deemed to be compliance with the registration provisions of Article 7-C and shall be] entitled to claim rents becoming due after the date of issuance of the IMD Registration Number, in summary proceedings, pursuant to MDL § 285(1) [of Article 7-C of the Multiple Dwelling Law], provided that such landlords are in compliance with the terms and provisions of Article 7-C and the Loft Board’s rules.

Finding that there are a significant number of ongoing disputes between landlords and residential occupants in loft dwellings over payment of past due rents and that Article 7-C did not intend to authorize landlords to recover past due rents from residents occupying premises which may not qualify for coverage under Article 7-C, the Loft Board believes that landlords’ right to recover for past due rents pursuant to MDL §285(1) [of the Multiple Dwelling Law] should be stayed until the question of coverage of an IMD has been resolved.

Landlords who waive their right to contest coverage by executing a written waiver in a form acceptable to the Loft Board, fail to contest coverage within 45 calendar days following the filing of the registration application with the Loft Board or following the service of the registration application on the occupants and the prime lessees, or whose coverage dispute has been resolved by a determination that the premises in question are covered by Article 7-C, and who have met the requirements of subdivision (b) of this section shall be deemed in full compliance with the registration provisions of Article 7-C, [in order to claim past due rent payable from residential occupants pursuant to MDL §285(1) of the Multiple Dwelling Law]. An owner must be in full compliance with all of the provisions of Article 7-C and the Loft Board’s rules, including and without limitation, the

- (j) The term "Interim Multiple Dwelling" ("IMD") as used in Multiple Dwelling Law § 281(5) shall not include any building in which an inherently incompatible use as described in subsection (k) of this section is being actively and currently pursued in any unit other than a residential unit of the building. The term "actively and currently pursued" shall refer to commercial, manufacturing or industrial use being conducted in the building on June 21, 2010. A unit eligible for coverage pursuant to MDL § 281(5), which is located in a building registered as an IMD under MDL §§ 281(1) or (4), shall not be excluded from Article 7-C coverage on the basis that any prohibited activity in use groups 15 through 18 existed in the building on June 21, 2010.
- (k) **Uses in Use Groups Inherently Incompatible With Residential Use.** Pursuant to MDL § 281(5), a use that falls within Use Groups 15-18, as defined in Article III Chapter 2 and Article IV Chapter 2 of the Zoning Resolution in effect on June 21, 2010, that is also set forth in the Appendix to these Rules, is inherently incompatible with residential use in the same building if it:
- (i) has or should have a New York City or New York State environmental rating of "A", or "B" under Section 24-153 of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection operating certificate; or
- (ii) is or should be required under the Community Right-to-Know Law, at Chapter 7 of Title 24 of the Administrative Code of the City of New York, to file a Risk Management Plan for Extremely Hazardous Substances; or
- (iii) is or should be classified as High-Hazard Group H occupancy as set forth in Section 307 of the New York City Building Code.
- (l) **Residential Unit:** For the purposes of subsections (j) through (s), in addition to the definition of Residential Unit in § 2-08 (a) (4) above, a residential unit may contain a non-residential use that:
- (1) is clearly incidental to or secondary to the residential use of the residential unit;
- (2) is carried on within the residential unit, by one or more occupants of such residential unit;
- (3) does not use more than 49 percent of the total floor area of a dwelling unit for the non-residential purposes; and
- (4) has up to three non-residential employees.
- (m) **Owner's registration application.** For all applications for registration filed pursuant to § 2-05, except for any unit eligible for coverage pursuant to MDL § 281(5) that is located in a building registered as an IMD under MDL §§ 281(1) or (4), the owner seeking coverage under MDL § 281(5) must, if there are any commercial, manufacturing, or industrial uses in the non-residential units in the building as of June 21, 2010, submit a certification to the Loft Board, signed by a New York State licensed and registered architect or engineer, that such commercial, manufacturing or industrial use is not an inherently incompatible use under subdivision (k).
- (n) **Rejection of owner's registration application.** Where an owner files a registration application for coverage under MDL § 281(5) for a building that has or had a commercial, manufacturing or industrial tenant that was actively pursuing a use on June 21, 2010 that was inherently incompatible with residential use under subsection (k) above, the Executive Director shall determine that the building does not qualify for coverage and reject the registration application.
- (o) **Revocation of IMD registration.** The Executive Director may, on written notice to the owner, revoke the IMD registration at any time for failure to meet the requirements set forth in the provisions of MDL § 281(5), and this rule, where:
- (1) previously undisclosed facts, or misrepresentations or false statements as to material facts in the registration application or submitted documents regarding the information which was the basis for the Loft Board issuance of an IMD registration number are discovered, or
- (2) the Loft Board issued an IMD registration number in error and conditions are such that the IMD registration number should not have been registered.
- Such notice will inform the owner of the reasons for the revocation and that the owner has the right to present to the Executive Director or his or her representative within 10 business days of delivery of the notice by hand or 15 calendar days of the posting of the notice by mail, information as to why the registration should not be revoked.
- (p) **Use after June 21, 2010.** A commercial, manufacturing or industrial tenant engaged in an inherently incompatible use as described in subdivision (k) after June 21, 2010 shall not disqualify a building from Article 7-C coverage that otherwise qualifies for coverage.
- (q) **Tenant applications for coverage.** For all applications for coverage filed pursuant to § 1-06, except for any unit eligible for coverage pursuant to MDL § 281(5) that is located in a building registered as an IMD under MDL §§ 281(1) or (4), the applicant seeking coverage under Article 7-C of the MDL must establish by a preponderance of the evidence that there are no commercial,

