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THE CITY RECORD

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PUBLIC HEARINGS AND MEETINGS

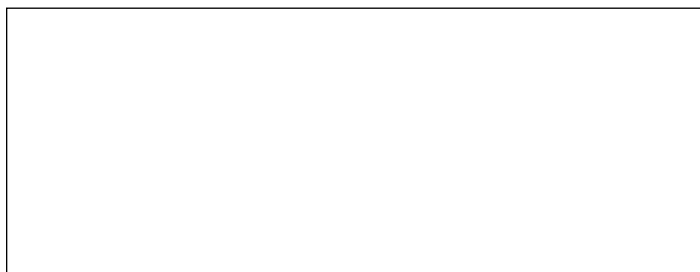
See Also: Procurement; Agency Rules

BOARD MEETINGS

MEETING

City Planning Commission

Meets in Spector Hall, 22 Reade Street, New York, NY 10007, twice monthly on Wednesday, at 10:00 A.M., unless otherwise ordered by the Commission.



City Council

Meets by Charter twice a month in Councilman's Chamber, City Hall, Manhattan, NY 10007, at 1:30 P.M.

Contract Awards Public Hearing

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, weekly, on Thursday, commencing 10:00 A.M., and other days, times and location as warranted.

Civilian Complaint Review Board

Generally meets at 10:00 A.M. on the second Wednesday of each month at 40 Rector Street, 2nd Floor, New York, NY 10006. Visit <http://www.nyc.gov/html/crb/html/meeting.html> for additional information and scheduling changes.

Design Commission

Meets at City Hall, Third Floor, New York, NY 10007. For meeting schedule, please visit nyc.gov/designcommission or call (212) 788-3071.

Department of Education

Meets in the Hall of the Board for a monthly business meeting on the Third Wednesday, of each month at 6:00 P.M. The Annual Meeting is held on the first Tuesday of July at 10:00 A.M.

Board of Elections

32 Broadway, 7th Floor, New York, NY 10004, on Tuesday, at 1:30 P.M. and at the call of the Commissioner.

Environmental Control Board

Meets at 100 Church Street, 12th Floor, Training Room #143, New York, NY 10007 at 9:15 A.M. once a month at the call of the Chairman.

Board of Health

Meets at Gotham Center, 42-09 28th Street, Long Island City, NY 11101, at 10:00 A.M., quarterly or at the call of the Chairman.

Health Insurance Board

Meets in Room 530, Municipal Building, Manhattan, NY 10007, at the call of the Chairman.

Board of Higher Education

Meets at 535 East 80th Street, Manhattan, NY 10021, at 5:30 P.M., on fourth Monday in January, February, March, April, June, September, October, November and December. Annual meeting held on fourth Monday in May.

Citywide Administrative Services

Division of Citywide Personnel Services will hold hearings as needed in Room 2203, 2 Washington Street, New York, NY 10004.

Commission on Human Rights

Meets on 10th Floor in the Commission's Central Office, 40 Rector Street, New York, NY 10006, on the fourth Wednesday of each month, at 8:00 A.M.

In Rem Foreclosure Release Board

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, Monthly on Tuesdays, commencing 10:00 A.M., and other days, times and location as warranted.

Franchise and Concession Review Committee

Meets in Spector Hall, 22 Reade Street, Main Floor, and other days, times and location as warranted.

Real Property Acquisition and Disposition

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, bi-weekly, on Wednesdays, commencing 10:00 A.M., and other days, times and location as warranted.

Landmarks Preservation Commission

Meets in the Hearing Room, Municipal Building, 9th Floor North, 1 Centre Street in Manhattan on approximately three Tuesday's each month, commencing at 9:30 A.M. unless otherwise noticed by the Commission. For current meeting dates, times and agendas, please visit our website at www.nyc.gov/landmarks.

Employees' Retirement System

Meets in the Boardroom, 22nd Floor, 335 Adams Street, Brooklyn, NY 11201, at 9:30 A.M., on the third Thursday of each month, at the call of the Chairman.

Housing Authority

Board Meetings of the New York City Housing Authority are scheduled for the last Wednesday of each month (except August) at 10:00 A.M. in the Board Room on the 12th Floor of 250 Broadway, New York, NY 10007 (unless otherwise noted). Any changes to the schedule will be posted here and on NYCHA's website at http://www.nyc.gov/html/nycha/html/about/boardmeeting_schedule.shtml to the extent practicable at a reasonable time before the meeting. For additional information, please visit NYCHA's website or contact (212) 306-6088.

Parole Commission

Meets at its office, 100 Centre Street, Manhattan, NY 10013, on Thursday, at 10:30 A.M.

Board of Revision of Awards

Meets in Room 603, Municipal Building, Manhattan, NY 10007, at the call of the Chairman.

Board of Standards and Appeals

Meets at 40 Rector Street, 6th Floor, Hearing Room "E" on Tuesdays at 10:00 A.M. Review Sessions begin at 9:30 A.M. and are customarily held on Mondays preceding a Tuesday public hearing in the BSA conference room on the 9th Floor of 40 Rector Street. For changes in the schedule, or additional information, please call the Application Desk at (212) 513-4670 or consult the bulletin board at the Board's Offices, at 40 Rector Street, 9th Floor.

Tax Commission

Meets in Room 936, Municipal Building, Manhattan, NY 10007, each month at the call of the President. Manhattan, monthly on Wednesdays, commencing 2:30 P.M.

BOROUGH PRESIDENT - BROOKLYN

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that, pursuant to Sections 197-c of the New York City Charter, Brooklyn Borough President Eric L. Adams will hold a public hearing on the following matters in the Community Room, of Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, NY 11201, commencing at 6:00 P.M. on Monday, August 29, 2016.

Calendar Item 1 — 160133 PQQ

An application submitted by the New York City Administration for Children's Services (ACS) and the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the acquisition of property, located at 384 South 4th Street, in Brooklyn Community District 1, for continued use as a child care center.

Calendar Item 2 — 150420 PQQ

An application submitted by ACS and DCAS, pursuant to Section 197-c of the New York City Charter, for the acquisition of property, located at 565 Livonia Avenue, in Brooklyn Community District 5, for continued use as a child care center.

Calendar Item 3 — 160071 PQQ

An application submitted by ACS and DCAS, pursuant to Section 197-c of the New York City Charter, for the acquisition of property, located at 851 Liberty Avenue, in Brooklyn Community District 5, for continued use as a child care center.

Note: To request a sign language interpreter, or to request a Telecommunication Device for the Deaf (TDD) services, contact Land Use Coordinator Olga Chernomorets at (718) 802-3751 or ochernomorets@brooklynbp.nyc.gov prior to the hearing.

Accessibility questions: Olga Chernomorets (718) 802-3751, by: Monday, August 29, 2016, 5:00 P.M.



a23-29

CITY PLANNING

■ NOTICE

**PUBLIC NOTICE OF A SCOPING MEETING
DRAFT ENVIRONMENTAL IMPACT STATEMENT
(CEQR No.17DCP031R)**

NOTICE IS HEREBY GIVEN that pursuant to Section 5-07 of the Rules of Procedure for Environmental Review (CEQR) and 6 NYCRR 617.8 (State Environmental Quality Review) the New York City Department of City Planning (DCP), acting on behalf of the City Planning Commission (CPC) as CEQR lead agency, has determined that a Draft Environmental Impact Statement (DEIS) is to be prepared for the proposed actions related to the development of "The Boulevard at Hylan Plaza" (CEQR No. 17DCP031R). The SEQRA classification for this proposal is Type I.

A public scoping meeting has been scheduled for September 28, 2016 and will be held at Lou Caravone Community Services Building, at 460 Brielle Avenue. The meeting will begin at 7:00 P.M. Written comments will be accepted by the lead agency until the close of business on October 12, 2016.

The existing Hylan Plaza Shopping Center, located at 2600 Hylan Boulevard in the New Dorp Beach neighborhood of Staten Island Community District 2, is a regional shopping center consisting of local- and regional-serving retail stores arranged within one-story retail structures fronted by surface parking. The directly Affected Area is approximately 23.7 acres and is generally bounded by Hylan Boulevard, Ebbitts Street, Mill Road, and commercial and residential properties lots (properties) to the north (Staten Island Block 3969, Lots 1, 6, 31, and 35).

The proposal involves an application by Hylan Plaza 1339, LLC for a zoning authorization pursuant to Section 36-023 of the New York City Zoning Resolution (ZR) for a group parking facility accessory to a commercial enlargement on a zoning lot in excess of 4 acres in a C4-1 zoning district, and for a reduction of the parking requirement of ZR Section 36-21. The proposed project would also require a certification of cross-access easements pursuant to ZR Section 36-592 and 36-596(a); this certification is a ministerial action and is not subject to environmental review.

The Proposed Actions would facilitate the demolition of an approximately 290,100-gross-square-foot (gsf) portion of the existing 362,462-gsf commercial center and the construction of approximately 386,705 gsf of new retail structures, including: approximately 240,612 gsf of local and destination retail uses, approximately 41,030 gsf of cinema uses, and approximately 23,159 gsf of receiving/common areas for the proposed retail uses. The proposed Boulevard at Hylan Plaza development would include: a supermarket; cinema; restaurant space; department store retail uses; other non-department store retail uses; and receiving/common areas.

Absent the Proposed Actions, the existing structure and uses on the project site would remain. For the purposes of the environmental review, the proposed development is considered the reasonable worst case development scenario. It is expected that construction of the proposed development would be completed by 2019.

Public comments are requested with respect to issues to be addressed in the draft environmental impact statement.

Copies of the Draft Scope of Work and the Environmental Assessment Statement may be obtained from the Environmental Assessment and Review Division, New York City Department of City Planning, 120 Broadway, 31st Floor, New York, NY 10271, Contact: Robert Dobruskin, AICP, Director (212) 720-3423; at the Mayor's Office of Sustainability, 253 Broadway, 7th Floor, New York, NY 10007, Contact: Hilary Semel, Director (212) 676-3273. The Draft Scope of Work and scoping protocol will also be made available for download at www.nyc.gov/planning.



◀ a29

**PUBLIC NOTICE OF A SCOPING MEETING
DRAFT ENVIRONMENTAL IMPACT STATEMENT
Jerome Avenue Rezoning
(CEQR No. 17DCP019X)**

NOTICE IS HEREBY GIVEN that pursuant to Section 5-07 of the Rules of Procedure for Environmental Review (CEQR) AND 6 NYCRR 617.8 (State Environmental Quality Review) that the New

York City Department of City Planning (DCP), acting on behalf of the City Planning Commission as CEQR lead agency, has determined that a draft environmental impact statement is to be prepared for the proposed actions related to the redevelopment of Jerome Avenue Rezoning and Related Actions, CEQR Number 17DCP019X. The SEQRA classification for this proposal is Type I.

A public scoping meeting has been scheduled for Thursday, September 29, 2016 and will be held at Gould Memorial Library Auditorium, Bronx Community College, 2155 University Avenue, Bronx, NY 10453. The meeting will begin at 4:00 P.M. Written comments will be accepted by the lead agency until the close of business on Monday, October 10, 2016.

The New York City Department of City Planning (DCP) is proposing zoning text amendments, zoning map amendments and city map changes (collectively the "Proposed Actions"). The proposed zoning text and map amendments would rezone an approximately 73-block area primarily along Jerome Avenue and its east west commercial corridors in Bronx Community Districts 4 and 5 and 7 (the "Rezoning Area"), and would establish the Special Jerome Avenue District coterminous with the Rezoning Area. The Rezoning Area is generally bounded by East 165th Street to the south and 184th street to the north; and also includes portions of Edward L. Grant Highway, East 170th Street, Mount Eden Avenue, Tremont Avenue, Burnside Avenue and East 183rd Street. The proposed City map changes are located a block outside of the Rezoning Area in the Highbridge neighborhood of the Bronx, Community District 4.

The Proposed Actions includes:

- Zoning map amendments to rezone portions of existing C4-4, M1-2, R8, C8-3, and R7-1 with R7A, R8A, R9A, R7D, and C4-4D districts and C2-4 commercial overlays.
- Zoning text amendments to:
 - o Establish the Special Jerome Avenue District, coterminous with the Rezoning Area. The proposed special district will include regulations that will add controls to the ground floors of buildings within mapped commercial overlays and districts, modify height and bulk regulations on lots fronting the elevated rail line, modify bulk regulations on irregular lots, and establish controls, such as discretionary review provisions, for transient hotels.
 - o Establish proposed R7A, R7D, R8A, R9A, and C4-4D districts as Mandatory Inclusionary Housing areas, applying the Mandatory Inclusionary Housing program to require a share of new housing to be permanently affordable where significant new housing capacity would be created.
- City Map changes to:
 - o Map Block 2520, Lot 19 as parkland. This city-owned parcel is located one block outside of the rezoning area and is bounded by West 170th Street, Nelson Avenue, Shakespeare Avenue, and Corporal Fischer Place in the Highbridge neighborhood of the Bronx, Community District 4.
 - o De-map Corporal Fischer Place (street) between Nelson Avenue and Shakespeare Avenue, which is adjacent to the parcel to be mapped as park land as described above (Block 2520, Lot 19), and map it as parkland.

The Proposed Actions reflect DCP's on-going engagement with local community boards, area residents, business owners, workers, elected officials, and community based organizations to achieve the following land use objectives: a) Provide opportunities for high quality, permanent affordable housing with options for tenants at a wide range of income levels; b) Ensure that any new construction fits visually and architecturally into its surrounding neighborhood context; c) Anchor the Jerome corridor and surrounding neighborhoods by permitting more intensive uses in two nodes; d) Create special rules for new development along the elevated rail line to provide light and air along the corridor and ensure adequate distance between residential uses and the train; e) Promote active ground floor uses and diverse retail to support community needs and provide a consistent streetscape throughout the corridor; f) Preserve zoning for heavy commercial and light industrial uses in areas to support mixed uses and jobs; and g) Establish controls for transient hotels to ensure consistency with the goals and objectives of the rezoning.

The Proposed Actions are expected to result in a net increase of approximately 3,250 dwelling units, 72,273 square feet of community facility space, 35,575 square feet of commercial/retail space; and net decrease of 47,795 square feet of industrial space and 98,002 square feet of auto-related uses. The analysis year for this proposal is 2026.

Digital copies of the Draft Scope of Work and the Environmental Assessment Statement may be obtained from the Environmental Assessment and Review Division, New York City Department of City Planning, 120 Broadway, 31st Floor, New York, NY 10271, Contact: Robert Dobruskin, AICP, Director (212) 720-3423; at the Mayor's Office of Sustainability, 253 Broadway, 14th Floor, New York, NY 10007, Contact:

Hilary Semel, Director (212) 676-3273. The Draft Scope of Work and scoping protocol will also be made available for download at www.nyc.gov/planning.

Public comments are requested with respect to issues to be addressed in the draft environmental impact statement.

Accessibility questions: Dana Cohen, (212) 720-3650, DCohen@planning.nyc.gov, by: Wednesday, September 14, 2016, 5:00 P.M.



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CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that resolutions have been adopted by the City Planning Commission, scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street, New York, NY, on Wednesday, September 7, 2016 at 10:00 A.M.

BOROUGH OF THE BRONX

No. 1

1614 WILLIAMSBRIDGE ROAD

CD 11 **C 160332 ZMX**
IN THE MATTER OF an application submitted by Dominick Calderoni, Fred T. Santucci, Jr. & Jeffrey D. Klein pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 4b:

1. establishing within an existing R4 District a C2-2 District bounded by Pierce Avenue, a line 150 feet southwesterly of Yates Avenue, a line 75 feet southeasterly of Pierce Avenue, Williamsbridge Road, a line 50 feet southeasterly of Pierce Avenue, and a line 50 feet northeasterly of Tomlinson Avenue; and
2. establishing within an existing R4A District a C2-2 District bounded by a line 100 feet northwesterly of Pierce Avenue, Williamsbridge Road, a line 225 feet northwesterly of Pierce Avenue, a line 110 feet southwesterly of Yates Avenue, Pierce Avenue, and a line 50 feet northeasterly of Tomlinson Avenue;

as shown on a diagram (for illustrative purposes only) dated May 23, 2016.

Nos. 2 & 3

CONCOURSE VILLAGE WEST REZONING

No. 2

CD 4 **C 150312 ZMX**
IN THE MATTER OF an application submitted by Upper Manhattan Development Corporation, pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6a:

1. changing from a C8-3 District to an R7D District property bounded by a line 100 feet northwesterly of Concourse Village West, East 156th Street, Concourse Village West, East 153rd Street, the centerline of the easterly portion of Grand Concourse, and a line 525 feet southwesterly of East 156th Street;
2. changing from a C8-3 District to an R8 District property bounded by the centerline of the easterly portion of Grand Concourse, a line 450 feet southwesterly of East 156th Street, a line 100 feet northwesterly of Concourse Village West, and a line 525 feet southwesterly of East 156th Street; and
3. establishing within the proposed R7D District a C1-4 District bounded by a line 100 feet northwesterly of Concourse Village West, East 156th Street, Concourse Village West, and a line 200 feet southwesterly of East 156th Street;

as shown on a diagram (for illustrative purposes only) dated May 23, 2016.

No. 3

CD 4 **N 150313 ZRX**
IN THE MATTER OF an application submitted by Upper Manhattan Development Corporation, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter 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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory

Inclusionary Housing Areas

THE BRONX



The Bronx Community District 4

In the R7A, R7D, R8, R8A and R9D Districts within the areas shown on the following Map 1:

Map 1 – [date of adoption]

[PROPOSED MAP]



 Inclusionary Housing designated area
 Mandatory Inclusionary Housing area see Section 23-154(d)(3)
Area 1 [date of adoption] — MIH Program Option 2
Portion of Community District 4, The Bronx

**Nos. 4-7
1932 BRYANT AVENUE
No. 4**

CD 6 **C 160365 ZMX**
IN THE MATTER OF an application submitted by Second Farms Neighborhood, HFDC pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 3d:

1. changing from an R7-1 District to an R8 District property bounded by Bryant Avenue, a line 80 feet southwesterly of East Tremont Avenue, a line perpendicular to the southwesterly street line of East Tremont Avenue distant 125 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of East Tremont Avenue and the northwesterly street line of Boston Road, East Tremont Avenue, and Boston Road.
2. establishing within the proposed R8 District a C2-4 District bounded by a line 100 feet northwesterly of Boston Road, a line 80 feet southwesterly of East Tremont Avenue, a line perpendicular to the southwesterly street line of East Tremont Avenue distant 125 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of East Tremont Avenue and the northwesterly street line of Boston Road, East Tremont Avenue, Boston Road, and Bryant Avenue;

as shown on a diagram (for illustrative purposes only) dated June 6, 2016.

No. 5

CD 6 **N 160366 ZRX**
IN THE MATTER OF an application submitted by the Second Farms Neighborhood HDFC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter 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

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

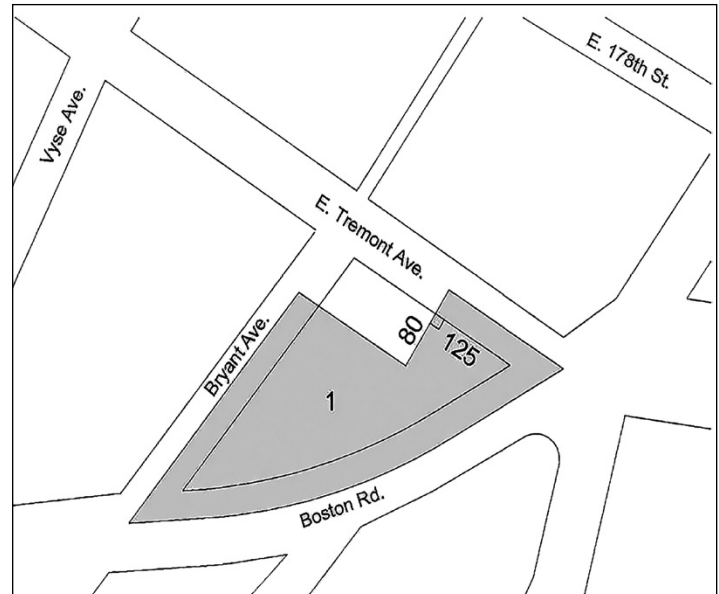
THE BRONX


Bronx Community District 6

In the R7A, R7D, R7X, R8, R8A and R8X Districts within the areas shown on the following Maps 1, 2, 3, 4, and 5 and 6:

Map 6 – [date of adoption]

[PROPOSED MAP]



 Mandatory Inclusionary Housing area see Section 23-154(d)(3)
Area 1 [date of adoption]- MIH Program Option 1 and Option 2
Portion of Community District 6, The Bronx

No. 6

CD 6 **C 160367 ZSX**
IN THE MATTER OF an application submitted by Second Farms Neighborhood, HFDC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to waive the required off-street parking spaces for the existing developments on zoning lots Parcel 6 (Block 3131, Lot 20), Parcel 7 (Block 3136, Lot 1) and Parcel 8a (Block 3130, Lot 20), in connection with a proposed mixed-use development on property, located at 1932 Bryant Avenue (Block 3005, Lot 65), in an R8* and R8/C2-4* Districts, within the Transit Zone, in an existing Large-Scale Residential Development generally bounded by Bryant Avenue, a line approximately 80 feet southwesterly of East Tremont Avenue, a line approximately 135 feet southeasterly of Bryant Avenue, East Tremont Avenue, a line approximately 260 feet southeasterly of Vyse Avenue, East 178th Street, a line approximately 270 feet southeasterly of Vyse Avenue, East 179th Street, and Boston Road (Block 3005 Lot 65, Block 3130 Lot 20, Block 3130 Lot 100, Block 3131 Lot 20, Block 3136 Lot 1, and Block 3136 Lot 101),) in R7-1, R8* and R8/C2-4* Districts.

*Note: The site is proposed to be rezoned by changing an existing R7-1 to R8 and R8/C2-4 Districts under a concurrent related application (C 160365 ZMX).

