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THE CITY RECORD

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

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, July 25, 2012 at 10:00 A.M.

BOROUGH OF THE BRONX No. 1 SOUNDVIEW APARTMENTS

CD 9 C 120173 ZMX
IN THE MATTER OF an application submitted by New York City Housing Authority pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section Nos. 6c and 7a, by changing from an R5 District to an R6 District property bounded by Randall Avenue (southerly portion) and its easterly centerline prolongation, Rosedale Avenue, Lacombe Avenue, Bronx River Avenue, and a line passing through a point at an angle 70 degrees southerly to the southerly street line of Randall Avenue (southerly portion) distant 180 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of the southerly portion of Randall Avenue and the easterly street line of Bronx River Avenue, as shown on a diagram (for illustrative purposes only) dated April 23, 2012.

BOROUGH OF MANHATTAN Nos. 2 & 3 WEST HARLEM REZONING AND TEXT AMENDMENT No. 2

CD 9 C 120309 ZMM
IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section Nos. 3b, 5c, and 6a:

1. eliminating from within an existing R8 District a C1-4 District bounded by a line midway
2. between West 146th Street and West 145th Street, Broadway, a line 100 feet northerly of West 145th Street, a line 100 feet easterly of Broadway, a line 100 feet southerly of West 145th Street, Broadway, a line midway between West 145th Street and West 144th Street, and a line 100 feet westerly of Broadway;
3. changing from an R7-2 District to an R6A District property bounded by:
 - a. West 153rd Street, a line 100 feet westerly of Amsterdam Avenue, West 152nd Street, and a line 100 feet easterly of Broadway;

- b. a line 100 feet southerly of West 155th Street, St. Nicholas Avenue, West 153rd Street, St. Nicholas Place, West 152nd Street, Convent Avenue, West 151st Street, a line 125 feet easterly of Amsterdam Avenue, West 152nd Street, and a line 100 feet easterly of Amsterdam Avenue;
 - c. a line midway between West 151st Street and West 150th Street, a line 100 feet westerly of Amsterdam Avenue, West 147th Street, and a line 100 feet easterly of Broadway;
 - d. West 150th Street, a line 100 feet westerly of Convent Avenue, a line midway between West 149th Street and West 148th Street, Convent Avenue, West 149th Street, St. Nicholas Avenue, West 145th Street, a line 100 feet westerly of St. Nicholas Avenue, West 141st Street, Convent Avenue, West 140th Street, Amsterdam Avenue, West 145th Street, and a line 100 feet easterly of Amsterdam Avenue, and excluding the area bounded by a line midway between West 147th Street and West 148th Street, Convent Avenue, West 145th Street, and a line 100 feet westerly of Convent Avenue;
 - e. a line 100 feet southerly of West 145th Street, Bradhurst Avenue, the westerly center line prolongation of West 143rd Street, and a line midway between St. Nicholas Avenue and Edgecombe Avenue; and
 - f. West 143rd Street, a line 500 feet easterly of Broadway, a line midway between West 142nd Street and West 141st Street, a line 450 feet easterly of Broadway, West 141st Street, and a line 100 feet easterly of Broadway;
4. changing from an R8 District to an R6A District property bounded by:
 - a. West 148th Street, a line 100 feet westerly of Broadway, West 145th Street, a line 315 feet westerly of Broadway, a line midway between West 146th Street and West 145th Street, a line 250 feet westerly of Broadway, West 146th Street, a line 225 feet westerly of Broadway, a line midway between West 147th Street and West 146th Street and its westerly prolongation, the easterly boundary line of Riverside Park, West 147th Street and its westerly center line prolongation, a line 80 feet easterly of Riverside Drive, a line midway between West 148th Street and West 147th Street, and a line 105 feet easterly of Riverside Drive;
 - b. a line midway between West 143rd Street and West 142nd Street and its westerly prolongation, a line 200 feet westerly of Broadway, West 142nd Street and its westerly center line prolongation, and the easterly boundary line of Riverside Park; and
 5. changing from an R7-2 District to an R7A District property bounded by:
 - a. West 155th Street, a line 100 feet easterly of Amsterdam Avenue, West 152nd Street, a line 125 feet easterly of Amsterdam Avenue, West 151st Street, Convent Avenue, West 152nd Street and its easterly center line prolongation, a line midway between St. Nicholas Place and Edgecombe Avenue, a line midway between St. Nicholas Avenue and Edgecombe Avenue, a line 100 feet northerly of West 145th Street, St. Nicholas Avenue, West 149th Street, Convent Avenue, a line midway between West 149th Street and West 148th Street, a line 100 feet westerly of Convent Avenue, West 150th Street, a line 100 feet easterly of Amsterdam Avenue, a line midway between West 146th Street and West 145th Street, Amsterdam Avenue, a line 100 feet northerly of West 145th Street, a line 100 feet easterly of Broadway, West 147th Street, a line 100 feet westerly of Amsterdam Avenue, a line midway between West 151st Street and West 150th Street, a line 100 feet easterly of Broadway, West 152nd Street, a line 100 feet westerly of Amsterdam Avenue, West 153rd Street, and Amsterdam Avenue;
 - b. a line 150 feet southerly of West 155th Street, a line midway between St. Nicholas Avenue and St. Nicholas Place, West 153rd Street, and St. Nicholas Avenue;
 - c. a line midway between West 148th Street and West 147th Street, Convent Avenue, West 145th Street, and a line 100 feet westerly of Convent Avenue;
 - d. a line 100 feet southerly of West 145th Street, Amsterdam Avenue, the southerly boundary line of Annunciation Park and its easterly and westerly prolongations, Convent Avenue, West 130th Street, Amsterdam Avenue, West 133rd Street, a line 200 feet easterly of Broadway, West 135th Street, a line 100 feet easterly of Broadway, a line 100 feet easterly of Hamilton Place, a line midway between West 138th Street and West 136th Street, Hamilton Place, West 138th Street, a line 100 feet easterly of Broadway, West 141st Street, a line 450 feet easterly of Broadway, a line midway between West 142nd Street and West 141st Street, a line 500 feet easterly of Broadway, West 143rd Street, and a line 100 feet easterly of Broadway;
 - e. West 145th Street, St. Nicholas Avenue, a line 100 feet southerly of West 145th Street, a line midway between St. Nicholas Avenue and Edgecombe Avenue, the westerly center line prolongation of West 143rd Street, Bradhurst Avenue and its southerly
 - f. centerline prolongation, Edgecombe Avenue, West 141st Street, and a line 100 feet westerly of St. Nicholas Avenue; and
 - g. West 130th Street, St. Nicholas Terrace,

- West 127th Street, a line 100 feet westerly of St. Nicholas Avenue, West 126th Street, a line 100 feet westerly of Morningside Avenue, West 127th Street, a line 100 feet westerly of Convent Avenue, West 129th Street, and Convent Avenue;
- 6. changing from an R7-2 District to an R8A District property bounded by:
 - a. West 155th Street, St. Nicholas Avenue, a line 100 feet southerly of West 155th Street, and a line 100 feet easterly of Amsterdam Avenue;
 - b. Edgecombe Avenue, West 145th Street, Bradhurst Avenue, a line 100 feet southerly of West 145th Street, St. Nicholas Avenue, a line 100 feet northerly of West 145th Street, a line midway between St. Nicholas Avenue and Edgecombe Avenue, a line midway between St. Nicholas Place and Edgecombe Avenue, the easterly center line prolongation of West 152nd Street, St. Nicholas Place, West 153rd Street, a line midway between St. Nicholas Avenue and St. Nicholas Place, a line 150 feet southerly of West 155th Street, a line perpendicular to the southerly street line of West 155th Street distant 205 feet easterly (as measured along the street line) from the point of intersection of the easterly street line of St. Nicholas Avenue and the southerly street line of West 155th Street, a line 100 feet southerly of West 155th Street, St. Nicholas Place, and West 155th Street; and
 - c. a line 100 feet northerly of West 145th Street, Amsterdam Avenue, a line midway between West 146th Street and West 145th Street, a line 100 feet easterly of Amsterdam Avenue, West 145th Street, Amsterdam Avenue, a line 100 feet southerly of West 145th Street, and a line 100 feet easterly of Broadway;
- 7. changing from a C8-3 District to an R8A District property bounded by West 155th Street, St. Nicholas Place, a line 100 feet southerly of West 155th Street, and a line perpendicular to the southerly street line of West 155th Street distant 205 feet easterly (as measured along the street line) from the point of intersection of the easterly street line of St. Nicholas Avenue and the southerly street line of West 155th Street;
- 8. changing from an R8 District to a C6-3X District property bounded by a line midway between West 146th Street and West 145th Street, Broadway, a line 100 feet northerly of West 145th Street, a line 100 feet easterly of Broadway, a line 100 feet southerly of West 145th Street, Broadway, a line midway between West 145th Street and West 144th Street, and a line 100 feet westerly of Broadway;
- 9. changing from an M1-1 District to an M1-5/R7-2 District property bounded by West 129th Street, a line 100 feet westerly of Convent Avenue, West 127th Street, a line 100
- 10. feet westerly of Morningside Avenue, a line midway between West 126th Street and West 125th Street/Dr. Martin Luther King Jr. Boulevard, and Amsterdam Avenue;
- 11. establishing within a proposed R6A District a C1-4 District bounded by:
 - a. a line midway between West 146th Street and West 145th Street, a line 100 feet westerly of Broadway, West 145th Street, and a line 315 feet westerly of Broadway; and
 - b. a line midway between West 146th Street and West 145th Street, a line 100 feet westerly of Convent Avenue, West 145th Street, Convent Avenue, a line midway between West 146th Street and West 145th Street, a line 100 feet westerly of St. Nicholas Avenue, a line 100 feet southerly of West 145th Street, and a line 100 feet easterly of Amsterdam Avenue;
- 12. establishing within a proposed R7A District a C1-4 District bounded by:
 - a. a line midway between West 146th Street and West 145th Street, Convent Avenue, West 145th Street, and a line 100 feet westerly of Convent Avenue;
 - b. a line 100 feet northerly of West 141st Street, a line 100 feet westerly of Amsterdam Avenue, West 141st Street, and Hamilton Place; and
 - c. a line midway between West 140th Street and West 139th Street, a line 100 feet easterly of Hamilton Place, West 138th Street, a line 100 feet easterly of Broadway, West 139th Street, and Hamilton Place;
- 13. establishing within an existing R8 District a C1-4 District bounded by West 145th Street, a line 100 feet westerly of Broadway, a line midway between West 145th Street and West 144th Street, and a line 270 feet westerly of Broadway;

14. establishing within a proposed R8A District a C2-4 District bounded by West 155th Street, Edgecombe Avenue, a line 150 feet southerly of West 155th Street, St. Nicholas Place, a line 100 feet southerly of West 155th Street, and a line perpendicular to the southerly street line of West 155th Street distant 205 feet easterly (as measured along the street line) from the point of intersection of the easterly street line of St. Nicholas Avenue and the southerly street line of West 155th Street; and

15. establishing a Special Mixed Use District (MX-15) bounded by West 129th Street, a line 100 feet westerly of Convent Avenue, West 127th Street, a line 100 feet westerly of Morningside Avenue, a line midway between West 126th Street and West 125th Street/Dr. Martin Luther King Jr. Boulevard, and Amsterdam Avenue;

as shown on a diagram (for illustrative purposes only) dated May 7, 2012, and subject to the conditions of CEQR Declaration E-284.

No. 3

CD 9 N 120310 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 II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), Article II, Chapter 4 (Bulk Regulations for Community Facility Buildings in Residence Districts), Article III, Chapter 3 (Bulk Regulations for Commercial and Community Facility Buildings in Commercial Districts), Article XII, Chapter 3 (Special Mixed Use Districts) for the purpose of establishing Special Mixed Use District 15, and Appendix F, relating to the application of the Inclusionary Housing Program to proposed R8A and R9X districts in Community District 9 in the Borough of Manhattan.

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

**Article II
 Residence District Regulations**

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

**23-142
 In R6, R7, R8 or R9 Districts**

R6 R7 R8 R9

Except as otherwise provided in the following Sections:

- Section 23-144 (In designated areas where the Inclusionary Housing Program is applicable)
- Section 23-145 (For Quality Housing buildings)
- Section 23-146 (Optional provisions for certain R5 and R6 Districts in Brooklyn)
- Section 23-147 (For non-profit residences for the elderly); ~~and~~
- Section 23-148 (For tower-on-a-base buildings in R9 Districts); ~~and~~
- Section 23-149 (Special floor area regulations for certain sites in Community District 9, Borough of Manhattan)

In the districts indicated, the minimum required #open space ratio# and the maximum #floor area ratio# for any #zoning lot# shall be as set forth in the following table for #zoning lots# with the #height factor# indicated in the table.

* * *

**23-144
 In designated areas where the Inclusionary Housing Program is applicable**

In #Inclusionary Housing designated areas#, as listed in the table in this Section, the maximum permitted #floor area ratios# shall be as set forth in Section 23-952 (Floor area compensation in Inclusionary Housing designated areas). The locations of such areas are specified in APPENDIX F (Inclusionary Housing Designated Areas) of this Resolution.

Community District	Zoning District
Community District 1, Bronx	R6A R7-2 R7A R7X R8A
Community District 4, Bronx	R8A R9D
Community District 7, Bronx	R7D
Community District 1, Brooklyn	R6 R6A R6B R7A R7-3
Community District 2, Brooklyn	R7A R8A R9A
Community District 3, Brooklyn	R7D
Community District 6, Brooklyn	R7-2
Community District 7, Brooklyn	R7A R8A
Community District 14, Brooklyn	R7A
Community District 3, Manhattan	R7A R8A R9A
Community District 6, Manhattan	R10
Community District 7, Manhattan	R9A R10
Community District 9, Manhattan	R8A R9X
Community District 1, Queens	R7A
Community District 2, Queens	R7X

* * *

23-149

Special floor area regulations for certain sites in Community District 9, Borough of Manhattan

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the Quality Housing Program and are subject to the #floor area# regulations set forth in Section 23-145 (For Quality Housing buildings).

* * *

**23-636
 Special height and setback regulations for certain sites in Community District 9, Borough of Manhattan**

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the Quality Housing Program.

* * *

**23-952
 Floor area compensation in Inclusionary Housing designated areas**

Maximum #Residential Floor Area Ratio#

District	Base #floor area ratio#	Maximum #floor area ratio#
R6B	2.00	2.20
R6*	2.20	2.42
R6**	R6A R7-2*	2.70 3.60
R7A R7-2**	3.45	4.60
R7D	4.20	5.60
R7X	3.75	5.00
R8	5.40	7.20
R9	6.00	8.00
R9A	6.50	8.50
R9D	7.5	10.0
R9X	7.3	9.7
R10	9.00	12.00

* for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

** for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

* * *

**24-523
 Special height and setback regulations**

R5D R8 R10

(a) Community District 7, Manhattan

Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in R10 Districts, except R10A or R10X Districts, shall comply with the requirements of Section 23-634 (Special height and setback regulations in R10 Districts within Community District 7, Borough of Manhattan).

(b) Community District 9, Manhattan

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts located north of West 125th Street shall be #developed# or #enlarged# pursuant to the #residential bulk# regulations of the Quality Housing Program.

(c) R5D Districts

In R5D Districts, all #buildings or other structures# shall comply with the height and setback requirements set forth in Section 23-60 (HEIGHT AND SETBACK REGULATIONS).

* * *

**33-433
 Special height and setback regulations**

(a) Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in an R10 equivalent #Commercial Districts# without a letter suffix shall comply with the requirements of Section 23-634 (Special height and setback regulations in R10 Districts within Community District 7, Borough of Manhattan).

(b) Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts located north of West 125th Street shall be #developed# or #enlarged# pursuant to the #residential bulk# regulations of the Quality Housing Program.

(c) In C1 or C2 Districts mapped within R5D Districts, all #buildings or other structures# shall comply with the height and setback requirements of Section 23-60.

* * *

**Article XII
 Special Purpose Districts**

**Chapter 3
 Special Mixed Use District**

* * *

**123-662
 All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations**

In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, the height and setback regulations of Sections 23-60 and 43-40 shall not apply. In lieu thereof, all #buildings or other structures# shall comply with the height and setback regulations of this Section.

(a) Medium and high density non-contextual districts

(1) In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, except an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, the height of a #building or other structure#, or portion thereof, located within ten feet of a #wide street# or 15

feet of a #narrow street#, may not exceed the maximum base height specified in Table A of this Section, except for dormers permitted in accordance with paragraph (c) of this Section. Beyond ten feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed the maximum #building# height specified in Table A. However, a #building or other

structure# may exceed such maximum #building# height by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above the maximum #building# height does not exceed 80 percent of the gross area of that #story# directly below it.

Table A HEIGHT AND SETBACK FOR ALL BUILDINGS IN MEDIUM AND HIGH DENSITY NON-CONTEXTUAL DISTRICTS (in feet)

Table with 3 columns: District, Maximum Base Height, Maximum #Building# Height. Rows include R6, R7-1 R7-2, R7-3, R8, R9, R9-1, R10.

(2) In #Special Mixed Use District# 15 in the Borough of Manhattan, where the designated #Residence District# is an R7-2 District, the height and setback regulations of paragraph (1) of this Section shall not apply. In lieu thereof, the following height and setback regulations shall apply. A #building or other structure#, or portion thereof, located within ten feet of a #wide street# or 15 feet of a #narrow street#, shall rise to a minimum height of 60 feet, and may rise to a maximum height of 85 feet, except for dormers permitted in accordance with paragraph (c) of this Section. At least 70 percent of the #aggregate width of street walls# shall be located on the #street line# and shall extend to the minimum base height of 60 feet or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line#. Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location provisions of this paragraph. (a)(2). Beyond ten feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed a maximum #building# height of 135 feet. However, a #building or other structure# may exceed a height of 135 feet by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above the 135 feet does not exceed 80 percent of the gross area of that #story# directly below it.

(b) Medium and high density contextual districts

In #Special Mixed Use Districts# where the #Residence District# designation is an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, no

#building or other structure# shall exceed the maximum #building# height specified in Table B of this Section.

