



# THE CITY RECORD

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## THE CITY RECORD

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### BRONX BOROUGH PRESIDENT

#### PUBLIC HEARINGS

A PUBLIC HEARING IS BEING CALLED by the President of the Borough of The Bronx, Honorable Ruben Diaz, Jr. on Monday, July 27, 2009 commencing at 6:00 P.M. The hearing will take place at the Lovinger Theater of Lehman College, 250 Bedford Park Boulevard West, Bronx, New York 10468. (Please note the location and evening time). The hearing will consider the following items:

CD 7-ULURP APPLICATION NO: C 090236 MMX - IN THE MATTER OF an application submitted by the New York City Economic Development Corporation and Related Retail Armory, LLC 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 a portion of Reservoir Avenue at its intersection with West Kingsbridge Road;
- The establishment of a Park (Barnhill Square);
- The adjustment of legal grades necessitated thereby; and
- Any acquisition or disposition of real property related thereto,

Community District 7, Borough of The Bronx, in accordance with Map No. 13126, dated May 11, 2009, and signed by the Borough President.

CD 7-ULURP APPLICATION NO: C 090237 MMX - IN THE MATTER OF an application submitted by the New York City Economic Development Corporation 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 a portion of West 195th Street between Reservoir Avenue and Jerome Avenue;
- The adjustment of legal grades necessitated thereby; and
- Any acquisition or disposition of real property related thereto,

Community District 7, Borough of The Bronx, in accordance with Map No. 13127, dated May 11, 2009, and signed by the Borough President.

CD 7-ULURP APPLICATION NO: C 090437 ZMX - IN THE MATTER OF an application submitted by the New York City Economic Development Corporation and Related Retail Armory, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3c: changing from an R6 District to a C4-4 District property bounded by West 195th Street, Jerome Avenue, West Kingsbridge Road, Reservoir Avenue, Borough of The Bronx, Community District 7, as shown in a diagram (for illustrative purposes only) dated May 18, 2009.

CD 7-ULURP APPLICATION NO: C 090438 PPX - IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services (DCAS) pursuant to Section 197-c of the New York City Charter, for the disposition of one city owned property located at 29 West Kingsbridge Road (Block 3247, Lots 10 and p/o 2), pursuant to zoning.

ANYONE WISHING TO SPEAK MAY REGISTER AT THE HEARING. PLEASE DIRECT ANY QUESTIONS CONCERNING THESE MATTERS AND FOR DIRECTIONS TO THE LOVINGER THEATER TO THE BOROUGH PRESIDENT'S OFFICE, 718-590-6124.

jy21-27

### CITY COUNCIL

#### PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT the Council has scheduled the following public hearing on the matter indicated below:

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matter in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 11:00 A.M. on Monday, July 27, 2009:

#### C & D BUILDING - BELLEVUE HOSPITAL CENTER

MANHATTAN CB-06 20105001 HHM  
Application submitted by the New York Health and Hospitals Corporation pursuant to Section 7385(6) of its Enabling Act requesting the approval of the lease of an approximately 25,000 square feet of space on the 3rd Floor of the "C&D Building" on the campus of Bellevue Hospital Center between the Health and Hospitals Corporation and the City University of New York for use as a clinical simulation laboratory.

jy20-27

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 Committee Room, City Hall, New York, New York 10007, commencing at 9:30 A.M. on Monday, July 27, 2009:

#### GIN LANE

MANHATTAN CB - 04 20095172 TCM  
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Lucky 13, LLC, d/b/a Gin Lane, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 355 West 14th Street, Borough of Manhattan.

#### THE GROOVE

MANHATTAN CB - 02 20095223 TCM  
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Groove Enterprises, Inc., d/b/a The Groove, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 125 Macdougall Street, Borough of Manhattan.

#### PIZZA FROM NAPLES

MANHATTAN CB - 02 20095246 TCM  
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of La

Meridiana, Ltd., d/b/a Pizza From Naples, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 26-28 Carmine Street, Borough of Manhattan.

#### THE SLAUGHTERED LAMB PUB

MANHATTAN CB - 02 20095379 TCM  
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of S.L.P. Management Inc., d/b/a The Slaughtered Lamb Pub, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 182 West 4th Street, Borough of Manhattan.

#### ALI BABA

MANHATTAN CB - 06 20095410 TCM  
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Ali Baba's Terrace Inc., d/b/a Ali Baba, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 862 Second Avenue, Borough of Manhattan.

#### CHEZ JOSEPHINE LTD.

MANHATTAN CB - 04 20095437 TCM  
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Chez Josephine Ltd., d/b/a Chez Josephine, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 414 West 42nd Street, Borough of Manhattan.

#### ARC RAIL ROAD PASSENGER STATION

MANHATTAN CB's - 04 and 05 N 090262 ZRM  
Application submitted by the Port Authority of New York and New Jersey, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York relating to Section 74-62 (Railroad Passenger Stations) in Community Districts 4 and 5, Borough of Manhattan.

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

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

74-60  
PUBLIC SERVICE OR TRANSPORTATION  
FACILITIES  
\* \* \*

#### 74-62 Railroad Passenger Stations

(a) Except as provided in paragraph (b), the City Planning Commission may permit the construction of railroad passenger stations in all districts, provided that the following findings are made:

- (a1) that the principal access for such #use# is not located on a local #street#;
- (b2) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in #residential# areas; and
- (e3) that vehicular entrances and exits for such #use# are provided separately and are located not less than 50 feet apart.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights or surfacing of access roads or driveways.

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, not less than 20 spaces for the temporary parking of automobiles, and three spaces for buses.

(b) In Community Districts 4 and 5 in the Borough of Manhattan, the City Planning Commission may permit the construction of railroad passenger stations and ventilation facilities or other facilities or services used or required in connection with such railroad passenger station or in connection with an underground railroad right-of-way that provides access to such railroad passenger station, and may permit waivers of applicable #bulk# regulations,

other than the #floor area ratio#, in connection with such ventilation facilities, or other facilities or services, provided that the following findings are made:

- (1) that the principal access for such railroad passenger station is not located on a local #street#;
(2) that such railroad passenger station is so located as to draw a minimum of vehicular traffic to and through local #streets# in #residential# areas;
(3) that any vehicular entrances and exits for such railroad passenger station are provided separately and are located not less than 50 feet apart;
(4) that the locations of at-grade entrances to such railroad passenger station are well situated in relation to existing at-grade pedestrian circulation patterns;
(5) that any below-grade pedestrian circulation elements provided in connection with the railroad passenger station are well integrated with any existing or planned below-grade pedestrian circulation networks providing connections to and from other transportation facilities; and
(6) for ventilation facilities or other facilities or services used or required in connection with a railroad passenger station or in connection with an underground railroad right-of-way that provides access to a railroad passenger station, that:

- (i) any #bulk# modifications are the minimum necessary for the proper operation of the facility; and
(ii) that the design of the facility will blend harmoniously with the surrounding area or that a process has been created with the purpose of ensuring that the future design of the facility takes into account existing conditions and anticipated development in the surrounding area.

Railroad passenger station entrances provided pursuant to paragraph (b)(4) of this Section and railroad passenger station emergency access stairs, located within #publicly accessible open areas# of #zoning lots# subject to the provisions of Section 81-542 (Retention of floor area bonus for plazas or other public spaces), shall be permitted obstructions within such #publicly accessible open areas#, provided that the Commission finds that any encroachment within such #publicly accessible open areas# by such entrances or emergency access stairs will facilitate improved pedestrian circulation to, from and within the proposed railroad passenger station.

The special permit shall provide that such #publicly accessible open area# shall be designed and improved in connection with the installation of entrances or railroad passenger station emergency access stairs pursuant to a site plan accepted by the Chairperson of the City Planning Commission. The proposed site plan shall be referred to the affected Community Board, City Council Member and Borough President. Included with the site plan shall be a report to the Chairperson demonstrating that any comments and recommendations of the affected Community Board, City Council Member and Borough President have been considered, as set forth in a written response to such comments or recommendations. Where design modifications have been made in response to such comments and recommendations, the report shall identify how the design has been modified. The Chairperson shall not accept such site plan prior to sixty days after such referral. A #publicly accessible open area# improved pursuant to an accepted site plan shall be deemed to be certified pursuant to Section 37-625 (Design changes) and the standards set forth therein. Subsequent modifications of the site plan for such #publicly accessible open area#, including modifications involving the co-location of transportation facility entrances, shall be subject to this paragraph. An application to modify the site plan to facilitate the co-location of railroad passenger station entrances may be filed by the transportation agency seeking to co-locate a transportation facility entrance in the #publicly accessible open area# or by the property owner. Such application shall include evidence of consultation with any transportation agency with existing or planned facilities located in the #publicly accessible open area#. The modified site plan shall also be referred to such transportation agency by the Chairperson for comment.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize pedestrian and vehicular congestion and to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, surfacing of access roads or driveways, mitigation of pedestrian impacts, signage requirements, or screening or placement of the facilities or services permitted pursuant to paragraph (b) this Section.

\* \* \*

ARC RAIL ROAD PASSENGER STATION MANHATTAN CB's - 04 and 05 C 090263 (A) ZSM Application submitted by the Port Authority of New York and New Jersey, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-62(b) of the Zoning Resolution:

- 1. to allow the construction of a railroad passenger station and ventilation facilities or other facilities or services used or required in connection with such railroad passenger station or in connection with an underground railroad right-of-way that provides access to such railroad passenger station; and
2. to modify the height and setback requirements of

Section 43-43 for two proposed ventilation facilities on property located on Block 674, Lot 1 and Block 784, Lot 54, in M1-6 and M2-3 Districts;

in connection with a proposed railroad passenger station and ventilation facilities or other facilities or services used or required, within the area generally bounded by West 35th Street, Broadway, Avenue of the Americas, West 33rd Street and Ninth Avenue, West 34th Street, Ninth Avenue, West 33rd Street and Tenth Avenue, and West 29th Street, Eleventh Avenue, West 28th Street and Twelfth Avenue, in C5-2, C6-4, C64-5, C6-4M, C6-6, M1-6 and M2-3 Districts, partially within the Special Hudson Yards, Special Midtown and Special Garment Center Districts.

DUMBO REZONING

BROOKLYN CB - 02 N 090309 ZRK 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, Section 23-90, inclusive, relating to the application of the Inclusionary Housing Program to proposed R7A and R8A districts, and Section 123-90, relating to the establishment of Special Mixed Use District #2 in DUMBO in the Borough of Brooklyn.

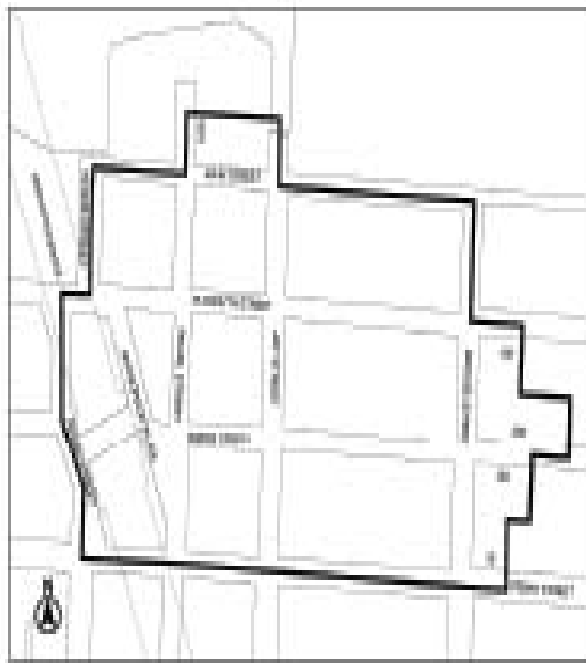
Matter in underline is new, to be added; Matter in ~~strikeout~~ is old, to be deleted; Matter in # # is defined in Section 12-10; \* \* \* indicates where unchanged text appears in the Zoning Resolution

Article II: Residence District Regulations

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

23-922 Inclusionary housing designated areas The Inclusionary Housing Program shall apply in the following areas: \* \* \*

- (e) In Community District 2, in the Borough of Brooklyn, in the R7A and R8A Districts within the areas shown on the following Maps 7, 8, and 9 and 10:



Map 10 Portion of Community District 2, Brooklyn

- (f) In Community District 7, in the Borough of Manhattan, in the R9A Districts within the areas shown on the following Map 4011: \* \* \*

Map 4011 Portion of Community District 7, Manhattan

- (g) In Community District 3, in the Borough of Brooklyn, in the R7D Districts within the areas shown on the following Maps 11 and 12 and 13: \* \* \*

MAP 1112 Portion of Community District 3, Brooklyn \* \* \*

- (h) In Community District 6, in the Borough of Manhattan, in the R10 Districts within the areas shown on the following Map 1214: \* \* \*

MAP 1214 Portion of Community District 6, Manhattan

- (i) In Community District 3, in the Borough of Manhattan, in the R7A, R8A and R9A Districts within the areas shown on the following Map 1415: \* \* \*

Map 1415: portion of Community District 3, Manhattan \* \* \*

Article XII - Special Purpose Districts Chapter 3 Special Mixed Use District \* \* \*

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

Where the designated #Residence District# is an R6, R7, R8 or R9 District, the minimum required #open space ratio# and maximum #floor area ratio# provisions of Sections 23-142, 23-143 and paragraph (a) of Section 23-147 shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #developed# or #enlarged#

pursuant to the Quality Housing Program, shall comply with the maximum #floor area ratio# and #lot coverage# requirements set forth for the designated district in Section 23-145, or paragraph (b) of Section 23-147 for #non-profit residences for the elderly#. For purposes of this Section, #non-profit residences for the elderly# in R6 and R7 Districts without a letter suffix, shall comply with the provisions for R6A or R7A Districts, respectively, as set forth in paragraph (b) of Section 23-147.

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

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

However, in #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratio# shall be as set forth in Section 23-942 (Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas).

Table with 2 columns: Special Mixed Use District, Designated Residence District. Rows include MX 8-Community District 1, Brooklyn (R6 R6A R6B R7A) and MX 2-Community District 2, Brooklyn (R7A R8A).

123-90 SPECIAL MIXED USE DISTRICTS SPECIFIED

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

- #Special Mixed Use District# - 1: Port Morris, The Bronx. The #Special Mixed Use District# - 1 is established in Port Morris in The Bronx as indicated on the #zoning maps#.
#Special Mixed Use District# - 2: Fulton Ferry DUMBO, Brooklyn. The #Special Mixed Use District# - 2 is established in DUMBO Fulton Ferry in Brooklyn as indicated on the #zoning maps#.

DUMBO REZONING

BROOKLYN CB - 02 C 090310 ZMK Application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d.

- 1. changing from an M1-2 District to an M1-4/R7A District property bounded by Plymouth Street, Bridge Street, a line midway between Plymouth street and Water Street, a line 200 feet easterly of Bridge Street, Water Street, a line 125 feet easterly of Bridge Street, a line midway between Water Street and Front Street, a line 75 feet easterly of Bridge Street, Front Street, and a line 150 feet easterly of Jay Street;
2. changing from an M3-1 District to an M1-4/R7A District property bounded by:
a) John Street, Bridge Street, Plymouth Street, and a line 150 feet easterly of Jay Street; and
b) Plymouth Street, a line 100 feet easterly of Bridge Street, a line midway between Plymouth Street and Water Street;
3. changing from an M1-2 District to an M1-4/R8A District bounded by Plymouth Street, a line 150 feet easterly of Jay Street, Front Street, and Adams Street;
4. changing from an M3-1 District to an M1-4/R8A District property bounded by John Street, the northerly centerline prolongation of Pearl Street, a line 100 feet northerly of John Street, the northerly centerline prolongation of Jay Street, John Street, a line 150 feet easterly of Jay street, Plymouth Street, and Adams Street; and
5. establishing a Special Mixed Use District (MX-2) bounded by John Street, the northerly centerline prolongation of Pearl Street, a line 100 feet northerly of John Street, the northerly centerline prolongation of Jay Street, John Street, Bridge Street, Plymouth Street, a line 100 feet easterly of Bridge Street, a line midway between Plymouth Street and Water Street, a line 200 feet easterly of Bridge Street, Water Street, a line 125 feet easterly of Bridge Street, a line midway between Water Street and Front Street, a line 75 feet easterly of Bridge Street, Front Street, Adams Street, Plymouth Street, and Adams Street;

as shown in a diagram (for illustrative purposes only) dated February 17, 2009 and which includes CEQR designation E-231.

SPECIAL COLLEGE POINT DISTRICT QUEENS CB - 07 N 090318 ZRQ

Application submitted by the Economic Development Corporation pursuant to Section 201 of the New York City Charter for amendments of the Zoning Resolution of the City of New York, concerning the addition of Article XII, Chapter 6 (Special College Point District) and modifications of related sections.

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

11-12 Establishment of Districts In order to carry out the purposes and provisions of this Resolution, the following districts are hereby established: \* \* \* Establishment of the Special Clinton District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 6, the #Special Clinton District# is hereby established.

Establishment of the Special College Point District

In order to carry out the special purposes of this Resolution

as set forth in Article XII, Chapter 6, the #Special College Point District# is hereby established.

\* \* \*

**12-10 DEFINITIONS**

\* \* \*

Special Clinton District  
The "Special Clinton District" is a Special Purpose District designated by the letters "CL" in which special regulations set forth in Article IX, Chapter 6, apply. The #Special Clinton District# appears on the #zoning maps# superimposed on other districts and its regulations supplement or supersede those of the districts on which it is superimposed.

Special College Point District  
The "Special College Point District" is a Special Purpose District designated by the letters "CP" in which special regulations set forth in Article XII, Chapter 6, apply. The #Special College Point District# appears on the #zoning maps# superimposed on other districts and its regulations supplement or supersede those of the districts on which it is superimposed.

\* \* \*  
*All text is new; it is not underlined*

**Article XII - Special Purpose Districts**

**Chapter 6 Special College Point District**

**126-00 GENERAL PURPOSES**

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

- (a) encourage and retain high performance manufacturing establishments in New York City;
- (b) maintain the high quality business campus environment with landscaped yards within the area known as the College Point Corporate Park; and
- (c) promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

**126-01 General Provisions**

The provisions of this Chapter shall apply to all #developments#, #enlargements#, alterations and changes of #use# within the #Special College Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

**126-02 District Plan and Map**

The District Map is located within Appendix A of this Chapter and is hereby incorporated and made part of this Resolution. It is incorporated for the purpose of specifying locations where special regulations and requirements set forth in this Chapter apply.

**126-03 Applicability of Article I, Chapter 1**

Within the #Special College Point District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York, stating:

- (a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
- (b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

**126-10 SPECIAL USE REGULATIONS**

The #use# regulations of the underlying district are modified as set forth in this Section, inclusive.

**126-11 Recreational Uses**

The regulations of Section 42-10 (USES PERMITTED AS-OF-RIGHT), shall be modified to allow the following uses as-of-right within the #Special College Point District#:

- From Use Group 4A:  
Non-commercial recreation centers
- From Use Group 4B:  
Golf courses  
Outdoor tennis courts or ice skating rinks, provided that all lighting shall be directed away from nearby #residential zoning lots#.  
#Public parks#, playgrounds or private parks
- From Use Group 4C:  
#Accessory uses#

**126-12 Performance Standards**

Section 42-20 (PERFORMANCE STANDARDS) shall be modified so that the performance standards of an M1 District apply throughout the #Special College Point District#.

**126-13 Enclosure Regulations**

The following provisions supersede Sections 42-41 (Enclosure of Commercial or Manufacturing Activities) and 42-42 (Enclosure or Screening of Storage).

All #commercial# or #manufacturing uses# established by a #development#, #enlargement#, #extension#, or change of #use#, including storage of materials or products, shall be subject to the provisions of this Section, inclusive. With

respect to the #enlargement# or #extension# of an existing #use# or storage of materials or products, such provisions shall apply to the #enlarged# or #extended# portion of such #use# or storage.

However, these provisions shall not apply to open parking and loading areas as specifically provided in Sections 44-11 (General Provisions) and 44-51 (Permitted Accessory Off-Street Loading Berths).

**126-131 Special enclosure regulations for specific uses previously prohibited under the former College Point Urban Renewal Plan**

The following #uses#, including all storage of materials or products, shall be located within a #completely enclosed building#:

- From Use Group 17 A:  
Produce or meat markets, wholesale
- From Use Group 18A:  
Incineration or reduction of garbage, offal or dead animals  
Radioactive waste disposal services involving the handling or storage of radioactive waste  
Sewage disposal plants  
Stock yards or slaughtering of animals or poultry  
Dumps, marine transfer stations for garbage or slag piles  
Electric power or steam generating plants
- From Use Group 18B:  
Explosives storage, when not prohibited by other ordinances  
Junk or salvage establishments, including auto wrecking or similar establishments  
Scrap metal, junk, paper or rags storage, sorting, or baling

All #commercial# or #manufacturing uses# specified in this Section 126-131 shall be permitted, provided the City Planning Commission certifies that such #uses# comply with the provisions of this Chapter. A site plan indicating the distribution of #bulk#, #uses#, planting areas and planting types shall be submitted to the Commission. Such submission shall be referred to the applicable Community Board and Borough President for review and comment for a period of no less than 45 days prior to such certification.

**126-132 Enclosure regulations in the M1-1 district**

All #uses#, except storage of materials or products, shall be located within #completely enclosed buildings#; however, #commercial uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#. Recreational uses permitted pursuant to Section 126-11 (Recreational Uses) shall be permitted as open or enclosed #uses#.

**126-133 Enclosure regulations in the M2-1 district near residence districts**

All #uses#, except storage of materials or products, within 300 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#; however, #commercial uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#. Recreational uses permitted pursuant to Section 126-11 (Recreational Uses) shall be permitted as open or enclosed #uses#.

**126-134 Enclosure of storage in the M1-1 district near residence districts**

All storage of materials or products within 200 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#.

**126-135 Screening of storage in the M2-1 district near residence districts**

Within 200 feet of a #Residence District# boundary, open storage of materials or products shall be permitted only if effectively screened by a solid wall or fence (including solid entrance and exit gates) at least eight feet in height.

In addition, such solid wall or fence:

- (a) shall not be located within a #front yard#;
- (b) shall be maintained in good condition at all times; and
- (c) shall have no #signs# hung or attached thereto other than those permitted in Section 42-52 (Permitted Signs) and Section 126-14 (Sign Regulations), inclusive.

**126-136 Screening of storage**

At a distance greater than 200 feet from a #Residence District# boundary, the open storage of materials or products, where permitted, shall be screened from all adjoining #zoning lots#, including #zoning lots# situated across a #street#, by either:

- (a) a strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or
- (b) a wall or barrier or uniformly painted fence of fire-resistant material, at least six feet but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

In addition, such screening provided pursuant to paragraphs (a) or (b):

- (1) shall not be located within a #front yard#;
- (2) shall be maintained in good condition at all times; may be interrupted by normal entrances or exits; and
- (3) shall have no #signs# hung or attached thereto other than those permitted in Section 42-52 (Permitted Signs) and Section 126-14 (Sign Regulations), inclusive.

**126-14 Sign Regulations**

Within the #Special College Point District#, no #advertising

signs# shall be permitted. #Signs# may be #illuminated# but not #flashing#. The provisions of Section 32-67 (Special Provisions Applying Along District Boundaries) shall not apply for #zoning lots# with frontage on the Whitestone Expressway.

No #sign# displayed from the wall of a #building# or other structure# shall extend above the parapet wall or roof of such #building# or other structure#, and no #signs# shall be permitted on the roof of any #building#.

**126-141 Special sign regulations in the M2-1 district**

In the M2-1 District, only non-#illuminated signs# and #signs with indirect illumination# are permitted. The surface area of all #signs# on a #zoning lot# shall be limited to:

- (a) one #sign# displayed from the wall of a #building# limited to 1.5 square feet of #surface area# for each linear foot of #street wall# or 150 square feet, whichever is less, and further provided that such #signs# shall not exceed a height of 8 feet, and shall not extend to a height greater than 20 feet above #curb level#; and
- (b) one #sign# not affixed to a #building# limited to one square foot of #surface area# for each 200 square feet of #street wall# or 30 square feet, whichever is less, and further provided that such #signs# shall not exceed a height of five feet above #curb level#.

**126-20 SPECIAL BULK REGULATIONS**

The #bulk# regulations of the underlying district are modified as set forth in this Section, inclusive.

**126-21 Street Tree Planting**

Within the #Special College Point District#, all #developments#, or #enlargements# of 20 percent or more in #floor area#, shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting). In addition, any #building# where 20 percent or more of the #floor area# is converted from a #manufacturing use# to a #commercial# or #community facility use# shall provide #street# trees in accordance with Section 26-41. The #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving #uses# listed in Use Groups 16B, 16C, 16D, 17 and 18.

**126-22 Floor Area Ratio**

Within the #Special College Point District#, the #floor area ratio# permitted for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be 1.0.

However, within the M2-1 District south of 30th Avenue and its prolongation:

- (a) for portions of #zoning lots# within 600 feet of College Point Boulevard, where such #zoning lot# has frontage on College Point Boulevard, or
- (b) for #zoning lots# with frontage on the Whitestone Expressway,

the maximum #floor area ratio# for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be as permitted in the underlying district.

**126-23 Modification of Yard Regulations**

**126-231 Minimum required front yards**

#Front yards# shall be provided with a depth of 15 feet, except for:

- (a) #zoning lots# with frontage along the Whitestone Expressway, where #front yards# shall be provided with a depth of 20 feet; and
- (b) #corner lots#, where one front yard may have a depth of 10 feet.

**126-232 Minimum required side yards**

#Side yards# shall be provided with a width of 10 feet.

**126-233 Special provisions along district boundaries**

The following regulations shall supplement the provisions of Section 43-30 (Special Provisions Applying along District Boundaries).

- (a) Sections 43-301 (Required yards along district boundary coincident with side lot line of zoning lot in an R1, R2, R3, R4 or R5 District) and 43-303 (Required yards along district boundary coincident with side lot line of zoning lot in a Manufacturing District) shall be modified so that an open area not higher than #curb level# and at least 20 feet wide shall be provided within the #Manufacturing District# on any #zoning lot# which is within 25 feet of a #residence district#.
- (b) Within the areas depicted on the Special College Point District Map as 60-foot buffer areas, an open area not higher than #curb level# and at least 60 feet wide, or where such open area is adjacent to a #street#, a #front yard# not higher than #curb level# at least 60 feet in depth, shall be provided within the #Manufacturing District#. Such open area shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.
- (c) All open areas required pursuant to this Section and Section 43-30 shall be planted, except at entrances to and exits from the #building# and except for access driveways to #accessory# parking and loading areas. In addition, except within #front yards#, there shall be a planting strip at least four feet wide, along the portion of the #lot line# adjoining the #Residence District#, complying with the provisions applicable to Section 126-136 (Screening of storage), provided that paragraph (b) of Section 126-136 shall not be a permitted form of screening.

**126-234**

**Planting requirement in front yards**

#Front yards# shall be planted, except at entrances to and exits from the #building# and except for access driveways to #accessory# parking and loading areas. #Front yards# shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.

**126-235**

**Storage of materials within yards**

Within #side# and #rear yards#, the maximum height of the open storage of materials, where permitted, shall be 12 feet.

**126-24**

**Height and Setback Regulations**

Within the #Special College Point District#, the height and setback regulations of an M1-1 district shall apply.

However, within the M2-1 district south of 30<sup>th</sup> Avenue and its prolongation:

- (a) for portions of #zoning lots# within 600 feet of College Point Boulevard, where such #zoning lot# has frontage on College Point Boulevard, or
- (b) for #zoning lots# with frontage on the Whitestone Expressway, the height and setback regulations shall be as permitted in the underlying district.

**126-30**

**SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS**

The off-street parking and loading regulations of the underlying district are modified as set forth in this Section, inclusive.

**126-31**

**Parking Regulations**

- (a) #Accessory# off-street parking shall not be permitted within a required #front yard#.
- (b) The provisions of Section 44-21 (General Provisions) pertaining to #accessory# off-street parking spaces for #commercial uses# shall be modified as follows:  
  
Hotels, for the #floor area# used for sleeping accommodations shall be required to provide one parking space per two guest rooms or suites, and for the #floor area# used for meeting halls, auditoriums, eating or drinking places, wedding chapels or banquet halls, or radio or television studios shall be required to provide one parking space per four persons rated capacity  
  
Places of Assembly, for #uses# in parking requirement category D in Use Group 6, 8, 9, 10 or 12, or when permitted by special permit, shall be required to provide one parking space per four persons rated capacity
- (c) For #commercial uses# within the Commercial Areas identified on the Special College Point District Map, the parking requirements of a C4-1 district shall apply.
- (d) Section 37-90 (Parking Lots) shall apply to all #developments# and #enlargements#, as defined in that Section, that provide an open parking area #accessory# to #manufacturing uses# in Use Group 17. Perimeter landscaping required pursuant to Section 37-921 may overlap with required #yards# provided pursuant to Section 126-23 (Modification of Yard Regulations).
- (e) The provisions of Section 44-23 (Waiver of Requirements for Spaces Below Minimum Number) shall only apply to #zoning lots# existing both on (date of adoption) and on the date of application for a building permit.

**126-32**

**Loading Regulations**

- (a) Off-street loading berths shall not be permitted between a #street wall# and a #street line#. However, the City Planning Commission may authorize off-street loading berths located between a #street wall# and a #street line#, provided that the Commission finds that such loading berths can not be located elsewhere on the #zoning lot# and that such loading berths shall be enclosed or screened to the greatest extent practicable.
- (b) All open off-street loading berths shall be screened from all adjoining #zoning lots# pursuant to the standards of Section 44-585 (Screening).

**126-33**

**Curb Cut Restrictions on 15th Avenue**

Within the #Special College Point District#, curb cuts shall be prohibited on 15th Avenue.

However, where permitted or required #accessory# off-street parking and loading requirements apply in a location where such curb cuts are prohibited, a curb cut may be allowed, provided that the City Planning Commission certifies to the Commissioner of Buildings that such #zoning lot# has access to the #street# only through such prohibited location and that such curb cut shall be no greater than 20 feet in width.

An application to the City Planning Commission for certification respecting such curb cut shall be accompanied by a site plan drawn to a scale of at least one sixteenth inch to a foot, showing the size and location of the proposed curb cut.

**126-40**

**SPECIAL APPROVALS**

**126-41**

**Modification of Planting Requirements**

The requirements of Section 126-234 (Planting requirement) and paragraph (c) of Section 126-233 (Special provisions along district boundaries) may be waived in whole or in part if the Commissioner of Buildings certifies that such requirements are unfeasible due to unique geological conditions such as excessive subsurface rock conditions, underground municipal infrastructure, or a City, State or Federal mandated brownfield remediation that requires the site to be capped.

Such waiver shall be based on a report prepared by a licensed engineer that such conditions exist.

**126-42**

**Authorization for Reduction of Required Parking**

Within the Commercial Areas identified on the Special College Point District Map, the Commission may authorize a reduction of the parking requirement of Section 44-21 (General Provisions) and paragraphs (b) and (c) of Section 126-31 (Parking Regulations) by an amount not to exceed 50 percent, provided that the Commission finds that the proposed parking is sufficient for the #use# proposed.

**126-43**

**Special Permit to Modify Use or Bulk Regulations**

For any #development#, #enlargement#, alteration or change of #use# on a #zoning lot# within the #Special College Point District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, except #floor area ratio# provisions, provided the Commission shall find that such:

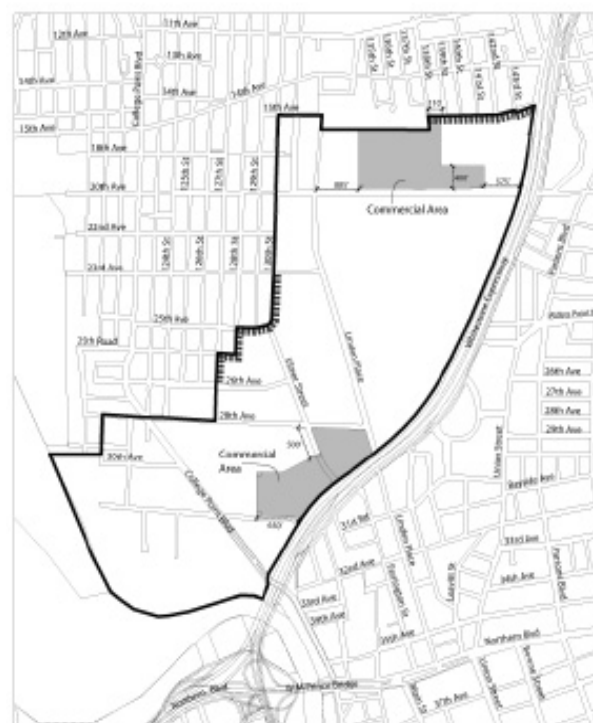
- (a) modification will aid in achieving the general purposes and intent of the Special District;
- (b) #use# modification is necessary for, and the only practicable way to achieve, the programmatic requirements of the #development#;
- (c) #bulk# modifications will enhance the distribution of #bulk# on the #zoning lot#;
- (d) #bulk# modifications will permit adequate access of light and air to surrounding #streets# and properties; and
- (e) #development# or #enlargement# will relate harmoniously to the character of the surrounding area.

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

**Appendix A**

**Special College Point District Map**

Appendix: Special College Point District  
 — Special College Point District  
 ■■■■■ 67 wide buffer



**SPECIAL COLLEGE POINT DISTRICT QUEENS CB - 07 C 090319 ZMQ**

Application submitted by the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 7b and 10a:

1. changing from an M3-1 District to an M1-1 District property bounded by a line perpendicular to the southwesterly street line of Ulmer Street distant 500 feet southeasterly (as measured along the street line) from the point of intersection of the southerly street line of 28th Avenue and the southwesterly street line of Ulmer Street, the centerline of former 131st Street, 31st Avenue, and a line perpendicular to the northerly street line of 31st Avenue distant 650 feet westerly (as measured along the street line) from the point of intersection of the northwesterly street line of Whitestone Expressway and the northerly street line of 31st Avenue;
2. changing from an M1-1 District to an M2-1 District property bounded by:
  - a. 20th Avenue, a line 700 feet northwesterly of Whitestone Expressway, a line 600 feet northeasterly of Linden Place, a line 400 feet northwesterly of Whitestone Expressway, 28th Avenue and its easterly centerline prolongation, 127th Street and its southerly centerline prolongation, the centerline of former 25th Road, the centerline of former 128th Street, 25th Avenue, and 130th Street;
  - b. 28th Avenue, a line 160 feet northeasterly of College Point Boulevard, 30th Avenue and its easterly and westerly centerline prolongations, the centerline of former 119th Street, a line 100 feet southerly of 29th Avenue, and 120th Street; and
  - c. 31st Avenue, the northwesterly service road of the Whitestone Expressway, and the centerline of former 131st Street;
3. changing from an M3-1 District to an M2-1 District

property bounded by 28th Avenue, Ulmer Street, a line perpendicular to the southwesterly street line of Ulmer Street distant 500 feet southeasterly (as measured along the street line) from the point of intersection of the southerly street line of 28th Avenue and the southwesterly street line of Ulmer Street, a line perpendicular to the northerly street line of 31st Avenue distant 650 feet westerly (as measured along the street line) from the point of intersection of the northwesterly street line of Whitestone Expressway and the northerly street line of 31st Avenue, 31st Avenue, the centerline of former 131st Street, the northwesterly service road of the Whitestone Expressway, College Point Boulevard, the northwesterly service road of the Whitestone Expressway, a U.S. Pierhead and Bulkhead Line, a U.S. Pierhead Line, 29th Avenue and its westerly centerline prolongation, 119th Street, the centerline of former 119th Street and its northwesterly prolongation, 30th Avenue and its westerly and easterly centerline prolongations, and a line 160 feet northeasterly of College Point Boulevard; and

4. establishing a Special College Point District bounded by 15th Avenue and its easterly centerline prolongation, the easterly street line of 132nd Street, the southerly boundary line of Frank Golden Memorial Park, the westerly street line of former 138th Street, the westerly street line of 138th Street, 15th Avenue and its westerly centerline prolongation, the northwesterly service road of Whitestone Expressway, College Point Boulevard, the northwesterly service road of Whitestone Expressway, a U.S. Pierhead and Bulkhead Line, a U.S. Pierhead Line, a line 100 feet southerly of 29th Avenue and its westerly prolongation, 120th Street, 28th Avenue, 127th Street and its southerly centerline prolongation, the centerline of former 25th Road, the centerline of former 128th Street, 25th Avenue, and 130th Street;

as shown on a diagram (for illustrative purposes only), dated February 17, 2009, and modified by the City Planning Commission on June 3, 2009.

**GREENPOINT/WILLIAMSBURG CONTEXTUAL REZONING**

**BROOKLYN CB - 01 N 090333 ZRK**

Application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (Bulk regulations for Residential Buildings in Residence Districts), Section 23-90, inclusive, relating to the extension of the Inclusionary Housing Program to proposed R7A districts, in the Borough of Brooklyn.