manufacturing or industrial uses in the non-residential units that are inherently incompatible with residential use as defined in subdivision (k) in the building as of June 21, 2010.

(r) **Site visits.** The Executive Director may conduct, or designate a Loft Board staff member to conduct, a site visit to the building for which coverage under Article 7-C of the MD L is being sought. The building owner shall arrange for the Executive Director and/or the Loft Board's staff to have access to the non-residential spaces upon reasonable notice. The Executive Director, or his/her staff, may also conduct informal conferences regarding the owner's registration application. The Executive Director may request additional information from the owner, building tenants or government agencies about the non-residential uses in the building on June 21, 2010.

(s) **Appeal of Decision.** If the Executive Director rejects the registration or revokes the IMD registration number issued after the filing of the registration application because a use listed in subdivisions (k) of this section was actively and currently pursued in the unit on June 21, 2010, the applicant may appeal the Executive Director's determination to the Loft Board in accordance with, and subject to the terms of the provisions in § 1-07.1.

APPENDIX

From Use Group 16A:

Animal hospitals or kennels

Animal pounds or crematoriums

Blacksmith shops

Carpentry, custom woodworking or custom furniture making shops

Crematoriums, human

Fuel, oil, or coal sales, open or enclosed, limited to 5,000 square feet of lot area per establishment

Mirror silvering shops

Sign painting shops, with no limitation on floor area per establishment

Silver plating shops, custom

Soldering or welding shops

Tool, die, or pattern-making establishments, or similar small machine shops

Trade schools for adults, which use substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

From Use Group 16B:

Automobile, truck, motorcycle or trailer body repairs, provided such use is conducted within a completely enclosed building

From Use Group 16C:

Public transit yards, open or enclosed, including accessory motor fuel pumps

From Use Group 16D:

Carpet cleaning establishments

Dry cleaning or cleaning and dyeing establishments, with no limitation on type of operation, solvents, floor area or capacity per establishment

Laundries, medical or laboratory

Linen or towel supply establishments, where cleaning is done on the same zoning lot

Packing or crating establishments for substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

Photographic developing or printing, with no limitation on floor area per establishment

Warehouses for substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

Wholesale establishments selling, as part of their stock, substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances, with no limitation on accessory storage

From Use Group 17B (Manufacturing Establishments):

Adhesives, excluding manufacture of basic components

Advertising displays

Aircraft, including parts

Automobiles, trucks or trailers, including parts or rebuilding of engines

Beverages, non-alcoholic

Boats less than 200 feet in length, building or repair, open or enclosed, provided that such use or portion thereof may be conducted outside a completely enclosed building only if

located at a distance greater than 200 feet from a Residence District boundary, or if effectively screened by a wall or fence at least eight feet in height with no boat building located less than 30 feet from a Residence District boundary

Brushes or brooms

Cameras or other photographic equipment, except film

Canvas

Carpets

Ceramic products, including pottery, small glazed tile, or similar products

Chemicals, compounding or packaging

Cosmetics or toiletries

Cotton ginning, or cotton wadding or linters

Electrical appliances, including lighting fixtures, irons, fans, toasters, electric toys, or similar appliances

