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THE CITY RECORD

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

CITY COUNCIL

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the Council has scheduled the following public hearings on the matters indicated below:

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the Council Chambers, City



Hall, New York, NY 10007, commencing at 9:00 A.M. on Monday, April 13, 2015:

MANHATTAN CB - 2 **OTTO'S TACOS** **20155355 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 002 Mercury Tacos, LLC, d/b/a Otto's Tacos, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 131 7th Avenue South.

MANHATTAN CB - 2 **DOMINIQUE ANSEL KITCHEN** **20155377 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Innovation Kitchens, LLC, d/b/a Dominique Ansel Kitchen, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 137 7th Avenue South.

CITYWIDE **STAIRWELLS TEXT AMENDMENT** **N 150167 ZRY**

Application by the Department of City Planning pursuant to Section 200 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, pertaining to exempting floor space occupied by additional safety measures that are required by the 2014 New York City Building Code from counting towards zoning floor area.

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

ARTICLE I GENERAL PROVISIONS

* * *

Chapter 2

Construction of Language and Definitions

* * *

12-10 DEFINITIONS

Words in the text or tables of this Resolution which are #italicized# shall be interpreted in accordance with the provisions set forth in this Section.

* * *

Floor area

"Floor area" is the sum of the gross areas of the several floors of a #building# or #buildings#, measured from the exterior faces of exterior walls or from the center lines of walls separating two #buildings#. In particular, #floor area# includes:

- (a) #basement# space, except as specifically excluded in this definition;
(b) elevator shafts or stairwells at each floor; except as specifically excluded in this definition;

* * *

However, the #floor area# of a #building# shall not include:

* * *

- (11) floor space within stairwells;
(i) at each floor of #buildings# containing #residences# #developed# or #enlarged# after April 16, 2008, that are greater than 125 feet in height, provided that:
(i) (1) such stairwells are located on a #story# containing #residences#;
(ii) (2) such stairwells are used as a required means of egress from such #residences#;
(iii) (3) such stairwells have a minimum width of 44 inches;
(iv) (4) such floor space excluded from #floor area# shall be limited to a maximum of eight inches of stair and landing width measured along the length of the stairwell enclosure at each floor; and
(v) (5) where such stairwells serve non-#residential uses# on any floor, or are located within multi-level #dwelling units#, the entire floor space within such stairwells on such floors shall count as #floor area#;
(ii) at each floor of #buildings# developed# or #enlarged# after (date of amendment), that are 420 feet or greater in height, provided that:
(1) such stairwells serve a space that is any occupancy group other than Group R-2, as classified in the New York City Building Code, that is located at or above a height of 420 feet; and
(2) such floor space excluded from #floor area# shall be limited to:
(aa) the 25 percent of stair and landing width required by the New York City Building Code which is provided in addition to the stair and landing widths required by such Code for means of egress; or
(bb) the one stairwell required by the New York City Building Code which is provided in addition to the stairwells required by such Code for means of egress. For the purposes of this paragraph (11)(ii)(2)(bb), such additional stairwell shall include the stair and landings as well as any walls enclosing such stair and landings;
(12) exterior wall thickness, up to eight inches;

* * *

VANDERBILT CORRIDOR

MANHATTAN CBs 5 and 6

N 150127 ZRM

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 VIII, Chapter 1 (Special Midtown District).

Matter in underline is new, to be added;
Matter in strikeout is to be deleted;
Matter with # # is defined in Section 12-10;

* * * Indicates where unchanged text appears in the Zoning Resolution

Article VIII - Special Purpose Districts
Chapter 1
Special Midtown District

Table of Contents - Special Midtown District

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* * *

81-00

GENERAL PURPOSES

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

* * *

- (m) to preserve the midblock area north of the Museum of Modern Art for its special contribution to the historic continuity, function and ambience of Midtown;
(n) to protect and strengthen the economic vitality and competitiveness of the Grand Central Subdistrict by facilitating the development of exceptional and sustainable buildings within the Vanderbilt Corridor and enabling improvements to the pedestrian and mass transit circulation network;
(o)(n) to protect and enhance the role of Grand Central Terminal as a major transportation hub within the City, to expand and enhance the pedestrian and mass transit circulation network connecting Grand Central Terminal to surrounding development, to minimize pedestrian congestion and to protect the surrounding area's special character;
(p)(o) to expand the retail, entertainment and commercial character of the area around Pennsylvania Station and to enhance its role as a major transportation hub in the city;
(q)(p) to provide freedom of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms without the need for special development permissions or "negotiated zoning"; and
(r)(q) to promote the most desirable use of land and building development in accordance with the District Plan for Midtown and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

* * *

81-03

District Plan

The regulations of this Chapter are designed to implement the #Special Midtown District# Plan.

The District Plan ~~partly consists of~~ includes the following four ~~three~~ maps:

Map 1 Special Midtown District and Subdistricts
Map 2 Retail and Street Wall Continuity
Map 3 Subway Station and Rail Mass Transit Facility Improvement Areas
Map 4 Network of Pedestrian Circulation.

The maps are located in Appendix A of this Chapter and are hereby incorporated and made a part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

* * *

81-20

BULK REGULATIONS

81-21

Floor Area Ratio Regulations

* * *

(a)	an "adjacent lot" (Section 74-79)	1.6	2.0	2.4	No Limit	No Limit	2.4	No Limit
(b)	a "receiving lot" (Section 81-634)	---	---	---	---	---	1.0	1.0
(c)	a "receiving lot" (Section 81-635)	---	---	---	---	---	9.6	6.6
(d)	a "receiving lot" located within the Vanderbilt Corridor (Section 81-635)	---	---	---	---	---	---	<u>15.0</u>

O. Maximum #Floor Area# Allowances by Special Permit for Grand Central Public Realm Improvement Bonus (Section 81-64)

---	---	---	---	---	---	---	<u>15.0</u>
-----	-----	-----	-----	-----	-----	-----	-------------

Ø.P. Maximum Total FAR of a Lot with Transferred Development Rights from Landmark #Zoning Lot#, Theater Subdistrict Incentives, District-wide Incentives and As-of-Right Incentives

9.6	14.4	14.4	No Limit	No Limit	21.6	No ⁶ Limit
-----	------	------	----------	----------	------	-----------------------

¹ Not available for #zoning lots# located wholly within Theater Subdistrict Core

² Not available within the Eighth Avenue Corridor

³ Not available within 100 feet of a #wide street# in C5-2.5 Districts

⁴ Applicable only within that portion of the Theater Subdistrict also located within the #Special Clinton District#

⁵ 12.0 in portion of C6-5.5 District within the Theater Subdistrict Core

⁶ Limited to 21.6 FAR on a "receiving lot" pursuant to Section 81-635 in the Grand Central Subdistrict, and limited to 30.0 FAR on a #zoning lot# located within the Vanderbilt Corridor, pursuant to Sections 81-635 or 81-64 in the Grand Central Subdistrict

⁷ Not available on west side of Eighth Avenue within the Eighth Avenue Corridor

⁸ 12.0 for #zoning lots# with full #block# frontage on Seventh Avenue and frontage on West 34th Street, pursuant to Section 81-542 (Retention of floor area bonus for plazas or other public amenities)

* * *

81-213
Special provisions for transfer of development rights from listed theaters within the Special Clinton District

* * *

81-214
Special provisions within the Vanderbilt Corridor in the Grand Central Subdistrict

For #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1 (Special Midtown District and Subdistricts) of Appendix A of this Chapter, additional #floor area# may be permitted by the City Planning Commission pursuant to Section 81-635 (Transfer of development rights by special permit) or Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus), or any combination thereof, up to the maximum permitted #floor area# set forth in the table in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings), respectively. In no event shall the total #floor area ratio# of the #zoning lot# resulting from such proposed #development# or #enlargement# exceed 30.0.

* * *

81-254
Special permit for height and setback modifications

In the #Special Midtown District#, the City Planning Commission may modify the special height and setback regulations set forth in this Chapter only in accordance with the following provisions:

- Section 74-711 (Landmark preservation in all districts) as modified by the provisions of Sections 81-266 or 81-277 (Special permit for height and setback modifications)
- Section 74-79 (Transfer of Development Rights from Landmark Sites) where development rights are transferred from a landmark site to an adjacent lot in a C5-3, C6-6 or C6-7 District, as modified by Section 81-212, and the total #floor area# on the adjacent lot resulting from such transfer exceeds the basic maximum #floor area ratio# by more than 20 percent. In such cases, the granting of a special permit by

- the Commission for height and setback modifications shall be in accordance with the provisions of Sections 81-266 or 81-277
- Section 81-066 (Special permit modifications of Section 81-254, Section 81-40 and certain Sections of Article VII, Chapter 7)
- Section 81-635 (Transfer of development rights by special permit):
- Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus).

* * *

81-60
SPECIAL REGULATIONS FOR THE GRAND CENTRAL SUBDISTRICT

81-61
General Provisions

In order to preserve and protect the character of the Grand Central Subdistrict, as well as to expand and enhance the Subdistrict's extensive pedestrian and mass transit circulation network, and to facilitate the development of exceptional and sustainable buildings within the Vanderbilt Corridor, special regulations are set forth in Section 81-60 (SPECIAL REGULATIONS FOR THE GRAND CENTRAL SUBDISTRICT), inclusive, governing urban design and streetscape relationships, the transfer of development rights from landmarks, and the improvement of the surface and subsurface pedestrian-circulation and mass transit circulation network.

The regulations of Sections 81-60 (SPECIAL REGULATIONS FOR THE GRAND CENTRAL SUBDISTRICT) are applicable only in the Grand Central Subdistrict, the boundaries of which are shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A. These regulations supplement or modify the provisions of this Chapter applying generally to the #Special Midtown District#, of which this Subdistrict is a part.

As stated set forth in Section 81-212 (Special provisions for transfer of development rights from landmark sites), transfer of development rights from landmark sites may be allowed pursuant to Section 81-63-(Transfer of Development Rights from Landmark Sites).

The provisions of Section 81-23 (Floor Area Bonus for Public Plazas) are

inapplicable to any #zoning lot#, any portion of which is located within the Grand Central Subdistrict.

Where the #lot line# of a #zoning lot# coincides with the boundary of the public place located at the southerly prolongation of Vanderbilt Avenue between East 42nd Street and East 43rd Street, such #lot line# shall be considered to be a #street line# for the purposes of applying the #use#, #bulk# and urban design regulations of this Chapter.

* * *

**81-611
Special use provisions**

Within the Vanderbilt Corridor, as shown in Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the #development# of a #building# containing a #transient hotel#, as listed in Use Group 5, or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed by special permit of the City Planning Commission, pursuant to Section 81-65.

* * *

**81-625
Pedestrian circulation space requirements**

Any #development# or #enlargement# within the Grand Central Subdistrict shall be subject to the provisions of Sections 81-45 (Pedestrian Circulation Space), 81-46 (Off-Street Relocation or Renovation of a Subway Stair) and 81-48 (Off-Street Improvement of Access to Rail Mass Transit Facility), except that:

- (a) no arcade shall be allowed within the Subdistrict; and
- (b) within the Subdistrict, a sidewalk widening may be provided only for a #building# occupying an Avenue frontage, provided that such sidewalk widening extends for the length of the full #block# front; and
- (c) for #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1 (Special Midtown District and Subdistricts) of Appendix A of this Chapter, up to a maximum of 3,000 square feet of on-site improvements to the public realm provided in accordance with a special permit pursuant to Section 81-635 (Transfer of development rights by special permit) or Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus) may be applied toward the pedestrian circulation space requirement.

**81-626
Retail continuity requirements**

For #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1 (Special Midtown District and Subdistricts) of Appendix A of this Chapter, where a #building# fronts upon a designated retail #street#, as shown on Map 2 (Retail and Street Wall Continuity), any portion of such #building's# ground floor level frontage along such designated retail #street# allocated to above or below-grade public realm improvements provided in accordance with a special permit pursuant to Section 81-635 (Transfer of development rights by special permit) or Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus) shall be excluded from the retail continuity requirements of Section 81-42 (Retail Continuity along Designated Streets).

**81-63
Transfer of Development Rights from Landmark Sites**

* * *

**81-631
Requirements for application**

In addition to the land use review application requirements, an application filed with the City Planning Commission for certification pursuant to Section 81-634 (Transfer of development rights by certification) or special permit pursuant to Section 81-635 (Transfer of development rights by special permit) shall be made jointly by the owners of the "granting lot" and "receiving lot" and shall include:

- (a) site plan and zoning calculations for the "granting lot" and "receiving lot";
- (b) a program for the continuing maintenance of the landmark;
- (c) a report from the Landmarks Preservation Commission concerning the continuing maintenance program of the landmark and, for those "receiving" sites in the immediate vicinity of the landmark, a report concerning the harmonious relationship of the #development# or #enlargement# to the landmark;
- (d) for #developments# or #enlargements# pursuant to Section 81-635, a plan of the any required pedestrian network improvement; and

- (e) any such other information as may be required by the Commission.

* * *

**81-635
Transfer of development rights by special permit**

Within the portion of the Subdistrict bounded by East 41st Street, East 48th Street, Lexington and Madison Avenues (the Grand Central Subdistrict Core Area as shown on Map 1 in Appendix A), the City Planning Commission may permit the transfer of development rights from a "granting lot" to a "receiving lot", and, in conjunction with such transfer, the Commission may permit modifications to #bulk# regulations, mandatory plan elements, and provisions regarding #zoning lots# divided by district boundaries, as set forth in paragraph (a) of this Section, provided that the Commission determines that the #development# or #enlargement# complies with the conditions of paragraph (b), the findings of paragraph (c) and the additional requirements of paragraph (d) of this Section.

- (a) The Commission may permit:
 - (a)(1) a transfer of development rights from a "granting lot" to a "receiving lot" provided that:
 - (i) for #zoning lots# located within the Vanderbilt Corridor, as shown in Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the resultant #floor area ratio# on the "receiving lot" does not exceed 30.0; and
 - (ii) for #zoning lots# outside the Vanderbilt Corridor, the resultant #floor area ratio# on the "receiving lot" does not exceed 21.6;
 - (b)(2) modifications of the provisions of Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements) for any #zoning lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area#, #dwelling units# or #rooming units# permitted by the district regulations which allow a greater #floor area ratio# may be located within a district that allows a lesser #floor area ratio#;
 - (c)(3) the modification of #bulk# regulations except #floor area ratio# and height and setback regulations; however, in the case of an #enlargement# to an existing #building# utilizing the transfer of development rights from a designated landmark, the Commission may modify modifications of the provisions of Sections 81-621 (Special street wall requirements), 81-622 (Special height and setback requirements), 81-623 (Building lobby entrance requirements), 81-624 (Curb cut restrictions and loading berth requirements), 81-625 (Pedestrian circulation space requirements), and Sections 81-25 (General Provisions Relating to Height and Setback of Buildings), 81-26 (Height and Setback Regulations-Daylight Compensation) and 81-27 (Alternate Height and Setback Regulations-Daylight Evaluation) in order to accommodate existing structures and conditions; and
 - (d)(4) notwithstanding the provisions of paragraph (c) of this Section, for #zoning lots# of more than 40,000 square feet of #lot area# that occupy an entire #block#, modifications of #bulk# regulations, except #floor area ratio# regulations; and
 - (5) for #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1, modifications, whether singly or in any combination, to:
 - (i) the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets), or 81-621 (Special street wall requirements), inclusive;
 - (ii) the height and setback regulations of Sections 81-26 (Height and Setback Regulations-Daylight Compensation), inclusive, 81-27 (Alternate Height and Setback Regulations-Daylight Evaluation), inclusive, or 81-622 (Special height and setback requirements); or
 - (iii) the mandatory district plan elements of Sections 81-42 (Retail Continuity along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation

Space), 81-46 (Off-Street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), 81-623 (Building lobby entrance requirements), 81-624 (Curb cut restrictions and loading berth requirements), 81-625 (Pedestrian circulation space requirements) or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37-51 shall be permitted.

(b) Conditions

[INSERT CONDITIONS FROM BELOW]

(c) Findings

In order to grant a A special permit for the transfer of development rights to a "receiving lot", the Commission shall find that shall be subject to the following findings:

- (1) that a program for the continuing maintenance of the landmark has been established;
- (2) for any proposed improvement required pursuant to this Section:
 - (i) that the improvement to the above- or below-grade surface and subsurface pedestrian or mass transit circulation network provided by the #development# or #enlargement# increases public accessibility to and from Grand Central Terminal, pursuant to the following requirements:;
 - (ii) that the streetscape, the site design and the location of #building# entrances contribute to the overall improvement of pedestrian circulation within the Subdistrict and minimize congestion on surrounding #streets#; and
 - (iii) that a program is established to identify solutions to problems relating to vehicular and pedestrian circulation problems and the pedestrian environment within the Subdistrict;
- (3) where appropriate, for #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1, the design of the #development# or #enlargement# includes provisions for public amenities including, but not limited to, publicly accessible open spaces, and subsurface pedestrian passageways leading to subway or rail mass transit facilities;
- (4) for #developments# or #enlargements# with a proposed #floor area ratio# in excess of 21.6 on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1, the #building# has met the ground floor level, building design and sustainable design measures set forth in the applicable conditions and findings of Section 81-641 (Additional floor area for the provision of public realm improvements);
- (5) where the modification of #bulk# regulations is proposed:
 - (i)-(ii) that the any proposed modification of #bulk# regulations, regulations governing #zoning lots# divided by district boundaries or the permitted transfer of #floor area# will not unduly increase the #bulk# of any #development# or #enlargement# on the "receiving lot," density of population or intensity of #use# on any #block# to the detriment of the occupants of #buildings# on the #block# or the surrounding area;
 - (ii)-(iii) that, for #enlargements# to existing #buildings#, the any proposed modifications of height and setback requirements and the requirements of Section 81-62 are necessary because of the inherent constraints or conditions of the existing #building#, that the modifications are limited to the minimum needed, and that the proposal for modifications of height and setback requirements demonstrates to the satisfaction of the Commission

that an integrated design is not feasible for the proposed #enlargement# which accommodates the transfer of development rights due to the conditions imposed by the existing #building# or configuration of the site; and

- (iii) (iv) that, for #developments# or #enlargements# on #zoning lots# of more than 40,000 square feet of #lot area# that occupy an entire #block#, any proposed modifications of #bulk# regulations are necessary because of inherent site constraints and that the modifications are limited to the minimum needed-; or
- (6) for #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1, any proposed modifications meet the applicable application requirements and findings set forth in Section 81-642 (Permitted modifications in conjunction with additional floor area).

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

[MOVE UP THE FOLLOWING TWO PARAGRAPHS TO NEW PARAGRAPH (b) Conditions]

For #developments# or #enlargements# on #zoning lots# located outside of the Vanderbilt Corridor, the following shall apply. As a condition for granting a special permit pursuant to this Section, the design of the #development# or #enlargement# shall include a major improvement of the above or below-grade, surface and/or subsurface pedestrian or mass transit circulation network in the Subdistrict (as shown on Map 4 in Appendix A of this Chapter). The improvement shall increase the general accessibility and security of the network, reduce points of pedestrian congestion and improve the general network environment through connections into planned expansions of the network. The improvement may include, but is not limited to, widening, straightening or expansion of the existing pedestrian network, reconfiguration of circulation routes to provide more direct pedestrian connections between the #development# or #enlargement# and Grand Central Terminal, and provision for direct daylight access, retail in new and existing passages, and improvements to air quality, lighting, finishes and signage.

The special permit application to the Commission shall include information and justification sufficient to provide the Commission with a basis for evaluating the benefits to the general public from the proposed improvement. As part of the special permit application, the applicant shall submit schematic or concept plans of the proposed improvement to the Department of City Planning, as well as evidence of such submission to the Metropolitan Transportation Authority (MTA) and any other entities that retain control and responsibility for the area of the proposed improvement. Prior to ULURP certification of the special permit application, the MTA and any other entities that retain control and responsibility for the area of the proposed improvement shall each provide a letter to the Commission containing a conceptual approval of the improvement including a statement of any considerations regarding the construction and operation of the improvement.

(d) Additional requirements

Prior to the grant of a special permit, the applicant shall obtain approvals of plans from the MTA and any other entities that retain control and responsibility for the area of the proposed improvement, and, if appropriate, the applicant shall sign a legally enforceable instrument running with the land, setting forth the obligations of the owner and developer, their successors and assigns, to construct and maintain the improvement and shall establish a construction schedule, a program for maintenance and a schedule of hours of public operation and shall provide a performance bond for completion of the improvement.