Setbacks are required for all portions of #buildings# that exceed the maximum base height specified in Table B. Such setbacks shall be provided in accordance with the following provisions:

- (1) #Building# walls facing a #wide street# shall provide a setback at least ten feet deep from such wall of the #building# at a height not lower than the minimum base height specified in Table B. #Building# walls facing a #narrow street# shall provide a setback at least 15 feet deep from such wall of the #building# at a height not lower than the minimum base height specified in Table B.
(2) These setback provisions are optional for any #building# wall that is either located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to such #building# wall would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#.
(3) Required setback areas may be penetrated by dormers in accordance with paragraph (c) of this Section.
(4) Where the #Residence District# designation is an R10X District, no maximum #building# height shall apply. However, the minimum coverage of any portion of a #building# that exceeds the permitted maximum base height shall be 33 percent of the #lot area# of the #zoning lot#. Such minimum #lot# coverage

requirement shall not apply to the highest four #stories# of the #building#.

TABLE B HEIGHT AND SETBACK FOR ALL BUILDINGS IN MEDIUM AND HIGH DENSITY CONTEXTUAL DISTRICTS (in feet)

Table with 4 columns: District, Minimum Base Height, Maximum Base Height, Maximum #Building# Height. Rows include R6B, R6A, R7B, R7A, R7D, R7X, R8A, R8B, R8X, R9A**, R9A*, R9X**, R9X*, R10A**, R10A*, R10X, ***.

* That portion of a district which is within 100 feet of a #wide street#

** That portion of a district on a #narrow street# except within a distance of 100 feet from its intersection with a #wide street#

*** #Buildings# may exceed a maximum base height of 85 feet in accordance with paragraph (b)(4) of this Section

(c) Permitted obstructions and dormer provisions

Obstructions shall be permitted pursuant to Sections 23-62, 24-51 or 43-42. In addition, within a required setback area, a dormer may exceed a maximum base height specified in Tables A or B of this Section and thus penetrate a required setback area, provided that, on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the length of the #street wall# of the highest #story# entirely below the maximum base height. At any level above the maximum base height, the length of a #street wall# of a dormer shall be decreased by one percent for every foot that such level of dormer exceeds the maximum base height. (See illustration of Dormer in Section 62-341).

However, all #buildings or other structures# on #waterfront blocks#, as defined in Section 62-11, shall comply with the height and setback regulations set forth for the designated #Residential District# as set forth in Section 62-34 (Height and Setback Regulations on Waterfront Blocks), inclusive.

123-90 SPECIAL MIXED USE DISTRICTS SPECIFIED

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

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

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

#Special Mixed Use District# - 15: West Harlem, Manhattan

The #Special Mixed Use District# - 15 is established in West Harlem in Manhattan as indicated on the #zoning maps#.

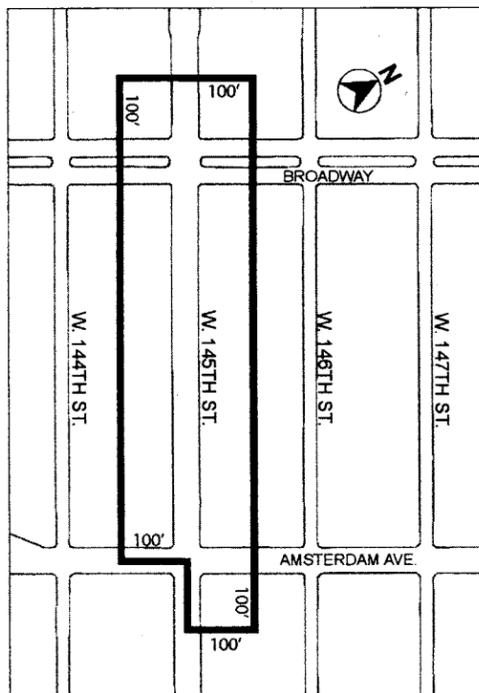
APPENDIX F: Inclusionary Housing Designated Areas

Manhattan

Manhattan Community District 9, 10 and 11

In the R8A and R9X Districts within the areas shown on the following Map 2:

Map 2



Portions of Community District 9, Manhattan

NOTICE

On Wednesday, July 25, 2012, at 10:00 A.M., in Spector Hall, at the Department of City Planning, 22 Reade Street, in Lower Manhattan, a public hearing will be held in conjunction with the City Planning Commission's citywide public hearing pursuant to ULURP to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning adoption of zoning map and text amendments for an area encompassing approximately 90 blocks, located in Community District 9 in Manhattan. The proposed rezoning area is currently zoned predominantly R7-2 and R8, except for an area at the southern boundary of the proposed rezoning area which is zoned M1-1 and R7A, and one lot at the northeastern corner of the proposed rezoning area which is zoned C8-3. The proposed action would rezone the area to R6A, R7A, R8A, C6-3X, M1-5/R7-2. The proposed zoning text amendments would include zoning text amendments to establish a Special Mixed-Use District (MX 15) in West Harlem, require all R8 districts north of 125th Street to be developed pursuant to the R8 Quality Housing Program, and apply the provisions of the Inclusionary Housing Program to C6-3X (R9X equivalent zoning district) and R8A zoning districts located along West 145th Street between Broadway and Amsterdam Avenue. Comments are requested on the DEIS and will be accepted until Monday, August 6, 2012.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 12DCP070M.

Nos. 4 & 5 CHELSEA MARKET No. 4

CD 4 N 120142 ZRM IN THE MATTER OF an application submitted by Jamestown Premier Chelsea Market, LP pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 8 (Special West Chelsea District),

Matter in underline is new, to be added; Matter in strike-out is old, to be deleted; Matter within # # is defined in Section 12-10 (DEFINITIONS)

*** indicates where unchanged text appears in the Resolution

Article IX - Special Purpose Districts

Chapter 8 Special West Chelsea District

98-03 District Plans and Maps

The regulations of this Chapter are designed to implement the #Special West Chelsea# Plan.

The District Plan includes the following maps and illustrative diagrams in Appendices A, B and C and the special regulations in Appendices D, E and F:

Appendix E - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and Located Partially Within Subareas D, E and G, or within Subarea I

Appendix F - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus Within Subarea J

98-04 Subareas and High Line Transfer Corridor

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

Within each of the Subareas and the #High Line Transfer Corridor#, certain special regulations apply within the remainder of the #Special West Chelsea District#. The locations of the #ten ten Subareas are shown in Appendix A of this Chapter.

98-14 Ground Floor Use and Transparency Requirements on Tenth Avenue

Except in Subarea J, the #The special ground floor #use# and glazing regulations of this Section apply to that portion of a #building# or other #structure# fronting on Tenth Avenue in the #Special West Chelsea District#. Ground floor #uses# in Subarea J shall be governed by the underlying #use# controls as modified by Section 98-13.

98-142 High Line# Level Demising Wall Requirements Within Subarea J

Any additions to the windows or other glazing located on the demising wall separating the #High Line# from any #building# located on a #zoning lot# within Subarea J at the #High Line# level shall be designed to provide for a minimum of 30 dBA noise attenuation, and any general illumination fixtures in the adjoining interior portion of the #building# shall provide a limit of 50 foot-candles of illumination within four feet of such window or glazing and shall otherwise not be pointed directly at the #High Line#.

98-21 Maximum Floor Area Ratio outside of Subareas

For all #zoning lots#, or portions thereof, located outside of Subareas A through J, the maximum #floor area ratios# of the applicable underlying district shall apply.

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

For all #zoning lots#, or portions thereof, located in Subareas A through J, the maximum #floor area ratios#, #open space ratios# and #lot coverages# of the applicable underlying zoning district shall not apply.

Maximum Floor Area Ratio by Subarea

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

98-23 Special Floor Area and Lot Coverage Rules for Zoning Lots Over Which the High Line Passes

However, at or above the level of the #High Line bed#, #lot coverage# requirements shall apply to the entire #zoning lot#.

Within Subarea J, any easement volumes and improvements located within such volumes dedicated or granted to the City in accordance with the provisions of Appendix F in connection with an increase in the basic maximum #floor area ratio# of a #zoning lot# pursuant to Section 98-25 (High Line Improvement Bonus), shall not be considered #floor area#.

98-25 High Line Improvement Bonus

For #zoning lots# located between West 14th and West 19th Streets over which the #High Line# passes, the applicable maximum #floor area ratio# of the #zoning lot# may be increased up to the amount specified in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), provided that:

(a) Prior to issuing a building permit for any #development# or #enlargement# on such #zoning lot# that anticipates using #floor area# that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section 98-22, or within Subarea J only, would cause the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on [INSERT EFFECTIVE DATE OF THE TEXT AMENDMENT], the Department of Buildings shall be furnished with a certification by the Chairperson of the City Planning Commission that:

- (1) a contribution has been deposited into an escrow account or similar fund established by the City (the High Line Improvement Fund), or such contribution is secured by letter of credit or other cash equivalent instrument in a form acceptable to the City. Such contribution shall be used at the direction of the Chairperson solely for improvements to the #High Line# within the #High Line# improvement area applicable to such #zoning lot#, with such contribution being first used for improvements within that portion of the #High Line# improvement area on such #zoning lot#, or for contributions from #developments# or #enlargements# within Subarea J only, for any use with respect to the improvement, maintenance and operation of the #High Line# or the #High Line# Support Easement Volumes provided for under Appendix F, at the Chairperson's direction. Such contribution shall be made in accordance with the provisions of Appendix D, E or F of this Chapter, as applicable;

- (3) all additional requirements of Appendix D, E or F, as applicable with respect to issuance of a building permit, have been met.

(d) Prior to issuing a certificate of occupancy for any portion of a #development# or #enlargement# on a #zoning lot# located within Subarea J over which the #High Line# passes that incorporates #floor area# that would cause the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on [INSERT EFFECTIVE DATE OF THE TEXT AMENDMENT], the Department of Buildings shall be furnished a certification by the Chairperson, that

- (1) #High Line# Support Work has been performed on such #zoning lot#, in accordance with and to the extent required by Appendix F; and
(2) all other applicable requirements of Appendix F have been met.

For temporary certificates of occupancy, certification with respect to performance of work shall be of substantial completion of the work as determined by the Chairperson. For permanent certificates of occupancy, certification with respect to performance of work shall be final completion of the work, as determined by the Chairperson.

98-421 Obstruction over the High Line

Within the #Special West Chelsea District#, the #High Line# shall remain open and unobstructed from the #High Line bed# to the sky, except for improvements constructed on the #High Line# in connection with the use of the #High Line# as a public open space and except where the #High Line# passes through and is covered by a #building# existing on [INSERT EFFECTIVE DATE OF THE ZONING TEXT AMENDMENT].

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

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

(g) Subarea J

The provisions set forth in paragraph (a) of this Section shall not apply to any #building# on a #zoning lot# in Subarea J. In lieu thereof the provisions of this paragraph (g) shall apply.

(i) Mid Block Zone.

The Midblock Zone shall be that portion of Subarea J located more than 150 feet west of the Ninth Avenue #street line# and more than 200 feet east of the Tenth Avenue #street line#. Within the Midblock Zone, a #building# shall have a maximum #street wall# height before setback of 130 feet, and shall have a maximum #building# height of 150 feet. Any portion of a #building# exceeding a height of 130 feet shall be set back at least 20 feet from the adjoining #street wall#.

(ii) Ninth Avenue Zone.

The Ninth Avenue Zone shall be that portion of Subarea J within 150 feet of the Ninth Avenue #street line#. Within the Ninth Avenue Zone, any portion of a #building# shall have a maximum #street wall# height of 130 feet before setback and a maximum #building# height of 160 feet. Any #building# located above a height of 130 feet shall be set back at least 5 feet from the Ninth Avenue #street wall# and at least 15 feet from the West 15th Street and West 16th Street #street walls#.

(iii) Tenth Avenue Zone.

The Tenth Avenue Zone shall be that portion of a #zoning lot# within 200 feet of the Tenth Avenue #street line#. Within the Tenth Avenue Zone, any portion of a #building# shall have a maximum #street wall# height of 185 feet before setback and a maximum #building# height of 230 feet. Any portion of a #building# located above a height of 185 feet shall be setback at least 10 feet from the #street line# and any portion of a #building# above a height of 200 feet shall be setback at least 25 feet from the #street line#. In addition, the #street wall# of any #enlargement# located within the Tenth Avenue Zone shall include a recess with a minimum depth of 15 feet and a minimum height of 15 feet. Such recessed #street wall# shall be located directly above the roof of any #building# existing on [INSERT EFFECTIVE DATE OF THE ZONING TEXT AMENDMENT], shall extend at least 25 feet along the West 15th Street frontage, and shall extend along at least 70% of the Tenth Avenue #street wall#, including all of the Tenth Avenue #street wall# located within 50 feet of the West 15th Street #street line#. Permitted obstructions allowed pursuant to Section 33-42 (Permitted Obstructions) may be located within such recessed area.

Minimum and Maximum Base Height and Maximum Building Height by District or Subarea

Table with 4 columns: District or Subarea, Minimum Height (in feet), Base Height (in feet), Maximum Building Height (in feet). Rows for Subarea J (i) Mid Block Zone, Subarea J (ii) Ninth Avenue Zone, Subarea J (iii) Tenth Avenue Zone.

6 see Section 98-423, paragraph (g)

98-55 Requirements for Non-Transparent Surfaces on the East Side of the High Line

Except in Subarea J, any #building# portion of such #High Line frontage# that is 40 feet or more in length and contains no transparent element between the level of the High Line bed# and an elevation of 12 feet above the level of the #High Line bed#, shall be planted with vines or other plantings or contain artwork.

98-61 High Line Access Or Support Easement Volumes Requirement

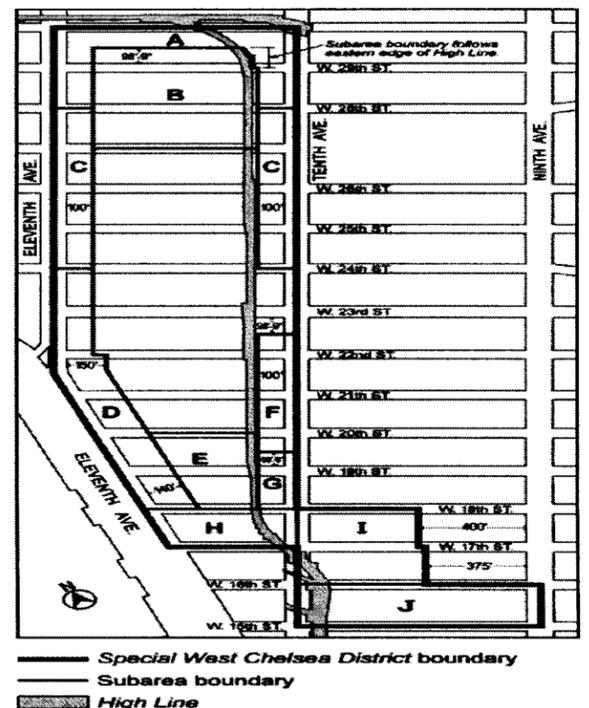
For all #developments# or #enlargements# within the #Special West Chelsea District#, an easement volume to facilitate public pedestrian access to the #High Line# via stairway and elevator (hereinafter referred to as "primary access"), shall be provided on any #zoning lot# over which the #High Line# passes that, on or after December 20, 2004, has more than 5,000 square feet of #lot area#. For all #developments# or #enlargements# within Subareas H, I and J that are developed pursuant to Section 98-25, this provision does not apply.

98-62 High Line Access Easement Regulations

The provisions of this Section shall apply to any #zoning lot# providing an access easement volume other than a #zoning lot# developed pursuant to Section 98-25, as follows:

[Amend the map in Appendix A to include the new Subarea J as follows:]

Appendix A Special West Chelsea District and Subareas



[Amend the map in Appendix B to include the Chelsea Market block in the Special West Chelsea District as follows:]

Appendix B

High Line Transfer Corridor



APPENDIX F

Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and Located Within Subarea J

This Appendix sets forth additional requirements governing #zoning lots# located within Subarea J over which the #High Line# passes with respect to a #development# or #enlargement# which involves an increase in the applicable basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), with respect to: (1) the issuance of a building permit for such #development# or #enlargement# pursuant to paragraph (a) of Section 98-25 (High Line Improvement Bonus); (2) the performance of improvements as a condition of issuance of temporary or permanent certificates of occupancy pursuant to paragraph (d) of Section 98-25; and (3) the option of the Owner to offer to the City an additional #High Line# Support Easement Volume. The term "parties in interest" as used herein shall mean "parties-in-interest," as defined in paragraph (f)(4) of the definition of #zoning lot# in Section 12-10.