Plans for this proposal are on file with the City Planning Commission and 120 Broadway, 31st Floor, New York, NY 10271-0001.

No. 7

CD 6 **C 160368 ZSX**
IN THE MATTER OF an application submitted by Second Farms Neighborhood, HFDC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following sections of the Zoning Resolution:

1. 78-312(c) to modify the rear yard requirements of Section 23-47 (Minimum Required Rear Yards), to allow minor variations in required rear yards on the periphery; and
2. 78-312(d) to modify height and setback requirements of Section 23-64 (Basic Height and Setback Requirements) to allow minor variations in the front height and setback regulations on the periphery;

of a proposed mixed-use development on property located at 1932 Bryant Avenue (Block 3005, Lot 65), in R8* and R8/C2-4* Districts, within an existing Large-Scale Residential Development generally bounded by Bryant Avenue, a line approximately 80 feet southwesterly of East Tremont Avenue, a line approximately 135 feet southeasterly of Bryant Avenue, East Tremont Avenue, a line approximately 260 feet southeasterly of Vyse Avenue, East 178th Street, a line approximately 270 feet southeasterly of Vyse Avenue, East 179th Street, and Boston Road (Block 3005 Lot 65, Block 3130 Lot 20, Block 3130 Lot 100, Block 3131 Lot 20, Block 3136 Lot 1, and Block 3136 Lot 101),) in R7-1, R8* and R8/C2-4* Districts.

*Note: The site is proposed to be rezoned by changing an existing R7-1 to R8 and R8/C2-4 Districts under a concurrent related application (C 160365 ZMX).

Plans for this proposal are on file with the City Planning Commission and 120 Broadway, 31st Floor, New York, NY 10271-0001.

BOROUGH OF MANHATTAN

Nos. 8 & 9

THEATER SUBDISTRICT FUND TEXT AMENDMENT

No. 8

CD 4, 5

N 160254 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 8, Chapter 1 (Special Midtown District), to modify the regulations governing the transfer of development rights from listed theaters.

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 VIII - Special Purpose Districts

Chapter 1

Special Midtown District

81-70

SPECIAL REGULATIONS FOR THEATER SUBDISTRICT

81-744

Transfer of development rights from listed theaters

For the purposes of the Theater Subdistrict:

A "listed theater" shall mean a theater designated as listed pursuant to Section 81-742 (Listed theaters).

A "granting site" shall mean either a #zoning lot# or that portion of a #zoning lot# occupied by a "listed theater" and comprised of those block and lot numbers specified for such theater pursuant to the table in Section 81-742, as such block and lots existed on January 12, 1998. However, a "granting site" shall not include any #zoning lot# occupied by a "listed theater" located within the geographical area covered by the 42nd Street Development Land Use Improvement Project, adopted by the New York State Urban Development Project in 1984, as such Project has and may be subsequently amended.

A "receiving site" shall mean a #zoning lot# or the portion of a #zoning lot# located within the Theater Subdistrict to which development rights of the "granting site" are transferred. However, no portion of a "receiving site" shall be located within the 42nd Street Development Project Area. In addition, for #zoning lots# containing "listed theaters," that portion of the #zoning lot# occupied by the "listed theater" and comprised of the block and lot numbers specified for such theater, pursuant to the table in Section 81-742, shall not be included in the "receiving site."

Any "receiving site" divided by a district boundary or Theater Subdistrict Core boundary may locate #bulk# in accordance with the provisions of Section 81-746 (Additional provisions for zoning lots divided by district or subdistrict core boundaries).

The "floor price" is a value per square foot of transferable development rights in the Theater Subdistrict, which shall provide a basis for establishing a minimum contribution to the Theater Subdistrict Fund established pursuant to Paragraph (i) of Section 81-741 (General provisions), as provided in this Section. When establishing or adjusting the "floor price", the City Planning Commission shall consider an appraisal study conducted by qualified professionals utilizing industry best practices. The City Planning Commission shall, by rule, review

and adjust this amount pursuant to the City Administrative Procedure Act no more than once every three years and no less than once every five years.

(a) Transfer of development rights by certification

The Chairperson of the City Planning Commission shall allow, by certification, a transfer of development rights from a "granting site" to a "receiving site," except that any "granting site," or portion thereof, located outside the Theater Subdistrict, may not transfer development rights to any portion of a "receiving site" within the Special Clinton District, provided that:

- (1) the maximum amount of #floor area# transferred from a "granting site" is the basic maximum #floor area ratio# established pursuant to Sections 81-211 (Maximum floor area ratio for non-residential or mixed buildings) or 81-213 (Special provisions for transfer of development rights from listed theaters within the Special Clinton District), as applicable, for such "granting site" as if it were undeveloped, less the total #floor area# of all existing #buildings# or portions of #buildings# on the "granting site" and #floor area# attributed to the "granting site" that has been previously used or transferred;
- (2) each transfer, once completed, irrevocably reduces the amount of #floor area# that may be #developed# or #enlarged# on the #zoning lot# containing the "granting site" by the amount of #floor area# transferred;
- (3) the maximum amount of #floor area# transferred to a "receiving site" shall not exceed the basic maximum #floor area ratio# established pursuant to Section 81-211 for such "receiving site" by more than 20 percent;
- (4) the provisions of Section 81-743 (Required assurances for continuance of legitimate theater use) are met; and
- (5) appropriate legal documents are executed and recorded and that, thereafter, and prior to certification, ensuring that a contribution in an amount equal to ten dollars* per square foot of transferred #floor area# be deposited in the Theater Subdistrict Fund established pursuant to Paragraph (i) of Section 81-741 (General provisions) at the earlier of either the time of closing on the transfer of development rights pursuant to this Section or the filing for any building permit for any #development# or #enlargement# that anticipates using such development rights. Such contribution shall be equal to the greater of:
 - (i) twenty percent of the sales price of the transferred #floor area#; or
 - (ii) an amount equal to 20 percent of the "floor price" multiplied by the amount of transferred #floor area#.

The City Planning Commission shall review such amount no more than once every three years and no less than once every five years and shall adjust the amount to reflect any change in assessed value of all properties on #zoning lots# wholly within the Theater Subdistrict.

(b) Transfer of development rights by authorization

The City Planning Commission shall allow, by authorization, an additional transfer of development rights beyond the amount of #floor area# transfer permitted by certification in paragraph (a) of this Section from a "granting site" to any portion of a "receiving site" located within the Eighth Avenue Corridor, except that any "granting site," or portion thereof, located outside the Theater Subdistrict may not transfer development rights to any portion of a "receiving site" within the Special Clinton District, subject to the following conditions:

- (1) the maximum amount of such additional #floor area# transfer to that portion of a "receiving site" located within such Corridor shall not exceed the maximum total #floor area ratio# with as-of-right #floor area# allowances in the Theater Subdistrict set forth in Section 81-211 by more than 20 percent; and
- (2) such transfer complies with the conditions and limitations set forth for the transfer of development rights in paragraph (a) of this Section.

In order to grant such authorization, the City Planning Commission shall find that such #development# or #enlargement#:

- (i) relates harmoniously to all structures and #open space# in its vicinity in terms of scale, location and access to light and air in the area; and
- (ii) serves to enhance or reinforce the general purposes of the Theater Subdistrict.

Any application pursuant to Paragraphs (a) and/or (b) of this Section shall be referred to the affected Community Board, the

local Council Member and the Borough President of Manhattan. The Chairperson of the City Planning Commission shall not grant any such certification or authorization prior to sixty days after such referral and sixty days after the date any reports required to be submitted to the Landmarks Preservation Commission pursuant to Section 81-743, Paragraph (b), or the Theater Subdistrict Council pursuant to Section 81-71 (General Provisions) have been so submitted.

(c) Requirements for Application

An application filed with the Chairperson of the City Planning Commission for the transfer of development rights by certification pursuant to Paragraph (a) of this Section, or with the City Planning Commission for the transfer of development rights by authorization pursuant to Paragraph (b) of this Section, shall be made jointly by the owners of the "granting site" and the "receiving site" and shall include:

- (1) a site plan and #floor area# zoning calculations for the "granting site" and the "receiving site"; for certifications, documentation acceptable to the Chairperson indicating the sales price of the transferred floor area; and, for authorizations ~~and~~ or special permit applications, any such other information as may be required by the City Planning Commission;
- (2) a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer, together with a notice of the restrictions limiting further #development# or #enlargement# of the "granting site" and the "receiving site." The notice of restrictions shall be filed by the owners of the respective lots in the Borough Office of the Register of the City of New York, indexed against the "granting site" and the "receiving site," a certified copy of which shall be submitted to the Chairperson of the City Planning Commission. Receipt of the certified copy shall be a pre-condition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the "receiving site."

Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# transferred and shall specify, by lot and block numbers, the lots from which and the lots to which such transfer is made.

- (3) demonstrations of compliance with the requirements of Section 81-743 and Paragraph (a)(5) of this Section, including all necessary legal documents. Issuance of any building permit, including any foundation or alteration permit, shall be conditioned upon the filing of such legal documents in the Borough Office of the Register of the City of New York and receipt by the Chairperson of the City Planning Commission of certified copies of same as required pursuant to Section 81-743.

A separate application shall be filed for each transfer of development rights to an independent "receiving site."

*—The contribution of ten dollars per square foot of transferred #floor area# was adjusted by rule on November 15, 2006, to \$14.91 per square foot and on December 10, 2011, to \$17.60 per square foot

No. 9

THEATER SUBDISTRICT FUND TEXT AMENDMENT

CD 4, 5 N 160254(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 8, Chapter 1 (Special Midtown District), to modify the regulations governing the transfer of development rights from listed theaters.

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 VIII - Special Purpose Districts

Chapter 1
Special Midtown District

* * *

81-70
SPECIAL REGULATIONS FOR THEATER SUBDISTRICT

* * *

81-70
SPECIAL REGULATIONS FOR THEATER SUBDISTRICT

81-71
General Provisions

The regulations of Sections 81-72 to 81-75, inclusive, relating to Special Regulations for the Theater Subdistrict, are applicable only in the Theater Subdistrict, of which the Theater Subdistrict Core and the Eighth Avenue Corridor are parts, except that any listed theater designated in Section 81-742, or portion thereof, located outside of the Theater Subdistrict shall be deemed to be a "granting site" pursuant to Section 81-744 (Transfer of development rights from listed theaters).

The Theater Subdistrict is bounded by West 57th Street, Avenue of the Americas, West 40th Street, Eighth Avenue, West 42nd Street, a line 150 feet west of Eighth Avenue, West 45th Street and Eighth Avenue.

The Theater Subdistrict Core is bounded by West 50th Street, a line 200 feet west of Avenue of the Americas, West 43rd Street and a line 100 feet east of Eighth Avenue.

The Eighth Avenue Corridor is bounded by West 56th Street, a line 100 feet east of Eighth Avenue, West 43rd Street, Eighth Avenue, West 42nd Street, a line 150 feet west of Eighth Avenue, West 45th Street and Eighth Avenue.

The west side of Eighth Avenue between 42nd and 45th Streets is also subject to the provisions of the Special Clinton District to the extent set forth in Article IX, Chapter 6, subject to Section 81-023 (Applicability of Special Clinton District regulations).

These boundaries are shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter. The regulations of Sections 81-72 to 81-75, inclusive, supplement or modify the regulations of this Chapter applying generally to the #Special Midtown District# of which the Subdistrict is a part.

In order to preserve and protect the character of the Theater Subdistrict as a cultural, theatrical and entertainment showcase as well as to help ensure a secure basis for the useful cluster of shops, restaurants and related amusement activities, special incentives and controls are provided for the preservation and rehabilitation of existing theaters and special restrictions are placed on ground floor #uses# within the Subdistrict. In order to preserve and protect the special scale and character of the Theater Subdistrict Core, which includes Times Square, special #building street wall# height and setback controls and requirements for the inclusion of #illuminated signs# and entertainment and entertainment-related #uses# apply within the Subdistrict Core. In order to ensure the orderly growth and development of the Eighth Avenue Corridor and its transition to the scale and character of adjoining midblocks, special #building street wall#, height and setback controls apply within the Corridor. In order to preserve and maintain the character of the western edge of the Theater Subdistrict as both an integral part of the Theater Subdistrict and as a transition to the Clinton neighborhood, the west side of Eighth Avenue between 42nd and 45th Streets is also subject to the provisions of the Special Clinton District.

A Theater Subdistrict Council shall be created and comprised of the Mayor, three (3) representatives appointed by the Mayor from the performing arts, theatrical related industries, the Director of the Department of City Planning, the Speaker of the City Council and his or her designee, and the Manhattan Borough President. The members shall choose a Chair from among themselves. The Theater Subdistrict Council shall be a not-for-profit corporation whose organizational purpose shall be limited solely to promoting theater and theater-related use and preservation within the Theater Subdistrict and promoting the welfare of the Theater Subdistrict generally. The goals of the Theater Subdistrict Council shall include:

- (a) enhancing the long-term viability of Broadway by facilitating the production of plays and small musicals within the Theater Subdistrict, with consideration given to small theatrical organizations;;
- (b) developing new audiences for all types of theatrical productions;;
- (c) monitoring preservation and use covenants in Broadway's "listed theaters";; and
- (d) assisting activities that support and strengthen the New York City theater industry within the Subdistrict.

The Theater Subdistrict Council shall adopt a plan every three years for the sale, distribution and marketing of reduced price tickets to new and undeveloped audience groups. Such plan shall include locations outside of the Theater Subdistrict where such reduced price tickets will be available. The plan shall also include a way to evaluate yearly its effectiveness by:

- (a)— the number of tickets sold; and
- (b)—the penetration of the new identified markets which shall be reported to the Chairperson of the City Planning Commission and filed with the Council of the City of New York.

The Theater Subdistrict Council shall advise the Chairperson of the City Planning Commission concerning applications for any special permit, authorization or certification pursuant to the special regulations for the Theater Subdistrict and shall be the holder and administrator of the funds received in connection with transfers of

development rights from "listed theaters" pursuant to Section 81-744 in accordance with the provisions for the Theater Subdistrict Fund set forth in Paragraph (h) of Section 81-741 (General provisions).

* * *

**81-74
Special Incentives and Controls in the Theater Subdistrict**

**81-741
General provisions**

* * *

(i) Theater Subdistrict Fund

In furtherance of the purposes of this Section, the Theater Subdistrict Council shall establish a separate interest-bearing account (the "Theater Subdistrict Fund" or "Fund") for the deposit and administration of the revenues received by the Theater Subdistrict Council generated by the transfer of development rights pursuant to Section 81-744. Upon receipt of any revenue generated pursuant to such Section, the Theater Subdistrict Council shall notify the Comptroller, the Speaker and the Department of City Planning, and promptly deposit such revenues into the Theater Subdistrict Fund and shall expend such revenues and any interest accumulated thereon in the following manner:

- (1) a portion of any such revenues shall be reserved, sufficient in the judgment of the Theater Subdistrict Council ~~but in no event less than 20 percent of such revenues, to undertake the ongoing periodic inspection and maintenance report requirements pursuant to Paragraph (d)(e) of Section 81-743-~~ ~~The Theater Subdistrict Council may petition the City Planning Commission for a reduction in the percentage of such reserve and the Commission may grant such reduction if, in its judgement, a lesser percentage will be sufficient to carry out the purposes of this paragraph; and~~
- (2) the remainder of such revenue shall be used for activities chosen by the Theater Subdistrict Council furthering the objectives and purposes of this Section, which activities may include judicial or administrative proceedings instituted by the Theater Subdistrict Council against any property owner or lessee to enforce the obligations of such owner or lessee pursuant to any restrictive declaration entered into in connection with a transfer of development rights pursuant to Section 81-744. Notwithstanding the foregoing, funds shall not be used for the physical repair and preservation of theaters.

The Theater Subdistrict Council shall provide an annual report to the Department of City Planning, the Comptroller, the Speaker and the City Planning Commission indicating the amounts and dates of any deposits to the Theater Subdistrict Fund in the immediately preceding calendar year, the balance of the Theater Subdistrict Fund at the close of the calendar year, the amounts expended on activities within the Theater Subdistrict and the nature of those activities. The Theater Subdistrict Council shall maintain complete, accurate and detailed records, with supporting documentation, in respect to all deposits to and withdrawals from the Theater Subdistrict Fund, and shall make such records available to the City of New York, the Department of City Planning, the Comptroller, the Speaker and the City Planning Commission upon reasonable notice and during business hours for inspection and copying.

* * *

**81-744
Transfer of development rights from listed theaters**

For the purposes of the Theater Subdistrict:

A "listed theater" shall mean a theater designated as listed pursuant to Section 81-742 (Listed theaters).

A "granting site" shall mean either a #zoning lot# or that portion of a #zoning lot# occupied by a "listed theater" and comprised of those block and lot numbers specified for such theater pursuant to the table in Section 81-742, as such block and lots existed on January 12, 1998. However, a "granting site" shall not include any #zoning lot# occupied by a "listed theater" located within the geographical area covered by the 42nd Street Development Land Use Improvement Project, adopted by the New York State Urban Development Project in 1984, as such Project has and may be subsequently amended.

A "receiving site" shall mean a #zoning lot# or the portion of a #zoning lot# located within the Theater Subdistrict to which development rights of the "granting site" are transferred. However, no portion of a "receiving site" shall be located within the 42nd Street Development Project Area. In addition, for #zoning lots# containing "listed theaters," that portion of the #zoning lot# occupied by the "listed theater" and comprised of the block and lot numbers specified for such theater, pursuant to the table in Section 81-742, shall not be included in the "receiving site."

Any "receiving site" divided by a district boundary or Theater Subdistrict Core boundary may locate #bulk# in accordance with the provisions of Section 81-746 (Additional provisions for zoning lots divided by district or subdistrict core boundaries).

The "floor price" is a value per square foot of transferable development rights in the Theater Subdistrict, which shall provide a basis for establishing a minimum contribution to the Theater Subdistrict Fund established pursuant to Paragraph (i) of Section 81-741 (General provisions), as provided in this Section. As of (date of enactment) the "floor price" is equal to \$347 per square foot. When establishing or adjusting the "floor price", the City Planning Commission shall initiate an appraisal study conducted by qualified professionals utilizing industry best practices. The City Planning Commission shall, by rule, review and adjust this amount pursuant to the City Administrative Procedure Act no more than once every three years and no less than once every five years.

An applicant for transferable development rights, upon written request to the City Planning Commission, may ask for an appraisal study to determine any recent changes in market conditions within the Subdistrict. The appraisal study must be paid for by the applicant and completed within a one-year timeframe. The Department of City Planning shall initiate the appraisal study conducted by qualified professionals utilizing industry best practices and the City Planning Commission shall, by rule, review and adjust this amount pursuant to the City Administrative Procedure Act.

(a) **Transfer of development rights by certification**

The Chairperson of the City Planning Commission shall allow, by certification, a transfer of development rights from a "granting site" to a "receiving site," except that any "granting site," or portion thereof, located outside the Theater Subdistrict, may not transfer development rights to any portion of a "receiving site" within the Special Clinton District, provided that:

- (1) the maximum amount of #floor area# transferred from a "granting site" is the basic maximum #floor area ratio# established pursuant to Sections 81-211 (Maximum floor area ratio for non-residential or mixed buildings) or 81-213 (Special provisions for transfer of development rights from listed theaters within the Special Clinton District), as applicable, for such "granting site" as if it were undeveloped, less the total #floor area# of all existing #buildings# or portions of #buildings# on the "granting site" and #floor area# attributed to the "granting site" that has been previously used or transferred;
- (2) each transfer, once completed, irrevocably reduces the amount of #floor area# that may be #developed# or #enlarged# on the #zoning lot# containing the "granting site" by the amount of #floor area# transferred;
- (3) the maximum amount of #floor area# transferred to a "receiving site" shall not exceed the basic maximum #floor area ratio# established pursuant to Section 81-211 for such "receiving site" by more than 20 percent;
- (4) the provisions of Section 81-743 (Required assurances for continuance of legitimate theater use) are met; and
- (5) appropriate legal documents are executed and recorded and that, thereafter, and prior to certification, ensuring that a contribution in an amount equal to ten dollars* per square foot of transferred #floor area# be deposited in the Theater Subdistrict Fund established pursuant to paragraph (i) of Section 81-741 (General provisions) at the earlier of either the time of closing on the transfer of development rights pursuant to this Section or the filing for any building permit for any #development# or #enlargement# that anticipates using such development rights. Such contribution shall be equal to the greater of:
 - (i) twenty percent of the sales price of the transferred #floor area#; or
 - (ii) an amount equal to 20 percent of the "floor price" multiplied by the amount of transferred #floor area#.

- (i) twenty percent of the sales price of the transferred #floor area#; or
- (ii) an amount equal to 20 percent of the "floor price" multiplied by the amount of transferred #floor area#.

The City Planning Commission shall review such amount no more than once every three years and no less than once every five years and shall adjust the amount to reflect any change in assessed value of all properties on #zoning lots# wholly within the Theater Subdistrict.

(b) **Transfer of development rights by authorization**

The City Planning Commission shall allow, by authorization, an additional transfer of development rights beyond the amount of #floor area# transfer permitted by certification in paragraph (a) of this Section from a "granting site" to any portion of a "receiving site" located within the Eighth Avenue Corridor, except that any "granting site," or portion thereof, located outside the Theater Subdistrict may not transfer development rights to any portion of

a "receiving site" within the Special Clinton District, subject to the following conditions:

- (1) the maximum amount of such additional #floor area# transfer to that portion of a "receiving site" located within such Corridor shall not exceed the maximum total #floor area ratio# with as-of-right #floor area# allowances in the Theater Subdistrict set forth in Section 81-211 by more than 20 percent; and
- (2) such transfer complies with the conditions and limitations set forth for the transfer of development rights in paragraph (a) of this Section.

In order to grant such authorization, the City Planning Commission shall find that such #development# or #enlargement#:

- (i) relates harmoniously to all structures and #open space# in its vicinity in terms of scale, location and access to light and air in the area; and
- (ii) serves to enhance or reinforce the general purposes of the Theater Subdistrict.