The written declaration of restrictions and any instrument creating an easement on privately owned property shall be recorded against such private property in the Office of the Register of the City of New York (County of New York) and a certified copy of the instrument shall be submitted to the City Planning Commission.

No temporary certification of occupancy for any #floor area# of the #development# or #enlargement# on a "receiving lot" shall be granted by the Department of Buildings until all required improvements have been substantially completed as determined by the Chairperson of the City Planning Commission and the area is usable by the public. Prior to the issuance of a permanent certificate of occupancy for the #development# or #enlargement#, all improvements shall be 100 percent complete in accordance with the approved plans and such completion shall have been certified by letter from the Metropolitan Transportation Authority.

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

81-64 Special Permit for Grand Central Public Realm Improvement Bonus

In order to facilitate the development of exceptional and sustainable #buildings# within the Vanderbilt Corridor as well as improvements to the pedestrian and mass transit circulation network in the vicinity of Grand Central Terminal, for #developments# and #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown in Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the City Planning Commission may permit:

- (a) additional #floor area# for the provision of on-site or off-site, above- or below-grade improvements to the pedestrian or mass transit circulation network in the Grand Central Subdistrict, in accordance with the provisions of Section 81-641 (Additional floor area for the provision of public realm improvements); and
- (b) in conjunction with additional #floor area# granted pursuant to Section 81-641, modifications to #street wall# regulations, height and setback regulations, and mandatory district plan elements, provided such modifications are in accordance with the provisions of Section 81-642 (Permitted modifications in conjunction with additional floor area).

81-641 Additional floor area for the provision of public realm improvements

For #developments# and #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown in Map 1 (Midtown District and Subdistricts) in Appendix A of this Chapter, the City Planning Commission may allow by special permit #floor area# in excess of the basic maximum #floor area ratio# established in the table in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings), up to the maximum #floor area# set forth in such table, in accordance with the provisions of this Section.

All applications for a special permit for additional #floor area# pursuant to this Section shall include on-site or off-site, above- or below-grade improvements to the pedestrian or mass transit circulation network, or a combination thereof, in the Grand Central Subdistrict. In addition, requirements pertaining to the ground floor level, building design, and sustainable design measures are set forth in this Section in order to ensure that any #development# or #enlargement# receiving additional #floor area# constitutes an exceptional addition to the #Special Midtown District#.

In order for the City Planning Commission to approve a special permit application for additional #floor area#, the Commission shall determine that such #development# or #enlargement# complies with the conditions and application requirements of paragraph (a), the findings of paragraph (b), and the additional requirements of paragraph (c) of this Section.

- (a) **Conditions and application requirements**

All applications for a special permit for additional #floor area# pursuant to this Section shall include the following:

- (1) **Above- or below-grade improvements to the pedestrian or mass transit circulation network.**
In order to ensure that the proposed #development# or #enlargement# contributes to the improvement of pedestrian and mass transit circulation in the Grand Central Subdistrict, especially in the vicinity of Grand Central Terminal, any #development# or #enlargement# proposed under the provisions of this Section shall include above- or below-grade public realm improvements.
 - (i) Where a #development# or #enlargement# proposes the inclusion of above-grade public realm improvements, such improvements may consist of on-site or off-site improvements to the pedestrian circulation network, or a combination thereof.
On-site, above-grade public realm improvements shall consist of open or enclosed publicly accessible spaces, of ample size, provided for public use and enjoyment. Such publicly accessible spaces shall include amenities characteristic of #public plazas# or public atriums, as applicable, and include amenities for the comfort and convenience of the public.
Off-site, above-grade public realm improvements shall consist of major improvements to the public right-of-way that support pedestrian circulation in the areas

surrounding Grand Central Terminal. Where the area of such improvements is to be established as a pedestrian plaza, such improvements shall be characteristic of best practices in plaza design, as set forth by the Department of Transportation. Where the area of such improvements is along a #street# accommodating both vehicular and pedestrian access, such improvements shall be characteristic of current best practices in #street# design, as set forth by the Department of Transportation, and include improvements to the right-of-way such as: pedestrian amenities; or streetscape, sidewalk, crosswalk, and median enhancements.

- (ii) Where a #development# or #enlargement# proposes the inclusion of below-grade public realm improvements, such improvements shall consist of on-site or off-site enhancements to the below-grade pedestrian and mass transit circulation network. Such improvements shall be characteristic of current best practice in mass-transit network design, and shall include improvements such as: on-site or off-site widening, straightening, expanding or otherwise enhancing the existing below-grade pedestrian circulation network; additional vertical circulation; reconfiguring circulation routes to provide more direct pedestrian connections to subway or rail mass transit facilities; or providing daylight access, retail #uses#, or enhancements to noise abatement, air quality, lighting, finishes or rider orientation in new or existing passageways.

Applications shall include information and justification sufficient to provide the Commission with the basis for evaluating the benefits to the general public; determining the appropriate amount of bonus #floor area# to grant; and determining whether the applicable findings set forth in paragraph (b) of this Section have been met. Such application materials shall also include initial plans for the maintenance of the proposed improvements.

Where the Metropolitan Transportation Authority or any other City or State agency has control and responsibility for the area of a proposed improvement, the applicant shall submit concept plans for the proposed improvement to such agency and the Commission. At the time of certification of the application, any such agency with control and responsibility for the area of the proposed improvement shall each provide a letter to the Commission containing a conceptual approval of the improvement including a statement of any considerations regarding the construction and operation of the improvement.

- (2) **Ground floor level**

In order to ensure that the proposed #development# or #enlargement# contributes to the improvement of the pedestrian circulation network in the Grand Central Subdistrict, especially in the vicinity of Grand Central Terminal, any #development# or #enlargement# proposed under the provisions of this Section shall provide enhancements to the ground floor level of the #building#, including, but not limited to, sidewalk widenings, streetscape amenities or enhancements to required pedestrian circulation spaces.

Where a #development# or #enlargement# includes #street# frontage along Madison Avenue or a #narrow street# between East 43rd Street and East 47th Street, sidewalk widenings shall be provided as follows:

- (i) where a #development# or #enlargement# is on a #zoning lot# which occupies the entire #block# frontage along Madison Avenue, a sidewalk widening shall be provided along Madison Avenue, to the extent necessary, so that a minimum sidewalk width of 20 feet is achieved, including portions within and beyond the #zoning lot#. However, no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#;

(ii) where a #development# or #enlargement# is on a #zoning lot# that does not occupy the entire #block# frontage along Madison Avenue, a sidewalk widening shall be provided along Madison Avenue where all existing #buildings# on the #block# frontage have provided such a widening. Such required widening shall match the amount of widened sidewalk provided on adjacent #zoning lots#, provided that no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#; or

(iii) where a #development# or #enlargement# with frontage on a #narrow street# between East 43rd Street and East 47th Street is on a #zoning lot# with a #lot width# of 100 feet or more, as measured along the #narrow street line#, a sidewalk widening shall be provided along such #narrow street#, to the extent necessary, so that a minimum sidewalk width of 15 feet is achieved, including portions within and beyond the #zoning lot#. However, no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#.

Applications shall contain a ground floor level site plan, and other supporting documents of sufficient scope and detail to enable the Commission to determine: the type of proposed #uses# on the ground floor level; the location of proposed #building# entrances; the size and location of proposed circulation spaces; the manner in which such spaces will connect to the overall pedestrian circulation network and the above- or below-grade public realm improvements required pursuant to this Section; and any other details necessary for the Commission to determine whether the applicable findings set forth in paragraph (b) of this Section have been met.

(3) Building design

In order to ensure the proposed #development# or #enlargement# contributes to its immediate surroundings, with particular emphasis on Grand Central Terminal, any #development# or #enlargement# proposed under the provisions of this Section shall demonstrate particular attention to the building design, including, but not limited to, the proposed #uses#, massing, articulation and relationship to #buildings# in close proximity and within the Midtown Manhattan skyline.

Applications shall contain materials of sufficient scope and detail to enable the Commission to determine the proposed #uses# within the #building#, as well as the proposed #building bulk# and architectural design of the #building#, and to evaluate the proposed #building# in the context of adjacent #buildings# and the Midtown Manhattan skyline. Such materials shall include a description of the proposed #uses# within the #building#; measured elevation drawings, axonometric views, and perspective views showing such proposed #building# within the Midtown Manhattan skyline; and any other materials necessary for the Commission to determine whether the applicable findings set forth in paragraph (b) of this Section have been met.

For those "receiving lots" that are contiguous to a lot occupied by Grand Central Terminal or a lot that is across a #street# and opposite to the lot occupied by Grand Central Terminal, or in the case of a #corner lot#, one that fronts on the same #street# intersection as the lot occupied by Grand Central Terminal, applications shall contain a report from the Landmarks Preservation Commission concerning the harmonious relationship of the #development# or #enlargement# to Grand Central Terminal.

(4) Sustainable design measures

In order to foster the development of sustainable #buildings# in the Grand Central Subdistrict, any #development# or #enlargement# proposed under the provisions of this Section shall include sustainable design measures, including, but not limited to, enhancements to the building's energy performance; enhanced water efficiency; utilization of sustainable or locally sourced materials; and attention to indoor environmental air quality.

Applications shall contain materials of sufficient

scope and detail to enable the Commission to determine whether the applicable findings in paragraph (b) of this Section have been met. In addition, any application shall include materials demonstrating the building's sustainable design measures, including its anticipated energy performance, and the degree to which such #building's# performance exceeds either the New York City Energy Conservation Code (NYCECC) or the Building Performance Rating method of the applicable version and edition of American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc., Standard 90.1 (ASHRAE 90.1), as referenced within the NYCECC.

(b) Findings

The Commission shall find that:

(1) for above-grade improvements to the pedestrian circulation network that are located:

(i) on-site, the proposed improvements will, to the extent practicable: consist of a prominent space of generous proportions and quality design that is inviting to the public; improve pedestrian circulation and provide suitable amenities for the occupants; front upon a #street# or a pedestrian circulation space in close proximity to and within view of and accessible from an adjoining sidewalk; provide or be surrounded by active #uses#; be surrounded by transparent materials; provide connections to pedestrian circulation spaces in the immediate vicinity; and be designed in a manner that combines the separate elements within such space into a cohesive and harmonious site plan, resulting in a high-quality public space; or

(ii) off-site, the proposed improvements to the public right-of-way, to the extent practicable, will consist of significant street and sidewalk designs that improve pedestrian circulation in the surrounding area; provide comfortable places for walking and resting; opportunities for planting and improvements to pedestrian safety; and create a better overall user experience of the above-grade pedestrian circulation network that supports the Grand Central Subdistrict as a high-density business district. Where the area of such improvement is to be established into a pedestrian plaza that will undergo a public design and review process through the Department of Transportation subsequent to the approval of this special permit, the Commission may waive this finding;

(2) for below-grade improvements to the pedestrian or mass transit circulation network, the proposed improvements will provide:

(i) significant and generous connections from the above-grade pedestrian circulation network and surrounding #streets# to the below-grade pedestrian circulation network;

(ii) major improvements to public accessibility in the below-grade pedestrian circulation network between and within subway stations and other rail mass transit facilities in and around Grand Central Terminal through the provision of new connections, or the addition to or reconfigurations of existing connections; or

(iii) significant enhancements to the environment of subway stations and other rail mass transit facilities including daylight access, noise abatement, air quality improvement, lighting, finishes, way-finding or rider orientation, where practicable.

(3) the public benefit derived from the proposed above- or below-grade improvements to the pedestrian or mass transit circulation network merits the amount of additional #floor area# being granted to the proposed #development# or #enlargement# pursuant to this special permit.

(4) the design of the ground floor level of the #building#:

(i) contributes to a lively streetscape through

a combination of retail #uses# that enliven the pedestrian experience, ample amounts of transparency and pedestrian connections that facilitate fluid movement between the #building# and adjoining public spaces; and demonstrates consideration for the location of pedestrian circulation space, #building# entrances, and the types of #uses# fronting upon the #street# or adjoining public spaces;

- (ii) will substantially improve the accessibility of the overall pedestrian circulation network, reduce points of pedestrian congestion and, where applicable, establish more direct and generous pedestrian connections to Grand Central Terminal; and
- (iii) will be well-integrated with on-site, above or below-grade improvements required by this Section, where applicable and practicable;
- (5) the design of the proposed #building#:
 - (i) ensures light and air to the surrounding #streets# and public spaces through the use of setbacks, recesses and other forms of articulation, and the tower top produces a distinctive addition to the Midtown Manhattan skyline which is well-integrated with the remainder of the #building#;
 - (ii) demonstrates an integrated and well-designed facade, taking into account factors such as #street wall# articulation and amounts of fenestration, that creates a prominent and distinctive #building# which complements the character of the surrounding area, especially Grand Central Terminal; and
 - (iii) involves a program that includes an intensity and mix of #uses# that are harmonious with the type of #uses# in the surrounding area;
- (6) the proposed #development# or #enlargement# comprehensively integrates sustainable measures into the #building# and site design that:
 - (i) meet or exceed best practices in sustainable design; and
 - (ii) will substantially reduce energy usage for the #building#, as compared to comparable #buildings#; and
- (7) in addition to the foregoing:
 - (i) the increase in #floor area# being proposed in the #development# or #enlargement# will not unduly increase the #bulk#, density of population or intensity of #uses# to the detriment of the surrounding area; and
 - (ii) all of the separate elements within the proposed #development# or #enlargement#, including above- or below-grade improvements, the ground floor level, building design, and sustainable design measures, are well-integrated and will advance the applicable goals of the #Special Midtown District# described in Section 81-00 (GENERAL PURPOSES).

(c) **Additional requirements**

Prior to the grant of a special permit pursuant to this Section, and to the extent required by the Metropolitan Transportation Authority (MTA) or any other City or State agencies with control and responsibility for the area where a proposed improvement is to be located, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to: establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; where applicable, establish a program for maintenance; and, where applicable, establish a schedule of hours of public access for the proposed improvement. Where the MTA, or any other City or State agencies with control and responsibility for the area of a proposed improvement, deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the MTA or any other such agencies.

Where the proposed #development# or #enlargement# proposes an off-site improvement located in an area to be

acquired by a City or State agency, the applicant may propose a phasing plan to sequence the construction of such off-site improvement. To determine if such phasing plan is reasonable, the Commission may consult with the City or State agency that intends to acquire the area of the proposed improvement.

Prior to obtaining a foundation or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, setting forth the obligations of the owner to construct, and, where applicable, maintain and provide public access to public improvements provided pursuant to this Section, shall be recorded against such property in the Office of the Register of the City of New York (County of New York). Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

Except where a phasing plan is approved by the City Planning Commission, no temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus) until the required improvements have been substantially completed, as determined by the Chairperson of the City Planning Commission, acting in consultation with the MTA, or any other City or State agencies with control and responsibility for the area where a proposed improvement is to be located, where applicable, and such improvements are usable by the public. Such portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson, acting in consultation with the MTA, or any other City or State agencies with control and responsibility for the area where a proposed improvement is to be located, where applicable.

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

81-642

Permitted modifications in conjunction with additional floor area

In conjunction with the grant of a special permit pursuant to Section 81-641 (Additional floor area for the provision of public realm improvements), the City Planning Commission may permit modifications to #street walls#, height and setback regulations, and mandatory plan elements, as set forth in paragraph (a) of this Section, provided that the Commission determines that the application requirements set forth in paragraph (b) and the findings set forth in paragraph (c) of this Section are met.

- a. The Commission may modify the following, whether singly or in any combination:
 - (1) the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets), or 81-621 (Special street wall requirements), inclusive;
 - (2) the height and setback regulations of Sections 81-26 (Height and Setback Regulations-Daylight Compensation), inclusive, 81-27 (Alternative Height and Setback Regulations-Daylight Evaluation), inclusive, or 81-622 (Special height and setback requirements); or
 - (3) the mandatory district plan elements of Sections 81-42 (Retail Continuity along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-Street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), 81-623 (Building lobby entrance requirements), 81-624 (Curb cut restrictions and loading berth requirements), 81-625 (Pedestrian circulation space requirements) or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37-51 shall be permitted.

(b) **Application requirements**

Applications for a special permit for modifications pursuant to this Section shall contain materials, of sufficient scope and

detail, to enable the Commission to determine the extent of the proposed modifications. In addition, where modifications to #street wall# or height and setback regulations are proposed, any application shall contain the following materials, at a minimum:

- (1) drawings, including but not limited to plan views and axonometric views, that illustrate how the proposed #building# will not comply with the #street wall# regulations of Section 81-43 (Street Wall Continuity Along Designated Streets), or as such provisions are modified pursuant to Section 81-621 (Special street wall requirements), as applicable, and that illustrate how the proposed #building# will not comply with the height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation) or 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation), or as such provisions are modified pursuant to Section 81-622 (Special height and setback requirements), as applicable;
- (2) where applicable, formulas showing the degree to which such proposed #building# will not comply with the length and height rules of Section 81-26, or as such provisions are modified pursuant to Section 81-622; and
- (3) where applicable, #daylight evaluation charts# and the resulting daylight evaluation score showing the degree to which such proposed #building# will not comply with the provisions of Section 81-27 or as such provisions are modified pursuant to Section 81-622.

(c) Findings

The Commission shall find that such proposed modifications:

- (1) to the mandatory district plan elements will result in a better site plan for the proposed #development# or #enlargement# that is harmonious with the mandatory district plan element strategy of the #Special Midtown District#, as set forth in Section 81-41 (General Provisions); and
- (2) to the #street wall# or height and setback regulations will result in an improved distribution of #bulk# on the #zoning lot# that is harmonious with the height and setback goals of the #Special Midtown District# set forth in Section 81-251 (Purpose of height and setback regulations).

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

81-65 Special Permit for Transient Hotels

Within the Vanderbilt Corridor, as shown in Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the City Planning Commission may permit the #development# of a #building# containing a #transient hotel#, as listed in Use Group 5, or may permit the #conversion# or change of #use# within an existing #building# to a #transient hotel#, provided the Commission finds that the proposed #transient hotel# will:

- (a) be appropriate to the needs of businesses in the vicinity of Grand Central Terminal; and
- (b) provide on-site amenities and services that will support the area's role as an office district. Such business-oriented amenities and services shall be proportionate to the scale of the #transient hotel# being proposed, and shall include, but shall not be limited to, conference and meeting facilities, and telecommunication services.

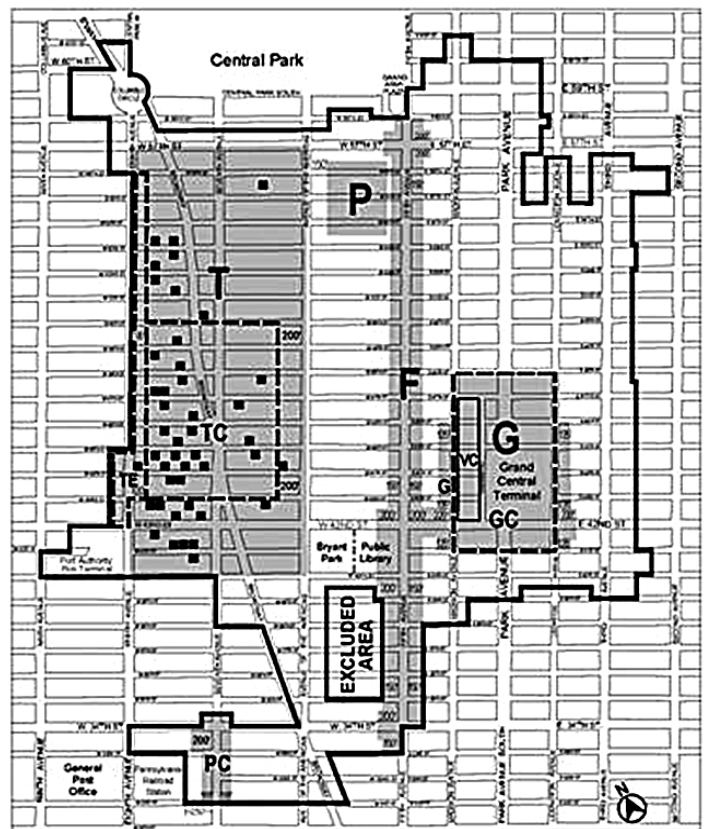
The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

* * *

Appendix A Midtown District Plan Maps

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Map 1: Special Midtown District and Subdistricts



MIDTOWN DISTRICT PLAN MAP 1 - Special Midtown District and Subdistricts



Map 4: Network of Pedestrian-Circulation [DELETE EXISTING MAP]

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VANDERBILT CORRIDOR MANHATTAN CB 5 C 140440 MMM

Application submitted by The New York City Department of City Planning pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of Vanderbilt Avenue between East 42nd Street and East 43rd Street;
- the establishment of Public Place above a lower limiting plane; and
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 30244 dated October 17, 2014 and signed by the Borough President.