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

**23-922**

**Inclusionary housing designated areas**

The Inclusionary Housing Program shall apply in the following areas:

- (a) In Community District 1, in the Borough of Brooklyn, in Waterfront Access Plan BK-1, as set forth in Section 62-352, and in the R6, R6A, R6B and R7A Districts within the areas shown on the following Maps 1 and 2:



Map 1  
 Portion of Community District 1, Brooklyn



**EXISTING**



**PROPOSED**

Map 2

Portion of Community District 1, Brooklyn

\* \* \*

**GREENPOINT/WILLIAMSBURG CONTEXTUAL REZONING**

**BROOKLYN CB - 01 C 090334 ZMK**

Application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 12c, 13a, 13b:

1. eliminating from within an existing R6 District a C1-3 District bounded by:
  - a. Clay Street, a line 150 feet easterly of Manhattan Avenue, Eagle Street, and a line 150 feet westerly of Manhattan Avenue;
  - b. India Street, a line 150 feet easterly of Manhattan Avenue, Kent Street, and a line 150 feet westerly of Manhattan Avenue;
  - c. Norman Avenue, Manhattan Avenue, a line 100 feet southeasterly of Norman Avenue, a line midway between Manhattan Avenue and Leonard Street, a line 150 feet northwesterly and northerly of Nassau Avenue, a line 150 feet northerly of Nassau Avenue, North Henry Street, Nassau Avenue, Russell Street, a line 150 feet southerly of Nassau Avenue, a line 150 feet southeasterly of Nassau Avenue, a line midway between Leonard Street and Manhattan Avenue, a line 100 feet southeasterly of Nassau Avenue, a line midway between Lorimer Street and Manhattan Avenue, Nassau Avenue, Manhattan Avenue, Bedford Avenue, Lorimer Street, a line 150 feet northwesterly of Bedford Avenue, and a line midway between Lorimer Street and Manhattan Avenue;
  - d. a line 150 feet northerly of Driggs Avenue, Russell Street, Driggs Avenue, Monitor Street, a line 150 feet southerly of Driggs Avenue, and Humboldt Street;
  - e. a line 150 feet northerly of Driggs Avenue, a line 150 feet northwesterly of Meeker Avenue, Hausman Street, Meeker Avenue (northwesterly portion), Driggs Avenue, and Sutton Street;
  - f. Richardson Street, Kingsland Avenue-Grandparents Avenue, Jackson Street, a line 100 feet westerly of Kingsland Avenue-Grandparents Avenue, Withers Street, Woodpoint Road, Frost Street, a line 100 feet northwesterly of Woodpoint Road, and a line 100 feet westerly of Kingsland Avenue-Grandparents Avenue;
  - g. Skillman Avenue, a line 150 feet easterly

- of Graham Avenue- Via Vespucci, a line midway between Conselyea Street and Metropolitan Avenue, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), a line midway between Metropolitan Avenue and Devoe Street, a line 150 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Devoe Street, and a line 150 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
    - h. a line midway between Powers Street and Grand Street, Lorimer Street, a line midway between Grand Street and Maujer Street, a line 150 feet easterly of Union Avenue, Ten Eyck Street, and Union Avenue;
    - i. Powers Street, Humboldt Street, a line midway between Powers Street and Grand Street, Bushwick Avenue, Grand Street, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), a line midway between Grand Street and Maujer Street, a line 150 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Maujer Street, and Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico); and
    - j. a line midway between Grand Street and Maujer Street, Bushwick Avenue, Maujer Street, and a line 150 feet westerly of Bushwick Avenue;
  2. eliminating from within an existing R6 District a C2-2 District bounded by a line midway between Powers Street and Grand Street, Olive Street, Grand Street, and Bushwick Avenue;
  3. eliminating from within an existing R6 District a C2-3 District bounded by:
    - a. Eagle Street, a line 150 feet easterly of Manhattan Avenue, India Street, a line 150 feet westerly of Manhattan Avenue, a line midway between Green Street and Huron Street, a line 100 feet westerly of Manhattan Avenue, a line midway between Freeman Street and Green Street, and a line 150 feet westerly of Manhattan Avenue;
    - b. a line 150 feet northwesterly of Norman Avenue, Eckford Street, a line 150 feet southeasterly of Norman Avenue, a line midway between Leonard Street and Manhattan Avenue, a line 100 feet southeasterly of Norman Avenue, Manhattan Avenue, Norman Avenue, and Leonard Street;
    - c. a line 100 feet southeasterly of Nassau Avenue, a line midway between Leonard Street and Manhattan Avenue, Driggs Avenue, and a line midway between Manhattan Avenue and Lorimer Street;
    - d. Meeker Avenue (southeasterly portion), a line 125 feet northeasterly of Humboldt Street, Herbert Street, and Humboldt Street;
    - e. Meeker Avenue (southeasterly portion), Grand Avenue- Via Vespucci, Herbert Street, Humboldt Street, Richardson Street, a line 150 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Skillman Avenue, a line 150 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), and Richardson Street;
    - f. Jackson Street, a line 100 feet easterly of Lorimer Street, Skillman Avenue, and a line 100 feet westerly of Lorimer Street;
    - g. Skillman Avenue, a line 150 feet easterly of Union Avenue, a line midway between Conselyea Street and Metropolitan Avenue, Leonard Street, a line midway between Metropolitan Avenue and Devoe Street, Union Avenue, and a southeasterly service road of Brooklyn Queens Expressway;
    - h. Orient Avenue, Olive Street, a line midway between Sharon Street and Metropolitan Avenue, Catherine Street and its northerly centerline prolongation, a line midway between Metropolitan Avenue and Devoe Street, a line 150 feet easterly of Bushwick Avenue, Metropolitan Avenue, and the easterly boundary line of Cooper Gore Park and its northerly and southerly prolongations; and
    - i. Grand Street, Bushwick Avenue, a line midway between Grand Street and Maujer Street, and a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
  4. changing from an R6 District to an R6A District property bounded by:
    - a. Clay Street, Pulaski Bridge, McGuinness Boulevard, Greenpoint Avenue, and a line 100 feet westerly of McGuinness Boulevard;
    - b. a line midway between Kent Street and Greenpoint Avenue, a line 150 feet westerly of Manhattan Avenue, a line perpendicular to the southerly street line

- of Greenpoint Avenue distant 150 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Greenpoint Avenue and the southwesterly street line of Manhattan Avenue, a line midway between Greenpoint Avenue and Milton Street, and Franklin Street;
    - c. Norman Avenue, a line midway between Leonard Street and Manhattan Avenue, a line 100 feet northwesterly of Nassau Avenue, a line midway between McGuinness Boulevard and Eckford Street, Nassau Avenue, a line 100 feet northeasterly of Eckford Street, a line 100 feet southeasterly of Nassau Avenue, a line midway between Leonard Street and Manhattan Avenue, Driggs Avenue, and a line midway between Manhattan Avenue and Lorimer Street;
    - d. Richardson Street, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), a line 100 feet southerly of Conselyea Street, and a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
    - e. a line midway between Metropolitan Avenue and Devoe Street, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), a line 125 feet northerly of Grand Street, Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Powers Street, and a line 100 feet westerly of Powers Street, and a line 100 feet westerly of Powers Street;
    - f. Skillman Avenue, Kingsland Avenue-Grandparents Avenue, Maspeth Avenue, Olive Street, a line midway between Maspeth Avenue and Orient Avenue, a line 150 feet easterly of Bushwick Avenue and its northerly prolongation, Conselyea Street, and Woodpoint Road; and
    - g. a line midway between Grand Street and Maujer Street, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Maujer Street, and Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
  5. changing from a C4-3 District to an R6A District property bounded by:
    - a. a line midway between Kent Street and Greenpoint Avenue, a line 100 feet westerly of Manhattan Avenue, Greenpoint Avenue, a line perpendicular to the southerly street line of Greenpoint Avenue distant 150 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Greenpoint Avenue and the southwesterly street line of Manhattan Avenue, and a line 150 feet southwesterly and westerly of Manhattan Avenue;
    - b. Powers Street, Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), a line 125 feet northerly of Grand Street, and a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico); and
    - c. a line midway between Grand Street and Maujer Street, Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Maujer Street, and a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
  6. changing from an R6 District to an R6B District property bounded by:
    - a. Clay Street, a line 100 feet westerly of Manhattan Avenue, a line midway between Freeman Street and Green Street, a line 320 feet easterly of Franklin Street, Freeman Street, Franklin Street, Dupont Street, and a line 430 feet easterly of Franklin Street;
    - b. Clay Street, a line 100 feet westerly of McGuinness Boulevard (westerly portion), a line 100 feet westerly of McGuinness Boulevard, Greenpoint Avenue, a line midway between Eckford Street and McGuinness Boulevard, a line 100 feet northwesterly of Nassau Avenue, a line midway between Leonard Street and Manhattan Avenue, Norman Avenue, Leonard Street, Greenpoint Avenue, a line 150 feet easterly of Manhattan Avenue, Kent Street, and a line 100 feet easterly of Manhattan Avenue;
    - c. a line midway between Green Street and Huron Street, a line 100 feet westerly of Manhattan Avenue, Kent Street, a line 150 feet westerly of Manhattan Avenue, a line midway between Kent Street and Greenpoint Avenue, Franklin Street, a line 50 feet northerly of Huron Street, and a line 125 feet easterly of Franklin Street;
    - d. a line midway between Greenpoint Avenue and Milton Street, a line 150 feet westerly of Manhattan Avenue, Noble Street, Lorimer Street, Norman Avenue, a line midway between Lorimer Street and Manhattan Avenue, Nassau Avenue, Lorimer Street, a line 100 feet northwesterly of Nassau Avenue,

- Guernsey Street, Norman Avenue, a line midway between Guernsey Street and Dobbin Street, a line 100 feet northwesterly of Meserole Avenue, a line 100 feet southwesterly of Clifford Place, Calyer Street, Banker Street, and Franklin Street;
- e. a line 100 feet southeasterly of Nassau Avenue, a line 100 feet northeasterly of Eckford Street, Driggs Avenue, and a line midway between Manhattan Avenue and Leonard Street;
- f. a line 100 feet northwesterly of Meserole Avenue, Diamond Street, Meserole Avenue, Jewel Street, a line 200 feet southeasterly of Meserole Avenue, a line midway between Jewel Street and Moultrie Street, a line 100 feet northwesterly of Norman Avenue, Moultrie Street, Norman Avenue, Monitor Street, a line 80 feet southerly of Norman Avenue, a line midway between Monitor Street and Kingsland Avenue, a line 200 feet southerly of Norman Avenue, Kingsland Avenue, a line 170 feet northerly of Nassau Street, a line midway between Kingsland Avenue and Sutton Street, a line 100 feet northerly of Nassau Avenue, Morgan Avenue, Nassau Avenue, Apollo Street, a line 250 feet southerly of Nassau Avenue, a line midway between Apollo Street and Van Dam Street, a line 130 feet southerly of Nassau Avenue, Van Dam Street, a line perpendicular to the westerly street line of Van Dam Street distant 50 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Van Dam Street and the northwesterly street line of Meeker Avenue, a line 100 feet northwesterly of Meeker Avenue, Hausman Street, a line perpendicular to the westerly street line of Hausman Street distant 60 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Hausman Street and the northwesterly street line of Meeker Avenue, a line 85 feet easterly of Morgan Avenue, Meeker Avenue (northwesterly portion), Driggs Avenue, Sutton Street, a line 120 feet southerly of Driggs Avenue, Kingsland Avenue, a line perpendicular to the westerly street line of Kingsland Avenue distant 50 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Kingsland Avenue and the northwesterly street line of Meeker Avenue (northwesterly portion), Monitor Street, Engert Avenue, North Henry Street, a line 100 feet northwesterly of Meeker Avenue (northwesterly portion), Russell Street, a line 250 feet southerly of Engert Avenue, Humboldt Street, McGuinness Boulevard South, Driggs Avenue, and McGuinness Boulevard;
- g. Brooklyn Queens Expressway, Kingsland Avenue- Grandparents Avenue, Skillman Avenue, Woodpoint Road, Conselyea Street, Humboldt Street, a line 100 feet southerly of Conselyea Street, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/Avenue of Puerto Rico), Richardson Street, Humboldt Street, Herbert Street, and North Henry Street;
- h. Richardson Street, a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/Avenue of Puerto Rico), a line 100 feet southerly of Conselyea Street, Leonard Street, a line 100 feet northerly of Metropolitan Avenue, Lorimer Street, a line 75 feet southerly of Conselyea Street, a line 100 feet easterly of Union Avenue, Skillman Avenue, a line 100 feet westerly of Lorimer Street, Jackson Street, a line 150 feet easterly of Lorimer Street, a line midway between Withers Street and Jackson Street, Leonard Street, Withers Street, a line 100 feet easterly of Leonard Street, a line midway between Withers Street and Frost Street, Manhattan Avenue, Frost Street and a line 150 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/Avenue of Puerto Rico);
- i. a line 100 feet northerly of Devoe Street, Lorimer Street, a line midway between Metropolitan Avenue and Devoe Street, a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/Avenue of Puerto Rico), Powers Street, Lorimer Street, a line midway between Powers Street and Grand Street, and a line 100 feet easterly of Union Avenue;
- j. a line midway between Metropolitan Avenue and Devoe Street, Humboldt Street, Devoe Street, a line 100 feet southwesterly of Bushwick Avenue, a line midway between Powers Street and Grand Street, a line 200 feet westerly of Humboldt Street, a line 125 feet northerly of Grand Street, and a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/Avenue of Puerto Rico);
- k. a line midway between Maspeth Avenue and Orient Avenue, Olive Street, Maspeth Avenue, Debevoise Avenue, a line 70 feet northwesterly of Maspeth Avenue, Morgan Avenue, a line midway between Sharon Street and Metropolitan Avenue, Catherine Street and its northerly centerline prolongation, Powers Street, Olive Street, a line midway between Powers Street and Grand Street, a line 100 feet northwesterly of Bushwick Avenue, a line midway between Metropolitan Avenue and Devoe Street, and a line 150 feet northeasterly of Bushwick Avenue;
- l. a line midway between Grand Street and Maujer Street, Lorimer Street, Maujer Street, Leonard Street, Scholes Street, and a line 100 feet easterly of Union Avenue; and
- m. a line midway between Grand Street and Maujer Street, Bushwick Avenue, Maujer Street, and a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/Avenue of Puerto Rico);
7. changing from a C4-3 District to an R6B District property bounded by:
- a. Kent Street, a line 100 feet westerly of Manhattan Avenue, a line midway between Kent Street and Greenpoint Avenue, and a line 150 feet westerly of Manhattan Avenue;
- b. Kent Street, a line 150 feet easterly of Manhattan Avenue, Greenpoint Avenue, and a line 100 feet easterly of Manhattan Avenue;
- c. a line midway between Greenpoint Avenue and Milton Street, a line perpendicular to the northerly street line of Milton Street distant 125 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Milton Street and the southwesterly street line of Manhattan Avenue, Milton Street, a line perpendicular to the southerly street line of Milton Street distant 100 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Milton Street and the southwesterly street line of Manhattan Avenue, Noble Street, and a line 150 feet southwesterly of Manhattan Avenue;
- d. Calyer Street, Leonard Street, Norman Avenue, and a line midway between Leonard Street and Manhattan Avenue;
- e. Meserole Avenue, a line midway between Lorimer Street and Manhattan Avenue, Norman Avenue, and Lorimer Street;
- f. Powers Street, a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/Avenue of Puerto Rico), a line 125 feet northerly of Grand Street, a line 100 feet easterly of Manhattan Avenue, a line midway between Grand Street and Powers Street, and Lorimer Street; and
- g. a line midway between Grand Street and Maujer Street, a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/Avenue of Puerto Rico), Maujer Street, and Lorimer Street;
8. changing from a C8-2 District to an R6B District property bounded by a line midway between Conselyea Street and Metropolitan Avenue, Humboldt Street, a line 100 feet southerly of Conselyea Street, and a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/Avenue of Puerto Rico);
9. changing from an R6 District to an R7A District property bounded by:
- a. Clay Street, a line 100 feet easterly of Manhattan Avenue, Kent Street, and a line 100 feet westerly of Manhattan Avenue;
- b. Calyer Street, McGuinness Boulevard, Driggs Avenue, a line 100 feet northeasterly of Eckford Street, Nassau Avenue, and a line midway between Eckford Street and McGuinness Boulevard;
- c. a line midway between Metropolitan Avenue and Devoe Street, a line midway between Judge Street and Bushwick Avenue, a line midway between Powers Street and Grand Street, Olive Street, Grand Street, Bushwick Avenue, a line midway between Grand Street and Powers Street, a line 100 feet southwesterly of Bushwick Avenue, Devoe Street, and Bushwick Avenue; and
- d. Skillman Avenue and its westerly centerline prolongation, a line 100 feet easterly of Union Avenue, a line 75 feet southerly of Conselyea Street, Lorimer Street, a line 100 feet northerly of Metropolitan Avenue, Leonard Street, a line 100 feet southerly of Conselyea Street, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/Avenue of Puerto Rico) a line midway between Metropolitan Avenue and Devoe Street, Lorimer Street, a line 100 feet northerly of Devoe Street, a line 100 feet easterly of Union Avenue, a line midway between Powers Street and Grand Street, Lorimer Street, a line midway between Grand Street and Maujer Street, a line 100 feet easterly of Union Avenue, Scholes Street, Union Avenue, and Brooklyn Queens Expressway;
10. changing from a C8-2 District to an R7A District property bounded by a line 100 feet southerly of Conselyea Street, Humboldt Street, a line midway between Metropolitan Avenue and Devoe Street, and a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/Avenue of Puerto Rico);
11. changing from an R6 District to a C4-3A District property bounded by a line 150 feet southwesterly of Manhattan Avenue, a line midway between Greenpoint Avenue and Milton Street, and a line perpendicular to the southerly street line of Greenpoint Avenue distant 150 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Greenpoint Avenue and the southwesterly street line of Manhattan Avenue;
12. changing from a C4-3 District to a C4-3A District property bounded by Kent Street, a line 100 feet easterly of Manhattan Avenue, Greenpoint Avenue, Leonard Street, Calyer Street, a line midway between Leonard Street and Manhattan Avenue, Norman Avenue, a line midway between Manhattan Avenue and Lorimer Street, Meserole Avenue, Lorimer Street, Noble Street, a line perpendicular to the southerly street line of Milton Street distant 100 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Milton Street and the southwesterly street line of Manhattan Avenue, Milton Street, a line perpendicular to the northerly street line of Milton Street distant 125 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Milton Street and the southwesterly street line of Manhattan Avenue, a line midway between Greenpoint Avenue and Milton Street, and a line perpendicular to the southerly street line of Greenpoint Avenue distant 150 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Greenpoint Avenue and the southwesterly street line of Manhattan Avenue;
13. changing from an R6 District to a C4-4A District property bounded by a line 125 feet northerly of Grand Street, a line 200 feet westerly of Humboldt Street, a line midway between Powers Street and Grand Street, Bushwick Avenue, a line midway between Grand Street and Maujer Street, and Graham Avenue- Via Vespucci (Graham Avenue/Avenue of Puerto Rico);
14. changing from a C4-3 District to a C4-4A District property bounded by a line midway between Powers Street and Grand Street, a line 100 feet easterly of Manhattan Avenue, a line 125 feet northerly of Grand Street, Graham Avenue- Via Vespucci (Graham Avenue/Avenue of Puerto Rico), a line midway between Grand Street and Maujer Street, and Lorimer Street;
15. establishing within an existing R6 District a C2-4 District bounded by
- a. a line perpendicular to the westerly street line of Hausman Street distant 60 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Hausman Street and the northwesterly street line of Meeker Avenue (northwesterly portion), Hausman Street, Meeker Avenue, and a line 85 feet easterly of Morgan Avenue;
- b. Meeker Avenue (southeasterly portion), a line 125 feet northeasterly of Humboldt Street, Herbert Street, and Humboldt Street; and
- c. Meeker Avenue (southeasterly portion), Grand Avenue- Via Vespucci, Herbert Street, Humboldt Street, Richardson Street, a line 150 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/Avenue of Puerto Rico), Skillman Avenue, a line 150 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/Avenue of Puerto Rico), and Richardson Street;
16. establishing within a proposed R6A District a C2-4 District bounded by:
- a. a line midway between Kent Street and Greenpoint Avenue, a line 100 feet westerly of Manhattan Avenue, Greenpoint Avenue, a line perpendicular to the southerly street line of Greenpoint Avenue distant 150 feet westerly from the point of intersection of the southerly street line of Greenpoint Avenue and the northwesterly street line of Manhattan Avenue, a line midway between Greenpoint Avenue and Milton Street, and Franklin Street;
- b. a line midway between Kent Street and Greenpoint Avenue, McGuinness Boulevard, Greenpoint Avenue, and a line 100 feet westerly of McGuinness Boulevard;
- c. Norman Street, a line midway between Manhattan Avenue and Leonard Street, a line 100 feet northwesterly of Nassau Avenue, a line midway between McGuinness Boulevard and Eckford Street, Nassau Avenue, a line 100 feet northeasterly of Eckford Street, a line 100 feet southeasterly of Nassau Avenue, a line midway between Manhattan Avenue and Leonard Street, Driggs Avenue, and a line midway between Lorimer Street and Manhattan Avenue;
- d. Richardson Street, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/Avenue of Puerto Rico), a line 100 feet southerly of Conselyea Street, and a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/Avenue of Puerto Rico);
- e. a line midway between Metropolitan Avenue and Devoe Street, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/Avenue of Puerto Rico), a line 125 feet northerly of Grand Street, and a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/Avenue of Puerto Rico); and
- f. a line midway between Grand Street and Maujer Street, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/Avenue of Puerto Rico), Maujer Street, and a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/Avenue of Puerto Rico);

- Avenue/Avenue of Puerto Rico);
17. establishing within a proposed R6B District a C2-4 District bounded by:
    - a. Dupont Street, a line 75 feet easterly of Franklin Street, Freeman Street, and Franklin Street;
    - b. a line 50 feet northerly of Huron Street, a line 75 feet easterly of Franklin Street, a line midway between Kent Street and Greenpoint Avenue, and Franklin Street;
    - c. a line midway between Greenpoint Avenue and Milton Street, a line 75 feet easterly of Franklin Street and its southerly prolongation, Calyer Street, Banker Street, and Franklin Street;
    - d. a line midway between Greenpoint Avenue and Kent Street, a line 100 feet westerly of McGuinness Boulevard, Greenpoint Avenue, a line midway between Eckford Street and McGuinness Boulevard, a line 100 feet southerly of Greenpoint Avenue, Leonard Street, Greenpoint Avenue, and a line 100 feet easterly of Manhattan Avenue;
    - e. a line 100 feet northerly of Norman Avenue, Eckford Street, a line 100 feet southerly of Norman Avenue, and a line midway between Leonard Street and Manhattan Avenue;
    - f. a line perpendicular to the northeasterly street line of Lorimer Street distant 75 feet northerly (as measured along the street line) from the point of intersection of the northwesterly street line of Bedford Avenue and the northeasterly street line of Lorimer Street, a line midway between Manhattan Avenue and Lorimer Street, Bedford Avenue, and Lorimer Street;
    - g. a line 100 feet northerly of Driggs Avenue, a line 100 feet northeasterly of Eckford Street, Driggs Avenue, and Leonard Street;
    - h. a line 100 feet northwesterly of Nassau Avenue, Newel Street, a line 75 feet northwesterly of Nassau Avenue, Humboldt Street, a line 100 feet northerly of Nassau Avenue, Russell Street, a line 75 feet northerly of Nassau Avenue, Monitor Street, Nassau Avenue, Russell Street, a line 100 feet southerly and southeasterly of Nassau Avenue, Diamond Street, a line 75 feet southeasterly of Nassau Avenue, Newel Street, a line 100 feet southeasterly of Nassau Avenue, and McGuinness Boulevard;
    - i. a line 100 feet northerly of Driggs Avenue, Russell Street, Driggs Avenue, Monitor Street, a line 100 feet southerly of Driggs Avenue, Humboldt Street, Driggs Avenue, and McGuinness Boulevard;
    - j. a line 80 feet northerly of Driggs Avenue, Morgan Avenue, a line 100 feet northerly of Driggs Avenue, a line 85 feet easterly of Morgan Avenue, Meeker Avenue (northerly portion), Driggs Avenue, and Sutton Street;
    - k. Richardson Street, Kingsland Avenue-Grandparents Avenue, Jackson Street, a line 100 feet westerly of Kingsland Avenue-Grandparents Avenue, Withers Street, Woodpoint Road, Frost Street, a line 100 feet northwesterly of Woodpoint Road, and a line 100 feet westerly of Kingsland Avenue-Grandparents Avenue;
    - l. Jackson Avenue, a line 100 feet easterly of Lorimer Street, Skillman Avenue, and a line 100 feet westerly of Lorimer Street;
    - m. a line midway between Orient Avenue and Metropolitan Avenue, Olive Street, a line midway between Sharon Street and Metropolitan Avenue, Catherine Street and its northerly centerline prolongation, a line midway between Metropolitan Avenue and Devoe Street, a line 150 feet easterly of Bushwick Avenue, Metropolitan Avenue, and the easterly boundary line of Cooper Gore Park;
    - n. a line midway between Grand Street and Maujer Street, a line 100 feet easterly of Manhattan Avenue, Maujer Street, and a line 100 feet westerly of Manhattan Avenue; and
    - o. a line midway between Grand Street and Maujer Street, Bushwick Avenue, Maujer Street, and a line 100 feet westerly of Bushwick Avenue; and
  18. establishing within a proposed R7A District a C2-4 District bounded by:
    - a. Clay Street, a line 100 feet easterly of Manhattan Avenue, Kent Street, and a line 100 feet westerly of Manhattan Avenue;
    - b. a line 100 feet northwesterly of Nassau Avenue, McGuinness Boulevard, a line 100 feet southeasterly of Nassau Avenue, a line 100 feet northeasterly of Eckford Street, Nassau Avenue, and a line midway between McGuinness Boulevard and Eckford Street;
    - c. Skillman Avenue and its westerly centerline prolongation, a line 100 feet easterly of Union Avenue, a line 75 feet southerly of Conselyea Street, Lorimer Street, a line 100 feet northerly of Metropolitan Avenue, Leonard Street, a line 100 feet southerly of Conselyea

- Street, Humboldt Street, a line midway between Metropolitan Avenue and Devoe Street, Lorimer Street, a line 100 feet northerly of Devoe Street, a line 100 feet easterly of Union Avenue, a line midway between Powers Street and Grand Street, Lorimer Street, a line midway between Grand Street and Maujer Street, a line 100 feet easterly of Union Avenue, Ten Eyck Street, and Union Avenue; and
- d. a line midway between Powers Street and Grand Street, Olive Street, Grand Street, and Bushwick Avenue;

as shown on a diagram (for illustrative purposes only) dated March 2, 2009, and which includes CEQR Designation E-232.

**MIDDLE VILLAGE/MASPETH REZONING QUEENS CB - 05 C 090382 ZMQ**

Application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 13c, 13d, 14a, 14b and 17c:

1. eliminating from within an existing R4 District a C1-2 District bounded by:
  - a. 56th Avenue, a line 150 feet easterly of 61st Street, 56th Drive, and a line 150 feet westerly of 61st Street;
  - b. Grand Avenue, a line 150 feet northeasterly of 61st Street, Flushing Avenue, Grand Avenue, a westerly boundary line of Mount Olivet Cemetery and its northerly prolongation, a line 150 feet southeasterly of Grand Avenue, a line 150 feet southeasterly of Flushing Avenue, and 61st Street;
  - c. Grand Avenue, 66th Street, a line 150 feet southeasterly of Grand Avenue, and an easterly boundary line of Mount Olivet Cemetery and its northwesterly prolongation;
  - d. 60th Avenue, Fresh Pond Road, 60th Road, a line 150 feet northeasterly of Fresh Pond Road, Eliot Avenue, Fresh Pond Road, 60th Drive, and a line 150 feet southwesterly of Fresh Pond Road;
  - e. 63rd Avenue, Woodhaven Boulevard, 64th Road, and a line 150 feet southwesterly of Woodhaven Boulevard; and
  - f. Rutledge Avenue, a line 150 feet northeasterly of 88th Street, 75th Avenue, and 88th Street;
2. eliminating from within an existing R5 District a C1-2 District bounded by:
  - a. St. Felix Avenue, 60th Lane, Cooper Avenue, a line 150 feet westerly of 60th Lane, and a line 100 feet southwesterly of St. Felix Avenue;
  - b. Central Avenue, a line 100 feet northerly of Myrtle Avenue, 64th Street, a line 150 feet northerly of Myrtle Avenue, Cypress Hills Street, Central Avenue, a line midway between 65th Street and 65th Place, a line 150 feet northwesterly of Myrtle Avenue, 66th Place, Myrtle Avenue, 66th Place, a line 150 feet southerly of Myrtle Avenue, Cypress Hills Street, a line 100 feet southerly of Myrtle Avenue, 62nd Street, a line 150 feet southerly of Myrtle Avenue, 61st Street, and Myrtle Avenue; and
  - c. 67th Place, a line 150 feet northwesterly of Myrtle Avenue, 69th Place, a line 100 feet southerly of Myrtle Avenue, 69th Street, Myrtle Avenue, 68th Street, a line 150 feet southerly of Myrtle Avenue, 67th Place, and Myrtle Avenue;
3. eliminating from within an existing R5 District a C1-3 District bounded by 69th Place, a line 100 feet southeasterly of Cooper Avenue, a line midway between 69th Place and 70th Street, and a line perpendicular to the northeasterly street line of 69th Place distant 150 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Cooper Avenue and the northeasterly street line of 69th Place;
4. eliminating from within an existing R4 District a C2-2 District bounded by:
  - a. 56th Drive, a line 150 feet easterly of 59th Street, 58th Avenue, and 59th Street;
  - b. 58th Road, a line 150 feet easterly of 59th Street, 59th Avenue, and 59th Street;
  - c. 62nd Avenue, a line 150 feet northeasterly of Fresh Pond Road, 62nd Road, and Fresh Pond Road;
  - d. a line 150 feet northerly of Metropolitan Avenue, 65th Street, Metropolitan Avenue, and 64th Street;
  - e. 62nd Drive, 69th Place, Juniper Boulevard South, and 69th Street;
  - f. 71st Street, a line 150 feet northwesterly of Eliot Avenue, 75th Street, and Eliot Avenue; and
  - g. Cooper Avenue, Metropolitan Avenue, Aubrey Avenue, a line 150 feet southwesterly of Metropolitan Avenue, a line midway between Cooper Avenue and Aubrey Avenue, and a line perpendicular to the southeasterly street line of Cooper Avenue distant 150 feet southwesterly (as measured along the street line) from the

- point of intersection of the southeasterly street line of Cooper Avenue and the southwesterly street line of Metropolitan Avenue;
5. eliminating from an existing R5 District a C2-2 District bounded by 66th Place, a line 150 feet northerly of Myrtle Avenue, 67th Place, Myrtle Avenue, 67th Place, a line 150 feet southerly of Myrtle Avenue, 66th Place, and Myrtle Avenue;
  6. eliminating from an existing R5 District a C2-3 District bounded by 70th Street, a line 150 feet northerly of Myrtle Avenue, a line midway between 70th Street and 71st Street, and a line perpendicular to the northeasterly street line of 70th Street distant 90 feet northwesterly (as measured along the street line) from the point of intersection of the northerly street line of Myrtle Avenue and the northeasterly street line of 70th Street;
  7. changing from an R3-2 District to an R3A District property bounded by 61st Street and its southeasterly centerline prolongation, a line 160 feet southeasterly of 78th Avenue and its southwesterly prolongation, 64th Place, 78th Avenue, a line 100 feet northeasterly of 65th Street, a line 100 feet northwesterly of 80th Avenue, Cypress Hills Street, a northerly boundary line of Beth-El Cemetery and its northeasterly prolongation, and a northerly boundary line of Union Field Cemetery;
  8. changing from an R5 District to an R3A District property bounded by a line midway between 60th Lane and 61st Street and its southeasterly prolongation, the southwesterly prolongation a line 160 feet southeasterly of 78th Avenue, 61st Street and its southeasterly prolongation, and a northerly boundary line of Union Field Cemetery;
  9. changing from an R3-2 District to an R4-1 District property bounded by Cooper Avenue, 62nd Street, 78th Avenue, a line midway between 62nd Street and 64th Street, Cooper Avenue, 64th Place, a line 100 feet southeasterly of Cooper Avenue, 64th Lane, Cooper Avenue, 65th Street, a line 100 feet southeasterly of Cooper Avenue, a line 135 feet northeasterly of 65th Street, Cooper Avenue, Cypress Hills Street, a line 100 feet northwesterly of 80th Avenue, a line 100 feet northeasterly of 65th Street, 78th Avenue, 64th Place, a line 160 feet southeasterly of 78th Avenue and its southwesterly prolongation, and 61st Street;
  10. changing from an R4 District to an R4-1 District property bounded by :
    - a. Queens Midtown Expressway, Perry Avenue and its northeasterly centerline prolongation, Hamilton Place, a line 100 feet northwesterly of Grand Avenue, 64th Street, Grand Avenue, 61st Street, 58th Avenue, a line perpendicular to the southerly street line of 58th Avenue distant 175 feet westerly (as measured along the street line) from the point of intersection of the southwesterly street line of 61st Street and the southerly street line of 58th Avenue, a line midway between 58th Avenue and 58th Road, a line 100 feet northwesterly of Flushing Avenue, a line midway between 58th Road and 58th Drive, 59th Street, 56th Drive, and 61st Street and its northerly centerline prolongation;
    - b. 59th Road, a line 100 feet southeasterly of Flushing Avenue, 60th Street, 59th Road, 60th Lane, 59th Avenue, a line midway between 60th Lane and 61st Street, a line 100 feet southeasterly of Flushing Avenue, Fresh Pond Road, a line perpendicular to the easterly street line of Fresh Pond Road distant 120 feet southeasterly (as measured along the street line) from the point of intersection of southeasterly street line of Flushing Avenue and the easterly street line of Fresh Pond Road, a line midway between Fresh Pond Road and 63rd Street, a line 100 feet southeasterly of Flushing Avenue, a line 100 feet southeasterly of Grand Avenue, a westerly boundary line of Mount Olivet Cemetery, a line 165 feet easterly of 64th Street, 59th Avenue, a line 200 feet easterly of 64th Street, 58th Road and its westerly centerline prolongation, 63rd Street, 59th Drive, 64th Street, the easterly prolongation of a line 100 feet northerly of 59th Drive, a westerly boundary line of Mount Olivet Cemetery and its southeasterly prolongation, Eliot Avenue, a line 370 feet southwesterly of Mount Olivet Crescent, a line midway between 60th Drive and Eliot Avenue, a line perpendicular to the southeasterly street line of 60th Drive distant 190 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of 60th Drive and the northeasterly street line of Fresh Pond Road, 60th Drive, a line 100 feet northeasterly of Fresh Pond Road, 60th Road, Fresh Pond Road, a line midway between 60th Road and 60th Drive and its southwesterly prolongation, a line 200 feet southwesterly of 60th Street, 60th Road, 59th Place, the southwesterly prolongation of a line 40 feet northwesterly of 60th Avenue, a line 100 feet southwesterly of 59th Place, the northeasterly prolongation of the terminus of 59th Street, 59th Street, 59th Drive, and 59th Street;
    - c. Eliot Avenue, 62nd Street, a line 100 feet southeasterly of Eliot Avenue, a line midway between 63rd Street and 64th

- Street, 62nd Avenue, 65th Street, a line 110 feet northerly of Metropolitan Avenue, 64th Street, a line 125 feet northerly of Metropolitan Avenue, 62nd Street, 62nd Road, and Fresh Pond Road;
- d. a line 100 feet southeasterly of Grand Avenue, Brown Place and its northwesterly centerline prolongation, Queens Midtown Expressway, Mazeau Street and its northerly centerline prolongation, Caldwell Avenue, a line midway between 71st Street and 72nd Street, a line 100 feet southeasterly of 60th Avenue, 70th Street, a line 300 feet southeasterly of Caldwell Avenue, 69th Place, 60th Avenue, a line midway between 69th Place and 69th Lane, a line 225 feet southeasterly of 60th Avenue, 69th Place, 60th Road, a line 250 feet northeasterly of 69th Street, 60th Drive, a line 100 feet northeasterly of 69th Street, Eliot Avenue, 69th Street, a line midway between 60th Avenue and 60th Road, 68th Street, the southwesterly prolongation of a line 70 feet southeasterly of 60th Avenue, and an easterly boundary line of Mount Olivet Cemetery;
- e. a line midway between 61st Road and 61st Drive and its southwesterly prolongation, 69th Place, 62nd Avenue and its southwesterly prolongation, and an easterly boundary line of Lutheran Cemetery;
- f. Queens Midtown Expressway, 73rd Place and its northerly centerline prolongation, 58th Avenue, 74th Street, a line 200 feet northerly of Caldwell Avenue, 75th Street, Caldwell Avenue, a line 450 feet westerly of 74th Street, 58th Street, and 73rd Street and its northerly prolongation;
- g. Queens Midtown Expressway, a westerly boundary line of the New York Connecting Rail Road right-of-way, a line 100 feet northerly of 58th Avenue and its easterly prolongation, and a line 90 feet westerly of 75th Street, and its northerly prolongation;
- h. Queens Midtown Expressway, a line midway between 78th Street and 79th Street and its northwesterly prolongation, a line perpendicular to the northeasterly street line of 78th Street distant 100 feet northwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of Caldwell Avenue and the northeasterly street line of 78th Street, 78th Street, a line 90 feet northwesterly of Caldwell Avenue, a line midway between 77th Place and 78th Street, 58th Avenue, and 76th Street;
- i. Eliot Avenue, a line midway between 76th Street and 77th Street and its southeasterly prolongation, a northerly boundary line of Juniper Valley Park, and a line midway between 75th Place and 76th Street and its southeasterly prolongation;
- j. Queens Midtown Expressway, 84th Street and its northwesterly centerline prolongation, a line 240 feet northwesterly of 60th Avenue, 84th Place, 60th Avenue, a line 250 feet northeasterly of 84th Street, 60th Road, 84th Street, 60th Avenue, a line midway between 83rd Street and 83rd Place, a line 100 feet southeasterly of 58th Avenue, 83rd Street, 58th Avenue, and 82nd Street and its northwesterly centerline prolongation;
- k. a line 240 feet southeasterly of 60th Avenue, 84th Street, a line midway between 60th Road and 60th Drive, 85th Street, 60th Road, a line 180 feet northeasterly of 85th Street, 60th Avenue, 86th Street, a line 100 feet northwesterly of Eliot Avenue and its northeasterly prolongation, 85th Street, a line 100 feet southeasterly of 60th Drive, a line 205 feet southwesterly of 85th Street, Eliot Avenue, 84th Street, the southwesterly centerline prolongation of 60th Drive, and 83rd Place;
- l. 61st Road, a line 325 feet southwesterly of 85th Street, a line midway between Eliot Avenue and 61st Road, 85th Street, Dry Harbor Road, a line perpendicular to the northwesterly street line of Dry Harbor Road distant 200 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of Dry Harbor Road and the northeasterly street line of 84th Street, a line 100 feet northwesterly of Dry Harbor Road, and 84th Street;
- m. Cooper Avenue, a line perpendicular to the southeasterly street line of Cooper Avenue distant 160 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Cooper Avenue and the southwesterly street line of Metropolitan Avenue, a line midway between Cooper Avenue and Aubrey Avenue, a line 100 feet southwesterly of Metropolitan Avenue, a line 425 feet northeasterly of 89th Street and its northwesterly prolongation, a line 90 feet southeasterly of Doran Avenue, and a line 100 feet southwesterly of 89th Street, Doran Avenue, and a line 425 feet northeasterly of 88th Street; and
- n. Cooper Avenue, Woodhaven Boulevard, and Metropolitan Avenue;
11. changing from an R5 District to an R4-1 District property bounded by:
- a. St. Felix Avenue, Seneca Avenue, a westerly boundary line of Evergreen Park and its southwesterly and northeasterly prolongations, a line 100 feet northerly of 75th Avenue, a line midway between 60th Place and 60th Lane and its northerly prolongation, St. Felix Avenue, Cooper Avenue, 60th Lane, 78th Avenue, a line 130 feet westerly of 60th Lane, a line midway between 78th Avenue and Cooper Avenue, a line perpendicular to the northwesterly street line of Cooper Avenue distant 200 feet northeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of 60th Street and the northwesterly street line of Cooper Avenue, Cooper Avenue, a line 300 feet westerly of 60th Lane, 80th Avenue, a line 200 feet northeasterly of 59th Street, a westerly boundary line of Union Field Cemetery and its southwesterly prolongation, 59th Street, a line 330 feet southeasterly of the northeasterly prolongation of the southeasterly street line of Clover Place, a line midway between Cypress Avenue and 59th Street, a line 30 feet southeasterly of the northeasterly prolongation of the southeasterly street line of Clover Place, Cypress Avenue, a northerly boundary line of the Cemetery of the Evergreens and its northeasterly prolongation, an easterly boundary line of Knollwood Park Cemetery, 57th Street, Cabot Road, Cypress Avenue, and Cooper Avenue;
- b. 70th Avenue, a line midway between 67th Street and 67th Place, Central Avenue, and a line midway between 66th Street and 66th Place; and
- c. 70th Avenue, a line midway between 69th Street and 69th Place, a line 100 feet northwesterly of Central Avenue, 69th Street, Central Avenue, 68th Street, a line 250 feet northwesterly of Central Avenue, and a line midway between 67th Place and 68th Street;
12. changing from an M1-1 District to an R4-1 District property bounded by:
- a. 58th Road, a line 200 feet easterly of 64th Street, 59th Avenue, and a line 165 feet easterly of 64th Street;
- b. 63rd Street, a line 100 feet northerly of 59th Drive, 64th Street, and 59th Drive;
- c. 62nd Road, 62nd Street, a line 100 feet northerly of Metropolitan Avenue, and Fresh Pond Road;
- d. the southerly boundary line of the Long Island Rail Road (Montauk Division) right-of-way, a line 100 feet northeasterly of 79th Place, a line 100 feet northwesterly of 77th Avenue, a line 160 feet northeasterly of 79th Place, 77th Avenue, 79th Place, 77th Avenue, 79th Street, 77th Avenue, and a line 125 feet southwesterly of 79th Street and its northwesterly prolongation; and
- e. Cooper Avenue, 80th Street, a line 250 feet southeasterly of Cooper Avenue, and a line 200 feet southwesterly of 80th Street;
13. changing from an R4 District to an R4A District property bounded by:
- a. 60th Avenue, a line midway between 69th Lane and 70th Street, Eliot Avenue, and a line midway between 69th Place and 69th Lane;
- b. 60th Avenue, a line 90 feet northeasterly of 82nd Street, 60th Road, 82nd Street, a line 625 feet southeasterly of 58th Avenue, a line midway between 81st Street and 82nd Street, a line 300 feet southeasterly of 58th Avenue, and 82nd Street;
- c. 62nd Avenue, 82nd Place, a line 115 feet southeasterly of 62nd Avenue, 83rd Street, 62nd Avenue, 84th Street, northwesterly street line 62nd Drive and its southwesterly prolongation, 84th Place, 62nd Drive, a line 100 feet northeasterly of 84th Place, a line 100 feet northwesterly of 63rd Avenue, 83rd Place, a line 100 feet southeasterly of 63rd Avenue, a line midway between 82nd Place and 83rd Street, a line 280 feet northwesterly of Penelope Avenue, a line midway between 83rd Street and 83rd Place, a line 100 feet northwesterly of Penelope Avenue, 83rd Place, a line 100 feet southeasterly of Penelope Avenue, 83rd Street, a line 100 feet northwesterly of Penelope Avenue, a line 100 feet northeasterly of Dry Harbor Road, a line midway between Dry Harbor Road and 82nd Place, a line 160 feet southeasterly of 63rd Avenue, 82nd Place, a line 100 feet northwesterly of 63rd Avenue, a line midway between 83rd Street and 83rd Place, Dry Harbor Road, a line 320 feet southeasterly of 62nd Avenue, a line midway between 82nd Street and 82nd Place, a line 290 feet southeasterly of 62nd Avenue, and 82nd Street;
- d. a line 100 feet southeasterly of 63rd Avenue, 84th Place, a line midway between 63rd Road and Dana Court, a line 100 feet southwesterly of Woodhaven Boulevard, a line 100 feet southeasterly of Penelope Avenue, 84th Street, a line 100 feet northwesterly of Penelope Avenue, and a line midway between 83rd Place and 84th Street;
- e. a line 100 feet southeasterly of Penelope Avenue, a line midway between 82nd Place and 83rd Street, a line 140 feet northwesterly of 64th Road, 83rd Street, 64th Road, and Dry Harbor Road;
- f. Fleet Court, a line 50 feet northeasterly of 84th Place, 64th Road, a line 125 feet northeasterly of 84th Place, Goldington Court, a line 225 feet northeasterly of 84th Place, Furmanville Avenue, and 84th Place; and
- g. Cooper Avenue, a line 425 feet northeasterly of 88th Street, Doran Avenue, a line 100 feet southwesterly of 89th Street, a line 80 feet southeasterly of Doran Avenue, and 88th Street;
14. changing from an R4B District to an R4A District property bounded by Caldwell Avenue, a line 100 feet southeasterly of 61st Drive, 82nd Place, 62nd Avenue, 82nd Street, a line 100 feet northwesterly of 62nd Avenue, a line midway between 82nd Street and 82nd Place, a line 225 feet northwesterly of 62nd Avenue, and 82nd Place;
15. changing from an M1-1 District to an R4A District property bounded by a line 100 feet northwesterly of 78th Avenue, a line 280 feet northeasterly of 88th Street, 78th Avenue, and a line 100 feet northeasterly of 88th Street;
16. changing from an R4 District to an R4B District property bounded by:
- a. a line 100 feet southeasterly of Flushing Avenue, a line midway between 60th Lane and 61st Street, 59th Avenue, 60th Lane, 59th Road, and 60th Street;
- b. a line midway between 60th Road and 60th Drive, Fresh Pond Road, 60th Road, a line 100 feet northeasterly of Fresh Pond Road, 60th Drive, a line perpendicular to the southeasterly street line 60th Drive distant 190 feet northeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Fresh Pond Road and the southeasterly street line of 60th Drive, a line midway between 60th Drive and Eliot Avenue, a line 370 feet southwesterly of Mount Olivet Crescent, Eliot Avenue, Fresh Pond Road, a line 240 feet southeasterly of 60th Drive, a line midway between 60th Place and 60th Lane, a line 335 feet southeasterly of 60th Drive, 60th Place, 60th Court, 60th Street, the southwesterly centerline prolongation of 60th Drive, and a line 125 feet southwesterly of 60th Street;
- c. Admiral Avenue, a line at an angle of 107 degrees to northeasterly street line of Admiral Avenue and passing through a point on the northeasterly street line of Admiral Avenue distant 100 feet southeasterly (as measured along the street line) of the northeasterly street line of Admiral Avenue and the easterly street line of 65th Lane, a line passing through 2 points: the first on the last named course distant 160 feet northeasterly (as measured on along the last named course) of Admiral Avenue and the second on a line 100 feet easterly of 65th Lane distant 150 feet southerly of Metropolitan Avenue, a line 100 feet easterly of 65th Lane, Metropolitan Avenue, and a line perpendicular to the southerly street line of Metropolitan Avenue distant 100 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Metropolitan Avenue and the northeasterly street line of Admiral Avenue;
- d. a line 300 feet southeasterly of Caldwell Avenue, 70th Street, a line 100 feet southeasterly of 60th Avenue, a line midway between 71st Street and 72nd Street, Eliot Avenue, a line midway between 69th Lane and 70th Street, 60th Avenue, and 69th Place;
- e. Queens Midtown Expressway, a line midway between 80th Street and 81st Street and its northwesterly prolongation, 58th Avenue, and a line midway between 79th Street and 80th Street and its northwesterly prolongation;
- f. 62nd Avenue, 83rd Street, a line 115 feet southeasterly of 62nd Avenue, and 82nd Place;
- g. 82nd Street, a line 290 feet southeasterly of 62nd Avenue, a line midway between 82nd Street and 82nd Place, a line 320 feet southeasterly of 62nd Avenue, 82nd