Any application pursuant to Paragraphs (a) and/or (b) of this Section shall be referred to the affected Community Board, the local Council Member and the Borough President of Manhattan. The Chairperson of the City Planning Commission shall not grant any such certification or authorization prior to sixty days after such referral and sixty days after the date any reports required to be submitted to the Landmarks Preservation Commission pursuant to Section 81-743, Paragraph (b), or the Theater Subdistrict Council pursuant to Section 81-71 (General Provisions) have been so submitted.

(c) Requirements for Application

An application filed with the Chairperson of the City Planning Commission for the transfer of development rights by certification pursuant to paragraph (a) of this Section, or with the City Planning Commission for the transfer of development rights by authorization pursuant to Paragraph (b) of this Section, shall be made jointly by the owners of the "granting site" and the "receiving site" and shall include:

- (1) a site plan and #floor area# zoning calculations for the "granting site" and the "receiving site"; for certifications, documentation acceptable to the Chairperson indicating the sales price of the transferred floor area; and, for authorizations and/or special permit applications, any such other information as may be required by the City Planning Commission;
- (2) a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer, together with a notice of the restrictions limiting further #development# or #enlargement# of the "granting site" and the "receiving site." The notice of restrictions shall be filed by the owners of the respective lots in the Borough Office of the Register of the City of New York, indexed against the "granting site" and the "receiving site," a certified copy of which shall be submitted to the Chairperson of the City Planning Commission. Receipt of the certified copy shall be a pre-condition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the "receiving site."

Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# transferred and shall specify, by lot and block numbers, the lots from which and the lots to which such transfer is made.

- (3) demonstrations of compliance with the requirements of Section 81-743 and Paragraph (a)(5) of this Section, including all necessary legal documents. Issuance of any building permit, including any foundation or alteration permit, shall be conditioned upon the filing of such legal documents in the Borough Office of the Register of the City of New York and receipt by the Chairperson of the City Planning Commission of certified copies of same as required pursuant to Section 81-743.

A separate application shall be filed for each transfer of development rights to an independent "receiving site."

*—The contribution of ten dollars per square foot of transferred #floor area# was adjusted by rule on November 15, 2006, to \$14.91 per square foot and on December 10, 2011, to \$17.60 per square foot

**BOROUGH OF QUEENS
No. 10
MERRICK BOULEVARD REZONING**

CD 12 C 160306 ZMQ
IN THE MATTER OF an application submitted by 125-22 Owners

LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 19a, by establishing within an existing R3A District a C2-3 District bounded by a line midway between 125th Avenue and 126th Avenue, a line 785 feet northeasterly of 174th Place, 126th Avenue, and a line 730 feet northeasterly of 174th Place, as shown on a diagram (for illustrative purposes only) dated May 23, 2016.

**BOROUGH OF THE BRONX
No. 11
ADMINISTRATION FOR CHILDREN'S SERVICES OFFICE
SPACE**

CD 5

IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property, located at 1775 Grand Concourse (Block 2822, Lot 7501) (Administration for Children's Services offices).

(On August 10, 2016, the Commission duly advertised August 24, 2016, for a public hearing.)

YVETTE V. GRUEL, Calendar Officer
City Planning Commission
120 Broadway, 31st Floor, New York, NY 10271
Telephone (212) 720-3370



a23-s7

CITY UNIVERSITY

CENTRAL OFFICE

■ PUBLIC HEARINGS

The Annual Manhattan Borough Hearing will take place on Monday, September 19, 2016, at 5:00 P.M., in Room 14-220, Baruch College Vertical Campus, at 55 Lexington Avenue (corner of 24th Street), New York, NY 10010.

a29

LANDMARKS PRESERVATION COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, September 6, 2016, a public hearing will be held at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website the Friday before the hearing. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should contact the Landmarks Commission no later than five (5) business days before the hearing or meeting.

**303 Henry Street - Brooklyn Heights Historic District
187411 - Block 275 - Lot 28 - Zoning: R6
CERTIFICATE OF APPROPRIATENESS**

A Greek Revival style rowhouse built between 1840-49. Application is to create masonry openings, replace cladding and a fence, remove a grille, and alter the areaway.

**73 Cranberry Street - Brooklyn Heights Historic District
187553 - Block 216 - Lot 33 - Zoning: R7-1
CERTIFICATE OF APPROPRIATENESS**

An eclectic apartment house built in the late 19th century and a garage built in the 20th century. Application is to replace garage doors.

**14 St. Luke's Place - Greenwich Village Historic District
184022 - Block 583 - Lot 47 - Zoning: R6
CERTIFICATE OF APPROPRIATENESS**

A rowhouse built in 1852-53. Application is to construct a rooftop addition.

**61-63 Crosby Street - SoHo-Cast Iron Historic District
Extension
186617 - Block 482 - Lot 13 - Zoning: M1-5B
CERTIFICATE OF APPROPRIATENESS**

An Italianate style store and loft building with Neo-Grec style features, designed by W. Joralemon and built in 1873-1874, and altered by Theodore A. Tribit in 1875. Application is to construct rooftop and rear yard additions, and remove fire escapes.

165 Mercer Street - SoHo-Cast Iron Historic District**190170** - Block 513 - Lot 23 - **Zoning:** M1-5A**CERTIFICATE OF APPROPRIATENESS**

A cast iron store building designed by Henry Fernbach and built in 1870-71. Application is to remove the fire escape, construct a rooftop addition, and install storefront infill and signage.

166 Duane Street, aka 25 Hudson Street - Tribeca West Historic District**186852** - Block 141 - Lot 7504 - **Zoning:** C6-2A**CERTIFICATE OF APPROPRIATENESS**

A Neo-Renaissance style office and loft building designed by Rouse & Goldstone and built in 1910-11. Application is to install a trellis at the roof.

228 West 11th Street - Greenwich Village Historic District**187792** - Block 613 - Lot 21 - **Zoning:** R6**CERTIFICATE OF APPROPRIATENESS**

A Greek Revival style rowhouse built in 1838. Application is to install security grilles and legalize painting of windows and cornice without Landmarks Preservation Commission permit(s).

195 Broadway - Individual and Interior Landmark**190536** - Block 80 - Lot 1 - **Zoning:** C5-5**CERTIFICATE OF APPROPRIATENESS**

A Neo-Classical style building, designed by William Welles Bosworth and built in phases from 1912-1922, with a Greek-inspired lobby. Application is to install artwork and screening at the designated interior.

50 Bridge Street - DUMBO Historic District**187516** - Block 31 - Lot 7502 - **Zoning:** M1-4/R7A**CERTIFICATE OF APPROPRIATENESS**

An American Round Arch style factory building designed by William Tubby and built in 1894-95. Application is to establish a master plan governing the future installation of through-wall mechanical units and louvers.

564 9th Street - Park Slope Historic District**187701** - Block 1093 - Lot 27 - **Zoning:** R6B**CERTIFICATE OF APPROPRIATENESS**

A Neo-Classical style rowhouse designed by Thomas Engelhardt and built in 1902. Application is to replace windows and entrance doors.

17 Fillmore Place - Fillmore Place Historic District**185062** - Block 2367 - Lot 38 - **Zoning:** M1-2/R6B**CERTIFICATE OF APPROPRIATENESS**

An Italianate style flats building built c.1853. Application is to reconstruct the façade.

30 West 10th Street - Greenwich Village Historic District**185893** - Block 573 - Lot 27 - **Zoning:** R6**CERTIFICATE OF APPROPRIATENESS**

An Anglo-Italianate style townhouse attributed to James Renwick Jr. and built in 1856. Application is to construct a rooftop addition, and excavate subcellar and front areaway.

801 Riverside Drive - Audubon Park Historic District**181765** - Block 2134 - Lot 7501 - **Zoning:** R8**CERTIFICATE OF APPROPRIATENESS**

An Arts and Crafts style apartment house designed by George F. Pelham and built in 1919. Application is to install a barrier-free access ramp, steps, planters, and lighting within the entry court.

76 Kent Street - Eberhard Faber Pencil Company Historic District**190642** - Block 2557 - Lot 16 - **Zoning:** MX-8 (R6B/M1-2)**CERTIFICATE OF APPROPRIATENESS**

A German Renaissance Revival stable/storage building built c.1886-1904. Application is to install storefront infill and construct a rear yard addition.

116 West Houston Street - South Village Historic District**182935** - Block 525 - Lot 29 - **Zoning:** R7-2**CERTIFICATE OF APPROPRIATENESS**

An American Round Arch style store and loft building designed by Stephen D. Hatch and built in 1883. Application is to replace entrance infill.

Fort Greene Park - Fort Greene Historic District**190811** - Block 2088 - Lot 1 - **Zoning:****BINDING REPORT**

A park, originally known as Washington Park, designed by Olmsted and Vaux in 1867. Application is to construct a barrier-free access ramp, alter and construct pathways, and construct drainage infrastructure.

92 Reade Street - Tribeca South Historic District**186187** - Block 146 - Lot 1 - **Zoning:** C6-2A**CERTIFICATE OF APPROPRIATENESS**

An Italianate/Second Empire style store and loft building, designed by John B. McIntyre and built in 1878. Application is to reconstruct a bulkhead.

1925 7th Avenue - Individual Landmark**179104** - Block 1901 - Lot 1 - **Zoning:** R7-2**CERTIFICATE OF APPROPRIATENESS**

An Italian-Renaissance Revival style apartment building, designed by Clinton & Russell and built in 1899-1901. Application is to install signage.

143 Franklin Street - Tribeca West Historic District**181448** - Block 179 - Lot 63 - **Zoning:** C6-2A**CERTIFICATE OF APPROPRIATENESS**

A Renaissance Revival style warehouse designed by Henry Anderson and built in 1897-98. Application is to construct a rooftop addition, alter the rear façade and loading dock, and replace windows.

83 Pearl Street, aka 50 Stone Street - Stone Street Historic District**186398** - Block 29 - Lot 25 - **Zoning:** C5-5**CERTIFICATE OF APPROPRIATENESS**

A Greek Revival style store and loft building built in 1836. Application is to install a barrier-free access lift.

176 Columbia Heights - Brooklyn Heights Historic District**185498** - Block 208 - Lot 341 - **Zoning:** R6**CERTIFICATE OF APPROPRIATENESS**

A frame house built in 1846 and altered in the Neo-English Regency style in 1938. Application is to legalize a fence installed without Landmarks Preservation Commission permit(s).

1 Verona Street, aka 88 Macon Street - Bedford Historic District**184929** - Block 1850 - Lot 13 - **Zoning:** R6B**CERTIFICATE OF APPROPRIATENESS**

A Neo-Grec style rowhouse with a Second Empire-Style addition attributed to Thomas B. Jackson and built c. 1881. Application is to install a curb cut and parking pad.



a24-s6

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, September 13, 2016, at 9:30 A.M., a public hearing will be held, at 1 Centre Street, 9th Floor, Borough of Manhattan, with respect to the following properties and then followed by a public meeting. The order and estimated times for each application will be posted on the Landmarks Preservation Commission website the Friday before the hearing. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should contact the Landmarks Commission no later than five (5) business days before the hearing or meeting.

1. Staff: T.N.

Minnie E. Young House - 19 East 54th Street*Landmark Site:* Manhattan Block 1290, Lot 14

Community District 5

PUBLIC HEARING ITEM

A Renaissance Revival style town house designed by Hiss & Weekes and built in 1899-1900.

PM 5/10/2016 Motion to Calendar

2. Staff: M.H.

Martin Erdmann House - 57 East 55th Street - aka 57-59 East 55th Street*Landmark Site:* Manhattan Block 1291, Lot 127

Community District 5

PUBLIC HEARING ITEM

An English Renaissance Revival style town house designed by Taylor & Levi and built in 1908-09.

PM 5/10/2016 Motion to Calendar

3. Staff: M.P.

18 East 41st Street Building - 18 East 41st Street - aka 18-20 East 41st Street*Landmark Site:* Manhattan Block 1275, Lot 61

Community District 5

PUBLIC HEARING ITEM

A Neo-Gothic style office building designed by George and Edward

Blum and built in 1912-14.

PM 5/10/2016 Motion to Calendar

4. Staff: M.P.

Hampton Shops Building - 18-20 East 50th Street*Landmark Site:* Manhattan Block 1285, Lot 59

Community District 5

PUBLIC HEARING ITEM

A Neo-Gothic style office building designed by Rouse & Goldstone and Joseph L. Steinman and built in 1915-16.

PM 5/10/2016 Motion to Calendar

5. Staff: M.P.

Yale Club of New York City - 50 Vanderbilt Avenue-aka 49-55 East 44th Street

Landmark Site: Manhattan Block 1279, Lot 28
Community District 5

PUBLIC HEARING ITEM

A Renaissance Revival style clubhouse designed by James Gamble Rogers and built in 1913-15.
PM 5/10/2016 Motion to Calendar

6. Staff: M.C.

400 Madison Avenue Building - 400 Madison Avenue - aka 23-25 East 47th Street; 24-26 East 48th Street; 394-408 Madison Avenue

Landmark Site: Manhattan Block 1283, Lot 17
Community District 5

PUBLIC HEARING ITEM

A Neo-Gothic style office building designed by H. Craig Severance and built in 1928-29.
PM 5/10/2016 Motion to Calendar

7. Staff: M.P.

Citicorp Center (now 601 Lexington Avenue) and St. Peter's Lutheran Church - 601 Lexington Avenue - aka 601-635 Lexington Avenue; 884-892 3rd Avenue; 139-153 East 53rd Street; 140-160 East 54th Street

Landmark Site: Manhattan Block 1308, Lot 7501
Community District 6

PUBLIC HEARING ITEM

A late 20th-century Modern style complex designed by Hugh Stubbins & Associates, with Emery Roth & Sons and built in 1973-78.
PM 5/10/2016 Motion to Calendar

8. Staff: D.P.

Empire State Dairy Company Buildings - 2840 Atlantic Avenue - aka 2840-2844 Atlantic Avenue; 181-185 Schenck Avenue

Landmark Site: Brooklyn Block 3964, Lot 8 in part
Community District 5

PUBLIC HEARING ITEM - Public Hearing Continued from July 19, 2016

A complex of Renaissance/Romanesque Revival style and Abstracted Classicist style with Secessionist details dairy buildings designed by Theobald Engelhardt and Otto Strack and built in 1906-07 and 1914-15.
PM 5/10/2016 Motion to Calendar
PH 7/19/2016 Motion to Continue Public Hearing

Accessibility questions: Lorraine Roach-Steele, (212) 669-7815, by: Friday, September 2, 2016, 5:00 P.M.



a26-s12

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

■ SALE

The City of New York, in partnership with PropertyRoom.com, posts vehicle and heavy machinery auctions online every week at: <http://www.propertyroom.com/s/7300>

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

Vehicles can be viewed in person by appointment at: KenBen Industries, 364 Maspeth Avenue, Brooklyn, NY 11211. Phone: (718) 802-0022

a28-o6

OFFICE OF CITYWIDE PROCUREMENT

■ NOTICE

The Department of Citywide Administrative Services, Office of Citywide Procurement is currently selling surplus assets on the internet. Visit <http://www.publicsurplus.com/sms/nycdcas.ny/browse/home>.

To begin bidding, simply click on 'Register' on the home page.

There are no fees to register. Offerings may include but are not limited to: office supplies/equipment, furniture, building supplies, machine tools, HVAC/plumbing/electrical equipment, lab equipment, marine equipment, and more.

Public access to computer workstations and assistance with placing bids is available at the following locations:

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

j4-d30

POLICE

■ NOTICE

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:

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.

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

INQUIRIES

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

FOR MOTOR VEHICLES (All Boroughs):

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

FOR ALL OTHER PROPERTY

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

j4-d30

PROCUREMENT

"Compete To Win" More Contracts!

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

- Win More Contracts at nyc.gov/competetowin

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

HHS ACCELERATOR

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

Important information about the new method

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

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

Participating NYC Agencies

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

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

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

ADMINISTRATION FOR CHILDREN'S SERVICES

■ AWARD

Human Services/Client Services

EARLYLEARN SERVICES - Renewal - PIN#06811P0012075R001 - AMT: \$1,888,861.00 - TO: Homes for the Homeless Inc., 50 Cooper Square, New York, NY 10002.

◀ a29

AGING

CONTRACT PROCUREMENT AND SUPPORT SERVICES

■ INTENT TO AWARD

Services (other than human services)

AGING IN NEW YORK FUND MSO - Sole Source - Available only from a single source - PIN#12517S0002 - Due 9-1-16 at 9:00 A.M.

This notice is for informational purposes only. The Department for the Aging (DFTA) intends to award a sole source contract for one year, from 7/1/16 to 6/30/17, to the Aging in New York Fund (ANYF), located at 2 Lafayette Street, New York, NY 10007. ANYF will establish a Management Services Organization (MSO) to provide consolidated administrative services and functions as an intermediary entity, connecting hospitals, health care plans, MCOs and PPSs with DFTA's provider network. The MSO will allow DFTA to bring together network providers and purchasers of community-based long-term care services and supports to work together in supporting and delivering expanded

and enriched programming for older New Yorkers. Organizations interested in receiving information for future solicitations may send a 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.

Aging, 2 Lafayette Street, Room 400, New York, NY 10007. Betty Lee, (212) 442-1112; Fax: (212) 442-0994; blee@aging.nyc.gov

a25-31

CITYWIDE ADMINISTRATIVE SERVICES

OFFICE OF CITYWIDE PROCUREMENT

■ SOLICITATION

Goods

HRA EFAP - BEVERAGES, FROZEN FOODS - Competitive Sealed Bids - PIN#8571700036 - Due 9-20-16 at 10:00 A.M.

A copy of the bid can be downloaded from the City Record Online site at www.nyc.gov/cityrecord. Enrollment is free. Vendors may also request the bid by contacting Vendor Relations via email at dcasdmssbids@dcas.nyc.gov, by telephone (212) 386-0044, or by fax at (212) 669-7585.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007-1602. Fa-tai Shieh (212) 386-0537; fshieh@dcas.nyc.gov

◀ a29

DESIGN AND CONSTRUCTION

AGENCY CHIEF CONTRACTING OFFICER

■ SOLICITATION

Construction/Construction Services

CONSTRUCTION OF STORM AND SANITARY SEWERS IN VARIOUS LOCATIONS-BOROUGH OF QUEENS - Competitive Sealed Bids - PIN#85016B0162 - Due 9-22-16 at 11:00 A.M.

PROJECT: SEQNS001(Rebid)/ PIN: 8502016SE0038C

● **CONSTRUCTION OF SANITARY AND STORM SEWERS AND APPURTENANCES IN 204 STREET, ETC.-BOROUGH OF QUEENS** - Competitive Sealed Bids - PIN#85017B0003 - Due 9-22-16 at 11:00 A.M. PROJECT NO. SEQ200569/DDC PIN: 85017B0003

● **CONSTRUCTION OF SANITARY AND STORM SEWERS AND APPURTENANCES IN AMBOY ROAD-BOROUGH OF STATEN ISLAND** - Competitive Sealed Bids - PIN#85016B0150 - Due 9-22-16 at 11:00 A.M. PROJECT NO.SE-812/DDC PIN: 8502013SE0036C

Bid document deposit-\$35.00 per set-company check or money order only-no cash accepted-late bids will not be accepted. Special experience requirements. Apprenticeship participation requirements apply to this contract. Bid documents are available at: <http://ddcbiddocuments.nyc.gov/inet/html/contrbid.asp>

These procurements are subject to Minority-Owned and Women-Owned Business Enterprises (MWBE) participation goals as required by Local Law 1 of 2013. All respondents will be required to submit an M/WBE Participation Plan with their response. For the MWBE goals, please visit our website at <http://ddcbiddocuments.nyc.gov/inet/html/contrbid.asp> see "Bid Opportunities." For a list of companies certified by the NYC Department of Small Business Services, please visit www.nyc.gov/buycertified. To find out how to become certified, visit www.nyc.gov/getcertified or call the DSBS certification helpline at (212) 513-6311.

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.

Design and Construction, 30-30 Thomson Avenue, First Floor, Long Island City, NY 11101. Brenda Barreiro (718) 391-1041; Fax: (718) 391-2615; barreib@ddc.nyc.gov

◀ a29

ENERGY CONSERVATION MEASURES AT THE MANHATTAN SUPREME COURTHOUSE-BOROUGH OF MANHATTAN

- Competitive Sealed Bids - PIN#85017B0001 - Due 10-18-16 at 2:00 P.M.

PROJECT NO.: E14-0008/DDC PIN: 8502016CT00014C

Bid document deposit-\$35.00 per set-company check or money order-no cash accepted-late bids will not be accepted. There will be an Optional Pre-Bid Walk-Thru on Tuesday, September 20, 2016 at 10:00 A.M., at the Manhattan Supreme Courthouse, located at 60 Centre Street, New York, NY 10007.

Special Experience Requirements. Bid documents are available at: <http://ddcbiddocuments.nyc.gov/inet/html/contrbid.asp>

This contract is subject to the Project Labor Agreement ("PLA") entered into between the City and the Building and Construction Trades Council of Greater New York ("BCTC") affiliated Local Unions. For further information, see Volume 2 of the Bid Documents.

This procurement is subject to Minority-Owned and Women-Owned Business Enterprises (MWBE) participation goals as required by Local Law 1 of 2013. All respondents will be required to submit an M/WBE Participation Plan with their response. For the MWBE goals, please visit our website at <http://ddcbiddocuments.nyc.gov/inet/html/contrbid.asp> see "Bid Opportunities". For a list of companies certified by the NYC Department of Small Business Services, please visit www.nyc.gov/buycertified. To find out how to become certified, visit www.nyc.gov/getcertified or call the DSBS certification helpline at (212) 513-6311.

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.