ONE VANDERBILT AVENUE MANHATTAN CBs 5 and 6 C 150128 ZSM

Application submitted by Green 317 Madison LLC and Green 110 East 42nd LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-635 of the Zoning Resolution to allow the transfer of 114,050.25 square feet of floor area (2.63 FAR) from property located at 110 East 42nd Street (Block 1296, Lots 1001-1007) that is occupied by a landmark building (Bowery Savings Bank Building) to property bounded by 42nd Street, Madison Avenue, 43rd Street, and Vanderbilt Avenue (Block 1277, Lots 20, 27, 46, and 52) to facilitate the development of a commercial building, in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict).

**ONE VANDERBILT AVENUE
MANHATTAN CBs 5 and 6 C 150129 ZSM**

Application submitted by Green 317 Madison LLC and Green 110 East 42nd LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-641 of the Zoning Resolution to allow an increase in floor area in excess of the basic maximum floor area ratio established in Row A of the Table in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings) up to a maximum floor area as set forth in Row O of such Table to facilitate the development of a commercial building on property bounded by 42nd Street, Madison Avenue, 43rd Street, and Vanderbilt Avenue (Block 1277, Lots 20, 27, 46, and 52), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict).

**ONE VANDERBILT AVENUE
MANHATTAN CBs 5 and 6 C 150130 (A) ZSM**

Application submitted by Green 317 Madison LLC and Green 110 East 42nd LLC pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedures for the grant of a special permit pursuant to Section 81-642 of the Zoning Resolution to modify, in conjunction with the special permit pursuant to Section 81-641 (Additional floor area for the provisional of public realm improvements):

1. the street wall requirements of Sections 81-43 (Street Wall Continuity along Designated Streets) and 81-621 (Special street wall requirements);
2. the height and setback requirements of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation), and 81-622 (Special height and setback requirements); and
3. the mandatory district plan elements of Sections 81-42 (Retail Continuity along Designated Streets), 81-45 (Pedestrian Circulation Space) and the requirements of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), 81-47 (Major Building Entrances), 81-623 (Building lobby entrance requirements), and 81-624 (Curb cut restrictions and loading requirements);

to facilitate the development of a commercial building on property bounded by 42nd Street, Madison Avenue, 43rd Street, and Vanderbilt Avenue (Block 1277, Lots 20, 27, 46, and 52), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict).

**2702 WEST 15TH STREET
BROOKLYN CB - 13 C 140209 ZSK**

Application submitted by SO Development Enterprises, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following sections of the Zoning Resolution:

1. Section 106-32(a) – to allow a commercial use (U.G. 16D) not otherwise permitted by the provisions of Section 106-31 (Special Provisions for As-of-Right New Buildings for Use Group M or Commercial Use); and
2. Section 106-32(c) – to modify the yard regulations of Section 106-34 (Special Yard Regulations);

to facilitate the development of a 3-story commercial warehouse building on property located at 2702 West 15th Street (Block 6996, Lots 53 and 59), in an M1-2 District, within the Special Coney Island Mixed Use District.

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing in the Council Committee Room, 250 Broadway, 16th Floor, New York, NY 10007, commencing at 11:00 A.M. on Monday, April 13, 2015.

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matters in the Committee Room, City Hall, New York, NY 10007, commencing at 1:00 P.M. on Monday, April 13, 2015:

**FIFTH AVENUE COMMITTEE RENAISSANCE
BROOKLYN CBs - 2 and 6 20155443 HAK**

Application submitted by the New York City Department of Housing Preservation and Development (HPD) for a grant of a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at 150 Nevins Street (Block 387, Lot 41), 258 Bergen Street (Block 388, Lot 9), 320 Bergen Street (Block 389, Lot 12), 322 Bergen Street (Block 389, Lot 13), 332 Bergen Street (Block 389, Lot 22), 579 Warren Street (Block 395, Lot 48), 445 Baltic Street (Block 399, Lot 1), 190 Butler Street (Block 411, Lot 11), 336 Butler Street (Block 413, Lot 36), 421 Smith Street (Block 468, Lot 2), 76 Fifth Avenue (Block 934, Lot 41), 147 Fifth Avenue (Block 947, Lot

8), 141 Fifth Avenue (Block 947, Lot 11), 172 Fifth Avenue (Block 949, Lot 46), 690 Sackett Street (Block 952, Lot 15), 677 Union Street (Block 952, Lot 67), 680 Union Street (Block 955, Lot 39), 643 President Street (Block 955, Lot 52), 77 Garfield Place (Block 962, Lot 1), 254 6th Street (Block 992, Lot 32), and 439 13th Street (Block 1098, Lot 52); Borough of Brooklyn. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the PHFL.

**NORTHERN MANHATTAN EQUITIES PHASE II
MANHATTAN CB - 10 20155444 HAM**

Application submitted by the New York City Department of Housing Preservation and Development (HPD) for the grant of a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at 251 West 145th Street (Block 2031, Lot 5), 247 West 145th Street (Block 2031, Lot 7), 243 West 145th Street (Block 2031, Lot 10), 239 West 145th Street (Block 2031, Lot 12), 210 West 140th Street (Block 2025, Lot 44), 212 West 140th Street (Block 2025, Lot 46), 214 West 140th Street (Block 2025, Lot 47), 216 West 140th Street (Block 2025, Lot 49), and 60 St. Nicholas Avenue (Block 1823, Lot 18); Borough of Manhattan. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the PHFL.

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COMMUNITY BOARDS

■ PUBLIC HEARINGS

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

BOROUGH OF MANHATTAN

COMMUNITY BOARD NO. 07 - Wednesday, April 8, 2015 at 7:00 P.M., Manhattan Community Board 7 Office, 250 West 87th Street, New York, NY

N130253 ECM
IN THE MATTER OF an application from the 53 West 72 Street Cafe, LLC., doing business as, Dakota Bar, for review, pursuant to Section 366-a(c) of the New York City Charter, of the grant for the grant of a new application for a revocable consent to operate under change of corporate and trade name an existing enclosed sidewalk cafe with 13 tables and 26 seats at 53 West 72 Street on the northeast corner of Columbus Avenue fronting on West 72 Street, in the Borough of Manhattan.

N130297 ECM
IN THE MATTER OF an application from the Mafra Restaurant Corp., doing business as, IL Violino, for review, pursuant to Section 364-e of the New York City Charter, for the grant of a new application of a revocable consent to operate an enclosed sidewalk cafe with 15 tables and 36 seats at 180 Columbus Avenue on the corner of Columbus Avenue and West 68th Street, in the Borough of Manhattan.

N130342 ECM
IN THE MATTER OF an application from the 831 Amsterdam Restaurant Corp., doing business as, Hi-Life Bar and Grill, for review, pursuant to Section 364-e of the New York City Charter, for the grant of a new application of a revocable consent to operate an enclosed sidewalk cafe with 6 tables and 16 seats at 477 Amsterdam Avenue on the southeast corner of Amsterdam Avenue and West 83rd Street, in the Borough of Manhattan.

N130381 ECM
IN THE MATTER OF an application from the Ixhel Corporation doing business as, Cafe Frida, for review, pursuant to Section 364-e of the New York City Charter, for the grant of a new application of a revocable consent to operate an enclosed sidewalk cafe with 10 tables and 28 seats at 368 Columbus Avenue on Columbus Avenue, between West 77th Street and 78th Street, in the Borough of Manhattan.

N130357 ECM
IN THE MATTER OF an application from the Heledonia, Inc., doing business as, Olympic Flame Diner, for review, pursuant to Section 364-e of the New York City Charter, for the grant of a new application of a revocable consent to operate an enclosed sidewalk cafe with 11 tables and 32 seats at 200 West 60th Street on the southwest corner of Amsterdam Avenue and West 60th Street, in the Borough of Manhattan.

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

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 07 - Monday, April 13, 2015 at 7:00 P.M., Union Plaza Care Center-9th Floor, 33-23 Union Street, Flushing, NY

BSA# 402-86-BZ

22-12 129th Street, College Point

Application to waive Rules of Procedure; extend term of variance, amend resolution to permit construction of building with primary business entrance; show window or sign within 75 feet of adjoining residential district without open and rear yards; dispose of conditions listed in BSA May 12, 1987 resolution due to change in zoning to a manufacturing use district wherein proposed Use is permitted.

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

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 11 - Monday, April 13, 2015 at 7:30 P.M., M.S. 158, 46-35 Oceania Avenue, Bayside, NY

BSA# 268-14-BZ

An application has been submitted to the NYC Board of Standards and Appeals to permit the enlargement of the existing eating and drinking establishment within an R1-2 zoning district and is located adjacent to 231-10 Northern Boulevard, Douglaston, Queens.

BSA# 302-14-BZ

An application has been submitted to the NYC Board of Standards and Appeals to allow the construction of a two-story, mixed-use building with a two-family residence and an ambulatory health care facility in an R3X zoning district located at 45-04 Francis Lewis Boulevard, Bayside, Queens.

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CONSUMER AFFAIRS

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, PURSUANT TO LAW, that the New York City Department of Consumer Affairs will hold a Public Hearing on Wednesday, April 15, 2015, at 2:00 P.M., at 66 John Street, 11th Floor, in the Borough of Manhattan, on the following petitions for sidewalk café revocable consent:

- 1) 449 Restaurant, Inc.
449 3rd Avenue in the Borough of Manhattan
(To continue to maintain, and operate an enclosed sidewalk café for a term of four years.)
- 2) 701 West 135th Cafe Inc.
701 West 135th Street in the Borough of Manhattan
(To modify and continue to maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 3) Angelo Vivolo Restaurant Associates Inc.
140 East 74th Street in the Borough of Manhattan
(To continue to maintain, and operate an enclosed sidewalk café for a term of four years.)
- 4) Butcher King Inc.
3710 30th Avenue in the Borough of Queens
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 5) Cactus Pear Llc
320 Amsterdam Avenue in the Borough of Manhattan
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 6) Dig Inn 2884 Broadway Llc
2884 Broadway in the Borough of Manhattan
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 7) E2 185 Bleecker Llc
185 Bleecker Street in the Borough of Manhattan
(To establish, maintain, and operate a small unenclosed sidewalk café for a term of two years.)
- 8) Fusha 311 West Inc.
311 Amsterdam Avenue in the Borough of Manhattan
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)

- 9) George's Scc, Inc.
3000 Buhre Avenue in the Borough of Bronx
(To continue to maintain, and operate an enclosed sidewalk café for a term of four years.)
- 10) Heledona, Inc.
200 West 60th Street in the Borough of Manhattan
(To continue to maintain, and operate an enclosed sidewalk café for a term of four years.)
- 11) Italian Wine Company Llc
38 8th Avenue in the Borough of Manhattan
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 12) Ixhel Corporation
368 Columbus Avenue in the Borough of Manhattan
(To continue to maintain, and operate an enclosed sidewalk café for a term of four years.)
- 13) Kedros Ltd.
1505 3rd Avenue in the Borough of Manhattan
(To continue to maintain, and operate an enclosed sidewalk café for a term of four years.)
- 14) Mimi's Restaurant Corp.
984 2nd Avenue in the Borough of Manhattan
(To continue to maintain, and operate an enclosed sidewalk café for a term of four years.)
- 15) Npk Donut Inc.
96 East 161st Street in the Borough of Bronx
(To continue to maintain, and operate an enclosed sidewalk café for a term of four years.)
- 16) Primavera Mexican Llc
898 Amsterdam Avenue in the Borough of Manhattan
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 17) Radiante Llc
131 Duane Street in the Borough of Manhattan
(To continue to maintain, and operate an unenclosed sidewalk café for a term of four years.)
- 18) Wine and Roses Bar and Cafes, Llc
286 Columbus Avenue in the Borough of Manhattan
(To continue to maintain, and operate an unenclosed sidewalk café for a term of four years.)

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EMPLOYEES' RETIREMENT SYSTEM

■ MEETING

Please be advised that the next Regular Meeting of the Board of Trustees of the New York City Employees' Retirement System has been scheduled for Thursday, April 9, 2015 at 9:30 A.M. to be held at the New York City Employees' Retirement System, 335 Adams Street, 22nd Floor Boardroom, Brooklyn, NY 11201-3751.

a2-8

ENVIRONMENTAL PROTECTION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that, pursuant to Title 5, Chapter 3, Subchapter 3 of the Administrative Code of the City of New York, a public hearing will be held at 22 Reade Street, Borough of Manhattan on Wednesday April 29, 2015, at 10:00 A.M. on the following:

IN THE MATTER OF the acquisition by the City of New York of fee simple (Fee) and conservation easement (CE) interests, and by the Watershed Agricultural Council (WAC) of conservation easement interests using funds provided by the City of New York, on the following real estate in the Counties of Delaware, Greene, Schoharie and Ulster for the purposes of providing for the continued supply of water, and for preserving and preventing the contamination or pollution of the water supply of the City of New York:

NYC ID	County	Municipality	Type	Tax Lot ID	Acres (+/-)
8855	Delaware	Andes	Fee	237.-1-17.22	10.35
6193		Andes	WAC CE	240.-1-10.1	297.60
2975		Delhi	Fee	p/o 193.-1-1.11	205.88
6210		Delhi	WAC CE	150.-1-78	81.90

6190	Hamden	WAC CE	191.-1-7.1	92.50
8098	Middletown	Fee	240.-3-3	17.44
6193	Middletown	WAC CE	240.-2-24	18.50
2216	Roxbury	Fee	134.-1-38 & p/o 133.-2-12	266.11
3858	Roxbury	Fee	201.-1-62	43.60
5571	Walton	CE	210.-1-8	123.70
8187	Greene Ashland	Fee	p/o 93.00-2-29	19.50
2338	Schoharie Conesville	CE	208.-1-20.1 & p/o 20.2	120.00
2340	Gilboa	CE	207.-2-11	88.30
18	Ulster Olive	Fee	p/o 37.18-3-9.100	14.31

IN THE MATTER OF the acquisition by the City of New York of a fee simple interest in the following real estate in the County of Orange for the purposes of providing for the continued supply of water for the water supply of the City of New York:

NYC ID	County	Municipality	Tax Lot ID	Acres (+/-)
8898	Orange	Newburgh	8.-1-21.12 & 8.-1-22.22	8.60

A copy of the Mayor's Preliminary Certificates of Adoption and maps of the real estate to be acquired are available for public inspection upon request. Please call (845) 340-7810.

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LANDMARKS PRESERVATION COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, **April 7, 2015 at 9:30 A.M.**, a public hearing will be held at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website the Friday before the hearing. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should contact the Landmarks Commission no later than five (5) business days before the hearing or meeting.

Pearl Street at York Street - DUMBO Historic District

16-8169 – Block 7777, Lot 77, Zoned M1-5/R9-1
Community District 2, Brooklyn

BINDING REPORT

A street grid laid out c. 1830. Application is to create a pedestrian island.

4-10 Water Street - Fulton Ferry Historic District

16-8371 – Block 35, Lot 16, Zoned M2-1
Community District 2, Brooklyn

CERTIFICATE OF APPROPRIATENESS

A Vernacular style commercial/industrial building built in the late 19th century. Application is to replace penthouse terrace doors.

169 Columbia Heights - Brooklyn Heights Historic District

16-6897 – Block 234, Lot 24, Zoned R6
Community District 2, Brooklyn

CERTIFICATE OF APPROPRIATENESS

A Beaux-Arts style hotel building built in 1903. Application is to alter the marquee, alter and create new window openings, and construct a rooftop addition.

10 Remsen Street - Brooklyn Heights Historic District

16-6577 – Block 251, Lot 10, Zoned R6, LH-1
Community District 2, Brooklyn

CERTIFICATE OF APPROPRIATENESS

A Greek Revival style rowhouse built c. 1840. Application is to alter the facade and excavate the areaway.

111 Columbia Heights - Brooklyn Heights Historic District

16-4893 – Block 224, Lot 3, Zoned R6
Community District 2, Brooklyn

CERTIFICATE OF APPROPRIATENESS

A Greek Revival style rowhouse built c. 1837-40. Application is to repaint windows, alter the areaway, construct a rear yard addition and a rooftop bulkhead, and excavate at the rear yard.

188 Columbia Heights - Brooklyn Heights Historic District

16-7680 – Block 208, Lot 318, Zoned R6
Community District 2, Brooklyn

CERTIFICATE OF APPROPRIATENESS

An Italianate style house built in 1870. Application is to install an HVAC unit at the rear facade.

245 Greene Avenue - Clinton Hill Historic District

16-5436 – Block 1952, Lot 64, Zoned R6B

Community District 2, Brooklyn

CERTIFICATE OF APPROPRIATENESS

A Romanesque Revival style rowhouse built in 1894. Application is to replace windows.

220 Carlton Avenue - Fort Greene Historic District

16-6343 – Block 2089, Lot 44, Zoned R6B

Community District 2, Brooklyn

CERTIFICATE OF APPROPRIATENESS

An Italianate style rowhouse designed by John Doherty and built in 1863-64. Application is to alter the rear facade and construct a rear yard addition.

442 Henry Street - Cobble Hill Historic District

16-7644 – Block 322, Lot 41, Zoned R6

Community District 6, Brooklyn

CERTIFICATE OF APPROPRIATENESS

An Italianate style rowhouse built in the 1850's. Application is to construct a rear yard addition.

28 Liberty Street (Formerly One Chase Manhattan Plaza) One Chase Manhattan Plaza - Individual Landmark

16-8200 – Block 44, Lot 1, Zoned C5-5

Community District 1, Manhattan

CERTIFICATE OF APPROPRIATENESS

An International Style skyscraper designed by Skidmore, Owings & Merrill and built in 1957-64. Application is to alter the plaza and tower base, and install storefronts, signage and a stair enclosure.

140 Broadway - 140 Broadway, former Marine Midland Bank Building - Individual Landmark

16-6653 – Block 48, Lot 1, Zoned C5-5

Community District 1, Manhattan

CERTIFICATE OF APPROPRIATENESS

A mid-20th century modern office tower designed by Skidmore, Owings & Merrill, and built in 1964-68. Application is to install storefront infill and alter the base of the building.

71-73 Franklin Street - Tribeca East Historic District

14-6038 – Block 174, Lot 28, Zoned C6-2A

Community District 1, Manhattan

CERTIFICATE OF APPROPRIATENESS

An Italianate/Second Empire style store and loft building built in 1859-1861. Application is to construct a rooftop addition and alter the ground floor.

272-274 Canal Street - Tribeca East Historic District

16-4707 – Block 196, Lot 11 & 12, Zoned M1-5

Community District 1, Manhattan

CERTIFICATE OF APPROPRIATENESS

Two Utilitarian and neo-Grec style store and loft buildings, one designed by John B. Snook and built in 1885 and the other designed by Alfred B. Ogden and built in 1883. Application is to install storefronts, alter the facades and to create a double-height ground floor space.

37 Harrison Street - Harrison Street House - Individual Landmark

16-5987 – Block 142, Lot 17, Zoned C6-4

Community District 1, Manhattan

CERTIFICATE OF APPROPRIATENESS

A Federal style townhouse built in 1828. Application is to legalize the removal of shutters without Landmark Preservation Commission permits and enlarge the rear dormer.

9 Vandam Street - Charlton-King - Vandam Historic District

14-9769 – Block 469, Lot 9, Zoned R7-2

Community District 2, Manhattan

CERTIFICATE OF APPROPRIATENESS

A Federal style rowhouse built in 1829-30. Application is to construct a rear yard addition, modify a dormer, excavate the cellar and rear yard.

45 Fifth Avenue - Greenwich Village Historic District

15-8368 – Block 569, Lot 3, Zoned R10, R7-2

Community District 2, Manhattan

CERTIFICATE OF APPROPRIATENESS

An apartment building designed by Sugarman and Berger and built in 1925. Application is to install an areaway fence and planting bed.