- Place, Dry Harbor Road, a line midway between 83rd Street and 83rd Place, a line 100 feet northwesterly of 63rd Avenue, 82nd Place, a line 160 feet southeasterly of 63rd Avenue, a line midway between Dry Harbor Road and 82nd Place, a line 100 feet southeasterly of Dry Harbor Road, a line 100 feet northwesterly of Penelope Avenue, 83rd Street, a line 100 feet southeasterly of Penelope Avenue, 83rd Place, a line 100 feet northwesterly of Penelope Avenue, a line midway between 82nd Place and 83rd Street, a line 280 feet northwesterly of Penelope Avenue, a line midway between 82nd Place and 83rd Street, a line 100 feet southeasterly of 63rd Avenue, 83rd Place, a line 100 feet northwesterly of 63rd Avenue, a line 100 feet northwesterly of 84th Place, 62nd Drive, a line 100 feet southwesterly of Woodhaven Boulevard, a line midway between 63rd Road and Dana Court, 84th Place, a line 100 feet southeasterly of 63rd Avenue, a line midway between 83rd Place and 84th Street, a line 100 feet northwesterly of Penelope Avenue, 84th Street, a line 100 feet southeasterly of Penelope Avenue, 84th Place, Furmanville Avenue, Dry Harbor Road, 64th Road, 83rd Street, a line 140 feet northwesterly of 64th Road, a line midway between 82nd Place and 83rd Street, a line 100 feet southeasterly of Penelope Avenue, Dry Harbor Road, and Juniper Boulevard North;
- h. a line 100 feet northwesterly of Doran Avenue, 88th Street, a line 110 feet southeasterly of Doran Avenue, and 83rd Street and its southeasterly centerline prolongation; and
- i. 88th Street, a line 80 feet southeasterly of Doran Avenue, a line 100 feet southwesterly of 89th Street, a line 90 feet southeasterly of Doran Avenue, a line 140 feet northeasterly of 89th Street, Rutledge Avenue, a line 130 feet northeasterly of 89th Street, 74th Avenue, Woodhaven Boulevard, a line midway between 75th Avenue and 76th Avenue, a line 100 feet northeasterly of 88th Street, and a line 75 feet southeasterly of 75th Avenue;
17. changing from an M1-1 District to an R4B District property bounded by:
- a. Admiral Avenue, the southerly prolongation of the easterly street line of 65th Lane, a line at an angle of 107 degrees to northeasterly street line of Admiral Avenue and passing through a point on the northeasterly street line of Admiral Avenue distant 100 feet southeasterly (as measured along the street line) of the northeasterly street line of Admiral Avenue and the easterly street line of 65th Lane, a line 140 feet southwesterly of Admiral Avenue, and the southeasterly prolongation of the southwesterly street line of 64th Street; and
- b. a line 110 feet northwesterly of Doran Avenue, 88th Street, a line 100 feet northwesterly of Doran Avenue, and 83rd Street;
18. changing from an R3-2 District to an R5B District property bounded by:
- a. Cooper Avenue, a line midway between 62nd Street and 64th Street, 78th Avenue, and 62nd Street;
- b. Cooper Avenue, 64th Lane, a line 100 feet southeasterly of Cooper Avenue, and 64th Place; and
- c. Cooper Avenue, a line 135 feet northeasterly of 65th Street, a line 100 feet southeasterly of Cooper Avenue, and 65th Street;
19. changing from an R4 District to an R5B District property bounded by:
- a. 59th Street, a line midway between 58th Drive and 58th Road, a line 100 feet northwesterly of Flushing Avenue, a line midway between 58th Avenue and 58th Road, a line perpendicular to the southerly street line of 58th Avenue distant 175 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of 58th Avenue and the westerly street line of 61st Street, 58th Avenue, 61st Street, Grand Avenue, 64th Street, a line 100 feet northwesterly of Grand Avenue, Hamilton Place, Perry Avenue and its northeasterly centerline prolongation, Queens Midtown Expressway, Brown Place and its northwesterly centerline prolongation, a line 100 feet southerly of Queens Midtown Expressway, a line 100 feet southeasterly of Grand Avenue, a northerly boundary line of Mount Olivet Cemetery, a line 100 feet southeasterly of Grand Avenue, a line 100 feet southeasterly of Flushing Avenue, a line midway between Fresh Pond Road and 63rd Street, a line perpendicular to the northeasterly street line of Fresh Pond Road distant 120 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Fresh Pond Road and the southeasterly street line of Flushing Avenue, Fresh Pond Road, a line 100 feet southeasterly of Flushing Avenue, and 59th Road; and
- b. 62nd Street, a line 125 feet northerly of Metropolitan Avenue, 64th Street, a line 110 feet northerly of Metropolitan Avenue, 65th Street, Metropolitan Avenue, 64th Street, and a line 100 feet northerly of Metropolitan Avenue;
20. changing from an R5 District to an R5B District property bounded by:
- a. a line 100 feet southerly of Myrtle Avenue, a line midway between 66th Place and 67th Street, Cooper Avenue, St. Felix Avenue, a line midway between 60th Place and 60th Lane and its northerly prolongation, a line 100 feet northerly of 75th Avenue, 60th Lane, a line 100 feet southeasterly of 60th Lane, and 61st Street;
- b. 70th Avenue, a line midway between 67th Place and 68th Street, a line 250 feet northwesterly of Central Avenue, 68th Street, Central Avenue, 69th Street, a line 100 feet northwesterly of Central Avenue, a line midway between 69th Street and 69th Place, 70th Avenue, 69th Place, a line 100 feet northwesterly of Myrtle Avenue, 66th Street, Central Avenue, and a line midway between 67th Street and 67th Place; and
- c. a line 100 feet southeasterly of Myrtle Avenue, 69th Place, Luther Road and its southwesterly centerline prolongation, an easterly boundary line of Cypress Cemetery and its northwesterly prolongation, Cooper Avenue, and a line midway between 67th Street and 67th Place;
21. changing from an M1-1 District to an R5B District property bounded by Fresh Pond Road, a line 100 feet northerly of Metropolitan Avenue, 64th Street, and Metropolitan Avenue;
22. changing from an M1-4D District to an R5B District property bounded by 60th Lane, a line 360 feet northerly of 75th Avenue, a line midway between 60th Lane and 61st Street, a line 440 feet northerly of 75th Avenue, and a line 100 feet southeasterly of 60th Lane;
23. changing from an R4 District to an R5D District property bounded by 63rd Avenue, Woodhaven Boulevard, 64th Road, a line 50 feet northeasterly of 84th Place, Fleet Court, 84th Place, a line 100 feet southeasterly of Penelope Avenue, and a line 100 feet southwesterly of Woodhaven Boulevard;
24. changing from an R5 District to an R5D District property bounded by Central Avenue, 64th Place, Otto Road, 70th Avenue, a line midway between 66th Street and 66th Place, Central Avenue, 66th Street, a line 100 feet northwesterly of Myrtle Avenue, 70th Street, a line 150 feet northwesterly of Myrtle Avenue, 71st Street, a line 100 feet northwesterly of Cooper Avenue, 71st Place, a line 100 feet northwesterly of Myrtle Avenue, 73rd Place, Myrtle Avenue, 72nd Street, a line 100 feet southeasterly of Myrtle Avenue, a line 100 feet southeasterly of Cooper Avenue, a line midway between 69th Place and 70th Street, a line perpendicular to northeasterly street line 69th Place distant 225 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Cooper Avenue and the northeasterly street line of 69th Place, 69th Place, a line 100 feet southeasterly of Myrtle Avenue, a line midway between 67th Street and 67th Place, Cooper Avenue, a line midway between 66th Place and 67th Street, a line 100 feet southeasterly of Myrtle Avenue, 61st Street, Myrtle Avenue, Central Avenue, a line 100 feet northwesterly of Myrtle Avenue, 64th Street, a line 150 feet northwesterly of Myrtle Avenue, and Cypress Hills Street;
25. changing from an M1-1 District to an R5D District property bounded by Cypress Hills Street, a line 150 feet northwesterly of Myrtle Avenue, 64th Street, a line 100 feet northwesterly of Myrtle Avenue, and Central Avenue;
26. establishing within an existing R4 District a C1-3 District bounded by 56th Avenue, 61st Street, 56th Drive, and a line 100 feet westerly of 61st Street;
27. establishing within a proposed R4-1 District a C1-3 District bounded by:
- a. 56th Avenue, a line 100 feet easterly of 61st Street, 56th Drive, and 61st Street;
- b. a line 100 feet southeasterly of 58th Road, 69th Street, Caldwell Avenue, and Brown Place;
- c. 60th Avenue, Fresh Pond Road, a line midway between 60th Road and 60th Drive, a line 90 feet southwesterly of Fresh Pond Road, 60th Road, and a line 100 feet southwesterly of Fresh Pond Road;
- d. Cooper Avenue, 62nd Street, a line 100 feet southeasterly of Cooper Avenue, and a line perpendicular to the southeasterly street line of Cooper Avenue distant 130 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Cooper Avenue and the westerly street line of 62nd Street; and
- e. Cooper Avenue, Cypress Hills Street, a line 100 feet southeasterly of Cooper Avenue, and a line 135 feet northeasterly of 65th Street;
28. establishing within a proposed R4B District a C1-3 District bounded by:
- a. a line midway between 60th Road and 60th Drive, Fresh Pond Road, 60th Road, a line 100 feet northeasterly of Fresh Pond Road, Eliot Avenue, Fresh Pond Road, 60th Drive, and a line 120 feet southwesterly of Fresh Pond Road;
- b. Metropolitan Avenue, a line 100 feet easterly of 65th Lane, a line 60 feet southerly of Metropolitan Avenue, 65th Lane, a line 100 feet southerly of Metropolitan Avenue, and 65th Street; and
- c. Rutledge Avenue, a line 80 feet northeasterly of 88th Street, 74th Avenue, a line 90 feet northeasterly of 88th Street, 75th Avenue, and 88th Street;
29. establishing within a proposed R5B District a C1-3 District bounded by:
- a. 58th Drive, Flushing Avenue, 59th Avenue, a line 180 feet easterly of 59th Street, a line midway between 58th Drive and 59th Avenue, and a line 250 feet easterly of 59th Street;
- b. Grand Avenue, a line perpendicular to the southeasterly street line of Grand Avenue distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Grand Avenue and the easterly street line of 61st Street, a line midway between Grand Avenue and Flushing Avenue, a line perpendicular to the northwesterly street line of Flushing Avenue distant 340 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of Flushing Avenue and the easterly street line of 61st Street, Flushing Avenue, Grand Avenue, a westerly boundary line of Mount Olivet Cemetery and its northerly prolongation, a line 100 feet southeasterly of Grand Avenue, a line 100 feet southeasterly of Flushing Avenue, a line midway between Fresh Pond Road and 63rd Street, a line perpendicular to the northeasterly street line of Fresh Pond Road distant 120 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Flushing Avenue and the northeasterly street line of Fresh Pond Road, Fresh Pond Road, a line 100 feet southeasterly of Flushing Avenue, 61st Street, Flushing Avenue, a line perpendicular to the southerly street line of 58th Avenue distant 225 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of 58th Avenue and the westerly street line of 61st Street, a line midway between 58th Avenue and 58th Road, a line perpendicular to the southerly street line of 58th Avenue distant 175 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of 58th Avenue and the westerly street line of 61st Street, 58th Avenue, and 61st Street;
- c. Grand Avenue, 66th Street, a line 100 feet southeasterly of Grand Avenue, and an easterly boundary line of Mount Olivet Cemetery; and
- d. 65th Street, a line perpendicular to the easterly street line of 65th Street distant 100 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of 65th Street and the northerly street line of Cooper Avenue, a line 100 feet northeasterly of 65th Street, a line 100 feet northerly of the second-named course, Cypress Hills Street, and Cooper Avenue;
30. establishing within a proposed R5D District a C1-3 District bounded by:
- a. 63rd Avenue, Woodhaven Boulevard, 64th Road, and a line 100 feet southwesterly of Woodhaven Boulevard;
- b. 61st Street, Myrtle Avenue, Central Avenue, a line 100 feet northwesterly of Myrtle Avenue, 64th Street, Central Avenue, a line midway between 65th Street and 65th Place, a line 100 feet northwesterly of Myrtle Avenue, 66th Street, Myrtle Avenue, 66th Street, and a line 100 feet southeasterly of Myrtle Avenue; and excluding the area bounded by Cypress Hills Street, Myrtle Avenue and 64th Place;
- c. a line 100 feet northwesterly of Myrtle Avenue, 70th Street, a line 100 feet southeasterly of Cooper Avenue, 69th Place, Myrtle Avenue, 69th Street, a line 100 feet southeasterly of Myrtle Avenue, 67th Street, Myrtle Avenue, and 67th Street; and
- d. a line 100 feet northwesterly of Myrtle Avenue, 73rd Place, Myrtle Avenue, and a line midway between 71st Place and 72nd Street;
31. establishing within an existing R4 District a C2-3 District bounded by:
- a. a line 100 feet northwesterly of Eliot Avenue, 75th Street, Eliot Avenue, and a line midway between 71st Street and 72nd Street;
- b. 69th Street, a line midway between 62nd Drive and Juniper Boulevard South, 69th Place, and Juniper Boulevard South;
- c. Cooper Avenue, Metropolitan Avenue, Aubrey Avenue, a line 100 feet southerly of Metropolitan Avenue, a line midway between Cooper Avenue and Aubrey Avenue, and a line perpendicular to the

southeasterly street line of Cooper Avenue distant 160 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Cooper Avenue and the southwesterly street line of Metropolitan Avenue;

32. establishing within a proposed R4-1 District a C2-3 District bounded by:

- a. 56th Drive, a line 100 feet easterly of 59th Street, 58th Avenue, and 59th Street;
b. 58th Road, a line 100 feet easterly of 59th Street, a line midway between 58th Road and 58th Drive, and 59th Street; and
c. 62nd Avenue, a line 100 feet northeasterly of Fresh Pond Road, a line 100 feet northerly of Metropolitan Avenue, and Fresh Pond Road;

33. establishing within an existing R4A District a C2-3 District bounded by 71st Street, a line 150 feet northwesterly of Myrtle Avenue, a line midway between 70th Street and 71st Street, and a line perpendicular to the southwesterly street line of 71st Street distant 140 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of 71st Street and the northwesterly street line of Cooper Avenue;

34. establishing within a proposed R4B District a C2-3 District bounded by 71st Street, a line 100 feet northwesterly of Eliot Avenue, a line midway between 71st Street and 72nd Street, and Eliot Avenue;

35. establishing within a proposed R5B District a C2-3 District bounded by:

- a. a line 100 feet northerly of Metropolitan Avenue, 62nd Street, a line 125 feet northerly of Metropolitan Avenue, 64th Street, a line 110 feet northerly of Metropolitan Avenue, 65th Street, Metropolitan Avenue, and Fresh Pond Road; and
b. 59th Street, a line midway between 58th Road and 58th drive, a line 100 feet easterly of 59th Street, and 59th Avenue; and

36. establishing within a proposed R5D District a C2-3 District bounded by:

- a. 66th Street, a line 100 feet northwesterly of Myrtle Avenue, 67th Street, Myrtle Avenue, 67th Street, a line 100 feet southeasterly of Myrtle Avenue, 66th Street, and Myrtle Avenue;
b. Myrtle Avenue, 69th Place, a line 100 feet southeasterly of Myrtle Avenue, and 69th Street; and
c. 71st Street, Cooper Avenue, Myrtle Avenue, 70th Street, a line perpendicular to the northeasterly street line of 70th Street distant 90 feet northwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of Myrtle Avenue and the northeasterly street line of 70th Street, a line midway between 70th Street and 71st Street, and a line 150 feet northwesterly of Myrtle Avenue;

as shown in a diagram (for illustrative purposes only) dated April 20, 2009 and which includes CEQR Designation E-235.

FLATBUSH REZONING

BROOKLYN CB - 14 N 090335 ZRK Application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (Bulk regulations for Residential Buildings in Residence Districts), Section 23-90, inclusive, relating to the application of the Inclusionary Housing Program to proposed R7A districts, in the Borough of Brooklyn.

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 II: Residence District Regulations

Chapter 3 Bulk Regulations for Residential Buildings in Residence Districts

23-011 Quality Housing Program

In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, any #development# or #enlargement# shall comply with the applicable district #bulk# regulations as set forth in this Chapter and any #residential development#, #enlargement#, #extension# or conversion shall also comply with the requirements of Article II, Chapter 8 (Quality Housing Program). In R5D Districts, certain requirements of Article II, Chapter 8, shall apply as set forth in Section 28-01 (Applicability of this Chapter).

\*\*\* In the Borough of Brooklyn Ocean Parkway Area The area bounded by Church Avenue, Stratford Road, Beverley Road, Ocean Avenue, Foster Avenue and Coney Island Avenue.

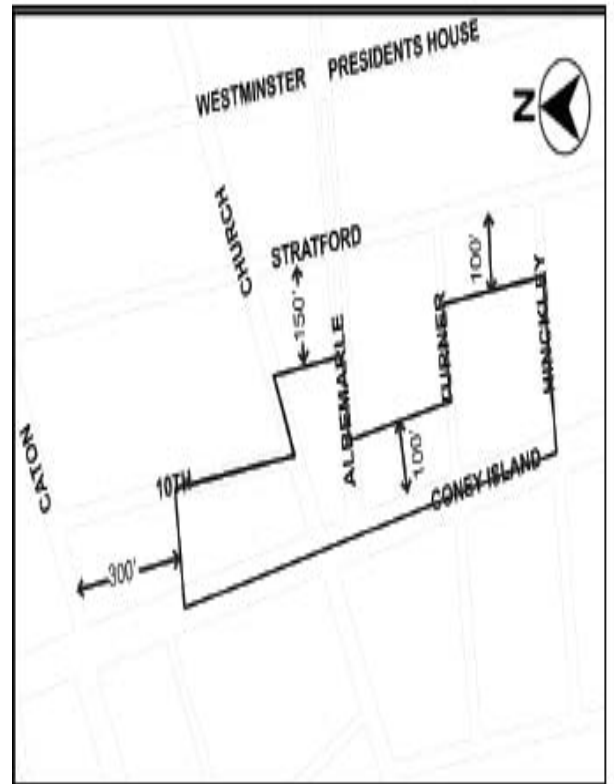
Midwood Area The area bounded by Avenue M, Ocean Avenue, Quentin Road, and a line midway between East 10th Street and Coney Island Avenue. The area bounded by Avenue M, Coney Island Avenue, Avenue P, Ocean Avenue, Quentin Road, and a line midway between East 10th Street and Coney Island Avenue.

23-144 In designated areas where the Inclusionary Housing Program is applicable In #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratios# shall be as set forth in Section 23-942 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas).

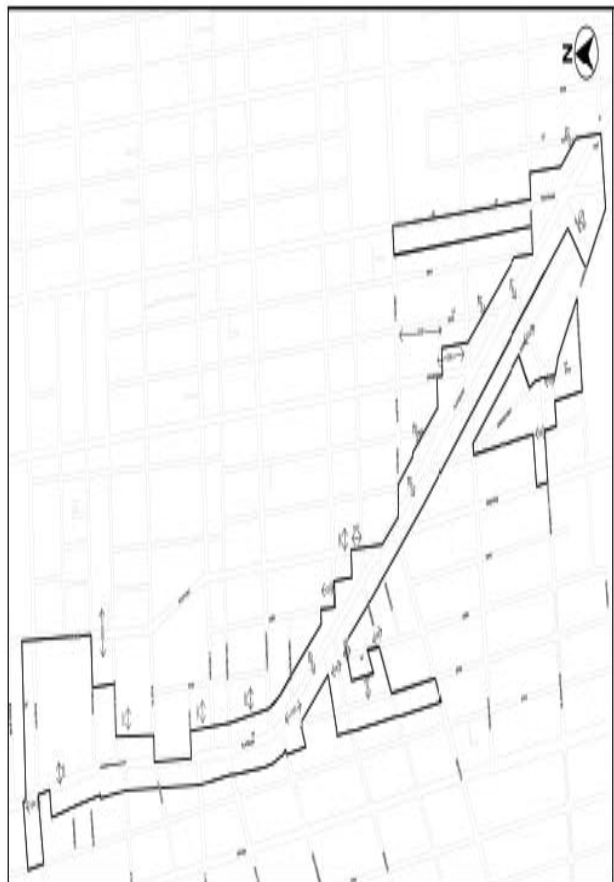
Table with 2 columns: Community District and Zoning District. Rows include Community District 1, 2, 3, 7, 14, 6, 7, 2 of Brooklyn and Manhattan with corresponding zoning codes like R6, R7A, R7D, R8A, R7A, R7A R8A R9A, R10, R9A, R7X.

23-922 Inclusionary housing designated areas The Inclusionary Housing Program shall apply in the following areas:

- (x) In Community District 14, in the Borough of Brooklyn, in the R7A Districts within the areas shown on the following Maps X1, X2 and X3:



Map X1. Portion of Community District 14, Brooklyn



- Avenue, East 21st Street, a line 150 feet southerly of Church Avenue, and the southerly prolongation of a line midway between East 16th Street- Buckingham Road and East 17th Street; and
- c. a line midway between Beverley Road and Cortelyou Road, a line midway between Flatbush Avenue and East 21st Street, a line 150 feet southerly of Cortelyou Road, and East 21st Street;
4. eliminating from within an existing R5 District a C2-3 District bounded by Foster Avenue, a line 100 feet easterly of Coney Island Avenue, Glenwood Avenue, a line midway between Westminster Road and Coney Island Avenue, Avenue H, and Coney Island Avenue;
5. eliminating from within an existing R6 District a C2-3 District bounded by:
- a. a line perpendicular to the easterly street line of Coney Island Avenue distant 300 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Coney Island Avenue and the southerly street line of Caton Avenue, East 10th Street, Church Avenue, and Coney Island Avenue;
- b. Albemarle Road, a line 150 feet easterly of Coney Island Avenue, a line 150 feet northerly of Cortelyou Avenue, Stratford Road, Dorchester Road, and Coney Island Avenue;
- c. Ditmas Avenue, a line 150 feet easterly of Coney Island Avenue, Newkirk Avenue, and Coney Island Avenue; and
- d. Newkirk Avenue, Flatbush Avenue, Foster Avenue, East 26th Street, a line 250 feet southerly of Foster Avenue, Rogers Avenue, a line 500 feet southerly of Foster Avenue, a line midway between Rogers Avenue and East 28th Street, Farragut Road, East 28th Street, a line 100 feet northeasterly of Flatbush Avenue, East 29th Street, a line 150 feet northerly of Glenwood Road, a line midway between East 29th Street and Nostrand Avenue, Glenwood Road, a line perpendicular to the southwesterly street line of Flatbush Avenue distant 400 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Flatbush Avenue and the northwesterly street line of Hillel Place, a line 100 feet southwesterly of Flatbush Avenue, Farragut Road, East 26th Street, a line 100 feet southwesterly of Flatbush Avenue, Bedford Avenue, Foster Avenue, and a line 100 feet southwesterly of Flatbush Avenue;
6. changing from an R6 District to an R1-2 District property bounded by:
- a. Church Avenue, a line 100 feet westerly of Stratford Road, Turner Place, and a line 100 feet easterly of Coney Island Avenue, Albemarle Road, and a line 150 feet westerly of Stratford Road;
- b. Hinckley Place, a line 100 feet westerly of Stratford Road, Beverley Road, a line 100 feet easterly of Coney Island Avenue; and
- c. a line 120 feet northerly of Newkirk Avenue, a line midway between East 19th Street and Ocean Avenue, Newkirk Avenue, and East 17th Street;
7. changing from an R7-1 District to an R1-2 District property bounded by:
- a. a line 150 feet southerly of Church Avenue, the northwesterly boundary line of the MTA New York City Transit right-of-way, and the southerly prolongation of a line midway between East 16th Street-Buckingham Road and East 17th Street;
- b. Dorchester Road, a line midway between Ocean Avenue and East 21st Street, Ditmas Avenue, and Ocean Avenue; and
- c. a line 120 feet northerly of Newkirk Avenue, Ocean Avenue, Newkirk Avenue, and a line midway between East 19th Street and Ocean Avenue;
8. changing from an R3-1 District to an R3X District property bounded by Caton Avenue, a line midway between East 16th Street- Buckingham Road and East 17th Street, Church Avenue, and a line 100 feet westerly of Rugby Road;
9. changing from an R3-2 District to an R3X District property bounded by:
- a. Beverley Road, a line midway between Marlborough Road and East 16th Street, a line 100 feet southerly of Beverley Road, a line midway between East 19th Street and Ocean Avenue, a line 150 feet northerly of Cortelyou Road, and Stratford Road;
- b. Dorchester Road, the centerline of the MTA New York City Transit right-of-way, a line 120 feet northerly of Newkirk Avenue, Rugby Road, a line 100 feet northerly of Newkirk Avenue, a line 100 feet westerly of Westminster Road, a line 100 feet southerly of Ditmas Avenue, a line midway between Coney Island Avenue and Westminster Road, Ditmas Avenue, and Stratford Road; and
- c. Foster Avenue, Bedford Avenue, Farragut Road, a line midway between East 24th Street and Bedford Avenue, a line 100 feet northerly of Glenwood Road, Bedford Avenue, East 23rd Street, Campus Road, Avenue H, a line midway between Ocean Avenue and East 21st Street, Farragut Road, and East 21st Street;
10. changing from an R6 District to an R3X District property bounded by:
- a. Beverley Road, Stratford Road, a line 150 feet northerly of Cortelyou Road, a line midway between East 19th Street and Ocean Avenue, Cortelyou Road, East 17th Street, a line 75 feet northerly of Cortelyou Road, East 16th Street, a line 100 feet northerly of Cortelyou Road, a line midway between Rugby Road and Marlborough Road, Cortelyou Road, a line perpendicular to the northerly street line of Cortelyou Road distant 100 feet westerly (as measured along the street line) from the point of intersection of the westerly street line of Westminster Road and the northerly street line of Cortelyou Road, a line 100 feet northerly of Cortelyou Road, Stratford Road, a line perpendicular to the westerly street line of Stratford Road distant 50 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Cortelyou Road and the westerly street line of Stratford Road, and a line 100 feet easterly of Coney Island Avenue;
- b. a line perpendicular to the westerly street line of Stratford Road distant 225 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Stratford Road and the southerly street line of Dorchester Road, Stratford Road, Ditmas Avenue, a line midway between Coney Island Avenue and Westminster Road, a line 100 feet southerly of Ditmas Avenue, a line 100 feet easterly of Coney Island Avenue, Ditmas Avenue, and Coney Island Avenue; and
- c. a line 100 feet southwesterly of Flatbush Avenue, a line midway between East 26th Street and Bedford Avenue, Farragut Road, and Bedford Avenue;
11. changing from an R7-1 District to an R3X District property bounded by Beverley Road, East 16th Street, a line 100 feet southerly of Beverley Road, and the westerly boundary line of the MTA New York City Transit right-of-way;
12. changing from an R3-2 District to an R4A District property bounded by:
- a. Farragut Road, Bedford Avenue, a line 300 feet southerly of Farragut Road, and a line midway between East 24th Street and Bedford Avenue; and
- b. a line 300 feet northerly of Glenwood Road, Bedford Avenue, a line 100 feet northerly of Glenwood Road, and a line midway between East 24th Street and Bedford Avenue;
13. changing from an R4 District to an R4A District property bounded by:
- a. Glenwood Road, Bedford Avenue, Campus Road, and East 23rd Street; and
- b. Avenue H, East 19th Street, the southerly boundary line of the Long Island Rail Road right-of-way (Bay Ridge Division), and East 17th Street;
14. changing from an R6 District to an R4A District property bounded by:
- a. a line 100 feet southerly of Cortelyou Road, Westminster Road, a line 200 feet southerly of Cortelyou Road, Stratford Road, a line 150 feet northerly of Dorchester Road, Rugby Road, a line 100 feet southerly of Cortelyou Road, a line midway between Rugby Road and Marlborough Road, a line perpendicular to the westerly street line of Marlborough Road distant 200 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Marlborough Road and the northerly street line of Dorchester Road, Marlborough Road, a line perpendicular to the easterly street line of Marlborough Road distant 200 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Marlborough Road and the southerly street line of Cortelyou Road, a line midway between Marlborough Road and East 16th Street, a line perpendicular to the westerly street line of East 16th Street distant 200 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of East 16th Street and the northerly street line of Dorchester Road, East 16th Street, a line 125 feet northerly of Dorchester Road, a line midway between East 17th Street and East 18th Street, a line perpendicular to the westerly street line of East 18th Street distant 325 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of East 18th Street and the northerly street line of Dorchester Road, Dorchester Road, and a line 80 feet westerly of Stratford Road;
- b. a line 100 feet northerly of Farragut Road, East 26th Street, a line 100 feet northerly of Glenwood Road, Bedford Avenue, a line 350 feet northerly of Glenwood Road, a line midway between Bedford Avenue and East 26th Street, a line 250 feet southerly of Farragut Road, Bedford Avenue, Farragut Road, and a line midway between Bedford Avenue and East 26th Street; and
- c. Glenwood Road, East 26th Street, a line 100 feet southerly of Glenwood Road, a line midway between East 26th Street and East 27th Street, Campus Road, and Bedford Avenue;
15. changing from an R3-2 District to an R5B District property bounded by a line 300 feet southerly of Farragut Road, Bedford Avenue, a line 300 feet northerly of Glenwood Road, and a line midway between East 24th Street and Bedford Avenue;
16. changing from a R5 District to an R5B District property bounded by a line 100 feet southerly of Avenue H, East 17th Street, the southerly boundary line of the Long Island Rail Road right-of-way (Bay Ridge Division), and a line midway between Coney Island Avenue and East 12th Street;
17. changing from a R6 District to an R5B District property bounded by:
- a. a line 100 feet southerly of Cortelyou Road, a line midway between Bedford Avenue and East 23rd Street, a line 100 feet northerly of Clarendon Road, and a line 100 feet easterly of Flatbush Avenue;
- b. a line 100 feet southerly of Clarendon Road, a line midway between East 23rd Street and Bedford Avenue, a line 125 feet northerly of Avenue D, and a line 100 feet northeasterly of Flatbush Avenue;
- c. a line 100 feet southerly of Ditmas Avenue, a line 100 feet southwesterly of Flatbush Avenue, Foster Avenue, East 22nd Street, Newkirk Avenue, East 23rd Street, a line 100 feet northerly of Newkirk Avenue, and a line midway between East 22nd Street and East 23rd Street;
- d. a line 100 feet northerly of Newkirk Avenue, Argyle Road, Newkirk Avenue, and Westminster Road;
- e. Foster Avenue, a line midway between East 29th Street and Nostrand Avenue, Glenwood Road, East 29th Street, a line 100 feet northeasterly of Flatbush Avenue, a line midway between Rogers Avenue and East 28th Street, a line 500 feet southerly of Foster Avenue, Rogers Avenue, a line perpendicular to the westerly street line of Rogers Avenue distant 300 feet northerly (as measured along the street line) of the point of intersection of the westerly street line of Rogers Avenue and the northeasterly street line of Flatbush Avenue, and a line 100 feet northeasterly of Flatbush Avenue;
- f. a line 250 feet southerly of Farragut Road, a line midway between Bedford Avenue and East 26th Street, a line 350 feet northerly of Glenwood Road, and Bedford Avenue; and
- g. a line 100 feet southwesterly of Flatbush Avenue, a line 60 feet northwesterly of Hillel Place, Campus Road, Amersfort Place, a line 150 feet northwesterly of Glenwood Road, Kenilworth Place, Farragut Road, East 26th Street, a line 100 feet northerly of Farragut Road, and a line midway between Bedford Avenue and East 26th Street;
18. changing from an R7-1 District to an R5B District property bounded by Kenmare Terrace and its easterly centerline prolongation, a line 100 feet westerly of Flatbush Avenue, a line 100 feet southerly of Albemarle Terrace, and East 21st Street;
19. changing from an R5 District to an R5D District property bounded by Avenue H, East 17th Street, a line 100 feet southerly of Avenue H, and line midway between Coney Island Avenue and East 12th Street;
20. changing from an R5 District to an R6A District property bounded by Foster Avenue, a line 100 feet easterly of Coney Island Avenue, Glenwood Road, a line midway between Coney Island Avenue and Westminster Road, Avenue H, and Coney Island Avenue;
21. changing from an R6 District to an R6A District property bounded by:
- a. Caton Avenue, a line midway between Argyle Road and Rugby Road, Church Avenue, a line 100 feet easterly of East 10th Street, a line 100 feet northerly of Church Avenue, and Stratford Road;
- b. Hinckley Place, a line 100 feet easterly of Coney Island Avenue, a line perpendicular to the westerly street line of Stratford Road distant 50 feet northerly (as measured along the street line) of the point of intersection of the westerly street line of Stratford Road and the northerly street line of Cortelyou Road, Stratford Road, a line 100 feet northerly of Cortelyou Road, a line perpendicular to the northerly street line of Cortelyou Road distant 100 feet westerly (as measured along the street line) from the point of intersection of the westerly street line of Westminster Road and the northerly street line of Cortelyou Road, Cortelyou Road, a line midway between Rugby Road and Marlborough Road, a line 100 feet northerly of Cortelyou Road, East 16th Street, a line 75 feet northerly of Cortelyou Road, East 17th Street, a line 100 feet southerly of Cortelyou Road, East 16th Street, a line perpendicular to the westerly street line of East 16th Street distant 200 feet