Design and Construction, 30-30 Thomson Avenue, First Floor, Long Island City, NY 11101. Brenda Barreiro (718) 391-1041; Fax: (718) 391-2615; barreirrob@ddc.nyc.gov

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CONTRACTS

■ AWARD

Construction/Construction Services

MULTI-SITE PEDESTRIAN SAFETY AT VARIOUS INTERSECTIONS, ETC. - CITYWIDE - Competitive Sealed Bids - PIN#85016B0097 - AMT: \$6,331,389.30 - TO: C.A.C. Industries Inc., 54-08 Vernon Boulevard, Long Island City, NY 11101. PROJECT: HWPEDSF3A.

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HOUSING AUTHORITY

SUPPLY MANAGEMENT

■ SOLICITATION

Goods and Services

SMD INSTALLATION OF VINYL COMPOSITION (V/C) FLOOR TILE IN APTS.-VARIOUS DEVELOPMENTS LOCATED IN THE FIVE (5) BOROUGH OF NEW YORK CITY - Competitive Sealed Bids - Due 9-29-16

- PIN# 64096 - Glenwood Houses - Due at 10:00 A.M.
- PIN# 64097 - South Beach Houses - Due at 10:05 A.M.
- PIN# 64098 - Van Dyke Houses - Due at 10:10 A.M.
- PIN# 64099 - Pomonok Houses - Due at 10:15 A.M.
- PIN# 64100 - Drew Hamilton Houses - Due at 10:20 A.M.
- PIN# 64101 - Taft Houses - Due at 10:25 A.M.
- PIN# 64102 - Harlem River, Harlem River II, Audubon and Bethune Gardens, Manhattan - Due at 10:30 A.M.

The term of this Contract is One (1) Year. Installation of vinyl-composition floor tile over existing floor tile. Installation of vinyl-composition floor tile over the existing properly prepared concrete floor. The removal and replacement of existing/or missing vinyl cove base molding. The removal of existing floor tile and installation of vinyl-composition floor tile over the existing properly prepared concrete floor.

● **SMD TREE PRUNING FOR CLEARANCE OF CCTV CAMERA LOCATIONS-VARIOUS BROOKLYN DEVELOPMENTS** - Competitive Sealed Bids - PIN#64141 - Due 9-29-16 at 10:00 A.M.

Tree Pruning for CCTV Camera Locations for various developments in the Borough of Brooklyn. Pruning minor trees (up to 32" circumference) and major trees (up to 12" caliper) are excluded in this contract and required work as such will be performed by the Development. Estimation of accessibility to trees via usage of a bucket truck (aerial lift) of the estimated quantity equates to approximately 67 percent; the remainder will need to be climbed without the usage of climbing spurs.

Interested firms are invited to obtain a copy on NYCHA's website. To

conduct a search for the RFQ number; vendors are instructed to open the link: <http://www1.nyc.gov/site/nycha/business/isupplier-vendor-registration.page>. Once on that page, please make a selection from the first three links highlighted in red: New suppliers for those who have never registered with iSupplier, current NYCHA suppliers and vendors for those who have supplied goods or services to NYCHA in the past but never requested a login ID for iSupplier, and Login for registered suppliers if you already have an iSupplier ID and password. Once you are logged into iSupplier, select "Sourcing Supplier," then "Sourcing" followed by "Sourcing Homepage" and then reference the applicable RFQ PIN/solicitation number.

Suppliers electing to obtain a non-electronic paper document will be subject to a \$25 non-refundable fee; payable to NYCHA by USPS-Money Order/Certified Check only for each set of RFQ documents requested. Remit payment to NYCHA Finance Department, at 90 Church Street, 6th Floor; obtain receipt and present it to the Supply Management Procurement Group; RFQ package will be generated at the time of 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.

Housing Authority, 90 Church Street, 6th Floor, New York, NY 10007. Mimose Julien (212) 306-8141; Fax: (212) 306-5109; mimose.julien@nycha.nyc.gov

◀ a29

HUMAN RESOURCES ADMINISTRATION

HIV/AIDS SERVICES ADMINISTRATION

■ INTENT TO AWARD

Human Services/Client Services

NY NY III PERMANENT CONGREGATE HOUSING AND SUPPORTIVE SVCS TO PLAWS - Renewal - PIN#09611P0007004R002 - Due 9-9-16 at 5:00 P.M.

HRA intends to continue doing business with the following vendor: Comunilife Inc., EPIN:09611P0007004R002, 214 West 29th Street, 8th Floor, New York, NY 10001 for the provision of NY NY III Permanent Congregate Housing and Supportive Services to PLAW s.

HRA intends to renew one (1) contract with the contractor that currently provides the Office of HIV/AIDS Services Administration for NY NY III Permanent Congregate Housing and Supportive Services to PLAW s. The contract renewal term will be from 10/1/2016 to 9/30/2020. This Notice is for Informational purposes only.

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.

Human Resources Administration, 12 West 14th Street, 5th Floor, New York, NY 10011. Paula Sangster-Graham (212) 620-5493; sangstergraham@hra.nyc.gov

◀ a29

OFFICE OF CONTRACTS

■ AWARD

Human Services/Client Services

PROVISION OF NYCCAH'S FOOD STAMP OUTREACH AND ENROLLMENT ASSISTANCE PROGRAM KNOWN AS THE SNAP PROJECT - BP/City Council Discretionary - PIN#09616L0064001 - AMT: \$100,000.00 - TO: Hunger Free America, Inc., 50 Broad Street, Suite 1103, New York, NY 10004-2307. Term: 7/1/2015 - 6/30/2016

◀ a29

PARKS AND RECREATION

■ VENDOR LIST

Construction/Construction Services

PREQUALIFIED VENDOR LIST: GENERAL CONSTRUCTION - NON-COMPLEX GENERAL CONSTRUCTION SITE WORK ASSOCIATED WITH NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION ("DPR" AND/OR "PARKS") PARKS

AND PLAYGROUNDS CONSTRUCTION AND RECONSTRUCTION PROJECTS

DPR is seeking to evaluate and pre-qualify a list of general contractors (a "PQL") exclusively to conduct non-complex general construction site work involving the construction and reconstruction of DPR parks and playgrounds projects not exceeding \$3 million per contract ("General Construction").

By establishing contractor's qualification and experience in advance, DPR will have a pool of competent contractors from which it can draw to promptly and effectively reconstruct and construction its parks, playgrounds, beaches, gardens and green-streets. DPR will select contractors from the General Construction PQL for non-complex general construction site work of up to \$3,000,000.00 per contract, through the use of a Competitive Sealed Bid solicited from the PQL generated from this RFQ.

The vendors selected for inclusion in the General Construction PQL will be invited to participate in the NYC Construction Mentorship. NYC Construction Mentorship focuses on increasing the use of small NYC contracts, and winning larger contracts with larger values. Firms participating in NYC Construction Mentorship will have the opportunity to take management classes and receive on-the-job training provided by a construction management firm.

DPR will only consider applications for this General Construction PQL from contractors who meet any one of the following criteria:

- 1) The submitting entity must be a Certified Minority/Woman Business enterprise (M/WBE)*;
- 2) The submitting entity must be a registered joint venture or have a valid legal agreement as a joint venture, with at least one of the entities in the joint venture being a certified M/WBE*;
- 3) The submitting entity must indicate a commitment to sub-contract no less than 50 percent of any awarded job to a certified M/WBE for every work order awarded.

*Firms that are in the process of becoming a New York City-Certified M/WBE may submit a PQL application and submit a M/WBE Acknowledgement Letter, which states the Department of Small Business Services has began the Certification process.

Application documents may also be obtained on-line at: <http://a856-internet.nyc.gov/nycvendoronline/home.asap>; or <http://www.nycgovparks.org/opportunities/business>

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, Olmsted Center, Annex, Flushing Meadows-Corona Park, Flushing, NY 11368. Alicia H. Williams (718) 760-6925; Fax: (718) 760-6781; dmwbe.capital@parks.nyc.gov*

j4-d30

SOLICITATION

Goods and Services

MANHATTAN BEACH PARKING LOT, FOOD SERVICES AND BEACH SHOP - Request for Proposals - PIN#B251-SB, PL - Due 9-30-16 at 3:00 P.M.

In accordance with Section 1-13 of the Concession Rules of the City of New York, the Department of Parks and Recreation ("Parks") has issued a Request for Proposals ("RFP") for the renovation, operation and maintenance of a parking lot, snack bar, beach shop and three (3) mobile food units at Manhattan Beach Park, Brooklyn.

There will be a recommended on-site proposer meeting and site tour on Friday, September 16, 2016, at 11:00 A.M. We will be meeting in front of the parking lot of the proposed concession site, which is located at Oriental Boulevard and Irwin Street. If you are considering responding to this RFP, please make every effort to attend this recommended meeting and site tour. All proposals submitted in response to this RFP must be submitted no later than Friday, September 30, 2016, at 3:00 P.M.

The RFP is also available for download at www.nyc.gov/parks/businessopportunities, click on the link for "Concessions Opportunities at Parks" and, after logging in, click on the "download" link that appears adjacent to the RFP's description.

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, 830 Fifth Avenue, Room 407, New York, NY 10065. Glenn Kaalund (212) 360-1397; Fax: (212) 360-3434; glenn.kaalund@parks.nyc.gov*

a25-s8

CONTRACTS

SOLICITATION

Construction/Construction Services

PROCUREMENT OF CONTAINER TREES - Competitive Sealed Bids - PIN#84616B0190 - Due 9-20-16 at 10:30 A.M.

The Procurement of Container Trees Grown from City-Provisioned Starter Material for the Boroughs of the Bronx, Manhattan and Queens. CNYG-3716M

The Cost Estimate Range is \$500,000.00 to \$1,000,000.00.

Bid documents are available for a fee of \$25.00 in the Blueprint Room, Room #64, Olmsted Center, from 8:00 A.M. to 3:00 P.M. The fee is payable by company check or money order to the City of New York, Parks and Recreation. A separate check/money order is required for each project. The company name, address and telephone number as well as the project contract number must appear on the check/money order. Bidders should ensure that the correct company name, address, telephone and fax numbers are submitted by your company/messenger service when picking up bid documents.

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, Olmsted Center, Room 64, Flushing Meadows-Corona Park, Flushing, NY 11368. Aurora Colon (718) 393-7236; aurora.colon@parks.nyc.gov

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PLANTING OF NEW AND REPLACEMENT STREET TREES

- Competitive Sealed Bids - PIN#84617B0016 - Due 9-20-16 at 10:30 A.M.

For the Planting of New and Replacement Street Trees in Community Boards 1,2,3,4 and 16 in the Borough of Brooklyn. Contract BG-116M.

The Cost Estimate Range is \$1,000,000.00 to \$3,000,000.00.

This procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 1 of 2013.

Bid documents are available for a fee of \$25.00 in the Blueprint Room, Room #64, Olmsted Center, from 8:00 A.M. to 3:00 P.M. The fee is payable by company check or money order to the City of New York, Parks and Recreation. A separate check/money order is required for each project. The company name, address and telephone number as well as the project contract number must appear on the check/money order. Bidders should ensure that the correct company name, address, telephone and fax numbers are submitted by your company/messenger service when picking up bid documents.

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, Olmsted Center, Room 64, Flushing Meadows-Corona Park, Flushing, NY 11368. Aurora Colon (718) 393-7236; aurora.colon@parks.nyc.gov

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YOUTH AND COMMUNITY DEVELOPMENT

PROCUREMENT

AWARD

Human Services/Client Services

COMPASS 18 PUBLIC SCHOOLS - Competitive Sealed Proposals/ Pre-Qualified List - Other - PIN#SEE BELOW

Pursuant to Section 3-16(n)(2)(i) of the Procurement Policy Board Rules, the Department of Youth and Community Development (DYCD) is posting the awards registered for the COMPASS Elementary Programs RFP for 18 public schools. COMPASS school based programs for elementary students K-5 aim to promote positive youth development, foster social and emotional skills and strengthen academic skills. The elementary programs offer participants support from caring adults and a balanced mix of high quality educational, recreational, enrichment and cultural activities.

DYCD PIN: 126175
Brooklyn Chinese American Association
5002 8th Avenue
Brooklyn, NY 11220
Award amount: \$978,880.00

DYCD PIN: 126177
Cypress Hills Local Development Corporation
625 Jamaica Avenue
Brooklyn, NY 11208-1203
Award amount: \$978,880.00

DYCD PIN: 126183
Queens Community House, Inc.
108-25 62nd Drive
Forest Hills, NY 11375-1217
Award amount: \$978,880.00

DYCD PIN: 126192
Harlem Dowling-West Side Center for Children and Family Services
2090 Adam Clayton Powell Boulevard
New York, NY 10027
Award amount: \$978,880.00

DYCD PIN: 126176
Child Development Center of the Mosholu Montefiore Community Center
3450 DeKalb Avenue
Bronx, NY 10467
Award amount: \$978,880.00

DYCD PIN: 126179
New York Junior Tennis League
58-12 Queens Boulevard, Suite 1
Woodside, NY 11377
Award amount: \$851,200.00

DYCD PIN: 126180
New York Junior Tennis League
58-12 Queens Boulevard, Suite 1
Woodside, NY 11377
Award amount: \$851,200.00

DYCD PIN: 126181
New York Junior Tennis League
58-12 Queens Boulevard, Suite 1
Woodside, NY 11377
Award amount: \$978,880.00

DYCD PIN: 126182
New York Junior Tennis League
58-12 Queens Boulevard, Suite 1
Woodside, NY 11377
Award amount: \$851,200.00

DYCD PIN: 126178
New York City Mission Society
646 Malcolm X Boulevard
New York, NY 10037
Award amount: \$978,880.00

DYCD PIN: 126188
The Child Center of NY
60-02 Queens Boulevard
Woodside, NY 11377
Award amount: \$978,880.00

DYCD PIN: 126185
Sports and Arts In Schools Foundation, Inc.
58-12 Queens Boulevard, Suite 1
Woodside, NY 11377
Award amount: \$978,880.00

DYCD PIN: 126186
Sports and Arts In Schools Foundation, Inc.
58-12 Queens Boulevard, Suite 1
Woodside, NY 11377
Award amount: \$978,880.00

DYCD PIN: 126187
Sports and Arts In Schools Foundation, Inc.
58-12 Queens Boulevard, Suite 1
Woodside, NY 11377
Award amount: \$978,880.00

DYCD PIN: 126184
SCO Family of Services
1 Alexander Place
Glen Cove, NY 11542
Award amount: \$978,880.00

DYCD PIN: 126189
Union Settlement Association
237 East 104th Street
New York, NY 10029
Award amount: \$978,880.00

DYCD PIN: 126191
YPIS of Staten Island Inc.
130 Stuyvesant Place, 5th Floor
Staten Island, NY 10301-2486
Award amount: \$851,200.00

DYCD PIN: 126190
YMCA of Greater New York-Bronx YMCA
5 West 63rd Street, 6th Floor
New York, NY 10023
Award amount: \$978,880.00

The above contracts were procured using the HHS Accelerator method, Section 3-16 of the rules.

◀ a29

AGENCY RULES

FINANCE

■ NOTICE

Notice of Public Hearing and Opportunity to Comment on Proposed Rule

What are we proposing? The Department of Finance is considering adding rules governing the Industrial and Commercial Abatement Program ("ICAP") which provides an abatement of real property taxes for the construction, alteration or improvement of certain industrial or commercial properties in specified areas of New York City for varying time periods. ICAP provides a tax incentive to owners of commercial and industrial properties to improve these properties or to construct new buildings.

When and where is the hearing? The Department of Finance will hold a public hearing on the proposed rule. The public hearing will take place at 11:00 A.M. on September 29, 2016. The hearing will be in the Department of Finance Hearing Room at 345 Adams Street, 3rd Floor, Brooklyn, NY 11201.

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

- **Website.** You can submit comments to the Department of Finance through the NYC rules website: <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to laroset@finance.nyc.gov.
- **Mail.** You can mail written comments to NYC Department of Finance, Legal Affairs Division, 345 Adams Street, 3rd Floor, Brooklyn, NY 11201, Attention: Timothy LaRose.
- **Fax.** You can fax written comments to NYC Department of Finance, Attention: Timothy LaRose, at (718) 488-2491.
- **Hearing.** You can speak at the public hearing. Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling Joan Best at (718) 488-2007, or you can sign up in the hearing room before the hearing begins on September 29, 2016. You can speak for up to three minutes.

Is there a deadline to submit written comments? The deadline to submit written comments is September 29, 2016.

What if I need assistance to participate in the hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the hearing. Please note that the hearing room is wheelchair accessible. You must tell us if you need a sign language interpreter. You may tell us by mail at the address given above, sent to the attention of Joan Best; by telephone, by calling Joan Best at (718) 488-2007; or by email at bestj@finance.nyc.gov. You must tell us by September 15, 2016.

Can I review the comments made on the proposed rule? You can review the comments that have been submitted online by visiting the NYC rules website: <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments concerning the proposed rule will be available to the public at NYC Department of Finance, Legal Affairs Division, 345 Adams Street, 3rd Floor, Brooklyn, NY 11201.

What authorizes Department of Finance to adopt this rule? New York State Real Property Tax Law Sections 489-aaaaaa to 489-kkkkkk, Sections 11-268 to 11-278 of the Administrative Code of the City of New York and New York City Charter ("Charter") §§ 1043 and 1504 authorize the Department of Finance to adopt this proposed rule.

Where can I find the Department of Finance's rules? The Department of Finance's rules can be found in Title 19 of the Rules of the City of New York.

What laws govern the rulemaking process? The Department of Finance must meet the requirements of § 1043 of the Charter when creating or amending rules. This notice is made according to the requirements of § 1043 of the Charter.

STATEMENT OF BASIS AND PURPOSE

The Industrial and Commercial Abatement Program ("ICAP") provides an abatement of real property taxes for the construction, alteration or improvement of certain industrial or commercial properties in specified areas of New York City for varying time periods. ICAP provides a tax incentive to owners of commercial and industrial properties to improve these properties or to construct new buildings.

The proposed rule:

- Sets forth the criteria for commercial and qualifying properties that are eligible for ICAP,
- Provides an application process, including deadline, and,
- Provides criteria for when an ICAP project may lose its benefits.

The enabling legislation for ICAP is set forth in Real Property Tax Law Sections 489-aaaaaa to 489-kkkkkk and the local law is set forth in Sections 11-268 to 11-278 of the Administrative Code of the City of New York. A new Chapter 36 is being added to Title 19 of the Rules of the City of New York to set forth the rules for ICAP.

Matter underlined is new. Matter in brackets [] is to be deleted.

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

Section 1. Title 19 of the Rules of the City of New York is amended by adding a new Chapter 36, to read as follows:

Chapter 36

RULES RELATING TO THE INDUSTRIAL AND COMMERCIAL ABATEMENT PROGRAM

§36-01 Definitions.

a. "Applicant" means a person or entity who has applied or applies for benefits under this chapter who is obligated to pay real property tax on the property, either because of ownership or a contract, unless the property is exempt from real property taxation and the record owner or lessee of such property has entered into an agreement to sell or lease such property to another person or entity, in which case both parties to the agreement shall be considered co-applicants and must submit an application jointly.

b. "Commercial activities" means activities that include the following, unless such activities are described as retail purposes in subdivision y of this section:

(1) Buying, selling, leasing or otherwise providing goods or services.

(2) Operating a transient hotel, except that:

(i) a structure or part of any hotel owned or leased by a not-for-profit corporation to provide governmentally funded emergency housing is not considered a hotel for purposes of the ICAP; and
 (ii) a condominium hotel unit or timeshare hotel unit is part of a transient hotel where the property as a whole is operated as a transient hotel. An individual condominium or timeshare unit located in a transient hotel building may qualify for abatement benefits under this chapter if the unit is:

(A) made available to the general public at large for a minimum of 183 days during the calendar year on terms and dates which are consistent with standards in the hotel industry; and

(B) not occupied for more than 183 days in any calendar year by

(I) the owner or any relative of the owner; or

(II) any employee of the owner, or any employee of any corporation, partnership, limited liability corporation or other entity owner or controlled by such owner.

(3) Operating a theater or other entertainment business.

(4) Manufacturing conducted in a building or individual condominium unit where less than 75 percent of the floor area upon completion of construction is used for manufacturing.

(5) Providing information or services to businesses or investors on a nonprofit, limited profit, or cooperative basis, including operating a stock or commodity exchange, insurance rating bureau, testing service, clearinghouse, wire service, buying service, or private label company or the like.

(6) Providing computer software development and services, including:

(i) internet and web related activities;

(ii) computer graphics and designs; or

(iii) desk-top publishing.

(7) Operating any other lawful businesses, including governmental or not-for-profit activities.

(8) Operating repair of equipment and service businesses such as heating, ventilation and air conditioning ("HVAC"), plumbing and refrigeration.

(9) Operating nursing homes.

c. "Commercial construction work" means the construction of a new building or structure or the modernization, rehabilitation, expansion or improvement of an existing building or structure for use as commercial property.

d. "Commercial property" means non-residential property on which will exist after completion of commercial construction work a building or structure, or portion thereof, used for the buying, selling or otherwise providing of goods or services, including hotel services, or for other lawful business commercial or manufacturing activities, with at least 50 percent of the total net square footage of the property used or immediately available and held out for commercial or manufacturing activity; provided that property or portions of property dedicated to use as utility property shall not be considered commercial property for purposes of this chapter.

e. "Commissioner" means the commissioner of finance of the City of New York.

f. "Completion of construction," or "completion" means:

(1) when relating to the construction of a new building or structure, the earlier of the date on which:

(i) the department of buildings issues a final certificate of occupancy; (ii) an architect or engineer certifies to the department of finance that construction is complete; or
 (iii) the department of finance has conducted an inspection and determined that construction is complete.

(2) when relating to modernization, rehabilitation, expansion or improvement of an existing building or structure work, the earlier of the date on which:

(i) an architect or engineer certifies to the department of finance that construction is complete; or
 (ii) when the department of finance has conducted an inspection and determined that construction is complete.