- (a) Requirements for Issuance of Building Permit Pursuant To Paragraph (a) of Section 98-25
- (1) As a condition of certification:
 - (i) Owner shall, subject to a deduction pursuant to other provisions of this Appendix F, deposit into the #High Line# Improvement Fund, or secure by letter of credit or other cash equivalent instrument in a form acceptable to the City, a contribution for each square foot of #floor area# which causes the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on [INSERT DATE OF THE EFFECTIVE DATE OF THE TEXT AMENDMENT], up to the amount specified in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas) Such contribution shall be \$58.08 per square foot of #floor area# as of [INSERT DATE OF THE EFFECTIVE DATE OF THE TEXT AMENDMENT], and shall be adjusted July 1 of the following year and each year thereafter by the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics.
 - (ii) All parties-in-interest shall execute a restrictive declaration including easements to the City in a form acceptable to the City providing for the #High Line# Support Easement Volumes and addressing the terms described in this paragraph (a)(1)(ii):
 - (a) Locations and Dimensions: The #High Line# Support Easement Volumes shall be sized and located to accommodate the following amenities, all of which shall be located within the #buildings# located within the Tenth Avenue Zone as described in Section 98-423(g)(iii):
 - (1) Exclusive easements for public restrooms for each gender with an aggregate area of no less than 560 square feet (and which need not be more than 700 square feet) located adjacent to the #High Line# with direct access to the #High Line# for each of the male public restroom and the female public restroom;
 - (2) Exclusive easements for #High

Line# support space with an aggregate area of no less than 2,400 square feet (and which need not be more than 3,000 square feet) of which up to 800 square feet may be located on a mezzanine level, such space to be located adjacent and accessible to the #High Line#;

- (3) Exclusive easements for #High Line# support space located in the cellar level in an aggregate area no less than 800 square feet (but need not be more than 1,000 square feet);
- (4) Exclusive use of a dedicated freight elevator that shall provide access to the cellar level, a shared loading facility at street level, the level of the #High Line bed# and the level of the #High Line# support space described in paragraph (a)(1)(ii)(a)(2); and
- (5) Non-exclusive easements for (i) access between the dedicated freight elevator and (a) the shared loading facility at grade level and (b) the #High Line# support space located in the cellar level; and (ii) use of the shared loading facility as more particularly set forth in paragraph (a)(1)(ii)(b).
- (b) #Use#: The #High Line# Support Easement Volumes shall not be dedicated for use by the general public but rather for use by the City or its designee for storage, delivery of materials and support of #uses# within the #High Line# (and in connection therewith, the fitting-out, operating, maintaining, repairing, restoring and replacement of the #High Line# Support Easement Volumes), except that (i) the public may use the public restrooms, (ii) up to 650 square feet of space adjacent to the #High Line# may be used exclusively for educational and related programming that is at no cost to the public and (iii) if dedicated to the City in accordance with paragraph (d) of this Appendix F, the optional additional #High Line# Support Easement Volume may be accessible to the public as part of concessions or other uses that relate to the #High Line#. The City or its designee shall at all times use, operate and maintain the #High Line# Support Easement Volumes so as not to interfere with the use and enjoyment of the #buildings# located within Subarea J. The #High Line# support spaces described in paragraph (a)(1)(ii)(a)(2) and (3) shall be accessible by a dedicated freight elevator that connects to non-exclusive portions of the #building#, including a loading facility at #curb level#, through which the City or its designee shall be provided with a non-exclusive easement to enable reasonable and customary access.
- (c) Effective Date: The City's or its designee's rights to utilize the #High Line# Support Easement Volumes shall commence on the date that the #High Line# Support Work has been completed in accordance with paragraph (b)(1) of this Appendix F, or in the event of default of Owner in accordance with paragraph (c) of this Appendix F, the date that the City has notified Owner that it intends to perform such #High Line# Support Work in accordance with paragraph (c).
- (d) Notice by the Department of City Planning of its receipt of a certified copy of the restrictive declaration shall be a precondition to issuance by the Commissioner of Buildings of any building permits including any foundation or alteration permit for any #development# of #enlargement# which causes the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on [INSERT DATE OF THE EFFECTIVE DATE OF THE TEXT AMENDMENT].
- (iii) Owner shall submit plans for the #High Line# Support Work described in paragraph (b)(1) that demonstrate compliance with the provisions of this

Appendix F, and are consistent with New York City Department of Parks and Recreation standards and best practices governing material life and maintenance, for review and approval by the Chairperson of the City Planning Commission.

- (iv) Solely in the event the initial certification made pursuant to Section 98-25(a) is with respect to additional #floor area# to be added to a #building# or portion of a #building# located outside of the Tenth Avenue Zone as described in Section 98-423(g)(iii) only, then Owner shall enter into agreements with the City or its designee, in form reasonably acceptable to the City, to provide interim access in accordance with such agreements to the #High Line# through a non-exclusive loading facility and an existing freight elevator. Such agreements shall provide that any space within the existing #building# may be used by the City or its designee at no cost, except the City or its designee shall be obligated to pay for the proportionate costs of utilities, maintenance and other building expenses associated with its use of such loading facility and elevator, and for any improvements or modifications to such space that may be requested by the City or its designee. Such interim access shall cease upon the date that the City or its designee commences utilization of the #High Line# Support Easement Volumes in accordance with paragraph (a)(1)(ii)(c) of this Appendix F.
- (2) The location of #floor area# which would cause the #floor area ratio# of a zoning lot to exceed the #floor area ratio# of such #zoning lot# on [INSERT DATE OF THE EFFECTIVE DATE OF THE TEXT AMENDMENT] and be subject to the provisions of Section 98-25, shall be considered to be the topmost portion of the #development# or #enlargement# unless, at the time of certification pursuant to Section 98-25, paragraph (a), Owner designates on plans submitted to the Chairperson of the City Planning Commission, subject to the concurrence of the Chairperson of the City Planning Commission, an alternate location.
- (b) Requirements for Issuance of Certificates of Occupancy Pursuant To Paragraph (d) of Section 98-25:
 - (1) #High Line# Support Work Pursuant to Paragraph (d) of Section 98-25
 - (i) Owner shall perform #High Line# Support Work subject to the provisions of this paragraph, (b)(1). For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (d), shall be the substantial completion of the work. For permanent certificates of occupancy, certification shall be of final completion of the work.
 - (ii) The #High Line# Support Work shall consist of the following:
 - (a) The construction, fit-out and delivery in an operative condition of public restrooms described in paragraph (a)(1)(ii)(a)(1) of this Appendix F, furnished with restroom fixtures, including six waterclosets for women, an aggregate of six waterclosets and/or urinals for men and three sinks in each restroom, and provided with utility connections.
 - (b) The construction of the core and shell of the #High Line# support space described in paragraphs (a)(1)(ii)(a)(2) and (3) of this Appendix F, including the provision of and access to separately metered gas, ventilation, water, sewers, electricity and telecommunications utilities systems commonly available in the #building# sufficient to support the anticipated uses of the support space. Within the portion of the #High Line# support space in the vicinity of the level of the #High Line bed#, the Owner will install a kitchen exhaust duct from such support space to a suitable point of discharge and will provide access to the #building# sprinkler standpipe and fire alarm system. Such support space shall also include access to a storage mezzanine pursuant to a dedicated lift, and there shall be a clear path at least five feet wide from the lift to the dedicated freight elevator described in paragraph (b)(1)(ii)(c) below. The Owner will not be responsible for distributing any utility services within the #High Line# support space or for providing any ancillary equipment for the kitchen exhaust duct.

- (c) The construction of the dedicated freight elevator described in paragraph (a)(1)(ii)(a)(2) of this Appendix F, with a minimum capacity of 3,000 pounds.
- (iii) Following the completion of the #High Line# Support Work described in paragraph (b)(1)(ii), all subsequent costs of operating, maintaining, repairing, replacing and additional fit-out of the #High Line# support space shall be exclusively the responsibility of the City and not the Owner; provided that the Owner shall be responsible for the repair and replacement of any defective #High Line# Support Work for a period of one year after completion thereof.
- (iv) The cost to Owner of the #High Line# Support Work shall not exceed \$2,544,000. In the event that the City requests Owner to perform any additional work in conjunction with the #High Line# Support Work and the Owner agrees to perform such additional work, then the cost of such additional work shall be the responsibility of the City and may be deducted in whole or in part from the #High Line# Improvement Fund contribution required pursuant to paragraph (a)(1) of this Appendix F.
- (v) Except as set forth in paragraph (b)(1)(v) below, no temporary or permanent certificates of occupancy may be issued pursuant to Section 98-25, paragraph (d), for #floor area# in a #development# or #enlargement# which causes the #floor area ratio# on a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on [INSERT DATE OF THE EFFECTIVE DATE OF THE TEXT AMENDMENT] until the #High Line# Support Work described in paragraph (b)(1) of this Appendix F shall have been substantially completed or finally completed, as the case may be.
- (vi) Notwithstanding anything to the contrary in this paragraph (b)(1), if certification is initially made pursuant to Section 98-25(a) with respect to additional #floor area# to be added to a #building# or portion of a #building# located outside of the Tenth Avenue Zone as described in Section 98-423(g)(iii) only, then the conditions to certification pursuant to Section 98-25, paragraph (d) for a permanent or temporary certificate of occupancy shall not apply to such #building# or portion of a #building# and the following conditions shall apply instead:
- (a) Owner shall deliver a letter of credit or other security reasonably satisfactory to the City in an amount reasonably determined by the City as sufficient for the City to perform the #High Line# Support Work described in paragraph (b)(1) of this Appendix F, which letter of credit or other security may be drawn or exercised by the City in the event of a default by Owner in accordance with paragraph (c)(ii) of this Appendix F; and
- (b) Owner shall enter into an agreement with the City in a form reasonably acceptable to the City requiring Owner to commence the #High Line# Support Work described in paragraph (b)(1) of this Appendix F no later than September 1, 2017, subject to force majeure as determined by the Chairperson, and shall thereafter diligently prosecute the same to completion pursuant to an agreed-upon schedule, subject to force majeure as determined by the Chairperson.
- (c) In the event Owner is in default of its obligations pursuant to the agreements required by paragraph (b)(1)(vi) of this Appendix F:
- (1) the City shall be entitled to draw the letter of credit or exercise the other security described in paragraph (b)(1)(i)(a) and to take possession of the #High Line# Support Easement Volumes following delivery of notice to Owner that the City intends to perform the #High Line# Support Work in accordance with provisions to be set forth in the restrictive declaration described in paragraph (a)(1)(ii);
- (2) the City shall return to Owner any contribution made to the #High Line# Improvement Fund with respect to

- additional #floor area# to be added to a #building# or portion of a #building# located within the Tenth Avenue Zone as described in Section 98-423(g)(iii); and
- (3) no additional building permit may be issued pursuant to Section 98-25, paragraph (a) with respect to a #development# or #enlargement# to be located within the Tenth Avenue Zone as described in Section 98-423(g)(iii), nor may any temporary or permanent certificates of occupancy be issued pursuant to Section 98-25, paragraph (d), for #floor area# in such a #development# or #enlargement# which causes the #floor area ratio# on a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on [INSERT DATE OF THE EFFECTIVE DATE OF THE TEXT AMENDMENT].
- (d) Option to Offer an Additional #High Line# Support Easement Volume:
- (1) Owner, at its sole option, may elect to offer to the City an easement comprising up to 7,500 square feet of #floor area# within the #building# adjacent to the #High Line# and at the vicinity of the level of the #High Line bed# as an additional #High Line# Support Easement Volume by written notice to the Chairperson of the City Planning Commission, with a copy to the Commissioner of the Department of Parks and Recreation. Such written notice shall be delivered contemporaneously with the Owner's first request for the certification of the Chairperson described in paragraph (a) of Section 98-25 (High Line Improvement Bonus) that relates to a #building# or portion of a #building# within the Tenth Avenue Zone as described in Section 98-423(g)(iii).
- (2) If Owner elects to exercise such option, the Owner shall provide an appraisal from an appraiser reasonably acceptable to the City who is a member of the American Institute of Real Estate Appraisers (or its successor organization) establishing the fair market value of the additional #High Line# Support Easement Volume to be so dedicated. The term "fair market value" shall mean the price at which such additional #High Line# Support Easement Volume would change hands between
- a willing buyer and a willing seller, both acting rationally, at arm's length, in an open and unrestricted market. The appraisal shall determine such fair market value of the additional #High Line# Support Easement Volume based on its highest and best lawful as-of-right uses, valued in an unimproved core and shell physical condition (including any existing structural elements, such as the demising wall separating the #High Line# from the additional easement volume) and considered unencumbered by any leases, mortgages or other matters that will be released or otherwise subordinate to the grant of such additional #High Line# Support Easement Volume to the City. The appraisal shall not assume that as-of-right uses of the additional #High Line# Support Easement Volume may enjoy any access to and from the #High Line#. Any other appraisal assumptions or instructions not set forth herein shall be subject to approval by the City.
- (3) If such option is exercised by Owner, the City shall have up to 60 days from the delivery of the written notice described in paragraph (d)(1) to irrevocably accept or decline the exercise of the option by written notice to Owner. If the City does not so accept or decline the option within said 60 day period, then the option shall be deemed declined and neither the City nor Owner shall have any further rights or obligations under this paragraph (d).
- (4) If such option is exercised by Owner and accepted by the City, the restrictive declaration described in paragraph (a)(1)(ii) of this Appendix F shall provide or shall be amended to include the additional #High Line# Support Easement Volume within the grant to the City, and the value of the additional #High Line# Support Easement Volume as set forth in the appraisal shall be the responsibility of the City and may be deducted in whole or in part from the #High Line# Improvement Fund contribution required pursuant to paragraph (a)(1) of this Appendix F.
- (5) In the event that the City requests Owner to perform any work in conjunction with the dedication of the additional #High Line# Support Easement Volume and the Owner agrees to perform such work, then the cost of such additional work shall be the responsibility of the City and may be deducted in whole or in part from the #High Line# Improvement Fund

contribution required pursuant to paragraph (a)(1) of this Appendix F. All costs of fitting-out, operating, maintaining, repairing and replacing the additional #High Line# Support Easement Volume shall be exclusively the responsibility of the City and not the Owner.

No. 5

CD 4 **C 120143 ZMM**
IN THE MATTER OF an application submitted by Jamestown Premier Chelsea Market, LP pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8b, by establishing a Special West Chelsea District (WCh) bounded by West 16th Street, Ninth Avenue, West 15th Street and Tenth Avenue, as shown on a diagram (for illustrative purposes only) dated April 9, 2012.

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

jl11-25

DESIGN COMMISSION

MEETING

Design Commission Meeting Agenda Monday, July 16, 2012

Public Meeting

1:35 p.m. Consent Agenda

- 24510: Installation of a prototypical newsstand, 390 East Fordham Road, southwest corner of East Fordham Road and Webster Avenue, Bronx. (Preliminary and Final) (CC 15, CB 5) DCA/DOE
- 24511: Installation of louvers, 80 Centre Street, Manhattan. (Preliminary and Final) (CC 1, CB 1) DCAS
- 24512: Rehabilitation of 970 DeKalb Avenue, Brooklyn. (Preliminary) (CC 36, CB 3) DDC
- 24513: Installation of a rooftop photovoltaic panel, Engine Company 298, 153-11 Hillside Avenue, Queens. (Preliminary and Final) (CC 24, CB 8) DDC
- 24514: Rehabilitation of the Leonard Covello Senior Center, 312 East 109th Street, Manhattan. (Preliminary and Final) (CC 8, CB 11) DDC
- 24515: Installation of a door and mechanical equipment, Bronx High School of Science, 75 West 205th Street, Bronx. (Preliminary and Final) (CC 11, CB 7) DOE
- 24516: Reconstruction of the Bryant Avenue Bridge over Amtrak rail lines, Bronx. (Preliminary and Final) (CC 17, CB 2) DOT
- 24517: Installation of six Bishop's Crook light poles, Minetta Lane and Minetta Street between Sixth Avenue and MacDougal Street, Manhattan. (Preliminary and Final) (CC 3, CB 2) DOT
- 24518: Installation of security bollards as Phase I of the perimeter security master plan, United Nations, First Avenue from East 42nd Street to East 45th Street and East 47th to East 48th Street, Manhattan. (Preliminary and Final) (CC 4, CB 6) DOT
- 24519: Installation of a flagpole, John D'Amato Field, New Dorp Lane, Cedar Grove Avenue, Great Kills Park, Staten Island. (Preliminary and Final) (CC 50, CB 12) DPR
- 24520: Rehabilitation of a comfort station and adjacent site work, Bill Brown Park, Avenue X, Bedford Avenue, Avenue Y and East 24th Street, Brooklyn. (Preliminary) (CC 48, CB 15) DPR
- 24521: Construction of an addition, Dairyland USA Chef's Warehouse, 200-240 Food Center Drive, Bronx. (Final) (CC 17, CB 2) EDC
- 24522: Installation of exhaust and HVAC equipment, Engine Company 50, 1155 Washington Avenue, Bronx. (Preliminary and Final) (CC 9, CB 3) FDNY
- 24523: Installation of exhaust equipment, Engine Company 216, 187 Union Avenue, Brooklyn. (Preliminary and Final) (CC 35, CB 4) FDNY
- 24524: Installation of exhaust equipment, Engine Company 221, 161 South Second Street, Brooklyn. (Preliminary and Final) (CC 35, CB 4) FDNY
- 24525: Installation of exhaust equipment, Engine Company 231, 107 Watkins Street, Brooklyn. (Preliminary and Final) (CC 42, CB 16) FDNY
- 24526: Installation of exhaust equipment, Engine Company 233, 25 Rockaway Avenue, Brooklyn. (Preliminary and Final) (CC 42, CB 16) FDNY
- 24527: Installation of exhaust equipment, Engine Company 290, 480 Sheffield Avenue, Brooklyn. (Preliminary and Final) (CC 42, CB 16) FDNY
- 24528: Rehabilitation of Engine Company 331/Ladder 173, 158-57 Cross Bay Boulevard, Howard Beach, Queens. (Final) (CC 32, CB 10) FDNY
- 24529: Installation of prototypical signage, Howard Beach Community Library, 92-06 156th Avenue, Queens. (Preliminary and Final) (CC 32, CB 10) QL

24530: Installation of prototypical signage, Whitestone Community Library, 151-10 14th Road, Queens. (Preliminary and Final) (CC 19, CB 7) QL

Public Hearing

1:40 p.m.
24531: Installation of a prototypical newsstand, 90-53 Sutphin Boulevard, southeast corner of Sutphin Boulevard and Jamaica Avenue, Queens. (Preliminary and Final) (CC 27, CB 12) DCA/DOT

1:55 p.m.
24532: Construction of the Hunter's Point Community Library, Queens West Development, Parcel 8, 4-56 47th Road, Queens. (Preliminary) (CC 26, CB 2) DDC

2:25 p.m.
24533: Reconstruction of the plaza, including the fountains and the south garage entrance, Metropolitan Museum of Art, 1000 Fifth Avenue between 80th Street and 84th Street, Manhattan. (Final) (CC 8, CB 8) DCLA/DPR

Design Commission meetings are held in the conference room on the fifth floor of 253 Broadway, unless otherwise indicated. Please note that all times are approximate and subject to change without notice.

Members of the public are encouraged to arrive at least 45 minutes in advance of the estimated time; those who also plan to testify are encouraged to submit their testimony in writing at least three (3) business days in advance of the meeting date.

Please note that items on the consent agenda are not presented. If members of the public wish to testify on a consent agenda item, they should contact the Design Commission immediately, so the project can be rescheduled for a formal presentation at the next appropriate public hearing, per standard procedure.