Electrical equipment assembly, including home radio or television receivers, home movie equipment, or similar products, but not including electrical machinery

Electrical supplies, including wire or cable assembly, switches, lamps, insulation, dry cell batteries, or similar supplies

Film, photographic

Food products, except slaughtering of meat or preparation of fish for packaging

Ice, dry

Ink or inked ribbon

Laboratories, research, experimental or testing

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

Luggage

Machines, business, including typewriters, accounting machines, calculators, card-counting equipment, or similar products

Machinery, miscellaneous, including washing machines, firearms, refrigerators, air-conditioning, commercial motion picture equipment, or similar products

Machine tools, including metal lathes, metal presses, metal stamping machines, woodworking machines, or similar products

Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing, heat treatment, similar products

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

Motorcycles, including parts

Musical instruments, including pianos or organs

Novelty products

Optical equipment, clocks or similar precision instruments

Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers, or similar appliances

Paper products, including envelopes, stationery, bags, boxes, shipping containers, bulk goods, tubes, wallpaper printing, or similar products

Perfumes or perfumed soaps, compounding only

Pharmaceutical products

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

Printing or publishing, with no limitation on floor area per establishment

Rubber products, such as washers, gloves, footwear, bathing caps, atomizers, or similar products, excluding manufacture of natural or synthetic rubber

Silverware, plate or sterling

Sporting or athletic equipment, including balls, baskets, cues, gloves, bats, racquets, rods, or similar products

Statuary, mannequins, figurines, or religious art goods, excluding foundry operations

Steel products, miscellaneous fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products

Textiles, dyeing or printing

Tobacco, including curing, or tobacco products

Tools or hardware, including bolts, nuts, screws, doorknobs, drills, hand tools or cutlery, hinges, house hardware, locks, non-ferrous metal castings, plumbing appliances, or similar products

Toys

Umbrellas

Vehicles, children's, including bicycles, scooters, wagons, baby carriages, or similar vehicles

Venetian blinds, window shades, or awnings, with no limitation on production or on floor area per establishment

Wood products, including furniture, boxes, crates, baskets, pencils, cooperage works, or similar products

From Use Group 18:

A. Manufacturing establishments

Asphalt or asphalt products

Beverages, alcoholic or breweries that are larger than 10,000 square feet of floor area.

Brick, tile or clay

Cement

Charcoal, lampblack or fuel briquettes

Chemicals, including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black or bone black, cleaning or polishing preparations, creosote, exterminating agents, hydrogen or oxygen, industrial alcohol, potash, plastic materials or synthetic resins, rayon yarns, or hydrochloric, picric, or sulphuric acids or derivatives

Coal, coke or tar products

Excelsior or packing materials

Fertilizers

Foundries, ferrous or non-ferrous

Gelatin, glue or size

Glass or large glass products, including structural or plate glass or similar products

Grain, milling or processing

Graphite or graphite products

Gypsum

Hair, felt, or feathers, bulk processing, washing, curing or dyeing

Incineration or reduction of garbage, offal or dead animals

Insecticides, fungicides, disinfectants, or related industrial or household chemical compounds

Leather or fur tanning, curing, finishing or dyeing

Linoleum or oil cloth

Machinery, heavy, including electrical, construction, mining, or agricultural, including repairs

Matches

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

Metal or metal ores, reduction, refining, smelting or alloying

Metal alloys or foil, miscellaneous, including solder, pewter, brass, bronze, or tin, lead or gold foil or similar products

Metal or metal products, treatment or processing, including enameling, japanning, lacquering, galvanizing or similar processes

Metal casting or foundry products, heavy, including ornamental iron work or similar products

Monument works, with no limitation on processing

Paint, varnishes or turpentine

Petroleum or petroleum products, refining

Plastic, raw

Porcelain products, including bathroom or kitchen equipment or similar products

Radioactive waste disposal services involving the handling or storage of radioactive waste

Railroad equipment, including railroad cars or locomotives

Rubber, natural or synthetic, including tires, tubes or similar products

Sewage disposal plants

Ship or boat building or repair yards, for ships or boats 200 feet in length or over

Soaps or detergents, including fat rendering

Steel, structural products, including bars, girders, rails, wire rope or similar products