Construction of buildings or structures for which benefits have been approved must be completed no later than five years after the date the first building permit is issued, or if no permit was required, after the completion of construction.

g. "Department" means the department of finance of the City of New York.

h. "Division" means the division of labor services contract compliance unit within the New York City department of small business services, or such successor division.

i. "ICAP" means the Industrial and Commercial Abatement Program.

j. "ICIP" means the Industrial and Commercial Incentive Program.

k. "Industrial construction work" means the construction of a new building or structure or the modernization, rehabilitation, expansion or improvement of an existing building or structure for use as industrial property.

l. "Industrial property" means nonresidential property on which will exist after completion of industrial construction work a building or structure, or portion thereof, with at least 75 percent of the total net square footage of the property used or immediately available and held out for manufacturing activity; however, property or portions of property dedicated to use as utility property will not be considered industrial property, except for peaking units, which will be considered to be industrial property and not utility property.

m. "Initial tax rate" means, for the purposes of the ICAP, the final tax rate on the assessment roll with a taxable status date immediately before the first building permit is issued. If no building permit was required, the initial tax and initial tax rate shall be determined based on the assessment roll with the taxable status date immediately before the start of construction.

n. "Manufacturing activity" means an activity involving the assembly of goods or the fabrication or processing of raw materials, but will not include: (i) such activity when conducted for the purpose of retail sale on the premises; (ii) utility services, except that peaking units are considered manufacturing activity; or (iii) any activity that meets the definition of "retail purposes."

(1) Areas used for manufacturing activities.

Areas of a building used for manufacturing activities include, but are not limited to:

(a) space used to house or repair equipment used for assembly, fabrication or processing work;

(b) space used to store raw materials, semi-finished or finished goods

for short periods before or after assembly, fabrication or processing in normal quantities for the manufacturing activity involved;

(c) space used to ship or receive such raw materials or goods;

(d) space used to store normal quantities of supplies and spare parts for use in the manufacturing activity;

(e) testing and research laboratories operated in connection with manufacturing activities;

(f) cafeterias, locker rooms and other facilities for the workers engaged in manufacturing activities;

(g) office space, not in excess of 10 percent of the total floor area, used directly in the administration of the manufacturing activity; and

(h) other space used for activities necessarily done at the same site as the manufacturing activity and integrally related to such activity.

(2) Workers engaged in manufacturing activities.

Workers engaged in manufacturing activities are workers performing assembly, fabrication or processing or related immediate supervision, equipment repair or maintenance, goods handling, testing or research.

(3) Specific uses.

Manufacturing activities include, but are not limited to:

- (a) printing, but not including publishing or the service of taking retail orders for material to be printed; printing is characterized by the production of multiple copies of identical, or nearly identical, written material or designs on paper or other tangible material;
- (b) reproduction or processing of photographic film, audio or video media, or magnetic or other data storage media, but not including creation of the original image, sound or data;
- (c) scientific or technical testing or research to develop or improve products of other manufacturing activities;
- (d) shipbuilding or repair;
- (e) rebuilding or repairing stationary machinery or equipment used in other manufacturing activities;
- (f) rebuilding other machinery or equipment;
- (g) processing or packaging of food products for wholesale distribution;
- (h) packaging of dry goods for a manufacturer or wholesaler, but not including packaging done at an establishment used for retailing, wholesaling or warehousing activities;
- (i) pattern-making and cutting cloth for garments, sewing and finishing garments, including custom made garments, except activities done in a retail establishment; and
- (j) building theatrical scenery, other than activities done in a theater or on the set of a film or television studio.

(4) Non-manufacturing uses.

Uses which are not permitted in a manufacturing district, as defined by the Zoning Resolution, are not manufacturing activities, including:

- (i) construction, repair, operation or maintenance of real property, including activities performed in a building contractor's shop, or the preassembly of structural elements or service equipment for installation in a building;
- (ii) generation, collection, storage, transmission distribution or sale of gas, electricity, steam, water, refrigeration, cable television, telephone, telegraph or other one-way or two-way communication service, delivered through mains, pipes, cables, lines or wires;
- (iii) collection, removal, carting, processing or disposal of sewerage, drainage, wastes, garbage or trash;
- (iv) broadcasting, transmission or reception of television, radio or other electromagnetic signals;
- (v) transportation of passengers or goods;
- (vi) operation of a public or private warehouse;
- (vii) operation of a showroom;
- (viii) operation of a workshop, studio, sound stage, set or other place for creation of original works of art, films or recordings; or
- (ix) buying, selling, leasing or providing goods or services.
- (c) The following activities, except as specifically provided in paragraphs (2) and (3) of this subdivision, are not manufacturing activities:
- (i) general management;
- (ii) storage, shipping or receiving of materials and finished goods;
- (iii) maintenance, repair or construction of real property;
- (iv) professional, clerical or information processing activities;
- (v) buying, selling, leasing or providing goods or services;
- (vi) activity conducted for the purpose of retail sale on the premises; or
- (vii) utility services.

o. "Minimum required expenditure" means the amount that an applicant must expend on construction work for a project in order to qualify for benefits under this chapter. The minimum required expenditure must be met no later than four years from the date after the first building permit is issued, or if no permit was required, from the start of construction.

p. "Mixed-use property" means property on which exists, or will exist upon completion of construction work, a building or structure used for both residential and nonresidential purposes.

q. "M/WBE" means a minority-owned or women-owned business enterprise certified in accordance with Section 1.304 of the New York City Charter.

r. "Peaking Unit" means a generating unit that: (i) is determined by the New York independent system operator or a Federal or New York state energy regulatory commission to constitute a peaking unit as set forth in Section 5.14.1.2 of the New York independent system operator's market administration and control area services tariff, as such term existed as of April 1, 2011; or (ii) has an annual average operation, during the calendar year preceding the taxable status date, of less than 18 hours following each start of the unit; provided that, for purposes of calculating the annual average, operations during any period covered by any major emergency declaration issued by the New York independent system operator, northeast power coordinating council, or other similar entity, shall be excluded.

(1) A "peaking unit" will include all real property used in connection with the generation of electricity and any facilities used to interconnect the peaking unit with the electrical transmission or distribution system, but will not include any facilities that are part of the electric transmission or distribution system; it may be comprised of a single turbine and generator or multiple turbines and generators, located at the same site.

(2) Notwithstanding any provision of this title to the contrary, a peaking unit will be considered industrial property. Peaking units will not be considered utility property.

(3) The abatement benefit schedule for peaking units is set forth in Section 36-12(c).

s. "Project" means the work described in the preliminary application as amended by the final application.

t. "Property" means, except where otherwise provided, a separately assessed parcel of real property, or a group of condominium units in a single building that are the subjects of a single application for ICAP benefits. When a parcel of real property includes more than one building, "property" means an individual building on such parcel and an allocable portion of the land.

u. "Renovation construction work" means the modernization, rehabilitation, expansion or improvement of an existing building or structure where such modernization, rehabilitation, expansion or improvement is physically and functionally integrated with the existing building or structure, or portion thereof, does not increase the bulk of the existing building or structure by more than 30 percent, and does not increase the height of the existing building or structure by more than 30 percent. The 30 percent limitation will apply to each building individually which has a separate certificate of occupancy.

v. "Residential construction work" means any construction, modernization, rehabilitation, expansion or improvement of dwelling units other than dwelling units in a hotel.

w. "Residential property" means property primarily used for dwelling purposes except for dwelling units in a hotel.

x. "Restricted activity" means any commercial use of property that is unlawful or a public nuisance as defined in Section 7-703 of the Administrative Code.

y. "Retail purposes" means any activity that consists predominately of (i) the final sale of tangible personal property or services by a vendor as defined in Section 1101 of the Tax Law, (ii) the sale of services that generally involve the physical, mental, or spiritual care of individuals or the physical care of the personal property of individuals, including medical offices, (iii) retail banking services, or (iv) the final sale of food or beverage by a vendor as defined in Section 1101 of the Tax Law, including the assembly, processing or packaging of goods, provided that sales of such tangible personal property or services are predominantly to purchasers who personally visit the facilities at which such sales are made or such property or services are provided. "Retail purposes" does not include hotels used to provide lodging and support services for transient guests, except that restaurants, bars and gift shops associated with such hotels are considered "retail purposes."

z. "Square footage" means the following in the following contexts:

(1) "Net square footage" means square footage within a room or area of a building, measured by the inside wall-to-wall dimensions.

(2) "Gross square footage" means the total amount of square footage in a building. It includes elevator shafts, vertical penetrations, equipment areas, ductwork shafts, and stairwells, as well as the usable square footage occupied by or available to tenants.

(3) "Rentable square footage" means the net square footage of the building plus a pro-rata share of building common areas.

aa. "Temporary commercial incentive area boundary commission" means the commission described in Section 11-274 of the Administrative Code.

bb. "Utility property" means property and equipment as described in Paragraphs (c), (d), (e), (f), and (i) of Subdivision 12 of Section 102 of the Real Property Tax Law that is used in the ordinary course of business by its owner or any other entity, or property as described in Paragraphs (a) and (b) of such Subdivision 12 that is owned by any

entity that uses, in the ordinary course of business, property and equipment as described in Paragraphs (c), (d), (e) and (f) and (i) of such Subdivision 12 without regard to the classification of such property and equipment for real property tax purposes pursuant to Section 1802 of such Law, except that any such property and equipment used solely to serve the building to which they are attached will not be deemed to be utility property.

§36-02 Areas Eligible for Abatement Benefits.

a. Commercial construction work outside of a special commercial abatement area. Commercial construction projects anywhere in New York City outside of a special commercial abatement area are eligible for abatement benefits except for such projects in the commercial exclusion area described in subdivision b.

b. Commercial exclusion area. The commercial exclusion area is the area in Manhattan lying south of the centerline of 96th Street, except for (i) the areas in Manhattan designated for commercial renovation projects as commercial renovation areas that are described in Subdivision c, and (ii) the area designated for new construction as described in Subdivision d.

c. Commercial renovation areas. Commercial renovation projects in any area of New York City, except such projects south of the centerline of 96th Street in Manhattan, will be eligible for abatement benefits, except that abatement benefits will also be available for commercial renovation projects in the following designated areas, with the amount of such benefit dependent of the area in which the project is located, pursuant to Sections 36-12(e) and (f) of this chapter:

(1) The area in Manhattan bounded by Murray Street on the north starting at the intersection of West Street and Murray Street, running easterly along the center line of Murray Street; connecting through City Hall Park with the center line of Frankfort Street and running easterly along the center line of Frankfort and Dover Streets to the intersection of Dover Street and South Street; running southerly along the center line of South Street to Peter Minuit Plaza; connection through Peter Minuit Plaza to the center line of State Street and running northwesterly along the center line of State Street to the intersection of State Street and Battery Place; running westerly along the center line of Battery Place to the intersection of Battery Place and West Street; and running northerly along the center line of West Street to the intersection of West Street and Murray Street.

(2) The area in Manhattan defined as the special garment center district by Chapter one of Article XII of the Zoning Resolution of the City, which is the area in Manhattan bounded by the centerline of West 40th Street on the north between 7th and 8th Avenue; running southerly along the centerline of 7th Avenue to the center line of West 38th Street; running easterly along the centerline of West 38th Street to the centerline of Broadway; running southerly along the centerline of Broadway to the centerline of West 35th Street to 7th Avenue and running southerly along the centerline of 7th Avenue to the centerline of West 34th Street; running westerly to the centerline of 8th Avenue, running northerly to the centerline of West 35th Street to 100 feet east of 9th Avenue, running northerly to the centerline of West 39th Street, running easterly to 8th Avenue and running northerly to the centerline of West 40th Street.

(3) The area in Manhattan south of the center line of 59th Street, other than the areas designated renovation areas by paragraphs (1) and (2) of this subdivision.

d. New Construction in New York City. New construction projects in any area of New York City, except such projects south of the centerline of 96th Street in Manhattan, will be eligible for abatement benefits, except that abatement benefits will also be available for new construction projects as described in subdivision e of this section.

e. New construction in certain areas of lower Manhattan. The area in Manhattan bounded by Murray Street on the north starting at the intersection of West Street and Murray Street; running easterly along the center line of Murray Street; connecting through City Hall Park with the center line of Frankfort Street and running easterly along the center line of Frankfort and Dover Streets to the intersection of Dover Street and South Street; running southerly along the center line of South Street to Peter Minuit Plaza; connecting through Peter Minuit Plaza to the center line of State Street and running northwesterly along the center line of State Street to the intersection of State Street and Battery Place; running westerly along the center line of Battery Place to the intersection of Battery Place and West Street; and running northerly along the center line of West Street to the intersection of West Street and Murray Street, except that abatement benefits will not be available for projects in the area in the borough of Manhattan bounded by Church Street on the east starting at the intersection of Liberty Street and Church Street; running northerly along the center line of Church Street to the intersection of Church Street and Vesey Street; running westerly along the center line of Vesey Street to the intersection of Vesey Street and West Broadway; running northerly along the center line of West Broadway to the intersection of West Broadway and Barclay Street; running westerly along the center line of Barclay Street to the intersection of Barclay Street and Washington Street; running southerly along the center line of Washington Street

to the intersection of Washington Street and Vesey Street; running westerly along the center line of Vesey Street to the intersection of Vesey Street and West Street; running southerly along the center line of West Street to the intersection of West Street and Liberty Street; and running easterly along the center line of Liberty Street to the intersection of Liberty Street and Church Street.

f. Special commercial abatement area. (1) The boundaries of special commercial abatement areas as designated by the temporary commercial incentive area boundary commission will be described on the department's website.

(2) In accordance with Section 489-gggggg of the Real Property Tax Law and Section 11-274 of the Administrative Code, the temporary commercial incentive area boundary commission may designate an area in the City of New York, other than in the area lying south of the centerline of 96th Street in Manhattan, to be a special commercial abatement area if it determines that market conditions in the area are such that the availability of a special abatement is required in order to encourage commercial construction in such area.

g. Industrial construction. Eligible projects may receive industrial construction benefits in any area of New York City.

h. Projects partially in an excluded area. Properties partially located in an excluded area will not be eligible for abatement benefits.

§36-03 Application Procedures.

An applicant must receive approval for a series of milestones in order to receive ICAP tax abatement benefits.

a. Applicants.

(1) An entity is eligible to apply for ICAP benefits:

(i) if it is obligated to pay real property tax on the property, either by virtue of ownership or contract; or

(ii) if the property is exempt from real property taxation and the record owner or lessee of such property has entered into an agreement to sell or lease such property to another entity, provided that both parties to the agreement are co-applicants.

(2) Co-application with public entity. A co-applicant with a public entity may be eligible for abatement benefits except benefits will not be available for any period for which the property is exempt from real property tax because it is owned or controlled by a public entity. Abatement benefits will only be available if the recipient meets the requirements of subdivision g of Section 11-270 of the Administrative Code.

(3) Multiple buildings. Where a completed project will result in creating two or more buildings, and separate building permits were obtained, a separate application must be filed for each permitted building.

b. Preliminary application.

(1) An applicant must submit a completed preliminary application before issuance of the first building permit, or if no permit is required, the start of construction. The preliminary application must be made on the form prescribed by the Commissioner. The completed preliminary application must be accompanied by a narrative describing the proposed project, including:

(i) the project site;

(ii) the proposed improvement(s);

(iii) the proposed uses of the building or structure upon completion of improvements; and

(iv) whether the improvements are building-wide or limited to specific building systems or renovations to particular areas (such as specific floors or lobby) of the building.

(2) Failure to file a preliminary application Certificate of Eligibility for ICAP benefits before receipt of the first building permit, or if no permit is required, the start of construction, will disqualify the project from receiving benefits under this program.

(3) The preliminary application deadline for ICAP benefits is March 1, 2019. Work performed pursuant to a building permit first issued after April 1, 2019, shall not be included in the project, except as otherwise provided by statute.

(4) Work excluded from the project shall not be considered for purposes of meeting the minimum required expenditure or determining the completion date.

c. M/WBE requirements.

(1) For projects with a total estimated cost of between \$750,000 and \$1,500,000 an ICAP applicant must certify that it accessed the directory of City certified M/WBE business enterprises ("directory"). The ICAP applicant must file the certification with the department in conjunction with the final application for benefits along with a report of whether or not efforts were made by the applicant to include minority and women-owned business enterprises in the construction work on property for which benefits are sought and describe those efforts.

(2) For projects with a total estimated cost of \$1,500,000 or more ICAP

applicants must comply with the following M/WBE requirements to obtain abatement benefits:

(i) After filing a preliminary application for benefits, the applicant must inform the division of contracting and subcontracting opportunities at construction sites where the applicant will be performing construction work subject to benefits pursuant to this part. The division shall make information on such contracting and subcontracting opportunities available to the general public by posting them on its website.

(ii) The ICAP applicant must review the directory to identify minority- or women-owned business enterprises that may be qualified to perform contracting or subcontracting work on construction projects subject to benefits pursuant to this part.

(iii) For each subcontract on the project, the ICAP applicant must solicit or arrange for the solicitation of bids from at least three minority or women-owned enterprises to perform contracting work.

(iv) The ICAP applicant must maintain records demonstrating its compliance with these M/WBE requirements.

(v) When filing a final application for benefits with the department, the ICAP applicant must certify that it has complied with and will continue to comply with the M/WBE provisions. The certification must also include: (A) the name and contact information of every minority- or women-owned business enterprise that the applicant solicited bids from and (B) whether any such minority- or women-owned firm was awarded a subcontract.

(vi) Work performed by an applicant's contractors or subcontractors is eligible construction work except when such work is not included in the project description, contained in the final application or an amendment thereto.

(vii) The division shall have authority to audit the records maintained by each applicant to ensure compliance with the requirements of such subdivision.

(viii) The applicant must maintain records demonstrating its compliance with the provisions of this subdivision.

d. Final application.

(1) An applicant must submit to the department a completed final application no later than one year from the date of issuance of the first building permit for construction work on the project, or when construction work does not require a building permit, no later than one year from the date of commencement of construction on the project, for all projects including new projects as described in Section 36-05(a). Construction does not have to be completed prior to submitting the final application. Stop work orders issued by the department of buildings will not extend the deadline for filing the final application.

(2) Failure to file a final application no later than one year from the date of issuance of the first building permit for construction work on the project, or when construction work does not require a building permit, no later than one year from the date of commencement of construction on the project, will disqualify the project from receiving benefits under this chapter.

(3) The final application must be made on the form prescribed by the department. As part of the final application the applicant must provide a narrative description of the project which must include:

(i) A written description of the proposed project stating the specific work to be undertaken including the floor area (below grade and above grade floors and roof) and location within the property of space created or affected by the work;

(ii) List each permit number and the work associated with such permit, including elevator permits;

(iii) List any work that did not require a permit;

(iv) Date of start of construction;

(v) Estimated date of completion of project or actual date of first temporary certificate of occupancy or final certificate of occupancy, and include copies of any certificate of occupancy issued;

(vi) Contractors and sub-contractors by trade, including addresses;

(vii) Cost of construction broken down by major categories of expenses;

(viii) Number and location of buildings on project property and where multiple buildings exist on a lot or project site, include a survey showing each building; and

(ix) (A) Statement of current or prior use by square foot; and

(B) Statement of proposed use by square feet, distinguishing between commercial and residential use.

(4) The applicant must also provide copies of all executed construction contracts or a statement from the engineer or architect detailing cost estimates.

(5) The department reserves the right to require that any documents submitted in support or as part of any application be certified.

(6) No ICAP benefits will be granted for any construction work unless the applicant files with the final application an affidavit setting forth the following information:

(i) statement that within the seven years immediately preceding the

date of the final application for benefits, neither the applicant, nor any person owning a substantial interest in the property, nor any officer, director or general partner of the applicant or such person was finally adjudicated by a court of competent jurisdiction to have violated Section 235 of the real property law or any section of Article 150 of the penal law or any similar arson law of another state with respect to any building, or was an officer, director or general partner of a person at the time such person was finally adjudicated to have violated such law; and

(ii) a statement setting forth any pending charges alleging violation of Section 235 of the real property law or any section of Article 150 of the penal law or any similar arson law of another jurisdiction with respect to any building by the applicant or any person owning a substantial interest in the property or any officer, director or general partner of the applicant or such person.

(iii) "Substantial interest" as used in subparagraphs (i) and (ii) of this paragraph will mean ownership and control of an interest of 10 percent or more in a property or any person owning a property.

(iv) If any person described in the statement required by subparagraph (i) or (ii) of this paragraph is finally adjudicated by a court of competent jurisdiction to be guilty of any charge listed in such statement, the recipient will cease to be eligible for benefits pursuant to this part and must pay with interest any taxes for which an abatement was claimed pursuant to this part.

e. Notice of completion.

(1) The applicant must file the notice of completion with the department within 120 days of the taxable status date after completion of construction. Abatement benefits will not be granted until the applicant files the notice of completion. Except as allowed by paragraph (2) of this subdivision, the notice of completion must be submitted electronically in the format required by the department on the department's website, and in accordance with the instructions for submission of such notices of completion described on the website.

(2) Request for waiver of electronic filing requirement. The Commissioner may, for good cause, waive the requirement that the notice of completion be filed electronically. A request for waiver of the electronic filing requirement must be made in writing no later than 30 days prior to the deadline for filing a notice of completion. Any filing in paper format must be filed with the department at such address as may be designated by the department.

(3) The notice of completion must contain certification by a New York State licensed engineer or architect, or general contractor that the narrative description provided in the final application for Certificate of Eligibility, as last amended, is an accurate and complete description of the completed project; and a final certificate of occupancy.

(4) The notice of completion must include a detailed itemized statement of the cost of construction. This statement must be certified by a certified public accountant, unless the project cost is less than \$2,500,000 in which case the statement may be certified by the applicant.

(5) All applications must be submitted to the address set forth on the applicable forms.

f. Fees.

The filings required by this section must be accompanied by the following fees:

(1) Preliminary application filing: \$500

(2) Final application filing: \$1,000

(3) Notice of Completion filing: \$500

None of the filings listed above will be processed until the applicable fee is paid. All fees must be paid in a form acceptable to the Department.