Design Commission
253 Broadway, Fifth Floor
Phone: 212-788-3071
Fax: 212-788-3086

☛ jy12

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 25-307, 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, **July 24, 2012 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 13-2905 - Block 26,5 lot 43 - 50 Court Street - Borough Hall Skyscraper Historic District
A Renaissance Revival style office/commercial building designed by William E. Lehman in 1913. Application is to replace a marquee. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 13-1085 - Block 777, lot 77-120 Montague Street - Brooklyn Heights Historic District
A Greek Revival style residence constructed in 1840-1849 and altered prior to designation. Application is to install a trash enclosure. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 13-3663 - Block 300, lot 7-118 Congress Street - Cobble Hill Historic District
A row of four Italianate style rowhouses built c. 1850s and altered for institutional use, and a two-story building built c. 1983. Application is to alter the front and rear facades of the rowhouses and construct rooftop additions, and to demolish the modern building and construct five rowhouses. Zoned R6. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 13-2798 - Block 312, lot 23-244 Baltic Street - Cobble Hill Historic District
An Italianate style carriage house built c. 1860. Application is to replace the garage door. Community District 6.

BINDING REPORT
BOROUGH OF QUEENS 12-7189 - Block 5917, lot 1-Building 207 and 207A - Fort Totten Historic District
A Colonial Revival style semi-attached residence designed by the Office of the Quartermaster General and built in 1905. Application is to install a barrier-free access lift and ramps, and to remove windows. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BRONX 12-9366 - Block 5939, lot 463-5241 Independence Avenue - Riverdale Historic District
A vacant lot. Application is to construct a new house. Zoned R-1-1, NA-2. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BRONX 13-2287 - Block 2829, lot 19-1989 Morris Avenue - Morris Avenue Historic District
A brick rowhouse designed by John Hauser and built in 1906. Application is to legalize the replacement of the stoop, the construction of walls and a gate, and the installation of an areaway fence without Landmarks Preservation Commission permits. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-0009 - Block 46, lot 3-100 Broadway - American Surety Company Building - Individual Landmark
A neo-Renaissance style office building designed by Bruce Price and built in 1894-96, and enlarged in the 1920s with additions designed by Herman Lee Meader. Application is to alter the facade and install storefront infill. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-1700 - Block 178, lot 19-225 West Broadway - Tribeca East Historic District
Two dwellings built circa 1810, which were subsequently combined, and highly altered in the twentieth century.

Application is to install new storefront infill, replace metal steps, and install signage. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-2707 - Block 107, lot 34-246 Front Street, aka 267 1/2 Water Street - South Street Seaport Historic District
An empty lot. Application is to construct a new building. Zoned C6-4. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-1857 - Block 521, lot 13-307-309 Mott Street - NoHo East Historic District
A pair of Italianate style tenement buildings, built c. 1867-68. Application is to legalize alterations to facade while a permit is pending, legalize the installation of entrances without Landmarks Preservation Commission permits, and to install light fixtures and new windows. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-0884 - Block 544, lot 72-27 East 4th Street - NoHo Historic District Extension
A garage and repair shop designed by Herman Kron and built in 1945-46. Application is to demolish the existing building and construct a new building. Zoned M1-5B. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-1414 - Block 530, lot 25-37 Great Jones Street - NoHo Historic District Extension
A utilitarian style garage and warehouse building designed by Lewis C. Patton and built in 1917-18. Application is to alter the front and rear facades and construct a rooftop addition. Zoned M1-5B. Community District 2.

MODIFICATION OF USE AND BULK
BOROUGH OF MANHATTAN 13-1415 - Block 530, lot 25-37 Great Jones Street - NoHo Historic District Extension
A utilitarian style garage and warehouse building designed by Lewis C. Patton and built in 1917-18. Application is to request that the Landmarks Preservation Commission issue a report to City Planning Commission relating to an application for a Modification of Use Pursuant to Section 74-711 of the Zoning Resolution. Zoned M1-5B. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-8706 - Block 567, lot 14-16 East 10th Street - Greenwich Village Historic District
A Greek Revival style rowhouse with Italianate style detailing built in 1848. Application is to construct rooftop bulkheads, railings, and excavate the cellar level and rear yard. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-1729 - Block 487, lot 6-498 Broome Street - SoHo-Cast Iron Historic District
A store building designed by Ernest Greis, and built in 1885. Application is to construct a rooftop addition, replace windows, and install storefront infill. Zoned M1-5A. Community District 2.

MODIFICATION OF USE AND BULK
BOROUGH OF MANHATTAN 13-1441 - Block 487, lot 6-498 Broome Street - SoHo-Cast Iron Historic District
A store building designed by Ernest Greis, and built in 1885. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for Modification of Use Pursuant to Section 74-711 of the Zoning Resolution. Zoned M1-5A. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-6967 - Block 465, lot 10-106 East 10th Street - St. Mark's Historic District
A late Italianate style rowhouse, designed by J. J. Jardine and built in 1867. Application is to construct a rooftop bulkhead, modify a parapet, and excavate the rear yard. Community District 3.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-7092 - Block 465, lot 12-110 East 10th Street - St. Mark's Historic District
A late Italianate style rowhouse, designed by J. J. Jardine and built in 1867. Application is to excavate the rear yard. Community District 3.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-1191 - Block 897, lot 16-15 Rutherford Place, aka 216 East 16th Street - Stuyvesant Square Historic District
A Greek Revival style meeting house and seminary building designed by Charles Bunting and built in 1861. Application is to alter the areaway, install gates, deck, and a storage shed. Community District 3.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-1089 - Block 717, lot 43-400 West 20th Street, aka 169 9th Avenue - Chelsea Historic District
A residential building with a commercial ground floor built in 1845. Application is to install storefront infill. Community District 4.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-6033 - Block 719, lot 44-400 West 22nd Street, aka 195 9th Avenue - Chelsea Historic District
A one-story building built as an extension to 400 West 22nd Street. Application is to install storefront infill and legalize the installation of a rooftop fence without Landmarks Preservation Commission permit(s). Community District 4.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-5106 - Block 830, lot 37-250-252 Fifth Avenue, aka 1-5 West 28th Street - Madison North Square Historic District
A neo-Classical style bank building designed by McKim, Meade and White and built between 1907 and 1928. Application is to construct a new building, construct a rooftop addition, replace doors, alter openings, and install a canopy. Zoned M1-6/C5-2. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-3682 - Block 805, lot 81-130 West 30th Street - 130 West 30th Street Building - Individual Landmark
An Assyrian Revival style office building designed by Cass Gilbert and built in 1927-1928. Application is to install storefront infill and a canopy, and modify the rear facade. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-2619 - Block 835, lot 41-350 Fifth Avenue - The Empire State Building - Individual Landmark and Interior Landmark
An Art Deco style office building with an Art Deco style lobby, all designed by Shreve, Lamb, and Harmon, and built in 1930-31. Application is to establish a master plan

governing the future installation of elevator controls. Community District 5.

ADVISORY REPORT
BOROUGH OF MANHATTAN 13-0241 - Block 1257, lot 2-Bryant Park - Scenic Landmark
A formal French style garden designed in 1933 by Lusby Simpson and reconstructed and partially redesigned by Hanna/Olin in 1988-91. Application is to establish a master plan governing seasonal installations. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-1337 - Block 1144, lot 47-136 West 73rd Street - Upper West Side/Central Park West Historic District
A neo-Grec/ Queen Anne style rowhouse designed by Gilbert A. Shellenger and built in 1882-83. Application is to construct a rear addition. Zoned R8B. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-1777 - Block 1126, lot 29-135 Central Park West - Upper West Side/ West 73-74th Street Historic District
A Beaux-Arts style apartment building designed by Clinton & Russell and built in 1904-07. Application is to replace steps at entrances. Community District 7.

BINDING REPORT
BOROUGH OF MANHATTAN 13-3171 - Block 1148, lot 14-Columbus Avenue, Between West 76th Street and West 77th Street - Upper West Side/Central Park West Historic District
A commercial thoroughfare laid out in 1811. Application is to install plantings and seating, on the sidewalk. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-4384 - Block 1128, lot 11-41 West 75th Street - Upper West Side/Central Park West Historic District
A Renaissance Revival style rowhouse designed by George M. Walgrove and built in 1890-91. Application is to alter the rear facade and excavate the cellar. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-5646 - Block 1202, lot 11-53 West 88th Street - Upper West Side/Central Park West Historic District
A Romanesque Revival Style rowhouse, designed by Neville & Bage and built in 1892-94. Application is to legalize the construction of a stoop and areaway walls in non-compliance with Certificate of No Effect 09-6151. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-9093 - Block 1409, lot 50-170 East 75th Street - Upper East Side Historic District Extension
An Arts and Crafts style rowhouse designed by Hill and Stout and built in 1880-81, and converted into an automobile stable in 1902. Application is to construct additions and modify a dormer. Zoned C1-8X. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-3786 - Block 1391, lot 54-50 East 77th Street - Upper East Side Historic District
An Art Deco style hotel with a separate apartment wing designed by Sylvan Bien and built in 1929-30. Application is to establish a Master Plan governing window replacement in the apartment wing. Community District 8.

ADVISORY REPORT
BOROUGH OF MANHATTAN 13-1327 - Block 1502, lot 1-2 East 91st Street - Andrew Carnegie Mansion - Individual Landmark, Carnegie Hill Historic District
A neo-Georgian style mansion with Beaux-Arts elements designed by Babb, Cook & Willard, and built in 1899-1903. Application is to install an electrical sidewalk vault. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-5341 - Block 1988, lot 1-3320 Broadway - Clermont Theater Building - Individual Landmark
A neo-Renaissance style theater building designed by Gaetano Ajello and built in 1913-14. Application is to replace storefront infill, install signage, create a below grade entrance and install a lift. Community District 9.

jy11-24

PUBLIC MEETING

NOTICE IS HEREBY GIVEN THAT PURSUANT to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York that on **Tuesday, July 17, 2012**, there will be a Public Meeting of the Landmarks Preservation Commission in the Public Hearing Chamber at 1 Centre Street, 9th Floor North, Borough of Manhattan, City of New York. For information about the Public Meeting agenda, please contact the Public Information Officer at (212) 669-7817.

☛ jy12-16

SMALL BUSINESS SERVICES

BUSINESS DEVELOPMENT

PUBLIC HEARING

New York City Industrial Business Zone Boundary Commission

NOTICE IS HEREBY GIVEN that, pursuant to Title 22 Section 625 of the NYC Administrative code, the Industrial Business Zone Boundary Commission will hold a public hearing on Friday, July 20, 2012, commencing at 10:30 A.M. and concluding at 1:30 P.M. to receive comments related to the proposed amendments to the Industrial Business Zone boundaries. The hearing will be held at 110 William Street, 4th Floor, Conference Room 4A/B, New York, New York 10038. Those wishing to be heard are encouraged to pre-register by contacting the Boundary Commission staff through email at: industrial@nycedc.com or can register on the date of the hearing between the hours of 10:00 A.M. and 11:00 A.M. at 110 William Street, 4th Floor. To register in advance to testify in person, please email industrial@nycedc.com. Please include your name, what business or group you are representing, and the IBZ for which you would like to testify.

Maps for the proposed amendments to the Industrial Business Zone boundaries are available for public review in this issue of the City Record and can be found at www.nycedc.com/ibz. If you wish to view the proposed

boundaries in hard copy or have additional questions please contact staff through industrial@nycdc.com or call (212) 312-3705 and state your request. Members of the public may submit written or oral testimony regarding any proposed modification. Written comments should be submitted to the Boundary Commission staff by using the online form www.nycdc.com/ibz. Written comments may be submitted until July 27, 2012.

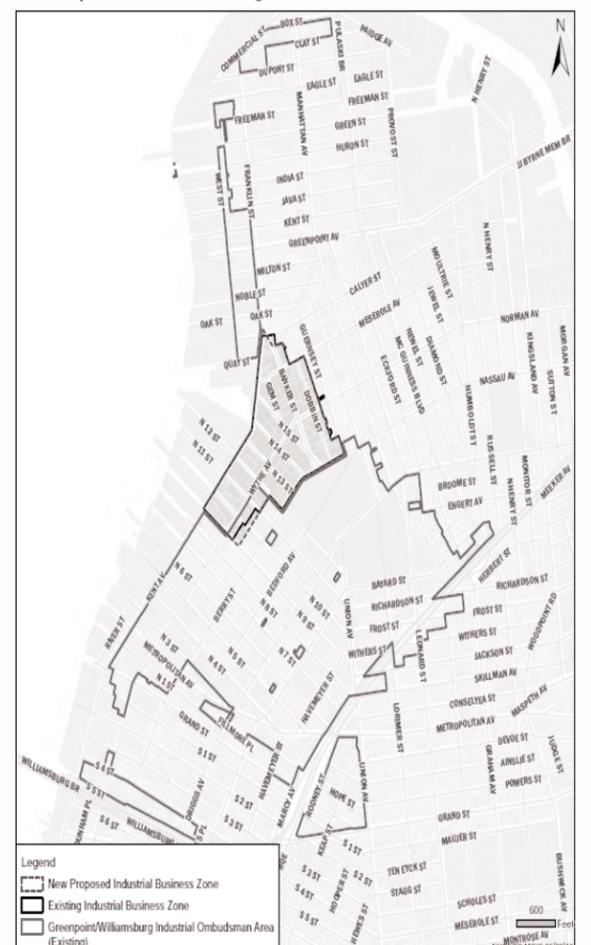
Bathgate Industrial Business Zone



Port Morris Industrial Business Zone



Greenpoint/Williamsburg Industrial Business Zone



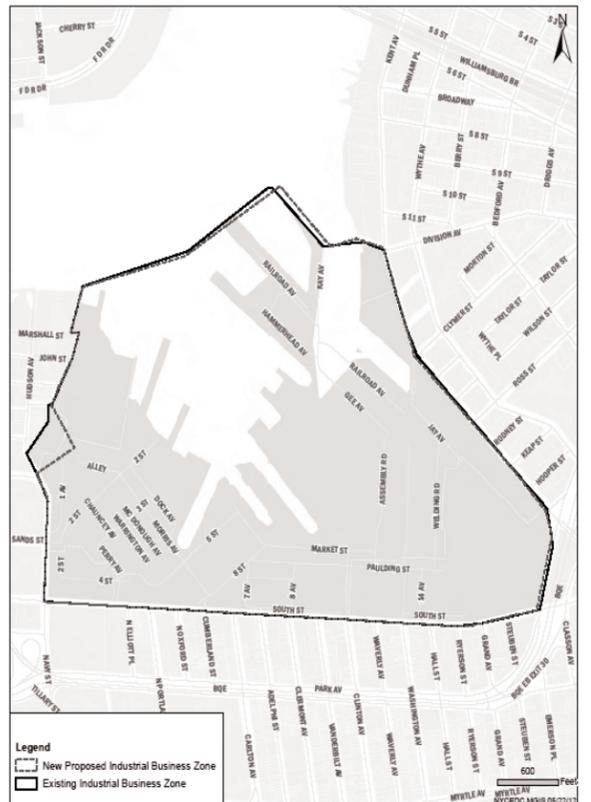
Eastchester Industrial Business Zone



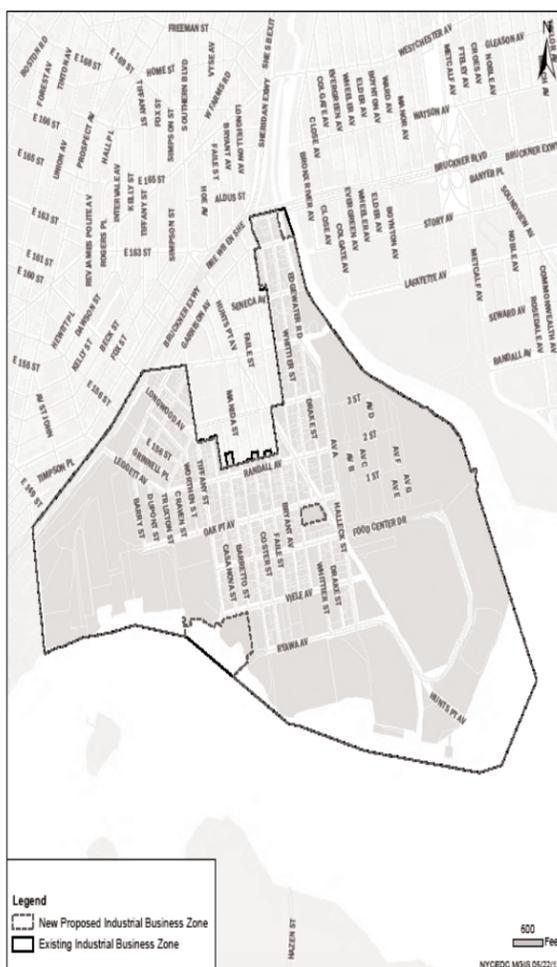
Zerega Industrial Business Zone



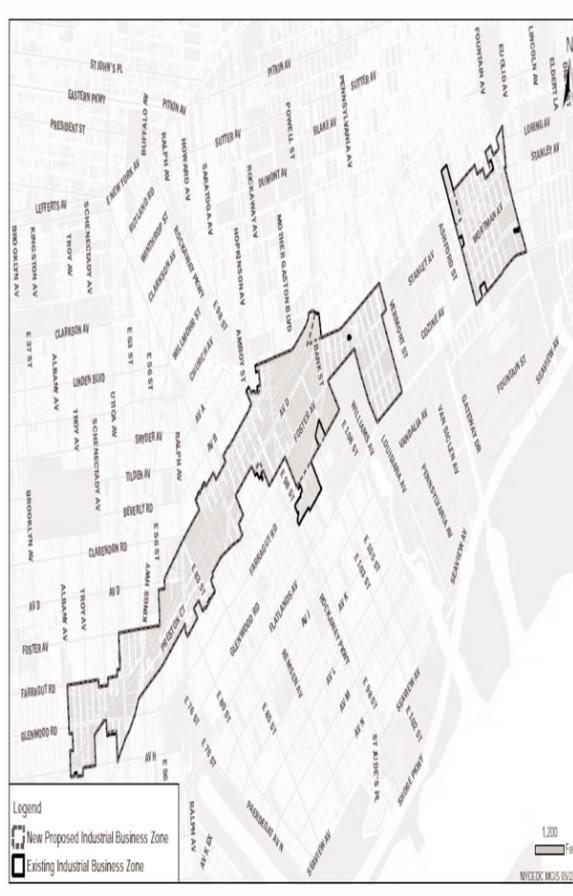
Brooklyn Navy Yard Industrial Business Zone