- northerly (as measured along the street line) from the point of intersection of the westerly street line of East 16th Street and the northerly street line of Dorchester Road, a line midway between East 16th Street and Marlborough Road, a line perpendicular to the southerly street line of Cortelyou Road distant 200 feet southerly (as measured along the street line) from the point of intersection of the southerly street line of Cortelyou Road and the easterly street line of Marlborough Road, Marlborough Road, a line perpendicular to the westerly street line of Marlborough Road distant 200 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Marlborough Road and the northerly street line of Dorchester Road, a line midway between Rugby Road and Marlborough Road, a line 100 feet southerly of Cortelyou Road, Rugby Road, a line 150 feet northerly of Dorchester Road, Stratford Road, a line 200 feet southerly of Cortelyou Road, Westminster Road, a line 100 feet southerly of Cortelyou Road, a line 80 feet westerly of Stratford Road, Dorchester Road, Stratford Road, a line perpendicular to the westerly street line of Stratford Road distant 225 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Stratford Road and the southerly street line of Dorchester Road, and Coney Island Avenue;
- c. Cortelyou Road, Bedford Avenue, a line 100 feet northerly of Newkirk Avenue, a line 100 feet westerly of Bedford Avenue, Avenue D, East 23rd Street, a line 125 feet northerly of Avenue D, a line midway between Bedford Avenue and East 23rd Street, a line 100 feet southerly of Clarendon Road, a line 100 feet northeasterly and easterly of Flatbush Avenue, a line 100 feet northerly of Clarendon Road, a line midway between Bedford Avenue and East 23rd Street, a line 100 feet southerly of Cortelyou Road, and a line 100 feet easterly of Flatbush Avenue;
- d. a line 150 feet southerly of Dorchester Road, a line 100 feet southwesterly of Flatbush Avenue, a line 100 feet northerly of Ditmas Avenue, and a line midway between East 22nd Street and East 21st Street;
- e. a line 120 feet northerly of Newkirk Avenue, East 17th Street, Newkirk Avenue, a line midway between East 17th Street and East 18th Street, Foster Avenue, and Rugby Road; and
- f. Glenwood Road, East 32nd Street, Avenue H, East 31st Street, a line 100 feet northeasterly of Flatbush Avenue, and a line midway between East 31st Street and Nostrand Avenue;
22. changing from an R7-1 District to an R6A District property bounded by a line 100 feet northerly of Regent Place, a line 100 feet westerly of Flatbush Avenue, Beverley Road, a line midway between Flatbush Avenue and East 21st Street, Dorchester Road, East 21st Street, a line perpendicular to the easterly street line of Ocean Avenue distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Ocean Avenue and the southerly street line of Cortelyou Road, Ocean Avenue, Cortelyou Road, a line midway between Ocean Avenue and East 21st Street, a line 200 feet southerly of Beverley Road, and East 21st Street;
23. changing from a C4-2 District to an R6A District property bounded by:
- a. Albemarle Road, Bedford Avenue, Tilden Avenue, and a line 100 feet westerly of Bedford Avenue; and
- b. a line 75 feet southerly of Beverley Road, Bedford Avenue, Cortelyou Road, and a line 100 feet easterly of Flatbush Avenue;
24. changing from an R6 District to an R6B District property bounded by Caton Avenue, Stratford Road, a line 100 feet northerly of Church Avenue, a line 100 feet easterly of East 10th Street, Church Avenue, East 10th Street, a line perpendicular to the easterly street line of Coney Island Avenue distant 300 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Coney Island Avenue and the southerly street line of Caton Avenue, and Coney Island Avenue;
25. changing from an R7-1 District to an R6B District property bounded by:
- a. Woodruff Avenue, a line perpendicular to the southerly street line of Woodruff Avenue distant 225 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Woodruff Avenue and the easterly street line of St. Paul Place, Crooke Avenue, the northwesterly boundary line of the MTA New York City Transit right-of-way, a line 100 feet southerly of Crooke Avenue, a line 100 feet easterly of St. Paul Place, and Crooke Avenue, and St. Paul Place;
- b. a line midway between Parkside Avenue and Woodruff Avenue, a line perpendicular to the northerly street line of Woodruff Avenue distant 95 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Woodruff Avenue and the westerly street line of Flatbush Avenue, Woodruff Avenue, East 21st Street, a line perpendicular to the westerly street line of East 21st Street distant 125 feet southerly (as measured
- along the street line) from the point of intersection of the westerly street line of East 21st Street and the southerly street line of Woodruff Avenue, and a line midway between East 21st Street and Ocean Avenue and its northerly prolongation;
- c. Clarkson Avenue, a line 250 feet easterly of Flatbush Avenue, a line midway between Clarkson Avenue and Lenox Road, a line 375 feet easterly of Flatbush Avenue, Lenox Road, a line 225 feet easterly of Flatbush Avenue, Caton Avenue, a line 100 feet easterly of Flatbush Avenue; and
- d. a line midway between Caton Avenue and Linden Boulevard, a line 350 feet westerly of Caton Avenue, Linden Boulevard, a line 425 feet westerly of Bedford Avenue, Martense Street, a line 250 feet westerly of Bedford Avenue, a line midway between Martense Street and Church Avenue, a line 475 feet westerly of Bedford Avenue, Martense Street, and a line 100 feet easterly of Flatbush Avenue;
26. changing from a C4-2 District to an R6B District property bounded by Duryea Place, East 22nd Street, Beverley Road, Bedford Avenue, a line 75 feet southerly of Beverley Road, a line 100 feet easterly of Flatbush Avenue;
27. changing from an R3-2 District to an R7A District property bounded by:
- a. a line 100 feet southerly of Ditmas Avenue, a line 100 feet westerly of Westminster Road, a line 100 feet northerly of Newkirk Avenue, and a line 150 feet easterly of Coney Island Avenue; and
- b. Foster Avenue, East 21st Street, Farragut Road, and a line midway between Ocean Avenue and East 21st Street;
28. changing from an R4 District to an R7A District property bounded by Avenue H, a line midway between East 19th Street and Ocean Avenue; the southerly boundary line of the Long Island Rail Road right-of-way (Bay Ridge Division), and East 19th Street;
29. changing from an R6 District to an R7A District property bounded by:
- a. a line perpendicular to the easterly street line of Coney Island Avenue distant 300 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Coney Island Avenue and the southerly street line of Caton Avenue, East 10th Street, Church Avenue, a line 150 feet westerly of Stratford Road, Albemarle Road, a line 100 feet easterly of Coney Island Avenue, Turner Place, a line 100 feet westerly of Stratford Road, Hinckley Place, and Coney Island Avenue;
- b. Cortelyou Road, Flatbush Avenue, Cortelyou Road, a line 100 feet easterly and northeasterly of Flatbush Avenue, a line 125 feet northerly of Avenue D, East 23rd Street, Avenue D, a line 100 feet westerly of Bedford Avenue, a line 100 feet northerly of Newkirk Avenue, Bedford Avenue, Flatbush Avenue, Foster Avenue, a line 100 feet northeasterly of Flatbush Avenue, a line perpendicular to the westerly street line of Rogers Avenue distant 300 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Rogers Avenue and the northeasterly street line of Flatbush Avenue, Rogers Avenue, a line 500 feet southerly of Foster Avenue, a line midway between Rogers Avenue and East 28th Street, a line 100 feet northeasterly of Flatbush Avenue, East 29th Street, a line perpendicular to the southwesterly street line of Flatbush Avenue distant 400 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Flatbush Avenue and the northwesterly street line of Hillel Place, a line midway between Flatbush Avenue and Kenilworth Place, Farragut Road, a line 100 feet southwesterly of Flatbush Avenue, Bedford Avenue, Foster Avenue, a line 100 feet southwesterly of Flatbush Avenue, a line 100 feet southerly of Ditmas Avenue, a line midway between East 22nd Street and East 23rd Street, a line 100 feet northerly of Newkirk Avenue, East 23rd Street, Newkirk Avenue, East 22nd Street, Foster Avenue, a line midway between East 22nd Street and East 21st Street, a line 100 feet northerly of Ditmas Avenue, a line 100 feet southwesterly of Flatbush Avenue, East 22nd Street, a line 150 feet southerly of Dorchester Road, a line midway between East 21st Street and East 22nd Street, Dorchester Road, and a line midway between East 21st Street and Flatbush Avenue;
- c. Cortelyou Road, a line midway between East 19th Street and Ocean Avenue, Dorchester Road, East 18th Street, a line perpendicular to the westerly street line of East 18th Street distant 325 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of East 18th Street and the northerly street line of Dorchester Road, a line midway between East 17th Street and East 18th Street, a line 125 feet northerly of Dorchester Road, East 16th Street, a line 100 feet southerly of Cortelyou Road, and East 17th Street;
- d. Ditmas Avenue, a line 100 feet easterly of Coney Island Avenue, a line 100 feet southerly of Ditmas Avenue, a line midway between Coney Island Avenue and Westminster Road, a line 100 feet northerly of Newkirk Avenue, Westminster Road, Newkirk Avenue, Argyle Road, a line 100 feet northerly of Newkirk Avenue, Rugby Road, Foster Avenue, and Coney Island Avenue;
- e. Newkirk Avenue, a line midway between East 19th Street and Ocean Avenue, Foster Avenue, a line midway between East 17th Street and East 18th Street;
- f. Farragut Road, Kenilworth Place, a line 150 feet northwesterly of Glenwood Road, Amersfort Place, Campus Road, a line midway between East 27th Street and East 26th Street, a line 100 feet southerly of Glenwood Road, East 26th Street, Glenwood Road, Bedford Avenue, a line 100 feet northerly of Glenwood Road, and East 26th Street; and
- g. Foster Avenue, Nostrand Avenue, Glenwood Road, and a line midway between Nostrand Avenue and East 29th Street;
30. changing from an R7-1 District to an R7A District property bounded by Parkside Avenue, Flatbush Avenue, Clarkson Avenue, a line 100 feet easterly of Flatbush Avenue, Caton Avenue, a line 225 feet easterly of Flatbush Avenue, Lenox Road, a line 375 feet easterly of Flatbush Avenue, a line midway between Clarkson Avenue and Lenox Road, a line 250 feet easterly of Flatbush Avenue, Clarkson Avenue, Bedford Avenue, a line midway between Martense Street and Church Avenue, a line 250 feet westerly of Bedford Avenue, Martense Street, a line 425 feet westerly of Bedford Avenue, Linden Boulevard, a line 350 feet westerly of Caton Avenue, a line midway between Caton Avenue and Linden Boulevard, a line 100 feet easterly of Flatbush Avenue, Martense Street, a line 475 feet westerly of Bedford Avenue, a line midway between Martense Street and Church Avenue, Flatbush Avenue, a line 150 feet northerly of Church Avenue, East 21st Street, Church Avenue, Flatbush Avenue, a line 100 feet southerly of Church Avenue, a line 100 feet westerly of Flatbush Avenue, Kenmare Terrace and its easterly centerline prolongation, East 21st Street, a line 100 feet southerly of Albemarle Terrace, a line 100 feet westerly of Flatbush Avenue, a line 100 feet northerly of Regents Place, East 21st Street, a line 200 feet southerly of Beverley Road, a line midway between Ocean Avenue and East 21st Street, Cortelyou Road, Ocean Avenue, a line perpendicular to the easterly street line of Ocean Avenue distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Ocean Avenue and the southerly street line of Cortelyou Road, East 21st Street, Dorchester Road, a line midway between East 21st Street and East 22nd Street, Foster Avenue, a line midway between Ocean Avenue and East 21st Street, Campus Road, Avenue H, a line midway between Ocean Avenue and East 19th Street, Newkirk Avenue, Ocean Avenue, Ditmas Avenue, a line midway between Ocean Avenue and East 21st Street, Dorchester Road, a line midway between East 19th Street and Ocean Avenue, a line 100 feet southerly of Beverley Road, East 16th Street, Beverley Road, the westerly boundary line of MTA New York City Transit right-of-way, a line 150 feet southerly of Church Avenue, a line perpendicular to the southerly street line of Church Avenue distant 80 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Church Avenue and the easterly street line of Buckingham Road, Church Avenue, a line midway between East 16th Street- Buckingham Road and East 17th Street, Caton Avenue, and Parade Place, and excluding the areas bounded by:
- a. Woodruff Avenue, Ocean Avenue, Crooke Avenue, the northwesterly boundary line of the MTA New York City Transit right-of-way, a line 100 feet southerly of Crooke Avenue, a line 100 feet easterly of St. Paul Place, and Crooke Avenue, and St. Paul Place;
- b. a line midway between Parkside Avenue and Woodruff Avenue, a line perpendicular to the northerly street line of Woodruff Avenue distant 95 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Woodruff Avenue and the westerly street line of Flatbush Avenue, Woodruff Avenue, East 21st Street, a line perpendicular to the westerly street line of East 21st Street distant 125 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of East 21st Street and the southerly street line of Woodruff Avenue, and a line midway between East 21st Street and Ocean Avenue and its northerly prolongation;
31. changing from a C4-2 District to a C4-4A District property bounded by a line 150 feet northerly of Church Avenue, Flatbush Avenue, a line midway between Martense Street and Church Avenue, Bedford Avenue, Snyder Avenue, a line 200 feet westerly of Bedford Avenue, Albemarle Road, a line 100 feet easterly of Flatbush Avenue, Tilden Avenue, Flatbush Avenue, Duryea Place, a line 100 feet easterly of Flatbush Avenue, Cortelyou Road, Flatbush Avenue, Cortelyou Road, a line midway between East 21st Street and Flatbush Avenue, Beverley Road, a line 100 feet westerly of Flatbush Avenue, a line 100 feet southerly of Church Avenue, Flatbush Avenue, Church Avenue, and East 21st Street;
32. changing from a C4-3 District to a C4-4A District property bounded by Glenwood Road, a line midway between East 31st Street and Nostrand Avenue, a line 100 feet northeasterly of Flatbush Avenue, East 31st Street, Avenue H, Campus Road, a line 60 feet northwesterly of Hillel Place, a line midway between Flatbush Avenue and Kenilworth Place,

- and a line perpendicular to the southwesterly street line of Flatbush Avenue distant 400 feet northeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of Flatbush Avenue and the northwesterly street line of Hillel Place;
33. establishing within a proposed R3X District a C2-4 District bounded by a line 100 feet northerly of Church Avenue, a line midway between East 16th Street- Buckingham Road and East 17th Street, Church Avenue, and East 16th Street;
34. establishing within a proposed R5B District a C2-4 District bounded by a line 100 feet northerly of Glenwood Road, a line midway between Nostrand Avenue and East 29th Street, Glenwood Road, and East 29th Street;
35. establishing within a proposed R5D District a C2-4 District bounded by:
- a. Avenue H, East 14th Street, a line 100 feet southerly of Avenue H, and East 13th Street, and
  - b. Avenue H, East 17th Street, a line 100 feet southerly of Avenue H, and East 15th Street;
36. establishing within a proposed R6A District a C2-4 District bounded by:
- a. a line 100 feet northerly of Church Avenue, a line midway between Argyle Road and Rugby Road, Church Avenue, and a line 100 feet easterly of East 10th Street;
  - b. Hinckley Place, a line 100 feet easterly of Coney Island Avenue, a line perpendicular to the westerly street line of Stratford Road, distant 50 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Stratford Road and the northerly street line of Cortelyou Road, Stratford Road, a line 100 feet northerly of Cortelyou Road, a line perpendicular to the northerly street line of Cortelyou Road, distant 100 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Cortelyou Road and the westerly street line of Westminster Road, Cortelyou Road, a line midway between Rugby Road and Marlborough Road, a line 100 feet northerly of Cortelyou Road, East 16th Street, a line 75 feet northerly of Cortelyou Road, East 17th Street, a line 100 feet southerly of Cortelyou Road, a line 80 feet westerly of Stratford Road, Dorchester Road, and Coney Island Avenue;
  - c. a line 100 feet northerly of Cortelyou Road, a line midway between Flatbush Avenue and East 21st Street, a line 100 feet southerly of Cortelyou Road, and East 21st Street;
  - d. Clarendon Road, a line 190 feet westerly of East 23rd Street, a line 100 feet southerly of Clarendon Road, and a line 100 feet northeasterly of Flatbush Avenue;
  - e. a line 120 feet northerly of Newkirk Avenue, East 16th Street, Newkirk Avenue, East 17th Street, a line 100 feet southerly of Newkirk Avenue, a line midway between East 17th Street and East 16th Street, a line 150 feet southerly of Newkirk Avenue, East 16th Street, Foster Avenue, Rugby Road, a line 100 feet northerly of Foster Avenue, Marlborough Road, a line 100 feet southerly of Newkirk Avenue, and Rugby Road;
  - f. a line 100 feet northerly of Foster Avenue, a line midway between East 18th Street and East 17th Street, Foster Avenue, and East 17th Street;
  - g. Foster Avenue, a line 100 feet easterly of Coney Island Avenue, Glenwood Road, a line midway between Coney Island Avenue and Westminister Road, Avenue H, and Coney Island Avenue; and
  - h. a line 100 feet northerly of Avenue H, a line midway between East 31st Street and East 32nd Street, Avenue H, and East 31st Street;
37. establishing within a proposed R6B District a C2-4 District bounded by a line 100 feet northerly of Church Avenue, a line 100 feet easterly of East 10th Street, Church Avenue, and East 10th Street; and
38. establishing within a proposed R7A District a C2-4 District bounded by:
- a. Parkside Avenue, Flatbush Avenue, Clarkson Avenue, a line 100 feet easterly of Flatbush Avenue, a line midway between Martense Street and Church Avenue, Flatbush Avenue, a line 150 feet northerly of Church Avenue, a line 100 feet westerly of Flatbush Avenue, Woodruff Avenue, a line perpendicular to the northerly street line of Woodruff Avenue distant 95 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Woodruff Avenue and the westerly street line of Flatbush Avenue, a line midway between Parkside Avenue and Woodruff Avenue, and Ocean Avenue;
  - b. a line 100 feet northerly of Church Avenue, East 21st Street, a line 100 feet southerly of Church Avenue, the westerly boundary line of the MTA New York City Transit right-of-way, a line 150 feet southerly of Church Avenue, a line

- perpendicular to the southerly street line of Church Avenue distant 80 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Church Avenue and the easterly street line of Buckingham Road, Church Avenue, and a line midway between East 16th Street- Buckingham Road and East 17th Street;
  - c. a line perpendicular to the easterly street line of Coney Island Avenue distant 300 feet southerly (as measured along the street line) from the point of intersection of easterly street line of Coney Island Avenue and the southerly street line of Caton Avenue, East 10th Street, Church Avenue, a line 100 feet easterly of Coney Island Avenue, Hinckley Place, and Coney Island Avenue;
  - d. Ditmas Avenue, a line 100 feet easterly of Coney Island Avenue, Newkirk Avenue, and Coney Island Avenue;
  - e. a line perpendicular to the easterly street line of Coney Island Avenue distant 200 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Coney Island Avenue and the northerly street line of Foster Avenue, a line 100 feet easterly of Coney Island Avenue, Foster Avenue, and Coney Island Avenue;
  - f. a line 100 feet northerly of Foster Avenue, Rugby Road, Foster Avenue, and Westminister Road;
  - g. a line 100 feet northerly of Foster Avenue, East 18th Street, Foster Avenue, and a line midway between East 17th Street and East 18th Street;
  - h. Cortelyou Road, Flatbush Avenue, Cortelyou Road, a line 100 feet easterly and northeasterly of Flatbush Avenue, a line 125 feet northerly of Ditmas Avenue, East 23rd Street, Ditmas Avenue, a line 100 feet westerly of Bedford Avenue, a line 100 feet northerly of Newkirk Avenue, Bedford Avenue, Flatbush Avenue, Foster Avenue, a line 100 feet northeasterly of Flatbush Avenue, a line perpendicular to the westerly street line of Rogers Avenue distant 300 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Rogers Avenue and the northeasterly street line of Flatbush Avenue, Rogers Avenue, a line 500 feet southerly of Foster Avenue, a line midway between Rogers Avenue and East 28th Street, a line 100 feet northeasterly of Flatbush Avenue, East 29th Street, a line perpendicular to the southwesterly street line of Flatbush Avenue distant 400 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Flatbush Avenue and the northwesterly street line of Hillel Place, a line midway between Flatbush Avenue and Kenilworth Place, Farragut Road, a line 100 feet southwesterly of Flatbush Avenue, Bedford Avenue, Foster Avenue, a line 100 feet southwesterly of Flatbush Avenue, East 22nd Street, Dorchester Road, and a line midway between Flatbush Avenue and East 21st Street; and
  - i. Foster Avenue, Nostrand Avenue, Glenwood Road, and a line midway between Nostrand Avenue and East 29th Street;
- as shown on a diagram (for illustrative purposes only) dated March 2, 2009 and which includes CEQR Designation E-233.

**The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matters in the Council Committee Room, City Hall, New York, New York 10007, commencing at 11:00 A.M. on Monday, July 27, 2009:**

**612-SEAT PRIMARY/INTERMEDIATE SCHOOL, BRONX**  
**BRONX CB - 07 20095458 SCX**  
 Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 612-seat primary/intermediate school facility, to be located at 3177 Webster Avenue, between East 204th Street and East 205th Street (Block 3353, Lot 40), serving Community School District No. 10, Borough of the Bronx.

**FORT WASHINGTON PRESBYTERIAN CHURCH MANHATTAN CB - 12 20095655 HKM (N 090458 HKM)**  
 Designation (List No. 414/LP-2337) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter of the landmark designation of Fort Washington Presbyterian Church, located at 21 Wadsworth Avenue (aka 21-27 Wadsworth Avenue, 617-619 West 174th Street) (Block 2143, Lot 38 in part), as an historic landmark.

**FILLMORE PLACE HISTORIC DISTRICT BROOKLYN CB - 01 20095656 HKK (N 090460 HKK)**  
 Designation (List 413, LP 2333) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter for the landmark designation of the Fillmore Place Historic District. The district boundaries are: bounded by a line beginning at the intersection of the northern curblines of Fillmore Place and the western curblines of Roebling Street, continuing southerly across the roadbed of Fillmore Place and along the western curblines of Roebling Street to a point formed by its intersection with a line extending easterly from the southern property line of 168 Roebling Street, westerly along said line and the southern property line of 168 Roebling Street, southerly along a portion of the eastern property line of 30 Fillmore Place, westerly along the southern property lines of 30 through 18 Fillmore Place, southerly along a portion of the eastern property line of 16 Fillmore Place, westerly along the

southern property lines of 16 through 10 Fillmore Place, northerly along a portion of the western property line of 10 Fillmore Place, westerly along the southern property line of 675 Driggs Avenue to the eastern curblines of Driggs Avenue, northerly along said curblines to a point formed by its intersection with a line extending easterly from the northern curblines of North 1st Street, westerly across the roadbed of Driggs Avenue and along the northern curblines of North 1st Street to a point formed by its intersection with a line extending southerly from the western property line of 676 Driggs Avenue, northerly along the western property lines of 676 through 662 Driggs Avenue, easterly along the northern property line of 662 Driggs Avenue to the western curblines of Driggs Avenue, southerly along said curblines to a point formed by its intersection with a line extending westerly from the northern property line of 667 Driggs Avenue, easterly along said line across the roadbed of Driggs Avenue and along the northern property lines of 667 Driggs Avenue and 7 Fillmore Place, northerly along a portion of the western property line of 9 Fillmore Place, easterly along the northern property lines of 9 through 21 Fillmore Place, southerly along a portion of the eastern property line of 21 Fillmore Place, easterly along the northern property line of 23 Fillmore Place, southerly along the eastern property line of 23 Fillmore Place to the northern curblines of Fillmore Place, easterly along said curblines to the point of the beginning.

**AUDUBON PARK HISTORIC DISTRICT MANHATTAN CB - 12 20095657 HKM (N 090459 HKM)**  
 Designation (List 414, LP-2335) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter for the Audubon Park Historic District. The district boundaries are: property bounded by a line beginning at the intersection of the southern curblines of West 156th Street and the western curblines of Broadway, extending northerly across West 156th Street and continuing northwesterly along the southwestern curblines of Edward M. Morgan Place to its intersection with the southeastern curblines of Riverside Drive, continuing northeasterly across Edward M. Morgan Place to the intersection of the northeastern curblines of Edward M. Morgan Place with the southern curblines of West 158th Street, easterly along the southern curblines of West 158th Street to a point formed by its intersection with a line extending southerly from the eastern property line of 609 West 158th Street, northerly across the roadbed and along said property line to the northern property line of 611 West 158th Street (aka 810 Riverside Drive) to the western property line of 611 West 158th Street (aka 810 Riverside Drive), southerly along said property line to the northern curblines of West 158th Street, westerly across Riverside Drive and along said curblines to a point formed by its intersection with a line extending northerly from the western property line of 807 Riverside Drive (aka 620-624 West 158th Street), southerly across the roadbed and along said property line to the northern property line of 801 Riverside Drive, westerly along a portion of said property line to the western property line of 801 Riverside Drive, southerly along portion of said property line to the northern property line of 779 Riverside Drive (aka 779-789 Riverside Drive), westerly along said property line to the western property line of 779 Riverside Drive (aka 779-789 Riverside Drive), southerly along said property line to the northern property line of 775 Riverside Drive (aka 773-777 Riverside Drive), westerly along a portion of said property line and along the northern property line of Manhattan Tax Map Block 2134 Lot 250 to the northeastern curblines of Riverside Drive West, southeasterly and easterly along said curblines, continuing easterly along the southern curblines of Riverside Drive, easterly across Riverside Drive to the eastern curblines of Riverside Drive, southerly along said curblines to its intersection with the northern curblines of West 155th Street, easterly along said curblines to a point formed by its intersection with a line extending southerly from the eastern property line of 780 Riverside Drive (aka 780-784 Riverside Drive; 635-639 West 155th Street), northerly along said property line and along the eastern property line of 788 Riverside Drive (aka 786-788 Riverside Drive; 640-642 West 156th Street) to the southern curblines of West 156th Street, easterly along said curblines to the point of the beginning.

**The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matters in the Council Committee Room, City Hall, New York, New York 10007, commencing at 1:00 P.M. on Monday, July 27, 2009:**

**DOT GLENDALE MAINTENANCE YARDS QUEENS CB - 06 C 070429 MMQ**  
 Application submitted by the Department of Transportation 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 70th Avenue between Sybilla Street and Ursula Place; and a portion of Ursula Place between 70th Avenue and 70th Road;

in accordance with Map No. 4998, dated December 15, 2008, and signed by the Borough President.

**HUDSON RIVER PIERS 92 AND 94 MANHATTAN CB - 04 C 090220 PPM**  
 Application submitted by the New York City Department of Small Business Services, pursuant to Section 197-c of the New York City Charter, for the disposition of two (2) city-owned properties located at Piers 92 and 94, westerly of route 9A (Miller Highway) between West 51st and 55th streets (Block 1109, Lots 5 and 30) and p/o Marginal Street, Wharf or Place), pursuant to zoning.

**HUDSON RIVER PIERS 92 AND 94 MANHATTAN CB - 04 C 090221 ZSM**  
 Application submitted by the New York City Economic Development Corporation and MMPI Piers LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-41 of the Zoning Resolution to allow a trade exposition facility with a rated capacity in excess of 2,500 persons within an existing building at Piers 92 and 94, westerly of Route 9A (Miller Highway) between West 51st Street and West 55th Streets

(Block 1109, Lots 5 and 30, and p/o Marginal Street Wharf or Place), in an M2-3 District.

**HUDSON RIVER PIERS 92 AND 94 MANHATTAN CB - 04 C 090222 ZSM**

Application submitted by the New York City Economic Development Corporation and MMPI Piers LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-734(b) of the Zoning Resolution to modify the height and setback and length requirements of Section 62-342 (Developments on Piers) for a structure on a pier in connection with a proposed trade exposition facility on property located at Piers 92 and 94, westerly of Route 9A (Miller Highway) between West 51st Street and West 55th Streets (Block 1109, Lots 5 and 30, and p/o Marginal Street Wharf or Place), in an M2-3 District.

**HUDSON RIVER PIERS 92 AND 94 MANHATTAN CB - 04 C 090223 ZAM**

Application submitted the New York City Economic Development Corporation and MMPI Piers LLC for the grant of authorizations pursuant to the following sections of the Zoning Resolution:

- a. Section 62-722(a) to modify the requirements of Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS) and, in conjunction therewith, Section 62-332 (Rear yards and waterfront yards); and
b. Section 62-722(b) to modify the requirements of Section 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA);

in connection with a proposed trade exposition facility on property located at Piers 92 and 94, westerly of Route 9A (Miller Highway) between West 51st Street and West 55th Streets (Block 1109, Lots 5 and 30, and p/o Marginal Street Wharf or Place), in an M2-3 District.

**COLLEGE POINT CORPORATE PARK QUEENS CB - 07 C 090320 PPQ**

Application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of nine (9) city-owned properties in the College Point Corporate Park, pursuant to zoning.

Proposals subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, at the request of the Department of Housing Preservation and Development ("HPD"), which requests that the Council:

- 1. Find that the present status of the listed areas tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirements of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law; and
4. Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law.
5. Approve an exemption of the projects from real property taxes pursuant to Section 696 of the General Municipal Law for Nos. 1 through 2.

Table with 5 columns: NO., ADDRESS, BLOCK/LOT, BORO, PROGRAM BOARD. Contains 2 rows of address information.

NOTICE IS HEREBY GIVEN THAT the Council has scheduled the following public hearing on the matter indicated below:

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matter in the Council Committee Room, City Hall, New York, New York 10007, commencing at 9:30 A.M. on Monday, July 27, 2009:

**INCLUSIONARY HOUSING TEXT AMENDMENT CITYWIDE N 090316 ZRY**

Application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to modifications of Section 23-90 (Inclusionary Housing Program) and various related Sections of the Zoning Resolution.

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

**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.

Inclusionary Housing designated area (7/25/07) An "Inclusionary Housing designated area" is a specified area in which the Inclusionary Housing Program is applicable, pursuant to the regulations set forth in Section 23-90 (INCLUSIONARY HOUSING), inclusive. The locations of sSuch #Inclusionary Housing designated areas# are identified in Section 23-922 Appendix A of Article II, Chapter 3 of this Resolution or in Special Purpose Districts, as applicable.

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

23-144 In designated areas where the Inclusionary Housing Program is applicable. In #Inclusionary Housing designated areas#, as listed in the

following table, the maximum permitted #floor area ratios# shall be as set forth in Section 23-9452 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas) Appendix A of this Chapter.

Table with 2 columns: Community District, Zoning District. Lists various districts and their corresponding zoning codes.

**23-15 Maximum Floor Area Ratio in R10 Districts**

R10 In the district indicated, except in #Inclusionary Housing designated areas#, the #floor area ratio# for any #building# on a #zoning lot# shall not exceed 10.0, except as provided in Section 23-17 (Special Provisions for Zoning Lots Divided By District Boundaries) and Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Notwithstanding any other provision of this Resolution, the maximum #floor area ratio# shall not exceed 12.0. However, within the boundaries of Community District 7 in the Borough of Manhattan, all #developments# or #enlargements# in R10 Districts, except R10A or R10X Districts, shall be limited to a maximum #floor area ratio# of 10.0.

**23-90 INCLUSIONARY HOUSING**

23-91 General Provisions An Inclusionary Housing program is established in those areas designated in Section 23-92 (Applicability) to preserve and to promote a mixture of low to upper income housing in neighborhoods experiencing a shift to upper income housing and thus to promote the general welfare. The requirements of this program are set forth in Sections 23-90 through 23-95.

**23-92 Applicability 23-921 R10 Districts**

The Inclusionary Housing Program shall apply in all R10 Districts located in #Inclusionary Housing designated areas#, subject to the provisions relating to such designated areas, and in all other R10 Districts, subject to the provisions of Section 23-941 (In R10 Districts other than Inclusionary Housing designated areas), as applicable.

**23-922 Inclusionary housing designated areas**

The Inclusionary Housing Program shall apply in the following areas: (a) In Community District 1, in the Borough of Brooklyn, in Waterfront Access Plan BK 1, as set forth in Section 62-352, and in the R6, R6A, R6B and R7A Districts within the areas shown on the following Maps 1 and 2:

(map deleted) Map 1 Portion of Community District 1, Brooklyn (map deleted)

Map 2 Portion of Community District 1, Brooklyn (b) In Community District 1, in the Borough of Brooklyn, in the R7-3 Districts within the area shown on the following Map 3:

(map deleted) Map 3 Portion of Community District 1, Brooklyn (e) In Community District 7, in the Borough of Brooklyn, in the R8A District within the area shown on the following Map 4:

(map deleted) Map 4 Portion of Community District 7, Brooklyn (d) In Community District 2, in the Borough of Queens, in the R7X Districts within the areas shown on the following Maps 5 and 6:

(map deleted) Map 5 Portion of Community District 2, Queens (map deleted)

Map 6 Portion of Community District 2, Queens (e) In Community District 2, in the Borough of Brooklyn, in the R7A Districts within the areas shown on the following Maps 7, 8 and 9:

(map deleted) Map 7 Portion of Community District 2, Brooklyn (map deleted)

Map 8 Portion of Community District 2, Brooklyn (map deleted)

Map 9 Portion of Community District 2, Brooklyn (f) In Community District 7, in the Borough of Manhattan, in the R9A Districts within the areas shown on the following Map 10:

(map deleted) Map 10 Portion of Community District 7, Manhattan

(g) In Community District 3, in the Borough of Brooklyn, in the R7D Districts within the areas shown on the following Maps 11 and 12:

(map deleted) Map 11 Portion of Community District 3, Brooklyn (map deleted)

Map 12 Portion of Community District 3, Brooklyn

(h) In Community District 6, in the Borough of Manhattan, in the R10 Districts within the areas shown on the following Map 13:

(map deleted) Map 13 Portion of Community District 6, Manhattan (i) In Community District 3, in the Borough of Manhattan, in the R7A, R8A and R9A Districts within the areas shown on the following Map 14:

(map deleted) Map 14 Portion of Community District 3, Manhattan The Inclusionary Housing Program shall apply in special purpose districts when specific zoning districts or areas are defined as #Inclusionary Housing designated areas# within the special purpose district.

23-93 Definitions For the purposes of the inclusionary housing program this Section 23-90 (INCLUSIONARY HOUSING), inclusive, matter in italics is defined either in Section 12-10 (DEFINITIONS) or in this Section.

23-911 General Definitions The following definitions shall apply throughout this Section 23-90 (INCLUSIONARY HOUSING), inclusive:

Administering agent The An "administering agent" is the entity or entities identified in the #lower income housing plan# as responsible for ensuring, pursuant to a #regulatory agreement#:

(a) that each subject rental #affordable housing unit# is rented in compliance with such plan.#regulatory agreement# at #rent-up# and upon each subsequent vacancy; or

(b) that each subject #homeownership affordable housing unit# is owned and occupied in compliance with such #regulatory agreement# at #sale# and upon each #resale#.

The #administering agent# shall be a not for profit organization, unless the Commissioner of Housing Preservation and Development finds that a good faith effort by the developer of the #compensated development# to secure a qualified not for profit organization as the #administering agent# was unsuccessful. However, in #Inclusionary Housing designated areas#, the Commissioner may approve an entity that is responsible for compliance monitoring pursuant to City, State or Federal funding sources, to serve as the #administering agent# during such compliance period.

Affordable floor area (a) Where all of the #dwelling units#, #rooming units# and #supportive housing units# in a #generating site#, other than any #super's unit#, are #affordable housing units#, all of the #residential floor area#, or #community facility floor area# for a #supportive housing project#, in such #generating site# is "affordable floor area".

(b) Where one or more of the #dwelling units# or #rooming units# in a #generating site#, other than any #super's unit#, are not #affordable housing units#, the "affordable floor area" in such #generating site# is the sum of:

(1) all of the #residential floor area# within the perimeter walls of the #affordable housing units# in such #generating site#; plus

(2) a figure determined by multiplying the #residential floor area# of the #eligible common areas# in such #generating site# by a fraction, the numerator of which is all of the #residential floor area# within the perimeter walls of the #affordable housing units# in such #generating site# and the denominator of which is the sum of the #residential floor area# within the perimeter walls of the #affordable housing units# in such #generating site# plus the #residential floor area# within the perimeter walls of the #dwelling units# or #rooming units# in such #generating site#, other than any #super's unit#, that are not #affordable housing units#.

Affordable housing "Affordable housing" consists of:

- (a) #affordable housing units#; and
(b) #eligible common areas#.

Affordable housing plan An "affordable housing plan" is a plan approved by #HPD# to #develop#, #rehabilitate# or #preserve# rental or #homeownership affordable housing# pursuant to the provisions of this Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Affordable housing unit An "affordable housing unit" is:

(a) a #dwelling unit#, other than a #super's unit#, that is used for class A occupancy as defined in the Multiple Dwelling Law and that is or will be restricted, pursuant to a #regulatory agreement#, to occupancy by:

- (1) #low income households#;
(2) where permitted by Section 23-953 (Special provisions in specified areas), either #low income households# or a combination of #low income households# and #moderate income households# or #middle income households#; or
(3) upon #resale# of #homeownership affordable housing units#, other #eligible buyers#, as applicable;

(b) a #rooming unit#, other than a #super's unit#, that is used for class B occupancy as defined in the Multiple Dwelling Law and that is or will be restricted, pursuant to a #regulatory agreement#, to occupancy by a #low income households#; or

(c) a #supportive housing unit# within a #supportive housing project#.

#Affordable housing units# that are restricted to

#homeownership#, as defined in Section 23-913, pursuant to a #regulatory agreement#, must be #dwelling units#.

#### Capital element

"Capital elements" are, with respect to any #generating site#, the electrical, plumbing, heating and ventilation systems in such #generating site#, any air conditioning system in such #generating site# and all facades, parapets, roofs, windows, doors, elevators, concrete and masonry in such #generating site# and any other portions of such #generating site# specified in the #guidelines#.

#### Compensated development

A "compensated development" is a #development#, an #enlargement# of more than 50 percent of the #floor area# of an existing #building# or, where permitted by the provisions of Section 23-953(d), a conversion of a non-#residential building#, or portion thereof, to #dwelling units#, that is located within a #compensated zoning lot# which receives an increased #floor area ratio# as a result of satisfying the requirements of the inclusionary housing program.

#### Compensated zoning lot

A "compensated zoning lot" is a #zoning lot# that contains a #compensated development# and receives an increased #floor area ratio# pursuant to the provisions of this Section 23-90 (INCLUSIONARY HOUSING), inclusive.

#### Completion notice

A "completion notice" is a notice from #HPD# to the Department of Buildings stating that the #affordable housing# in all or a portion of any #generating site# is complete and stating the #affordable floor area# of such #affordable housing#.

#### Development

For the purposes of this program, a "development" is a #development# as defined in Section 12-10, or an #enlargement# of more than 50 percent of the #floor area# of an existing #building#.

#### Fair rent

At initial occupancy of #lower income housing#, "fair rent" (the "Section 8 Standard") is an annual rent for each such housing equal to not more than either the public assistance shelter allowance if the #family# receives public assistance, or 30 percent of the annual income of the tenant of such housing, provided that such tenant is a #lower income household# at the time of initial occupancy pursuant to the provisions of this program.

Upon renewal of a lease for an existing tenant in #lower income housing#, #fair rent# (the "Rent Stabilization Standard") is not more than the then current #fair rent# for such housing plus a percentage increase equal to the percentage increase for a renewal lease of the same term permitted by the Rent Guidelines Board for units subject to the rent stabilization law.

After initial occupancy, upon rental of #lower income housing# to a new tenant, #fair rent# is not more than the higher of:

- (a) the then currently applicable "Section 8 Standard"; or
- (b) the Rent Stabilization Standard.

In order for rent to be #fair rent#, the following must also apply:

There shall be no additional charge to the tenant for the provision of heat and electric service, except that the Commissioner of Housing Preservation and Development may approve a #lower income housing plan# making a #lower income household# responsible for the payment of utilities as long as the sum of:

- (1) the initial #fair rent#; and
- (2) the monthly costs of a reasonable compensation for these utilities, by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment do not exceed 30 percent of said #lower income household's# income.

However, in #Inclusionary Housing designated areas#, the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered #fair rent#, provided that such rents do not exceed 30 percent of #lower income household's# income, as applicable, and provided further that upon expiration or termination of the requirements of the City, State or Federal program, rent increases and rentals shall be subject to the higher of the then currently applicable Section 8 Standard or the Rent Stabilization Standard.

At initial occupancy of any #lower income housing#, no portion of the #fair rents# shall be for the payment of the principal or interest on any debt, and the #lower income housing# shall not secure any debt and shall be free of all liens, except liens for real estate taxes, water charges and sewer rents and other governmental charges for which payment is not yet due. #Fair rents# may be used for the payment of principal or interest of debt only if such debt was incurred after the date of initial occupancy and is for a capital improvement to such #lower income housing# other than those capital improvements set forth in the #lower income housing plan#.

In #Inclusionary Housing designated areas#, at initial occupancy of any #lower income housing#, a portion of the #fair rents# may be for the payment of the principal or interest on debt, and such housing may secure debt, provided that, as of the date of the approval of the #lower income housing plan#, the Commissioner of Housing Preservation and Development finds that the total annual rent, when such interest and principal payments are deducted, is in compliance with the requirements of Section 23-95, paragraph(c), and provided that the lender agrees to enter into a written agreement which subordinates such debt to the provisions of the #lower income housing plan#.

#### Inclusionary Housing designated areas

"Inclusionary Housing designated areas" shall be those areas specified in Section 23-922 (Inclusionary Housing designated areas).

#### Lower income household

A "lower income household" is a #family# having an income equal to or less than the income limits (the "80 Percent of SMSA Limits") for New York City residents established by

the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments.

In #Inclusionary Housing designated areas#, #lower income households# shall also include all existing households in tenancy, provided such households occupy units that are within a #building# in which rents for all occupied units are regulated by City or State law, and the aggregate maximum permitted annual rent roll for such occupied units, divided by the number of occupied units, is less than 30 percent of the applicable income limit for a #lower income household# as provided in this Section. In determining the applicable income limit for such #lower income households#, the Commissioner of Housing Preservation and Development may make adjustments, consistent with U.S. Department of Housing and Urban Development regulations, for the number of persons residing in each unit.

#### Lower income housing

"Lower income housing" are #standard units# occupied or to be occupied by #lower income households#. #Lower income housing# shall not include #standard units# assisted under city, state or federal programs, except where such assistance is in the form of:

- (a) real estate tax abatements and exemptions which are specifically limited to the #lower income housing#; or
- (b) operating assistance that the Commissioner of the Department of Housing Preservation and Development determines will be used to enable households with incomes of not more than 62.5 percent of the "80 Percent of SMSA Limits" to afford such #lower income housing#.

However, in #Inclusionary Housing designated areas#, #lower income housing# shall include #standard units# assisted under City, State or Federal programs.

#### Lower income housing plan

The "lower income housing plan," is the plan accepted by the Commissioner of Housing Preservation and Development, which sets forth the developer's plans for creating and maintaining the specified #lower income housing# pursuant to this program, including but not limited to, choice of #administering agent#, tenant selection, rent levels in the #lower income housing# and income verification of tenants pursuant to paragraphs (b), (c) and (d) of Section 23-95.

#### Standard unit

A "standard unit" is a:

- (a) #dwelling unit#;
- (b) #rooming unit#; or
- (c) room used for sleeping purposes in a non profit institution with sleeping accommodations, which room is acceptable to the Commissioner of Housing Preservation and Development as meeting the intent of the Inclusionary Housing program.

In each case, it shall be free of violations (and located in a #building# in which the common areas are free of violations) under the City of New York Building Code, the New York State Multiple Dwelling Law, the New York City Housing Maintenance Code and this Resolution as noted in or issued by a city or state agency as of the date of acceptance of the #lower income housing plan#.

In #standard units#, all windows shall be double glazed.

#### Eligible common area

"Eligible common area" includes any #residential floor area# in a #generating site# that is located within the perimeter walls of a #super's unit#, and also includes any #residential floor area# in such #generating site# that is not located within the perimeter walls of any other #dwelling unit# or #rooming unit#, except any #residential floor area# for which a user fee is charged to residents of #affordable housing units#.

#### Floor area compensation

"Floor area compensation" is any additional #residential floor area# permitted in a #compensated development# pursuant to the provisions of this Section 23-90 (INCLUSIONARY HOUSING), inclusive.

#### Generating site

A "generating site" is a #building# or #building segment# containing either #residential affordable floor area#, or a #supportive housing project#, that generates #floor area compensation#. Non-#residential floor area# on a #generating site#, other than a #supportive housing project#, may not generate #floor area compensation#.

#### Grandfathered tenant

A "grandfathered tenant" is any #household# that:

- (a) occupied an #affordable housing unit# in #preservation affordable housing# or #substantial rehabilitation affordable housing# on the #regulatory agreement date# pursuant to a lease, occupancy agreement or statutory tenancy under which one or more members of such #household# was a primary tenant of such #affordable housing unit#; and
- (b) has not been certified by the #administering agent# to have an annual income below the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to such #affordable housing unit#; or
- (c) in #homeownership preservation affordable housing# or #homeownership substantial rehabilitation affordable housing#, has been certified by the #administering agent# to have an annual income below the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to such #affordable housing unit#, but has elected not to purchase such #affordable housing unit#.

#### Guidelines

The "guidelines" are the guidelines adopted by #HPD# pursuant to paragraph (k) of Section 23-96 (Requirements for Generating Sites).

#### Household

Prior to #initial occupancy# of an #affordable housing unit#, a "household" is, collectively, all of the persons intending to occupy such #affordable housing unit# at #initial occupancy#. After #initial occupancy# of an #affordable housing unit#, a "household" is, collectively, all of the persons occupying such #affordable housing unit#.

#### HPD

"HPD" is the Department of Housing Preservation and Development or its successor agency or designee, acting by or

through its Commissioner or his or her designee.