Solvent extracting

Stock yards or slaughtering of animals or poultry

Stone processing or stone products, including abrasives, asbestos, stone screenings, stone cutting, stone work, sand or lime products, or similar processes or products

Sugar refining

Textile bleaching

Wood or bone distillation

Wood or lumber processing including sawmills or planning mills, excelsior, plywood, or veneer, wood-preserving treatment or similar products or processes

Wood pulp or fiber, reduction or processing, including paper mill operations

Wool scouring or pulling

B. Storage or miscellaneous uses, open or enclosed

Coal or gas storage

Dumps, marine transfer stations for garbage or slag piles

Electric power or steam generating plants

Explosives storage, when not prohibited by other ordinances

Gas manufacturing plants

Grain storage

Junk or salvage yards, including auto wrecking or similar establishments, provided that such yard is completely enclosed on all sides by a solid opaque fence or wall (including solid opaque entrance and exit gates) of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings

Lumber yards, with no limitation on lot area per establishment

Manure, peat or topsoil storage

Petroleum or petroleum products, storage or handling

Refrigerating plants

Scrap metal, junk, paper or rags storage, sorting, or baling, provided that any yard in which such use is conducted is completely enclosed on all sides by a solid opaque fence or wall (including solid opaque entrance and exit gates) of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings

C. Accessory uses

each of the five boroughs. Please call (212) 720-3337 for information on the closest library.

The public comment period ends close of business March 25, 2010. Written comments should be sent to: Charles V. Sorrentino, New York City Consolidated Plan Coordinator, Department of City Planning, 22 Reade Street, 4N, New York, N.Y. 10007, email: 2010ConPlanAPR@planning.nyc.gov.

m9-22

HOUSING PRESERVATION & DEVELOPMENT

NOTICE

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

Notice Date: March 10, 2011

To: Occupants, Former Occupants, and Other Interested Parties

Property: Address	Application #	Inquiry Period
2012 Broadway, Manhattan	11/11	February 1, 2008 to Present
a/k/a140 West 69th Street		
136 West 73rd Street, Manhattan	12/11	February 1, 2008 to Present
54 West 105th Street, Manhattan	13/11	February 3, 2008 to Present
318 West 115th Street, Manhattan	18/11	February 15, 2008 to Present
116 West 118th Street, Manhattan	19/11	February 18, 2008 to Present
213 West 131st Street, Manhattan	22/11	February 23, 2008 to Present
256 West 135th Street, Manhattan	25/11	February 25, 2008 to Present
258 West 135th Street, Manhattan	26/11	February 25, 2008 to Present
10 West 127th Street, Manhattan	27/11	February 25, 2008 to Present
322 West 115th Street, Manhattan	28/11	February 28, 2008 to Present
2062 Morris Avenue, Bronx	17/11	February 15, 2008 to Present
357 Pacific Street, Brooklyn	14/11	February 3, 2008 to Present
1137 Dean Street, Brooklyn	16/11	February 10, 2008 to Present
48 Madison Street, Brooklyn	20/11	February 22, 2008 to Present
42 Macon Street, Brooklyn	23/11	February 24, 2008 to Present
44 Macon Street, Brooklyn	24/11	February 24, 2008 to Present

Authority: SRO, Administrative Code §27-2093

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

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at **CONH Unit, 100 Gold Street, 3rd Floor, New York, NY 10038** by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement, please call **(212) 863-8272, (212) 863-5277, (212) 863-8211 or (212) 863-8298.**

m14-22

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

Notice Date: March 10, 2011

To: Occupants, Former Occupants, and Other Interested Parties

Property: Address	Application #	Inquiry Period
749 9th Avenue, Manhattan	15/11	February 3, 1996 to Present
751 9th Avenue, Manhattan	21/11	February 22, 1996 to Present

Authority: Special Clinton District, Zoning Resolution §96-110

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

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at **CONH Unit, 100 Gold Street, 3rd Floor, New York, NY 10038** by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement, please call **(212) 863-8272, (212) 863-5277, (212) 863-8211 or (212) 863-8298.**

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CITY PLANNING

NOTICE

NEW YORK CITY DEPARTMENT OF CITY PLANNING PROPOSED ANNUAL PERFORMANCE REPORT (APR) 2010 CONSOLIDATED PLAN PROGRAM YEAR COMMENT PERIOD - March 11 - March 25, 2011