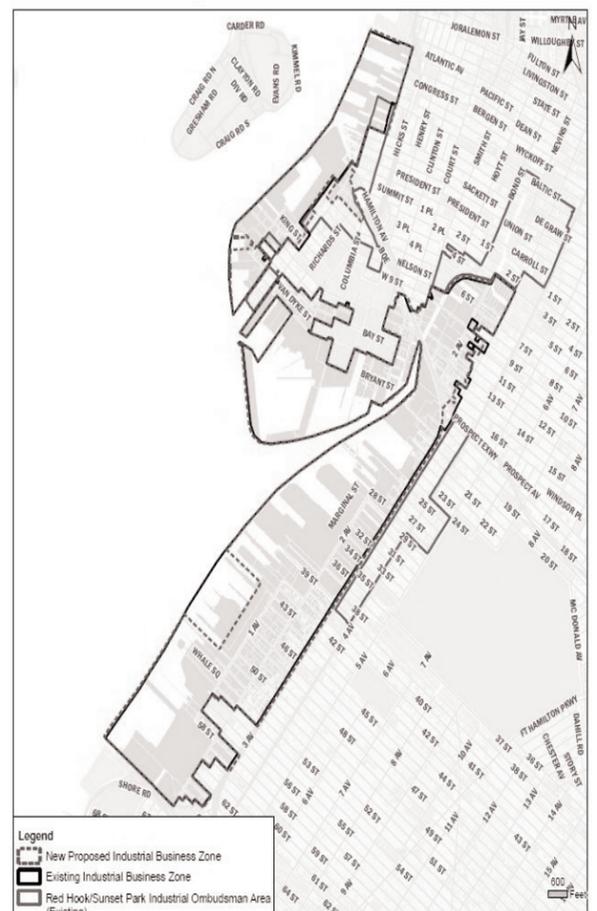
Hunts Point Industrial Business Zone



Flatlands/Fairfield Industrial Business Zone



Southwest Brooklyn Industrial Business Zone



Jamaica Industrial Business Zone



Steinway Industrial Business Zone



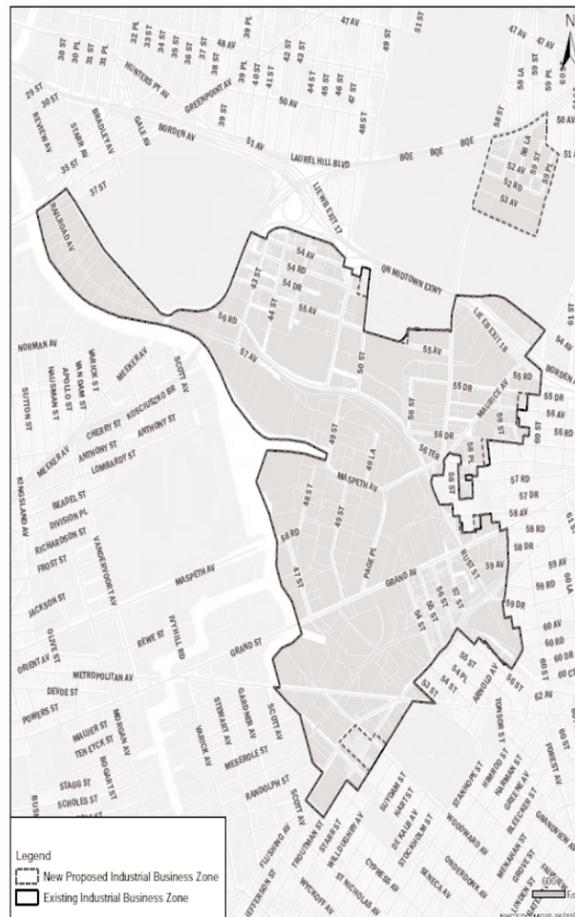
Long Island City Industrial Business Zone



Staten Island Industrial Business Zone



Maspeth Industrial Business Zone



BOARD OF STANDARDS AND APPEALS

PUBLIC HEARINGS

JULY 24, 2012, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, July 24, 2012, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

301-85-BZ APPLICANT - Francis R. Angelino, Esq., for 58 East 86th Street, LLC, owner. SUBJECT - Application May 8, 2012 - Amendment application to add several additional permitted use group 6 retail uses to a previously approved and extended in term BSA Variance Resolution, pursuant to 301-85-BZ, that permitted several specific use group 6 retail uses. PREMISES AFFECTED - 58 East 86th Street, south side, 113' east of Madison Avenue and Park Avenues, Block 1497, Lot 49, Borough of Manhattan. COMMUNITY BOARD #8M

71-93-BZ APPLICANT - Paul F. Bonfilio, for Vincenzo Farruggio, owner. SUBJECT - Application January 23, 2012 - Amendment to a previously granted Variance (§72-21) to allow construction of 242.6 sq. ft. one story addition to eastern face of existing house which does not comply with the front yard requirements (§23-45(a); floor area and lot coverage (§23-141(b)). R2A zoning district. PREMISES AFFECTED - 153-01 Bayside Avenue, 308.25' west of 154th Street, between 29th Avenue and Bayside Avenue, Block 4835, Lot 25, Borough of Queens. COMMUNITY BOARD #7Q

336-98-BZ APPLICANT - Rothkrug Rothkrug & Spector, LLP, for 312 Flatbush Avenue, LLC, owner; Crunch LLC d/b/a Crunch, lessee. SUBJECT - Application June 8, 2012 - Extension of Time to obtain a Certificate of Occupancy of a previously granted Special Permit (73-36) for the operation of a Physical Culture Establishment (Crunch Fitness) which expired on June 8, 2011; waiver of the rules. C2-4(R7A) zoning district. PREMISES AFFECTED - 312/18 Flatbush Avenue, 157' west of the northwest corner of the intersection of Flatbush Avenue and Sterling Place, Block 1057, Lot 14, Borough of Brooklyn. COMMUNITY BOARD #6BK

337-98-BZ APPLICANT - Rothkrug Rothkrug & Spector, LLP, for 312 Flatbush Avenue LLC, owner; Crunch LLC d/b/a Crunch, lessee. SUBJECT - Application June 8, 2012 - Extension of Time to obtain a Certificate of Occupancy of a previously granted Special Permit (73-36) for the operation of a Physical Culture Establishment (Crunch Fitness) which expired on June 8, 2011; waiver of the rules. C2-4(R7A) zoning district. PREMISES AFFECTED - 324/34 Flatbush Avenue, northwest corner of the intersection of Flatbush Avenue and Sterling Place, Block 1057, Lot 19, Borough of Brooklyn. COMMUNITY BOARD #6BK

238-08-BZ APPLICANT - Sheldon Lobel, P.C., for S.M.H.C. LLC, owner. SUBJECT - Application May 25, 2012 - Request for rehearing pursuant to Section 1-10(e) of the Board's Rules of Practice and Procedure, as there has been a material change in the proposed plans. PREMISES AFFECTED - 876 Kent Avenue, west side of Kent Avenue, 91' north of Myrtle Avenue, Block 1897, Lot 56, Borough of Brooklyn. COMMUNITY BOARD #3BK

APPEALS CALENDAR

149-05-A APPLICANT - Eric Palatnik, P.C., for Gregory Broutzas, owner. SUBJECT - Application May 10, 2012 - Extension of time to complete construction and obtain a Certificate of Occupancy. On May 16, 2006 BSA issued a resolution granting an extension of time to complete construction which expired on May 1, 2007. R2 Zoning District. PREMISES AFFECTED - 32-09 211th Street, east of the corner of 32nd Street and 211th Street, Block 6061, Lot 10, Borough of Queens. COMMUNITY BOARD #11Q

155-12-BZY APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for 511 Property LLC, owner. SUBJECT - Application May 11, 2012 - Extension of time (§11-332) to complete construction of a minor development commenced under the previous zoning. PREMISES AFFECTED - 511 Ninth Avenue, southwest corner of Ninth Avenue and West 39th Street (block bounded by West 38th Street and 10th Avenue), Block 736, Lot 33, Borough of Manhattan. COMMUNITY BOARD #4M

157-12-A APPLICANT - Sheldon Lobel, P.C., for John F. Westerfield, owner; Welmar Westerfield, lessee. SUBJECT - Application May 21, 2012 - Appeal challenging Department of Building's determination that an existing lot may not be developed as an "existing small lot" pursuant to ZR Section 23-33 as it does not meet the definition of ZR 12-10. R1-2 Zoning district. PREMISES AFFECTED - Hovenden Road, Somerset Street and Chevy Chase Street, Block 9967, Lot 58, Borough of Queens. COMMUNITY BOARD #8Q

JULY 24, 2012, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, July 24, 2012, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

10-12-BZ APPLICANT - Rothkrug Rothkrug & Spector, LLP, for Natalie Hardeen, owner. SUBJECT - Application January 18, 2012 - Variance (§72-21) to permit the legalization of an existing cellar and two story, two-family detached dwelling that does not provide two required front yards (23-45) and side yard (ZR 23-461). R-5 zoning district. PREMISES AFFECTED - 114-01 95th Avenue, northeast corner of 95th Avenue and 114th Street, Block 9400, Lot 37, Borough of Queens. COMMUNITY BOARD #9Q

13-12-BZ APPLICANT - Georgios Georgopoulos, for Abumuktadir Rahman, owner. SUBJECT - Application January 20, 2012 - Variance (§72-21) to permit the legalization of the bulk and parking waivers associated with the existing use of the building as a mosque. (Astoria Islamic Center). The proposal also includes an enlargement of the first and second floors and the addition of a third floor. The proposal is contrary to front yard (§24-34), side yard (§24-35), and required parking spaces (§25-31). R5B zoning district. PREMISES AFFECTED - 22-21 33rd Street, east side of 33rd Street, 200' south of corner formed by the intersection of Ditmars Boulevard and 33rd Street, Block 832, Lot 22, Borough of Queens. COMMUNITY BOARD #1Q

65-12-BZ APPLICANT - Lewis E. Garfinkel, for Yisroel Brodt, owner. SUBJECT - Application March 20, 2012 - Special Permit (§73-622) for the enlargement of existing single family home contrary to floor area and open space (ZR 23-141(a)); side yard (ZR 23-461(a)) and less than the required rear yard (ZR 23-47). R2 zoning district. PREMISES AFFECTED - 1140 East 28th Street, west side of East 28th Street, 313' south of Avenue K, Block 7627, Lot 62, Borough of Brooklyn. COMMUNITY BOARD #14BK

105-12-BZ APPLICANT - Zaskorski & Notaro Architects, for Alan Mucatel, owner. SUBJECT - Application April 17, 2012 - Variance (§72-21) to permit the installation of a new elevator contrary to front yard and lot coverage regulations. R5 zoning district. PREMISES AFFECTED - 450 Castle Hill Avenue, southeast corner of Castle Hill and Lacombe Avenues, Block 3511, Lot 30, Borough of Bronx. COMMUNITY BOARD #9BX

107-12-BZ

APPLICANT - Rothkrug Rothkrug & Spector, LLP, for Third Avenue Tower LLC, owner; Blink 600 Third Avenue Inc, lessee.

SUBJECT - Application April 17, 2012 - Special Permit (\$73-36) to allow physical culture establishment (Blink Fitness) within existing commercial building. C5-3m C5-2.5 and R8B zoning district.
PREMISES AFFECTED - 600/18 Third Avenue, aka 159/65 E. 39th Street, aka 150/2 East 40th Street, west side of 3rd Avenue between E. 39th Street and E. 40th Street, Block 895, Lot 45, Borough of Manhattan.
COMMUNITY BOARD #6M

116-12-BZ

APPLICANT - Francis R. Angelino, Esq., for Spring Swinehart et al., owner; Exceed Fitness, LLC, lessee.
SUBJECT - Application April 24, 2012 - Special Permit (\$73-36) to allow the operation of a physical culture establishment (Exceed Fitness). C1-9 zoning district.
PREMISES AFFECTED - 1477 Third Avenue, between E. 83rd and E. 84th Streets, Block 1529, Lot A, Borough of Manhattan.
COMMUNITY BOARD #8M

Jeff Mulligan, Executive Director

☛ jy12-13

TRANSPORTATION**■ PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 938 commencing at 2:00 P.M. on Thursday July 19, 2012. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

#1 In the matter of a proposed revocable consent authorizing Ay 35-37 Sixth, LLC to construct, maintain and use conduits, together with manholes, under, along and across 6th Avenue, between Pacific Street and Dean Street, and under, across and along Dean Street, west of 6th Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2023 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Approval Date to June 30, 2013- \$13,778/annum
For the period July 1, 2013 to June 30, 2014 - \$14,161
For the period July 1, 2014 to June 30, 2015 - \$14,544
For the period July 1, 2015 to June 30, 2016 - \$14,927
For the period July 1, 2016 to June 30, 2017 - \$15,310
For the period July 1, 2017 to June 30, 2018 - \$15,693
For the period July 1, 2018 to June 30, 2019 - \$16,076
For the period July 1, 2019 to June 30, 2020 - \$16,459
For the period July 1, 2020 to June 30, 2021 - \$16,842
For the period July 1, 2021 to June 30, 2022 - \$17,225
For the period July 1, 2022 to June 30, 2023 - \$17,608

the maintenance of a security deposit in the sum of \$13,800 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#2 In the matter of a proposed revocable consent authorizing The New York and Presbyterian Hospitals, Inc. to continue to maintain and use a tunnel under and across Fort Washington Avenue, north of West 165th Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2008 to June 30, 2018 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2008 to June 30, 2009 - \$14,904
For the period July 1, 2009 to June 30, 2010 - \$15,351
For the period July 1, 2010 to June 30, 2011 - \$15,821
For the period July 1, 2011 to June 30, 2012 - \$16,281
For the period July 1, 2012 to June 30, 2013 - \$16,755
For the period July 1, 2013 to June 30, 2014 - \$17,243
For the period July 1, 2014 to June 30, 2015 - \$17,731
For the period July 1, 2015 to June 30, 2016 - \$18,219
For the period July 1, 2016 to June 30, 2017 - \$18,707
For the period July 1, 2017 to June 30, 2018 - \$19,195

the maintenance of a security deposit in the sum of \$19,200 and the insurance shall be in the amount of One Million Dollars (\$1,250,000) per occurrence, and Two Million Dollars (\$5,000,000) aggregate.

#3 In the matter of a proposed revocable consent authorizing Riverbay Corporation to continue to maintain and use water pipes and conduits in Hutchinson River Parkway and Hutchinson River Parkway East, in the Borough of the Bronx. The proposed revocable consent is for a term of ten years from July 1, 2006 to June 30, 2016 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2006 to June 30, 2007 - \$23,200
For the period July 1, 2007 to June 30, 2008 - \$23,861
For the period July 1, 2008 to June 30, 2009 - \$24,577
For the period July 1, 2009 to June 30, 2010 - \$25,314
For the period July 1, 2010 to June 30, 2011 - \$26,089
For the period July 1, 2011 to June 30, 2012 - \$26,848
For the period July 1, 2012 to June 30, 2013 - \$27,629
For the period July 1, 2013 to June 30, 2014 - \$28,410
For the period July 1, 2014 to June 30, 2015 - \$29,191
For the period July 1, 2015 to June 30, 2016 - \$29,972

the maintenance of a security deposit in the sum of \$30,000 and the insurance shall be the amount of One Million dollars (1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#4 In the matter of a proposed revocable consent authorizing Texas Eastern Transmission, LP to construct, maintain and use a natural gas pipeline in the certain streets and Shooters Island, in the Borough of Staten Island. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2023 and provides among others terms and condition for compensation payable to the city according to the following schedule:

From the Approval Date to June 30, 2013 - \$86,574/annum

For the period July 1, 2013 to June 30, 2014 - \$ 89,093
For the period July 1, 2014 to June 30, 2015 - \$ 91,612
For the period July 1, 2015 to June 30, 2016 - \$ 94,131
For the period July 1, 2016 to June 30, 2017 - \$ 96,650

For the period July 1, 2017 to June 30, 2018 - \$ 99,169
For the period July 1, 2018 to June 30, 2019 - \$101,688
For the period July 1, 2019 to June 30, 2020 - \$104,207
For the period July 1, 2020 to June 30, 2021 - \$106,726
For the period July 1, 2021 to June 30, 2022 - \$109,245
For the period July 1, 2022 to June 30, 2023 - \$111,764

the maintenance of a security deposit in the sum of \$111,800 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, and Thirty Five Million Dollars (\$35,000,000) aggregate.

#5 In the matter of a proposed modification revocable consent authorizing Consolidated Edison Company of New York, Inc. to construct, maintain and use additional improvements. The improvements consist of antennas equipment boxes and conduits and related appurtenances on the tops and sides of Department of Transportation street light poles, in the Boroughs of the Bronx and Staten Island. The proposed modified revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2022 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the date of approval to June 30, 2013 - \$67,921 + \$16,500/annum (prorated from the date of Approval by the Mayor)

For the period July 1, 2013 to June 30, 2014 - \$ 86,822
For the period July 1, 2014 to June 30, 2015 - \$ 89,223
For the period July 1, 2015 to June 30, 2016 - \$ 91,624
For the period July 1, 2016 to June 30, 2017 - \$ 94,025
For the period July 1, 2017 to June 30, 2018 - \$ 96,426
For the period July 1, 2018 to June 30, 2019 - \$ 98,827
For the period July 1, 2019 to June 30, 2020 - \$101,228
For the period July 1, 2020 to June 30, 2021 - \$103,629
For the period July 1, 2021 to June 30, 2022 - \$106,030

the maintenance of a security deposit in the sum of \$5,500 and the insurance shall be the amount of One Million dollars (1,000,000) per occurrence, and Two Million Dollars (\$5,000,000) aggregate.

j29-jy19

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M. on Wednesday August 1, 2012. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

#1 In the matter of a proposed revocable consent authorizing Aging in America, Inc. to continue to maintain and use a tunnel under and across Fort Lurting Avenue, between Pelham Parkway South and Esplanade, in the Borough of the Bronx. The proposed revocable consent is for a term of ten years from July 1, 2011 to June 30, 2021 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2011 to June 30, 2012 - \$10,737
For the period July 1, 2012 to June 30, 2013 - \$10,800
For the period July 1, 2013 to June 30, 2014 - \$11,114
For the period July 1, 2014 to June 30, 2015 - \$11,428
For the period July 1, 2015 to June 30, 2016 - \$11,742
For the period July 1, 2016 to June 30, 2017 - \$12,056
For the period July 1, 2017 to June 30, 2018 - \$12,370
For the period July 1, 2018 to June 30, 2019 - \$12,684
For the period July 1, 2019 to June 30, 2020 - \$12,998
For the period July 1, 2020 to June 30, 2021 - \$13,312

the maintenance of a security deposit in the sum of \$13,400 and the insurance shall be in the amount of One Million Two Hundred Fifty Thousand Dollars (\$1,250,000) per occurrence, and Five Million Dollars (\$5,000,000) aggregate.