#### Income index

The "income index" is 200 percent of the Very Low-Income Limit established by the U.S. Department of Housing and Urban Development (HUD) for Multifamily Tax Subsidy Projects (MTSPs) in accordance with Internal Revenue Code Sections 42 and 142, as amended by Section 3009(a) of the Housing and Economic Recovery Act of 2008, as adjusted for household size. #HPD# shall adjust such figure for the number of persons in a #household# in accordance with such methodology as may be specified by HUD or in the #guidelines#. #HPD# may round such figure to the nearest 50 dollars or in accordance with such methodology as may be specified by HUD or in the #guidelines#. If HUD ceases to establish, or changes the standards or methodology for the establishment of, such income limit for MTSPs or ceases to establish the methodology for adjusting such figure for #household# size, the standards and methodology for establishment of the #income index# shall be specified in the #guidelines#.

#### Initial occupancy

"Initial occupancy" is:

- (a) in rental #affordable housing#, the first date upon which a particular #household# occupies a particular #affordable housing unit# as a tenant, and shall not refer to any subsequent renewal lease of the same #affordable housing unit# to the same tenant #household#; or
- (b) in #homeownership affordable housing#, the first date upon which a particular #household# occupies a particular #affordable housing unit# as a #homeowner#.

For any #household# occupying an #affordable housing unit# of #preservation affordable housing# or #substantial rehabilitation affordable housing# on the #regulatory agreement date#, "initial occupancy" is the #regulatory agreement date#.

#### Low income floor area

The "low income floor area" is the #affordable floor area# that is provided for #low income households# or, upon #resale# as defined in Section 23-913, #eligible buyers#.

#### Low income household

A "low income household" is a #household# having an income less than or equal to the #low income limit# at #initial occupancy#, except that, with regard to #low income floor area# within #preservation affordable housing# or #substantial rehabilitation affordable housing#, a #grandfathered tenant# shall also be a #low income household#.

#### Low income limit

The "low income limit" is 80 percent of the #income index#.

#### Middle income floor area

The "middle income floor area" is the #affordable floor area# that is provided for #middle income households# or, upon #resale# as defined in Section 23-913, for #eligible buyers#.

#### Middle income household

A "middle income household" is a #household# having an income greater than the #moderate income limit# and less than or equal to the #middle income limit# at #initial occupancy#, except that, with regard to #middle income floor area# within #substantial rehabilitation affordable housing#, a #grandfathered tenant# shall also be a #middle income household#.

#### Middle income limit

The "middle income limit" is 175 percent of the #income index#.

#### Moderate income floor area

The "moderate income floor area" is the #affordable floor area# that is provided for #moderate income households# or, upon #resale# as defined in Section 23-913, for #eligible buyers#.

#### Moderate income household

A "moderate income household" is a #household# having an income greater than the #low income limit# and less than or equal to the #moderate income limit# at #initial occupancy#, except that, with regard to #moderate income floor area# within #substantial rehabilitation affordable housing#, a #grandfathered tenant# shall also be a #moderate income household#.

#### Moderate income limit

The "moderate income limit" is 125 percent of the #income index#.

#### New construction affordable housing

"New construction affordable housing" is #affordable housing# that:

- (a) is located in a #building# or portion thereof that did not exist on a date which is 36 months prior to the #regulatory agreement date#;
- (b) is located in #floor area# for which the Department of Buildings first issued a temporary or permanent certificate of occupancy on or after the #regulatory agreement date#; and
- (c) complies with such additional criteria as may be specified by #HPD# in the #guidelines#.

#### Permit notice

A "permit notice" is a notice from #HPD# to the Department of Buildings stating that building permits may be issued to a #compensated development# to utilize #floor area compensation# from all or a portion of the #affordable floor area# on a #generating site#. Any #permit notice# shall:

- (a) state the amount of #low income floor area#, #moderate income floor area#, or #middle income floor area# attributable to such #generating site#;
- (b) state whether the #affordable housing# comprising such #low income floor area#, #moderate income floor area#, or #middle income floor area# is #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing#;
- (c) state whether the #affordable housing# comprising such #low income floor area#, #moderate income floor area#, or #middle income floor area# has utilized #public funding#; and
- (d) specify the amount of such #affordable housing# that the #compensated development# may utilize to generate #floor area compensation#.

**Preservation affordable housing**

"Preservation affordable housing" is #affordable housing# that:

- (a) is a #generating site# that existed and was legally permitted to be occupied on the #regulatory agreement date#, except as permitted in the #guidelines#; and
- (b) complies with the provisions of Section 23-961(e) (Special requirements for rental #preservation affordable housing#) or Section 23-962(f) (Special requirements for #homeownership preservation affordable housing#), as applicable.

**Public funding**

"Public funding" is any grant, loan or subsidy from any federal, state or local agency or instrumentality, including, but not limited to, the disposition of real property for less than market value, purchase money financing, construction financing, permanent financing, the utilization of bond proceeds and allocations of low income housing tax credits. "Public funding" shall not include the receipt of rent subsidies pursuant to Section 8 of the United States Housing Act of 1937, as amended, or an exemption or abatement of real property taxes pursuant to Section 420-a, Section 420-c, Section 421-a, Section 422, Section 488-a, or Section 489 of the Real Property Tax Law, Article XI of the Private Housing Finance Law or such other programs of full or partial exemption from or abatement of real property taxation as may be specified in the #guidelines#.

**Regulatory agreement**

A "regulatory agreement" is an agreement between #HPD# and the owner of the #affordable housing# that requires compliance with all applicable provisions of an #affordable housing plan#, Section 23-90 (INCLUSIONARY HOUSING), inclusive and the #guidelines#.

**Regulatory agreement date**

The "regulatory agreement date" is, with respect to any #affordable housing#, the date of execution of the applicable #regulatory agreement#. If a #regulatory agreement# is amended at any time, the "regulatory agreement date" is the original date of execution of such #regulatory agreement#, without regard to the date of any amendment.

**Regulatory period**

The "regulatory period" is, with respect to any #generating site#, the entire period of time during which any #floor area compensation# generated by the #affordable floor area# on such #generating site# is the subject of a permit, temporary certificate of occupancy or permanent certificate of occupancy issued by the Department of Buildings or is otherwise under construction or in #use# in a #compensated development#.

**Substantial rehabilitation affordable housing**

"Substantial rehabilitation affordable housing" is #affordable housing# that:

- (a) is a #generating site# that existed on the #regulatory agreement date#, and
- (b) complies with the provisions of Section 23-961(f) (Special requirements for rental #substantial rehabilitation affordable housing#) or Section 23-962(g) (Special requirements for homeownership #substantial rehabilitation affordable housing#), as applicable.

**Super's unit**

A "super's unit" is, in any #generating site#, not more than one #dwelling unit# or #rooming unit# that is reserved for occupancy by the superintendent of such #building#.

**23-912****Definitions Applying to Rental Affordable Housing**

The following definitions shall apply to rental #affordable housing#:

**Legal regulated rent**

A "legal regulated rent" is, with respect to any #affordable housing unit#, the initial #monthly rent# registered with the Division of Housing and Community Renewal at #rent-up# in accordance with paragraph (b) of Section 23-961 (Additional Requirements for Rental Affordable Housing).

**Maximum monthly rent**

The "maximum monthly rent" is:

- (a) 30 percent of the #low income limit# for an #affordable housing unit# restricted to occupancy by #low income households#, divided by 12, minus the amount of any applicable #utility allowance#; and
- (b) 30 percent of the #moderate income limit# for an #affordable housing unit# restricted to occupancy by #moderate income households#, divided by 12, minus the amount of any applicable #utility allowance#; and
- (c) 30 percent of the #middle income limit# for an #affordable housing unit# restricted to occupancy by #middle income households#, divided by 12, minus the amount of any applicable #utility allowance#.

**Monthly Rent**

The "monthly rent" is the monthly amount charged, pursuant to paragraph (b) of Section 23-961 (Additional Requirements for Rental Affordable Housing), to a tenant in an #affordable housing unit#.

**Rent stabilization**

"Rent stabilization" is the Rent Stabilization Law of 1969 and the Emergency Tenant Protection Act of 1974 and all regulations promulgated pursuant thereto or in connection therewith. If the Rent Stabilization Law of 1969 or the Emergency Tenant Protection Act of 1974 is repealed, invalidated or allowed to expire, "rent stabilization" shall be defined as set forth in the #guidelines#.

**Rent-up**

"Rent-up" is the first rental of vacant #affordable housing units# on or after the #regulatory agreement date#, except that, where one or more #affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# were occupied by #grandfathered tenants# on the #regulatory agreement date#, "rent-up" shall have the same meaning as #regulatory agreement date#.

**Rent-up date**

The "rent-up date" is the date upon which leases for a percentage of vacant #affordable housing units# set forth in the #guidelines# have been executed, except that, where one or more #affordable housing units# in #preservation

affordable housing# or #substantial rehabilitation affordable housing# were occupied by #grandfathered tenants# on the #regulatory agreement date#, the "rent-up date" is the #regulatory agreement date#.

**Supportive housing project**

A "supportive housing project" is a non-profit institution with sleeping accommodations as specified in Section 22-13 (Use Group 3), where:

- (a) 100 percent of the #supportive housing units# within such #generating site#, have been restricted to use as #affordable housing# for persons with special needs pursuant to a #regulatory agreement#; and
- (b) such #generating site# does not contain any #dwelling unit# or #rooming unit# that is not #accessory#; and
- (c) such #generating site# is not a #compensated development#.

**Supportive housing unit**

A "supportive housing unit" is #floor area# in a #supportive housing project# that consists of sleeping quarters for persons with special needs and any private living space appurtenant thereto.

**Utility allowance**

A "utility allowance" is a monthly allowance set by #HPD# for the payment of utilities where the tenant of an #affordable housing unit# is required to pay all or a portion of the utility costs with respect to such #affordable housing unit# in addition to any payments of #monthly rent#.

**23-913****Definitions Applying to Homeownership Affordable Housing**

The following definitions shall apply to #homeownership affordable housing#, where #homeownership# is as defined in this Section 23-913:

**Appreciated price**

The "appreciated price" for any #homeownership affordable housing unit# is the product of the #sale# or #resale# price of such #homeownership affordable housing unit# on the previous #sale date# and the #appreciation index# applicable at #resale# as specified in the #guidelines#.

**Appreciation cap**

The "appreciation cap" is the #resale# price at which the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes to be paid by the #homeowner# would be equal to 30 percent of:

- (a) 125 percent of the #income index# for an #homeownership affordable housing unit# that was restricted to occupancy by #low income households# at #sale#; or
- (b) 175 percent of the #income index# for an #homeownership affordable housing unit# that was restricted to occupancy by #moderate income households# at #sale#; or
- (c) 200 percent of the #income index# for an #homeownership affordable housing unit# that was restricted to occupancy by #middle income households# at #sale#.

**Appreciation Index**

The "appreciation index" is 100 until August 1, 2010. On or after August 1, 2010, the #appreciation index# shall be a number greater than 100, representing the cumulative increase in #resale# price of a #homeownership affordable housing unit# permitted pursuant to the annual rates of increase established by #HPD#.

#HPD# shall set the annual rate of increase at the same rate as the percentage change in the Consumer Price Index for all urban consumers, as defined by the U.S. Bureau of Labor Statistics, for the twelve months ended on June 30 of that year, plus one percent per year, but the annual rate of increase shall be no less than one percent per year. #HPD# shall adjust the Consumer Price Index component of the #appreciation index# on August 1 of each calendar year, commencing on August 1, 2010, based on the percentage change in the Consumer Price Index for the twelve months ended on June 30 of that calendar year. For a fraction of a year, the components of the #appreciation index# shall be set as specified in the #guidelines#. #HPD# may adjust the methodology for calculating the #appreciation index# not more than once every two years in accordance with the #guidelines#.

**Commencement date**

The "commencement date" is the date upon which #sales# for a percentage of #homeownership affordable housing units# in a #generating site# set forth in the #guidelines# have been completed, except that, where one or more #homeownership affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# were occupied by #grandfathered tenants# on the #regulatory agreement date#, the "commencement date" is the #regulatory agreement date#.

**Condominium Association**

A "condominium association" is an organization of condominium #homeowners#, with a form of governance specified in the #guidelines#, that manages the common areas and #capital elements# of a #generating site#.

**Cooperative corporation**

A "cooperative corporation" is any corporation organized exclusively for the purpose of providing housing accommodations to shareholders who are persons or families entitled, by reason of ownership of shares in such corporation, to residential occupancy.

**Down Payment**

The "down payment" is a payment that is not secured by any form of debt, made on or before the #sale date# by the #eligible buyer# approved by the #administering agent# to purchase an #homeownership affordable housing unit#.

**Eligible Buyer**

An "eligible buyer" is a #household# that qualifies to buy a specific #homeownership affordable housing unit#. Such a #household# shall:

- (a) except in the case of #succession#:
- (i) be, at the time of application for an initial #sale#, a #low income household#, #moderate income household#, or #middle income household# for which, at the #initial price#, the combined cost of #monthly fees#, #mortgage payments#,

utilities and property taxes that would be paid for a #homeownership affordable housing unit# is not more than 35 percent and not less than 25 percent of such #household's# income. However, for a #household# that resided on a #generating site# on the date of submission of an #affordable housing plan#, #HPD# may waive the requirement that housing costs be not less than 25 percent of such #household's# income;

- (ii) be, at the time of application for a #resale#, in the case of an #affordable housing unit# initially limited to #sale# to a #low income household#, #moderate income household#, or #middle income households#, any #household# for which, at the #maximum resale price#, the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes that would be paid for a #homeownership affordable housing unit# is not more than 35 percent and not less than 25 percent of such #household's# income;

- (iii) have cash or equivalent assets that are at least equal to the required #down payment# for such #affordable housing unit#. However, #HPD# may waive this requirement for a #household# that resided on a #generating site# on the date of submission of an #affordable housing plan# to #HPD#; and

- (iv) meet such additional eligibility requirements as may be specified in the #guidelines#.

(b) in the case of #succession#:

- (i) be, at the time of application, a #household# for which, at the #maximum resale price#, the combined cost of #monthly fees#, #imputed mortgage payments#, utilities and property taxes for the subject #homeownership affordable housing unit# is not less than 25 percent of such #household's# income; and

- (ii) meet such additional eligibility requirements as may be specified in the #guidelines#.

A #grandfathered tenant# is not an #eligible buyer# unless such #grandfathered tenant# has been certified by the #administering agent# to have an annual income at or below the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to such #homeownership affordable housing unit#.

**Family Member**

"Family member" shall have the meaning set forth in the #guidelines#.

**Homeowner**

A "homeowner" is a person or persons who:

- (a) owns a condominium #homeownership affordable housing unit# and occupies such condominium #homeownership affordable housing unit# in accordance with owner occupancy requirements set forth in the #guidelines#, or
- (b) owns shares in a #cooperative corporation#, holds a proprietary lease for an #homeownership affordable housing unit# owned by such #cooperative corporation# and occupies such #homeownership affordable housing unit# in accordance with owner occupancy requirements set forth in the #guidelines#.

**Homeownership**

"Homeownership" is a form of tenure for housing, including #dwelling units# occupied by either the owner as a separate condominium, a shareholder in a #cooperative corporation# pursuant to the terms of a proprietary lease, a #grandfathered tenant# or an authorized sublettor pursuant to the #guidelines#.

**Imputed mortgage payment**

An "imputed mortgage payment" is the maximum #mortgage payment# at prevailing interest rates for a qualifying #mortgage# that could be paid to purchase a #homeownership affordable housing unit# at the #maximum resale price#, calculated in accordance with the #guidelines#.

**Initial price**

The "initial price" is the price at which a #homeownership affordable housing unit# may be offered for #sale# for the first time pursuant to a #regulatory agreement#.

**Maximum resale price**

The #maximum resale price# for a #homeownership affordable housing unit# is the lesser of the #appreciated price# or the #appreciation cap# for such #homeownership affordable housing unit#.

**Monthly Fees**

The "monthly fees" are any payments charged to a #homeowner# by a #cooperative corporation# or #condominium association# to provide for the reimbursement of the applicable #homeownership affordable housing unit's# share of the expenses of such #cooperative corporation# or #condominium association# as permitted by the #regulatory agreement#.

**Mortgage**

An "mortgage" is a mortgage loan, or a loan to purchase shares in a #cooperative corporation#, that has been approved by the #administering agent# and that has a fixed rate of interest, a term of at least 30 years at every #sale# and #resale#, a value not exceeding 90 percent of the #sale# price of such #homeownership affordable housing unit# at the time of the initial #sale# or 90 percent of the #maximum resale price# of such #homeownership affordable housing unit# at any time after the initial #sale#, and that is otherwise in compliance with the #guidelines#.

**Mortgage Payment**

The "mortgage payment" is any monthly repayment of principal and interest on a #mortgage#.

**Resale**

A "resale" is any transfer of title to a condominium #homeownership affordable housing unit# after the first



#sale# or any transfer of ownership of the shares in a #cooperative corporation# which are appurtenant to an #homeownership affordable housing unit# after the first #sale#.

**Sale**  
A "sale" is the first transfer of title to a condominium #homeownership affordable housing unit# or the first transfer of ownership of the shares in a #cooperative corporation# which are appurtenant to an #homeownership affordable housing unit# on or after the #regulatory agreement date#.

**Sale date**  
A "sale date" is the date of the #sale# or #resale# of any #homeownership affordable housing unit#. However, for #homeownership affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# occupied by #grandfathered tenants# on the #regulatory agreement date#, the initial #sale date# shall be the #regulatory agreement date#.

**Succession**  
"Succession" is a #resale# from a #homeowner# to a #family member# of such #homeowner#.

**23-92 General Provisions**  
The Inclusionary Housing Program is established to promote the creation and preservation of housing for residents with varied incomes in redeveloping neighborhoods and thus to promote the general welfare. The requirements of this program are set forth in this Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Wherever the provisions of this Section 23-90 (INCLUSIONARY HOUSING), inclusive, provide that approval is required, #HPD# may specify the form of such approval in the #guidelines#.

**23-93 Applicability**

**23-931 Lower income housing plans approved prior to (date of enactment)**  
Any #lower income housing plan#, as defined by Section 23-93 of this Resolution prior to (date of enactment), that has been approved by #HPD# prior to such date, and results, within one year after such approval, in the execution of a restrictive declaration pursuant to Section 23-95(e), as such Section existed prior to (date of enactment), shall be governed solely by the regulations in effect prior to (date of enactment) unless a #regulatory agreement# with respect thereto specifically provides to the contrary. However, Sections 23-95(b) and (c) shall apply to any permits or certificates of occupancy for #compensated developments# issued on or after (date of enactment).

The #floor area ratio# of a #compensated development# may be increased in exchange for #lower income housing#, pursuant to a #lower income housing plan#, as both terms were defined by Section 23-93 of this Resolution prior to (date of enactment), provided such #lower income housing# complies with all applicable provisions of Section 23-90 (INCLUSIONARY HOUSING) in effect prior to (date of enactment), except as provided in this Section. Where such a #compensated development# is located in an R10 district outside of #Inclusionary Housing designated areas#, the provisions of Section 23-951 (Floor area compensation in R10 districts other than Inclusionary Housing designated areas) shall not apply, and paragraph (a) of Section 23-94 (Floor Area Compensation) as such section existed prior to (date of enactment) shall apply;

Any #lower income housing plan#, as such term was defined prior to (date of enactment), that has been approved by #HPD#, prior to such date and any legal document related thereto, may be modified by #HPD#, to apply the provisions of Section 23-961(b) (Monthly Rent) to such #lower income housing plan#.

**23-932 R10 Districts**  
The Inclusionary Housing Program shall apply in all R10 Districts located in #Inclusionary Housing designated areas#, subject to the provisions of Section 23-952. The Inclusionary Housing Program shall apply in all other R10 Districts, subject to the provisions of Section 23-951 (In R10 Districts other than Inclusionary Housing designated areas), as applicable.

**23-933 Inclusionary housing designated areas**  
The Inclusionary Housing Program shall apply in #inclusionary housing designated areas#.

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

#Inclusionary Housing designated areas# are listed in Appendix A of this Chapter.

**23-94 Methods of Providing Affordable Housing**  
(a) #Affordable housing# shall be either #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing#.  
(b) When determining whether #affordable housing# is #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing# in order to calculate #floor area compensation#, or when making a determination of which #building# or #building segment# constitutes a #generating site#, #HPD# may separately consider each #building# or #building segment# on a #zoning lot#. Where any such #building# consists of two or more contiguous sections separated by walls or other barriers, #HPD# may consider all relevant facts and circumstances when determining whether to consider the sections of such #building# separately or collectively, including, but not limited to, whether such sections share systems, utilities, entrances, common areas or other common elements and whether such sections have separate deeds, ownership, tax lots, certificates of occupancy, independent entrances, independent addresses or other evidence of independent functional use.  
(c) The amount of #affordable floor area# in any #generating site# shall be determined based upon plans for such #generating site# which have been approved by the Department of Buildings and which indicate thereon the amount of #floor area#

devoted to #affordable housing# and the amount of #floor area# devoted to other #residential# uses. However, for #generating sites# where the Department of Buildings does not require #floor area# calculations, the amount of #affordable floor area# shall be determined by methods specified in the guidelines.

(d) The amount of #low income#, #moderate income# and #middle income floor area# in a #generating site# shall be determined in the same manner as the calculation of #affordable floor area#.

(e) #Affordable housing units# shall be either rental #affordable housing# or #homeownership affordable housing#.

**23-95 Floor Area Compensation Compensated Zoning Lots**

**23-941951 Floor area compensation in R10 districts other than Inclusionary Housing designated areas**

The #residential floor area ratio# of a #compensated zoning lot development# may be increased from 10.0 to a maximum of 12.0 at the rate set forth in this Section, if the developer of such #compensated zoning lot development# provides #lower income affordable housing# that is restricted to #low income floor area# pursuant to Section 23-95 (Lower Income Housing Requirements). For each square foot of #floor area# provided for #lower income a type of #affordable housing# listed in Column A and which meets the requirements set forth in Section 23-95, the #floor area# of the #compensated zoning lot development# may be increased by the number of square feet set forth in Column B. Any #generating site# for which #public funding# has been received within the 15 years preceding the #regulatory agreement date#, or for which #public funding# is committed to be provided subsequent to such date, shall be deemed to be provided with #public funding#.

OPTIONS

Column A	Column B
<b>On-site Without #public funding#:</b>	
#New Construction Affordable Housing# or #Substantial Rehabilitation Affordable Housing# Without #public funding#:	3.75
#Preservation Affordable Housing# With #public funding#:	2.0
#New Construction Affordable Housing#, #Substantial Rehabilitation Affordable Housing# or #Preservation Affordable Housing#:	1.25
<b>On-site Substantial Rehabilitation</b>	3.2
<b>Off-site New Construction (Private Site)</b>	4.0
<b>Off-site New Construction (Public Site)*</b>	2.5
<b>Off-site Substantial Rehabilitation (Private Site)</b>	3.7

\* Public sites are those made available for this program by a public agency at nominal cost.

Each structure erected and recorded as a separate #building# at the Department of Buildings as of January 1, 1987, may be considered individually in determining if #lower income housing# provided pursuant to this program shall be considered as substantial rehabilitation or preservation.

**23-9452 Floor area compensation in Inclusionary Housing designated areas**

The provisions of this Section shall apply in the #Inclusionary Housing designated areas# set forth in Section 23-922, except within Waterfront Access Plan BK 1 and in R7-3 Districts within Community District 1, Borough of Brooklyn.

(a) Maximum #residential floor area ratio#  
The #residential floor area# of a #development# or #enlargement# #zoning lot# may not exceed the base #floor area ratio# set forth in the following table, except that such #floor area# may be increased on a #compensated zoning lot# by one and one quarter 1.25 square feet for each square foot of #low income floor area# provided for #lower income, up to the maximum #floor area ratio# specified in the table. However, the amount of #lower income low income floor area# required to receive such bonus #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, in on the #building compensated zoning lot#. In addition, the following rules shall apply:

District	Base #floor area ratio#	Maximum #floor area ratio#
R6B	2.0	2.2
R6*	2.2	2.42
R6**, R6A, R7-2*	2.7	3.6
R6A	2.7	3.6
R6B	2.0	2.2
R7A, R7-2**	3.45	4.6
R7D	4.2	5.6
R7X	3.75	5.0
R8, R8A	5.40	7.2
R9	6.0	8.0
R9A	6.5	8.5
R10	9.0	12.0
—		
*	for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#	
**	for #zoning lots#, or portions thereof, within 100 feet of a #wide street#	
(b) Height and setback		
(1) Except in #Special Mixed Use Districts#, the compensated #building# must be		

#developed# or #enlarged# pursuant to the height and setback regulations of Sections 23-623 (Street wall location and height and setback regulations in certain districts) or 23-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts), as applicable.

(2) In #Special Mixed Use Districts#, where the #residence district# designation has a letter suffix, the compensated #building# must be #developed# or #enlarged# pursuant to paragraph (b) of Section 23-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations). Where the #residence district# designation does not have a letter suffix, the compensated #building# must be #developed# or #enlarged# pursuant to the height and setback regulations of Section 23-633 regardless of whether the #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.

(e) #Lower income housing# requirements

The #lower income housing# must be provided in accordance with the provisions set forth in Section 23-95 (Lower Income Housing Requirements).

**23-953 Special floor area compensation provisions in specified areas**

(ad) Optional provisions for #general large-scale developments# in C4-6 or C5 Districts

Within a #general large-scale development# in a C4-6 or C5 District, the special optional regulations as set forth in this paragraph (a)(ad), inclusive, modify the provisions of paragraphs (a) and (e) of this Section, Section 23-93 (Definitions) and Section 23-95 (Lower Income Housing Requirements) 952 (In inclusionary housing designated areas):

(1) For the purposes of this paragraph, (d), inclusive, the definitions of #moderate income household# and #fair rent# in Section 23-231 (Definitions) shall apply.

"Moderate income housing" shall be defined as #standard units# occupied or to be occupied by #moderate income households#, and "middle income housing" shall be defined as #standard units# occupied or to be occupied by #middle income households#. #Moderate income housing# and #middle income housing# shall be considered #lower income housing# for the purposes of the definition of #lower income housing plan# in Section 23-93.

(2) The #residential floor area# of a #development# or #enlargement# may not exceed the base #floor area ratio# set forth in the table in Section 23-942, except that the #floor area# of a #development# or #enlargement# may be increased up to the maximum #floor area ratio# specified in the table in 23-942, as follows:

(i) the #floor area# of a #development# or #enlargement# may be increased by one and one quarter square feet for each square foot of #floor area# provided for #lower income housing#;

(ii) the #floor area# of a #development# or #enlargement# may be further increased by 0.833 square feet for each one square foot of #moderate income floor area# provided for #moderate income housing#, or by 0.625 square feet for each one square foot of #middle income floor area# provided for #middle income, provided that for each square foot of such #floor area compensation# increase pursuant to this paragraph (d)(2)(ii), there is one square foot of #floor area compensation# increase pursuant to paragraph (d)(2)(i) of this Section 23-952;

(iii)(2) However, the amount of #affordable lower income housing#, #moderate income housing# and #middle income housing# required to receive such bonus #floor area compensation# need not exceed the amounts specified in this paragraph (a)(2)(iii). If #affordable housing# is provided for both #low income and #moderate income housing# and #lower income housing# are provided households#, the amount of # moderate income housing floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #lower #low income housing floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#. If #affordable housing# is provided for both #middle income housing households# and #lower income housing# are provided households#, the amount of # middle income housing floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #lower income #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#.

For the purposes of this paragraph (a), inclusive, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

(3) The #lower income housing# must be provided in accordance with the provisions set forth in Section 23-95 (Lower Income Housing Requirements), except that:

(i) the provisions of paragraphs (a), (b) and (e)(i) of Section 23-233 shall apply; and  
(ii) #moderate income housing# and #middle

income housing# shall be considered #lower income housing# for the purposes of Sections 23-951, 23-952 and 23-953.

- (b) Special provisions apply to #compensated zoning lots#:
  - (1) Within R6 and R8 districts in Waterfront Access Plan BK-1 and R7-3 Districts within Community District 1, Borough of Brooklyn, as set forth in Section 62-352.
  - (2) Within the #Special Hudson Yards District#, #Special Clinton District# and #Special West Chelsea District#, as set forth in Sections 93-23, 96-21 and 98-26, respectively.

**23-954 Additional requirements for compensated developments**

- (a) Height and setback in #inclusionary housing designated areas#
  - (1) In #inclusionary housing designated areas#, except within #Special Mixed Use Districts#, the #compensated development# must comply with the height and setback regulations of Sections 23-633 (Street wall location and height and setback regulations in certain districts) or 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts), as applicable.
  - (2) In #Inclusionary Housing designated areas# within #Special Mixed Use Districts#, the #compensated development# must comply with the provisions of paragraph (a) or (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations), as applicable. However, where the #residence district# designation is an R6 District without a letter suffix, the #compensated development# must comply with the height and setback regulations of Section 23-633 regardless of whether the #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.
- (b) Compensated Development Building Permits
  - (1) #HPD# may issue a #permit notice# to the Department of Buildings at any time on or after the #regulatory agreement date#. The Department of Buildings may thereafter issue building permits to a #compensated development# that utilizes #floor area compensation# based on the #affordable housing# described in such #permit notice#.
  - (2) If #HPD# does not receive confirmation that the #regulatory agreement# has been recorded within 45 days after the later of (i) the #regulatory agreement date#, or (ii) the date upon which #HPD# authorizes the recording of the #regulatory agreement#, #HPD# shall suspend or revoke such #permit notice#, notify the Department of Buildings of such suspension or revocation and not reinstate such #permit notice# or issue any new #permit notice# until #HPD# receives confirmation that the #regulatory agreement# has been recorded. Upon receipt of notice from #HPD# that a #permit notice# has been suspended or revoked, the Department of Buildings shall suspend or revoke each building permit issued pursuant to such #permit notice# which is then in effect for any #compensated development#.
- (c) Compensated Development Certificates of Occupancy
  - (1) The Department of Buildings shall not issue a temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area compensation# until #HPD# has issued a #completion notice# with respect to the #affordable housing# that generates such #floor area compensation#. However, where any #story# of a #compensated development# contains one or more #affordable housing units#, the Department of Buildings may issue any temporary or permanent certificate of occupancy for such #story# if such temporary or permanent certificate of occupancy either includes each #affordable housing unit# located in such #story# or only includes #dwelling units# or #rooming units# that are #affordable housing units#. Nothing in the preceding sentence shall be deemed to prohibit the granting of a temporary or permanent certificate of occupancy for a #super's unit#.
  - (2) #HPD# shall not issue a #completion notice# with respect to any portion of any #generating site# unless:
    - (i) the Department of Buildings has issued temporary or permanent certificates of occupancy for all #affordable housing# described in such #completion notice# and such certificates of occupancy have not expired, been suspended or been revoked, or
    - (ii) where a #generating site# contains #affordable housing# that had a valid certificate of occupancy on the #regulatory agreement date# and no new temporary or permanent certificate of occupancy is thereafter required for the creation of such #affordable housing#, #HPD# has determined that all renovation and repair work required by the

applicable #regulatory agreement# has been completed and all obligations with respect to the creation of such #affordable housing# have been fulfilled in accordance with the applicable #regulatory agreement#.

**23-956 Lower Income Housing Requirements for Generating Sites**

To qualify for the increased #floor area#, #compensated developments# must provide #lower income housing# for the life of the increased #floor area# in the #compensated development# pursuant to one or more of the options listed in Sections 23-951, 23-952 and 23-953, and such #lower income housing# must meet each of the following requirements:

- (a) Standards
  - All #lower income housing# shall be in #standard units#. Except in #buildings# in which all #standard units# are occupied by #lower income housing#, the #floor area# devoted to #lower income housing# shall be considered only the #floor area# within the perimeter walls of the #standard units# of the #lower income housing# and a pro-rata share of the common areas of the #building# exclusive of those common areas for which a fee is charged to #lower income households# for its use. In #buildings# in which all of the #standard units# are occupied by #lower income housing#, all of the #residential floor area# shall be considered as devoted to #lower income housing#.
- (b) Tenant selection
  - All incoming households of #standard units# in #lower income housing# must be #lower income households#.
  - Sublessees of a #lower income household# must also be #lower income households#. The #administering agent# shall verify the income of such sublessee households prior to their occupancy of the #lower income housing#, to assure that such households are #lower income households#.
  - On and after the issuance of a certificate of occupancy for #lower income housing#, the #administering agent# shall have a duty:
    - (1) to maintain in a habitable condition all #lower income housing#; and
    - (2) to rent such housing to #lower income households#.
  - This duty to rent shall be satisfied by the #administering agent#, if such agent has in fact rented all such units to #lower income households# or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.
- (c) Rent levels
  - All #standard units# in #lower income housing# shall be rented at #fair rents#. The total average annual rent for all #lower income housing# approved pursuant to a #lower income housing plan# shall not exceed an amount equal to the reasonable maintenance, operation, administration and contingency costs for such year as determined by the Commissioner of the Department of Housing Preservation and Development.
- (d) Income verification
  - Prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing, to assure that the households are #lower income households#. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing# are #lower income households#.
- (e) Lower income housing plan
  - A #lower income housing plan# acceptable to the Commissioner of Housing Preservation and Development shall be prepared and followed by the developer.
  - Such plan shall include the building plans, indicate the #floor area# devoted to #lower income housing# and shall demonstrate the feasibility of creating and maintaining the specified #lower income housing# required in accordance with the Inclusionary Housing program, including demonstrating that:
    - (1) the #lower income housing# will be managed and operated by a responsible #administering agent#;
    - (2) there will be sufficient income to provide for adequate maintenance, operation and administration of the #lower income housing#; and
    - (3) tenant selection will be on an equitable, non-discriminatory basis and achieves a reasonable range of tenant incomes within the permitted income levels and rent levels established pursuant to this program.
  - A restrictive declaration, satisfactory to the Commissioner of Housing Preservation and Development, shall be recorded against the #zoning lot# on which the #lower income housing# is constructed and shall set forth the obligations, running with such #zoning lot#, of the owner and all its successors in interest to provide #lower income housing# in accordance with the #lower income housing plan#. The #lower income housing plan# shall be incorporated by reference into the restrictive declaration, and attached as an exhibit thereto.
  - No later than the date on which a #lower income housing plan# is first submitted to the Department of Housing Preservation and Development, a copy of the plan shall be submitted to the affected Community Board(s). Such Community Board(s) shall have 45 days to review said plan. No #lower income housing plan# shall be accepted by the Commissioner of Housing Preservation and Development during the Community Board review period.

- (f) Permits and certificates of occupancy
    - No building permit for the #compensated development# shall be issued until the Commissioner of Housing Preservation and Development certifies that an acceptable #lower income housing plan# has been filed and approved.
    - No temporary certificate of occupancy shall be issued for any part of the #compensated development# until a temporary certificate of occupancy for each unit of #lower income housing# has been issued or, in #R6, R7 and R8 designated areas#, if the #building# has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the #lower income housing#.
    - No permanent certificate of occupancy shall be issued for any part of the #compensated development# until a permanent certificate of occupancy for each unit of the #lower income housing# has been issued or, in #R6, R7 and R8 designated areas#, if the #building# has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the #lower income housing#. Prior to the issuance of any temporary or permanent certificate of occupancy for the #compensated development#, the Commissioner of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.
  - (g) Insurance
    - The #administering agent# of the #lower income housing# shall have said housing insured against any damage or destruction in an amount equal to no less than the replacement value of such housing.
    - Any insurance proceeds received as a result of damage or destruction of all or part of such housing shall be used first for restoring such damaged or destroyed housing to #lower income housing#, free of violations under the New York City Building Code, the New York State Multiple Dwelling Law, the New York City Housing Maintenance Code and this Resolution. However, in #R6, R7 and R8 designated areas#, the Commissioner of Housing Preservation and Development may modify this requirement to provide priority for lenders participating in the financing of #lower income housing# that is assisted under City, State or Federal programs.
  - (h) Obligations for life of increased #floor area#
    - The obligation to provide a specified amount of #lower income housing# shall run with the #zoning lot# containing such #lower income housing# for the life of the increased #floor area# of the #compensated development#. In the event any portion of such housing is damaged or destroyed, no #floor area# may be replaced on said #zoning lot# unless such #floor area# contains the specified amount of #lower income housing#.
  - (i) Single #building# for #lower income housing#
    - Any #building# may contain #lower income housing# that satisfies the requirements of this program for more than one #compensated development#, provided that no #floor area# in the #lower income housing# is counted more than once in determining the amount of increased #floor area# for #compensated developments#.
  - (j) Subsequent compensation
    - The Commissioner of Housing Preservation and Development may certify that a #lower income housing plan# is in compliance with the requirements of this program and that #lower income housing# is in compliance with said plan prior to the filing of plans for a #compensated development#. #Developments# may subsequently be compensated with additional #floor area# under this program for such #lower income housing#.
  - (k) Applicability to rent regulation
    - Notwithstanding the provisions herein, no provision shall be applicable to tenants occupying units subject to the rent stabilization law or the rent control law, if such provision would be inconsistent with the rights of such tenants.
- To provide for the effective implementation of the Inclusionary Housing program, guidelines consistent with and in furtherance of the purposes and intent of such program shall be adopted, and may be modified, as follows:
- The Commissioner of Housing Preservation and Development shall develop guidelines for #lower income housing plans#, in consultation with the Board of Estimate, which shall be submitted to the Board of Estimate in time for consideration by the Board at its next regular meeting following the adoption of this Section. Such guidelines shall take effect as submitted, unless modified by the Board at the next meeting following such meeting, in which case the guidelines shall take effect as modified. The guidelines may be modified from time to time by the Commissioner of Housing Preservation and Development, provided, however, that the Commissioner of Housing Preservation and Development shall, within one year of initial adoption of the guidelines, submit the then existing guidelines to the Board, and the Board may, within thirty days of the first regular meeting following submission, modify such guidelines. If the Board does not modify such guidelines as herein provided, the then existing guidelines shall continue in effect. Thereafter, the Board may, not more frequently than once a year, request the Commissioner of Housing Preservation and Development to submit the then existing guidelines to the Board.
- The Board may, within thirty days of the first regular meeting following submission modify such guidelines. If the Board does not modify such guidelines as herein provided, the then existing

guidelines shall continue in effect. Any plan submitted to the Commissioner of Housing Preservation and Development under the then-existing guidelines shall not be affected by any subsequent modification thereto.

**22-051 On-site new construction option**

To qualify for this option, the designated #lower income housing# shall meet the following requirements

- (a) The #lower income housing# shall be located in newly constructed #floor area# in the #compensated development#. The #lower income housing# shall be maintained and leased to #lower income households# for the life of the increased #floor area#.
- (b) #Dwelling units# designated as #lower income housing# shall be distributed throughout the #development#. No #story# shall contain more than two such units unless at least 80 percent of all #stories# contains two such units. The size of the designated #lower income housing# units shall at least be distributed among the various size units in proportion to the total distribution of unit size within the #building# in the following categories of unit sizes:
  - under 600 net square feet
  - 600 - 749 net square feet
  - 750 - 949 net square feet
  - 950 - 1149 net square feet
  - 1150 or more net square feet

In #Inclusionary Housing designated areas#, if the #lower income housing# is subject to the requirements of City, State or Federal programs assisting the #lower income housing# that have size and distribution requirements conflicting with the size and distribution requirements of this paragraph, (b), then the size and distribution requirements of this paragraph, (b), may be waived by the Commissioner of Housing Preservation and Development to facilitate the #development# of #lower income housing#.

**22-052 Substantial rehabilitation and off-site new construction options**

To qualify for one or more of these options, the designated #lower income housing# shall meet the following requirements:

- (a) The #lower income housing# shall be located either:
  - (1) within the same Community District as the #compensated development#; or
  - (2) within an adjacent Community District and within a one-half mile radius of the #compensated development#, except that #lower income housing# located within a one-half mile radius of a #compensated development# in Community District 1, Borough of Brooklyn, shall be located in an adjacent Community District in the Borough of Brooklyn.

For the new construction option the #lower income housing# shall be in a new #building#. For the substantial rehabilitation options, the #lower income housing# shall be in an existing #building# in which, prior to the submission of the #lower income housing plan# pursuant to this Section, any #residential# portion not in public ownership had been entirely vacant for not less than three years.

Furthermore, in #Inclusionary Housing designated areas#, the #administering agent# shall not be required to verify the income of households in tenancy, as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

- (b) The #lower income housing# shall be maintained and leased to #lower income households# for the life of the increased #floor area#.
- (c) On-site substantial rehabilitation units shall be those units on the same #zoning lot# as the #compensated development#.

**22-053 Preservation option**

To qualify for this option, the designated #lower income housing# shall meet the following requirements:

- (a) The #lower income housing# shall be located either:
  - (1) within the same Community District as the #compensated development#; or
  - (2) within an adjacent Community District and within a one-half mile radius of the #compensated development#, except that #lower income housing# located within a one-half mile radius of a #compensated development# in Community District 1, Borough of Brooklyn, shall be located in an adjacent Community District in the Borough of Brooklyn.

The #lower income housing# shall be in an existing occupied #residential# or #mixed building#. Only #standard units# occupied by #lower income households# shall be #lower income housing#. For each #standard unit# designated as #lower income housing# the #administering agent# shall verify the income of the household in tenancy.