70 Bank Street - Greenwich Village Historic District

16-7781 – Block 623, Lot 29, Zoned R6

Community District 2, Manhattan

CERTIFICATE OF APPROPRIATENESS

An altered Greek Revival style rowhouse designed by Baldwin & Mills and built in 1839-42. Application is to alter the front facade, construct a stoop, rooftop bulkheads, and a new rear facade and excavate the rear yard.

753 and 755-757 Greenwich Street, aka 311 and 305-307 West 11th Street - Greenwich Village Historic District

16-7844 – Block 634, Lot 48, 49, Zoned C1-6

Community District 2, Manhattan

CERTIFICATE OF APPROPRIATENESS

Three Greek Revival style rowhouses, built in 1836-37 and altered in the 19th century. Application is to install a cornice, enlarge chimneys, and install a deck, stair-bulkhead, HVAC equipment, railings and planters at the roofs.

311 West 4th Street - Greenwich Village Historic District

16-5836 – Block 615, Lot 6, Zoned R10-H

Community District 2, Manhattan

CERTIFICATE OF APPROPRIATENESS

A Greek Revival style rowhouse built in 1836. Application is to construct rooftop additions and modify a rear yard addition.

53 Downing Street - Greenwich Village Historic District Extension II

16-4701 – Block 528, Lot 84, Zoned R6

Community District 2, Manhattan

CERTIFICATE OF APPROPRIATENESS

An altered Italianate style manufacturing building built c.1857. Application is to reclad the front facade, replace windows and alter window openings, and construct rooftop and rear yard additions.

185 Bleecker Street - South Village Historic District

16-6957 – Block 540, Lot 43, Zoned R7-2, C1-5

Community District 2, Manhattan

CERTIFICATE OF APPROPRIATENESS

A Renaissance Revival style tenement building designed by Sass & Smallheiser and built in 1904. Application is to replace storefront infill, install signage, awnings, light fixtures, and a barrier-free access ramp.

530 LaGuardia Place - South Village Historic District

16-3568 – Block 537, Lot 30, Zoned R7-2, C1-5

Community District 2, Manhattan

CERTIFICATE OF APPROPRIATENESS

A neo-Grec style store and lofts building designed by J. V. Close & Bro. and built in 1884. Application is to remove a skylight at the rear.

28 Little West 12th Street - Gansevoort Market Historic District

16-1015 – Block 644, Lot 43, Zoned M1-5

Community District 2, Manhattan

CERTIFICATE OF APPROPRIATENESS

A neo-Georgian style stable building designed by John M. Baker and built in 1911. Application is to install a roof deck enclosure.

426 West 14th Street - Gansevoort Market Historic District

16-1133 – Block 646, Lot 29, Zoned M1-5

Community District 2, Manhattan

CERTIFICATE OF APPROPRIATENESS

A simplified neo-Georgian style warehouse building designed by Lafayette A. Goldstone and built in 1908-1910. Application is to install storefront infill and a cellar stairwell.

30-32 Howard Street - SoHo - Cast Iron Historic District

16-1238 – Block 232, Lot 22, Zoned M1-5B

Community District 2, Manhattan

CERTIFICATE OF APPROPRIATENESS

A neo-Grec style building designed by J. B. Snook and built in 1868. Application is to construct rooftop additions and alter the rear facade.

421 East 6th Street - East Village/Lower East Side Historic District

16-6192 – Block 434, Lot 46, Zoned R8B

Community District 3, Manhattan

CERTIFICATE OF APPROPRIATENESS

A neo-Classical style commercial building built in 1919. Application is to enlarge a bulkhead, alter the rear, install new fences, and replace windows and doors.

353 West 20th Street - Chelsea Historic District

16-3465 – Block 744, Lot 10, Zoned R7B

Community District 4, Manhattan

CERTIFICATE OF APPROPRIATENESS

A transitional Greek Revival/Italianate style rowhouse built in 1852-53. Application is to construct rooftop and rear yard additions, and to excavate the rear yard.

212 Fifth Avenue Madison Square North Historic District

16-6089 – Block 827, Lot 44, Zoned C5-2

Community District 5, Manhattan

CERTIFICATE OF APPROPRIATENESS

A neo-Medieval style office building designed by Schwartz and Gross and built in 1912-13. Application is to construct a rooftop addition, install storefront infill and a canopy, modify and add window openings and replace windows.

326 Columbus Avenue - Upper West Side/Central Park West Historic District

16-7189 – Block 1147, Lot 30, Zoned C1-8A

Community District 7, Manhattan

CERTIFICATE OF APPROPRIATENESS

A Modern style apartment building designed by Yeshayahu Eshkar and built in 1971. Application is to replace windows.

316 West 88th Street - Riverside - West End Historic District

16-2993 – Block 1249, Lot 57, Zoned R8

Community District 7, Manhattan

CERTIFICATE OF APPROPRIATENESS

An Elizabethan Renaissance Revival style rowhouse designed by Clarence True and built in 1890-91. Application is to construct rooftop and rear yard additions, reconstruct a missing stoop, and excavate the areaway.

36 East 68th Street - Upper East Side Historic District

16-4137 – Block 1382, Lot 47, Zoned R8B

Community District 8, Manhattan

CERTIFICATE OF APPROPRIATENESS

A rowhouse designed by R.W. Buckley, and built in 1879, and modified in the neo-Classical style by Morris & O'Connor in 1932. Application is to reconstruct the front facade, modify the roof and rear facade, and excavate the cellar.

448 West 152nd Street - Hamilton Heights/Sugar Hill Northwest Historic District

16-4779 – Block 2066, Lot 49, Zoned R6A

Community District 9, Manhattan

CERTIFICATE OF APPROPRIATENESS

A transitional neo-Grec/Queen Anne style house designed by M.V.B. Ferdon and built in 1887. Application is to replace signage.

721 St. Nicholas Avenue - Hamilton Heights-Sugar Hill Historic District

16-7507 – Block 2060, Lot 36, Zoned R6A/C1-4

Community District 9, Manhattan

CERTIFICATE OF APPROPRIATENESS

A Victorian Romanesque style rowhouse designed by Hugh M. Reynolds and built in 1890-91. Application is to construct a stair bulkhead, install a fire escape, exhaust flue and areaway ironwork, and replace windows and doors.

249 West 138th Street - St. Nicholas Historic District

16-2349 – Block 2024, Lot 11, Zoned R7-2

Community District 10, Manhattan

CERTIFICATE OF APPROPRIATENESS

A neo-Georgian style rowhouse built in 1891-92. Application is to modify and enlarge the rear yard addition and garage.

65 Jumel Terrace - Morris-Jumel Mansion - Individual and Interior Landmark - Jumel Terrace Historic District

16-6237 – Block 2109, Lot 106, Zoned Parkland.

Community District 12, Manhattan

BINDING REPORT

A Georgian style mansion built in 1765, and remodeled in 1810 in the Napoleonic Empire style with Federal style details. Application is to install a condenser unit and enclosure within Roger Morris Park and floor vents in the Octagon Room.

m25-a7

RESEARCH DEPARTMENT PUBLIC HEARING AGENDA

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, **April 7, 2015 at 9:30 A.M.**, a public hearing will be held at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website the Friday before the hearing. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should contact the Landmarks Commission no later than five (5) business days before the hearing or meeting.

Brooklyn Public Library, Stone Avenue Branch, 581 Stone Avenue, aka 581-591 Mother Gaston Boulevard; 372-382 Dumont Avenue, Brooklyn
LP-2568

Landmark Site: Brooklyn Block 3794, Lot 18

Community District 16

PUBLIC HEARING ITEM

A Jacobean style structure by William B. Tubby built in 1914.

m25-a7

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, April 21, 2015, at 9:30 A.M., a public hearing will be held at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following property and then followed by a public meeting. The order and estimated times for each application will be posted on the Landmarks Preservation Commission website the Friday before the hearing. Any person requiring reasonable accommodation in order to participate in the hearing or attend the

meeting should contact the Landmarks Commission no later than five (5) business days before the hearing or meeting.

The Bank of Manhattan Company Long Island City Branch Building, 29-27 Queens Plaza North (aka 29-27 41st Avenue, 29-39 Northern Boulevard), Queens LP-2570
Landmark Site: Queens Block 403, Lot 21 in part Community District 1

← a7-20

MAYOR'S OFFICE OF CONTRACT SERVICES

MEETING

PUBLIC NOTICE IS HEREBY GIVEN that the Franchise and Concession Review Committee will hold a public meeting on Wednesday, April 8, 2015 at 2:30 P.M., at 22 Reade Street, Spector Hall, Borough of Manhattan.

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

m30-a8

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 945 commencing at 2:00 P.M. on Wednesday, April 22, 2015. 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 2 Gold L.L.C. to continue to maintain and use bollards on the south sidewalk of Platt Street, east of Gold Street, and on the east sidewalk of Gold Street, south of Platt Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2015 to June 30, 2025 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period from July 1, 2015 to June 30, 2025 - \$1,500/per annum.

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

#2 IN THE MATTER OF a proposed revocable consent authorizing 924 West End Avenue, Inc. to continue to maintain and use two lampposts on the north sidewalk of West 105th Street, between West End Avenue and Broadway, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2015 to June 30, 2025 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period from July 1, 2015 to June 30, 2025 - \$300/per annum.

the maintenance of a security deposit in the sum of \$2,500 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate

#3 IN THE MATTER OF a proposed revocable consent authorizing 2727 Knapp Street Storage, LLC to construct, maintain and use a force main, together with a manhole, under and along east sidewalk of Knapp Street, south of Voorhies 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, 2025 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Date of Approval by the Mayor to June 30, 2015 - \$1,405/annum

For the period July 1, 2015 to June 30, 2016 - \$1,443
 For the period July 1, 2016 to June 30, 2017 - \$1,481
 For the period July 1, 2017 to June 30, 2018 - \$1,519
 For the period July 1, 2018 to June 30, 2019 - \$1,557
 For the period July 1, 2019 to June 30, 2020 - \$1,595
 For the period July 1, 2020 to June 30, 2021 - \$1,633
 For the period July 1, 2021 to June 30, 2022 - \$1,671
 For the period July 1, 2022 to June 30, 2023 - \$1,709
 For the period July 1, 2023 to June 30, 2024 - \$1,747

For the period July 1, 2024 to June 30, 2025 - \$1,785

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

#4 IN THE MATTER OF a proposed revocable consent authorizing EE Ling Lim, Trustee of the Liow 2011 Family Trust to continue to maintain and use a fenced-in area, together with a stair and two planters, on the north sidewalk of East 77th Street, east of Madison Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2015 to June 30, 2025 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2015 to June 30, 2025 - \$25/per annum

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

#5 IN THE MATTER OF a modification of revocable consent authorizing New York University to construct, maintain and use an additional two (2) pipes under and across West 3rd Street, east of MacDougal Street, in the Borough of Manhattan. The proposed modified revocable consent is for a term of nine years from the date of Approval by the Mayor to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2014 to June 30, 2015 - \$164,036 + \$3,000/per annum (prorated from the date of Approval by the Mayor)

For the period July 1, 2015 to June 30, 2016 - \$171,596
 For the period July 1, 2016 to June 30, 2017 - \$176,156
 For the period July 1, 2017 to June 30, 2018 - \$180,716
 For the period July 1, 2018 to June 30, 2019 - \$185,276
 For the period July 1, 2019 to June 30, 2020 - \$189,836
 For the period July 1, 2020 to June 30, 2021 - \$194,396
 For the period July 1, 2021 to June 30, 2022 - \$198,956
 For the period July 1, 2022 to June 30, 2023 - \$203,516
 For the period July 1, 2023 to June 30, 2024 - \$208,076

the maintenance of a security deposit in the sum of \$146,000 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#6 IN THE MATTER OF a proposed revocable consent authorizing Shelia Bauchman to continue to maintain and use fenced-in area, together with steps and trash enclosure, on the south sidewalk of West 83rd Street, east of Columbus Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2015 to June 30, 2025 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2015 to June 30, 2025 - \$25/per annum

the maintenance of a security deposit in the sum of \$3,000 and the insurance shall be the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#7 IN THE MATTER OF a proposed revocable consent authorizing Southwest Properties, LLC to continue to maintain and use a stoop and a fenced-in area on the south sidewalk of West 23rd Street, between Eighth and Ninth Avenues, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2015 to June 30, 2025 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2015 to June 30, 2016 - \$3,001
 For the period July 1, 2016 to June 30, 2017 - \$3,083
 For the period July 1, 2017 to June 30, 2018 - \$3,165
 For the period July 1, 2018 to June 30, 2019 - \$3,247
 For the period July 1, 2019 to June 30, 2020 - \$3,329
 For the period July 1, 2020 to June 30, 2021 - \$3,411
 For the period July 1, 2021 to June 30, 2022 - \$3,493
 For the period July 1, 2022 to June 30, 2023 - \$3,575
 For the period July 1, 2023 to June 30, 2024 - \$3,657
 For the period July 1, 2024 to June 30, 2025 - \$3,739

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

a2-22

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, April 8, 2015. 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 Carrie Weprin and Jared Hecht-Bernstein to continue to maintain and use the steps and planted areas on the north sidewalk of State Street, east of Smith Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2015 to June 30, 2025 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- For the period July 1, 2015 to June 30, 2016 - \$575
- For the period July 1, 2016 to June 30, 2017 - \$591
- For the period July 1, 2017 to June 30, 2018 - \$607
- For the period July 1, 2018 to June 30, 2019 - \$623
- For the period July 1, 2019 to June 30, 2020 - \$639
- For the period July 1, 2020 to June 30, 2021 - \$655
- For the period July 1, 2021 to June 30, 2022 - \$671
- For the period July 1, 2022 to June 30, 2023 - \$687
- For the period July 1, 2023 to June 30, 2024 - \$703
- For the period July 1, 2024 to June 30, 2025 - \$719

the maintenance of a security deposit in the sum of \$3,700 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 Darin P. McAtee continue to maintain and use a stoop, stairs and planted area on the north sidewalk of State Street, east of Smith Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2015 to June 30, 2025 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- For the period July 1, 2015 to June 30, 2016 - \$1,154
- For the period July 1, 2016 to June 30, 2017 - \$1,186
- For the period July 1, 2017 to June 30, 2018 - \$1,218
- For the period July 1, 2018 to June 30, 2019 - \$1,250
- For the period July 1, 2019 to June 30, 2020 - \$1,282
- For the period July 1, 2020 to June 30, 2021 - \$1,314
- For the period July 1, 2021 to June 30, 2022 - \$1,346
- For the period July 1, 2022 to June 30, 2023 - \$1,378
- For the period July 1, 2023 to June 30, 2024 - \$1,410
- For the period July 1, 2024 to June 30, 2025 - \$1,442

the maintenance of a security deposit in the sum of \$3,700 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 Jack DeHovitz and Lisa Goldfarb to continue to maintain and use a stoop, stairs and planted area on the north sidewalk of State Street, east of Smith Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2015 to June 30, 2025 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- For the period July 1, 2015 to June 30, 2016 - \$1,160
- For the period July 1, 2016 to June 30, 2017 - \$1,192
- For the period July 1, 2017 to June 30, 2018 - \$1,224
- For the period July 1, 2018 to June 30, 2019 - \$1,256
- For the period July 1, 2019 to June 30, 2020 - \$1,288
- For the period July 1, 2020 to June 30, 2021 - \$1,320
- For the period July 1, 2021 to June 30, 2022 - \$1,352
- For the period July 1, 2022 to June 30, 2023 - \$1,384
- For the period July 1, 2023 to June 30, 2024 - \$1,416
- For the period July 1, 2024 to June 30, 2025 - \$1,448

the maintenance of a security deposit in the sum of \$3,700 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 Macon R. Jessop and Michael Jessop to continue to maintain and use a stoop, stairs and planted area on the north sidewalk of State Street, east of Smith Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2015 to June 30, 2025 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- For the period July 1, 2015 to June 30, 2016 - \$1,154
- For the period July 1, 2016 to June 30, 2017 - \$1,186
- For the period July 1, 2017 to June 30, 2018 - \$1,218
- For the period July 1, 2018 to June 30, 2019 - \$1,250
- For the period July 1, 2019 to June 30, 2020 - \$1,282
- For the period July 1, 2020 to June 30, 2021 - \$1,314
- For the period July 1, 2021 to June 30, 2022 - \$1,346
- For the period July 1, 2022 to June 30, 2023 - \$1,378
- For the period July 1, 2023 to June 30, 2024 - \$1,410
- For the period July 1, 2024 to June 30, 2025 - \$1,442

the maintenance of a security deposit in the sum of \$3,700 and the insurance shall be 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 Jewish Community Center of Staten Island, Incorporated to continue to maintain and use a force main, together with a manhole, under and along Manor Road, south of Brielle Avenue, in the Borough of Staten Island. The proposed revocable consent is for a term of ten years from July 1, 2015 to June 30, 2025 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- For the period July 1, 2015 to June 30, 2016 - \$ 9,923
- For the period July 1, 2016 to June 30, 2017 - \$10,194
- For the period July 1, 2017 to June 30, 2018 - \$10,465
- For the period July 1, 2018 to June 30, 2019 - \$10,736
- For the period July 1, 2019 to June 30, 2020 - \$11,007
- For the period July 1, 2020 to June 30, 2021 - \$11,278
- For the period July 1, 2021 to June 30, 2022 - \$11,549
- For the period July 1, 2022 to June 30, 2023 - \$11,820
- For the period July 1, 2023 to June 30, 2024 - \$12,091
- For the period July 1, 2024 to June 30, 2025 - \$12,362

the maintenance of a security deposit in the sum of \$19,300 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#6 IN THE MATTER OF a proposed revocable consent authorizing New York University to continue to maintain and use planters on the south sidewalk of Washington Place, east of Washington Square East, on the east sidewalk of Washington Square East, south of Washington Place, and on the east sidewalk of University Place, south of East 8th Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2014 to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- For the period July 1, 2014 to June 30, 2024 - \$165

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.

#7 IN THE MATTER OF a proposed revocable consent authorizing New York University to continue to maintain and use planters on the south sidewalk of Washington Square South, east of LaGuardia Place, and on the east sidewalk of LaGuardia Place, south of Washington Square South, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2014 to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- For the period July 1, 2014 to June 30, 2024 - \$310

the maintenance of a security deposit in the sum of \$1,200 and the insurance shall be the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#8 IN THE MATTER OF a proposed revocable consent authorizing New York University to continue to maintain and use planters on the south sidewalk of West 4th Street, between Mercer Street and LaGuardia Place, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2014 to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- For the period July 1, 2014 to June 30, 2024 - \$264

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.

#9 IN THE MATTER OF a proposed revocable consent authorizing Park Avenue Synagogue to continue to maintain and use planters and bollards on the south sidewalk of East 87th Street, east of Madison Avenue and on the east sidewalk of Madison Avenue south of East 87th Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2014 to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- For the period July 1, 2014 to June 30, 2024 - \$4,576

the maintenance of a security deposit in the sum of \$24,000 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

OFFICE OF CITYWIDE PROCUREMENT

■ NOTICE

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

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

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

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

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

j2-d31

POLICE

■ NOTICE

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

The following listed property is in the custody, of the Property Clerk Division without claimants. Recovered, lost, abandoned 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):

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

FOR ALL OTHER PROPERTY

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

j2-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."

HHS ACCELERATOR

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

Important information about the new method

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

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

Participating NYC Agencies

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

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

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

CITY UNIVERSITY

NYC COLLEGE OF TECHNOLOGY-PURCHASING

SOLICITATION

Goods and Services

PINNACLE FLEX SYSTEM WITH ACCESSORIES - Sole Source - Available only from a single source - PIN#041001523279 - Due 4-28-15 at 3:00 P.M.

New York City College of Technology (the "College") of the City University of New York ("CUNY") will be entering into a purchase order contract with Advance Clustering Technologies, Inc. ("ACT") for the purchase of a Pinnacle Flex System. The Pinnacle Flex System is a custom configuration server model, compatible and designed specifically to be integrated into a previous purchase as an ACT system upgrade. Advanced Clustering™s Pinnacle Flex is a state-of-the-art system that enables to mix and match high capacity processors with high-performance drives. The Pinnacle 2FX3601 offers dual processors, ConnectX-3 FDR Infiniband module, for parallel-intensive applications while maintaining the density of half-size form factor. The unique form factor allows for multiple configurations and supports the highest wattage processors. Each node is compatible with the proprietary Break-in Software and has been configured and integrated with our equipment. This notice is not an invitation for competition or interest, but is intended to meet the requirement to give public notice of a Single Source purchase without a formal competitive process in certain circumstances.