#2 In the matter of a proposed revocable consent authorizing FG Forest Hills SH, LLC to continue to maintain and use light poles, together with electrical conduits, and benches on and in the sidewalk of 72nd Avenue, east of 112th Street, in the Borough of Queens. The proposed revocable consent is for a term of ten years from July 1, 2011 to June 30, 2021 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period from July 1, 2011 to June 30, 2021 - \$1,800 and the insurance shall be in the amount of \$4,000 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#3 In the matter of a proposed revocable consent authorizing Ivan F. Marshalleck to continue to maintain and use a stoop and a fenced-in area on the south sidewalk of West 10th Street, between Fifth Avenue and Sixth Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period from July 1, 2009 to June 30, 2019 - \$25

the maintenance of a security deposit in the sum of \$1,000 and the insurance shall be the amount of One Million dollars (1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#4 In the matter of a proposed revocable consent authorizing Seward Park Housing Corporation to continue to maintain and use (2) conduits under and across Pitt Street and Clinton Streets, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2008 to June 30, 2018 and provides among others terms and condition for compensation payable to the city according to the following schedule:

For the period July 1, 2008 to June 30, 2009 - \$10,387
For the period July 1, 2009 to June 30, 2010 - \$10,699
For the period July 1, 2010 to June 30, 2011 - \$11,026
For the period July 1, 2011 to June 30, 2012 - \$11,347
For the period July 1, 2012 to June 30, 2013 - \$11,677
For the period July 1, 2013 to June 30, 2014 - \$12,007
For the period July 1, 2014 to June 30, 2015 - \$12,337
For the period July 1, 2015 to June 30, 2016 - \$12,667
For the period July 1, 2016 to June 30, 2017 - \$12,997
For the period July 1, 2017 to June 30, 2018 - \$13,327

the maintenance of a security deposit in the sum of \$20,000 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#5 In the matter of a proposed revocable consent authorizing SNYT LLC to continue to maintain and use a logo and planted areas on the east sidewalk of Seventh Avenue,

between West 52nd Street and West 53rd Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2011 to June 30, 2021 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period from July 1, 2011 to June 30, 2021 - \$436

the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be the amount of One Million dollars (1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#6 In the matter of a proposed revocable consent authorizing Three Twenty Five Cooperative, Inc. to continue to maintain and use an accessibility ramp on the west sidewalk of Central Park West, north of West 92nd Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2011 to June 30, 2021 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period from July 1, 2011 to June 30, 2021 - \$25

the maintenance of a security deposit in the sum of \$10,000 and the insurance shall be the amount of One Million dollars (1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

☛ jy12-a1

PROPERTY DISPOSITION**CITYWIDE ADMINISTRATIVE SERVICES****OFFICE OF CITYWIDE PURCHASING****■ SALE BY SEALED BID****SALE OF: 5 LOTS OF MISCELLANEOUS SUPPLIES/ TONER CARTRIDGES, UNUSED.**

S.P.#: 12026

DUE: July 19, 2012

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

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

jy6-19

MUNICIPAL SUPPLY SERVICES**■ SALE BY SEALED BID****SALE OF: 1 LOT OF 28,800 LBS. OF ONCE FIRED ASSORTED CALIBER CARTRIDGE CASES.**

S.P.#: 12025

DUE: July 12, 2012

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

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

j28-jy12

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

The following listed property is in the custody, of the Property Clerk Division without claimants. Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

INQUIRIES

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

FOR MOTOR VEHICLES

(All Boroughs):

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

FOR ALL OTHER PROPERTY

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

j1-d31

PROCUREMENT

“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.”

ADMINISTRATION FOR CHILDREN’S SERVICES

■ SOLICITATIONS

Human / Client Services

NON-SECURE DETENTION GROUP HOMES – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 06811N0004 – DUE 05-31-13 AT 2:00 P.M. – The Administration for Children’s Services, Division of Youth and Family Justice is soliciting applications from organizations interested in operating non-secure detention group homes in New York City. This is an open-ended solicitation; applications will be accepted on a rolling basis until 2:00 P.M. on 5/31/13.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above.
Administration for Children’s Services, 150 William Street, 9th Floor, New York, NY 10038.
Patricia Chabla (212) 341-3505; Fax: (212) 341-3625;
patricia.chabla@dca.state.ny.us

j1-n14

CITYWIDE ADMINISTRATIVE SERVICES

■ SOLICITATIONS

Goods

LIGHTING AND SOUND SYSTEMS FOR DCA – Competitive Sealed Bids – PIN# 8571200653 – DUE 08-22-12 AT 10:30 A.M. – A copy of the bid can be downloaded from the City Record Online site at <http://a856-internet.nyc.gov/nycvendoronline/home.asp>. Enrollment is free. Vendors may also request the bid by contacting Vendor Relations via email at dcasdmssbids@dcas.nyc.gov, by telephone at (212) 669-8610.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007.
Harry Tian (212) 386-0463; Fax: (212) 313-3198;
htian@dcas.nyc.gov

● jy12

MUNICIPAL SUPPLY SERVICES

■ SOLICITATIONS

Goods

TRAFFIC SIGNAL EQUIPMENT – Competitive Sealed Bids – PIN# 8571200573 – DUE 07-27-12 AT 10:30 A.M. A copy of the bid can be downloaded from the City Record Online site at <http://a856-internet.nyc.gov/nycvendoronline/home.asp>. Enrollment is free. Vendors may also request the bid by contacting Vendor Relations via email at dcasdmssbids@dcas.nyc.gov, by telephone at (212) 669-8610.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Citywide Administrative Services, 1 Centre Street, New York, NY 10007.
Kelly Taylor (212) 386-0421; Fax: (212) 669-4867;
ktaylori@dcas.nyc.gov

● jy12

MANHOLE EXTENSION RINGS – Competitive Sealed Bids – PIN# 8571200165 – DUE 08-06-12 AT 10:30 A.M. A copy of the bid can be downloaded from the City Record Online site at <http://a856-internet.nyc.gov/nycvendoronline/home.asp>. Enrollment is free. Vendors may also request the bid by contacting Vendor Relations via email at dcasdmssbids@dcas.nyc.gov, by telephone at (212) 669-8610 or by fax at (212) 669-7603.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Citywide Administrative Services, 1 Centre Street, 18th Floor South, New York, NY 10007.
Adenike Bamgboye (212) 669-2569; Fax: (646) 500-5864;
abamgboye@dcas.nyc.gov

● jy12

■ AWARDS

Goods

TELECOMMUNICATIONS SOLUTIONS - ACS – Intergovernmental Purchase – PIN# 8571200658 – AMT: \$292,839.50 – TO: Nexus Consortium Inc., 1933 Highway 35 #356, Wall, NJ 07719. OGS PT#65085.

Suppliers wishing to be considered for a contract with the Office of General Services of New York State are advised to contact the Procurement Services Group, Corning Tower, Room 3711, Empire State Plaza, Albany, NY 12242 or by phone: 518-474-6717.

● jy12

■ VENDOR LISTS

Goods

EQUIPMENT FOR DEPARTMENT OF SANITATION – In accordance with PPB Rules, Section 2.05(c)(3), an acceptable brands list will be established for the following equipment for the Department of Sanitation:

- A. Collection Truck Bodies
- B. Collection Truck Cab Chassis
- C. Major Component Parts (Engine, Transmission, etc.)

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Mr. Edward Andersen, Procurement Analyst, Department of Citywide Administrative Services, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8509.

j5-d31

COMPTROLLER

AUDIT

■ VENDOR LISTS

Services (Other Than Human Services)

PREQUALIFIED LIST-CPA FIRMS – The New York City Office of the Comptroller maintains a LIST OF PREQUALIFIED CPA FIRMS to provide auditing services and other services to City agencies. Agencies are required to solicit external CPA audit services from firms on this list.

In order to be considered for placement on the List, firms must:

1. Be registered with the New York State Education Department to practice in the State of New York, under the firm’s current organizational status.
2. Have had a System peer review of the firm’s auditing practice within the last 3 years, in accordance with AICPA Standards, and received an unmodified opinion.
3. Submit completed City Vendex Vendor and Principal Questionnaires to both the Comptroller’s Office and Mayor’s Office of Contract Services.

Applications to be considered for placement on the List may be downloaded from the New York City Office of the Comptroller’s website at <http://www.comptroller.nyc.gov/bureaus/audit/cpaquestionnaires.shtml> (Application for the CPA List). You may also contact Mr. Dennis J. Hochbaum, Director Quality Assurance, at (212) 669-8887, or write to his attention at: The City of New York, Office of the Comptroller Bureau of Audit, One Centre Street, Room 1100 North, New York, NY 10007.

PPB Rule Section 3-10(e)(k)

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.
Comptroller’s Office, 1 Centre Street, Room 1100N, New York, NY 10007.
Dennis Hochbaum (212) 669-8887;
dhochba@comptroller.nyc.gov

jy9-13

DESIGN & CONSTRUCTION

■ SOLICITATIONS

Construction / Construction Services

RESIDENT ENGINEERING INSPECTION SERVICES – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 8502012HW0055P – DUE 08-09-12 AT 4:00 P.M. – HW349FED, Resident Engineering Inspection Services for the resurfacing, pavement improvements and General Repairs at various locations within Brooklyn, The Bronx, and Queens. All qualified and interest firms are advised to download the Request for Proposal at <http://ddcftp.nyc.gov/rfpweb/> from July 13, 2012 or contact the person listed for this RFP.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Design and Construction, 30-30 Thomson Avenue, 4th Floor, Long Island City, NY 11101.
Hemwattie Roopnarine (718) 391-1375;
Fax: (718) 391-1807; Ramnarah@ddc.nyc.gov

● jy12

S216-415A, CONSTRUCTION MANAGEMENT SERVICES FOR THE RENOVATION AND REHABILITATION OF THE WEST 59TH STREET MARINE TRANSFER STATION, MANHATTAN – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 8502012TR0006P – DUE 08-09-12 AT 4:00 P.M. – All qualified interested firms are advised to contact the Request for Proposals at <http://ddcftp.nyc.gov/rfpweb/> or contact the person listed for this RFP. The contract resulting from this Request for Proposals will be subjected to Local Law 129 of 2005, Minority-Owned and Women-Owned Business Enterprise (M/WBE) Program.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Design and Construction, 30-30 Thomson Avenue, 4th Floor, Long Island City, NY 11101.
Carlo DiFava (718) 391-1541; Fax: (718) 391-1885;
difavac@ddc.nyc.gov

● jy12

■ AWARDS

Construction / Construction Services

PW311S11A, REQUIREMENTS CONTRACT FOR GEOTECHNICAL ENGINEERING SERVICES – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 8502011PW0019P – AMT: \$3,000,000.00 – TO: Yu-Parsons Brinckerhoff, 200 Riverfront Boulevard, Elmwood Park, NJ 07407. For various Projects, Manhattan, the Bronx and Staten Island.

● jy12

INSTALLATION OF SIDEWALKS, ADJACENT CURBS AND PEDESTRIAN RAMPS AS NECESSARY IN VARIOUS LOCATIONS, CITYWIDE – Competitive Sealed Bids – PIN# 85012B0050 – AMT: \$2,857,979.00 – TO: Vales Construction Corp., 64 Cross Pond Road, Pound Ridge, NY 10576. PROJECT ID: HWS2012CW-R. DDC PIN#: 8502012HW0034C.

● jy12

FINANCE

■ SOLICITATIONS

Goods & Services

LICENSE AND MAINTAIN SERVICES FOR CLEARTRAN SOFTWARE – Sole Source – Available only from a single source - PIN# 83610N001CNVN001 – DUE 07-16-12 AT 3:00 P.M. – License and support for electronic payment processing and reporting software, proprietary to The Bank of NY Mellon.

Notice of Intent to Negotiate Sole Source Procurement per Section 3-05 of the Procurement Policy Board Rules.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Finance, 1 Centre Street, Room 1040, New York, NY 10007.
Robert Schaffer (212) 669-4477;
schafferr@finance.nyc.gov

jy6-12

HEALTH AND HOSPITALS CORPORATION

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

j1-d31

HEALTH AND MENTAL HYGIENE

■ INTENT TO AWARD

Human / Client Services

HOUSING OPPORTUNITIES FOR PEOPLE LIVING WITH AIDS (HOPWA) – Government to Government – PIN# 13AE11801R0X00; 13AE11901R0X00; 13AE12001R0X00 – DUE 07-19-12 AT 11:00 A.M. – NYC has been designated by HUD as the eligible applicant for the EMSA (Eligible Metropolitan Statistical Area), which consists of Rockland, Putnam, and Westchester Counties and the City of NY, for the purpose of submitting an application to HUD and receiving a grant from HUD. DOHMH intends to award these governmental entities to provide Housing Opportunities for People Living with AIDS for the period of 4/1/13 to 3/31/16:
 County of Putnam - 13AE12001R0X00 for \$199,533.00
 County of Rockland - 13AE11901R0X00 for \$1,228,374.00
 County of Westchester -13AE11801R0X00 for \$6,057,687.00

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.
Health and Mental Hygiene, 42-09 28th Street, 21st Floor.
John Rojas (347) 396-7428; jrojas@health.nyc.gov

● jy12-18

AGENCY CHIEF CONTRACTING OFFICER

■ SOLICITATIONS

Human / Client Services

PROVISION OF RECOVERY CENTERS – Negotiated Acquisition – PIN# 12AZ032700R0X00 – DUE 07-23-12 AT 4:00 P.M. – The Bureau of Mental Health is seeking two appropriately qualified vendors to provide Recovery Center Services in New York City. Recovery Centers are self help and support centers run by individuals who have experience as recipients of Mental Health Services.

The Negotiated Acquisition will be available for pick up starting July 9th, 2012 at the address listed below, between the hours of 10:00 A.M. and 4:00 P.M. on weekdays only, any questions regarding this Negotiated Acquisition must be sent in writing to the officer below.

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.
Health and Mental Hygiene, 42-09 28th Street, 17th Flr., New York, NY 11101.
Christophe Hunt (347) 396-6636;
Fax: (347) 396-6760; recoveryNA@health.nyc.gov

jy9-13

NEW YORK/NY III SUPPORTED HOUSING CONGREGATE – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 81608PO076300R0X00-R – DUE 09-18-12 AT 4:00 P.M. – The Department is issuing a RFP to establish 3,000 units of citywide supportive housing in newly constructed or rehabilitated single-site buildings for various homeless populations pursuant to the New York III Supported Housing agreement. The subject RFP will be open-ended and proposals will be accepted on an on-going basis. The RFP is available on-line at <http://www.nyc.gov/html/doh/html/acco/acco-rfp-nynyccongregate-20070117-form.shtml>. A pre-proposal conference was held on March 6, 2007 at 2:00 P.M. at 125 Worth Street, 2nd Floor Auditorium, New York, N.Y. Any questions regarding this RFP must be sent in writing in advance to Contracting Officer at the above address or e-mailed to the above address. All proposals must be hand delivered at the Agency Chief Contracting Officer, Gotham Center, CN#30A, 42-09 28th Street, 17th Floor, Queens, NY 11101-4132, no later than September 18, 2012.

As a minimum qualification requirement for (1) the serious and persistent mentally ill populations, the proposer must be incorporated as a not-for-profit organization, and (2) for the young adult populations, the proposer must document site control and identify the source of the capital funding and being used to construct or renovate the building.

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.
 Health and Mental Hygiene, ACCO, Gotham Center, CN#30A, 42-09 28th Street, 17th Floor, Queens, NY 11101-4132.
 Huguette Beauport (347) 396-6633; hbeauport@health.nyc.gov

a6-s17

AWARDS

Human/Client Services

FAMILY PLANNING INITIATIVE – BP/City Council Discretionary – PIN# 12FN066901R0X00 – AMT: \$546,875.00 – TO: Planned Parenthood of NYC, Inc., 26 Bleecker Street, New York, NY 10012.

jy12

PROVIDE PRIMARY HEALTH CARE TO ADOLESCENTS IN SCHOOL-BASED CENTERS – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 13SH009601R0X00 – AMT: \$216,270.02 – Research Foundation of the State University of New York, 35 State Street, Albany, New York 12207.

jy12

HOUSING AUTHORITY

PURCHASING

SOLICITATIONS

Goods

SCO-FURNISHING VARIOUS ELECTRICAL ITEMS – Competitive Sealed Bids – REQ# 29728 AS – DUE 07-26-12 AT 10:40 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Housing Authority, 23-02 49th Avenue, 5th Floor SCOD Long Island City, NY 11101. Bid documents available via internet ONLY.
http://www.nyc.gov/html/nycha/html/business/goods_materials.shtml Atul Shah (718) 707-5450.

jy12

HUMAN RESOURCES ADMINISTRATION

CONTRACT MANAGEMENT

AWARDS

Services (Other Than Human Services)

FIA TRACKING SYSTEM, FOOD STAMP CLAIMING AND RECOUPMENT SYSTEM OCSE WEB PROJECTS – Intergovernmental Purchase – Judgment required in evaluating proposals - PIN# 09612G0007001 – AMT: \$1,198,785.00 – TO: Saicon Consultants, Inc., 9300 West 110 Street, Suite 650, Overland Park, KS 66210. The contract term shall be from 7/1/12 - 6/30/15 and the internal PIN number is 069-13-310-3001.

jy12

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

EXECUTIVE DIVISION

SOLICITATIONS

Services (Other Than Human Services)

MAINTENANCE AND MODIFICATION SERVICES FOR ECTP STAGE 1 – Negotiated Acquisition – PIN# 85805O0008CNVN001 – DUE 07-16-12 AT 3:00 P.M. DoITT intends to enter into negotiations with Hewlett-Packard Company to provide support and maintenance services in support of the Emergency Communications Transformation Program (ECTP) Stage 1.

Any firm which believes it can provide the required services in the future is invited to express interest via email to acco@doitt.nyc.gov by July 16, 2012, 3:00 P.M.