Furthermore, in #Inclusionary Housing designated areas#, the #administering agent# shall not be required to verify the income of households in tenancy, as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

- (b) Rent charged to #lower income households# shall not be increased to reflect the costs of any renovation made in order to qualify such units under the Inclusionary Housing program, even though such increases may be permitted under other laws regulating maximum rent levels in these units.
- (c) The Commissioner of Housing Preservation and Development may require any improvements to the #building# or to the housing necessary to ensure that, with normal maintenance, the #lower income housing# will continue to provide a decent, safe and sanitary living environment for the life of the increased #floor area# in the #compensated development#.

- (d) The #lower income housing# shall be maintained and leased to #lower income households# for the life of the increased #floor area# in the #compensated development#.
- (e) The developer of a #compensated development# must demonstrate to the satisfaction of the Commissioner of Housing Preservation and Development that, for three years prior to the submission of the #lower income housing plan#, no harassment occurred that resulted in removal of previous tenants of units proposed to become #lower income housing# preserved pursuant to this Section.

#Affordable housing# in a #generating site# shall meet each of the requirements set forth in this Section for the entire #regulatory period#.

(a) Location of Generating Site and Compensated Zoning Lot

Where a #generating site# is not located within the #compensated zoning lot# for which it generates #floor area compensation#:

- (1) the #generating site# and the #compensated zoning lot# shall be located within the same Community District; or
- (2) the #generating site and the #compensated zoning lot# shall be located in adjacent Community Districts and within one-half mile of each other, measured from the perimeter of each #zoning lot#.

However, special rules for the location of a #generating site# and a #compensated zoning lot# apply in Community District 1, Borough of Brooklyn, where the provisions of paragraph (a)(2) shall apply only to adjacent Community Districts located in the Borough of Brooklyn; in the #Special Clinton District#, pursuant to the provisions of Section 96-21 (Special Regulations for 42nd Street Perimeter Area); in the #Special Downtown Jamaica District#, pursuant to the provisions of Section 115-211 (Special Inclusionary Housing regulations); and in the #Special Southern Hunters Point District#, pursuant to the provisions of Section 125-22 (Newtown Creek Subdistrict).

(b) Distribution of Affordable Housing Units

In #new construction affordable housing# or #substantial rehabilitation affordable housing#, where one or more of the #dwelling units# or #rooming units# in a #generating site#, other than any #super's unit#, are not #affordable housing units#:

- (1) the #affordable housing units# shall be distributed on not less than 65 percent of the #residential stories# of such #generating site# or, if there are insufficient #affordable housing units# to comply with this requirement, the distribution of #affordable housing units# shall be as specified in the #guidelines#; and
- (2) not more than one-third of the #dwelling units# and #rooming units# on any #story# of such #generating site# shall be #affordable housing units#, unless not less than one-third of the #dwelling units# and #rooming units# on each #residential story# of such #generating site# are #affordable housing units#. However, on a #residential story# with fewer than three #dwelling units# or #rooming units#, only one #dwelling unit# or #rooming unit# may be an #affordable housing unit#, unless not less than one #dwelling unit# or #rooming unit# on each floor is an #affordable housing unit#.

However, #HPD# may waive such distribution requirements for any #new construction affordable housing# that is participating in a federal, state or local program where such #generating site# cannot comply with both the regulations of such federal, state or local program and those of this Section. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing# as specified in the guidelines.

(c) Bedroom Mix of Affordable Housing Units

- (1) In #new construction affordable housing# and #substantial rehabilitation affordable housing#, where one or more of the #dwelling units# in a #generating site#, other than any #super's unit#, are not #affordable housing units#, either:
  - (i) the #dwelling units# in the #generating site# that are #affordable housing units# shall contain a bedroom mix at least proportional to the bedroom mix of the #dwelling units# in the #generating site#, other than any #super's unit#, that are not #affordable housing units#; or
  - (ii) not less than 50 percent of the #dwelling units# in the #generating site# that are #affordable housing units# shall contain two or more bedrooms and not less than 75 percent of the #dwelling units# in the #generating site# that are #affordable housing units# shall contain one or more bedrooms.

However, #HPD# may waive such distribution requirements for any #new construction affordable housing# that either is participating in a federal, state or local program where such #generating site# cannot comply with both the regulations of such federal, state or local program and those of this Section; or is located on an #interior lot# or #through lot# with less than 50 feet of frontage along any #street#. In addition, #HPD# may waive these requirements for

#substantial rehabilitation affordable housing# as specified in the guidelines.

- (2) Where all of the #dwelling units# in a #generating site#, other than any #super's unit#, in #new construction affordable housing# and #substantial rehabilitation affordable housing# are #affordable housing units#, not less than 50 percent of such #affordable housing units# shall contain two or more bedrooms and not less than 75 percent of such #affordable housing units# shall contain one or more bedrooms. However, #HPD# may waive these requirements for any #affordable housing# that is participating in a federal, state or local program where such #generating site# cannot comply with both the regulations of such federal, state or local program and those of this Section. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing#, as specified in the #guidelines#.

- (3) All of the #supportive housing units# in a #generating site# shall be #affordable housing units# and shall contain such configuration as #HPD# shall require.

- (4) For purposes of this paragraph (c), inclusive, fractions equal to or greater than one-half resulting from any calculation shall be considered to be one #dwelling unit#.

(d) Size of Affordable Housing Units

- (1) In #new construction affordable housing# and #substantial rehabilitation affordable housing#, an #affordable housing unit# shall contain not less than:
  - (i) 400 square feet of #floor area# within the perimeter walls for a zero bedroom #dwelling unit#; or
  - (ii) 575 square feet of #floor area# within the perimeter walls for a one bedroom #dwelling unit#; or
  - (iii) 775 square feet of #floor area# within the perimeter walls for a two bedroom #dwelling unit#; or
  - (iv) 950 square feet of #floor area# within the perimeter walls for a three bedroom #dwelling unit#.

However, #HPD# may waive such distribution requirements for any #new construction affordable housing# that is participating in a federal, state or local program where such #generating site# cannot comply with both the regulations of such federal, state or local program and those of this Section. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing# as specified in the guidelines.

- (2) Where all of the #dwelling units# in a #generating site#, other than any #super's unit#, in #new construction# or #substantial rehabilitation affordable housing# are #affordable housing units#, #HPD# may waive such square footage requirements for any #affordable housing unit# that is participating in a federal, state or local program where such #generating site# cannot comply with both the regulations of such federal, state or local program and those of this Section. In addition, #HPD# may waive such square footage requirements for #substantial rehabilitation affordable housing#, as specified in the #guidelines#.

- (3) #Supportive housing units# shall comply with the size requirements specified by #HPD#.

(e) Administering Agent

- (1) #HPD# shall approve each #administering agent# and may revoke such approval at any time before or during the #regulatory period#.
- (2) An #administering agent# shall be a not-for-profit entity and shall not be, or be an affiliate of, an owner or managing agent of the #generating site#, unless #HPD# approves such owner, managing agent or affiliate to serve as the #administering agent# upon a determination that either (i) the #affordable housing# is participating in a federal, state or local program that provides adequate independent means of ensuring compliance with the #regulatory agreement#, or (ii) the owner and any such managing agent or affiliate are not-for-profit entities and there are adequate safeguards to ensure that such entities comply with the #regulatory agreement#.
- (3) For a period of time specified in the #guidelines#, the #administering agent# shall maintain all records setting forth the facts that form the basis of any affidavit submitted to #HPD#. The #administering agent# shall maintain such records, and such other records as #HPD# may require, at the offices of the #administering agent# or at such other location as may be approved by #HPD#. The #administering agent# shall make such records, and all facets of the operations of the #administering agent#, available for inspection and audit by #HPD# upon request.

(f) Regulatory Agreement

- (1) The #regulatory agreement# shall require compliance with and shall incorporate by reference the #affordable housing plan# and the applicable provisions of this Zoning Resolution and the #guidelines# and shall contain such additional terms

- and conditions as #HPD# deems necessary.
- (2) The #regulatory agreement# shall require that #HPD# be provided with documentation indicating the amount of #affordable floor area#. For #new construction affordable housing# or #substantial rehabilitation affordable housing#, such documentation shall include, but shall not be limited to, plans meeting the requirements of Section 23-94(c).
- (3) The #regulatory agreement# shall be recorded against all tax lots comprising the portion of the #zoning lot# within which the #generating site# is located and shall set forth the obligations, running with such tax lots, of the owner and all successors in interest to provide #affordable housing# in accordance with the #affordable housing plan# for the entire #regulatory period#.
- (4) #Affordable housing# may serve to secure debt with the prior approval of #HPD#. Any lien securing such debt shall be subordinated to the #regulatory agreement#.
- (5) The #regulatory agreement# may, but shall not be required to, provide that such #regulatory agreement# may be terminated prior to the issuance of a temporary or permanent certificate of occupancy for any #compensated development# by the Department of Buildings.
- (6) Where all of the #dwelling units#, #rooming units# or #supportive housing units# in a #generating site#, other than any #super's unit#, are #affordable housing units#, the #regulatory agreement# shall provide that, following a default and any applicable opportunity to cure, #HPD# may, in addition to any other remedies provided therein or by applicable law,
- (i) appoint a receiver to manage such #generating site# or
- (ii) take control of the board of directors of any housing development fund company or not-for-profit corporation that owns, controls or operates such #generating site#.
- (7) Where applicable in accordance with Section 23-96(g) (Monthly Rent), the #regulatory agreement# shall provide that certain obligations shall survive the #regulatory period#.
- (g) **Housing Standards**  
Upon the date that #HPD# issues the #completion notice#, the #generating site# shall be entirely free of violations of record issued by any city or state agency pursuant to the Multiple Dwelling Law, the Building Code, the Housing Maintenance Code and this Zoning Resolution, except as may be otherwise provided in the #guidelines# with respect to non-hazardous violations in occupied #affordable housing units# of #preservation affordable housing# or #substantial rehabilitation affordable housing#.
- (h) **Insurance**  
The #affordable housing# in a #generating site# shall at all times be insured against any damage or destruction in an amount not less than the replacement value of such #affordable housing#. Any insurance proceeds resulting from damage or destruction of all or part of the #generating site# containing such #affordable housing# shall be used first to restore any damaged or destroyed #affordable housing#, except that #HPD# may provide priority for lenders participating in the financing of #affordable housing# that is assisted under city, state or federal programs.
- (i) **Duration of Obligations**  
The obligation to provide and maintain a specified amount of #affordable housing# on a #generating site# shall run with the #zoning lot# containing such #generating site# for not less than the #regulatory period#. If any portion of such #affordable housing# is damaged or destroyed, no #floor area# shall be #developed#, reconstructed or repaired on such #zoning lot#, and no #development#, #enlargement#, extension or change of #use# shall occur on such #zoning lot#, unless
- (1) the amount of such #floor area# devoted to #affordable housing# is not less than the #floor area# of the #affordable housing# that was damaged or destroyed, or
- (2) one hundred percent of such #developed#, reconstructed or repaired #floor area# is #affordable housing#.
- (j) **One Generating Site May Satisfy Requirements for Multiple Compensated Zoning Lots**  
Any #generating site# may contain #affordable housing# that satisfies the requirements of this Section 23-90 (INCLUSIONARY HOUSING), inclusive, for more than one #compensated development#, provided that no #affordable floor area# shall be counted more than once in determining the amount of #floor area compensation# for such #compensated developments#.
- (k) **Guidelines**  
#HPD# shall adopt and may modify #guidelines# for the implementation of the provisions of this Section 23-90 (INCLUSIONARY HOUSING), inclusive.
- #affordable housing# on a #generating site# for the entire #regulatory period#:
- (a) **Tenant Selection**
- (1) Upon #rent-up# and any subsequent vacancy for the entire #regulatory period#, #affordable housing units# shall only be leased to and occupied by #low income households#, #moderate income households# and #middle income households#, as applicable. No lease or sublease of an #affordable housing unit# shall be executed, and no tenant or subtenant shall commence occupancy of an #affordable housing unit#, without the prior approval of the #administering agent#.
- (2) A tenant may, with the prior approval of the #administering agent#, sublet an #affordable housing unit# for not more than a total of two years, including the term of the proposed sublease, out of the four-year period preceding the termination date of the proposed sublease. The aggregate payments made by any sublessee in any calendar month shall not exceed the #monthly rent# that could be charged to the sublessor in accordance with the #regulatory agreement#.
- (3) A #low income household# may rent an #affordable housing unit# that is restricted to occupancy by #moderate income# or #middle income households#, provided that the #administering agent# determines that such #low income household# is able to utilize rent subsidies pursuant to Section 8 of the United States Housing Act of 1937, as amended, to afford the applicable #monthly rent#.
- (b) **Monthly Rent**
- (1) The #regulatory agreement# shall provide that each #affordable housing unit# shall be registered with the Division of Housing and Community Renewal at the initial #monthly rent# established by #HPD# within 60 days following the #rent-up date# and shall thereafter remain subject to #rent stabilization# for the entire #regulatory period# and thereafter until vacancy. However, the #regulatory agreement# may permit an alternative date by which any #affordable housing units# that are vacant on the #rent-up date# shall be registered with the Division of Housing and Community Renewal at the initial #monthly rent# established by #HPD#.
- (i) However, any #affordable housing unit# of #preservation affordable housing# or #substantial rehabilitation affordable housing# that is both occupied by a #grandfathered tenant# and subject to the Emergency Housing Rent Control Law on the #regulatory agreement date# shall remain subject to the Emergency Housing Rent Control Law until the first vacancy following the #regulatory agreement date# and shall thereafter be subject to #rent stabilization# as provided herein.
- (ii) The #regulatory agreement# shall provide that upon each annual registration of an #affordable housing unit# with the Division of Housing and Community Renewal, the #legal regulated rent# for such #affordable housing unit# shall be registered with the Division of Housing and Community Renewal at an amount not exceeding the #maximum monthly rent#. However, the #regulatory agreement# shall provide that this requirement shall not apply to an #affordable housing unit# occupied by a #grandfathered tenant# until the first vacancy after the #regulatory agreement date#.
- (2) The #regulatory agreement# shall provide that the #monthly rent# charged to the tenant of any #affordable housing unit# at #initial occupancy# and in each subsequent renewal lease shall not exceed the lesser of the #maximum monthly rent# or the #legal regulated rent#. However, the #regulatory agreement# shall provide that these requirements shall not apply to an #affordable housing unit# occupied by a #grandfathered tenant#, until the first vacancy after the #regulatory agreement date#.
- (3) Within 60 days following the #rent-up date#, the #administering agent# shall submit an affidavit to #HPD# attesting that the #monthly rent# registered and charged for each #affordable housing unit# complied with the applicable #monthly rent# requirements at the time of #initial occupancy#.
- (4) Each year after #rent-up#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each lease or sublease of an #affordable housing unit# or renewal thereof during the preceding year complied with the applicable #monthly rent# requirements at the time of execution of the lease or sublease or renewal thereof.
- (5) The #regulatory agreement# shall provide that the lessor of an #affordable housing
- unit# shall not utilize any exemption or exclusion from any requirement of #rent stabilization# to which such lessor might otherwise be or become entitled with respect to such #affordable housing unit#, including, but not limited to, any exemption or exclusion from the rent limits, renewal lease requirements, registration requirements, or other provisions of #rent stabilization#, due to (i) the vacancy of a unit where the #legal regulated rent# exceeds a prescribed maximum amount, (ii) the fact that tenant income or the #legal regulated rent# exceeds prescribed maximum amounts, (iii) the nature of the tenant, or (iv) any other reason.
- (6) The #regulatory agreement# and each lease of an #affordable housing unit# shall contractually require the lessor of each #affordable housing unit# to grant all tenants the same rights that they would be entitled to under #rent stabilization# without regard to whether such #affordable housing unit# is statutorily subject to #rent stabilization#. If any court declares that #rent stabilization# is statutorily inapplicable to an #affordable housing unit#, such contractual rights shall thereafter continue in effect for the remainder of the #regulatory period#.
- (7) The #regulatory agreement# shall provide that each #affordable housing unit# that is occupied by a tenant at the end of the #regulatory period# shall thereafter remain subject to #rent stabilization# for not less than the period of time that such tenant continues to occupy such #affordable housing unit#, except that any occupied #affordable housing unit# that is subject to the Emergency Housing Rent Control Law at the end of the #regulatory period# shall remain subject to the Emergency Housing Rent Control Law until the first vacancy.
- (c) **Income**
- (1) Each #affordable housing unit# shall be leased to and occupied by #low income households#, #moderate income households# or #middle income households#, as applicable, for the entire #regulatory period#.
- (2) The #administering agent# shall verify the #household# income of the proposed tenant prior to leasing any vacant #affordable housing unit# in order to ensure that it is a #low income household#, #moderate income household# or #middle income household#, as applicable.
- (3) Within 60 days following the #rent-up date#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #household# occupying an #affordable housing unit# complied with the applicable income eligibility requirements at the time of #initial occupancy#.
- (4) Each year after #rent-up#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #household# that commenced occupancy of a vacant #affordable housing unit# during the preceding year, and each #household# that subleased an #affordable housing unit# during the preceding year, complied with the applicable income eligibility requirements at the time of #initial occupancy#.
- (d) **Affordable Housing Plan**
- (1) An #affordable housing plan# shall designate the initial #administering agent#, include the agreement with the initial #administering agent#, state how #administering agents# may be removed, state how a new #administering agent# may be selected upon the removal or other departure of any #administering agent#, include the building plans, state the number and bedroom mix of the #affordable housing units# to be #developed#, rehabilitated or preserved, indicate how tenants will be selected at #rent-up# and upon each subsequent vacancy of an #affordable housing unit#, indicate how the #household# income of each prospective tenant will be verified prior to such #household#'s #initial occupancy# of an #affordable housing unit# and include such additional information as #HPD# deems necessary.
- (2) An #affordable housing plan# shall demonstrate the feasibility of creating and maintaining #affordable housing# in accordance with this Section 23-90 (INCLUSIONARY HOUSING), inclusive, including that:
- (i) there will be sufficient revenue to provide for adequate maintenance, operation and administration of the #affordable housing#;
- (ii) #affordable housing units# will be leased to eligible #households# by a responsible #administering agent# at #rent-up# and upon each subsequent vacancy; and
- (iii) tenants will be selected in an equitable manner in accordance with laws prohibiting discrimination and all other applicable laws.
- (3) A copy of any proposed #affordable

housing plan# shall be delivered to the affected Community Board, which may review such proposal and submit comments to #HPD#. #HPD# shall not approve a proposed #affordable housing plan# until the earlier of:

- (i) the date that the affected Community Board submits comments regarding such proposal to #HPD# or informs #HPD# that such Community Board has no comments, or
- (ii) 45 days from the date that such proposal was submitted to the affected Community Board.

(e) Special requirements for rental #preservation affordable housing#

- (1) The following additional requirements shall apply to rental #preservation affordable housing#: all of the #dwelling units#, #rooming units# and #supportive housing units# in the #generating site#, other than any #super's unit#, shall be #affordable housing units# that are leased to and occupied by #low income households# for the entire #regulatory period#;
- (2) on the #regulatory agreement date#, the average of the #legal regulated rents# for all #affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;
- (3) on the #regulatory agreement date#, #HPD# shall have determined that the condition of the #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;
- (4) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#;
- (5) except with the prior approval of #HPD#, #monthly rents# charged for #affordable housing units# shall not be increased to reflect the costs of any repair, renovation, rehabilitation or improvement performed in connection with qualification as a #generating site#, even though such increases may be permitted by other laws; and
- (6) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

(f) Special requirements for rental #substantial rehabilitation affordable housing# the following additional requirements shall apply to rental #substantial rehabilitation affordable housing#:

- (1) such #affordable housing# shall be created through the rehabilitation of a #generating site# at a cost per completed #affordable housing unit# that exceeds a minimum threshold set by #HPD# in the #guidelines#;
- (2) on the #regulatory agreement date#, the average of the #legal regulated rents# for all #affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;
- (3) on the #regulatory agreement date#, #HPD# shall have determined that the condition of such #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;
- (4) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#;
- (5) except with the prior approval of #HPD#, #monthly rents# charged for #affordable housing units# shall not be increased to reflect the costs of any repair, renovation, rehabilitation or improvement performed in connection with qualification as a #generating site#, even though such increases may be permitted by other laws; and
- (6) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

**23-962 Additional Requirements for Homeownership Affordable Housing**

The following additional requirements shall apply to #homeownership affordable housing# on a #generating site# for the entire #regulatory period#:

(a) Homeowner Selection

- (1) Upon #sale# #homeownership affordable housing units# shall only be occupied by #eligible buyers# that are #low income households#, #moderate income households# and #middle income households#, as applicable. Upon any subsequent #resale# for the entire #regulatory period#, #homeownership affordable housing units# shall be sold to and occupied by #eligible buyers# at or below the #maximum resale price# on the #sale date#, as applicable. No #homeownership affordable housing unit# shall be sold to or occupied by any #household# or any other person without the prior approval of the #administering agent#.
- (2) A #homeowner# may, with the prior approval of the #administering agent#, sublet an #homeownership affordable housing unit# to another #low income household#, #moderate income household#, #middle income household#, or #eligible buyer#, as applicable, for not more than a total of two years, including the term of the proposed sublease, out of the four-year period preceding the termination date of the proposed sublease. The aggregate payments made by any sublessee in any calendar month shall not exceed the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes paid by the sublessor.
- (3) A #homeowner# shall reside in the #homeownership affordable housing unit# except as provided in paragraph (a)(2) of this Section.
- (4) The restrictions in this Section 23-962(a) on the ownership of #homeownership affordable housing units# shall not prevent the exercise of a valid lien by a #mortgage# lender, #cooperative corporation#, #condominium association# or any other entity authorized by the #regulatory agreement# to take possession of a #homeownership affordable housing unit# in the event of default by the #homeowner#. However, any #sale# or #resale# by such lien holder shall be to an #eligible buyer#, in accordance with this Section 23-962(a) and the #guidelines#.

(b) Price

- (1) The #initial price# or #maximum resale price# of any #homeownership affordable housing unit# shall be set assuming a #mortgage#, as defined in section 23-913 (Definitions Applying to Homeownership Generating Sites).
- (2) The #regulatory agreement# shall establish the #initial price# for each #homeownership affordable housing unit#. #HPD# shall set the #initial price# to ensure that the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes to be paid directly by the #homeowner# will not exceed 30 percent of the #low income limit#, #moderate income limit# or #middle income limit#, as applicable.
- (3) Prior to any #resale# of an #homeownership affordable housing unit#, the #administering agent# shall set the #maximum resale price# for such #homeownership affordable housing unit#.
- (4) The #administering agent# shall not approve any #resale# unless the selected #eligible buyer# provides a #down payment# as specified in the #guidelines#.
- (5) An #homeownership affordable housing unit#, or any shares in a #cooperative corporation# appurtenant thereto, shall not secure any debt unless such debt is a #mortgage# that has been approved by the #administering agent#.

(c) Income

- (1) The #administering agent# shall verify the #household# income of a proposed #homeowner#, in accordance with the #guidelines#, prior to the #sale date# of any #homeownership affordable housing unit# in order to ensure that, upon #sale#, it is a #low income household#, #moderate income household# or #middle income household#, as applicable, and that upon #resale#, it is an #eligible buyer#.
- (2) The #administering agent# shall meet reporting requirements on each #sale and #resale# as set forth in the #guidelines#.
- (3) Each year after the #commencement date#, in the month specified in the

#regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #resale# of an #homeownership affordable housing unit# during the preceding year complied with all applicable requirements on the #resale date#.

(d) Affordable Housing Plan

- (1) An #affordable housing plan# shall include the building plans, state the number and bedroom mix of the #homeownership affordable housing units# to be #developed#, rehabilitated or preserved, indicate how #homeowners# will be selected upon each #sale# or #resale# of a #homeownership affordable housing unit#, indicate how the #household# income of #eligible buyers# will be verified prior to such #household's initial occupancy# of a #homeownership affordable housing unit# and include such additional information as #HPD# deems necessary.
- (2) An #affordable housing plan# shall demonstrate the feasibility of creating and maintaining #homeownership affordable housing#, including that:
  - (i) there will be sufficient revenue to provide for adequate maintenance, operation and administration of the #affordable housing#;
  - (ii) #affordable housing units# will be sold under the supervision of a responsible #administering agent# to #eligible buyers# at each #sale# and #resale#; and
  - (iii) #homeowners# will be selected in an equitable manner in accordance with laws prohibiting discrimination and all other applicable laws.
- (3) The requirements of Section 23-961(d)(3) shall apply.

(e) Housing Standards

The requirements of Section 23-96(g) shall apply. In addition, each #homeowner# shall be obligated to maintain each #homeownership affordable housing unit# in accordance with minimum quality standards set forth in the #guidelines#. Prior to any #resale#, #HPD#, or its designee as specified in the #guidelines#, shall inspect the #affordable housing unit# and shall either require the #homeowner# to remedy any condition that violates such minimum quality standards before the #sale date#, or require the retention of a portion of the #resale# proceeds to pay the cost of remedying such condition.

(f) Special requirements for #homeownership preservation affordable housing#:

The following additional requirements shall apply to #homeownership preservation affordable housing#:

- (1) on the #regulatory agreement date#, the #generating site# shall be an existing #residential building#.
- (2) on the #regulatory agreement date#, the average of the #legal regulated rents#, as such term is defined in Section 23-912, for all #homeownership affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;
- (3) where #grandfathered tenants# continue in residence subsequent to the #regulatory agreement date#, any #affordable housing unit# that is occupied by a #grandfathered tenant# shall be operated subject to the restrictions of Section 23-961 (Additional Requirements for Rental Affordable Housing) until such #affordable housing unit# is purchased and occupied by an #eligible buyer#;
- (4) on the #regulatory agreement date#, #HPD# shall have determined that the condition of the #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;
- (5) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been

established to fully fund the replacement of such #capital element#; and

- (6) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

(g) Special requirements for #homeownership substantial rehabilitation affordable housing#.

The following additional requirements shall apply to #homeownership substantial rehabilitation affordable housing#:

- (1) on the #regulatory agreement date#, the #generating site# shall be an existing #building#;
- (2) such #affordable housing# shall be created through the rehabilitation of such existing #building# at a cost per completed #homeownership affordable housing unit# that exceeds a minimum threshold set by #HPD# in the #guidelines#;
- (3) on the #regulatory agreement date#, the average of the #legal regulated rents#, as such term is defined in Section 23-912, for all #homeownership affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;
- (4) where #grandfathered tenants# continue in residence subsequent to the #regulatory agreement date#, any #affordable housing unit# that is occupied by a #grandfathered tenant# shall be operated subject to the restrictions of Section 23-961 (Additional Requirements for Rental Affordable Housing ) until such #affordable housing unit# is purchased and occupied by an #eligible buyer#;
- (5) on the #regulatory agreement date#, #HPD# shall have determined that the condition of such #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;
- (6) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#; and
- (7) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

**APPENDIX A  
INCLUSIONARY HOUSING DESIGNATED AREAS**

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

- (a) In Community District 1, in the Borough of Brooklyn, Waterfront Access Plan BK-1, as set forth in Section 62-352, and the R6, R6A, R6B and R7A Districts within the areas shown on the following Maps 1 and 2:

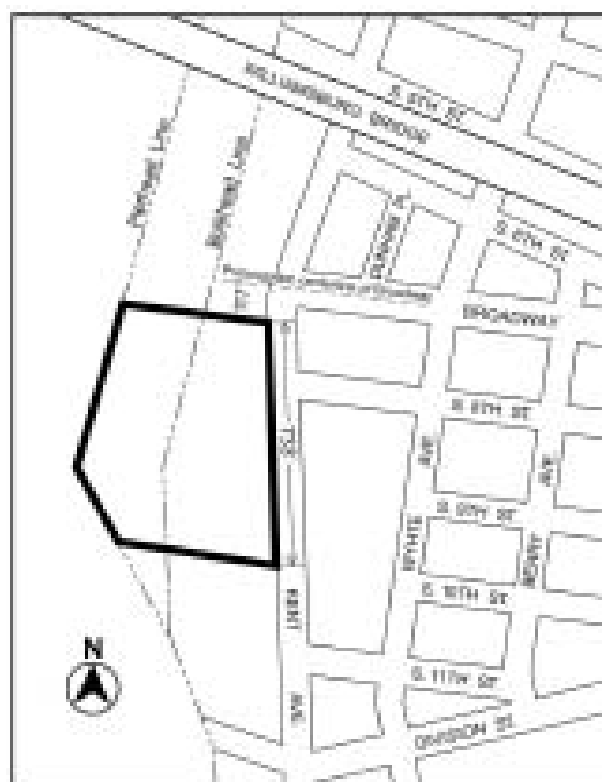


Map 1  
Portion of Community District 1, Brooklyn



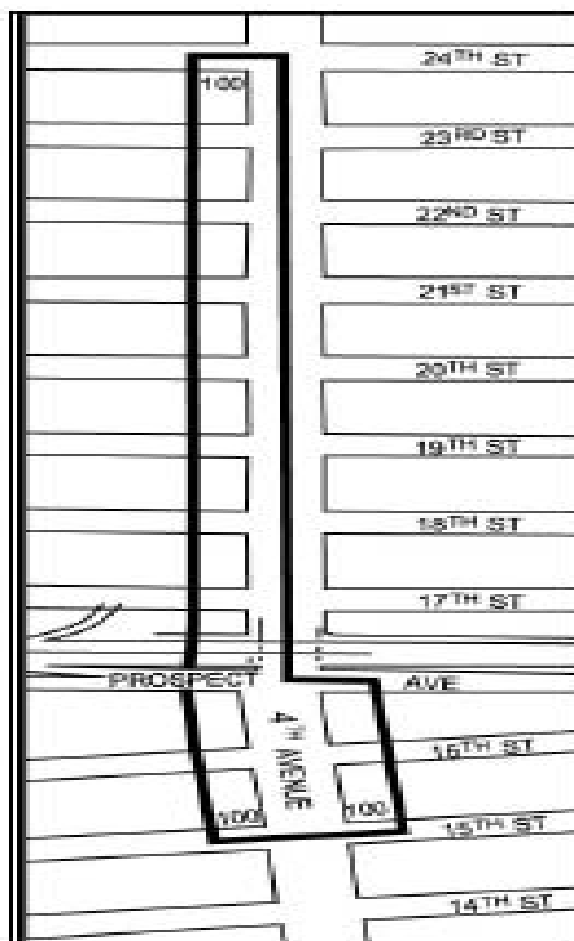
Map 2  
Portion of Community District 1, Brooklyn

- (b) In Community District 1, in the Borough of Brooklyn, the R7-3 Districts within the area shown on the following Map 3:



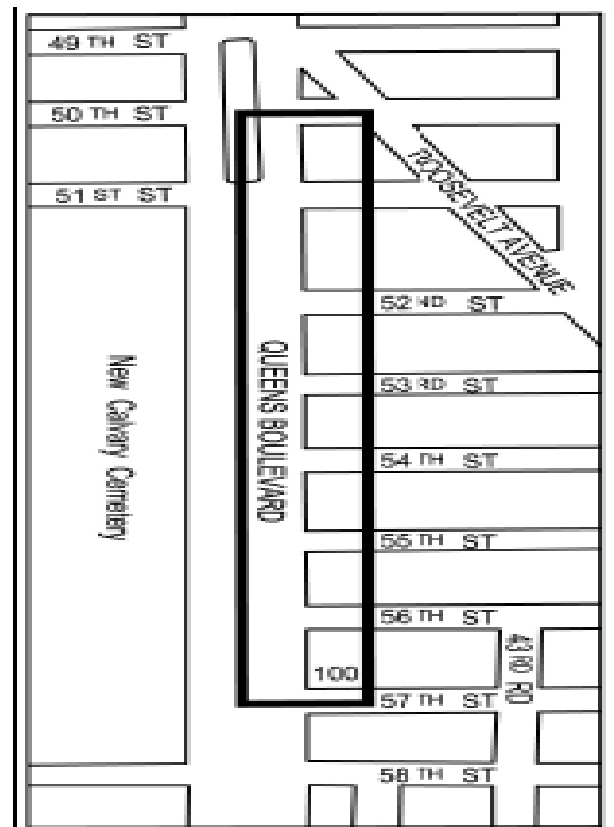
Map 3  
Portion of Community District 1, Brooklyn

- (c) In Community District 7, in the Borough of Brooklyn, the R8A District within the area shown on the following Map 4:

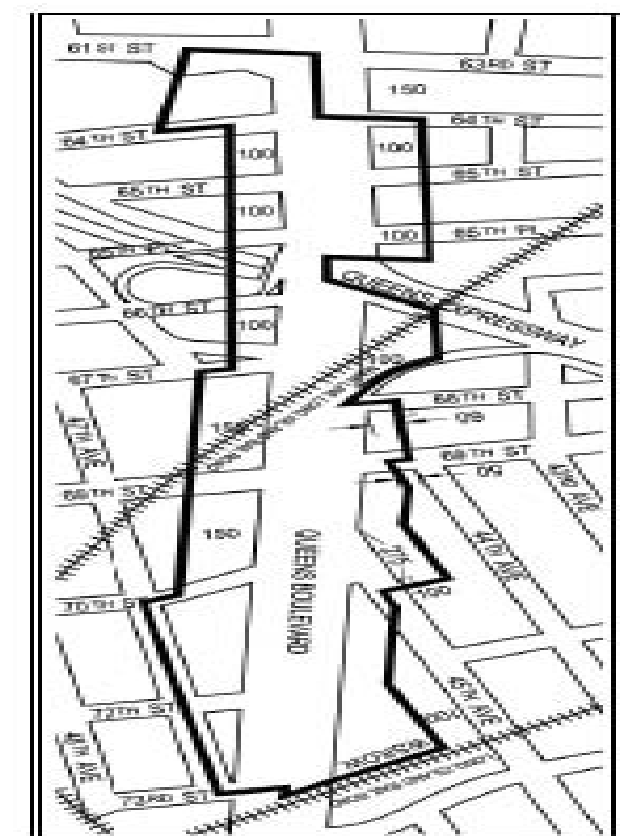


Map 4  
Portion of Community District 7, Brooklyn

- (d) In Community District 2, in the Borough of Queens, the R7X Districts within the areas shown on the following Maps 5 and 6:

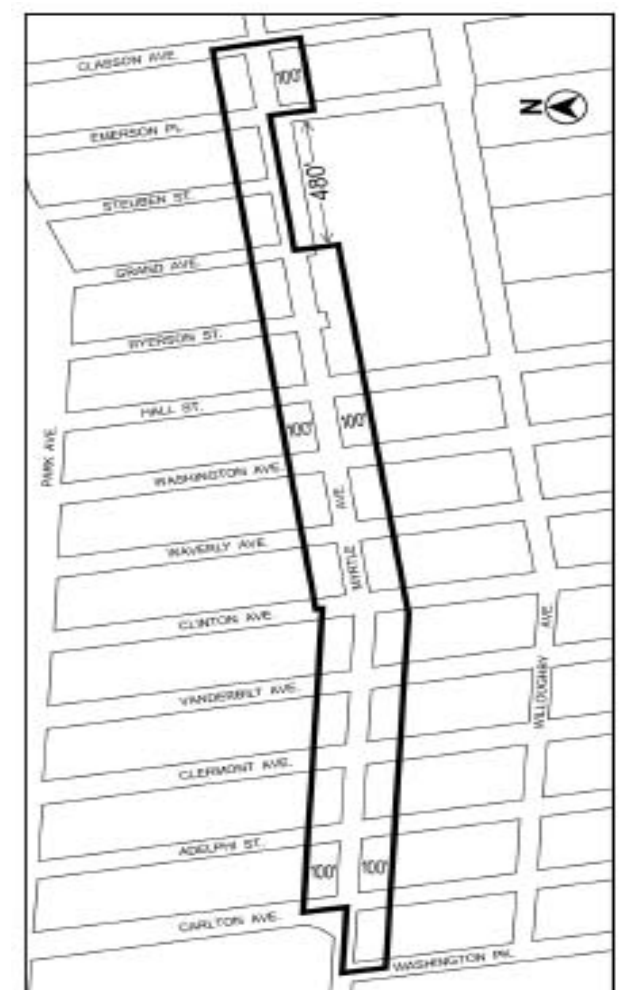


Map 5  
Portion of Community District 2, Queens



Map 6  
Portion of Community District 2, Queens

- (e) In Community District 2, in the Borough of Brooklyn, the R7A Districts within the areas shown on the following Maps 7, 8 and 9:



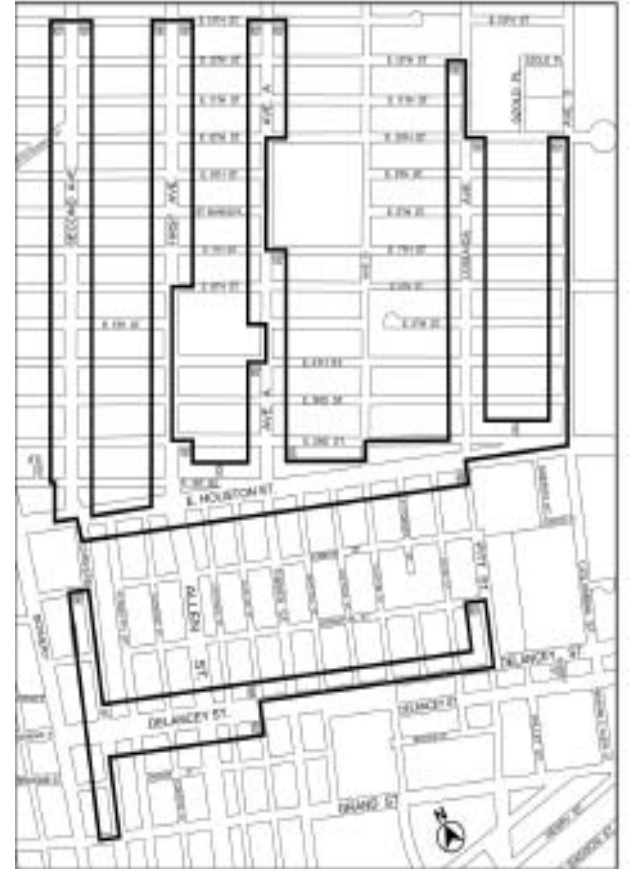
Map 7  
Portion of Community District 2, Brooklyn



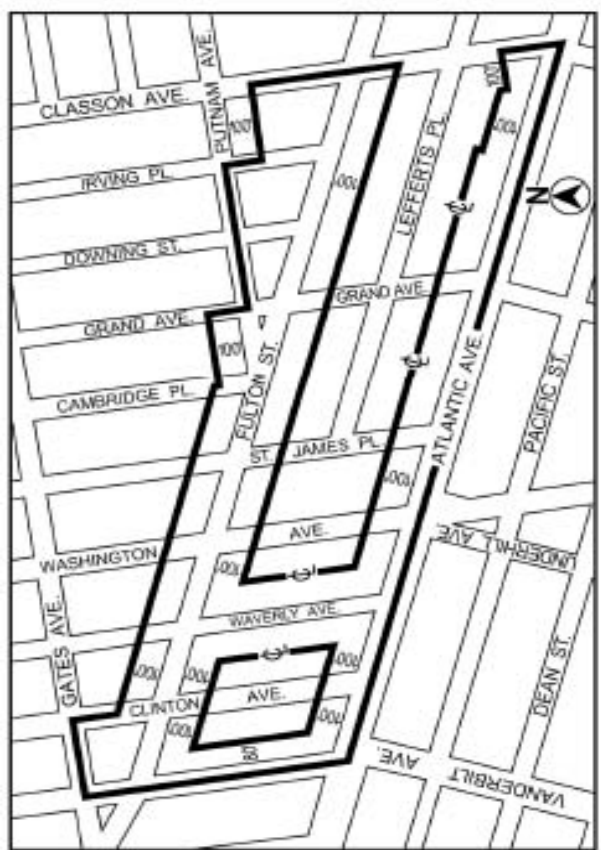
Map 8  
Portion of Community District 2, Brooklyn



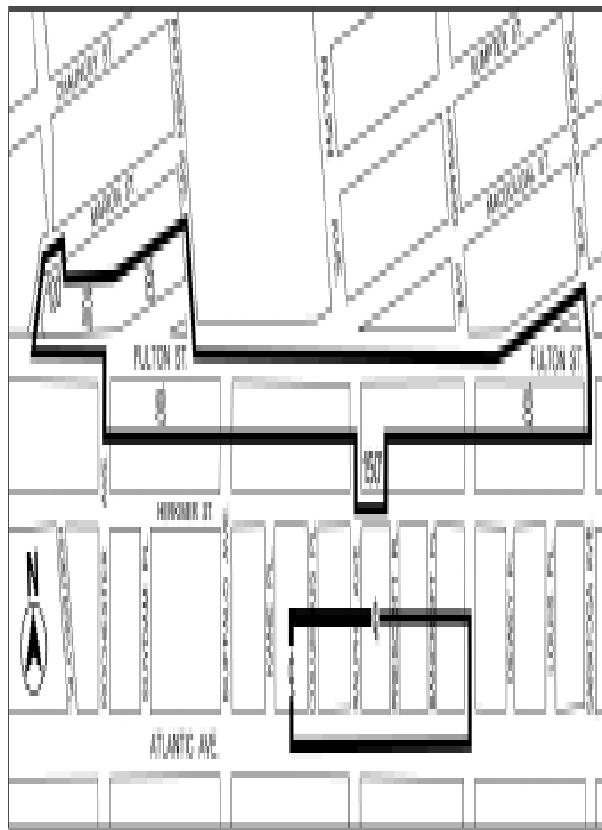
MAP 11  
Portion of Community District 3, Brooklyn



Map 14  
Portion of Community District 3, Manhattan

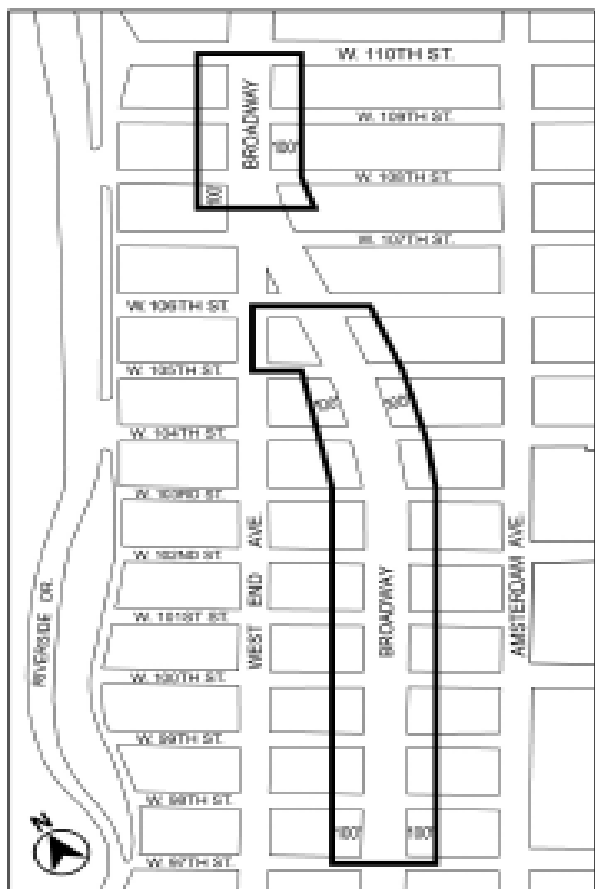


Map 9  
Portion of Community District 2, Brooklyn



MAP 12  
Portion of Community District 3, Brooklyn

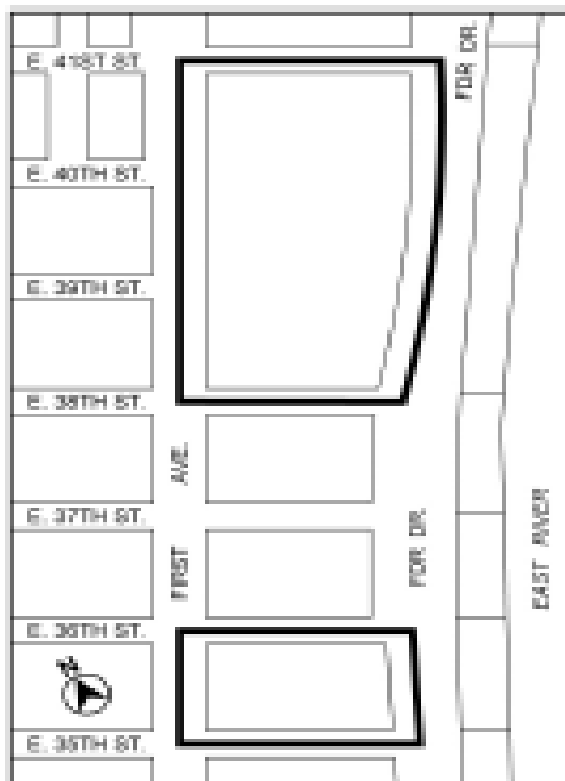
(f) In Community District 7, in the Borough of Manhattan, the R9A Districts within the areas shown on the following Map 10:



Map 10  
Portion of Community District 7, Manhattan

(g) In Community District 3, in the Borough of Brooklyn, the R7D Districts within the areas shown on the following Maps 11 and 12:

(h) In Community District 6, in the Borough of Manhattan, the R10 Districts within the areas shown on the following Map 13:



MAP 13  
Portion of Community District 6, Manhattan

(i) In Community District 3, in the Borough of Manhattan, the R7A, R8A and R9A Districts within the areas shown on the following Map 14:

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

- (1) Special Hudson Yards District – see Section 93-23 (Modifications of Inclusionary Housing Program)
- (2) Special West Chelsea District – see Section 98-26 (Modifications of Inclusionary Housing Program)
- (3) Special Downtown Jamaica District – see Section 115-211 (Special Inclusionary Housing Regulations)
- (4) Special 125th Street District – see Section 97-421 (Inclusionary Housing)
- (5) Special Long Island City Mixed Use District – see Section 117-631 (Floor area ratio and lot coverage modifications)
- (6) Special Garment Center District – see Section 93-23 (Modifications of Inclusionary Housing Program)
- (7) Special Southern Hunters Point District – see Section 125-22 (Newtown Creek Subdistrict)
- (8) Special Clinton District – see Section 96-81 (C6-3X Designated District)

\* \* \*

**24-161 Maximum floor area ratio for zoning lots containing community facility and residential uses**  
R1 R2 R3-1 R3A R3X R4-1 R4A R4B R5D R6A R6B R7-2 R7A R7B R7D R7X R8 R9 R10

In the districts indicated, for #zoning lots# containing #community facility# and #residential uses#, the maximum #floor area ratio# permitted for a #community facility use# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

In the #Inclusionary Housing designated areas# set forth in Section 23-922 (Inclusionary Housing designated areas), except within Waterfront Access Plan BK-1; and in Community District 1, Brooklyn, in R6 Districts without a letter suffix, the maximum #floor area ratio# permitted for #zoning lots# containing #community facility# and #residential uses# shall be the base #floor area ratio# set forth in Section 23-9542 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #affordable housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING), inclusive.