§36-04 First Building Permit.

a. First building permit. For purposes of these rules, the first building permit is the permit that would, in the ordinary course, allow construction to proceed, even though:

(i) such permit was granted before submission of completed plans and specifications for the entire building; or

(ii) such permit, or the application, plans or specifications upon which it was granted, are later amended; or

(iii) such permit shall have expired by limitation of time or otherwise become invalid; or

(iv) another permit is issued for the same project on the basis of same or similar plans, subject to the provisions of Section 36-05(a) of this chapter.

b. A subsequent building permit will be deemed to be the first building permit for a building where the project for which a preliminary application is made is a new project pursuant to Section 36-05(a) of this chapter or the previous project has been deemed abandoned pursuant to Section 36-05(b) of this chapter.

§36-05 New Projects and Abandoned Projects.

a. A project will be deemed a new project if one of the following conditions applies:

(1) a building permit was previously issued for the project and an applicant has shown by clear and convincing evidence that there is a change in the project for which a new building permit is issued which meets at least one of the following criteria:

- (i) change in the total estimated cost of the project of at least 10 percent; or
- (ii) change in the total floor area of the project of at least 10 percent; or
- (iii) change in use.

For purposes of the requirements of filing a preliminary application pursuant to Section 36-03(b) of this chapter, the previously issued building permit will be deemed to be the first building permit for a project that meets the requirements specified in this paragraph but does not meet the requirements specified in paragraph (2) of this subdivision.

(2) a building permit was previously issued for the project and an applicant has shown by clear and convincing evidence that there is a change in the project for which a new building permit is issued which meets at least one of the following criteria:

- (i) the current project will require an estimated expenditure at least twice as great as the project for which a building permit was previously issued, where the estimated expenditures of the project for which a building permit was previously issued and of the current project are each measured as if construction commenced on the date of each such project's preliminary application; or
- (ii) the current project will enclose floor area at least twice as great as the project for which the prior permit was issued.

For purposes of the requirements of filing a preliminary application pursuant to Section 36-03(b) of this chapter, the new building permit will be deemed to be the first building permit for a project that meets the requirements specified in this paragraph.

(3) a permanent certificate of occupancy has been granted for the building which was the subject of the prior building permit, and the application for the project is made either:

- (i) more than four years after issuance of the building permit for the prior project; or
- (ii) for a new project in a discrete, separate part of the building than the project that was the subject of the prior building permit.

b. A project will be deemed abandoned where construction work was commenced by an applicant but has ceased for at least two continuous years at the time a preliminary application is filed for the new project.

§36-06 Eligible construction work.

a. For purposes of determining the minimum required expenditure, the abatement base and all other purposes, construction work will be eligible for tax abatement benefits under this program if the work is:

- (1) A permanent capital improvement to real property with a useful life of at least three years;
- (2) Described or integrally related to work described in the approved plans or narrative description submitted as part of the application;
- (3) Performed during the construction period which is five years after issuance of the first building permit, or if no permit was required, after the commencement of construction; and
- (4) Not rendered ineligible by any provision of law or these rules, or by any agreement made as part of the application.

b. Renovations. Renovations that are eligible construction work for abatement benefits include, but are not limited to, the following, provided that such renovations are deemed to enhance the value of the property:

- (1) Renovations that increase the square footage or cubic content of an existing building; or
- (2) Modernization of core facilities including:
 - (i) Upgrading of electrical and plumbing systems;
 - (ii) Installation of new elevators and elevator banks;
 - (iii) Renovation or new installation of the exterior of a structure;
 - (iv) Major upgrading of lobby space;
 - (v) Reconfiguration of multi-tenant floor space to single tenant space;
 - (vi) Installation of central HVAC systems;
 - (vii) Major abatement of asbestos contamination;
 - (viii) Conversion of obsolete office space into functional space; or
 - (ix) Major conversion of a building's use involving structural changes.

c. Work not deemed to be eligible construction work. Construction work that is not eligible for tax abatement benefits pursuant to this section includes:

- (1) Ordinary repairs, replacements or redecoration;
- (2) Placement of personal property that remains personal property;
- (3) Extension of streets, sewers, water or utility systems to a site not

provided with such services; or

(4) Installation of satellite dishes, billboards, or cellular and microwave antennae.

d. Earthwork or partial demolition. Earthwork or partial demolition will be included in the construction work on a project if the following three conditions are met:

(1) the earthwork or partial demolition is integrally related to the other construction work on the project and is commenced not more than one year after the date that a preliminary application was filed;

(2) the applicant requests inclusion of the earthwork or partial demolition in the preliminary application or a subsequent notice filed at least 15 business days before the commencement of the earthwork or partial demolition and before a permit for the earthwork or partial demolition is issued; and

e. In the case of an abandoned project, only construction work that is the subject of a newly issued or renewal permit will be eligible for abatement benefits. Eligible construction for an abandoned project will qualify for benefits only if it is the subject of a preliminary application filed prior to the date on which the new or renewal permit was issued.

f. Construction work that is part of a project which is the subject of an approved application may not be considered eligible construction work for a future application for tax abatement benefits for the same property, building or structure under this chapter.

g. (1) No ICAP benefits will be granted for residential construction work, or for work on a structure or building where 20 percent or more of the rentable square footage of such property is or will be dedicated to residential purposes, provided however that where less than 5 percent of a property's rentable square footage is or will be dedicated to residential purposes, that use will be considered negligible and will not be considered in determining ICAP benefits.

(2) Notwithstanding paragraph (1) of this subdivision, where a building or structure is owned in condominium form, and an application for benefits under this chapter includes more than one property in the same condominium, then for purposes of this paragraph, the 5 percent and 20 percent of the rentable square footage shall be determined based upon the aggregate usage of all such properties.

h. Notwithstanding the foregoing, for purposes of determining whether a project is completed within the time required to secure the inflation protection benefits described in Section 36-10(l), eligible construction work may include construction work done more than four years, but not more than five years, from the date of the issuance of the first building permit or from the start of construction if no permit was required.

§36-07 Minimum Required Expenditure.

a. The minimum required expenditure is based on a percentage of the property's final taxable assessed value, without regard to any exemptions, for the tax year with a taxable status date immediately preceding the issuance of the first building permit, or if no permit was required, the commencement of construction. For commercial construction work the minimum required expenditure is 30 percent. Expenditures for residential construction work or construction work on portions of property to be used for restricted activities will not be included in the minimum required expenditure. For the additional industrial construction abatement set forth in Section 36-11 of this chapter, the minimum required expenditure is 40 percent.

b. Eligible expenditures. Expenditures include but are not limited to those made for:

- (1) construction contracts;
- (2) materials, labor, equipment rental, insurance, permit fees and other direct expenses of construction;
- (3) installation of partitions and other tenant work by or for the first tenant or occupant of new or substantially renovated space;
- (4) architectural, engineering, construction management, legal, accounting and other professional services rendered in connection with the construction work to the extent that the total of all such fees do not exceed 10 percent of the expenses incurred for direct construction costs;
- (5) site preparation, such as the erection of partitions, fences, barricades, scaffolding, temporary walkways, removal of debris or any similar work allocable to the project; and
- (6) fees for connection to existing sewer, water or utility lines.

c. Ineligible expenditures. The following are ineligible expenditures:

- (1) the costs of selecting or acquiring the site;
- (2) the costs of determining the feasibility of the project;
- (3) the costs of moving or installing machinery or equipment, except the cost of installing equipment that is real property and installed as part of the project;
- (4) charges to any reserve, contingency or sinking fund;

(5) the costs of earthwork or demolition except as provided in Section 36-06(d) of this chapter;

(6) the costs or payments for the extension of streets, sewers, water lines or other public utilities to a site not provided with these services; and

(7) the cost or payments associated with vacating the site or existing buildings such as terminating existing leases or tenancies.

d. Expenditures for construction work for mixed use properties related to the common areas and systems of such property will be allocated, if applicable, between the residential, nonresidential and retail portions of the property based on a pro rata square footage basis.

e. No later than 60 days after the minimum required expenditure must be made—four years from the date of the first building permit, or from the start of construction if no permit was required—the applicant must submit to the department a certified statement that the applicant has made the minimum required expenditure as required by this chapter.

§36-08 Eligibility and Compatibility With Other Abatements/Exemptions.

a. No benefits will be granted under ICAP for property that is concurrently receiving any other exemptions or abatements except for exemptions pursuant to Real Property Tax Law Sections 420(a) or (b) or 459(b), or for any other exemptions granted to the primary residence of the applicant.

b. If the property is currently receiving ICIP benefits, it will not be eligible for ICAP benefits unless the applicant can show by clear and convincing evidence, such as permits, plans and other documentation, that the new ICAP project is a new separate project in a discrete, separate part of the building which is different from the ICIP project. If the new ICAP project is not deemed by the department to be a separate project in a discrete separate part of the building, the applicant may submit a new ICAP application for approval while they are receiving ICIP benefits but will not be eligible to receive ICAP benefits until the current ICIP benefits have expired. An approved ICAP applicant will not receive ICAP benefits for such period of ineligibility though the schedule for such benefits will begin upon ICAP approval. ICAP benefits will be based on the tax year that such benefits commence. For example, if the ICIP benefits expire in tax year 2018 and if ICAP benefits would have otherwise commenced in tax year 2016, the ICAP benefits for tax year 2016 and tax year 2017 will not be granted and the ICAP benefits will begin in tax year 2018 in accordance with the ICAP schedule for tax year 3.

c. No ICAP benefits will be granted for any property unless required income and expenses statements are filed for the tax year for the assessment roll with a taxable status date immediately preceding the first building permit or if no permit was required, the commencement of construction. ICAP benefits will also not be granted for any property, unless income and expense statements are filed for all subsequent tax years, up to and including the tax year with a taxable status date immediately following the earlier of the completion of construction or four years from the date of issuance of the first building permit, or if no permit was required, the commencement of construction.

d. As a condition of eligibility for benefits under this program, there must be no arrears in real property taxes or other charges imposed by the City of New York on the property for all years prior to the post-completion year unless such arrears are subject to an installment agreement with the department and all installments that have come due under the agreement have been paid. The post completion year is the tax year with the first taxable status date where the applicant is otherwise eligible to receive ICAP abatement benefits.

§36-09 Benefit Period Commencement.

Upon approval by the department of a final application for benefits, the first year of the abatement shall be the tax year with the first taxable status date that follows the earlier of (a) completion of construction, or (b) four years from the date the first building permit was issued, or if no permit was required, the commencement of construction.

§36-10 Calculation of Abatement.

a. Abatement amount. The abatement amount is equal to the product of the abatement base times the percentage for the applicable year indicated in the applicable schedule set forth in Section 36-12.

b. Abatement base. The abatement base is the amount that the post completion tax liability exceeds 115% of the initial tax liability for each type of abatement except for the additional industrial abatement as defined in Section 36-11.

c. The calculation of initial and post completion tax liability is based on the lower of the actual or transitional assessed value of the building.

d. The initial tax liability is the liability for the building or structure on the tax roll with a taxable status date preceding the first building permit or commencement of construction if no permit is required.

e. Calculation of initial tax liability. The product of the taxable assessed value (“AV”) for the building or structure (without regard to any tax

exemption that may be applicable to the property) for the assessment roll with a taxable status date preceding the first building permit or commencement of construction if no permit is required is multiplied by the initial tax rate. The initial tax rate is the final tax rate applicable to the assessment roll with a taxable status date immediately preceding the issuance of the first building permit. If no building permit was required, the initial tax rate shall be determined based on the assessment roll with a status date immediately preceding the commencement of construction.

f. If the initial tax or the post-completion tax attributable to a mixed-use property must be apportioned to determine the tax attributable to a particular use for any purpose under these rules, the tax will be apportioned using the same method used by the department to value property for tax and assessment. This includes, but is not limited to, determining the abatement base or the minimum required expenditure, or if the tax must be apportioned among newly apportioned tax lots. Methods that may be considered, individually or in combination include:

- (1) the land area of each portion;
- (2) the square footage of the building or structure used or dedicated to each purpose;
- (3) the market value of the building situated on each portion;
- (4) the location of each portion on the lot;
- (5) the topography of the lot;
- (6) zoning and other land use restrictions applicable to the lot or portion thereof;
- (7) analyses of income factors relating to each portion;
- (8) analyses of cost factors; and
- (9) other relevant factors.

If any tax lot included in a project that is the subject of a pending or approved final application for ICAP benefits is subdivided, the applicant must file an amendment to the final application designating the tax lots that constitute the property that is the subject of the application. The Department shall allocate the initial and, if applicable, the post construction assessed values based on the allocation of the historical assessments made pursuant to subdivision 5 of Section 1805 of the real property tax law.

g. At no time during the abatement benefit period may the abatement reduce the amount of taxes imposed on the land portion of the assessment, nor may it reduce the initial tax liability imposed on the building or structure, except for the additional industrial abatement as described in Section 36-11.

Example: Commercial construction work outside of a special commercial abatement area. Preliminary application filed 7/1/2008; first building permit issued 8/1/2008. Project consists of commercial construction work to renovate and modernize the building.

In this case, the initial tax liability is based on the FY2008/09 tax liability (assessment roll with a taxable status date preceding the first building permit)

Section 1805 of the real property tax law requires that certain changes to assessed valuation (“AV”) be phased in over a number of years rather than one year. This is transitional AV.

	Actual AV	Transitional AV
Total AV	\$1,100,000	\$900,000
Land AV	\$400,000	\$300,000
Building AV	\$700,000*	\$600,000*
Initial Tax Liability	\$60,000**	\$600,000 x 0.10

*The initial tax liability will be based on the lower of the building actual AV or building transitional AV.

**FY 2008/09 Tax Rate Assume an initial tax rate of 10% for 2008/09 for illustrative purposes

h. The post-completion tax liability is the tax liability for the building or structure on the tax roll with a taxable status date immediately following the earlier of completion of construction, or four years from the date of issuance of the first building permit or commencement of construction, if no building permit was required, multiplied by the initial tax rate.

Example: In this case, the construction was completed by November 2011; therefore, the post completion tax is based on the 2012/13 AV roll (taxable status date January 5, 2012). The AV for the building on that assessment roll was:

	<u>Actual AV</u>	<u>Transitional AV</u>
Building AV	\$1,100,000	\$1,000,000
FY 2008/09 Tax Rate of 10%	.10	.10
Post Completion Tax	\$110,000*	\$100,000*

*Post completion tax is based on the lower of the actual AV or transitional AV. The abatement base is equal to the post-completion tax liability less 115% of the initial tax liability.

Post Completion Tax Liability	\$100,000
Initial Tax Liability	\$60,000
115% of Initial Tax Liability	\$69,000
Abatement Base	\$31,000

i. Abatement benefits will not in any year exceed the property taxes imposed on such property.

j. If a tax lot has multiple structures with both eligible and non-eligible uses, the initial tax will be apportioned and only the eligible portion will receive the abatement.

k. (1) The availability of ICAP benefits for retail use is limited in the following cases:

(i) No more than 10 percent of gross square footage in industrial and commercial buildings in special commercial abatement areas used for retail purposes is eligible to receive a 25 year abatement benefit. If more than 10 percent of the property is used for retail purposes, the portion exceeding the 10 percent retail use will be eligible for a 15 year abatement benefit.

(ii) For renovation areas in Manhattan, any retail use in excess of 5 percent of the building(s) gross square footage will be ineligible for ICAP benefits, except in the Lower Manhattan renovation area, as set forth in Section 36-02(c)(1), where there will be no limit on portion of gross square footage dedicated to retail use.

(2) The determination of the percent of gross square footage used for retail purposes shall be based on the gross square footage of the entire building in all cases, including those where the ICAP application relates to one or more condominium units in the building.

(3) In a building in which at least 10% of the gross square footage is dedicated exclusively to industrial or commercial purposes other than retail purposes, the gross square footage of retail space shall not include space used for common building mechanical equipment, maintenance or circulation.

l. Inflation Protection.

(1) Inflation protection for industrial construction projects. Inflation protection is available during years 2 through 13 of the abatement period if in such year there is an increase in the tax over the immediately preceding year resulting from an increase in the property's total taxable assessed value. The new increase in tax liability, based upon the increase in taxable assessed value, will be added to the abatement base using the initial tax rate.

For industrial construction projects the inflation protection is the full amount of the increase in taxes based upon the initial tax rate, unless there is a physical change from the immediately preceding year and the increase in taxable assessed value due to such physical change is more than 5 percent of the taxable assessed value for the immediately preceding year. Under such circumstances, none of the increase in tax liability, whether the increase in taxable assessed value is solely the result of a physical change or a combination of physical change and non-physical change, may be added to the abatement base. For industrial projects the percentage of retail use does not have any impact on eligibility for inflation protection.

(2) Inflation protection for commercial projects in special commercial abatement areas. Inflation protection is available during years 2 through 13 of the abatement period if in any such year there is an increase in taxable assessed value of more than 5 percent of the initial tax rate. The increase in tax liability based upon the increase in taxable assessed value that is more than 5 percent calculated using the initial tax rate will be added to the abatement base.

However, no inflation protection will be provided for commercial projects in special commercial abatement areas where there is a physical change from the immediately preceding year and the increase in taxable assessed value due to such physical change is more than 5 percent of the taxable assessed value for the immediately preceding year. Under such circumstances, none of the increase in tax liability, whether the increase in taxable assessed value is solely the result of a physical improvement or a combination of physical improvement and equalization, may be added to the abatement base. For commercial projects in special commercial areas the percentage of retail use does not have any impact on eligibility for inflation protection. If the building is currently receiving inflation protection for one ICAP project and any additional ICAP projects are approved that qualify for inflation protection, the inflation protection for the current ICAP project will be terminated and inflation protection benefits for the most recently approved ICAP project will commence upon such termination.

Hotels located in special commercial abatement areas are eligible for the inflation protection set forth in this paragraph.

Examples: In the examples below, inflation protection is provided on the calculation of total abatement base for commercial construction projects in a special commercial abatement area when the retail portion of the square footage of the project is not more than 10% (Example 1), as well as when the retail portion is more than 10% of the square footage of the project (Example 2).

Example 1: Commercial construction in special commercial abatement area – retail not more than 10% of square footage (equalization increases in taxable assessed value)

Percent Increase in Taxable Assessed Value	Benefit Period	Post Completion Tax Liability	Initial Tax Rate	Addition to Abatement Base Due to Inflation Protection	Total Abatement Base	Yearly Abatement Percentage
	YR 1	100,000	10%		31,000	100%
3%	YR 2	103,000	10%		31,000	100%
6%	YR 3	109,180	10%	1,030	32,030	100%
6%	YR 4	115,731	10%	1,092	33,122	100%
4%	YR 5	120,360	10%		33,122	100%
3%	YR 6	123,971	10%		33,122	100%
2%	YR 7	126,450	10%		33,122	100%
6%	YR 8	134,037	10%	1,265	34,387	100%
3%	YR 9	138,058	10%		34,387	100%
1%	YR 10	139,439	10%		34,387	100%
1%	YR 11	140,833	10%		34,387	100%
2%	YR 12	143,650	10%		34,387	100%
3%	YR 13	147,960	10%		34,387	100%
4%	YR 14	153,878	10%		34,387	100%
2%	YR 15	156,956	10%		34,387	100%
4%	YR 16	163,234	10%		34,387	100%

3%	YR 17	168,131	10%		34,387	90%
2%	YR 18	171,494	10%		34,387	80%
4%	YR 19	178,354	10%		34,387	70%
5%	YR 20	187,272	10%		34,387	60%
6%	YR 21	198,508	10%		34,387	50%
3%	YR 22	204,463	10%		34,387	40%
2%	YR 23	208,552	10%		34,387	30%
1%	YR 24	210,638	10%		34,387	20%
2%	YR 25	214,851	10%		34,387	10%

Example 2: Commercial construction in special commercial abatement area – retail more than 10% of square footage (equalization increases in taxable assessed value). The retail space is 25% of square footage.

Percent Increase in Taxable Assessed Value	Benefit Period	Post Completion Tax Liability	Initial Tax rate	Addition to Abatement Base Due to Inflation Protection	Total Abatement Base	Abatement Base for Commercial Plus 10% Retail	Yearly Abatement Percentage	Abatement Base for Retail over 10%	Yearly Abatement Percentage
	YR 1	100,000	10%		31,000	26,350	100%	4,650	100%
3%	YR 2	103,000	10%		31,000	26,350	100%	4,650	100%
6%	YR 3	109,180	10%	1,030	32,030	27,226	100%	4,804	100%
6%	YR 4	115,731	10%	1,092	33,122	28,154	100%	4,968	100%
4%	YR 5	120,360	10%		33,122	28,154	100%	4,968	100%
3%	YR 6	123,971	10%		33,122	28,154	100%	4,968	100%
2%	YR 7	126,450	10%		33,122	28,154	100%	4,968	100%
6%	YR 8	134,037	10%	1,265	34,387	29,229	100%	5,158	100%
3%	YR 9	138,058	10%		34,387	29,229	100%	5,158	100%
1%	YR 10	139,439	10%		34,387	29,229	100%	5,158	100%
1%	YR 11	140,833	10%		34,387	29,229	100%	5,158	100%
2%	YR 12	143,650	10%		34,387	29,229	80%	5,158	80%
3%	YR 13	147,960	10%		34,387	29,229	60%	5,158	60%
4%	YR 14	153,878	10%		34,387	29,229	40%	5,158	40%
2%	YR 15	156,956	10%		34,387	29,229	20%	5,158	20%

(3) Industrial construction work on a peaking unit will have the same inflation protection as other industrial construction projects.

(4) A property receiving abatement benefits for both industrial and commercial construction is eligible for the inflation protection provided under this section based upon the predominant use of the property as determined by the department.

(5) Time limit for completion of construction. Construction of buildings or structures for which benefits have been approved must be completed no later than five years from the date of issuance of the first building permit, or if no permit was required, the commencement of construction. Failure to meet this requirement will result in the termination of any inflation protection provided under this subdivision for any tax year that begins following the date by which completion of construction is required.