Vendor shall provide: Pinnacle Flex System with Accessories, includes:

- 1. GPU Nodes: Pinnacle 2FX3601- Quantity of 6 unit
2. Pinnacle Flex Enclosure- Quantity of 1 unit
3. Accessories- Quantity of 1 unit

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.

City University, 25 Chapel Street, HB-11th Floor, Brooklyn, NY 11201. Issa Yattassaye (718) 473-8960; Fax: (718) 473-8997; iyattassaye@citytech.cuny.edu

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CITYWIDE ADMINISTRATIVE SERVICES

OFFICE OF CITYWIDE PROCUREMENT

AWARD

Goods

CARS, PASSENGER, MIDSIZE - Competitive Sealed Bids - PIN#8571400125 - AMT: \$87,665.00 - TO: Schultz Ford Lincoln Inc., 80 Route 304, Nanuet, NY 10954.

PAPER, DUAL PURPOSE, RE-AD - Competitive Sealed Bids - PIN#8571400471 - AMT: \$30,646,000.00 - TO: Graphic Paper New York Inc., 31 Windsor Place, PO Box 9024, Central Islip, NY 11722.

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SHEETING, RETROREFLECTIVE VINYL FOR TRAFFIC SIGNS - Competitive Sealed Bids - PIN#8571400484 - AMT: \$3,966,030.00 - TO: 3M Company, 3M Center Building 225-4N-14, Saint Paul, MN 55144-1000.

PAPER, BOND, SUB. 20 - Competitive Sealed Bids - PIN#8571500230 - AMT: \$728,140.00 - TO: Paper Mart Inc., 151 Ridgedale Avenue, East Hanover, NJ 07936.

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VENDOR LIST

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

j2-d31

DESIGN AND CONSTRUCTION

AWARD

Construction/Construction Services

INSTALLATION OF NEW CATCH BASINS, AND RECONSTRUCTION OF EXISTING COLLAPSED OR OTHERWISE DEFECTIVE CATCH BASINS AND APPURTENANCES IN VARIOUS LOCATIONS - BOROUGH OF THE BRONX, BROOKLYN AND QUEENS - Competitive Sealed Bids - PIN#85015B0048001 - AMT: \$4,253,816.25 - TO: Heavy Construction Co., Inc., 138-13 Springfield Boulevard, Springfield Gardens, NY 11413.

PROJECT ID: SECBRPQ09/DDC PIN: 8502015SE0005C

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CONTRACTS

SOLICITATION

Construction/Construction Services

STATEN ISLAND MUSEUM ROOF AND DORMER RECONSTRUCTION REBID - BOROUGH OF STATEN ISLAND - Competitive Sealed Bids - PIN#85015B0129 - Due 4-30-15 at 2:00 P.M. PROJECT NO.: PV302RFDR (REBID)/DDC PIN: 8502015PV0013C Bid document deposit-\$35.00 per set-company check or money order only-no cash accepted-late bids will not be accepted. There will be an optional pre-bid walk-thru on April 20, 2015 at 11:00 A.M. at Staten Island Museum located at 75 Stuyvesant Place, Staten Island, NY 10301. Special experience requirements. VENDOR SOURCE: 88256

DCA TESTING STATION REHABILITATION - BOROUGH OF BROOKLYN - Competitive Sealed Bids - PIN#85015B0080 - Due 4-30-15 at 2:00 P.M. PROJECT NO.:PW77DCA/DDC PIN:8502015TR0004C

Bid document deposit-\$35.00 per set-company check or money order only-no cash accepted-late bids will not be accepted. There will be an optional pre-bid walk-thru on April 21, 2015 at 10:00 A.M. at DCA testing station located at 245 Meserole Avenue, Brooklyn, NY 11222. Experience requirements. VENDOR SOURCE: 88256

Bid documents are available at: http://www.nyc.gov/buildnyc

These contracts are subject to the Project Labor Agreement ("PLA") entered into between the City and the Building and Construction Trades Council of Greater New York ("BCTC") affiliated Local Unions. For further information, see Volume 2 of the bid documents.

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

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

Design and Construction, 30-30 Thomson Avenue, 1st Floor, Long Island City, NY 11101. Emmanuel Charles (718) 391-3170; Fax: (718) 391-2615; charlesem@ddc.nyc.gov

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ENVIRONMENTAL PROTECTION

PURCHASING MANAGEMENT

INTENT TO AWARD

Human Services/Client Services

BUS SHELTER ADVERTISING SPACE WITHIN THE OUTER BOROUGH AND MANHATTAN - Sole Source - Available only from a single source - PIN#5018111 - Due 4-21-15 at 11:00 A.M.

Any firm which believes it can also provide the bus shelter advertising space are invited to do so; please indicate by letter or email.

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.

Environmental Protection, 59-17 Junction Boulevard, 17th Floor, Flushing, NY 11373. Ira Elmore (718) 595-3259; Fax: (718) 595-9532; ielmore@dep.nyc.gov

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HEALTH AND HOSPITALS CORPORATION

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

j2-d31

MATERIALS MANAGEMENT

■ SOLICITATION

Human Services/Client Services

CLEANING AND WASTE REMOVAL OF TWO 30 GALLON SEPTIC TANKS. - Public Bid - PIN#035-0011 - Due 4-17-15 at 10:00 A.M.

Cleaning and waster removal two times a week from 30 gallon holding septic tanks. There will be a mandatory walk-through/site visit on Saturday, April 11, 2015 at 10:00 A.M.. Please contact Anthony Mule at 718-317-3356 or 917-731-7651 or email him at anthony.mule@seaviewsi.nychhc.org. Please provide proposal and exact information detailed in Scope of work.

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 Hospitals Corporation, 160 Water Street 13th Floor, New York, NY 10038. Jose Ojeda-Maggiolo (212) 323-3072; jose.ojeda-maggiolo@nychhc.org

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HOUSING AUTHORITY

SUPPLY MANAGEMENT

■ SOLICITATION

Services (other than human services)

STORAGE AND TRANSPORTATION OF MICROFILM - Request for Proposals - PIN#RFP 62038 - Due 5-5-15 at 3:00 P.M.

The New York City Housing Authority seeks proposals from qualified storage firms (the "Proposers") to provide NYCHA with storage and transportation of Microfilm, as detailed more fully within Section III of this RFP (collectively, the "Services"). NYCHA intends to enter into one (1) agreement (the "Agreement") with the selected Proposer (the "Selected Proposer" or the "Consultant") to provide the Services. The term of the awarded Agreement shall be three (3) years ("Initial Term") which may be renewed for another two (2) additional one (1) year periods, at the sole discretion of NYCHA and upon written notice to the consultant. The Initial Term and the Renewal Terms (if any) shall be collectively referred to as the "Term". The cost for the Services to be performed during any Renewal Term(s) shall be the price set forth in the Consultant's Cost Proposal. In the event that a Proposer has any questions concerning this Solicitation: they should be submitted to the Solicitation Coordinator, Jieqi Wu via email Jieqi.Wu@nycha.nyc.gov (c: Sunny.Philip@nycha.nyc.gov) no later than 2:00 P.M. EST, on April 17, 2015. The subject line of the email must clearly denote the title of the Solicitation for which questions are being asked. All questions and answers will be shared with all the Proposers receiving this Solicitation by April 23, 2015. In order to be considered, each proposer must demonstrate experience in performing the same or similar scope of Services as those outlined in the referenced Scope of Work, Section III and the selected proposer must satisfy the minimum required qualifications as outlined in Sections VII. The proposal should contain

sufficient details to enable NYCHA to evaluate it in accordance with the criteria set forth in Section VII; Evaluation Criteria of this Solicitation. Proposers electing to request hard copies of the bid documents (paper document), rather than downloading online from NYCHA iSupplier portal, will be subject to a \$25 non-refundable fee; payable to NYCHA by USPS-money order/certified check only for each set of Solicitation documents requested. Remit payment to NYCHA Finance Department at 90 Church Street, 6th Floor; obtain receipt and present it to 6th Floor/ Supply Management Procurement Group. A solicitation package will be generated at time of request. Proposers should refer to section VI; Proposal Submission Procedure and Proposal Content Requirements of this solicitation for details on the submission procedures and requirements. ELECTRONIC SUBMISSION OF PROPOSAL IS NOT ALLOWED FOR THIS JOB. Each proposer is required to submit one (1) signed original; five (5) additional copies and also another copy in PDF format in a Flash Drive or in a CD, which all includes all items required by Section VI to NYCHA, Supply Management Procurement Department, 90 Church Street, 6th Floor, by May 5, 2015.

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

Housing Authority, 90 Church Street, 6th Floor, New York, NY 10007. Jieqi Wu, "Coordinator" (212) 306-8278; Fax: (212) 306-5109; jieqi.wu@nycha.nyc.gov

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HUMAN RESOURCES ADMINISTRATION

AGENCY CHIEF CONTRACTING OFFICER

■ AWARD

Human Services/Client Services

WECARE PROGRAM - Other - PIN#150HEOC03001 - AMT: \$24,606,553.00 - TO: Fedcap Rehabilitation Services, Inc., 633 3rd Avenue, 6th Floor, New York, NY 10017-6703.

Term: 4/1/2015 - 7/31/2015

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PARKS AND RECREATION

■ VENDOR LIST

Construction/Construction Services

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

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

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

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

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

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

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

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

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

Parks and Recreation, Olmsted Center, Annex, Flushing Meadows-Corona Park, Flushing, NY 11368. Charlette Hamamgian (718) 760-6789; Fax: (718) 760-6781; charlette.hamamgian@parks.nyc.gov

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■ SOLICITATION

Goods and Services

PROVIDE SUBWAY ADVERTISING - Sole Source - Available only from a single source - PIN# 84615S0003 - Due 4-17-15 at 3:00 P.M.

The Department of Parks and Recreations intends to enter into sole source negotiations with Outfront Media Group, LLC., 405 Lexington Avenue, 14th Floor, New York, NY 10174 to provide advertisement on NYC subways and buses for special events at various sites approved by the Metropolitan Transportation Authority (MTA). Any firm that would like to express their interest in providing services for similar projects in the future may do so by phone and joining the city bidders list by filling out the NYC-FMS Vendor Enrollment form at <https://a127-pip.nyc.gov/webapp/PRDPCW/SelfService/> To enroll your organization with the City of New York.

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

Parks and Recreation, 24 West 61st Street 3rd Floor, New York, NY 10023 Akihiko Hirao Phone: (212) 830-7971; Fax: (917) 830-6455; Email: akihiko.hirao@parks.nyc.gov

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REVENUE

■ SOLICITATION

Services (other than human services)

SALE OF SPECIALTY FOOD FROM MOBILE FOOD UNITS AT VARIOUS LOCATIONS CITYWIDE - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN# CWP-2015-A - Due 5-11-15 at 3:00 P.M.

In accordance with Section 1-13 of the Concession Rules of the City of New York, the New York City Department of Parks and Recreation ("Parks") is issuing, as of the date of this notice, a Request for Proposals for the sale of specialty food from mobile food units at various locations citywide.

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

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

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

Parks and Recreation, The Arsenal, Central Park, 830 Fifth Avenue, Room 407, New York, NY 10065. Santiago Zindel (212) 360-3407; Fax: (212) 360-3434; santiago.zindel@parks.nyc.gov

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PROBATION

CONTRACT PROCUREMENT

■ AWARD

Human Services/Client Services

YOUNG ADULT JUSTICE PROGRAM - Renewal - PIN#78111P0002007R001 - AMT: \$453,400.00 - TO: Research Foundation

of CUNY, 230 West 41st Street, 7th Floor, New York, NY 10036.

Renewal of contract from January 1, 2015 to December 31, 2015.

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AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS

NOTE: INDIVIDUALS REQUESTING SIGN LANGUAGE INTERPRETERS SHOULD CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES, PUBLIC HEARINGS UNIT, 253 BROADWAY, 9TH FLOOR, NEW YORK, N.Y. 10007, (212) 788-7490, NO LATER THAN SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD USERS SHOULD CALL VERIZON RELAY SERVICES.

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, April 16, 2015, at 125 Worth Street, 2nd Floor Auditorium, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER OF a proposed contract between the Department of Information Technology and Telecommunications and CityMart US Inc., located at 220 Lafayette Street, New York, NY 20012-4079, to provide Sourcing and Evaluation Solutions for New York City Procurements. The term of the contract shall be from June 1, 2015 through May 31, 2017. The contract amount is \$180,000.00. E-PIN #: 85815D0002.

The proposed contractor has been selected by means of the Demonstration Projects for Innovative Products, Approaches, or Technologies Procurement Method, pursuant to Section 3-11 of the Procurement Policy Board Rules.

A draft copy of the Contract Notification/Scope Extract is available for public inspection at the Department of Information Technology and Telecommunications, 255 Greenwich Street, 9th Floor, New York, NY 10007, from April 7, 2015 to April 16, 2015, Monday to Friday, from 10:00 A.M. to 4:00 P.M., excluding holidays.

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SMALL BUSINESS SERVICES

■ NOTICE

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, April 16, 2015 at 125 Worth Street, 2nd Floor Auditorium, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER OF proposed contract between the Department of Small Business Services (DSBS) and the contractor listed below, to provide services for NYC clean-up initiative. The term of the contract shall be for 12 months, from July 1, 2014 to June 30, 2015.

Contractor/Address	Amount	E-PIN #
The Horticultural Society of New York 148 West 37th Street, 13th Floor New York, NY 10018	\$133,762.35	80115L0055001

The proposed contractor has been selected by means of City Council Discretionary Funds appropriation, pursuant to Section 1-02(e) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Department of Small Business Services, 110 William Street, 7th Floor, New York, NY 10038, from April 7, 2015 to April 16, 2015, excluding Weekends and holidays, from 9:00 A.M. to 5:00 P.M.

Anyone who wishes to speak at this public hearing should request to do so in writing. The written request must be received by the Agency within 5 business days after publication of this notice. Written requests

to speak should be sent to Mr. Daryl Williams, Agency Chief Contracting Officer, Department of Small Business Services, 110 William Street, 7th Floor, New York, NY 10038, or email to: procurementhelpdesk@sbs.nyc.gov. If DSBS receives no written requests to speak within the prescribed time, DSBS reserves the right not to conduct the public hearing.

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YOUTH AND COMMUNITY DEVELOPMENT

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on April 21, 2015, at 2 Lafayette Street, 14th Floor Hearing Room, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER OF (8) eight proposed contracts between the Department of Youth and Community Development and the Contractors listed below, for Youth and Community Development Services. The Contractors, PIN numbers and contract amounts are indicated below. Each contract term shall be from July 1, 2014 to June 30, 2015 with no option to renew.

Contractor PIN Numbers	Contractor Name	Contractor Address	Contract Amount
26015038195M	Broadway Housing Communities	583 Riverside Drive New York, NY 10031	\$111,000.00
26015062180M	Settlement Housing Fund – DREAMS Program	247 West 37 th Street New York, NY 10018	\$393,560.00
26015062020M	The After School Corporation	1440 Broadway New York, NY 10018	\$3,000,000.00
26015062190M	Power Play NYC	42 Broadway , 20 th Floor New York, NY 10004	500,000.00
26015028429M	Southside United Housing Development Fund Corp.	434 South 5 th Street Brooklyn, NY 11211	\$105,000.00
26015062185M	The DOE Funds	232 East 84 th Street New York, NY 10026	1, 466,981.00
26015062186M	Center for Employment Opportunities	50 Broadway New York, NY 10004	117,393.00
26015062178M	The Association of Community Employment Programs for the Homeless	598 Broadway New York, NY 10012	\$149,854.00

The proposed contractors are being funded by City Council discretionary funds, pursuant to Section 1-02 (e) of the Procurement Policy Board Rules.

A draft copy of the proposed contracts will be available for public inspection at the Department of Youth and Community Development, Office of the ACCO, at 2 Lafayette Street, 14th Floor, from April 7, 2015 to April 21, 2015, excluding holidays, from 9:00 A.M. to 5:00 P.M.

Anyone who wishes to speak at this public hearing should request to do so in writing. The written request must be received by the Agency within 5 days after publication of this notice. Written requests to speak should be sent to Renise Ferguson, Deputy Agency Chief Contracting Officer, 2 Lafayette Street ,14th Floor, New York, NY 10007, referguson@dycd.nyc.gov If the Department of Youth and Community Development receives no written requests to speak within the prescribed time, the Department reserves the right not to conduct the public hearing.

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AGENCY RULES

ADMINISTRATIVE TRIALS AND HEARINGS

■ NOTICE

Office of Administrative Trials and Hearings

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing?

The Office of Administrative Trials and Hearings (OATH) proposes to modify the provisions in Chapters 1, 2 and 6 in Title 48 of the Rules of the City of New York. The changes modify various procedures relating to matters adjudicated at OATH. These changes reflect organizational changes at OATH and will simplify, clarify and expedite the adjudications process. Where appropriate, the changes make the procedural rules in Chapter 6 consistent with those of other tribunals at OATH.

When and where is the Hearing? OATH will hold a public hearing on the proposed rule. The public hearing will take place at 2:00 P.M. on May 7, 2015. The hearing will be in Courtroom G located at 100 Church Street, 12th Floor, New York, NY 10007.

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

- **Website.** You can submit comments to OATH through the NYC rules website at: <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to: rules_oath@oath.nyc.gov.
- **Mail.** You can mail written comments to: OATH, Attention: Maria Marchiano, Assistant Commissioner and Senior Counsel, 100 Church Street, 12th Floor, New York, NY 10007.
- **Fax.** You can fax written comments to OATH at: 212-933-3079.
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling Stacey Turner at (212) 933-3007. You can also sign up in the hearing room before the hearing begins on May 7, 2015. You can speak for up to three minutes.

Is there a deadline to submit written comments? You may submit written comments up to May 7, 2015.

Do you need assistance to participate in the Hearing? You must tell OATH staff if you need a reasonable accommodation for a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at (212) 933-3007. You must tell us by April 30, 2015.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at 100 Church Street, 12th Floor, New York, NY 10007.

What authorizes OATH to adopt this rule? Section 1049 in Chapter 45-A of the New York City Charter authorizes OATH to adopt this proposed rule. OATH's regulatory agenda for this Fiscal Year anticipated that rulemaking may be necessary to amend the existing Rules of Practice of the Health Tribunal at OATH based on its experience.

Where can I find OATH's rules? OATH's rules are found in Title 48 of the Rules of the City of New York.

What laws govern the rulemaking process? OATH must meet the requirements of Section 1043(b) in Chapter 45 of the Charter when creating or changing rules. This notice is made according to the requirements of Sections 1043(b) and section 1049 of the Charter.

Statement of Basis and Purpose

Background

Section 1049 of the Charter authorizes the Chief Administrative Law Judge of OATH to direct the office with respect to its management

and structure and to establish rules for the conduct of hearings. With this rule, OATH is modifying its procedural rules to streamline processes, provide greater consistency across tribunals and give OATH the flexibility to transfer or allow new types of cases to be made returnable to OATH in the future. Changes include the revision of Chapters 1 and 2 of Title 48 of the RCNY and the repeal and reenactment of Chapter 6.

The OATH Trials Division

The changes to Chapters 1 and 2 rename the entity governed by these rules as the "OATH Trials Division." These changes include:

- modifying captions for Chapters 1 and 2 and Subchapter D;
- adding a definition of "Trial" to section 1-01;
- changing the words "hearing" and "hearings" to "trial" and "trials" throughout; and
- providing a mechanism for review by the Chief Administrative Law Judge to determine the proper venue for hearings or trials.

The OATH Hearings Division

The changes to Chapter 6 expand the applicability of these rules to the newly created OATH Hearings Division. They also modify various procedures relating to pre-hearing rescheduling, adjournments, notifications, defaults, appeals, conduct of participants, and other matters in order to simplify, clarify and expedite the adjudications process. Where appropriate, the changes make the procedural rules at the OATH Hearings Division consistent with those of other tribunals at OATH.

Specific Amendments to be Enacted

The rules in Chapter 6 have been broken down into subchapters to provide for better clarity and readability.

Subchapter A--General

In Section 6-01 "Definitions Specific to this Chapter," the terms "Adjournment," "Appearance," "OATH" and "Reschedule" are added, and the term "Hearing Examiner" is changed to "Hearing Officer." The term "Department" is deleted and the term "Petitioner" is modified to reflect that cases will be initiated by various agencies. The terms "Board of Health" and "Health Code" are also deleted as references to both are now contained within the rules that specifically refer to them.