\* \* \*

**35-31 Maximum Floor Area Ratio for Mixed Buildings**  
C1 C2 C3 C4 C5 C6

In all districts, except as set forth in Section 35-311, the provisions of this Section shall apply to any #zoning lot# containing a #mixed building#.

The maximum #floor area ratio# permitted for a #commercial# or #community facility use# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#. However, in C4-7 Districts within Community District 7 in the Borough of Manhattan, such maximum #residential floor area ratio# may be increased pursuant to the provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive.

In the #Inclusionary Housing designated areas# set forth in Section 23-922 (Inclusionary Housing designated areas), except within Waterfront Access Plan BK-1; and in Community District 1, Brooklyn, in R6 Districts without a letter suffix, the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be the base #floor area ratio# set forth in Section 23-9542 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #lower income affordable housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING), inclusive.

A non-#residential use# occupying a portion of a #building# that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations on maximum #floor area ratio# shall not apply to such change of #use#.

\* \* \*

ARTICLE VI  
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

\* \* \*

Chapter 2  
Special Regulations Applying in the Waterfront Area

62-35 Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn

62-352 Inclusionary Housing

The provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive, shall apply in R7-3 Districts in Community District 1, Borough of Brooklyn, and in R6, R7D and R8 Districts within Waterfront Access Plan BK-1, as modified in this Section.

(a) Definitions For the purposes of this Section, matter in italics is defined in Sections 12-10, or in Section 23-90 (INCLUSIONARY HOUSING), inclusive or in this Section, as modified.

Fair rent

At initial occupancy of #lower income housing# that is occupied by a #moderate income household# as defined in this Section, "fair rent" shall include an annual rent for each such housing unit equal to not more than 30 percent of the annual income of the tenant of such housing (the "30 Percent Standard").

Upon renewal of a lease for such an existing tenant in #lower income housing#, #fair rent# (the "Rent Stabilization Standard") is not more than the then-current #fair rent# for such housing plus a percentage increase equal to the percentage increase for a renewal lease of the same term permitted by the Rent Guidelines Board, or its successor, for units subject to the rent stabilization law.

After initial occupancy, upon rental of #lower income housing# to a new tenant, #fair rent# is not more than the higher of:

- (1) the then currently applicable "30 Percent Standard"; or
(2) the Rent Stabilization Standard.

In order for rent to be #fair rent#, the following must also apply:

There shall be no additional charge to the tenant for the provision of heat and electric service, except that the Commissioner of Housing Preservation and Development may approve a #lower income housing plan# making a #lower income# or #moderate income household# responsible for the payment of utilities as long as the sum of the following do not exceed 30 percent of said #lower income# or #moderate income household's# income:

- (i) the initial #fair rent#; and
(ii) the monthly costs of a reasonable compensation for these utilities, by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment.

However, the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered #fair rent#, provided that such rents do not exceed 30 percent of a #moderate income household's# income and provided further that upon expiration or termination of the requirements of the City, State or Federal program, rent increases and re-rentals shall be subject to the higher of the then currently applicable 30 Percent Standard or the Rent Stabilization Standard.

Lower income housing

For the purposes of this Section, "lower income housing" shall include #standard units# occupied, or to be occupied, by #lower income# or #moderate income households#.

Moderate income household

For the purposes of this Section, a "moderate income household" is a #family# having an income equal to or less than the following proportion of the income limits (the "80 Percent of SMSA Limits") for New York City residents established by the U. S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 125/80

- (b) #Floor area compensation# increase
(1) For #zoning lots# located in R8 Districts, or located partially in R8 Districts and partially in R6 Districts, the maximum permitted #floor area ratio# on such #zoning lots# may be increased in R6 Districts from 2.43 to 2.75, and in R8 Districts from 4.88 to 6.5; and for #zoning lots# located in R7-3 Districts, the maximum permitted #floor area ratio# on such #zoning lots# may be increased from 3.75 to 5.0, provided that:
(i) the amount of #low income floor area# is equal to at least 20 percent of the total #residential floor area#, exclusive of ground-floor non-#residential floor area#, on the #zoning lot# is occupied by #lower income households#; or
(ii) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area#, exclusive of ground-floor non-#residential floor area#, on the #zoning lot# is occupied by #moderate income households#.

- (2) For #zoning lots# located entirely within R6 Districts, the maximum permitted #floor area ratio# may be increased from 2.43 to 2.75, provided that:
(i) the amount of #low income floor area# is equal to at least 7.5 percent of the total #residential floor area#, exclusive of ground-floor non-#residential floor area#, on the #zoning lot# is occupied by #lower income households#; or
(ii) the amount of #low income floor area# is equal to at least five percent of the total #residential floor area#, exclusive of ground-floor non-#residential floor area#, on the #zoning lot# is occupied by #moderate income households#.

Where #lower# or moderate #income housing# is provided on a #zoning lot# other than the #zoning lot# occupied by the #compensated development#, the percentage of #residential floor area# required to be occupied by such households, pursuant to this Section, shall be determined as a percentage of the #residential floor area# on the #zoning lot# of such #compensated development#, inclusive of #floor area# bonus pursuant to this Section.

For the purposes of determining the amount of #lower income housing# required to increase the maximum permitted #floor area# pursuant to this paragraph, (b), community facility #floor area# used as a philanthropic or not for profit institution with sleeping accommodations shall be considered #residential floor area#.

For the purposes of this paragraph (b), inclusive, #low income floor area# may be considered #moderate income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

Any #zoning lot# located entirely within an R6 District that, in conjunction with a #zoning lot# located partially or entirely within an R8 District, utilizes a distribution of #floor area#, #lot coverage# or #residential# density without regard to zoning lot lines# or district boundaries pursuant to Section 62-353 (Special floor area, lot coverage and residential density distribution regulations), shall comply with the provisions of paragraph (b)(1) of this Section.

(c) #Lower Income Housing# Requirements

#Developments# that increase #floor area# in accordance with the provisions of this Section shall comply with the #lower income housing# requirements of Section 23-95, except as modified in this paragraph, (c).

- (1) The provisions of Section 23-95, paragraph (b), shall apply, except that in addition, incoming households of #standard units# in #lower income housing# may be #moderate income households#, and sublessees of a #moderate income household# may also be a #moderate income household#.

Furthermore, on and after the issuance of a certificate of occupancy for #lower income housing#, the #administering agent# shall have a duty to rent such housing to lower or #moderate income households#, as provided in this Section and in the approved #lower income housing plan#.

This duty to rent shall be satisfied by the #administering agent#, if such agent has in fact rented all such units to #lower# or #moderate income households#, as provided in this Section or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.

- (2) The provisions of Section 23-95, paragraph (d), shall apply, except that prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing, to assure that the households are #lower# or #moderate income households# as provided by this Section. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing# are lower or #moderate income households# as required by the provisions of this Section and in the approved #lower income housing# plan.
(2) The provisions of Sections 23-951, 23-952 and 23-953 shall apply, except that with respect to Sections 23-951, paragraph (a), 23-952, paragraph (b) and 23-953, paragraph (a), #lower income housing# shall be maintained and leased to #lower# or #moderate income households#, as provided in this Section, for the life of the increased #floor area#, and in accordance with the approved #lower income housing plan#. Furthermore, Section 23-953, paragraph (a), shall be modified to provide that the #administering agent# shall not be required to verify the income of households in tenancy as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing# plan.

(d) Permits and certificate of occupancy

The requirements of paragraphs (b) and (c) of Section 23-954 shall not apply. In lieu thereof, the provisions of this paragraph (d), shall apply be modified as follows:

No building permit for any portion of the #compensated development# that utilizes #floor area compensation# bonus pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354 (Special height and setback regulations) shall be issued until the #HPD Commissioner# of Housing Preservation and Development certifies that an acceptable #lower income housing plan# has been filed and approved has issued a #permit notice# with respect to the #affordable housing# that generates such #floor area compensation#.

No temporary or permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area compensation# bonus pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354, until a temporary certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# regulatory agreement# accepted by the Commissioner of Housing Preservation and Development has been issued or, if the building has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the #HPD Commissioner# has certified to the Department of Buildings that the applicant has fulfilled its obligations has issued a #completion notice# with respect to the #lower income affordable housing#. No permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonus pursuant to paragraph (b) of this Section, or is located on any #story# which utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354, until a permanent certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued or, if the building has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the #Commissioner# has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the #lower income housing#.

Prior to the issuance of any temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area# bonus pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354, the #Commissioner# of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.

ARTICLE IX SPECIAL PURPOSE DISTRICTS

Chapter 3 Special Hudson Yards District

93-23 Modifications of Inclusionary Housing Program The provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive, shall be applicable within Subdistrict C (34th Street Corridor) and Subareas D1 and D2 of Subdistrict D (Hell's Kitchen) of the #Special Hudson Yards District# and Area P2 of the #Special Garment Center District#, except as modified in this Section. However, the modifications set forth in this Section shall not be applicable in the area bounded by West 35th Street, Eighth Avenue, West 33rd Street, and a line 100 feet east of and parallel to Ninth Avenue, where the underlying provisions of Section 23-90, (INCLUSIONARY HOUSING), inclusive, shall apply shall be #Inclusionary Housing designated areas# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special Districts.

93-231 Definitions

For the purposes of this Chapter, matter in italics is defined in Sections 12-10, or in Section 23-90 (INCLUSIONARY HOUSING), inclusive, the following definitions in Section 23-93 shall be modified:

Administering agent

The "administering agent" is the entity or entities identified in the #lower income housing plan# as responsible for ensuring compliance with such plan.

The #administering agent# shall be a not for profit organization, unless the Commissioner of Housing Preservation and Development finds that a good faith effort by the developer of the #compensated development# to secure a qualified not for profit organization as the #administering agent# was unsuccessful. However, the Commissioner may approve an entity that is responsible for compliance monitoring pursuant to City, State or Federal funding sources, to serve as the #administering agent# during such compliance period.

If an entity other than a not for profit organization is proposed to serve as the #administering agent#, and the affected Community Board objects during its review period to the approval of the proposed entity, the Commissioner shall respond in writing to the Community Board's objections prior to approving the proposed entity to serve as #administering agent#.

Fair rent

"Fair rent" shall be as defined in Section 23-93 with respect to #standard units# occupied by #lower income households#, except that the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered "fair rent."



provided that such rents do not exceed 30 percent of a #lower income household's income, and provided further that upon expiration or termination of the requirements of the city, state or federal program, rent increases and re-rentals shall be subject to the higher of the then currently applicable Section 8 Standard or the Rent Stabilization Standard.

The following definition of "fair rent" shall apply to #moderate income households# and #middle income households#. At initial occupancy of #lower income housing# that is occupied by a #moderate income household# or a #middle income household# as defined in this Section, #fair rent# shall include an annual rent for each such housing unit equal to not more than 30 percent of the annual income of the tenant of such housing (the "30 Percent Standard").

Upon renewal of a lease for such an existing tenant in #lower income housing#, #fair rent# (the "Rent Stabilization Standard") is not more than the then current #fair rent# for such housing plus a percentage increase equal to the percentage increase for a renewal lease of the same term permitted by the Rent Guidelines Board for units subject to the rent stabilization law.

After initial occupancy, upon rental of #lower income housing# to a new tenant, #fair rent# is not more than the higher of:

- (a) the then currently applicable "30 Percent Standard"; or
(b) the Rent Stabilization Standard.

In order for rent to be #fair rent#, the following must also apply:

There shall be no additional charge to the tenant for the provision of heat and electric service, except that the Commissioner of Housing Preservation and Development may approve a #lower income housing plan# making a #lower income#, #moderate income# or #middle income household# responsible for the payment of utilities as long as the sum of the following does not exceed 30 percent of said #lower income#, #moderate income# or #middle income household's# income:

- (1) the initial #fair rent#; and
(2) the monthly costs of a reasonable compensation for these utilities, by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment.

The Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered #fair rent#, provided that such rents do not exceed 30 percent of a #moderate income# or #middle income household's# income, as applicable, and provided further that upon expiration or termination of the requirements of the City, State or Federal program, rent increases and re-rentals shall be subject to the higher of the then currently applicable 30 Percent Standard or the Rent Stabilization Standard.

At initial occupancy of any #lower income housing# occupied by a #moderate income# or #middle income household#, a portion of the #fair rents# may be for the payment of the principal or interest on debt, and such housing may secure debt, provided that, as of the date of the approval of the #lower income housing plan#, the Commissioner of Housing Preservation and Development finds that the total annual rent, when such interest and principal payments are deducted, is in compliance with the requirements of paragraph (c) of Section 23-95 (Lower Income Housing Requirements), and provided that the lender agrees to enter into a written agreement which subordinates such debt to the provisions of the #lower income housing plan#.

Lower income household

#Lower income households# shall also include all existing households in tenancy, provided such households occupy units that are within a #building# in which rents for all occupied units are regulated by City or State law, and the aggregate maximum permitted annual rent roll for such occupied units, divided by the number of occupied units, is less than 30 percent of the applicable income limit for a #lower income household# as provided in this Section. In determining the applicable income limit for such #lower income households#, the Commissioner of Housing Preservation and Development may make adjustments, consistent with the U.S. Department of Housing and Urban Development regulations, for the number of persons residing in each unit.

Lower income housing

For the purposes of Section 93-23 (Modifications of Inclusionary Housing Program), inclusive, #lower income housing#, as defined in Section 23-93, shall include #standard units# assisted under City, State or federal programs. #Lower income housing# shall also include #standard units# occupied or to be occupied by #lower income households#, as defined in Section 23-93, and #moderate income# or #middle income households#, as defined in this Section.

Moderate income household

For the purposes of Section 93-23, inclusive, a "moderate income household" is a #family# having an income equal to or less than the following proportion of the income limits (the "30 Percent of SMSA Limits") for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 125/80.

Middle income household

For the purposes of Section 93-23, inclusive, a "middle income household" is a #family# having an income equal to or less than the following proportion of the income limits (the "30 Percent of SMSA Limits") for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 175/80.

93-232

Floor area increase

The provisions of Section 23-9452 (Floor Area Compensation in Inclusionary Housing designated areas) shall not apply. In lieu thereof, the #floor area# compensation provisions of this

Section shall apply. In accordance with the provisions set forth in Section 93-22 (Floor Area Regulations in Subdistricts B, C, D and E) or 121-31 (Maximum Permitted Floor Area), the maximum permitted #residential floor area ratio# for #developments# or #enlargements# that provide #affordable housing# pursuant to the Inclusionary Housing program may be increased, as follows:

- (a) The permitted #floor area ratio# may be increased from 6.5, or as otherwise specified in Section 93-22, to a maximum of 9.0, provided that:

- (1) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#; or
(2) the amount of #low income floor area# is equal to at least five percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#, and the amount of #moderate income floor area# is equal to at least 7.5 percent of the total #residential floor area# on the #zoning lot# inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #moderate income households#; or
(3) the amount of #low income floor area# is equal to at least five percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#, and the amount of #middle income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #middle income households#.

- (b) The permitted #floor area ratio# may be increased from 9.0 to a maximum of 12.0, provided that:

- (1) the amount of #low income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#; or
(2) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#, and the amount of #moderate income floor area# is equal to at least 15 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #moderate income households#; or
(3) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#, and the amount of #middle income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #middle income households#.

For the purposes of this Section 93-232, inclusive, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#. Where #lower#, #moderate# or #middle income housing# is provided on a #zoning lot# other than the #zoning lot# occupied by the compensated #development#, the percentage of #residential floor area# required to be occupied by such households pursuant to this Section shall be determined as a percentage of the #residential floor area# on the #zoning lot# of such compensated #development#, inclusive of #floor area# bonused pursuant to this Section.

Lower income housing requirements #Developments# that increase #floor area# in accordance with the provisions of this Section shall comply with the lower income housing requirements of Section 23-95, except as modified in this Section.

- (a) The provisions of paragraph (b) (Tenant selection) of Section 23-95 shall apply, except that, in addition, incoming households of #standard units# in #lower income housing# may be #moderate# and #middle income households#, and sublessees of a #moderate# or #middle income household# may also be a #moderate# or #middle income household#. Furthermore, on and after the issuance of a certificate of occupancy for #lower income housing#, the #administering agent# shall have a duty to rent such housing to #lower#, #moderate# or #middle income households#, as provided in this Section and in the approved #lower income housing plan#.

This duty to rent shall be satisfied by the #administering agent# if such agent has in fact rented all such units to #lower#, #moderate# or #middle income households#, as provided in this Section and in the approved #lower income housing plan#, or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.

- (b) The provisions of paragraph (d) (Income verification) of Section 23-95 shall apply, except that prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing to assure that the households are #lower#, #moderate# or #middle income households# as provided by this Section and in the approved #lower income housing plan#. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing# are #lower#, #moderate# or #middle income

households# as required by the provisions of this Section and in the approved #lower income housing plan#.

- (e) The provisions of paragraph (g) (Insurance) of Section 23-95 may be modified by the Commissioner of Housing Preservation and Development to provide priority for lenders participating in the financing of #lower income housing# that is assisted under City, State or Federal programs.

- (d) Permits and certificate of occupancy

The requirements of paragraph (f) of Section 23-95 shall not apply. In lieu thereof, the provisions of this paragraph, (d), shall apply.

No building permit for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 (Floor area increase) shall be issued until the Commissioner of Housing Preservation and Development certifies that an acceptable #lower income housing plan# has been filed and approved.

No temporary certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 until a temporary certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued, or, if the building has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the #lower income housing#. No permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 until a permanent certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued or, if the building has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the #lower income housing#.

Prior to the issuance of any temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 the Commissioner of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.

- (e) The provisions of Sections 23-951 (On-site new construction option), 23-952 (Substantial rehabilitation and off-site new construction option) and 23-953 (Preservation option) shall apply, except as follows:

- (i) with respect to Sections 23-951, paragraph (a), 23-952, paragraph (b), and 23-953, paragraph (a), #lower income housing# shall be maintained and leased to #lower#, #moderate# or #middle income households#, as provided in this Section, for the life of the increased #floor area#, and in accordance with the approved #lower income housing plan#;
(ii) if the #lower income housing# is subject to the requirements of city, state or federal programs assisting the lower income housing that have size and distribution requirements conflicting with the size and distribution requirements of Section 23-951, paragraph (b), then the size and distribution requirements of Section 23-951, paragraph (b) may be waived by the Commissioner of Housing Preservation and Development to facilitate the #development# of #lower income housing#; and
(iii) Section 23-953 (a) shall be modified to provide that the #administering agent# shall not be required to verify the income of households in tenancy as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

93-90 HARASSMENT

- (a) Definitions

- (16) Restrictive declaration "Restrictive declaration" shall mean a legal instrument which:
(i) provides that #low income housing# in an amount not less than the #cure requirement# shall be provided in a new or altered #multiple dwelling# located in the #anti-harassment area#;
(ii) provides that the #low income housing# must comply with the requirements of Section 23-90 for rental #affordable housing# provided without #public funding#, as amended by this Chapter, unless any such requirement is waived by the Department of Housing Preservation and Development,

Chapter 6 Special Clinton District

96-10 PRESERVATION AREA

\* \* \*

**96-110**  
**Harassment and cure**  
 (a) Definitions

(11) Restrictive declaration  
 "Restrictive declaration" shall mean a legal instrument which:

(i) provides that #low income housing# in an amount not less than the #cure requirement# shall be provided in a new or altered #multiple dwelling# on the #cure compliance lot#;

(ii) provides that the #low income housing# must comply with the requirements of Section 23-90 for rental #affordable housing# provided without #public funding#, as amended by this Chapter, unless any such requirement is waived by the Department of Housing Preservation and Development. However, in the Preservation Area, paragraph (b) of Section 23-951 (On-site new construction option) shall be inapplicable and in its place and stead, paragraph (a) of Section 96-105 (Dwelling unit regulations) shall be applicable;

\* \* \*

**Chapter 7**  
**Special 125th Street District**

\* \* \*

4/30/08

**97-42**  
**Floor Area Bonuses**  
 The maximum #floor area ratio# for a #development# or #enlargement# within the #Special 125th Street District# may be increased by a floor area bonus, pursuant to Sections 97-421 and 23-90 (INCLUSIONARY HOUSING), inclusive, or 97-422 (Floor area bonus for visual or performing arts uses), which may be used concurrently.

4/30/08

**97-421**  
**Inclusionary Housing**  
 Within the #Special 125th Street District#, C4-4D, C4-7 and C6-3 Districts shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, and this Section, applicable within the Special District. Within such #Inclusionary Housing designated areas#, the #residential floor area ratio# may be increased by an Inclusionary Housing bonus, pursuant to the provisions of Sections 23-90 (INCLUSIONARY HOUSING), inclusive.

\* \* \*

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

\* \* \*

**98-26**  
**Modifications of Inclusionary Housing Program**  
 The provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive are incorporated and modified within the #Special West Chelsea District#, C6-3 and C6-4 Districts within Subareas A through D, and I, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing program regulations of Section 23-90, inclusive, applicable as modified within the Special District, as set forth in this Section, inclusive.

**98-261**  
**Definitions**  
 For the purposes of this Chapter, matter in italics is defined in Sections 12-10 or in Section 23-90 (INCLUSIONARY HOUSING), inclusive. The following definitions in Section 23-93 shall be modified:

**Administering agent**  
 The "administering agent" is not required to be a not for profit organization if the #floor area# of the #standard units# comprising the #lower income housing# constitutes less than half of the total #residential floor area# or community facility #floor area used# as a not for profit institution with sleeping accommodations in the #building#.

**Fair rent**  
 At initial occupancy of #lower income housing# that is occupied by a #moderate income household# or a #middle income household# as defined in this Section, "fair rent" shall include an annual rent for each such housing unit equal to not more than 30 percent of the annual income of the tenant of such housing (the "30 Percent Standard").

Upon renewal of a lease for such an existing tenant in #lower income housing#, #fair rent# (the "Rent Stabilization Standard") shall be not more than the then current #fair rent# for such housing plus a percentage increase equal to the percentage increase for a renewal lease of the same term permitted by the Rent Guidelines Board, or its successor, for units subject to the rent stabilization law.

After initial occupancy, upon rental of #lower income housing# to a new tenant, #fair rent# shall be not more than the higher of:

- (a) the then currently applicable "30 Percent Standard"; or
- (b) the Rent Stabilization Standard.

In order for rent to be #fair rent#, the following must also apply:

There shall be no additional charge to the tenant for the provision of heat and electric service, except that the Commissioner of Housing Preservation and Development may approve a #lower income housing plan# making a #lower income#, #moderate income# or #middle income household# responsible for the payment of utilities as long as the sum of the following do not exceed 30 percent of said #lower income#, #moderate income# or #middle income household#'s income:

- (1) the initial #fair rent#; and
- (2) the monthly costs of a reasonable

compensation for these utilities, by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment.

However, the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered #fair rent#, provided that such rents do not exceed 30 percent of a #moderate income# or #middle income household#'s income, as applicable, and provided further that upon expiration or termination of the requirements of the City, State or Federal program, rent increases and re-rentals shall be subject to the higher of the then currently applicable 30 Percent Standard or the Rent Stabilization Standard.

#Fair rent# shall include, in addition to that rent permitted pursuant to Section 23-93, the payment of principal and interest on mortgage debt, and #lower income#, #moderate income# or #middle income housing# may secure such debt, provided that, as of the date of the approval of the #lower income housing plan#, the Commissioner of Housing Preservation and Development finds that the total annual rent, when such interest and principal payments are deducted, is in compliance with the requirements of paragraph (e) (Rent Levels) of Section 23-95 (Lower Income Housing Requirements), and provided that the lender agrees to enter into a written agreement which subordinates such debt to the provisions of the #lower income housing plan#.

**Lower income household**  
 "Lower income households" shall also include all existing households in tenancy, provided such households occupy units that are within a #building# in which rents for all occupied units are regulated by City or State law, and the aggregate maximum permitted annual rent roll for such occupied units, divided by the number of occupied units, is less than 30 percent of the applicable income limit for a #lower income household# as provided in this Section. In determining the applicable income limit for such #lower income households#, the Commissioner of Housing Preservation and Development may make adjustments, consistent with the U.S. Department of Housing and Urban Development regulations, for the number of persons residing in each unit.

**Lower income housing**  
 For the purposes of this Section, "lower income housing" shall include #standard units# assisted under City, State or Federal programs, where such housing is occupied, or to be occupied, by #lower income#, #moderate income# or #middle income households#.

**Moderate income household**  
 For the purposes of this Section, a "moderate income household" is a #family# having an income equal to or less than the following proportion of the income limits (the "80 Percent of SMSA Limits") for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 2(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 125/80.

**Middle income household**  
 For the purposes of this Section, a "middle income household" is a #family# having an income equal to or less than the following proportion of the income limits (the "80 Percent of SMSA Limits") for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 2(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 175/80.

**98-262**  
**Floor area increase**  
 For #developments# or #enlargements# that have increased their permitted #floor area# through the transfer of development rights from the #High Line Transfer Corridor# by the minimum amount specified in the table in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), and for conversions of non-residential buildings#, or portions thereof, to #dwelling units# where the total #residential floor area# on the #zoning lot# will exceed the applicable basic maximum #floor area ratio# specified in the table in Section 98-22, such maximum permitted #floor area# may be increased through the provision of #affordable housing# pursuant to the Inclusionary Housing program as modified in Section 98-26, inclusive, to the maximum amount specified in the table in Section 98-22, provided that:

- (a) In C6-4 Districts:
  - (1) the amount of #low income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot# is occupied by #lower income households#;
  - (2) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, is occupied by #lower income households# and the amount of #moderate income floor areas# equal to at least 15 percent of the total #residential floor area# on the #zoning lot# is occupied by #moderate income households#; or
  - (3) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, is occupied by #lower income households# and the amount of #middle income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot# is occupied by #middle income households#.
- (b) In C6-3 Districts:
  - (1) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot# is occupied by #lower income households#;
  - (2) the amount of #low income floor area# is equal to at least 5 five percent of the total #residential floor area# on the #zoning lot#, is occupied by #lower income households# and the amount of #moderate income floor area# is equal to at least 7.5 percent of the total

- #residential floor area# on the #zoning lot# is occupied by #moderate income households#; or
- (3) the amount of #low income floor area# is equal to at least 5 five percent of the total #residential floor area# on the #zoning lot#, is occupied by #lower income households# and the amount of #middle income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot# is occupied by #middle income households#.

Where #lower#, #moderate# or #middle income housing# is provided on a #zoning lot# other than the #zoning lot# occupied by the #compensated development#, the percentage of #residential floor area# required to be occupied by such households pursuant to this Section shall be determined as a percentage of the #residential floor area# on the #zoning lot# of such #compensated development#, inclusive of #floor area# bonused pursuant to this Section.

For the purposes of this Section 98-262, inclusive, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

However, in those subareas, or portions thereof, where the Inclusionary Housing Program is applicable, and where the Chairperson of the Department of City Planning has certified that at least 90 percent of the total development rights within the #High Line Transfer Corridor# have been transferred pursuant to Section 98-30, no transfer of #floor area# pursuant to Section 98-30 shall be required, and the basic maximum #floor area ratio# of the #development# or #enlargement# may be increased by up to 2.5 in Subareas B, C and D and on any #zoning lot# located in Subarea I over which the #High Line# does not pass, and up to 5.5 in Subarea A, in accordance with the provisions of paragraph (c) of this Section.

- (c) Affordable Housing Fund  
 Where the Chairperson of the City Planning Commission determines that more than 90 percent of the #floor area# eligible for transfer through the provisions of Section 98-30 have been transferred in accordance with such provisions, the Chairperson shall allow, by certification, an increase in #floor area# on any receiving site as specified in Section 98-33 (Transfer of Development Rights From the High Line Transfer Corridor), up to the amount that otherwise would have been permitted for such receiving site pursuant to Section 98-30, provided that instruments in a form acceptable to the City are executed ensuring that a contribution be deposited in the West Chelsea Affordable Housing Fund. Such fund shall be administered by the Department of Housing Preservation and Development and all contributions to such fund shall be used for the #development#, acquisition or rehabilitation of #lower#, #moderate# or #middle income housing# located in Community District 4 in the Borough of Manhattan. The execution of such instruments shall be a precondition to the filing for or issuing of any building permit for any #development# or #enlargement# utilizing such #floor area# increase. Such contribution amount, by square foot of #floor area# increase, shall be determined, at the time of such Chairperson's certification, by the Commission by rule, and may be adjusted by rule not more than once a year.

**Lower income housing requirements**  
 #Developments# that increase #floor area# in accordance with the provisions of Section 98-262 shall comply with the #lower income housing# requirements of Section 23-95, except as modified in this Section.

- (a) The provisions of Section 23-95, paragraph (b) (Tenant selection), shall apply, except that in addition, incoming households of #standard units# in #lower income housing# may be #moderate# and #middle income households#, and sublessees of a #moderate# or #middle income household# may also be a #moderate# or #middle income household#.
- Furthermore, on and after the issuance of a certificate of occupancy for #lower income housing#, the #administering agent# shall have a duty to rent such housing to #lower#, #moderate# or #middle income households#, as provided in this Section and in the approved #lower income housing plan#.
- This duty to rent shall be satisfied by the #administering agent#, if such agent has in fact rented all such units to #lower#, #moderate# or #middle income households#, as provided in this Section, or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.
- (b) The provisions of Section 23-95, paragraph (d) (Income verification), shall apply, except that prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing, to assure that the households are #lower#, #moderate# or #middle income households# as provided by this Section. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing# are #lower#, #moderate# or #middle income households# as required by the provisions of this Section and in the approved #lower income housing plan#.
- (c) The provisions of Section 23-95, paragraph (g) (Insurance), may be modified by the Commissioner of Housing Preservation and Development to provide priority for lenders participating in the financing of #lower income housing# that is assisted under City, State or Federal programs.
- (d) Permits and certificate of occupancy  
 The requirements of Section 23-95, paragraph (f), shall not apply. In lieu thereof, the provisions of this paragraph, (d), shall apply.  
 No building permit for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 98-262 (Floor

area increase) shall be issued until the Commissioner of Housing Preservation and Development certifies that an acceptable #lower income housing plan# has been filed and approved.

No temporary certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonus pursuant to Section 23-262 until a temporary certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued.

Prior to the issuance of any temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area# bonus pursuant to Section 23-262, the Commissioner of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.

(e) The provisions of Sections 23-951, 23-952 and 23-953 shall apply, except that with respect to Sections 23-951, paragraph (a), 23-952, paragraph (b) and 23-953, paragraph (a), #lower income housing# shall be maintained and leased to #lower#, #moderate# or #middle income households#, as provided in this Section, for the life of the increased #floor area#, and in accordance with the approved #lower income housing plan#. Furthermore, the size and distribution requirements of Section 23-951, paragraph (b), may be waived by the Commissioner of Housing Preservation and Development to facilitate the #development# of #lower income housing#, and Section 23-953, paragraph (a), shall be modified to provide that the #administering agent# shall not be required to verify the income of households in tenancy as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

ARTICLE XI SPECIAL PURPOSE DISTRICTS

Chapter 5 Special Downtown Jamaica District

115-211 Special Inclusionary Housing regulations

(a) Applicability R7A, R7X, C4-4A, C4-5X, C6-2, C6-3 and C6-4 Districts within the #Special Downtown Jamaica District# shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified, within the Special District.

(b) Maximum #floor area ratio# The maximum #floor area ratio# for any #building# containing #residences# shall not exceed the base #floor area ratio# set forth in the following table, except that such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in Section 23-954 through the provision of #lower income housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Table with 2 columns: District, Base #Floor Area Ratio#. Rows include R7A C4-4A (3.45), R7X C4-5X (3.75), R8 C6-2 (5.4), R9 C6-3 (6.0), R10 C6-4 (9.0).

(c) Modification of location requirements The requirements of paragraph (a) of Section 23-952 (Requirements for Generating Sites Substantial rehabilitation and off site new construction options) shall be modified as follows: A #Lower income housing generating site# may be located in any #Inclusionary Housing designated area# within the #Special Downtown Jamaica District#.

(d) Height and setback The height and setback regulations of paragraph (ba) of Section 23-942 shall not apply. In lieu thereof, the special height and setback regulations of Section 115-22, inclusive, of this Chapter shall apply.

Article XI - Special Purpose Districts

Chapter 7 Special Long Island City Mixed Use District

117-631 Floor area ratio and lot coverage modifications

(a) In the Dutch Kills Subdistrict, the #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above #curb level#, in any #building#, except where such floor space used for #accessory# parking is contained within a #public parking garage#.

(b) Maximum #floor area ratio# and lot coverage for #residential uses# (1) M1-2/R5B designated district The maximum #floor area ratio# for #residential use# shall be 1.65. The maximum #lot coverage# for a #residential building# shall be 60 percent on an #interior lot# or #through lot# and 80 percent on a #corner lot#.

(2) M1-3/R7X designated district (i) Inclusionary Housing Program Where the designated district is M1-3/R7X within the Dutch Kills Subdistrict, such district shall be an #Inclusionary Housing designated area# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special District.

(ii) Maximum #floor area ratio# Within such #Inclusionary Housing designated area#, the maximum #floor area ratio# for any #building# containing a #residential use# shall not exceed the base #floor area ratio# of 3.75, except that such base #floor area ratio# may be increased to the maximum #floor area ratio# of 5.0 as set forth in Section 23-942 through the provision of #lower income housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90.

Article XII - Special Purpose Districts Chapter 3 Special Mixed Use District

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

However, in #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratio# shall be as set forth in Section 23-945 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas) Appendix A of Section 23-90 (INCLUSIONARY HOUSING).

Table with 2 columns: Special Mixed Use District, Designated Residence District. Rows include MX 8-Community District 1, Brooklyn (R6 R6A R6B R7A) and MX 11-Community District 6, Brooklyn (R7-2).

123-64 Maximum Floor Area Ratio and Lot Coverage Requirements for Mixed Use Buildings

(a) Maximum #floor area ratio# (1) Manufacturing or commercial portions The maximum #floor area ratio# permitted for the #manufacturing# or #commercial# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for #manufacturing# or #commercial buildings# under the provisions of Section 43-12, in accordance with the designated M1 District.

(2) Community facility portion The maximum #floor area ratio# permitted for the #community facility# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for #community facility buildings# in #Residence Districts# under the provisions of Section 24-11, in accordance with the designated #Residence District#.

(3) #Residential# portion Where the #Residence District# designation is an R3, R4 or R5 District, the maximum #floor area ratio# permitted for the #residential# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for #residential buildings# under the provisions of Sections 23-14 and 23-141, in accordance with the designated #Residence District#.

Where the #Residence District# designation is an R6, R7, R8, R9 or R10 District, the maximum #floor area ratio# permitted for the #residential# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for #residential buildings# under the provisions of Section 123-63, in accordance with the designated #Residence District#.

(4) Maximum #floor area# in #mixed use buildings# The maximum total #floor area# in a #mixed use building# in #Special Mixed Use Districts# shall be the maximum #floor area# permitted for either the #commercial#, #manufacturing#, #community facility# or #residential# portion of such #building#, as set forth in this Section, whichever permits the greatest amount of #floor area#.