§36-11 Additional Industrial Abatement.

a. Eligibility. An applicant is eligible for an additional industrial abatement in addition to the abatement for industrial construction work set forth in Section 36-02(b) and (c), if the applicant meets the eligibility requirements for the abatement of industrial construction work in this chapter and makes the minimum required expenditure of 40 percent of the property's taxable assessed value in the tax year with the taxable status date immediately preceding the issuance of the first building permit, or if no permit was required, the commencement of construction. Expenditures for residential construction work or construction work on portions of property to be used for restricted activities will not be included in the minimum required expenditure for the purposes of eligibility under this section.

b. Benefits granted. The additional industrial abatement benefits will only be granted for industrial construction work and only those portions of a building or structure used or held for use for industrial purposes will be eligible for such benefits.

c. The first year of additional industrial abatement benefits will be the tax year with a taxable status date following the earlier of (i) completion of construction, or (ii) four years from the date the first building permit was issued or, if no permit was required, from the start of construction.

d. Projects that do not meet the minimum required expenditure of 40 percent or do not perform eligible industrial construction work will not be eligible for additional industrial abatements.

e. The amount of the additional industrial abatement is set forth below:

Years 1 to 4	50% of the initial tax liability
Year 5	40% of the initial tax liability
Year 6	40% of the initial tax liability
Year 7	30% of the initial tax liability
Year 8	30% of the initial tax liability
Year 9	20% of the initial tax liability
Year 10	20% of the initial tax liability
Year 11	10% of the initial tax liability
Year 12	10% of the initial tax liability

§36-12 ICAP Abatement Schedules.

The abatement schedules below set forth the abatement amounts available pursuant to the ICAP program. While an applicant may meet the eligibility requirements for abatement benefits such abatement

benefits will not be granted until the applicant complies with the notice of completion requirements set forth in Section 36-03(e).

a. Abatement for commercial construction work outside of a special commercial abatement or a renovation area. Upon approval by the department of a final application for benefits, an applicant who has performed commercial construction work outside of a special commercial abatement area as described in Section 36-02(a), or a commercial renovation area, as described in Section 36-02(c), shall be eligible for an abatement of real property taxes as set forth below.

Tax year during benefit period	Amount of abatement
Years 1 to 11	100% of abatement base
12	80% of abatement base
13	60% of abatement base
14	40% of abatement base
15	20% of abatement base

b. Abatement for industrial construction work or commercial construction work in special commercial abatement areas where not more than 10% of the building or structure is used for retail purposes. Upon approval by the department of a final application for benefits, an applicant who has performed industrial construction work as described in Section 36-02(f), or commercial construction work in a special commercial abatement area as described in Section 36-02(e), on buildings where not more than 10% of the building or structure is used for retail purposes, shall be eligible for an abatement of real property taxes as set forth below.

Tax year during benefit period	Amount of abatement
Years 1 to 16	100% of abatement base
17	90%
18	80%
19	70%
20	60%
21	50%
22	40%
23	30%
24	20%
25	10%

c. Abatement for industrial construction work on a peaking unit. Upon approval by the department of a final application for benefits, an applicant who has performed industrial construction work on a peaking unit as described in Section 36-02(f) shall be eligible for an abatement of real property taxes as set forth below.

Tax year during benefit period	Amount of abatement
Years 1 to 15	100% of abatement base

d. Abatement for industrial construction work or commercial construction work in special commercial abatement areas, on buildings where more than 10% of the building or structure is used for retail purposes. Upon approval by the department of a final application for benefits, an applicant who has performed industrial construction work as described in Section 36-02(f) or commercial construction work in special commercial abatement areas as described in Section 36-02(e), shall be eligible for an abatement of real property taxes. Abatement benefits are available for the non-retail portion of such buildings or structures and 10% of the building or structure used for retail purposes in accordance with the 25 year schedule set forth in subdivision b above. Any retail portion in excess of 10% of such building or structure is eligible for abatement benefits in accordance with the 15 year schedule set forth below.

Tax year during benefit period	Amount of abatement
Years 1 to 11	100% of abatement base
12	80% of abatement base
13	60% of abatement base
14	40% of abatement base

15	20% of abatement base
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e. Abatement for renovation construction work in renovation areas. (1) Upon approval by the department of a final application for benefits, an applicant who has performed renovation construction work in a renovation area, as described in Section 36-02(c)(1), shall be eligible for an abatement of real property taxes as set forth in the table below.

(2) Upon approval by the department of a final application for benefits, an applicant who has performed renovation construction work in a renovation area as described in Section 36-02(c)(2) shall be eligible for an abatement of real property taxes for the non-retail portion of such building or structure and up to 5% of such building or structure used for retail purposes as set forth in the table below. Any retail portion in excess of 5% of such building or structure is not eligible for abatement benefits.

Tax year during benefit period	Amount of abatement
Years 1 to 8	100% of abatement base
9	80% of abatement base
10	60% of abatement base
11	40% of abatement base
12	20 of abatement base

f. Abatement for renovation construction work in renovation areas. Upon approval by the department of a final application for benefits, an applicant who has performed renovation construction work in a renovation area, as described in Section 36-02(c)(3) shall be eligible for an abatement of real property taxes for the non-retail portion of such building or structure and up to 5% of the building or structure used for retail purposes. Any retail portion in excess of 5% of such building or structure is not eligible for abatement benefits.

Tax year during benefit period	Amount of abatement
Years 1 to 5	100% of abatement base
6	80% of abatement base
7	60% of abatement base
8	40% of abatement base
9	20% of abatement base
10	20% of abatement base

g. Abatement for commercial construction work on new construction in certain areas of lower Manhattan. Upon approval by the department of a final application for benefits, an applicant who has performed new construction work in certain areas of lower Manhattan as described in Section 36-02(d) shall be eligible for an abatement of real property taxes

Tax year during benefit period	Amount of abatement
Years 1 to 4	100% of the abatement base
5	80% of the abatement base
6	60% of the abatement base
7	40% of the abatement base
8	20% of the abatement base

§36-13 Continuing Use.

a. Certificate of continuing use.

(1) For the duration of the benefit period, ICAP benefit recipients must file with the department a certificate of continuing use on or before the taxable status date of January fifth every other year that states any changes in the structure or use of the property that have occurred since the previous submission for that property, except that ICAP benefit recipients receiving benefits for construction work on a peaking unit must file such statement on or before January fifth and July fifth of each year. For example, for recipients of benefits not for peaking units, the first certificate of continuing use must be filed after the first year benefits are received and the next certificate of continuing use must be filed after the third year benefits are received.

(2) The certificate of continuing use form must be filed electronically in the manner prescribed by the Commissioner. The Commissioner may, for good cause, waive the requirement that the statement of continuing use be filed electronically and permit the statement of continuing use to be filed by means of a paper form. A request for waiver of the

electronic filing requirement must be made in writing no later than thirty days prior to the deadline for filing a statement of continuing use. Any filing permitted to be filed in a paper format must be filed with the department at the address designated by the department.

(3) ICAP benefit recipients who fail to file an ICAP certificate of continuing use by January fifth of a required filing year, or in the case of an ICAP benefit recipient receiving benefits for construction work on a peaking unit by January fifth or July fifth of each year, may have their ICAP benefits reduced or suspended. ICAP benefit recipients who fail to file an ICAP certificate of continuing use for two consecutive required filing years, may have their ICAP benefits terminated. The Commissioner may, after providing notice to the ICAP benefit recipient and an opportunity to be heard, reduce, suspend, terminate or revoke ICAP benefits. Such notice will inform the recipient of the reasons for the proposed action by the department and that the ICAP recipient has the right to present information as to why the ICAP recipient should not be penalized to the Commissioner or his or her designee, within 10 business days of delivery of the notice by hand or 15 business days of the posting of notice by mail.

(4) An ICAP certificate of continuing use delivered by an ICAP benefits recipient which contains a false or misleading statement as to a material fact or omits any material fact required to be reported under this subdivision may result in a determination that the recipient is ineligible for current and future tax abatements for the subject property or any other property. The Commissioner may, after providing notice to the ICAP benefit recipient and an opportunity to be heard, reduce, suspend, terminate or revoke ICAP benefits. Such notice will inform the recipient of the reasons for the proposed action by the department and that the ICAP recipient has the right to present information as to why the ICAP recipient should not be penalized to the Commissioner or his or her designee, within 10 business days of delivery of the notice by hand or 15 business days of the posting of notice by mail.

b. Continued use.

(1) Continuing eligibility for ICAP benefits is contingent upon continued use of buildings and property for the purpose specified in the application as last amended in the most recent certificate of continuing use.

(2) ICAP benefits will be suspended for code violations pursuant to Section 11-277 of the Administrative Code.

(3) When the eligibility of a property to receive ICAP benefits is affected by a conversion as described in subdivision c of this section, the recipient must establish by clear and convincing evidence the last date that the property was eligible for the benefits previously granted, which will be deemed the date of the conversion. If no certificate of continuing use has been submitted, a building permit indicating a change in use will be treated as a presumption of conversion.

(4) A recipient must file an amendment to the latest filed statement of continuing use prior to conversion of use as set forth in subdivisions e and f of this section. For all other conversions an applicant must file an amendment to the latest filed statement of continuing use within 60 days of the conversion.

c. Conversion.

(1) A conversion of property, a building or a building site is any intentional change in the nature of the improvements for which benefits were granted, or in the use of such improvements by any person, including by the benefit recipient, a tenant or an occupant.

(2) A demolition, in full or part, or any other structural change which necessarily causes a change in use is a conversion.

(3) A discontinuance of use may be deemed a conversion if the dilapidated condition of the property and prolonged period of nonuse evidences intent to abandon the property and permanently discontinue use. Temporary nonuse due to inability to secure tenants or funding for completion of construction shall not constitute a change in use.

d. Permitted changes.

The following types of changes are not conversions:

(1) A change in ownership or control of property, provided that the department is notified of such change in ownership or control, or

(2) A change in the identity of a tenant or occupant.

e. Conversion from industrial to commercial use.

(1) If a property receives industrial abatement benefits, but then at any time prior to the end of the abatement period, less than 65 percent of the total net square footage is used as an industrial property, no further abatement benefits for industrial work will be granted except as set forth in this subdivision. Except as otherwise provided in this section, any taxes owed from a converted use will be due, and interest assessed, as of the date of such conversion.

(2) Notwithstanding paragraph (1) of this subdivision, any applicant whose property was receiving industrial abatement benefits in a

special commercial abatement area that would have been eligible to receive benefits for commercial construction work at the time such applicant applied for abatement benefits will continue to receive the abatement for industrial construction work until the expiration of such benefit period.

(3) Notwithstanding paragraph (1) of this subdivision any applicant whose property was receiving industrial abatement benefits other than in a special commercial abatement area who would have been eligible to receive benefits for commercial construction work at the time such applicant applied for abatement benefits will receive any abatement which such applicant would have received in the corresponding tax year pursuant to the benefits granted for commercial construction work. Such benefits will commence with the date of conversion to commercial property and continue until the expiration of the benefit period for commercial construction work.

(4) If a property that converts from industrial to commercial use was receiving benefits for industrial construction work in any area of the City and at least 65 percent of the net square footage continues to be used for manufacturing activity after such conversion to commercial use, the recipient will not be required to pay the pro-rata share of tax for the abatement claimed during the tax year for which an abatement was claimed during the tax year in which such conversion occurred.

(5) Any industrial property that was receiving the additional industrial abatement pursuant to Section 36-11 will cease to be eligible for such additional benefits from the date of conversion to commercial property.

f. Conversion to residential use.

(1) Any applicant whose property has been granted benefits for commercial, industrial or renovation construction work and who, before the benefit period expires, uses or allows the use of the property or a portion of the property as residential property, will cease to be eligible for further abatement for commercial, industrial or renovation construction work as of the date such property was first used as residential property, as follows:

(i) If 20 percent or more of the rentable square footage of the property is used as residential property, then the entire property will cease to be eligible for further abatement.

(ii) If less than 20 percent of the rentable square footage of the property is used as residential property, then that portion of such property used as residential property will cease to be eligible for further abatement.

(iii) Notwithstanding subparagraph (ii) of this paragraph, where less than 5 percent of a property's rentable square footage is used as residential property, that use will be considered negligible and will not be a basis for benefits to cease under this subdivision.

(iv) Where benefits cease or are reduced pursuant to this subdivision, the recipient of such ceased or reduced benefits must pay, with interest, any taxes for which an abatement was received after the conversion of the property as described in this subdivision, including the pro rata share of tax for which such abatement was claimed during the tax year in which such use occurred. The abatement will continue for the commercial, industrial or renovation construction work for the portion of the property that continues to be used for commercial purposes as long as the property is still eligible for such abatement benefits.

(2) For purposes of this subdivision, "property" means the real property contained within an individual tax lot.

(3) Notwithstanding subparagraph (iv) above, where a building or structure is owned in condominium form, and an application for benefits includes more than one unit in the same condominium, then for purposes of this subdivision, the 5 percent and 20 percent of the rentable square footage determination will be based on the total square footage of all condominium units applying for ICAP benefits.

g. Conversion to retail use.

(1) Where a property has been granted benefits for industrial or commercial construction work in special commercial abatement areas on buildings where not more than 10 percent of the rentable square footage of the building or structure is used for retail purposes, and where, before the benefit period expires, the property or a portion thereof is converted so that 10 percent or more of the rentable square footage of the building or structure is used for retail purposes, the department will recalculate the abatement upon conversion in accordance with subdivision e of this section.

(2) Where a property has been granted benefits for renovation construction work in renovation areas and where, before the benefit period expires, the property or a portion of the property is converted so that more than 5 percent of the rentable square footage of the building or structure is used for retail purposes, the department will recalculate the abatement upon conversion to reflect the benefit for which the current use is eligible.

h. Conversion of use by peaking units. Any applicant whose property has been granted benefits under this chapter for industrial construction work as a peaking unit and who converts such property in any tax year to a use that no longer qualifies as a peaking unit, or who

uses such property in a manner inconsistent with the definition of a peaking unit, will be ineligible for abatement benefits during any such tax year. Any such recipient of benefits must pay with interest taxes for which an abatement was claimed during any portion of such tax year.

i. Recalculation of abatement upon conversion. If, during the benefit period, a recipient converts square footage within any building or structure, the department may recalculate the benefit granted pursuant to this chapter to reflect the benefit for which the current use is eligible.

j. The burden shall at all times be on the recipient to demonstrate by clear and convincing evidence that property subject to benefits under this part is used as stated in the applications for benefits filed by the recipient with the department.

§36-14 Subsequent Abatements.

An applicant may not file a preliminary application for new ICAP benefits for an additional construction project on any portion of a property that is already receiving any ICAP benefit for four years after the start of the first tax year for which such property is receiving such ICAP benefits. For any ICAP benefit granted for a property that has previously been granted any other ICAP benefit, the initial tax to determine the new abatement will not include the ICAP abatement previously received.

§36-15 Administration of ICAP Program.

a. The department may submit written requests to any ICAP benefit applicant or ICAP benefit recipient for additional information which may include, but is not limited to, the production of books, records and documents relating to any application made for ICAP benefits or submission of a certificate of continuing use. Such written requests will contain a 90 day deadline. The Commissioner may, after providing notice and an opportunity to be heard to the ICAP benefit applicant or ICAP benefit recipient deny, reduce, suspend, terminate or revoke ICAP benefits if an applicant or ICAP benefit recipient fails to timely comply with such a request. Such notice will inform the recipient of the reasons for the proposed action by the department and that the ICAP applicant or ICAP recipient has the right to present information as to why they should not be penalized. This information must be submitted to the Commissioner or his or her designee, within 10 business days of delivery of the notice by hand or 15 business days of the posting of notice by mail.

b. The department may, consistent with the law, upon reasonable notice enter and inspect property during normal business hours to determine a property's use and whether a property is eligible for the abatement benefits that the property has applied for or is receiving.

c. The Commissioner may, after providing notice to the ICAP benefit applicant or ICAP benefit recipient an opportunity to be heard deny, reduce, suspend, terminate or revoke any abatement benefits granted under this chapter where:

(1) A recipient fails to comply with any requirement provided for by Title 2-f of Article 4 of the real property tax law, part 5 of Title 11 of the administrative code, or this chapter; or

(2) An application, certificate, report or other document delivered by an applicant or benefit recipient contains a false or misleading statement as to a material fact or omits any material fact, and may declare any applicant or recipient who makes such false or misleading statement or omits such material fact, ineligible for future tax abatements for the subject property or any other property.

Such notice will inform the recipient of the reasons for the proposed action by the department and that the ICAP applicant or ICAP recipient has the right to present information as to why the ICAP recipient should not be penalized to the Commissioner or his or her designee, within 10 business days of delivery of the notice by hand or 15 business days of the posting of notice by mail.

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

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

RULE TITLE: Implementation of Industrial and Commercial Abatement Program

REFERENCE NUMBER: 2015 RG 110

RULEMAKING AGENCY: Department of Finance

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

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;

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

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: August 22, 2016

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

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

RULE TITLE: Implementation of Industrial and Commercial Abatement Program

REFERENCE NUMBER: DOF-19

RULEMAKING AGENCY: Department of Finance

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

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

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

August 22, 2016
Date

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CITY PLANNING

■ NOTICE

POSITIVE DECLARATION

Project Identification
Jerome Avenue Rezoning and Related Actions
CEQR No. 17DCP019X
ULURP Nos. Pending
SEQRA Classification: Type I

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

Jerome Avenue Rezoning

The New York City Department of City Planning (DCP) is proposing zoning text amendments, zoning map amendments and city map changes (collectively the "Proposed Actions"). The proposed zoning text and map amendments would rezone an approximately 73-block area primarily along Jerome Avenue and its east west commercial corridors in Bronx Community Districts 4 and 5 and 7 (the "Rezoning Area"), and would establish the Special Jerome Avenue District coterminous with the Rezoning Area. The Rezoning Area is generally bounded by East 165th Street to the south and 184th Street to the north; and also includes portions of Edward L. Grant Highway, East 170th Street, Mount Eden Avenue, Tremont Avenue, Burnside Avenue and E.183rd Street. The proposed city map changes are located a block outside of the Rezoning Area in the Highbridge neighborhood of the Bronx, Community District 4.

The Proposed Actions includes:

- Zoning map amendments to rezone portions of existing C4-4,

M1-2, R8, C8-3, and R7-1 with R7A, R8A, R9A, R7D, and C4-4D districts and C2-4 commercial overlays.

- Zoning text amendments to:
 - o Establish the Special Jerome Avenue District, coterminous with the Rezoning Area. The proposed special district will include regulations that will add controls to the ground floors of buildings within mapped commercial overlays and districts, modify height and bulk regulations on lots fronting the elevated rail line, modify bulk regulations on irregular lots, and establish controls, such as discretionary review provisions, for transient hotels.
 - o Establish proposed R7A, R7D, R8A, R9A, and C4-4D districts as Mandatory Inclusionary Housing areas, applying the Mandatory Inclusionary Housing program to require a share of new housing to be permanently affordable where significant new housing capacity would be created.
- City Map changes to:
 - o Map Block 2520, Lot 19 as parkland. This city-owned parcel is located one block outside of the rezoning area and is bounded by West 170th Street, Nelson Avenue, Shakespeare Avenue, and Corporal Fischer Place in the Highbridge neighborhood of the Bronx, Community District 4.
 - o De-map Corporal Fischer Place (street) between Nelson Avenue and Shakespeare Avenue, which is adjacent to the parcel to be mapped as park land as described above (Block 2520, Lot 19), and map it as parkland.

The Proposed Actions reflect DCP's on-going engagement with local community boards, area residents, business owners, workers, elected officials, and community based organizations to achieve the following land use objectives: a) Provide opportunities for high quality, permanent affordable housing with options for tenants at a wide range of income levels; b) Ensure that any new construction fits visually and architecturally into its surrounding neighborhood context; c) Anchor the Jerome corridor and surrounding neighborhoods by permitting more intensive uses in two nodes; d) Create special rules for new development along the elevated rail line to provide light and air along the corridor and ensure adequate distance between residential uses and the train; e) Promote active ground floor uses and diverse retail to support community needs and provide a consistent streetscape throughout the corridor; f) Preserve zoning for heavy commercial and light industrial uses in areas to support mixed uses and jobs; and g) Establish controls for transient hotels to ensure consistency with the goals and objectives of the rezoning.

The Proposed Actions are expected to result in a net increase of approximately 3,250 dwelling units, 72,273 square feet of community facility space, 35,575 square feet of commercial/retail space; and net decrease of 47,795 square feet of industrial space and 98,002 square feet of auto-related uses. The analysis year for this proposal is 2026.

Statement of Significant Effect:

On behalf of the CPC, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617.7, that the Proposed Actions may have a significant effect on the quality of the environment as detailed in the following environmental impacts, and that an environmental impact statement will be required:

1. The actions, as proposed, may result in significant adverse impacts related to land use, zoning and public policy in the vicinity of the affected area.
2. The actions, as proposed, may result in significant adverse impacts related to socioeconomic conditions in the vicinity of the affected area with respect to direct and indirect business displacement, indirect residential displacement and specific industries. The actions does not have any potential to result in significant adverse impacts with respect to direct residential displacement.
3. The actions, as proposed, may result in significant adverse impacts related to community facilities in the vicinity of the affected area.
4. The actions, as proposed, may result in significant adverse impacts on publicly accessible open space in the vicinity of the affected area.
5. The actions, as proposed, may result in significant adverse shadow impacts in the vicinity of the affected area.
6. The actions, as proposed, may result in significant adverse impacts related to historic and cultural resources in the affected area.
7. The actions, as proposed, may result in significant adverse

impacts related to urban design and visual resources in the vicinity of the affected area.