The services cannot be timely procured through competitive sealed bidding or competitive sealed proposals. DoITT is utilizing the Negotiated Acquisition Extension procurement source method to provide the services in order to continue to provide uninterrupted service.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Department of Information Technology and Telecommunications, 255 Greenwich Street, 9th Floor, New York, NY 10007. Anne Cody (212) 788-6276; Fax: (212) 788-6489; acody@doitt.nyc.gov

jy9-13

PARKS AND RECREATION

CONTRACT ADMINISTRATION

AWARDS

Construction/Construction Services

CONSTRUCTION OF A COMFORT STATION – Competitive Sealed Bids – PIN# 8462011X001C01 – AMT: \$925,595.38 – TO: St. John Enterprises, Inc., 127-36 Northern Blvd., Flushing, NY 11368. Located at Aqueduct Avenue East between West 182nd and West 183rd Streets, Bronx.

jy12

AGENCY RULES

ENVIRONMENTAL CONTROL BOARD

NOTICE

Notice of Promulgation of Rule

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Environmental Control Board pursuant to Section 1049-a of the New York City Charter, and in accordance with Section 1043(b) of the Charter, that the Environmental Control Board hereby amends subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York, creating penalties for offenses

Section of Law	Classification	Violation Description	Cure	Stipulation	Standard Penalty	Mitigated Penalty	Default Penalty	Aggravated I Penalty	Aggravated I Default Penalty	Aggravated II Penalty	Aggravated II Default - Maximum Penalty
1 RCNY 5-02	Class 2	Failure to meet the requirements of licensing/identification/qualification as required by 1 RCNY 5-02	No	No	\$800	Yes	[\$10,000] \$4,000	\$2,000	[\$10,000] \$8,000	\$4,000	\$10,000
1 RCNY 101-07	Class 2	Failure of Approved agency to comply with requirements of 1 RCNY 101-07	Yes	No	\$800	Yes	[\$10,000] \$4,000	\$2,000	[\$10,000] \$8,000	\$4,000	\$10,000
28-406.1	Class 1	Unlicensed concrete testing activity, immediately Hazardous	No	No	\$1,000	Yes	[\$25,000] \$5,000	\$2,500	[\$25,000] \$10,000	\$5,000	\$25,000
BC 1704.4	Class 2	Failure to perform special inspections and verifications for concrete construction as required by section and Table 1704.4	No	No	\$1,600	No	[\$10,000] \$8,000	\$4,000	\$10,000	\$8,000	\$10,000
BC 1905.6.3.2	Class 2	Failure to comply with ASTM C31 standards for concrete cylinder test samples	No	No	\$1,600	No	[\$10,000] \$8,000	\$4,000	\$10,000	\$8,000	\$10,000
BC 903.6	Class 2	Failure to paint dedicated sprinkler piping/valves in accordance with section	No	No	\$1,600	Yes	[\$10,000] \$8,000	\$4,000	\$10,000	\$8,000	\$10,000
BC 903.8	Class 2	Failure to provide/maintain painting certification of sprinkler and combination sprinkler/standpipe systems in accordance with section	Yes	No	\$500	Yes	[\$10,000] \$2,500	\$1,250	[\$10,000] \$5,000	\$2,500	\$10,000
BC 905.11	Class 2	Failure to paint dedicated standpipe/valves in accordance with section	No	No	\$1,600	Yes	[\$10,000] \$8,000	\$4,000	\$10,000	\$8,000	\$10,000
BC 905.11	Class 2	Failure to provide/maintain painting certification of standpipe and combination sprinkler/standpipe systems in accordance with section	Yes	No	\$500	Yes	[\$10,000] \$2,500	\$1,250	[\$10,000] \$5,000	\$2,500	\$10,000
28-408.1	Class 1	Performing unlicensed plumbing work without a master plumber license	No	No	\$2,500	No	\$12,500	\$6,250	\$25,000	[\$6,250] \$12,500	\$25,000
Misc. Chapter 4 of title 28	Class 1	Illegally engaging in any business or occupation without a required license or other authorization	No	No	\$2,500	No	\$12,500	\$6,250	\$25,000	[\$6,250] \$12,500	\$25,000
28-105.12.1	Class 2	Outdoor sign permit application contrary to Code and ZR requirements	No	No	\$2,400	No	\$10,000	[\$10,000] \$8,000	\$10,000	\$10,000	\$10,000
Misc. Title 28/Misc ZR	Class 2	Misc outdoor sign violation of ZR and/or Building Code	No	No	\$2,400	No	\$10,000	[\$10,000] \$6,000	\$10,000	\$10,000	\$10,000
28-116.1	Class 2	Failure of permit holder to provide inspection access and/or exposure to ongoing construction or work on an active and permitted worksite	No	No	\$2,000	Yes	[\$5,000] \$10,000	\$5,000	\$10,000	\$10,000	\$10,000

jy12

Notice of Promulgation of Rule

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Environmental Control Board by Section 1049-a of the New York City Charter, and in accordance with Section 1043(b) of the New York City Charter and Chapter 2 of Title 28 of the New York City Administrative Code, the Environmental Control Board hereby promulgates the following rule. The rule creates penalties for offenses adjudicated by the Environmental Control Board related to concrete washout water and exterior wall safety. The rule was published in The City Record on

adjudicated by the Environmental Control Board. The rule was published in The City Record on May 11, 2012, and a Public Hearing was held on June 12, 2012.

Statement of Basis and Purpose of Final Rule

The Environmental Control Board held a Public Hearing on June 12, 2012 regarding amendments to its Department of Buildings (DOB) Penalty Schedule. This schedule is found in Section 3-103 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY). One member of the public attended the hearing and did not wish to testify on this Proposed Rule. No written comments were received.

The amendment adjusts penalties for fourteen charges in the penalty schedule.

Most penalties in this schedule follow a formula – both the Standard Default and Aggravated II penalties are the lesser of 5 times the Standard penalty or the statutory maximum. The Aggravated I penalty is the lesser of 2.5 times the Standard penalty or the statutory maximum. The Aggravated I default penalty is the lesser of 10 times the Standard penalty or the statutory maximum. The Aggravated II Default penalty is the statutory maximum.

Since the current penalties for the charges below did not follow this formula, ECB is conforming these charges to the others contained in the penalty schedule.

Section 1. The Environmental Control Board amends its DOB Penalty Schedule found in Section 3-103 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) to make the following changes:

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

May 11, 2012 and a public hearing was held on June 12, 2012.

Statement of Basis and Purpose of Final Rule

The Environmental Control Board held a public hearing on June 12, 2012 regarding amendments to its Department of Buildings (DOB) Penalty Schedule. This schedule is found in Section 3-103 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY). One member from the public and a representative from DOB attended the public hearing and testified on ECB's proposed rule regarding concrete washout water and unsafe facades. One written

comment from DOB was received. The Board has considered the testimony from the member of the public as well as the testimony and the written comment from DOB and has revised the "Violation Description" in the entry for 28-302.5 within Section 3 of the Rule to read as follows: "Failure to take required measures to secure public safety-unsafe façade" instead of "Failure to timely correct unsafe condition."

These amendments will create penalties for certain sections of the New York City Building Code, Administrative Code, and RCNY to better enforce these provisions.

Section 1. Concrete Washout Water

Concrete washout water damages New York City's environment, sewer and drainage systems. The amendment creates penalties for violations of Section 3303.15 of the New York City Building Code as added by Local Law 70 of 2011. Local Law 70 of 2011 regulates concrete washout water, defined as wastewater from the rinsing of equipment used to mix, transport, convey and/or place concrete. Local Law 70 of 2011 will take effect July 1, 2012.

Sections 2 through 4. Public Safety Measures for the Maintenance of Exterior Walls

When the exterior walls and appurtenances (façades) of a building become unsafe, they pose a serious threat to public safety. The amendments create penalties for violations of the following provisions, which require certain procedures for the safe maintenance of building façades:

- Section 28-302.3 of the Administrative Code;
- Section 28-302.5 of the Administrative Code; and
- Section 103-04(b)(5)(iii) of Title 1 of the RCNY.

Article 302 of Title 28 of the Administrative Code sets forth maintenance requirements for the façades of buildings greater than 6 stories. Section 28-302.3 requires a registered design professional who learns of an unsafe condition upon examining a façade to immediately notify the DOB. When an unsafe condition is reported, Section 28-302.5 requires the building owner, the owner's agent, or the person in charge of the building to take immediate steps to remedy those conditions.

Section 103-04(b)(5)(iii) of Title 1 of the RCNY requires the building owner, the owner's agent, or the person in charge of the building to get approval from the DOB before removing a shed or protective measure from a building's exterior.

New matter is underlined.

Section 1. The Environmental Control Board has amended its DOB Penalty Schedule found in Section 3-103 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York and has added the following violation after the violation "BC 3303.8.1, Failure to properly conduct planned removal from service of standpipe system and/or standpipe pressurized alarm":

Section of Law	BC 3303.15	Classification	2	Violation Description	Failure to perform proper concrete washout water procedures at construction site	Cure	No	Stipulation	No	Standard Penalty (\$)	1,200	Mitigated Penalty (\$)	No	Default Penalty (\$)	6,000	Aggravated I Penalty (\$)	3,000	Aggravated II Default Penalty (\$)	10,000	Aggravated II Penalty (\$)	6,000	Aggravated II Maximum Penalty (\$)	10,000
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Section 2. The Environmental Control Board has amended its DOB Penalty Schedule found in Section 3-103 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York and has added the following violation after the violation "28-302.1, Failure to maintain building wall(s) or appurtenances":

Section of Law	28-302.3	Classification	1	Violation Description	Failure of registered design professional to immediately notify Department of unsafe condition	Cure	No	Stipulation	No	Standard Penalty (\$)	1,200	Mitigated Penalty (\$)	No	Default Penalty (\$)	6,000	Aggravated I Penalty (\$)	3,000	Aggravated II Default Penalty (\$)	12,000	Aggravated II Penalty (\$)	6,000	Aggravated II Maximum Penalty (\$)	25,000
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Section 3. The Environmental Control Board has amended its DOB Penalty Schedule found in Section 3-103 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York and has added the following violation after the violation "28-302.5, Failure to file an amended report acceptable to this Department indicating correction of unsafe conditions":

Section of Law	28-302.5	Classification	1	Violation Description	Failure to take required measures to secure public safety-unsafe facade	Cure	No	Stipulation	No	Standard Penalty (\$)	2,400	Mitigated Penalty (\$)	No	Default Penalty (\$)	12,000	Aggravated I Penalty (\$)	6,000	Aggravated II Default Penalty (\$)	24,000	Aggravated II Penalty (\$)	12,000	Aggravated II Maximum Penalty (\$)	25,000
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Section 4. The Environmental Control Board has amended its DOB Penalty Schedule found in Section 3-103 of Subchapter G of Chapter 3 of Title 48 of the

Rules of the City of New York and has added the following violation after the violation "1 RCNY 101-07, Failure of Approved agency to comply with requirements of 1 RCNY 101-07":

Section of Law	1 RCNY §103-04(b)(5)(iii)	Classification	2	Violation Description	Removal of shed or protective measure without Department approval	Cure	No	Stipulation	No	Standard Penalty (\$)	800	Mitigated Penalty (\$)	Yes	Default Penalty (\$)	4,000	Aggravated I Penalty (\$)	2,000	Aggravated II Default Penalty (\$)	4,000	Aggravated II Penalty (\$)	4,000	Aggravated II Maximum Penalty (\$)	10,000
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Notice of Promulgation of Rule

Pursuant to Section 1049-a of the New York City Charter, and in accordance with Section 1043(b) of the Charter, the Environmental Control Board hereby promulgates the following rule to amend subchapters A through E of Chapter 3 of Title 48 of the Rules of the City of New York, relating to procedures for adjudications conducted by the Environmental Control Board. New matter in the following rule is underlined, and deleted material is in brackets. This rule was not included in the Environmental Control Board's regulatory agenda because it was not anticipated at the time the agenda was created. The proposed rule was published in the City Record on April 13, 2012 and ECB held a public hearing on May 15, 2012.

Statement of Basis and Purpose of Final Rule

The Environmental Control Board held a public hearing on May 15, 2012 regarding amendments to its procedural rules found in Subchapters A through E of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY). Several members of the public attended the hearing and testified on the Proposed Rule. One written comment was received by ECB. The Board has considered the testimony and the written comment submitted by the member of the public.

Specifically, this rule:

- Codifies some procedures currently in place,
- Codifies a Board holding that permits the current owner of a property where a violation has allegedly occurred to participate in a hearing as a representative for a prior owner who was named as a respondent, and
- Adds rules to govern the conduct of people who appear at ECB.

Adjudication by Other Remote Methods

Since 2009, ECB has expanded the way it does business to include on-line and telephonic hearings. The current procedural rules include only adjudication by mail. These changes bring our rules in line with our current practice. (See 48 RCNY 3-11, 3-34).

Persons Who May Appear Before Tribunal

The rule adds to the definition of Person (See 48 RCNY 3-11) the term "limited liability company." It also changes the regulation regarding who is permitted to appear before the tribunal to codify the Board's holding in Appeal No. 40547 NYC v. Kern Sullivan Realty June 28, 2007. In that case, the Board found that the current owner of a place where a violation has occurred may participate in a hearing as a representative for a prior owner who was named as a respondent to present a deed indicating when title passed. The current owner of the property may only present a defense on the merits if the current owner agrees to

substitute him- or herself for the prior owner, waiving service defenses. (See 48 RCNY 3-16 (d)).

Representatives and Attorneys

The rule (see 48 RCNY 3-16.1) requires representatives of five or more respondents (other than family members) within a calendar year to register with ECB. This will ensure that the tribunal has current contact information on file for these representatives and will better protect the public by requiring representatives to have familiarity with and respect for ECB rules and procedures. The rule also prohibits representatives who are not attorneys from misrepresenting their qualifications (see also Prohibited Conduct below). Attorneys admitted to practice in New York State are not required to register.

The rule also codifies an existing procedure that requires representatives and attorneys who appear on more than 15 notices of violation on a given hearing date to send a list of cases to ECB no later than noon, two business days prior to the scheduled hearing date (see 48 RCNY 3-39). Advance notice of high volumes helps tribunal staff and parties to better manage calendars. The rule will also require that high volume representatives and attorneys provide sufficient staffing to handle their cases on hearing dates. (See 48 RCNY 3-51 (a) (3)).

Prohibited Conduct

ECB's rules currently allow a hearing officer to bar people from a hearing if they refuse to comply with the hearing officer's directions or behave in a disorderly, delaying or obstructionist manner. However, the rules do not provide for exclusion or discipline if the conduct takes place outside the hearing room or outside ECB. Therefore, 48 RCNY 3-16.2 is being added to define prohibited conduct and includes conduct that occurs both inside and outside of the hearing room. It also covers conduct outside ECB that would lead ECB personnel to conclude that a representative lacks honesty and integrity that will adversely affect a representative's practice before the tribunal—for example, repeatedly promising to appear on behalf of parties and then not appearing at ECB.

In drafting this rule, ECB looked to rules and requirements of other tribunals, its business processes and incidents over the last few years (verbal abuse in hallways and waiting areas, members of the public reaching over reception windows to operate ECB computers, representatives approaching respondents who are conversing with ECB employees and interjecting themselves into conversations, representatives following respondents who they do not represent into hearing rooms, requests to meet with hearing officers before or after a hearing or decision in attempts to influence the outcome).

The rule also allows the Executive Director to suspend registered representatives or attorneys who do not comply with ECB's rules but only after the attorney or representative is given notice and a reasonable opportunity to appear before the Executive Director to rebut the claims against him or her. The suspension may be for a specified period of time or indefinitely, at the discretion of the Executive Director.

Withdrawal of Prosecution

A new rule requires the petitioner agency to promptly notify ECB and the respondent when it withdraws a notice of violation (See 48 RCNY 3-31(e)).

No Post-Hearing Communication

The rule clarifies that post-hearing communication with hearing officers is prohibited (see 48 RCNY 3-51(g)). This is necessary because such communications are often made to attempt to influence the outcome of a decision. This does not apply to filing an appeal or to post-hearing submissions directed by a hearing officer (for example, briefs).

Disqualification Motions

The current rule allows a party to apply to the Executive Director for review of a hearing officer's denial of a request to disqualify him/herself. However, since it is not always feasible for the Executive Director to promptly hear these motions—for example, if the Executive Director is in meetings or on vacation - the rule allows the Executive Director to designate managing attorneys and tribunal affairs personnel to hear these applications (see 48 RCNY 3-52(e)(2)).

Recordings and Transcripts

The rule prohibits recording of proceedings without the permission of a hearing officer (see 48 RCNY 3-16.2 (a)(12)) and codifies that the official record is the recording/transcript made by the hearing officer, even if another recording was made (see 48 RCNY 3-56).

Decision Writing

This addition to 48 RCNY 3-57(b) allows the Executive Director to designate a different hearing officer to write a decision in a case due to tribunal needs, such as case backlogs, for example, or the unavailability of the hearing officer who heard the case. This will allow for case resolution under extraordinary circumstances such as the untimely death of a hearing officer. The rule also clarifies that these decisions will be based on the entire record developed by the hearing officer who heard the case.

Default Rule

This change adds language to 48 RCNY 3-82, the default rule enacted last year. Since then, some courts have ordered ECB to hold hearings after a default due to humanitarian circumstances—for example, when the respondent defaulted again after a stay was granted because the new hearing date conflicted with a chemotherapy appointment. The rule authorizes the Executive Director to grant a new hearing only under exceptional circumstances and in the interests of justice. The intent is to have these terms construed narrowly and for such exceptions to be rare.

Requests for New Hearings due to Unauthorized Representation

Sometimes people who claim to represent parties at hearings

are not authorized to do so. Currently, parties who allege that they have been so aggrieved must write a letter which is routed to a hearing officer who specializes in evaluating such claims. If the hearing officer determines that an unauthorized representative appeared on behalf of a party at hearing, he or she will make a fact-specific, discretionary determination on whether to vacate the decision. If the decision is vacated, a new hearing is held. If the case is still pending before the Board, the party must follow ECB's other procedural rules, including filing an appeal. The rule, 48 RCNY 3-83, codifies this process and notifies the public that this procedure exists.