The **Proposed 2010 Consolidated Plan Annual Performance Report (APR)** Public Comment Period will be from March 11th to March 25th. This document describes the City's performance concerning the: statutory requirements of the Cranston-Gonzalez Housing Act's Comprehensive Housing Affordability Strategy, and the City's use of the four U.S. Department of Housing and Urban Development (HUD) Community Planning and Development formula entitlement programs: Community Development Block Grant (CDBG); HOME Investment Partnerships (HOME); Emergency Shelter Grant (ESG); and Housing Opportunities for Persons with AIDS (HOPWA). The APR reports on the accomplishments and commitment of these funds during the 2010 program year, January 1, 2010 to December 31, 2010. In addition, a One-Year update of the City's Affirmatively Furthering Fair Housing (AFFH) Statement is included.

As of March 11, 2011, copies of the Proposed APR can be obtained at the Department of City Planning Bookstore, 22 Reade Street, Manhattan, (Monday 12:00 P.M. to 4:00 P.M., Tuesday - Friday 10:00 A.M. to 1:00 P.M. In addition, the report will be posted in Adobe .PDF format for free downloading on City Planning's Website at: www.nyc.gov/planning. Furthermore, copies of the Proposed APR will be available for review at the main public library in

READER'S GUIDE

The City Record (CR) is, published each business day and includes notices of proposed New York City procurement actions, contract awards, and other procurement-related information. Solicitation notices for most procurements valued at or above \$100,000 for information technology and for construction and construction related services, above \$50,000 for other services, and above \$25,000 for other goods are published for at least one day. Other types of procurements, such as sole source, require notice in the City Record for five consecutive days. Unless otherwise specified, the agencies and offices listed are open for business Mondays thru Fridays from 9:00 A.M. to 5:00 P.M. except legal holidays.

NOTICE TO ALL NEW YORK CITY CONTRACTORS

The New York State Constitution ensures that all laborers, workers or mechanics employed by a contractor or subcontractor doing public work are to be paid the same wage rate that prevails in the trade where the public work is being done. Additionally, New York State Labor Law §§ 220 and 230 provide that a contractor or subcontractor doing public work in construction or building service must pay its employees no less than the prevailing wage. Section 6-109 (the Living Wage Law) of the New York City Administrative Code also provides for a "living wage", as well as prevailing wage, to be paid to workers employed by City contractors in certain occupations. The Comptroller of the City of New York is mandated to enforce prevailing wage. Contact the NYC Comptrollers Office at www.comptroller.nyc.gov, click on Labor Law Schedules to view rates.

New York City's "Burma Law" (Local Law No. 33 of 1997) No Longer to be Enforced. In light of the United States Supreme Court's decision in **Crosby v. National Foreign Trade Council**, 530 U.S. 363 (2000), the City has determined that New York City's Local Law No. 33 of 1997 (codified in Administrative Code Section 6-115 and Charter Section 1524), which restricts City business with banks and companies doing business in Burma, is unconstitutional. This is to advise, therefore, that the language relating to Burma contained in existing New York City contracts may not be enforced.

CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION RELATED SERVICES

The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination.

VENDOR ENROLLMENT APPLICATION

New York City procures approximately \$7 billion worth of goods, services, construction and construction-related services every year. The NYC Procurement Policy Board Rules require that agencies primarily solicit from established mailing lists called bidder/proposer lists. To register for these lists-free of charge-, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application.

- Online at <http://nyc.gov/selltonyc>

- To request a hardcopy application, call the Vendor Enrollment Center at (212) 857-1680.

Attention Existing Suppliers:

Even if you already do business with NYC agencies, be sure to fill out an application. We are switching over to citywide, centralized Bidders Lists instead of the agency-specific lists previously used to issue notices about upcoming contract opportunities. To continue receiving notices of New York City contract opportunities, you must fill out and submit a NYC-FMS Vendor Enrollment application.

If you are uncertain whether you have already submitted an application, call us at (212) 857-1680.

SELLING TO GOVERNMENT TRAINING WORKSHOP

New and experienced vendors are encouraged to register for a free training course on how to do business with New York City. "Selling to Government" workshops are conducted by the Department of Small Business Services, 110 William Street, New York, NY 10038. Morning and afternoon sessions are convened on the first Tuesday of each month. For more information, and to register, call (212) 618-8845.