Section 6-02 "Jurisdiction, Powers and Duties of the OATH Hearings Division" is changed to permit the Tribunal to adjudicate Notices of Violation issued by any agency consistent with applicable law. It also reflects that settlement conferences are not being held at the Tribunal. The remainder of former section 6-02 is renumbered as 6-13 "Hearing Officers."

Section 6-03 "Language Assistance Services" has been added to clarify that these services are available at the Tribunal.

Section 6-04 "Computation of time" continues, with one minor modification, former Section 6-10 "Computation of time." Subdivision (b) of this section is modified to provide that if a Tribunal decision is mailed to a party, five, rather than seven, days will be added to the period of time within which the party has the right or requirement to act.

Subchapter B -Pre-Hearing Procedures

New Section 6-05 is titled "Pre-Hearing Requests to Reschedule" and includes material formerly found at section 6-04 with some changes:

- It sets forth the procedures by which respondents may make a request to reschedule a hearing and reduces the number of requests to one per party for each violation.
- It extends the time, up until the time of the scheduled hearing, in which a respondent may request to reschedule a hearing.
- It requires that the petitioner notify the respondent three days before the hearing if the petitioner requests to reschedule the hearing.

Section 6-06 "Subpoenas" is deleted in its entirety. The Hearing Officer's ability to issue subpoenas remains in Section 6-13(b).

New Section 6-06 "Pre-Hearing Requests for Inspectors" contains text from former section 6-05(f)(i)(a) but shortens the time frame for respondent requests from seven business days prior to the scheduled hearing date to three business days. Such request is considered a request to reschedule under section 6-05.

Section 6-07 is added to include a provision for Pre-Hearing Discovery. This provision is consistent with rules governing other tribunals at OATH, which set out the scope of pre-hearing discovery.

Subchapter C -Hearings

Section 6-08 "Proceedings before the OATH Hearings Division" simplifies the requirements of service previously located at section 6-03(b) by no longer requiring certified or registered mailing. It also

deletes language specific to the Department of Health and Mental Hygiene as to who may be served.

Section 6-09 "Appearances" reorders former section 6-04, with some changes. The provision allows for the adjudication of cases in person, by mail or online. Appearances by mail and online are allowed unless the Notice of Violation specifies otherwise. An in-person appearance must be at the time, as well as on the date, of the scheduled hearing. This section sets forth what happens when either the petitioner or the respondent fails to appear at the scheduled time. In addition:

- The provisions in former section 6-04 subdivision (b) detailing requirements for appearances by mail are moved to Section 6-10 "Adjudications by Mail and Online."
- The provisions in former section 6-04 subdivision (c) for pre-hearing adjournments are moved to Section 6-05 "Pre-Hearing Requests to Reschedule."
- The provisions in former section 6-04 subdivision (d) for requests for adjournments made at the hearing are moved to Section 6-14 "Requests for Adjournments."
- The provisions in former section 6-04 subdivision (e) detailing the procedures for defaults upon a failure to appear by respondent are moved to Section 6-20 "Default" and Section 6-21 "Request for a New Hearing after a Failure to Appear."
- New subdivisions (c) and (d) detail procedures for appearances by the petitioner and what happens when a petitioner fails to appear at the scheduled time.

Section 6-10 "Adjudication by Mail and Online" renumbers and renames former section 6-05, previously titled "Hearings and adjudications in person, by mail, or by telephone." It includes former sections 6-05 (a) and (h). If the Notice of Violation specifies the respondent must appear in person, these methods of adjudication may not be used.

Section 6-11 "Hearing Procedures" is a new section that incorporates with some modifications, provisions contained in subdivisions (a), (b), (c), and (j) of former Section 6-05 "Hearings and adjudications in person, by mail, or by telephone."

- The provision in subdivision (b), "The hearings shall be open to the public," is removed to accommodate the conduct of hearings by mail, telephone and online.
- New subdivision (d) requires that counsel or authorized representatives who appear on behalf of respondents have sufficient staffing to complete their scheduled hearings. It also gives the Tribunal discretion to determine the order in which the Notices of Violations are heard.

Section 6-12 "Burden of Proof" is a new section that contains portions of former section 6-05(e).

Section 6-13 "Hearing Officers" is a new section that clearly delineates the powers of the Hearing Officers. It includes the powers of Hearing Examiners formerly found in section 6-02(c), information about amending Notices of Violation formerly found in section 6-03(d), and subpoena powers formerly found in section 6-06.

Section 6-14 "Requests for Adjournment" contains provisions regarding requests for adjournment made at a hearing, previously contained in Section 6-04(d). It lists factors that will be considered in deciding whether there is good cause to grant an adjournment request.

Section 6-15 "Appearances of Inspectors" is a new section that incorporates, with some modifications, the provisions that were previously contained in Section 6-05(f).

- Subdivision (a) sets forth the procedure for a respondent to request the presence of the inspector at the time of the hearing. Such request is considered as a request to reschedule the hearing and follows the rules outlined in Section 6-06, which permits such a request up to three, rather than seven, business days prior to the hearing.
- Subdivision (c) permits a hearing to be adjourned no more than two, rather than three, times for the presence of the inspector.

Section 6-18 "Payment of Penalty" is a new section that incorporates, with some modifications, the provisions formerly found in Section 6-05(i). Fines imposed must be paid within thirty days of the date of the hearing decision. OATH will no longer impose late payment penalties if the fine is not paid on time.

Subchapter D-Appeals

Section 6-19 "Appeals" incorporates, with some modifications, the provisions formerly found in Section 6-08. It also adds a provision for extending the time to file an appeal due to impossibility or other explanation as well as a provision tolling the time to appeal if a recording is requested.

- Subdivision (c) describes the record to be considered on appeal and limits the evidence to that which was presented at the hearing.

Subchapter E-Defaults

Section 6-20 "Defaults" contains provisions previously contained in Section 6-04(e) regarding the consequences of a failure to appear at a hearing. Default decisions no longer need to be rendered by a hearing officer.

Section 6-21 "Request for a New Hearing after a Failure to Appear (Motion to Vacate a Default)" contains provisions previously contained in Section 6-04(e)(3) regarding procedures for motions to vacate a default.

- Subdivision (c) lists circumstances to be considered in determining "reasonable excuse" for a respondent's failure to appear at the hearing.
- Subdivision (e) provides that if a motion to vacate a default has been previously granted and a new default decision has been issued for the same Notice of Violation, the second default decision will not be opened except in exceptional circumstances and in order to avoid injustice.
- Subdivision (f) provides that a motion to open a default received more than one year after the default decision will not be granted except in exceptional circumstances and in order to avoid injustice.
- A new subdivision (g) has been added to clarify that if a motion to vacate a default is granted, requests for refunds of payments made after default will not be considered until after the hearing is completed.

Subchapter F-Miscellaneous

Section 6-22 "Disqualification of Hearing Officers" contains provisions formerly found in Section 6-07. There are no major substantive rule changes in the section.

Section 6-23 "Registered Representatives" incorporates, with some modifications, the provisions formerly found in Section 6-09 "Registration and disqualification of certain authorized representatives." Family members of respondents are exempt from the registration requirement. The Tribunal will not charge a fee to register representatives and it will not issue a registration card. The new rule is consistent with procedures currently in place at the Environmental Control Board.

Section 6-24 "Misconduct" is a new section that details prohibited conduct by a party, witness, representative or attorney, including prohibited communications. It also provides penalties for misconduct and procedures for imposing discipline on attorneys or representatives.

OATH's authority to establish these rules is found in section 1049 of the New York City Charter.

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

"Shall," "will" 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. The heading of chapter 1 title 48 of the Rules of the City of New York is amended to read as follows:

CHAPTER 1 RULES OF PRACTICE APPLICABLE TO CASES AT THE OATH [GENERALLY, OTHER THAN ENVIRONMENTAL CONTROL BOARD CASES] TRIALS DIVISION

§ 2. The definitions of "Administrative law judge" and "Chief administrative law judge," found in section 1-01 of subchapter A of chapter 1 of title 48 of the Rules of the City of New York, are amended, and a new definition for "Trial" is added to appear alphabetically, as follows:

Administrative law judge. "Administrative law judge" shall mean the person assigned to preside over a case, whether the [c]Chief [a] Administrative [l]Law [j]Judge or a person appointed by the [c]Chief [a]Administrative [l]Law [j]Judge.

Chief [a]Administrative [l]Law [j]Judge. "Chief [a]Administrative [l]Law [j]Judge" shall mean the director and chief executive officer of OATH appointed by the mayor pursuant to Charter[,] § 1048.

Trial. "Trial" shall mean a proceeding before an administrative law judge in the OATH Trials Division.

§ 3. Section 1-03 of subchapter A of chapter 1 of title 48 of the Rules of the City of New York is amended to read as follows:

§1-03 Applicability.

This chapter applies to the conduct of all cases, including [hearings] trials, [pre-hearing] pre-trial and [post-hearing] post-trial matters,

except to the extent that this chapter may be superseded by CAPA or other provision of law.

§ 4. Subdivisions (b), (e), and (f) of section 1-13 of subchapter B of chapter 1 of title 48 of the Rules of the City of New York are amended to read as follows:

- (b) Individuals appearing before OATH shall conduct themselves at all times in a dignified, orderly and decorous manner. In particular, at the [hearing] trial, all parties, their attorneys or representatives, and observers shall address themselves only to the administrative law judge, avoid colloquy and argument among themselves, and cooperate with the orderly conduct of the [hearing] trial.
- (e) Willful failure of any person to abide by the standards of conduct stated in paragraphs (a) through (d) of this section, may, in the discretion of the administrative law judge, be cause for the imposition of sanctions. Such sanctions may include formal admonishment or reprimand, assessment of costs or imposition of a fine, exclusion of the offending person from the proceedings, exclusion or limitation of evidence, adverse evidentiary inference, adverse disposition of the case, in whole or in part or other sanctions as the administrative law judge may determine to be appropriate. The imposition of sanctions may be made after a reasonable opportunity to be heard. The form of the [hearing] trial shall depend upon the nature of the conduct and the circumstances of the case.
- (f) In the event that an attorney or other representative of a party persistently fails to abide by the standards of conduct stated in paragraphs (a) through (d) of this section, the [c] Chief [a]Administrative [l]Law [j]Judge may, upon notice to the attorney or representative and a reasonable opportunity to rebut the claims against him or her, suspend that attorney or representative from appearing at OATH, either for a specified period of time or indefinitely until the attorney or representative demonstrates to the satisfaction of [c]Chief [a] Administrative [l]Law [j]Judge that the basis for the suspension no longer exists.

§ 5. Section 1-21 of subchapter C of chapter 1 of title 48 of the Rules of the City of New York is amended to read as follows:

§1-21 Designation of OATH.

Where necessary under the provision of law governing a particular category of cases, the agency head shall designate the [c]Chief [a] Administrative [l]Law [j]Judge of OATH, or such administrative law judges as the [c]Chief [a]Administrative [l]Law [j]Judge may assign, to hear such cases.

§ 6. Section 1-25 of subchapter C of chapter 1 of title 48 of the Rules of the City of New York is amended to read as follows:

§1-25 Amendment of Pleadings.

Amendments of pleadings shall be made as promptly as possible. If a pleading is to be amended less than twenty-five days before the commencement of the [hearing] trial, amendment may be made only on consent of the parties or by leave of the administrative law judge on motion.

§ 7. Subdivision (b) of section 1-26 of subchapter C of chapter 1 of title 48 of the Rules of the City of New York is amended, and a new subdivision (e) is added, to read as follows:

- (b) When a case is docketed, it shall be given an index number and assigned to an administrative law judge. Assignments shall be made and changed in the discretion of [c]Chief [a] Administrative [l]Law [j]Judge or his or her designee, and motions concerning such assignments shall not be entertained except pursuant to §1-27.

(e) Cases docketed with the Trials Division are subject to review by the Chief Administrative Law Judge who shall determine whether the case should proceed at the Trials Division or removed to the Hearings Division.

§ 8. Subdivision (c) of section 1-27 of subchapter C of chapter 1 of title 48 of the Rules of the City of New York is amended to read as follows:

- (c) If the administrative law judge determines that his or her disqualification or withdrawal is warranted on grounds that apply to all of the existing administrative law judges, the administrative law judge shall state that determination, and the reasons for that determination, in writing or orally on the record, and may recommend to the [c]Chief [a]Administrative [l]Law [j]Judge that the case be assigned to a special administrative law judge to be appointed temporarily by the [c]Chief [a] Administrative [l]Law [j]Judge. The [c]Chief [a]Administrative [l]Law [j]Judge shall either accept that recommendation, or, upon a determination and reasons stated in writing or orally on the record, reject that recommendation. A special administrative law judge shall have all of the authority granted to administrative law judges under this title.

§ 9. Subdivision (a) of section 1-28 of subchapter C of chapter 1 of title 48 of the Rules of the City of New York is amended to read as follows:

- (a) When a case is placed on either the trial calendar or the conference calendar, and within the time provided in § 1-26(d), if applicable, the party that placed the case on the calendar shall serve each other party with notice of the following: the date, time and place of the [hearing] trial or conference; each party's right to representation by an attorney or other representative at the [hearing] trial or conference; the requirement that a person representing a party at the [hearing] trial or conference must file a notice of appearance with OATH prior to the [hearing] trial or conference; and, in a notice of a [hearing] trial served by the petitioner, the fact that failure of the respondent or an authorized representative of the respondent to appear at the [hearing] trial may result in a declaration of default, and a waiver of the right to a [hearing] trial or other disposition against the respondent. The notice may be served personally or by mail, and appropriate proof of service shall be maintained. A copy of the notice of conference, with proof of service, shall be filed with OATH at or before the commencement of the conference. A copy of the notice of trial, with proof of service, shall be filed with OATH at or before the commencement of the trial.

§ 10. Subdivision (a) of section 1-31 of subchapter C of chapter 1 of title 48 of the Rules of the City of New York is amended to read as follows:

- (a) If settlement is to be discussed at the conference, each party shall have an individual possessing authority to settle the matter either present at the conference or readily accessible. A settlement conference shall be conducted by an administrative law judge or other individual designated by the [c]Chief [a] Administrative [l]Law [j]Judge, other than the administrative law judge assigned to hear the case. During settlement discussions, upon notice to the parties, the administrative law judge or other person conducting the conference may confer with each party and/or representative separately.

§ 11. Subdivisions (a) and (b) of section 1-32 of subchapter C of chapter 1 of title 48 of the Rules of the City of New York are amended to read as follows:

- (a) Applications for adjournments of conferences or [hearings] trials shall be governed by this section and by §1-34 or §1-50. Conversion of a trial date to a conference date, or from conference to trial, shall be deemed to be an adjournment.
- (b) Applications to adjourn conferences or [hearings] trials shall be made to the assigned administrative law judge as soon as the need for the adjournment becomes apparent. Applications for adjournments are addressed to the discretion of the administrative law judge, and shall be granted only for good cause. Although consent of all parties to a request for an adjournment shall be a factor in favor of granting the request, such consent shall not by itself constitute good cause for an adjournment. Delay in seeking an adjournment shall militate against grant of the request.

§ 12. Subdivisions (a), (b), (c), and (d) of section 1-33 of subchapter C of chapter 1 of title 48 of the Rules of the City of New York are amended to read as follows:

- (a) Requests for production of documents, for identification of trial witnesses, and for inspection of real evidence to be introduced at the [hearing] trial may be directed by any party to any other party without leave of the administrative law judge.
- (b) Depositions shall only be taken upon motion for good cause shown. Other discovery devices, including interrogatories, shall not be permitted except upon agreement among the parties or upon motion for good cause shown. Demands for bills of particulars shall be deemed to be interrogatories. Resort to such extraordinary discovery devices shall not generally be cause for adjournment of a conference or [hearing] trial.
- (c) Discovery shall be requested and completed promptly, so that each party may reasonably prepare for trial. A demand for identification of witnesses, for production of documents, or for inspection of real evidence to be introduced at trial shall be made not less than twenty days before trial, or not less than twenty-five days if service of the demand is by mail. An answer to a discovery request shall be made within fifteen days of receipt of the request, or within ten days if service of the answer is by mail. An objection to a discovery request shall be made as promptly as possible, but in any event within the time for an answer to that request. Different times may be fixed by consent of the parties, or by the administrative law judge for good cause. Notwithstanding the foregoing time periods, where the notice of the [hearing] trial is served less than twenty-five days in advance of trial, discovery shall proceed as quickly as possible, and time periods may be fixed by consent of the parties or by the administrative law judge.

- (d) Any discovery dispute shall be presented to the assigned administrative law judge sufficiently in advance of the [hearing] trial to allow a timely determination. Discovery motions are addressed to the discretion of the administrative law judge. The timeliness of discovery requests and responses, and of discovery-related motions, the complexity of the case, the need for the requested discovery, and the relative resources of the parties shall be among the factors in the administrative law judge's exercise of discretion.

§ 13. Subdivision (a) of section 1-34 of subchapter C of chapter 1 of title 48 of the Rules of the City of New York is amended to read as follows:

- (a) Pre-trial motions shall be consolidated and addressed to the administrative law judge as promptly as possible, and sufficiently in advance of the [hearing] trial to permit a timely decision to be made. Delay in presenting such a motion may, in the discretion of the administrative law judge, weigh against the granting of the motion, or may lead to the granting of the motion upon appropriate conditions.

§ 14. Section 1-42 of subchapter D of chapter 1 of title 48 of the Rules of the City of New York is amended to read as follows:

The parties shall have all of their witnesses available on the [hearing] trial date. A party intending to introduce documents into evidence shall bring to trial copies of those documents for the administrative law judge, the witness, and the other parties. Repeated failure to comply with this section may be cause for sanctions, as set forth in § 1-13(e).

§ 15. Subdivisions (a), (b), (c), and (d) of section 1-43 of subchapter D of chapter 1 of title 48 of the Rules of the City of New York is amended to read as follows:

- (a) A subpoena *ad testificandum* requiring the attendance of a person to give testimony prior to or at a [hearing] trial or a subpoena *duces tecum* requiring the production of documents or things at or prior to a [hearing] trial may be issued only by the [A]administrative [L]law [J]judge upon application of a party or *sua sponte*.
- (b) A request by a party that the [A]administrative [L]law [J]judge issue a subpoena shall be deemed to be a motion, and shall be made in compliance with §1-34 or §1-50, as appropriate; provided, however, that such a motion shall be made on 24 hours notice by electronic means or personal delivery of papers, including a copy of the proposed subpoena, unless the [A] administrative [L]law [J]judge directs otherwise. The proposed subpoena may be prepared by completion of a form subpoena available from OATH. The making and scheduling of requests for issuance of subpoenas by telephone conference call to the [A]administrative [L]law [J]judge or by electronic means is encouraged.
- (c) Subpoenas shall be served in the manner provided by §2303 of the Civil Practice Law and Rules, unless the [A]administrative [L]law [J]judge directs otherwise. The party requesting the issuance of a subpoena shall bear the cost of service, and of witness and mileage fees, which shall be the same as for a trial subpoena in the Supreme Court of the State of New York.
- (d) In the event of a dispute concerning a subpoena after the subpoena is issued, informal resolution shall be attempted with the party who requested issuance of the subpoena. If the dispute is not thus resolved, a motion to quash, modify or enforce the subpoena shall be made to the [A]administrative [L]law [J]judge.

§ 16. Section 1-44 of subchapter D of chapter 1 of title 48 of the Rules of the City of New York is amended to read as follows:

OATH will make reasonable efforts to provide language assistance services to a party or their witnesses who are in need of an interpreter to communicate at a [hearing] trial or conference.

§ 17. The heading of section 1-46 of subchapter D of chapter 1 of title 48 of the Rules of the City of New York is amended to read as follows:

§1-46 Evidence at the [Hearing] Trial.

§ 18. Subdivision (b) of section 1-49 of subchapter D of chapter 1 of title 48 of the Rules of the City of New York is amended to read as follows:

- (b) No person shall make or cause to be made a stenographic, electronic, audio, audio-visual or other verbatim or photographic reproduction of any [hearing] trial or other proceeding, whether such [hearing] trial or other proceeding is conducted in person, by telephone, or otherwise, except upon application to the administrative law judge. Except as otherwise provided by law (*e.g.*, NY Civil Rights Law, § 52), such application shall be addressed to the discretion of the administrative law judge, who may deny the application or grant it in full, in part, or upon such conditions as the administrative law judge deems necessary to preserve the decorum of the proceedings and to protect the interests of the parties, witnesses and any other concerned persons.