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

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

Section 1. Section 3-11 of Subchapter A of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to read as follows:

As used herein the following terms [shall have the meanings specified.] mean:

Appearance. “Appearance” means a communication with the board or its tribunal that is made by a party or the representative of a party in connection with a notice of violation that is or was pending before the board or its tribunal. An appearance may be made in person or [otherwise] by remote methods - for example, by mail[.], on-line or by telephone.

Board. “Board” means the Environmental Control Board of the City of New York.

Executive Director. “Executive Director” means the executive director of the Environmental Control Board of the City of New York.

Hearing Officer. “Hearing Officer” means a person designated as a hearing officer by the chairman of the board.

Notice of Violation. “Notice of Violation” means the document issued by a petitioner to a respondent which specifies the charges forming the basis of an adjudicatory proceeding before the Environmental Control Board.

Party. “Party” means the person named as petitioner or respondent, or intervening as of right, in an adjudicatory or enforcement action before the board or its tribunal.

Person. “Person” means any individual, partnership, unincorporated association, corporation, limited liability company or governmental agency.

Petitioner. “Petitioner” means the commissioner, department or bureau within a department of the City of New York which commences an adjudicatory or enforcement proceeding before the Environmental Control Board.

Respondent. “Respondent” means the person against whom the charges alleged in a notice of violation have been filed.

Tribunal. “Tribunal” means the hearing officers and staff at the Environmental Control Board under the direction of the executive director charged with holding hearings on notices of violation, or hearings in the course of any special enforcement proceeding by the board.

Section 2. Subdivision (b) of Section 3-14 of Subchapter A of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to read as follows:

(b) All documents filed must be signed by the party or by the party's attorney or other duly authorized [agent] representative. The signature of an attorney constitutes a certification that he or she has read the document; that to the best of his or her knowledge, information and belief, there is good ground to support it; and that it is not interposed for delay.

Section 3. Section 3-16 of Subchapter A of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to read as follows:

The following persons are permitted to participate in proceedings before the tribunal:

(a) An individual may appear on his or her own behalf or by an authorized [agent] representative, or by an attorney licensed to practice in the State of New York.

(b) [A] Subject to the restrictions stated in section 3-16.2 (c), a business entity, not-for-profit organization or government agency may appear by any authorized officer or employee or by attorney licensed to practice in the State of New York, or by any other duly authorized [agent] representative.

(c) Any representative who is authorized by a City agency to appear on its behalf before the board or its tribunal may be authorized by any other City agency that issues notices of violation returnable to the board to appear on its behalf. An appearance includes any time an agency appears before a hearing officer to present a case or a motion for adjournment or for any other purpose concerning a notice of violation.

(d) The current owner of a property may appear on behalf of the prior owner of the property if the notice of violation:

(1) names the prior owner,

(2) is a premises related violation and

(3) was issued after title to the property was transferred.

However, the current property owner may only appear for the purposes of presenting a deed indicating when title passed. The current owner of the property may only present a defense on the merits if the current owner agrees to substitute him or herself for the prior owner, waiving service defenses.

Section 4. Subchapter A of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to add two new sections immediately following Section 3-16, “Appearances” to read as follows:

§3-16.1 Registered Representatives.

A representative, other than a family member or an attorney admitted to practice in New York State, who represents five or more respondents before the tribunal within a calendar year must:

(a) be at least eighteen (18) years of age;

(b) register with the tribunal by completing and submitting a form provided by the tribunal. The form must include proof acceptable to the tribunal that identifies the representative, and must also include any other information that the tribunal may require. Registration must be renewed annually;

(c) notify the tribunal within ten (10) business days of any change in the information required on the registration form;

(d) not misrepresent his or her qualifications or service so as to mislead people into believing the representative is an attorney at law if the representative is not. A representative who is not an attorney admitted to practice must refer to him or herself as “representative” when appearing before the tribunal;

(e) exercise due diligence in learning and observing tribunal rules and preparing paperwork;

(f) be subject to discipline, including but not limited to suspension or revocation of the representative's right to appear before the tribunal, for failing to follow the provisions of this subdivision.

§3-16.2 Prohibited Conduct.

(a) Prohibited conduct: A party, witness, representative or attorney must not:

(1) engage in abusive, disorderly or delaying behavior, a breach of the peace or any other disturbance which directly or indirectly tends to disrupt, obstruct or interrupt the proceedings at the tribunal;

(2) engage in any disruptive verbal conduct or action or gesture which a reasonable person would believe shows contempt or disrespect for the proceedings or which a reasonable person would believe to be intimidating;

(3) willfully disregard the authority of a hearing officer or other tribunal employee. This may include refusing to comply with the hearing officer's directions or behaving in a disorderly, delaying or obstructionist manner as stated in section 3-52 (d);

(4) leave a hearing in progress without the permission of the hearing officer;

(5) attempt to influence or offer or agree to attempt to influence any hearing officer or employee of the tribunal by the use of threats, accusations, duress or coercion, a promise of advantage, or the bestowing or offer of any gift, favor or thing of value;

(6) enter any area other than a public waiting area unless accompanied or authorized by a tribunal employee. Upon conclusion of a hearing, a party, witness, representative or attorney must promptly exit non-public areas;

(7) request any tribunal clerical staff to perform tasks that are illegal, unreasonable or outside the scope of the employee's job duties;

(8) operate any tribunal computer terminal or other equipment at any time unless the equipment has been designated for use by the public;

(9) submit a document, or present testimony or other evidence in a proceeding before a hearing officer which he or she knows, or reasonably should have known, to be false, fraudulent or misleading;

(10) induce or encourage anyone in a proceeding before a hearing officer to make a false statement;

(11) solicit clients, or cause the solicitation of clients by another person on tribunal premises;

(12) make or cause to be made a stenographic, electronic, audio, audio-visual or other verbatim or photographic reproduction of any hearing or other proceeding, whether such hearing or other proceeding is conducted in person, by telephone, or other remote methods, except upon application to the hearing officer. This does not include copies of documents submitted to the tribunal during a hearing including written or electronic statements and exhibits. Except as otherwise provided by law, such application must be addressed to the discretion of the hearing officer, who may deny the application or grant it in full, in part, or upon such

conditions as the hearing officer deems necessary to preserve the decorum of the proceedings and to protect the interests of the parties, witnesses and any other concerned persons.

(b) Prohibited Communication: All parties must be present when communications with tribunal personnel, including a hearing officer, occur, except as necessary for case processing and unless otherwise permitted by these rules, on consent or in an emergency. All persons are prohibited from initiating communication with a hearing officer or other employee before or after a hearing or before or after a decision on motion, in order to attempt to influence the outcome of a hearing or a decision on motion.

(c) Penalties for misconduct: Failure to abide by these rules constitutes misconduct. The executive director or his or her designee may, for good cause, suspend or bar from appearing before the tribunal an attorney or representative who fails to abide by these rules. The suspension may be either for a specified period of time or indefinitely until the attorney or representative demonstrates to the satisfaction of the executive director that the basis for the suspension no longer exists. However, the executive director may not act until after the attorney or representative is given notice and a reasonable opportunity to appear before the executive director or his or her designee to rebut the claims against him or her. The executive director or his or her designee, depending upon the nature of the conduct, will determine whether said appearance will be in person or by a remote method. This section in no way limits the power of a hearing officer to discipline any person as set out in § 3-52(d) of these rules.

(d) Discipline on other grounds: The executive director may, in addition to the provisions of subdivision (c) of this section, suspend or bar a representative upon a determination that the representative lacks honesty and integrity and that the lack of honesty and integrity will adversely affect his or her practice before the tribunal. Any action pursuant to this subdivision will be on notice to the representative and the representative will be given an opportunity to be heard in a proceeding prescribed by the executive director. Factors to be considered in determining whether a representative lacks honesty and integrity may include, but need not be limited to, considering whether the representative has made intentionally false, misleading or inappropriate statements to parties or tribunal staff.

(e) The decision of the executive director under subdivision (c) or (d) of this section constitutes a final agency action. Judicial review of the decision may be sought pursuant to Article 78 of the New York Civil Practice Law and Rules.

Section 5. The Table of Contents immediately following the label "Subchapter B" of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to read as follows:

- §3-31 Notice of Violation.
- §3-32 Admissions and Payments by Mail[.] or Other Remote Methods
- §3-33 Pre-hearing Reschedules.
- §3-34 Adjudication by Mail[.] or Other Remote Methods
- §3-35 Motions to Intervene.
- §3-36 Consolidation.
- §3-37 Discovery.
- §3-38 Subpoenas.
- §3-39 Pre-hearing Notification of Schedule for Registered Representatives and Attorneys.

Section 6. Section 3-31 of Subchapter B of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to add a new subdivision (e) read as follows:

(e) Where a petitioner withdraws a notice of violation, even if it has been adjudicated, is open or has been decided by the tribunal, the petitioner must promptly notify the tribunal and the respondent in writing.

Section 7. Section 3-32 of Subchapter B of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to read as follows:

§3-32 Admissions and Payments by Mail[.] or Other Remote Methods.

Where the notice of violation states that aailable penalty schedule exists for the cited violation, a respondent may admit to the violation charged and pay the penalty by mail or other remote method acceptable to the tribunal in the manner and time directed by the notice of violation. Payment in full is deemed an admission of liability and no further hearings or appeal will be allowed.

Section 8. Section 3-34 of Subchapter B of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to read as follows:

§3-34 Adjudication by Mail or Other Remote Methods.

(a) The executive director may designate certain classes of alleged violations or defenses as appropriate for adjudication by mail, or other remote methods and prescribe procedures for such adjudication. Where respondent is offered the option of contesting the violation or presenting a defense by mail or other remote methods, respondent may move for such adjudication by application addressed to the tribunal. Such application shall set forth all facts and arguments relevant to the case relied on by the respondent. The application may be supported by affidavits or other documentary evidence.

(b) Upon receipt by the tribunal of an application for adjudication by mail or other remote method, the matter shall be assigned to a hearing officer who shall review the record. The hearing officer may request further evidence to be submitted by respondent, may direct respondent to serve a copy of the application on petitioner, or may render a recommended decision and order based on the evidence in the

record. The hearing officer may also deny the application for adjudication by mail or other remote method and direct respondent to appear for a hearing in person.

Section 9. Subchapter B of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to add a new section immediately following Section 3-38, "Subpoenas." to read as follows:

§3-39 Pre-hearing Notification of Schedule for Registered Representatives and Attorneys.

- (a) No registered representative or attorney may appear on fifteen (15) or more notices of violation on a given hearing date unless the registered representative or attorney emails or faxes in advance a written list of all scheduled cases to the tribunal office in the borough where the cases are scheduled to be heard. This list must be sent no later than noon, two (2) business days before the scheduled hearing date.
- (b) Cases may only be added to this list on the day of the hearing at the discretion of the managing attorney or his/her designee.

Section 10. Section 3-51 of Subchapter C of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to change the heading of subdivision (a), to add two new paragraphs to subdivision (a) and to add a new subdivision (g) to read as follows:

(a) [Expedition.] Case Processing.

(1) Hearings shall proceed with all reasonable expedition and insofar as is practicable shall be held at one place and shall continue without suspension, except for brief recesses, until concluded. Subject to § 3-52.1, the hearing officer shall have the authority to grant brief adjournments, for good cause shown, and consistent with the requirements of expedition.

(2) When a registered representative or attorney appears on more than one notice of violation on a single hearing day, the tribunal will have the discretion to determine the order in which the notices of violation will be heard.

(3) Each registered representative or attorney must provide sufficient staffing to ensure completion of his or her hearings. Factors in determining whether sufficient staffing has been provided include:

- (A) the number of cases the representative had scheduled on the hearing date,
- (B) the number of attorneys or representatives from a given firm or business sent to handle the cases,
- (C) the timeliness of the arrival of the attorneys or representatives,
- (D) the timeliness of the arrival of any witnesses.

In addition, the tribunal may also consider:

- (E) the availability of issuing agency personnel throughout the scheduled hearing date,
- (F) the number of hearing officers present throughout the scheduled hearing date,
- (G) delays in hearings due to the issuing agency,
- (H) computer issues, and,
- (I) other unforeseeable or extraordinary circumstances.

The failure of a registered representative or attorney to provide sufficient staffing, as described above, may be considered misconduct under §3-16.2 (c) above.

(g) Unless directed by the hearing officer, parties are prohibited from submitting additional material or argument after the hearing has been completed.

Section 11. Paragraph (e) (2) of Section 3-52 of Subchapter C of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to read as follows:

(2) A party may, for good cause shown, request that the hearing officer remove or disqualify himself or herself. Such motion shall be ruled upon by the hearing officer in the proceeding. If the hearing officer denies the motion, the party may obtain a brief adjournment in order to promptly apply for review by the executive director or his or her designee which may include a deputy director of tribunal affairs or any managing attorney.

Section 12. Section 3-56 of Subchapter C of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to read as follows:

§3-56 Transcript.

The board shall provide or arrange for either a stenographically reported or mechanically recorded verbatim transcript of all hearings. A digital, tape or other electronic or mechanical recording may be deemed the transcript of the hearing for all purposes under these Rules. Transcripts of proceedings made a part of the record by the hearing officer will be the official record of proceedings, notwithstanding the existence of any other transcript or recording, whether or not authorized under these rules.

Section 13. Section 3-57 of Subchapter C of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to add a new subdivision (b) and to reletter the former subdivision (b) to read as follows:

(b) The executive director may, due to tribunal needs or the unavailability of the hearing officer who heard the case, designate another hearing officer to write the recommended decision and order. The decision and order will state the reason for the transfer and will be based on the record, which must include (i) the notice of violation; (ii) all briefs filed and all exhibits received in evidence; and, (iii) a complete audio recording of the hearing or, if a complete audio recording is unavailable for any reason, a complete transcript of the hearing.

(c) Finality. If timely exceptions are not filed as per § 3-71, the hearing officer's recommended decision and order will be automatically adopted by the board without further action and shall constitute the board's final action in the matter.

Section 14. The Table of Contents immediately following the label "Subchapter E" of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to read as follows:

- §3-81 Default by Respondent.
- §3-82 Request for a New Hearing after a Failure to Appear (Vacating a Default).
- §3-83 Request for a New Hearing due to Unauthorized Representation.
- §3-84 Stipulation in Lieu of Hearing.

Section 15. Section 3-82 of Subchapter E of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to add the following language immediately preceding subdivision (d) of that section to read as follows:

In exceptional circumstances and in order to avoid injustice, the Executive Director will have the discretion to grant a request for a new hearing.

Section 16. Subchapter E of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended by adding a new section 3-83 to read as follows:

§3-83 Request for a New Hearing due to Unauthorized Representation. Notwithstanding any other provision of these rules, a party may, within three years after a decision and order pursuant to a hearing has become final, move to vacate the decision and order on the grounds that the person who appeared on the party's behalf at the hearing was not authorized to do so. Upon a determination that the person who appeared was not authorized to represent the party, the executive director or his or her designee may vacate the decision and order and order a new hearing.

In exceptional circumstances and in order to avoid injustice, the executive director will have the discretion to grant a motion to vacate a decision and order after the three year period has lapsed.

• jy12

SPECIAL MATERIALS

HOUSING PRESERVATION & DEVELOPMENT

■ NOTICE

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

Notice Date: July 11, 2012

To: Occupants, Former Occupants, and Other Interested Parties

Property: Address	Application #	Inquiry Period
219 West 24th Street, Manhattan	64/12	June 4, 2009 to Present
221 West 24th Street, Manhattan	65/12	June 4, 2009 to Present
223 West 24th Street, Manhattan	66/12	June 4, 2009 to Present
3 East 27th Street, Manhattan	73/12	June 13, 2009 to Present
156 West 120th Street, Manhattan	74/12	June 14, 2009 to Present
560 West 162nd Street, Manhattan	75/12	June 15, 2009 to Present
721 St. Nicholas Avenue, Manhattan	76/12	June 18, 2009 to Present
158 West 58th Street, Manhattan	78/12	June 20, 2009 to Present
400 West 57th Street, Manhattan	79/12	June 22, 2009 to Present
a/k/a 404 West 57th Street		
109 Lefferts Place, Brooklyn	68/12	June 4, 2009 to Present
110 South Elliott Place, Brooklyn	70/12	June 6, 2009 to Present
272 Dean Street, Brooklyn	72/12	June 11, 2009 to Present
492 Madison Street, Brooklyn	80/12	June 22, 2009 to Present
138 Prospect Place, Brooklyn	82/12	June 27, 2009 to Present
437 Greene Avenue, Brooklyn	83/12	June 30, 2009 to Present
231 Beach 121st Street, Queens	69/12	June 4, 2009 to Present
90-34 171st Street, Queens	77/12	June 18, 2009 to Present

Authority: SRO, Administrative Code §27-2093

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

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

the same period. To schedule an appointment for an in-person statement, please call (212) 863-5277, (212) 863-8211 or (212) 863-8298.

jy11-18

Property: Address Application # Inquiry Period
312 West 58th Street, Manhattan 81/12 June 22, 1997 to Present
Authority: Special Clinton District, Zoning Resolution §96-110

of their legal occupancy rights. It can include, but is not limited to, failure to provide essential services (such as heat, water, gas, or electricity), illegally locking out building residents, starting frivolous lawsuits, and using threats or physical force.

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

jy11-18

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

Notice Date: July 11, 2012

To: Occupants, Former Occupants, and Other Interested Parties

Before the Department of Buildings can issue a permit for the alteration or demolition of a multiple dwelling in certain areas designated in the Zoning Resolution, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period. Harassment is conduct by an owner that is intended to cause, or does cause, residents to leave or otherwise surrender any

CHANGES IN PERSONNEL

BOARD OF ELECTION POLL WORKERS FOR PERIOD ENDING 06/22/12

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists names and details of poll workers.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Continuation of poll workers list.

jy12

LATE NOTICE

CITY COUNCIL

PUBLIC MEETING

NYC DISTRICTING COMMISSION PUBLIC MEETING NOTICE

The New York City Districting Commission will hold its first organizational meeting at 6:30 P.M. on Tuesday, July 17, 2012 in Council Chambers at City Hall. The Commission will hear presentations by the Law Department and the Department of City Planning, and establish operating procedures. While this meeting is open to the public, public testimony will not be received. The Commission will afford opportunities for the public's input at later dates. Individuals requesting sign language interpreters for the hearing should contact the Commission at info@districting.nyc.gov or by calling 212-442-6940.

jy12-17