PRE-QUALIFIED LIST

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstance. When it is decided by an agency to develop a pre-qualified list, criteria for pre-qualification must be clearly explained in the solicitation and notice of the opportunity to pre-qualify for that solicitation must be published in at least five issues of the CR.

Information and qualification questionnaires for inclusion on such list may be obtained directly from the Agency Chief Contracting Officer at each agency, (see Vendor Information Manual). A completed qualification Questionnaire may be submitted to the Chief Contracting Officer at any time, unless otherwise indicated and action (approval or denial) shall be taken by the agency within 90 days from the date of submission. Any denial or revocation of pre-qualified status can be appealed to the Office of Administrative Trials and Hearings, (OATH), Section 3-11 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists.

NON-MAYORAL ENTITIES

The following agencies are not subject to Procurement Policy Board rules and do not follow all of the above procedures: City University, Department of Education, Metropolitan Transportation Authority, Health & Hospitals Corporation, Housing Authority. Suppliers interested in applying for inclusion on bidders list should contact these entities directly (see Vendor Information Manual) at the addresses given.

PUBLIC ACCESS CENTER

The Public Access Center is available to suppliers and the public as a central source for supplier-related information through on-line computer access. The Center is located at 253 Broadway, 9th floor, in lower Manhattan, and is open Monday through Friday from 10:00 A.M to 3:00 P.M. For information, contact the Mayor's Office of Contract Services at (212) 788-0010.

ATTENTION: NEW YORK CITY MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES

Join the growing number of Minority and Women Owned Business Enterprises (M/WBEs) that are competing for New York City's business. In order to become certified for the program, your company must substantiate that it: (1) is at least fifty-one percent (51%) owned, operated and controlled by a minority or woman and (2) is either located in New York City or has a significant tie to New York City's business community. To obtain a copy of the certification application and to learn more about the program, contact the New York City Department of Small Business Services, 110 William Street, 2nd Floor, New York, New York 10038 (212) 513-6311.

PROMPT PAYMENT

It is the policy of the City of New York to pay its bills promptly. The Procurement Policy Board Rules generally require that the City pay its bills within 30 days after the receipt of a proper invoice. The City now pays interest on all late invoices. The grace period that formerly existed was eliminated on July 1, 2000. However, there are certain types of payments that are not eligible for interest. These are listed in Section 4-06 of the Procurement Policy Board Rules. The Comptroller and OMB determine the interest rate on late payments twice a year, in January and in July.

PROCUREMENT POLICY BOARD RULES

The Rules may also be accessed on the City Website, <http://nyc.gov/selltonyc>

COMMON ABBREVIATIONS USED IN THE CR

The CR contains many abbreviations. Listed below are simple explanations of some of the most common ones appearing in the CR:

- AB Acceptable Brands List
- AC Accelerated Procurement
- AMT Amount of Contract
- BL Bidders List
- CSB Competitive Sealed Bidding (including multi-step)
- CB/PQ CB from Pre-qualified Vendor List
- CP Competitive Sealed Proposal (including multi-step)
- CP/PQ CP from Pre-qualified Vendor List
- CR The City Record newspaper
- DA Date bid/proposal documents available
- DUE Bid/Proposal due date; bid opening date
- EM Emergency Procurement
- IG Intergovernmental Purchasing
- LBE Locally Based Business Enterprise
- M/WBE Minority/Women's Business Enterprise
- NA Negotiated Acquisition
- NOTICE.... Date Intent to Negotiate Notice was published in CR
- OLB..... Award to Other Than Lowest Responsible & Responsive Bidder/Proposer
- PIN..... Procurement Identification Number
- PPB Procurement Policy Board
- PQ Pre-qualified Vendors List
- RS..... Source required by state/federal law or grant
- SCE Service Contract Short-Term Extension
- DP Demonstration Project
- SS Sole Source Procurement
- ST/FED Subject to State &/or Federal requirements

KEY TO METHODS OF SOURCE SELECTION

The Procurement Policy Board (PPB) of the City of New York has by rule defined the appropriate methods of source selection for City procurement and reasons justifying their use. The CR procurement notices of many agencies include an abbreviated reference to the source selection method utilized. The following is a list of those methods and the abbreviations used:

- CSB **Competitive Sealed Bidding** (including multi-step)
Special Case Solicitations / Summary of Circumstances:
 - CP **Competitive Sealed Proposal** (including multi-step)
 - CP/1 Specifications not sufficiently definite
 - CP/2 Judgement required in best interest of City
 - CP/3 Testing required to evaluate
 - CB/PQ/4
 - CP/PQ/4 **CB or CP from Pre-qualified Vendor List/** Advance qualification screening needed
 - DP Demonstration Project
 - SS **Sole Source Procurement/**only one source
 - RS..... Procurement from a Required Source/ST/FED
 - NA..... Negotiated Acquisition
- For ongoing construction project only:*
- NA/8 Compelling programmatic needs

- NA/9 New contractor needed for changed/additional work
- NA/10 Change in scope, essential to solicit one or limited number of contractors
- NA/11 Immediate successor contractor required due to termination/default
For Legal services only:
- NA/12 Specialized legal devices needed; CP not advantageous
- WA **Solicitation Based on Waiver/Summary of Circumstances** (Client Services/BSB or CP only)
- WA1 Prevent loss of sudden outside funding
- WA2 Existing contractor unavailable/immediate need
- WA3 Unsuccessful efforts to contract/need continues
- IG **Intergovernmental Purchasing** (award only)
- IG/F Federal
- IG/S State
- IG/O Other
- EM **Emergency Procurement** (award only) An unforeseen danger to:
- EM/A Life
- EM/B Safety
- EM/C Property
- EM/D A necessary service
- AC **Accelerated Procurement/**markets with significant short-term price fluctuations
- SCE **Service Contract Extension/**insufficient time; necessary service; fair price
Award to Other Than Lowest Responsible & Responsive Bidder or Proposer / Reason (award only)
- OLB/a anti-apartheid preference
- OLB/b local vendor preference
- OLB/c recycled preference
- OLB/d other: (specify)

HOW TO READ CR PROCUREMENT NOTICES

Procurement Notices in the CR are arranged by alphabetically listed Agencies, and within Agency, by Division if any. The notices for each Agency (or Division) are further divided into three subsections: Solicitations, Awards; and Lists & Miscellaneous notices. Each of these subsections separately lists notices pertaining to Goods, Services, or Construction.

Notices of Public Hearings on Contract Awards appear at the end of the Procurement Section. At the end of each Agency (or Division) listing is a paragraph giving the specific address to contact to secure, examine and/or to submit bid or proposal documents, forms, plans, specifications, and other information, as well as where bids will be publicly opened and read. This address should be used for the purpose specified UNLESS a different one is given in the individual notice. In that event, the directions in the individual notice should be followed. The following is a SAMPLE notice and an explanation of the notice format used by the CR.

SAMPLE NOTICE:

POLICE

DEPARTMENT OF YOUTH SERVICES

■ SOLICITATIONS

Services (Other Than Human Services)

BUS SERVICES FOR CITY YOUTH PROGRAM – Competitive Sealed Bids – PIN# 056020000293 – DUE 04-21-03 AT 11:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
NYPD, Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007. Manuel Cruz (646) 610-5225.

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ITEM	EXPLANATION
POLICE DEPARTMENT	Name of contracting agency
DEPARTMENT OF YOUTH SERVICES	Name of contracting division
■ SOLICITATIONS	Type of Procurement action
<i>Services (Other Than Human Services)</i>	Category of procurement
BUS SERVICES FOR CITY YOUTH PROGRAM	Short Title
CSB	Method of source selection
PIN # 056020000293	Procurement identification number
DUE 04-21-03 AT 11:00 am	Bid submission due 4-21-03 by 11:00 am; bid opening date/time is the same.
<i>Use the following address unless otherwise specified in notice, to secure, examine-submit bid/proposal documents; etc.</i>	Paragraph at the end of Agency Division listing giving contact information, or submit bid/information or and Agency Contact address
	NYPD, Contract Administration Unit 51 Chambers Street, Room 310 New York, NY 10007. Manuel Cruz (646) 610-5225.
☛	Indicates New Ad
m27-30	Date that notice appears in City Record

NUMBERED NOTES

Numbered Notes are Footnotes. If a Numbered Note is referenced in a notice, the note so referenced must be read as part of the notice. **1.** All bid deposits must be by company certified check or money order made payable to Agency or Company.