§ 19. Section 1-50 of subchapter D of chapter 1 of title 48 of the Rules of the City of New York is amended to read as follows:

§1-50 Trial Motions.

Motions may be made during the [hearing] trial orally or in writing. Trial motions made in writing shall satisfy the requirements of §1-34. The administrative law judge may, in his or her discretion, require that any trial motion be briefed or otherwise supported in writing. In cases referred to OATH for disposition by report and recommendation to the head of the agency, motions addressed to the sufficiency of the petition or the sufficiency of the petitioner's evidence shall be reserved until closing statements.

§ 20. Section 1-51 of subchapter D of chapter 1 of title 48 of the Rules of the City of New York is amended to read as follows:

§1-51 The Transcript.

[Hearings] Trials shall be stenographically or electronically recorded, and the recordings shall be transcribed, unless the administrative law judge directs otherwise. In the discretion of the administrative law judge, matters other than the [hearing] trial may be recorded and such recordings may be transcribed. Transcripts shall be made part of the record, and shall be made available upon request as required by law.

§ 21. The heading of chapter 2 of title 48 of the Rules of the City of New York is amended to read as follows:

CHAPTER 2 ADDITIONAL RULES OF PRACTICE APPLICABLE TO PARTICULAR TYPES OF CASES AT THE OATH TRIALS DIVISION

§ 22. Subdivision (a) of section 2-25 of subchapter C of chapter 2 of title 48 of the Rules of the City of New York is amended to read as follows:

- (a) A person may move to intervene as a party at any time before commencement of the [hearing] trial. Intervention may be permitted, in the discretion of the [A]administrative [L]law [J]judge, if the proposed intervenor demonstrates a substantial interest in the outcome of the case. In determining applications for intervention, the administrative law judge shall consider the timeliness of the application, whether the issues in the case would be unduly broadened by grant of the application, the nature and extent of the interest of the proposed intervenor and the prejudice that would be suffered by the intervenor if the application is denied, and such other factors as may be relevant. The administrative law judge may grant the application upon such terms and conditions as he or she may deem appropriate and may limit the scope of an intervenor's participation in the adjudication.

§ 23. Subdivision (a) of section 2-43 of subchapter D of chapter 2 of title 48 of the Rules of the City of New York is amended to read as follows:

- (a) The time provided in §1-26(d) for service of the notice of [hearing] trial shall not apply.

§ 24. Section 2-46 of subchapter D of chapter 2 of title 48 of the Rules of the City of New York is amended to read as follows:

§2-46 Transcription of [Hearings] Trials.

Notwithstanding §1-51 of this title, the recording of the [hearing] trial or of other proceedings in the case, whether electronic or stenographic, shall not be transcribed except (i) upon request and payment of reasonable transcription costs, (ii) upon direction of the administrative law judge, in his or her discretion, or (iii) as otherwise required by law.

§ 25. Chapter 6 of title 48 of the Rules of the City of New York is REPEALED, and a new Chapter 6 is added to read as follows:

CHAPTER 6

OATH Hearings Division - Rules of Practice

Subchapter A - General

§6-01 Definitions Specific to this Chapter

As used in this chapter:

"Adjournment" means a request made to a Hearing Officer during a hearing to postpone the hearing to a later date.

"Appearance" means a communication with the 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 Tribunal. An appearance may be made in person, online or by other remote methods approved by the Tribunal.

"Charter" means the New York City Charter.

"Chief Administrative Law Judge" means the director and chief executive officer of OATH appointed by the Mayor pursuant to New York City Charter § 1048.

"Hearing Officer" means a person designated by the Chief Administrative Law Judge of OATH, or his or her designee, to carry out the adjudicatory powers, duties and responsibilities of the Tribunal.

"Notice of Violation" or "NOV" means the document, including a summons, issued by the petitioner to a respondent which specifies the charges forming the basis of an adjudicatory proceeding before the Tribunal.

"OATH" means the New York City Office of Administrative Trials and Hearings.

"Party" means the Petitioner or the person named as Respondent in a proceeding before the Tribunal.

"Person" means any individual, partnership, unincorporated association, corporation or governmental agency.

"Petitioner" means the New York City agency authorized to issue Notices of Violations returnable to the Tribunal.

"Reschedule" means a request made to the Tribunal prior to the scheduled hearing for a later hearing date.

"Respondent" means the person against whom the charges alleged in a Notice of Violation have been filed.

Tribunal" means the OATH Hearings Division, including the Health Tribunal.

§6-02 Jurisdiction, Powers and Duties

- (a) Jurisdiction. Pursuant to Charter section 1048, the Tribunal has jurisdiction to hear and determine Notices of Violation issued by any City agency, consistent with applicable laws, rules and regulations. Consistent with the delegations of the Commissioner of the Department of Health and Mental Hygiene and the Board of Health established by section 553 of the New York City Charter, the Tribunal has jurisdiction to hear and determine Notices of Violation alleging non-compliance with the provisions of the Health Code codified within Title 24 of the Rules of the City of New York, the New York State Sanitary Code, those sections of the New York City Administrative Code relating to or affecting health within the City and any other laws or regulations that the Department of Health and Mental Hygiene has the duty or authority to enforce.
- (b) General Powers. The Tribunal and the Hearing Officers have the following powers:
- (1) To impose fines and other penalties in accordance with applicable law; and
 - (2) To compile and maintain complete and accurate records relating to the proceedings of the Tribunal, including copies of all Notices of Violation served, responses, appeals and briefs filed and decisions rendered by the Hearing Officers.

§6-03 Language Assistance Services

Appropriate language assistance services will be afforded to respondents whose primary language is not English to assist such respondents in communicating meaningfully. Such language assistance services will include interpretation of hearings conducted by Hearing Officers, where interpretation is necessary to assist the respondent in communicating meaningfully with the Hearing Officer and others at the hearing.

§6-04 Computation of Time

- (a) In computing any period of time prescribed or allowed by this chapter, the day of the act or default from which the designated period of time begins to run will not be included, but the last day of the period will be included unless it is a Saturday, Sunday or legal holiday, in which case the period will be extended to the next day which is not a Saturday, Sunday or legal holiday. Unless otherwise specified in this rule, "days" means calendar days.
- (b) Whenever a party has the right or is required to do some act within a prescribed period of time after the date of a Tribunal decision, five days will be added to such prescribed period of time if the decision is mailed to the party.

Subchapter B—Pre-Hearing Procedures

§6-05 Pre-Hearing Requests to Reschedule

The petitioner or respondent may request that a hearing be rescheduled to a later date. A request by a respondent to reschedule must be received by the Tribunal prior to the date and time of the scheduled hearing. If a petitioner requests to reschedule, the petitioner must notify the respondent at least three days prior to the originally-scheduled hearing date and file proof of that notification with the Tribunal. If a petitioner fails to provide such proof of notification, the request will be denied and the hearing will proceed as originally scheduled. Good cause is not necessary for a request to reschedule. No more than one request to reschedule will be granted for each party for each NOV. A request by a respondent for the appearance of an inspector, public health sanitarian or other person who issued an NOV

(the "inspector") made in the manner described in §6-06 will constitute a request to reschedule under this section.

§6-06 Pre-Hearing Requests for Inspectors

Prior to a hearing, a respondent may request the presence of the inspector, public health sanitarian or other person who issued an NOV at the hearing, provided that the request is made in writing and is received by the Tribunal no later than three business days prior to the scheduled hearing. Such request will constitute a request to reschedule by the respondent under §6-05 of this chapter. Upon such request, the hearing will be rescheduled to allow for the appearance of the inspector, and the respondent does not need to appear at the originally scheduled hearing.

§6-07 Pre-Hearing Discovery

If an opportunity to obtain pre-hearing discovery is offered by the petitioner, discovery may be obtained in the following manner:

- (a) Upon written request received by the opposing party at least five business days prior to the scheduled hearing date, any party is entitled to receive from the opposing party a list of the names of witnesses who may be called and copies of documents intended to be submitted into evidence.
- (b) Pre-hearing discovery shall be limited to the matters enumerated above. All other applications or motions for discovery shall be made to a Hearing Officer at the commencement of the hearing and the Hearing Officer may order such further discovery as is deemed appropriate in his or her discretion.
- (c) Upon the failure of any party to properly respond to a lawful discovery order or request or such party's wrongful refusal to answer questions or produce documents, the Hearing Officer may take whatever action he or she deems appropriate including but not limited to preclusion of evidence or witnesses. It shall not be necessary for a party to have been subpoenaed to appear or produce documents at any properly ordered discovery proceeding for such sanctions to be applicable.

Subchapter C--Hearings

§6-08 Proceedings before the OATH Hearings Division

- (a) **Notice of Violation.**
 - (1) All proceedings are commenced by the issuance of a Notice of Violation ("NOV") and filing of the NOV with the Tribunal.
 - (2) The original or a copy of the NOV must be filed with the Tribunal prior to the first scheduled hearing date.
 - (3) If the NOV is sworn to under oath or affirmed under penalty of perjury, the NOV will be admitted into evidence and will be prima facie evidence of the facts stated in the NOV. The NOV may include the report of the inspector, public health sanitarian, or other person who conducted the inspection or investigation that resulted in the NOV. When such report is served in accordance with this section, such report will also be prima facie evidence of the factual allegations contained in the NOV.
- (b) **Service of the Notice of Violation.** There must be service of a Notice of Violation. Service of a Notice of Violation in the following manner will be considered sufficient:
 - (1) The NOV may be served in person upon:
 - (i) the person alleged to have committed the violation,
 - (ii) the permittee, licensee or registrant,
 - (iii) the person who was required to hold the permit, license or to register,
 - (iv) a member of the partnership or other group concerned,
 - (v) an officer of the corporation,
 - (vi) a member of a limited liability company,
 - (vii) a managing or general agent, or
 - (viii) any other person of suitable age and discretion as may be appropriate, depending on the organization or character of the person, business or institution charged.
 - (2) Alternatively, the NOV may be served by mail deposited with the U.S. Postal Service, or other mailing service, to any such person at the address of the premises that is the subject of the NOV or, as may be appropriate, at the residence or business address of:
 - (i) the alleged violator,

- (ii) the individual who is listed as the permittee, licensee or applicant in the permit or license or in the application for a permit or license.
- (iii) the registrant listed in the registration form, or
- (iv) the person filing a notification of an entity's existence with the applicable governmental agency where no permit, license or registration is required.
- (3) If the NOV is served by mail, documentation of mailing will be accepted as proof of service of the NOV.
- (c) **Contents of Notice of Violation.** The NOV must contain:
 - (1) A clear and concise statement sufficient to inform the respondent with reasonable certainty and clarity of the essential facts alleged to constitute the violation or the violations charged, including the date, time where applicable and place when and where such facts were observed;
 - (2) Information adequate to provide specific notification of the section or sections of the law, rule or regulation alleged to have been violated;
 - (3) Information adequate for the respondent to calculate the maximum penalty authorized to be imposed if the facts constituting the violation are found to be as alleged;
 - (4) Notification of the date, time and place when and where a hearing will be held by the Tribunal. Such date must be at least fifteen calendar days after the NOV was served, unless another date is required by applicable law;
 - (5) Notification that failure to appear on the date and at the place designated for the hearing will be deemed a waiver of the right to a hearing, thereby authorizing the rendering of a default decision; and
 - (6) Information adequate to inform the Respondent of his or her rights under §6-09 of this chapter.

§6-09 Appearances

- (a) A Respondent may appear for a hearing by:
 - (1) Appearing in person at the place, date and time scheduled for the hearing; or,
 - (2) Sending an authorized representative to appear on behalf of such person at the place, date and time scheduled for the hearing who is:
 - (i) an attorney admitted to practice law in New York State, or
 - (ii) a representative registered to appear before the Tribunal pursuant to §6-23 of this chapter, or
 - (iii) any other person, subject to the provisions of §6-23 of this chapter; or
 - (3) Unless the NOV specifies that a respondent must appear in person at a hearing, a respondent may appear by:
 - (i) making a written submission for an adjudication by mail, using the U.S. Postal Service or other mailing service pursuant to §6-10; or
 - (ii) making a written submission for an adjudication online pursuant to §6-10; or
 - (iii) telephone or by other remote methods when the opportunity to do so is offered by the Tribunal.
- (b) **Failure to Appear by Respondent.** A respondent's failure to appear at the scheduled time or to make a timely request to reschedule pursuant to §6-05 of this chapter constitutes a default to the charges, and subjects the respondent to penalties in accordance with §6-20 of this chapter.
- (c) A petitioner may appear through an authorized representative at the place, date and time scheduled for the hearing or by other remote methods when the opportunity to do so is offered by the Tribunal.
- (d) **Failure to Appear by Petitioner.** If a petitioner fails to appear at the scheduled time, the hearing will proceed without the petitioner.

§6-10 Adjudication by Mail and Online

- (a) Unless the NOV specifies that a respondent must appear in person at a hearing, a respondent may contest a violation by mail or online.
- (b) Submissions for adjudication by mail must be received by the Tribunal before the scheduled hearing date or bear a postmark or other proof of mailing indicating that it was mailed to the Tribunal before the scheduled hearing date. If a request bearing

such a postmark or proof of mailing is received by the Tribunal after a default decision has been issued on that Notice of Violation, such default will be vacated.

- (c) Submissions for adjudication online must be received by the Tribunal before or on the scheduled hearing date.
- (d) If the respondent chooses to make a written submission for an adjudication by mail or online, the submission must contain any denials, admissions and explanations pertaining to the individual violations charged, and documents, exhibits or witness statements, if any, to be considered as evidence in support of respondent's defense. Violations that are not denied or explained will be deemed to have been admitted; defenses not specifically raised will be deemed to have been waived.
- (e) After a review by a Hearing Officer of the submission for adjudication by mail or online, the Tribunal will:
 - (1) issue a written decision and send the decision to the parties; or
 - (2) require the submission of additional documentary evidence; or
 - (3) require an in-person hearing.
- (f) If an in-person hearing is required, the parties will be notified.

§6-11 Hearing Procedures

- (a) A hearing will be presided over by a Hearing Officer, proceed with reasonable expedition and order, and, to the extent practicable, not be postponed or adjourned.
- (b) Language assistance services at the hearing
 - (1) At the beginning of any hearing, the Hearing Officer will advise the respondent of the availability of language assistance services. In determining whether language assistance services are necessary to assist the respondent in communicating meaningfully with the Hearing Officer and others at the hearing, the Hearing Officer will consider all relevant factors, including but not limited to the following:
 - (i) information from Tribunal administrative personnel identifying a respondent as requiring language assistance services to communicate meaningfully with a Hearing Officer;
 - (ii) a request by the respondent for language assistance services; and
 - (iii) even if language assistance services were not requested by the respondent, the Hearing Officer's own assessment whether language assistance services are necessary to enable meaningful communication with the respondent.

If the respondent requests an interpreter and the Hearing Officer determines that an interpreter is not needed, that determination and the basis for the determination will be made on the record.

- (2) When required, language assistance services will be provided at hearings by a professional interpretation service that is made available by the Tribunal, unless the respondent requests the use of another interpreter, in which case the Hearing Officer in his or her discretion may use the respondent's requested interpreter. In exercising that discretion, the Hearing Officer will take into account all relevant factors, including but not limited to the following:
 - (i) the respondent's preference, if any, for his or her own interpreter;
 - (ii) the apparent skills of the respondent's requested interpreter;
 - (iii) whether the respondent's requested interpreter is a child under the age of eighteen;
 - (iv) minimization of delay in the hearing process;
 - (v) maintenance of a clear and usable hearing record; and
 - (vi) whether the respondent's requested interpreter is a potential witness who may testify at the hearing.

The Hearing Officer's determination and the basis for this determination will be made on the record.

- (c) Each party has the right to present evidence, to examine and cross-examine witnesses and to have other rights essential for due process and a fair and impartial hearing.
- (d) Each party has the right to be represented by counsel or other

authorized representative as set forth in §§6-09 and 6-23 of this chapter.

- (1) A representative or attorney appearing at the Tribunal must provide sufficient staffing to ensure completion of his or her hearings. Factors in determining whether sufficient staffing has been provided may include:
 - (i) the number of cases the representative or attorney had scheduled on the hearing date;
 - (ii) the number of representatives or attorneys sent to handle the cases;
 - (iii) the timeliness of the arrival of the representatives or attorneys;
 - (iv) the timeliness of the arrival of any witnesses, and;
 - (v) any unforeseeable or extraordinary circumstances.

The failure of a representative or attorney to provide sufficient staffing, as described above, may be considered misconduct under §6-24 of this chapter.

- (2) When a representative or attorney appears on more than one NOV on a single hearing day, the Tribunal has the discretion to determine the order in which the NOVs will be heard.

§6-12 Burden of Proof

The petitioner has the burden of proving the factual allegations contained in the NOV by a preponderance of the evidence. The respondent has the burden of proving an affirmative defense, if any, by a preponderance of the evidence.

§6-13 Hearing Officers

Hearing Officers may:

- (a) Administer oaths and affirmations, examine witnesses, rule upon offers of proof or other motions and requests, admit or exclude evidence, grant adjournments and continuances, and oversee and regulate other matters relating to the conduct of a hearing;
- (b) Issue subpoenas or adjourn a hearing for the appearance of individuals, or the production of documents or other types of information, when the Hearing Officer determines that necessary and material evidence will result;
- (c) Bar from participation in a hearing any person, including a party, representative or attorney, witness or observer who engages in disorderly, disruptive or obstructionist conduct that disrupts or interrupts the proceedings of the Tribunal;
- (d) Carry out adjudicatory powers of the hearing examiner set forth in Title 17 of the New York City Administrative Code, associated rules and regulations and the New York City Health Code codified within Title 24 of the Rules of the City of New York;
- (e) Allow an amendment to an NOV at any time if:
 - (1) the subject of the amendment is reasonably within the scope of the original NOV;
 - (2) such amendment does not allege any additional violations based on an act not specified in the original notice;
 - (3) such amendment does not allege an act that occurred after the original NOV was served; and
 - (4) such amendment does not affect the respondent's right to have adequate notice of the allegations made against him or her.
- (f) Request further evidence to be submitted by the petitioner or respondent; and
- (g) Take any other action authorized by applicable law, rule or regulation, or that is delegated by the Chief Administrative Law Judge.

§6-14 Requests for Adjournment

- (a) At the time of the scheduled hearing, a Hearing Officer may grant a request to adjourn the hearing to a later date only after a showing of good cause as determined by the Hearing Officer in his or her discretion.
- (b) Good cause. In deciding whether there is good cause for an adjournment, the Hearing Officer will consider:
 - (1) Whether granting the adjournment is necessary for the party requesting the adjournment to effectively present the case;
 - (2) Whether granting the adjournment is unfair to the other party;
 - (3) Whether granting the adjournment will cause inconvenience to any witness;

- (4) The age of the case and the number of adjournments previously granted;
 - (5) Whether the party requesting the adjournment had the opportunity to prepare for the scheduled hearing;
 - (6) Whether the need for the adjournment is due to facts that are beyond the requesting party's control;
 - (7) The balance of the need for efficient and expeditious adjudication of the case and the need for full and fair consideration of the issues relevant to the case; and
 - (8) Any other fact that the Hearing Officer considers to be relevant to the request for an adjournment.
- (c) A denial of an adjournment request is not subject to separate or interim review or appeal.

§6-15 Appearances of Inspectors

- (a) At the time of the hearing, a respondent may request the presence of the inspector, public health sanitarian or other person who issued an NOV (the "inspector"). The Hearing Officer will determine whether the presence of the inspector will afford the respondent a reasonable opportunity to present relevant, non-cumulative testimony or evidence that would contribute to a full and fair hearing of each party's side of the dispute. Upon such finding, the Hearing Officer will order the appearance of the inspector, or if the inspector is unavailable at the time of the hearing, the Hearing Officer will adjourn the hearing for the appearance of the inspector on a later date.
- (b) If at a hearing a respondent denies the factual allegations contained in the NOV, the Hearing Officer may require the presence of the inspector without a request by the respondent, and, if needed, adjourn the hearing for the inspector to be present.
- (c) In the event that the inspector does not appear, the Hearing Officer may adjourn the hearing pursuant to §6-14 of this chapter, or may proceed with the hearing without the inspector, and sustain or dismiss all or part of the NOV, as the Hearing Officer may deem appropriate. In no event will a hearing be adjourned on more than two occasions by the Hearing Officer because of the unavailability of an inspector.