8. The actions, as proposed, will not result in significant adverse impacts related to natural resources as there are no natural resources located in the vicinity of the affected area.
9. The actions, as proposed, may result in significant adverse impacts related to hazardous materials in the vicinity of the affected area.
10. The actions, as proposed, may result in significant adverse impacts related to water and sewer infrastructure in the vicinity of the affected area.
11. The actions, as proposed, may result in significant adverse impacts related to solid waste and sanitation services.
12. The actions, as proposed, may result in significant adverse impacts related to energy.
13. The actions, as proposed, may result in significant adverse impacts related to transportation in the vicinity of the affected area.
14. The actions, as proposed, may result in significant adverse impacts to air quality in the vicinity of the affected area.
15. The actions, as proposed, may result in significant adverse impacts to greenhouse gas emissions in the vicinity of the affected area.
16. The actions, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area.
17. The actions, as proposed, may result in significant adverse public health impacts.
18. The actions, as proposed, may result in significant adverse impacts related to neighborhood character in the vicinity of the affected area.
19. The actions, as proposed, may result in significant adverse construction-related impacts.

Supporting Statement:

The above determination is based on an Environmental Assessment Statement prepared for the action which finds that:

1. Land Use, Zoning and Public Policy – The Proposed Actions would alter existing land uses and zoning by allowing greater densities than the current zoning permits. In addition, the effects of the Proposed Actions may not be compatible with one or more of the public policies that are applicable to portions of the affected area.
2. Socioeconomic Conditions – The Proposed Actions could result in direct and/or indirect displacement of commercial or institutional uses as it could displace employees and/or businesses of consequence to the area and would introduce a sizable amount of new commercial uses to the area. The Proposed Actions would not directly displace any residences nor would it induce a trend that could potential result in changing socioeconomic conditions for the residents within the area.
3. Community Facilities – The Proposed Actions would not result in the direct displacement of any existing community facilities or services; furthermore, based on the development scenario, the Proposed Action would result in a net decrease of residential units and, therefore would not have the potential to result in significant, adverse impacts related to public schools, libraries, and child care.
4. Open Space – The Proposed Actions would not have a direct effect on any open space resource; however, it may have an indirect effect due to increased demand for use of publicly accessible spaces by the sizeable number of workers and other daytime users that would be introduced to the area by the Proposed Action.
5. Shadows – The Proposed Actions would allow an increase in development density and, as the result, greater building heights in the affected area. Shadows cast by the proposed buildings could affect publicly accessible open spaces and sunlight-sensitive architectural resources in the area.
6. Historic and Cultural Resources – The Proposed Actions' directly affected area does not include any designated historic resources. There is one designated historic district (Morris Avenue Historic District) in the rezoning area and one within close proximity (Grand Concourse Historic District) to the rezoning area. In addition, the Proposed Actions may result in additional in-ground disturbance and therefore have the potential to affect archaeological resources that may be present on those sites.

7. Urban Design and Visual Resources – The Proposed Actions and subsequent projected development would result in physical changes in the affected area beyond the bulk and form currently permitted as-of-right; therefore, these changes could affect a pedestrian's experience of public space and may alter the urban design character and visual resources of the surrounding area.
8. Natural Resources – The area of the Proposed Actions is located in a developed area of the Bronx, and the affected area and immediately adjacent area are substantially devoid of natural resources; therefore, the Proposed Action would not have a significant adverse impact on natural resources.
9. Hazardous Materials – The Proposed Actions would result in additional in-ground disturbance which, given the historical on-and off-site uses and conditions, has the potential to result in hazardous materials impacts.
10. Water and Sewer Infrastructure – The Proposed Actions would result a sizable net increase of building space within the rezoning area which could place additional demands on infrastructure, including water supply and storm water management.
11. Solid Waste and Sanitation – Due to the increase in density within the affected area, the Proposed Actions would increase the demands on solid waste and sanitation transport and disposal services.
12. Energy – Although significant adverse energy impacts are not anticipated for the Proposed Actions as it would not affect the transmission or generation of energy, the projected amount of energy consumption during long-term operation resulting from the Proposed Actions should be assessed.
13. Transportation – The Proposed Actions would result in an increase in the number of vehicular trips and increase ridership on mass transit facilities. It also would affect pedestrian movements in the area due to the increased number of workers and visitors to the area.
14. Air Quality – Increased demand for heating, ventilation and air conditioning (HVAC) and additional vehicular traffic introduced by the Proposed Actions may affect air quality.
15. Greenhouse Gas Emissions – The Proposed Actions would allow an increase in development density that may affect greenhouse gas emissions due to increased construction and operational activities with the projected development.
16. Noise – The Proposed Actions would increase the volume of traffic in the area, which could result in additional traffic noise and may have the potential to result in stationary source noise impacts.
17. Public Health – The Proposed Actions would result in an increase in development density which could potentially result in public health concerns.
18. Neighborhood Character – The Proposed Actions has the potential to alter certain constituent elements of the affected area's neighborhood character, including land use patterns, socioeconomic conditions, traffic, and noise levels.
19. Construction – The Proposed Actions would increase the allowable density of the area resulting in new development that involves activities which may result in construction-related impacts.
20. The Draft Environmental Impact Statement (DEIS) to be prepared for the Proposed Actions will identify and describe any other potential effects on the environment.

Public Scoping:

The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting will be held on Thursday, September 29, 2016, at 4:00 P.M., at Gould Memorial Library Auditorium, Bronx Community College, 2155 University Avenue, Bronx, NY 10453. Written comments will be accepted by the lead agency through Monday, October 10, 2016.

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

Should you have any questions pertaining to this Positive Declaration, you may contact the Project Manager, Evren Ulker-Kacar, AICP, at (212) 720-3419.

POSITIVE DECLARATION

Project Identification

The Boulevard at Hylan Plaza
CEQR No. 17DCP031R
ULURP Nos. TBD
SEQRA Classification: Type I

Lead Agency

City Planning Commission
120 Broadway, 21st Floor
New York, NY 10271
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

The Boulevard at Hylan Plaza

The applicant, Hylan Plaza 1339, LLC, is seeking a zoning authorization pursuant to Section 36-023 of the New York City Zoning Resolution (ZR) for: for a group parking facility accessory to a commercial enlargement on a zoning lot in excess of 4 acres in a C4-1 zoning district; the reduction of on-site parking requirement to facilitate the provision of approximately 34,500 sf of additional retail space on the subject site; and approval of a minor modification, M000213(A) ZAR, to the 2001 site plan further reduced the on-site parking requirement. In addition, the applicant is seeking a cross-access easement certification pursuant to ZR Section 36-592, which is a ministerial action and not subject to environmental review. The 23.7-acre project site is located at 2600 Hylan Boulevard (Block 3969, Lots 1, 6, 31, and 35) and bounded by Hylan Boulevard, Ebbitts Street, Mill Road, and Dartmouth Loop in the in the New Dorp Beach neighborhood of Staten Island Community District 2.

The proposed actions would facilitate a proposal by the applicant to enlarge an existing commercial center known as the as the Hylan Plaza Shopping Center. The proposed actions would facilitate a proposal by the applicant to demolish an approximately 290,100-gross-square-foot (gsf) portion of the existing 362,462-gsf commercial center and construct in its place approximately 386,705 gsf of new retail structures, including: approximately 240,612 gsf of local and destination retail uses (Use Group 6 or 10, depending on the retail use and size of establishment), approximately 41,030 gsf of Use Group 8 cinema uses, and approximately 23,159 gsf of receiving/common areas for the proposed retail uses. The applicant intends the additional space to be occupied by: a supermarket (Use Group 6); cinema (Use Group 8); restaurant space (Use Group 6); department store retail uses (Use Group 10); other non-department store retail uses (Use Group 6 or 10, depending on the size and type of establishment); and receiving/common areas. In conjunction with the retail enlargement, the project would also reconfigure and landscape the project site's parking areas. The overall number of parking spaces provided on the project site would increase by 239 spaces (from an existing 1,414 spaces to the proposed 1,653 spaces) in a new above-grade garage and exterior landscape improvements. With the 386,705 gsf of new retail structure that would be added as a result of the proposed project, the project site would contain approximately 459,079 gsf of retail uses and 1,653 parking spaces. With the proposed actions, the worker population of the project site is expected to increase to approximately 1,224 employees (without the proposed actions, the worker population would be 893 by 2019).

Currently, the project site is comprised of four tax lots: 1) tax lot 1, includes a portion of the existing one-story retail building that would be demolished in the future with the proposed actions, a one-story retail building (currently occupied by Modell's Sporting Goods) and a drive-through Chase Bank ATM; 2) tax lot 6, which includes a one-story retail building (currently occupied by CVS) that would remain on the project site in the future with the proposed actions and an accompanying surface parking lot; 3) tax lot 31, which includes surface parking and the remaining portion of the one-story retail building that would be demolished in the future with the proposed actions; and 4) tax lot 35, which includes a one-story retail structure (currently occupied by multiple retail tenants) that would remain on the project site in the future with the proposed actions and an accompanying surface parking lot. The project site is located within a C4-1 zoning district, and contains 362,462 sf of retail uses and 1,414 parking spaces. The existing retail uses on the project site are Use Group 6, Use Group 8 and Use Group 10. The existing worker population on the project site is approximately 632.

As noted above, the project site is located within a C4-1 zoning district. These districts are intended for regional commercial centers where uses serve a larger area than a neighborhood shopping area. C4-1 districts permit commercial uses with a maximum FAR of 1.0 and require one accessory parking space for every 150 sf of floor area for retail/service uses. For other uses, one parking space must be provided for every 100 sf of floor area for supermarket uses and for every 4 cinema seats. For the existing development on the project site, a total of 2,454 spaces would be required based on C4-1 zoning requirements; however, as part of a previously-approved authorization, the project

site received a reduction in required parking to facilitate the existing development.

Absent the proposed actions, the affected area would remain in its existing conditions. It is anticipated that the proposed project would be completed by 2019.

Statement of Significant Effect:

On behalf of the CPC, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Park 617.7, that the proposed actions may have a significant effect on the quality of the environment as detailed in the following, and that an environmental impact statement will be required:

1. The actions, as proposed, may result in significant adverse impacts related to land use, zoning, and public policy in the vicinity of the affected area.
2. The actions, as proposed, are not expected to result in significant adverse impacts on socioeconomic conditions in the vicinity of the affected area.
3. The actions, as proposed, are not expected to result in significant adverse impacts on community facilities and services in the vicinity of the affected area.
4. The actions, as proposed, are not expected to result in significant adverse impacts on publicly accessible open space conditions in the vicinity of the affected area.
5. The actions, as proposed, are not expected to result in significant adverse shadow impacts in the vicinity of the affected area.
6. The actions, as proposed, are not expected to result in significant adverse impacts on historic resources in the vicinity of the affected area.
7. The actions, as proposed, are not expected to result in significant adverse impacts on urban design and visual resources in the vicinity of the affected area.
8. The actions, as proposed, are not expected to result in significant adverse impacts to natural resources in the affected area.
9. The actions, as proposed, may result in significant adverse hazardous materials impacts in the affected area.
10. The actions, as proposed, are not expected to result in significant adverse impacts to water and sewer infrastructure in the vicinity of the affected area.
11. The actions, as proposed, are not expected to result in significant adverse impacts on solid waste and sanitation services in the vicinity of the affected area.
12. The actions, as proposed, are not expected to result in significant adverse impacts on energy consumption in the affected area.
13. The actions, as proposed, may result in significant adverse impacts to traffic and parking conditions in the vicinity of the affected area.
14. The actions, as proposed, may result in significant adverse impacts to air quality in the vicinity of the affected area.
15. The actions, as proposed, are not expected to result in significant adverse impacts related to greenhouse gas emissions and climate change.
16. The actions, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area.
17. The actions, as proposed, may result in significant adverse public health-related impacts.
18. The actions, as proposed, may result in significant adverse impacts on neighborhood character in the vicinity of the affected area.
19. The actions, as proposed, are not expected to result in significant adverse construction-related impacts.

Supporting Statement:

The above determination is based on an Environmental Assessment Statement prepared for the actions which finds that:

1. Land Use, Zoning and Public Policy – The proposed actions would significantly enlarge an existing regional commercial center that is located within the coastal zone boundary.
2. Socioeconomic Conditions – The proposed actions would not result in significant adverse impacts on socioeconomic conditions in the vicinity of the affected area.
3. Community Facilities – The proposed actions would not result in direct or indirect effects on community facilities in

the vicinity of the affected area as identified in the CEQR Technical Manual.

4. Open Space – The proposed actions would not result in direct or indirect effects on open space resources in the vicinity of the affected area as identified in the CEQR Technical Manual.
5. Shadows – The proposed actions would not introduce new shadows that could affect any nearby or adjacent sunlight-sensitive resources.
6. Historic and Cultural Resources – As determined in a LPC Correspondence letter, dated 11/30/2015, no adverse impacts to historical and cultural resources are anticipated as a result of the proposed actions.
7. Urban Design and Visual Resources – The proposed actions would not alter the urban design character and visual resource of the surrounding area.
8. Natural Resources – The project area is located within a fully developed urban area and consists of developed or paved lots, which are devoid of natural resources, and have no habitat used by any protected species.
9. Hazardous Materials – The proposed actions would induce in-ground construction on a site that has a documented history of hazardous materials potentially exposing construction workers and the public to hazardous materials.
10. Water and Sewer Infrastructure – The proposed actions would not induce additional demands on infrastructure such as sewers, water supply, and water pollution control plants (WPCPs).
11. Solid Waste and Sanitation – Based on Citywide solid waste generation rates identified in Table 14-1 of the CEQR Technical Manual, the proposed project would not generate more than 50 tons per week of solid waste.
12. Energy – The proposed actions would result in the annual consumption of approximately 21,239,146 MBTUs, which is a very small fraction of the City's annual consumption.
13. Transportation – The proposed actions would induce new development which would result in additional vehicular trips and additional parking demand in the vicinity of the affected area.
14. Air Quality – The proposed actions would induce new commercial development which could result in increased mobile source (vehicular) and stationary source (HVAC system) emissions, and would introduce new sensitive uses which could be affected by air emissions from existing large-scale residential, commercial, and institutional sources in the vicinity of the project site.
15. Greenhouse Gas Emissions and Climate Change – The proposed action is not a city capital project or power plant and would not fundamentally alter the City's solid waste management system.
16. Noise – The proposed actions would introduce new sensitive receptors to an area which may be characterized by high ambient noise levels, and would induce new commercial development which could result in additional mobile-source noise.
17. Public Health – The proposed actions may result in public health concerns if there are unmitigated significant adverse impacts found in other CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise.
18. Neighborhood Character – The proposed actions would alter the intensity of and use within the affected area which could alter existing neighborhood character by affecting land use, traffic, and/or noise.
19. Construction – The proposed actions would result in temporary disruptions to the surrounding area but would not be considered significantly adverse; and would be limited to a construction period of 20 months, which is considered short-term (i.e., less than two years) according to the CEQR Technical Manual.
20. The Draft Environmental Impact Statement to be prepared for the proposed actions will identify and describe any other potential effects on the environment.

Public Scoping:

The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting will be held on Wednesday, September 28th, 2016, at 7:00 P.M., at the Lou Caravone Community Services Building (460 Brielle Avenue). Written comments will be accepted by the lead agency until October 12, 2016.

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

Should you have any questions pertaining to this Positive Declaration, you may contact the Project Manager, Evan Lemonides, at (212) 720-3509.

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FINANCE

■ NOTICE

NOTICE OF INTEREST RATES ON NEW YORK CITY INCOME AND EXCISE TAXES AND ANNUAL VAULT CHARGE

Pursuant to the power vested in the Commissioner of Finance by §11-537(f)(1), §11-687(5)a, §11-715(h)(1), §11-817(g)(1), §11-905(g)(1), §11-1114(g)(1), §11-1213(g)(1), §11-1317(d)(2), §11-1413(g)(1), §11-1515(g)(1), §11-2114(g)(1), §11-2414(g)(1), §11-2515(g)(1), and §11-2714(g)(1) of the Administrative Code of the City of New York, notice is hereby given of the interest rates to be set for the period October 1, 2016 through December 31, 2016 for underpayments and, where applicable, overpayments of New York City income and excise taxes and the Annual Vault Charge.

Interest on overpayments of the following taxes that remain or become overpaid on or after October 1, 2016 is to be paid at the rate of 3%:

City Business Taxes (General Corporation Tax and Banking Corporation Tax)
(Chapter 6 of Title 11 of the Administrative Code of the City of New York)

City Unincorporated Business Income Tax
(Chapter 5 of Title 11 of the Administrative Code of the City of New York)

Tax upon Foreign and Alien Insurers
(Chapter 9 of Title 11 of the Administrative Code of the City of New York)

Interest on underpayments of the following taxes and charges that remain or become underpaid on or after October 1, 2016 is to be paid at the rate of 8%:

City Unincorporated Business Income Tax
(Chapter 5 of Title 11 of the Administrative Code of the City of New York)

City Business Taxes (General Corporation Tax and Banking Corporation Tax)
(Chapter 6 of Title 11 of the Administrative Code of the City of New York)

Commercial Rent or Occupancy Tax
(Chapter 7 of Title 11 of the Administrative Code of the City of New York)

Tax on Commercial Motor Vehicles and Motor Vehicles for Transportation of Passengers
(Chapter 8 of Title 11 of the Administrative Code of the City of New York)

Tax Upon Foreign and Alien Insurers
(Chapter 9 of Title 11 of the Administrative Code of the City of New York)

Utility Tax
(Chapter 11 of Title 11 of the Administrative Code of the City of New York)

Horse Race Admissions Tax
(Chapter 12 of Title 11 of the Administrative Code of the City of New York)

Cigarette Tax
(Chapter 13 of Title 11 of the Administrative Code of the City of New York)

Tax on Transfer of Taxicab Licenses
(Chapter 14 of Title 11 of the Administrative Code of the City of New York)

Tax on Coin Operated Amusement Devices
(Chapter 15 of Title 11 of the Administrative Code of the City of New York)

Real Property Transfer Tax
(Chapter 21 of Title 11 of the Administrative Code of the City of New York)

Tax on Retail Licensees of the State Liquor Authority
(Chapter 24 of Title 11 of the Administrative Code of the City of New York)

Tax on Occupancy of Hotel Rooms
(Chapter 25 of Title 11 of the Administrative Code of the City of New York)

Annual Vault Charge
(Chapter 27 of Title 11 of the Administrative Code of the City of New York)

Questions regarding this notice may be directed to the New York City Department of Finance, Legal Affairs Division, 345 Adams Street, 3rd Floor, Brooklyn, NY 11201, (718) 488-2498.

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MAYOR'S OFFICE OF CONTRACT SERVICES

■ NOTICE

Notice of Intent to Extend Contract(s) Not Included in FY 2017 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be entering into the following extension(s) of (a) contract(s) not included in the FY 2017 Annual Contracting Plan and Schedule that is published pursuant to New York City Charter § 312(a):

Agency: DOC
Description of services sought: Maintenance Services for DOC's Case Management System
Start date of the proposed contract: 3/1/17
End date of the proposed contract: 2/28/22
Method of solicitation the agency intends to utilize: Negotiated Acquisition
Personnel in substantially similar titles within agency: None
Headcount of personnel in substantially similar titles within agency: 0

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YOUTH AND COMMUNITY DEVELOPMENT

■ NOTICE

In accordance with Section 3-16 (j) of the Procurement Policy Board Rules, the Department of Youth and Community Development (DYCD) will be issuing a Concept Paper for the Beacon Community Centers. Beacon Community Centers are located in public schools across New York City where host schools become a resource for the whole community during non-school hours serving all ages.

The Concept Paper can be found on DYCD's website at www.nyc.gov/dycd under the Resources for non-profits link starting September 2, 2016. Following release of this concept paper, DYCD will issue request for proposals, through the HHS Accelerator system, seeking to find qualified organizations to operate a Beacon center.

Please email comments to DYCD at CP@dycd.nyc.gov no later than September 22, 2016. Please enter "Beacon" in the subject line, or submit by mail to Cressida Wasserman, Department of Youth and Community Development, 2 Lafayette Street, 20th Floor, New York, NY 10038.

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CHANGES IN PERSONNEL

TAXI & LIMOUSINE COMMISSION FOR PERIOD ENDING 07/29/16						
NAME	TITLE	NUM	SALARY	ACTION	PROV EFF DATE	AGENCY
CHARLES	CHRISTON	13611	\$53366.0000	RESIGNED	YES 06/26/16	156
DINOME	JAMES J	35143	\$49435.0000	DISMISSED	NO 07/21/16	156
HANSEN	RAPHAELL H	12749	\$38095.0000	APPOINTED	NO 07/10/16	156
MC FARLANE	AYESHA	56056	\$14.0800	APPOINTED	YES 07/10/16	156

Table with columns: NAME, LAST NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Rows include BALNAVES, BALOGUN, BANGLADESH, etc.

Table with columns: NAME, LAST NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Rows include BRITO, BRIVIC, BROEK, BROOKS, etc.

BOARD OF ELECTION POLL WORKERS FOR PERIOD ENDING 07/29/16

Table with columns: NAME, LAST NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Rows include BARRY, BASCOM, BASCOM, etc.

BOARD OF ELECTION POLL WORKERS FOR PERIOD ENDING 07/29/16

Table with columns: NAME, LAST NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Rows include BUDHU, BUDIG, BUDNER, etc.

BOARD OF ELECTION POLL WORKERS FOR PERIOD ENDING 07/29/16

Table with columns: NAME, LAST NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Rows include BLAND, BLANKS, BLAU, etc.

BOARD OF ELECTION POLL WORKERS FOR PERIOD ENDING 07/29/16

Table with columns: NAME, LAST NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Rows include CASTILLO, CASTILLO, CASTLE, etc.

Table with columns: NAME, LAST, FIRST, MI, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees from CHAU to CIEGO.

Table with columns: NAME, LAST, FIRST, MI, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees from D'ANGELO to DICKINSON.

BOARD OF ELECTION POLL WORKERS FOR PERIOD ENDING 07/29/16

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees from CIRINCIONE to CRUZ.

BOARD OF ELECTION POLL WORKERS FOR PERIOD ENDING 07/29/16

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees from DIEUDONNE to ENDEMAN.

BOARD OF ELECTION POLL WORKERS FOR PERIOD ENDING 07/29/16

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees from CRUZ to CUTTI.