§6-16 Hearing Record

A record will be made of all NOV's filed, proceedings held, written evidence admitted and rulings rendered, and such record will be kept in the regular course of business for a reasonable period of time in accordance with applicable law. Hearings will be mechanically, electronically or otherwise recorded by the Tribunal under the supervision of the Hearing Officer, and the original recording will be part of the record and will constitute the sole official record of the hearing. A copy of the recording will be provided upon request and payment of a reasonable fee in accordance with applicable law.

§6-17 Decision and Order

After a hearing, a written decision sustaining or dismissing each charge in the NOV will be promptly rendered by the Hearing Officer who presided over the hearing. Each decision will contain findings of fact and conclusions of law. Where a violation is sustained, the Hearing Officer will impose the applicable penalty.

§6-18 Payment of Penalty

A copy of the decision, other than a default decision mailed or otherwise provided in accordance with §6-20 of this chapter, will be served immediately on the respondent or on the respondent's authorized representative, either personally or by mail. Any fines imposed must be paid within thirty days of the date of the decision.

Subchapter D – Appeals

§6-19 Appeals

- (a) When an appeal is filed, the Appeals Unit within the Tribunal will determine whether the facts contained in the findings of the Hearing Officer are supported by substantial evidence in the record, and whether the determinations of the Hearing Officer, as well as the penalties imposed, are supported by law. The Appeals Unit has the power to affirm, reverse, remand or modify the decision appealed from.
- (b) A party may appeal, in whole or in part, a decision of a Hearing Officer, except that a party may not appeal a decision rendered on default, a denial of a motion to vacate a default decision, or a plea admitting the violations charged.
- (c) Appeals decisions are made upon the record of the hearing. The record of the hearing includes all items enumerated in §6-16 as well as the Hearing Officer's written decision. The Appeals Unit will not consider any evidence that was not presented to the Hearing Officer. The absence of a recording of the hearing does not prevent determination of the appeal.

(d) Appeals Procedure

- (1) Within thirty days of the date of the Hearing Officer's decision, or thirty-five days if the decision was mailed, a party seeking review of the decision must file an appeal application on a form prescribed by the Tribunal and serve a copy of it on the non-appealing party. An appeal will be accepted by the Tribunal only if:
 - (i) the appealing party files an appeal application; and
 - (ii) the appealing party files proof that a copy of the appeal application has been served on the non-appealing party; and
 - (iii) Respondent pays in full any fines or penalties imposed by the decision, as set forth in this subdivision, unless the respondent has been granted a waiver of such prior payment.
 - (2) Within thirty days of being served with the appeal application, or thirty-five days if service is made by mail, the non-appealing party may file a response to the appeal. The response must be on a form prescribed by the Tribunal and will be accepted only if the non-appealing party serves a copy of the response on the other party and files proof of that service with the Tribunal.
 - (3) An application may be made to the Tribunal to extend the time to file an appeal or a response to an appeal. Such request must be supported by evidence of impossibility or other explanation of inability to file timely. A copy of such application shall be served on all parties, and proof of such service filed with the Tribunal.
 - (4) Any application for a copy of the hearing recording shall be made within the time allotted for the filing of an appeal or a response to an appeal. A copy of such application shall be served upon all parties, and proof of such service filed with the tribunal within the time allotted for filing an appeal or response to an appeal. In that event, the time within which to file an appeal or respond to an appeal shall be extended by 30 days from the date when such hearing recording is delivered or mailed to the requesting party.
 - (5) Further filings with the Tribunal by either party are not permitted.
- (e) Filing an appeal application will not delay the collection of any fine or other penalty imposed by the decision. An appeal by or on behalf of a respondent will not be permitted unless the fines or penalties imposed have been paid in full prior to or at the time of the filing of the appeal application, or a waiver of such prior payment is granted. An application for a waiver of prior payment must be made before or at the time of the filing of the appeal application and must be supported by evidence of financial hardship. The Chief Administrative Law Judge or his or her designee has the sole discretion to grant or deny a waiver.
- (f) Appeals Decision

- (1) The Appeals Unit will promptly issue a written decision affirming, reversing, remanding or modifying the decision appealed from. A copy of the decision will be delivered to the petitioner and served on the respondent by mail, stating the grounds upon which the decision is based. Where appropriate, the decision will order the repayment to the respondent of any penalty that has been paid.
- (2) The decision of the Appeals Unit is the final determination of the Tribunal, except in the case of a violation arising under Article 13-E of the New York State Public Health Law, entitled "Regulation of Smoking in Certain Public Areas," in accordance with §3.12 of the New York City Health Code codified within Title 24 of the Rules of the City of New York.

Subchapter E – Defaults

§6-20 Defaults

- (a) A respondent who fails to appear or to make a request to reschedule as required by these rules will be deemed to have defaulted.
- (b) Upon such default, without further notice to the respondent and without a hearing being held, all facts alleged in the NOV will be deemed admitted, the respondent will be found in violation, and the penalties authorized by applicable laws, rules and regulations will be applied.
- (c) Decisions rendered because of a default will take effect immediately.
- (d) The Tribunal will notify the respondent of the issuance of a default decision by mailing a copy of the decision or by providing

a copy to the respondent or the respondent's representative who appears personally at the Tribunal and requests a copy.

- (e) The respondent may make a motion in writing requesting that a default be vacated pursuant to §6-21 of this chapter.

§6-21 Request for a New Hearing after a Failure to Appear (Motion to Vacate a Default)

- (a) A first request by a respondent for a new hearing after a failure to appear (also known as a "motion to vacate a default") that is submitted within sixty days of the date of the default decision will be granted. A motion to vacate a default that is submitted by mail must be postmarked within sixty days of the default decision.
- (b) A motion to vacate a default that is submitted after sixty days of the date of the default must be filed within one year of the date of the default decision and be accompanied by a statement setting forth a reasonable excuse for the Respondent's failure to appear and any documents to support the motion to vacate the default. The Hearing Officer will determine whether a new hearing will be granted.
- (c) Reasons for Failing to Appear. In determining whether a Respondent has shown a reasonable excuse for failing to appear at a hearing, the Hearing Officer will consider:
- (1) Whether circumstances that could not be reasonably foreseen prevented the respondent from attending the hearing;
 - (2) Whether the respondent had an emergency or condition requiring immediate medical attention;
 - (3) Whether the matter had been previously adjourned by the respondent;
 - (4) Whether the respondent attempted to attend the hearing with reasonable diligence;
 - (5) Whether the respondent's inability to attend the hearing was due to facts that were beyond the respondent's control;
 - (6) Whether the respondent's failure to appear at the hearing can be attributed to the respondent's failure to maintain current contact information on file with the applicable licensing agency;
 - (7) Whether the respondent has previously failed to appear in relation to the same NOV; and
 - (8) Any other fact that the Tribunal considers to be relevant to the motion to vacate.
- (d) A denial of a motion to vacate a default is a final determination and is not subject to review or appeal at the Tribunal.
- (e) If a motion to vacate a default has been previously granted, and a new default decision has been issued, a motion to vacate the second default decision in relation to the same NOV will not be granted except that in exceptional circumstances and in order to avoid injustice, the Chief Administrative Law Judge or his or her designee will have the discretion to grant a request for a new hearing.
- (f) In exceptional circumstances and in order to avoid injustice, the Chief Administrative Law Judge or his or her designee will have the discretion to consider a request for a new hearing filed more than one year from the date of the default decision.
- (g) If a motion to vacate a default is granted and the respondent has already made a full or partial payment, no request of a refund will be considered until after the hearing is completed and a decision issued.

Subchapter F--Miscellaneous

§6-22 Disqualification of Hearing Officers

- (a) Grounds for Disqualification. A Hearing Officer will not preside over a hearing under the circumstances set forth in subdivisions (D) and (E) of §103 of Appendix A of this title. When a Hearing Officer deems himself or herself disqualified to preside in a particular proceeding, the Hearing Officer will withdraw from the proceeding by notice on the record and will notify the Chief Administrative Law Judge or his or her designee of such withdrawal.
- (b) Motion to Disqualify. A party may, for good cause shown, request that the Hearing Officer disqualify himself or herself. The Hearing Officer in the proceeding will rule on such motion.
- (1) If the Hearing Officer denies the motion, the party may obtain a brief adjournment in order to promptly apply for review by the Chief Administrative Law Judge or his or her designee.
 - (2) If the Chief Administrative Law Judge or his or her

designee determines that the Hearing Officer should be disqualified, the Chief Administrative Law Judge or his or her designee will appoint another Hearing Officer to continue the case. If a Hearing Officer's denial of the motion to disqualify is upheld by the Chief Administrative Law Judge or his or her designee, the party may raise the issue again on appeal.

§6-23 Registered Representatives

- (a) Requirements. A representative, other than a family member or an attorney admitted to practice in New York State, who represents two or more Respondents before the Tribunal within a calendar year must:
- (1) Be at least eighteen (18) years of age;
 - (2) 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;
 - (3) Notify the Tribunal within ten (10) business days of any change in the information required on the registration form;
 - (4) 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;
 - (5) Exercise due diligence in learning and observing Tribunal rules and preparing paperwork; and
 - (6) 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 and any other rules in this chapter.

§6-24 Misconduct

- (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, action or gesture that a reasonable person would believe shows contempt or disrespect for the proceedings or that a reasonable person would believe to be intimidating;
 - (3) Willfully disregard the authority of the 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;
 - (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 given express authorization or 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 client 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

- (1) 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.
- (2) 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 decision on motion.

(c) Penalties for Misconduct

- (1) Failure to abide by these rules constitutes misconduct. The Chief Administrative Law Judge 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 Chief Administrative Law Judge or his or her designee that the basis for the suspension no longer exists.
- (2) However, the Chief Administrative Law Judge or his or her designee may not act until after the attorney or representative is given notice and a reasonable opportunity to appear before the Chief Administrative Law Judge or his or her designee to rebut the claims against him or her. The Chief Administrative Law Judge 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 as set out in §6-13 of this chapter.

(d) Discipline on Other Grounds

- (1) The Chief Administrative Law Judge 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.
- (2) 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 Chief Administrative Law Judge or his or her designee. Factors to be considered in determining whether a representative lacks honesty and integrity include, but need not be limited to, considering whether the representative has made false, misleading or inappropriate statements to parties or Tribunal staff.

(e) Judicial Review. The decision of the Chief Administrative Law Judge or his or her designee 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.

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

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

RULE TITLE: Establishment of Trials Division and Hearings Division

REFERENCE NUMBER: 2015 RG 030

RULEMAKING AGENCY: Office of Administrative Trials and Hearings

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

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

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: March 27, 2015

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

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

RULE TITLE: Establishment of Trials Division and Hearings Division

REFERENCE NUMBER: OATH/ECB 57

RULEMAKING AGENCY: Office of Administrative Trials and Hearings

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

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

/s/Amina Huda
Mayor's Office of Operations

March 27, 2015
Date

☛ a7



MAYOR'S OFFICE OF CONTRACT SERVICES

■ NOTICE

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2015 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be issuing the following solicitation(s) not included in the FY 2015 Annual

Contracting Plan and Schedule that is published pursuant to New York City Charter § 312(a):

Agency: Department of Parks and Recreation
 Description of services sought: Landscape architectural design services for the reconstruction of Morningside Park 123rd Street Playground
 Start date of the proposed contract: 6/15/2015
 End date of the proposed contract: 6/15/2016
 Method of solicitation the agency intends to utilize: Task Order
 Personnel in substantially similar titles within agency: Landscape Architects, Assistant Landscape Architects, Landscape Architects Interns, Project Managers, Associate Project Managers
 Headcount of personnel in substantially similar titles within agency: 148

← a7

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2015 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be issuing the following solicitation(s) not included in the FY 2015 Annual Contracting Plan and Schedule that is published pursuant to New York City Charter § 312(a):

Agency: Department of Parks and Recreation
 Project Description: Engineering design services for the reconstruction of the Van Cortlandt Greenhouse, located in The Bronx
 Start Date: 6/15/2015
 End Date: 6/15/2016
 Method of Solicitation the Agency intends to utilize: Task Order
 Personnel in substantially similar titles within Agency: Civil Engineers, Assistant Civil Engineers, Project Managers, Associate Project Managers
 Headcount of personnel in substantially similar titles within Agency: 67

Agency: Department of Parks and Recreation
 Project Description: Engineering design services for new water service to the Van Cortlandt Greenhouse, located in The Bronx
 Start Date: 6/15/2015
 End Date: 6/15/2016
 Method of Solicitation the Agency intends to utilize: Task Order
 Personnel in substantially similar titles within Agency: Civil Engineers, Assistant Civil Engineers, Project Managers, Associate Project Managers
 Headcount of personnel in substantially similar titles within Agency: 67

Agency: Department of Parks and Recreation
 Project Description: Architectural design services for the reconstruction of the Van Cortlandt Greenhouse, located in The Bronx
 Start Date: 6/15/2015
 End Date: 6/15/2016
 Method of Solicitation the Agency intends to utilize: Task Order
 Personnel in substantially similar titles within Agency: Architects, Assistant Architects, Landmarks Preservationists, Project Managers, Associate Project Managers
 Headcount of personnel in substantially similar titles within Agency: 71

← a7

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2015 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be issuing the following solicitation(s) not included in the FY 2015 Annual Contracting Plan and Schedule that is published pursuant to New York City Charter § 312(a):

Agency: Department of Youth and Community Development
 Description of services sought: DYCD seeks to hire consultants for the purposes of gathering DYCD's program requirements for enrollment/case management/milestone tracking, which will include an analysis of current system functionality and business needs. With their findings, the consultants will create a document detailing the specific system and program requirements; aiding DYCD's development of the Request for Services.
 Subsequently, vendors will support the implementation and/or custom development of the new system.
 Start date of the proposed contract: 07/01/2015
 End date of the proposed contract: 06/30/2018
 Method of solicitation the agency intends to utilize: Task Order from Department of Information Technologies and Telecommunications (DOITT) Systems Integration Services Master Contract
 Personnel in substantially similar titles within agency: Project Managers, Application Developers
 Headcount of personnel in substantially similar titles within agency: 22

Agency: Department of Youth and Community Development
 Description of services sought: DYCD seeks to hire consultants for the purposes of gathering DYCD's program requirements for its evaluation and monitoring system, which will include an analysis of current system functionality and business needs. With their findings, the

consultants will create a document detailing the specific system and program requirements; aiding DYCD's development of the Request for Services.

Subsequently, vendors will support the implementation and/or custom development of the new system.
 Start date of the proposed contract: 07/01/2015
 End date of the proposed contract: 06/30/2018
 Method of solicitation the agency intends to utilize: Task Order from Department of Information Technologies and Telecommunications (DOITT) Systems Integration Services Master Contract
 Personnel in substantially similar titles within agency: Project Managers, Application Developers
 Headcount of personnel in substantially similar titles within agency: 22

Agency: Department of Youth and Community Development
 Description of services sought: DYCD seeks to hire consultants for the purposes of gathering DYCD's requirements for contract management/budget/payment, which will include an analysis of current system functionality and business needs. With their findings, the consultants will create a document detailing the specific system and program requirements; aiding DYCD's development of the Request for Services.
 Subsequently, vendors will support the implementation and/or custom development of the new system.
 Start date of the proposed contract: 07/01/2015
 End date of the proposed contract: 06/30/2018
 Method of solicitation the agency intends to utilize: Task Order from Department of Information Technologies and Telecommunications (DOITT) Systems Integration Services Master Contract
 Personnel in substantially similar titles within agency: Project Managers, Application Developers
 Headcount of personnel in substantially similar titles within agency: 22

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CHANGES IN PERSONNEL

DEPT. OF HOMELESS SERVICES FOR PERIOD ENDING 03/27/15 TITLE						
NAME		NUM	SALARY	ACTION	PROV	EFF DATE
MURPHY	NAOMI	10124	\$51482.0000	RETIRED	NO	03/17/15
RITCH	SHERYLL	12626	\$52162.0000	APPOINTED	NO	03/15/15
WALLACE	VANESSA	31113	\$51028.0000	INCREASE	NO	03/23/14
WOODLEY-BROWN	JANINE	M 82950	\$126875.0000	INCREASE	YES	03/01/15
ZIKMUND	ALYSON	M 10056	\$94109.0000	RESIGNED	YES	03/01/15

DEPARTMENT OF CORRECTION FOR PERIOD ENDING 03/27/15 TITLE						
NAME		NUM	SALARY	ACTION	PROV	EFF DATE
ABRAHAM	EDDIE	B 70410	\$39755.0000	APPOINTED	NO	03/05/15
ACAITURRI-LOPEZ	VENUS	M 70410	\$39755.0000	APPOINTED	NO	03/05/15
ADAMS	AKEEM	E 70410	\$39755.0000	APPOINTED	NO	03/05/15
ALEXANDER	AUDREY	70410	\$39755.0000	APPOINTED	NO	03/05/15
ALEXANDER	IAN	G 70410	\$39755.0000	APPOINTED	NO	03/05/15
ALEXANDER	MICHELLE	A 70410	\$39755.0000	APPOINTED	NO	03/05/15
ALLOTTA	CHIKUYO	70410	\$39755.0000	APPOINTED	NO	03/05/15
ALTAHERI	ADAM	70410	\$39755.0000	APPOINTED	NO	03/05/15
ALVAREZ	DIANA	70410	\$39755.0000	RESIGNED	NO	03/08/15
ALVAREZ	RAUL	M 70410	\$39755.0000	APPOINTED	NO	03/05/15
ANTHONY	QUINCY	70410	\$39755.0000	APPOINTED	NO	03/05/15
ANTIGNANI	KRISTIN	R 70410	\$39755.0000	APPOINTED	NO	03/05/15
ARMSTRONG	DANIEL	G 70410	\$39755.0000	APPOINTED	NO	03/05/15
ARVELO JR	FERNANDO	70410	\$39755.0000	APPOINTED	NO	03/05/15
AUGUSTINE	HEATHER	70410	\$39755.0000	APPOINTED	NO	03/05/15
AZCONA	JENNIFER	J 70410	\$39755.0000	APPOINTED	NO	03/05/15
BAILLEY	CLESTER	70410	\$39755.0000	APPOINTED	NO	03/05/15
BARBOSA	GERMAN	70410	\$39755.0000	APPOINTED	NO	03/05/15
BARDALES	ARIEL	B 70410	\$39755.0000	APPOINTED	NO	03/05/15
BARNES	BRENDAN	J 70410	\$39755.0000	APPOINTED	NO	03/05/15
BARRANT	KIRK	D 70410	\$39755.0000	APPOINTED	NO	03/05/15
BARTON	MONIKA	70410	\$39755.0000	APPOINTED	NO	03/05/15
BEN-LEVI	CAVORDHYA	70410	\$39755.0000	APPOINTED	NO	03/05/15
BENNETT	JOHN	E 70467	\$98072.0000	RETIRED	NO	02/18/15
BENNETT	MENTUOT	B 70410	\$39755.0000	APPOINTED	NO	03/05/15
BENZAN	CHRISTIA	J 70410	\$39755.0000	APPOINTED	NO	03/05/15
BERRIOS	ARLENE	70410	\$39755.0000	APPOINTED	NO	03/05/15
BLAKE	ANDREI	A 70410	\$39755.0000	APPOINTED	NO	03/05/15
BLAKE	MELVINA	O 70410	\$39755.0000	APPOINTED	NO	03/05/15
BOATENG	SAMUEL	N 70410	\$39755.0000	APPOINTED	NO	03/05/15
BOOTH	NATHANIE	70410	\$39755.0000	APPOINTED	NO	03/05/15
BOZEMAN-KELLY	SHAEZ	70410	\$39755.0000	RESIGNED	NO	03/12/15
BRADSHAW	SHERRINA	K 70410	\$39755.0000	APPOINTED	NO	03/05/15
BROADBELT	DEWAYNE	D 70410	\$39755.0000	APPOINTED	NO	03/05/15
BROCCOLO	NICOLE	M 70410	\$39755.0000	APPOINTED	NO	03/05/15
BROCKINGTON	MICHAEL	E 70410	\$39755.0000	APPOINTED	NO	03/05/15

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