However, in the #Inclusionary Housing designated areas# set forth in Section 23-922 (Inclusionary Housing designated

areas), except within Waterfront Access Plan BK-1, the maximum #floor area ratios# permitted for #zoning lots# containing #residential# and #commercial#, #community facility#, or #manufacturing uses# shall be the base #floor area ratio# set forth in of Section 23-954 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #lower income housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING), inclusive (In Inclusionary Housing designated areas) shall apply.

Article XII - Special Purpose Districts

Chapter 5 Special Southern Hunters Point District

125-22 Newtown Creek Subdistrict

In the Newtown Creek Subdistrict, the maximum #floor area ratio# shall be 2.75, and may be increased only as set forth in this Section.

(a) #Floor area# bonus for public amenities For #developments# located within the Newtown Creek Subdistrict that provide a publicly accessible private street and open area, the #floor area ratio# may be increased from 2.75 to a maximum permitted #floor area ratio# of 3.75, provided that the Chairperson of the City Planning Commission has certified that such publicly accessible private street and open area comply with the design standards of Section 125-44 (Private Street Requirements in Newtown Creek Subdistrict) and Section 125- 45 (Publicly Accessible Open Area in Newtown Creek Subdistrict).

(b) #Floor area# increase for Inclusionary Housing (1) Within the #Special Southern Hunters Point District#, the Newtown Creek Subdistrict shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23- 90, inclusive, and this Section, applicable within the Special District.

(2) In the Newtown Creek Subdistrict, for #developments# that provide a publicly accessible private street and open area that comply with the provisions of paragraph (a) of this Section, the #floor area ratio# for any #zoning lot# with #buildings# containing #residences# may be increased from 3.75 to a maximum #floor area ratio# of 5.0 through the provision of #lower income housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), except that:

(i) the height and setback regulations of paragraph (ba) of Section 23-942 shall not apply. In lieu thereof, the special height and setback regulations of Section 125-30 (HEIGHT AND SETBACK REGULATIONS), inclusive, of this Chapter shall apply; and

(ii) the provisions of paragraph (a)(2) of Section 23-952 (Substantial rehabilitation and off site new construction options Requirements for Generating Sites) shall be modified to require that in the event the #lower income housing# is not located within the same Community District as the #compensated development zoning lot#, it shall be located within a one-half mile radius of the #compensated development zoning lot# in an adjacent Community District in the Borough of Queens.

125-22

CITY PLANNING COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, July 22, 2009, commencing at 10:00 A.M.

BOROUGH OF THE BRONX No. 1 FIVE STAR DAY CARE CENTER

CD 3 C 090324 PQX IN THE MATTER OF an application submitted by the Administration For Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 3261 Third Avenue (Block 2368, Lot 39) for continued use as a child care center.

BOROUGH OF BROOKLYN No. 2 640 BROADWAY

CD 1 C 090379 HAK IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

1) pursuant to Article 16 of the General Municipal Law of New York State for:

- a) the designation of property located at 640 Broadway (Block 2270, Lots 10), site 6 within the Broadway Triangle Urban Renewal Area, as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the development of a five-story mixed-use building, tentatively known as 640 Broadway, with approximately 9 residential units and commercial space to be developed under the Department of Housing Preservation and Development's Participation Loan Program.

**Nos. 3, 4 & 5  
NAVY GREEN  
No. 3**

**CD 2 C 090444 ZMK**  
**IN THE MATTER OF** an application submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d:

- 1. changing from an M1-2 District to an R8 District property bounded by Flushing Avenue, Vanderbilt Avenue, a line perpendicular to the westerly street line of Vanderbilt Avenue distant 85 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Vanderbilt Avenue and northerly street line of Park Avenue, and Clermont Avenue; and
- 2. establishing within the proposed R8 District a C2-4 District bounded by Flushing Avenue, Vanderbilt Avenue, a line perpendicular to the westerly street line of Vanderbilt Avenue distant 85 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Vanderbilt Avenue and northerly street line of Park Avenue, and Clermont Avenue;

as shown a diagram (for illustrative purposes only) dated June 1, 2009.

**No. 4**

**CD 2 C 090445 ZSK**  
**IN THE MATTER OF** an application submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 78-312(d) of the Zoning Resolution to modify the height and setback requirements of Section 23-632 (Front Setbacks in districts where front yards are not required) to facilitate the construction of a mixed-use development on property located at 136-50 Flushing Avenue (Block 2033, Lot 1), in an R8/C2-4 District\*, within a Large-Scale Residential Development.

\*Note: The site is proposed to be rezoned from an M1-2 District to an R8/C2-4 District under a concurrent related application (C 090444 ZMK).

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

**No. 5**

**CD 2 C 090446 HAK**  
**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 136-50 Flushing Avenue (Block 2033, Lot 1), as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the development of a mixed-use development, tentatively known as Navy Green, with approximately 455 residential units, commercial and community facility space.

**Nos. 6, 7 & 8  
470 VANDERBILT AVENUE  
No. 6**

**CD 2 C 090441 ZMK**  
**IN THE MATTER OF** an application submitted by Atara Vanderbilt, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c:

- 1. eliminating from an existing R6 District a C2-3 District bounded by Fulton Street, Vanderbilt Avenue, and a line 100 feet southeasterly of Fulton Street, and Clermont Avenue;
- 2. changing from an R6 District to a C6-3A District property bounded by Fulton Street, Vanderbilt Avenue, a line 100 feet southeasterly of Fulton Street, and Clermont Avenue; and
- 3. changing from an M1-1 District to a C6-3A District property bounded by a line 100 feet southeasterly of Fulton Street, Vanderbilt Avenue, Atlantic Avenue, and Clermont Avenue;

as shown on a diagram (for illustrative purposes only) dated June 1, 2009.

**No. 7**

**CD2 N 090442 ZRK**  
**IN THE MATTER OF** an application submitted by the Atara Vanderbilt, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, **concerning Article II, Chapter 3 (Bulk regulations for Residential Buildings**

**in Residence Districts), relating to the application of the Inclusionary Housing Program to R9A districts in Community District 2, Borough of Brooklyn.,**

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

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

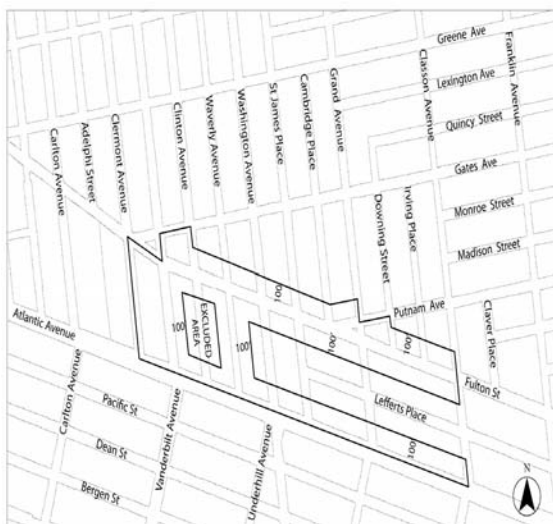
In #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratios# shall be as set forth in Section 23-942 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas).

Community District	Zoning District
Community District 1, Brooklyn	R6 R6A R6B R7A
Community District 2, Brooklyn	R7A R9A
Community District 3, Brooklyn	R7D
Community District 6, Brooklyn	R7-2
Community District 7, Brooklyn	R8A
Community District 3, Manhattan	R7A R8A R9A
Community District 6, Manhattan	R10
Community District 7, Manhattan	R9A
Community District 2, Queens	R7X

\* \* \*  
23-922  
Inclusionary housing designated areas

The Inclusionary Housing Program shall apply in the following areas:

- \* \* \*
- (e) In Community District 2, in the Borough of Brooklyn, in the R7A and R9A Districts within the areas shown on the following Maps 7, 8 and 9:
- \* \* \*
- Map 8  
Portion of Community District 2, Brooklyn



Map 9  
Portion of Community District 2, Brooklyn  
(Revised Map - Applicable Inclusionary housing area expanded)

**No. 8 C 090443 ZSK**

**IN THE MATTER OF** an application submitted by Atara Vanderbilt, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a) of the Zoning Resolution to modify the requirements of Section 23-145 (For residential buildings developed or enlarged pursuant to the Quality Housing Program), Section 23-852 (Inner court recess), and Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) to facilitate a mixed use development on property located at 470 Vanderbilt Avenue (Block 2009, Lots 1, 19, 20, 23, 26, 31-44), in a C6-3A\* District, within a General Large-Scale Development.

\*Note: The site is proposed to be rezoned from R6/C2-3 and M1-1 Districts to a C6-3A District under a concurrent related application C 090441 ZMK.

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

**BOROUGH OF MANHATTAN  
Nos. 9 & 10  
53 WEST 53RD STREET/MoMA  
No. 9**

**CD 5 C 090431 ZSM**  
**IN THE MATTER OF** an application submitted by W2005/Hines West Fifty-Third Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 81-212 and 74-79 of the Zoning Resolution to allow the transfer of 136,000 square feet of floor area from property located at 1 West 54th Street (Block 1270, Lot 34) that is occupied by a landmark building (University Club) to property located at 53 West 53rd Street (Block 1269, Lots 5, 6, 7, 8, 9, 11, 12, 13, 14, 20, 30, 58, 66, 69, and 165) to facilitate the development of an 85-story mixed use building, in C6-6, C5-P, C5-2.5 and C5-3 Districts, within the Special Midtown District (partially within the Preservation and Fifth Avenue Subdistricts). Plans for this proposal are on file with the City Planning Commission and may be seen at 22 Reade Street, Room 3N, New York, NY 10007.

**No. 10**

**CD 5 C 090432 ZSM**  
**IN THE MATTER OF** an application submitted by W2005/Hines West Fifty-Third Realty, LLC pursuant to

Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following sections of the Zoning Resolution:

- 1. Section 74-711 - to allow the distribution of the total allowable floor area without regard to zoning district boundaries, to modify the height and setback regulations of Sections 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT) and 33-432 (In other Commercial Districts), to modify the requirements of Sections 81-45 (Pedestrian Circulation Spaces) and 37-50 (Requirements for Pedestrian Circulation Space), and rear yard regulations of Section 23-532 (Required Rear Yard Equivalent); and
- 2. Section 81-277 - to modify the height and setback requirements of Section 81-27 (Alternative Height and Setback Regulations - Daylight Evaluation);

to facilitate the development of an 85-story mixed use building on property located at 53 West 53rd Street (Block 1269, Lots 5, 6, 7, 8, 9, 11, 12, 13, 14, 20, 30, 58, 66, 69, and 165), in C6-6, C5-P, C5-2.5 and C5-3 Districts, within the Special Midtown District (partially within the Preservation and Fifth Avenue Subdistricts).

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

**NOTICE**

**On Wednesday, July 22, 2009, at 10:00 A.M., in Spector Hall, at the Department of City Planning, 22 Reade Street, in lower Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearings to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning special permit applications related to the 53 West 53rd Street/MoMA proposal. This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 09DCP004M.**

**BOROUGH OF QUEENS**

**No. 11  
BRIARWOOD PLAZA REZONING**

**CD 11 C 060551 ZMQ**  
**IN THE MATTER OF** an application submitted by Briarwood Organization LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 11a, by establishing within an existing R4 District a C2-2 District bounded by 36th Avenue, a line 150 feet northeasterly of Bell Boulevard, a line 200 feet northwesterly of 38th Avenue, and Bell Boulevard, as shown a diagram (for illustrative purposes only) dated June 1, 2009.

**BOROUGH OF STATEN ISLAND**

**No. 12  
GOODHUE PARK**

**CD 1 C 080192 MMR**  
**IN THE MATTER OF** an application, submitted by the Department of Parks & Recreation, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- the establishment of Goodhue Park in an area generally bounded by Prospect Avenue to the north, Lafayette Avenue to the east, Brighton Avenue to the south, and North Randall Avenue and Allison Park to the west;
- the delineation of a sewer easement/corridor;
- the extinguishment of various record streets;
- and any acquisition or disposition of real property related thereto,

in accordance with Map No. 4210 dated November 15, 2008 and signed by the Borough President.

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

jy9-22

**COMMUNITY BOARDS**

**PUBLIC HEARINGS**

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

**BOROUGH OF MANHATTAN**

COMMUNITY BOARD NO. 9 - Tuesday, July 28, 2009 at 6:30 P.M., Fortune Society, 630 Riverside Drive at 140th St., New York, NY.

**C 080039ZMM**

**IN THE MATTER OF** an application submitted by West 129th Street Realty I LLC and West 129th Street Realty II LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map: changing from an R7-2 district to an R7A district property bounded by; West 130th Street, a line 100 feet easterly of Amsterdam Avenue, West 129th Street, and Amsterdam Avenue.

jy22-28

**DESIGN & CONSTRUCTION**

**NOTICE**

PLEASE TAKE NOTICE, that in accordance with Section 201-204 (inclusive) of the New York State Eminent Domain Procedure Law ("EDPL"), a public hearing will be held by the New York City Department of Design and Construction, on behalf of the City of New York in connection with the acquisition of certain properties for the installation of storm and sanitary sewers and water mains at certain portions of Ionia Avenue from Jefferson Boulevard to a point approximately 300 feet northeasterly of Jefferson Boulevard; and Ionia Avenue from Carlton Boulevard to Arden Avenue, and the northeasterly area of the intersection of Ionia Avenue

and Arden Avenue (Capital Project SER002225/200132) - Borough of Staten Island.

The time and place of the hearing is as follows:

DATE: Friday August 14, 2009  
 TIME: 10:00 A.M.  
 LOCATION: NYC Department of Design and Construction  
 4434 Amboy Road, 2nd Floor, Staten Island,  
 NY 10312

The purpose of this hearing is to inform the public of the proposed acquisition of certain street beds and adjacent properties and to review the public use to be served by the project and the impact on the environment and residents. The scope of this Capital Project includes the installation of new storm and sanitary sewers and water mains.

The properties proposed to be acquired are located in the Borough of Staten Island as follows:

Ionia Avenue from Jefferson Boulevard to a point approximately 300 feet northeasterly of Jefferson Boulevard; and Ionia Avenue from Carlton Boulevard to Arden Avenue, and the northeasterly area of the intersection of Ionia Avenue and Arden Avenue as shown on Damage and Acquisition Map No. 4211, dated October 19, 2007.

The properties affected include the following areas as shown on the Tax Map of the City of New York for the Borough of Staten Island:

#### **Ionia Avenue**

Block 5699, part of Lots 69, 72; and  
 Bed of street for Ionia Avenue from Jefferson Boulevard to a point approximately 300 feet northeasterly of Jefferson Boulevard; and Bed of street for Ionia Avenue from Carlton Boulevard to Arden Avenue; and  
 Bed of the northeasterly area of the intersection of Ionia Avenue and Arden Avenue.

There are no proposed alternate locations.

Any person in attendance at this meeting shall be given a reasonable opportunity to present oral or written statements and to submit other documents concerning the proposed acquisition. Each speaker shall be allotted a maximum of five (5) minutes. In addition, written statements may be submitted to the General Counsel at the address stated below, provided the comments are received by 5:00 p.m. on August 21, 2009 (5 working days from public hearing date).

NYC Department of Design and Construction  
 Office of General Counsel, 4th Floor  
 30 - 30 Thomson Avenue  
 Long Island City, NY 11101

**Please note: Those property owners who may subsequently wish to challenge condemnation of their property via judicial review may do so only on the basis of issues, facts and objections raised at the public hearing.**

jy20-24

## **EMPLOYEES' RETIREMENT SYSTEM**

### MEETING

Please be advised that the next Investment Meeting of the Board of Trustees of the New York City Employees' Retirement System has been scheduled for Tuesday, July 28, 2009 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.

jy21-27

## **INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS**

### PUBLIC HEARINGS

NOTICE OF A FRANCHISE AND CONCESSION REVIEW COMMITTEE ("FCRC") PUBLIC HEARING to be held on Monday, August 10, 2009 commencing at 2:30 P.M. at 22 Reade Street, Borough of Manhattan, in the matter of a change of control of the parent company of NextG Networks of NY, Inc. ("NextG"). The FCRC approved a franchise agreement between the City of New York ("the City") and NextG on February 8, 2008. The franchise authorizes NextG to install, operate and maintain equipment housing of limited size and stick-type antennas on City-owned street light poles, traffic light poles, highway sign support poles and certain privately-owned utility poles where such poles are erected upon the inalienable property of the City, for the purpose of providing mobile telecommunications services.

A copy of the existing franchise agreement, and an organizational chart reflecting the ownership structure that would result from the proposed change of control, may be viewed at DoITT, 75 Park Place, 9th Floor, New York, New York 10007, commencing Monday, July 20, 2009 through Monday, August 10, 2009, between the hours of 9:30 A.M. and 3:30 P.M., excluding Saturdays, Sundays and holidays. Hard copies of the franchise agreement and the proposed new organization chart may be obtained, by appointment, at a cost of \$.25 per page. All payments shall be made at the time of pickup by check or money order made payable to the New York City Department of Finance. The existing franchise agreement and proposed organization chart may also be obtained in PDF form at no cost, by email request. Interested parties should contact Roxanne Chambers at (212) 788-6610 or by email at RChambers@doitt.nyc.gov.

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

The Hearing may be cablecast on NYC TV- CHANNEL 74.

jy20-a10

## **LANDMARKS PRESERVATION COMMISSION**

### PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **August 4, 2009 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

#### AGENCY RULE MAKING

CITYWIDE A proposed amendment to section 13.04 of the rules of the Commission Title 63 of the Rules of the City of New York, relating to the payment of application fees for certain work, pursuant to the City Administrative Procedures Act.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF QUEENS 10-0879 - Block 8106, lot 73-240-25-240-27 43rd Avenue - Douglaston Hill Historic District

An altered neo-Colonial style free-standing house, designed by D.S. Hopkins and a barn, both built in 1900-1901. Application is to demolish the barn.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF STATEN ISLAND 10-0534 - Block 587, lot 1-79 Howard Avenue - Louis A. and Laura Stirn House- Individual Landmark

A neo-Renaissance style mansion with Arts and Crafts style details designed by Kafka and Lindermeier and built in 1908. Application is to create parking areas, alter and construct additions at the front porch, construct a barrier-free access ramp, stair tower and elevator bulkhead.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 09-8978 - Block 2558, lot 2-146 Franklin Street - Greenpoint Historic District  
 An Italianate style rowhouse built in 1863-64. Application is to install storefronts.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 09-9461 - Block 1903, lot 68-125 Willoughby Avenue - Clinton Hill Historic District  
 An Italianate style rowhouse built in 1868. Application is to construct a rear yard deck.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 09-5091 - Block 236, lot 112-78 Clark Street - Brooklyn Heights Historic District  
 A Moderne style apartment building constructed c.1940. Application is to install storefront infill.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 10-0542 - Block 243, lot 16-143 Montague Street - Brooklyn Heights Historic District  
 An Anglo-Italianate style house built between 1850-1860, and altered at the basement and parlor floors for commercial use in the early 20th century. Application is to install storefront infill.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 10-0629 - Block 275, lot 12-145 Atlantic Avenue - Brooklyn Heights Historic District  
 A rowhouse with a commercial base. Application is to alter the ground floor facade and replace a shopfront and entrance.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 10-0359 - Block 2300, lot 243-151-153 Montague Street - Brooklyn Heights Historic District  
 A Beaux Arts style commercial building built in the early 20th century. Application to replace shopfront infill.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 09-4578 - Block 296, lot 47-147 Congress Street - Cobble Hill Historic District  
 A Queen Anne style house built circa 1900. Application is to construct a rooftop addition. Zoned R6/LH-1.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 09-3689 - Block 326, lot63-302 Court Street - Cobble Hill Historic District  
 A Romanesque Revival style rowhouse designed by Horatio White and William Johnson and built 1887-89. Application is to legalize the installation of an awning without Landmarks Preservation Commission permits, and to install a bracket sign.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 09-9415 - Block 1067, lot 45-118 8th Avenue - Park Slope Historic District  
 An apartment house designed by M.E. Ungarleider and built in 1936. Application is to establish a Master Plan governing the future replacement of windows.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-8164 - Block 175, lot 15-39 White Street - Tribeca East Historic District  
 A Greek Revival Style converted dwelling with Italianate style additions, built in 1831-1832 and 1860-61. Application is to construct a rooftop addition. Zoned C6-2A.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-5076 - Block 219, lot 7504-169 Hudson Street - Tribeca North Historic District  
 A Renaissance Revival style warehouse designed by James E. Ware, and built in 1893-94. Application is to construct a rooftop addition. Zoned M1-5.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-8925 - Block 219, lot 7504-169 Hudson Street - Tribeca North Historic District

A Renaissance Revival style warehouse designed by James E. Ware, and built in 1893-94. Application is to install rooftop railings and mechanical equipment. Zoned M1-5.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-0351 - Block 497, lot 18-560 Broadway, aka 72-78 Prince Street and 98-104 Crosby Street - SoHo-Cast Iron Historic District  
 A store building designed by Thomas Stent and built in 1883-84. Application is to modify storefront infill and install signage.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-0301 - Block 530, lot 56-24 Bond Street - NoHo Historic District Extension  
 A Renaissance Revival style store and loft building designed by Buchman & Deisler and built in 1893. Application is to legalize the installation of sculpture and painting the storefront and facade without Landmarks Preservation Commission permits.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-7166 - Block 611, lot 41-181 West 10th Street - Greenwich Village Historic District  
 A neo-Grec style rowhouse designed by William T. Whittemore and built in 1839. Application is to modify the stoop and entrance, and install a new door.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-5869 - Block 588, lot 71-33-37 Grove Street - Greenwich Village Historic District  
 Three transitional Queen Anne/Romanesque Revival style apartment houses designed by F.T. Camp and built in 1881. Application is to legalize modifications to the areaways without Landmarks Preservation Commission permits.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-0533 - Block 591, lot 33-89 7th Avenue South, aka 16 Barrow Street - Greenwich Village Historic District  
 An apartment house designed by George F. Pelham, built in 1897 and altered in 1929. Application is to install storefront infill.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-6033 - Block 828, lot 25-1141 Broadway - Madison Square North Historic District  
 An Art Deco style commercial building designed by William I. Hohaus and built in 1926-27. Application is to legalize alterations to the secondary elevation and penthouse without Landmarks Preservation Commission permits, to reconstruct the penthouse, and to intall storefront infill, a marquee, and rooftop mechanical equipment. Zoned M1-6.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-5612 - Block 1874, lot 52-2689-2693 Broadway, aka 230 West 103rd Street - Hotel Marseilles-Individual Landmark  
 A Beaux-Arts style apartment hotel designed by Harry Allen Jacobs and built in 1902-05. Application is to replace windows.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-7925 - Block 1382, lot 15-21 East 67th Street - Upper East Side Historic District  
 A residence originally built in 1879-80, and altered in the neo-French Classic style by Philip Aehne in 1919. Application is to legalize the installation of a display window and door while permit was pending.

jy22-a4

## **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, August 5, 2009. 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 777 Washington LLC to maintain and use fenced-in areas on the south sidewalk of Jane Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2019 - \$1,500/annum

the maintenance of a security deposit in the sum of \$4,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

**#2** In the matter of a proposed revocable consent authorizing Citibank N.A. to maintain and use bollards and tree guards on the sidewalks of the site bounded by Gouverneur Lane and Wall, Front and South Streets, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of Approval by the Mayor and provides, among other terms and conditions, there shall be no compensation required for this revocable consent in accordance with Title 34 Section 7-04(a)(33) of the Rules of the City of New York.

the maintenance of a security deposit in the sum of \$40,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

**#3** In the matter of a proposed revocable consent authorizing Halamas Corp to maintain and use an accessibility ramp and

stairs on the north sidewalk of East 86th Street, west of York Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$25/annum

the maintenance of a security deposit in the sum of \$5,000, and the filing of an insurance policy in the minimum amount of \$500,000/\$2,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$200,000.

**#4** In the matter of a proposed revocable consent authorizing Igc I Park LLC to construct, maintain and use a sidewalk hatch in the south sidewalk of East 87th Street, east of Park Avenue, in the Borough of Manhattan. For the first year of the consent, the annual period commencing on the date of the final approval of this consent by the Mayor (the "Approval Date") and terminating on June 30, 2010:

\$4,353/annum

For the period July 1, 2010 to June 30, 2011 - \$4,484  
For the period July 1, 2011 to June 30, 2012 - \$4,615  
For the period July 1, 2012 to June 30, 2013 - \$4,746  
For the period July 1, 2013 to June 30, 2014 - \$4,877  
For the period July 1, 2014 to June 30, 2015 - \$5,008  
For the period July 1, 2015 to June 30, 2016 - \$5,139  
For the period July 1, 2016 to June 30, 2017 - \$5,270  
For the period July 1, 2017 to June 30, 2018 - \$5,401  
For the period July 1, 2018 to June 30, 2019 - \$5,532  
For the period July 1, 2019 to June 30, 2020 - \$5,663

the maintenance of a security deposit in the sum of \$5,700, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

**#5** In the matter of a proposed revocable consent authorizing The Bank of New York Mellon Corporation to maintain and use eighty one (81) bollards along the south sidewalk of Wall Street, east sidewalk of Broadway and north sidewalk of Exchange Place, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2008 to June 30, 2018 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period from July 1, 2008 to June 30, 2018 - \$10,175/annum

the maintenance of a security deposit in the sum of \$10,150, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

**#6** In the matter of a proposed revocable consent authorizing 57-59 Irving Place LP to construct, maintain and use snow melting conduits in the west sidewalk of Irving Place, between East 17th and East 18th Streets, in the Borough of Manhattan. For the first year of the consent, the annual period commencing on the date of the final approval of this consent by the Mayor (the "Approval Date") and terminating on June 30, 2010:

- \$5,142/annum

For the period July 1, 2010 to June 30, 2011 - \$5,296  
For the period July 1, 2011 to June 30, 2012 - \$5,450  
For the period July 1, 2012 to June 30, 2013 - \$5,604  
For the period July 1, 2013 to June 30, 2014 - \$5,758  
For the period July 1, 2014 to June 30, 2015 - \$5,912  
For the period July 1, 2015 to June 30, 2016 - \$6,066  
For the period July 1, 2016 to June 30, 2017 - \$6,220  
For the period July 1, 2017 to June 30, 2018 - \$6,374  
For the period July 1, 2018 to June 30, 2019 - \$6,528  
For the period July 1, 2019 to June 30, 2020 - \$6,682

the maintenance of a security deposit in the sum of \$6,700, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

**#7** In the matter of a proposed revocable consent authorizing Macy's Inc. to maintain and use a pedestrian bridge over and across Hoyt Street, north of Livingston Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$10,155  
For the period July 1, 2010 to June 30, 2011 - \$10,451  
For the period July 1, 2011 to June 30, 2012 - \$10,743  
For the period July 1, 2012 to June 30, 2013 - \$11,043  
For the period July 1, 2013 to June 30, 2014 - \$11,339  
For the period July 1, 2014 to June 30, 2015 - \$11,635  
For the period July 1, 2015 to June 30, 2016 - \$11,931  
For the period July 1, 2016 to June 30, 2017 - \$12,227  
For the period July 1, 2017 to June 30, 2018 - \$12,523  
For the period July 1, 2018 to June 30, 2019 - \$12,819

the maintenance of a security deposit in the sum of \$51,000, and the filing of an insurance policy in the minimum amount of \$1,250,000/\$5,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$1,000,000.

jy16-a5

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, July 22, 2009. 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 New York University to modify existing consent so as to construct, maintain and use additional conduits under and across LaGuardia Place, north of West 3rd Street, and under and along West 3rd Street, between Thomson Streets and LaGuardia Place, and under and across Thomson Street, north of West 3rd Street, in the Borough of Manhattan. The proposed modification of this revocable consent is effective the date of Approval by the Mayor and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$65,142+16,757/annum (prorated from the date of Approval by the Mayor)  
For the period July 1, 2010 to June 30, 2011 - \$84,044

There is no additional maintenance of a security deposit for this consent.

**#2** In the matter of a proposed revocable consent authorizing New York University to maintain and use the conduits under and across Third Avenue, south of East 12th Street and south of East 12th Street, and under, across and along East 12th Street, east of Third Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$4,380  
For the period July 1, 2010 to June 30, 2011 - \$4,511  
For the period July 1, 2011 to June 30, 2012 - \$4,642  
For the period July 1, 2012 to June 30, 2013 - \$4,773  
For the period July 1, 2013 to June 30, 2014 - \$4,904  
For the period July 1, 2014 to June 30, 2015 - \$5,035  
For the period July 1, 2015 to June 30, 2016 - \$5,166  
For the period July 1, 2016 to June 30, 2017 - \$5,297  
For the period July 1, 2017 to June 30, 2018 - \$5,428  
For the period July 1, 2018 to June 30, 2019 - \$5,559

the maintenance of a security deposit in the sum of \$4,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

**#3** In the matter of a proposed revocable consent authorizing New York University Medical Center to maintain and use the conduits under and across First Avenue, between East 33rd Street and East 38th Street, and cables under and along First Avenue in the existing facilities of the Empire City Subway Company, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$20,087  
For the period July 1, 2010 to June 30, 2011 - \$20,672  
For the period July 1, 2011 to June 30, 2012 - \$21,257  
For the period July 1, 2012 to June 30, 2013 - \$21,842  
For the period July 1, 2013 to June 30, 2014 - \$22,427  
For the period July 1, 2014 to June 30, 2015 - \$23,012  
For the period July 1, 2015 to June 30, 2016 - \$23,597  
For the period July 1, 2016 to June 30, 2017 - \$24,182  
For the period July 1, 2017 to June 30, 2018 - \$24,767  
For the period July 1, 2018 to June 30, 2019 - \$25,352

the maintenance of a security deposit in the sum of \$25,400, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

**#4** In the matter of a proposed revocable consent authorizing Beth Israel Medical Center to maintain and use the vaults under the south sidewalk of East 17th Street, east of Nathan D. Perlman Place, and the east sidewalk of Nathan D. Perlman Place, south of East 17th Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$22,213  
For the period July 1, 2010 to June 30, 2011 - \$22,860  
For the period July 1, 2011 to June 30, 2012 - \$23,507  
For the period July 1, 2012 to June 30, 2013 - \$24,154  
For the period July 1, 2013 to June 30, 2014 - \$24,801  
For the period July 1, 2014 to June 30, 2015 - \$25,448  
For the period July 1, 2015 to June 30, 2016 - \$26,095  
For the period July 1, 2016 to June 30, 2017 - \$26,742  
For the period July 1, 2017 to June 30, 2018 - \$27,389  
For the period July 1, 2018 to June 30, 2019 - \$28,036

the maintenance of a security deposit in the sum of \$28,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

**#5** In the matter of a proposed revocable consent authorizing Mount Sinai Medical Center to maintain and use a transformer vault under the east sidewalk of Madison Avenue, south of East 99th Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$11,929  
For the period July 1, 2010 to June 30, 2011 - \$12,287  
For the period July 1, 2011 to June 30, 2012 - \$12,645  
For the period July 1, 2012 to June 30, 2013 - \$13,003  
For the period July 1, 2013 to June 30, 2014 - \$13,361  
For the period July 1, 2014 to June 30, 2015 - \$13,719  
For the period July 1, 2015 to June 30, 2016 - \$14,077  
For the period July 1, 2016 to June 30, 2017 - \$14,435  
For the period July 1, 2017 to June 30, 2018 - \$14,793  
For the period July 1, 2018 to June 30, 2019 - \$15,151

the maintenance of a security deposit in the sum of \$15,200, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

**#6** In the matter of a proposed revocable consent authorizing 39 West 87th Street Housing Corporation to maintain and use a historic front stoop and areaway stairs on the north sidewalk of West 87th Street, between Central Park West and Columbus Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

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

the maintenance of a security deposit in the sum of \$5,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

**#7** In the matter of a proposed revocable consent authorizing National Railroad Passenger Corporation to maintain and use submarine railroad cables under water along easterly side of railroad trestle of the Spuyten Duyvil Bridge, Harlem River, in the Borough of Manhattan and the Borough of the Bronx. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$14,400  
For the period July 1, 2010 to June 30, 2011 - \$14,819  
For the period July 1, 2011 to June 30, 2012 - \$15,238  
For the period July 1, 2012 to June 30, 2013 - \$15,657  
For the period July 1, 2013 to June 30, 2014 - \$16,076  
For the period July 1, 2014 to June 30, 2015 - \$16,495  
For the period July 1, 2015 to June 30, 2016 - \$16,914  
For the period July 1, 2016 to June 30, 2017 - \$17,333  
For the period July 1, 2017 to June 30, 2018 - \$17,752  
For the period July 1, 2018 to June 30, 2019 - \$18,171

the maintenance of a security deposit in the sum of \$5,063.08, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

**#8** In the matter of a proposed revocable consent authorizing Bronx Metal Recycling to maintain and use railroad sidetrack in Edgewater Road, north of Seneca Avenue, in the Borough of the Bronx. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$2,445  
For the period July 1, 2010 to June 30, 2011 - \$2,518  
For the period July 1, 2011 to June 30, 2012 - \$2,591  
For the period July 1, 2012 to June 30, 2013 - \$2,664  
For the period July 1, 2013 to June 30, 2014 - \$2,737  
For the period July 1, 2014 to June 30, 2015 - \$2,810  
For the period July 1, 2015 to June 30, 2016 - \$2,883  
For the period July 1, 2016 to June 30, 2017 - \$2,956  
For the period July 1, 2017 to June 30, 2018 - \$3,029  
For the period July 1, 2018 to June 30, 2019 - \$3,102

the maintenance of a security deposit in the sum of \$12,700, and the filing of an insurance policy in the minimum amount of \$1,000,000/\$2,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$1,000,000.

jy2-22

## COURT NOTICE

### SUPREME COURT

#### NOTICE

#### BRONX COUNTY IA PART 6 NOTICE OF ACQUISITION INDEX NUMBER 251034/09

In the matter of the application of the City of New York relative to acquiring title in fee simple absolute to certain real property where not hereto acquired for the same purpose, required as a site for the **PUBLIC SAFETY ANSWER CENTER 2 ("PSAC 2") AND PART OF MARCONI STREET** located in the area generally bounded by the Bronx and Pelham Parkway to the North; East Tremont Avenue to the South; Williamsbridge Road to the West; and, the Hutchinson River Parkway to the East, in the Borough of Bronx, City and State of New York.

**PLEASE TAKE NOTICE**, that by order of the Supreme Court of the State of New York, County of the Bronx, IA Part 6 (Hon. Howard R. Silver, J.S.C.), duly entered in the office of the Clerk of the County of Bronx on June 30, 2009, the application of the City of New York to acquire certain real property, for the **PUBLIC SAFETY ANSWER CENTER 2 ("PSAC 2") AND PART OF MARCONI STREET**, was granted and the City was thereby authorized to file an acquisition map with the Office of the City Register. Said map, showing the property acquired by the City, was filed with the City Register on July 6, 2009. Title to the real property vested in the City of New York on July 6, 2009.

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

Damage Parcel	Block	Lot
1 and 1A	4226	Part of 40
2	4226	Part of 55
3	4226	75

**PLEASE TAKE FURTHER NOTICE**, that pursuant to said Order and to §§503 and 504 of the Eminent Domain Procedure Law of the State of New York, each and every person interested in the real property acquired in the above-referenced proceeding and having any claim or demand on account thereof is hereby required, on or before January 6, 2010 (which is six (6) months from the title vesting date), to file a written claim with the Clerk of the Court of Bronx County, and to serve within the same time a copy thereof on the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007. Pursuant to EDPL §504, the claim shall include:

- A. the name and post office address of the condemnee;
- B. reasonable identification by reference to the acquisition map, or otherwise, of the property affected by the acquisition, and the condemnee's interest therein;
- C. a general statement of the nature and type of damages claimed, including a schedule of fixture items which comprise part or all of the damages claimed; and,
- D. if represented by an attorney, the name, address and telephone number of the condemnee's attorney.

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

**PLEASE TAKE FURTHER NOTICE**, that, pursuant to §5-310 of the New York City Administrative Code, proof of title shall be submitted to the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007 on or before July 6, 2011 (which is two (2) calendar years from the title vesting date).

Dated: July 10, 2009, New York, New York.  
 MICHAEL A. CARDOZO  
 Corporation Counsel of the City of New York  
 100 Church Street  
 New York, New York 10007  
 Tel. (212) 788-0718

jy20-31



**CITYWIDE ADMINISTRATIVE SERVICES**

**DIVISION OF MUNICIPAL SUPPLY SERVICES**

■ AUCTION

**PUBLIC AUCTION SALE NUMBER 01001 - B**

NOTICE IS HEREBY GIVEN of a bi-weekly public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on WEDNESDAY, JULY 22, 2009 (SALE NUMBER 01001-B). This auction is held every other Wednesday unless otherwise notified. Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

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

A listing of vehicles to be offered for sale in the next auction can be viewed on our Web site, on the Friday prior to the sale date at: <http://www.nyc.gov/auctions>  
 Terms and Conditions of Sale can also be viewed at this site.

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

jy8-22

**PUBLIC AUCTION SALE NUMBER 10001-C**

NOTICE IS HEREBY GIVEN of a bi-weekly public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on Wednesday, August 5, 2009 (SALE NUMBER 10001-C). This auction is held very other Wednesday unless otherwise notified. Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

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

A listing of vehicles to be offered for sale in the next auction can be viewed on our Website, on the Friday prior to the sale date at: <http://www.nyc.gov/auctions>  
 Terms and Conditions of sale can also be viewed at this site. For further information, please call (718) 417-2155 or (718) 625-1313.

■ jy22-a5

■ SALE BY SEALED BID

**SALE OF: 1 LOT OF LIGHT DUTY BRAKE TESTERS, USED AND 1 LOT OF HEADLIGHT AIMERS, USED.**

S.P.#: 09032 DUE: August 4, 2009

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
 DCAS, Division of Municipal Supply Services, 18th Floor, Bid Room, Municipal Building, New York, NY 10007.  
 For sales proposal contact Gladys Genoves - McCauley (718) 417-2156.

■ jy22-a4

**POLICE**

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

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

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

**INQUIRIES**

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

**FOR MOTOR VEHICLES**

(All Boroughs):

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

**FOR ALL OTHER PROPERTY**

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

j1-d31

**PROCUREMENT**

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

**AGING**

■ AWARDS

*Goods & Services*

**SERVICES FOR SENIOR CITIZENS** – Negotiated Acquisition – Available only from a single source – YM YWHA of the Bronx/Riverdale YM YWHA  
 5625 Arlington Avenue, Bronx, NY 10471  
 PIN#: 12510SCNA101 - Contract Amount: \$489,007

Neighborhood Self-Help by Older Persons Project, Inc.  
 953 Southern Blvd., Bronx, NY 10459  
 PIN#: 12510VRNA11G - Contract Amount: \$434,159

Regional Aid For Interim Needs Inc.  
 811 Morris Park Avenue, Bronx, NY 10462  
 PIN#: 12510SCNA11H - Contract Amount: \$372,141

Regional Aid For Interim Needs Inc.  
 811 Morris Park Avenue, Bronx, NY 10462  
 PIN#: 12510SCNA11J - Contract Amount: \$350,462

Regional Aid For Interim Needs Inc.  
 811 Morris Park Avenue, Bronx, NY 10462  
 PIN#: 12510SCNA11M - Contract Amount: \$495,706

Regional Aid For Interim Needs Inc.  
 811 Morris Park Avenue, Bronx, NY 10462  
 PIN#: 12510SCNA12G - Contract Amount: \$447,021

Regional Aid For Interim Needs Inc.  
 811 Morris Park Avenue, Bronx, NY 10462  
 PIN#: 12510SCNA12D - Contract Amount: \$466,556

Jewish Association For Services For The Aged  
 132 West 31st Street, 10th Fl., New York, NY 10001  
 PIN#: 12510VRNA129 - Contract Amount: \$139,042

Jewish Association For Services For The Aged  
 132 West 31st Street, 10th Fl., New York, NY 10001  
 PIN#: 12510CRNA1K2 - Contract Amount: \$216,464

Institute For The Puerto Rican Hispanic Elderly  
 105 East 22nd Street, Suite 615, New York, NY 10010  
 PIN#: 12510SCNA12A - Contract Amount: \$262,934

Riverdale Senior Services Inc.  
 2600 Netherland Ave., Bronx, NY 10463  
 PIN#: 12510TRNA143 - Contract Amount: \$105,213

Riverdale Senior Services Inc.  
 2600 Netherland Ave., Bronx, NY 10463  
 PIN#: 12510SCNA188 - Contract Amount: \$555,639  
 Presbyterian Senior Services

2095 Broadway, Ste., 409, New York, NY 10023  
 PIN#: 12510SCNA1A6 - Contract Amount: \$236,369

Presbyterian Senior Services  
 2095 Broadway, Ste., 409, New York, NY 10023  
 PIN#: 12510CRNA1K1 - Contract Amount: \$289,701

Bedford Park Multi-Service Center For Senior Citizens  
 243 East 204th Street, Bronx, NY 10458  
 PIN#: 12510SCNA128 - Contract Amount: \$322,803

Bronx Jewish Community Council Inc.  
 2930 Wallace Avenue, Bronx, NY 10467  
 PIN#: 12510VRNA12F - Contract Amount: \$254,717

Negotiated Acquisition Extension

■ jy22

**SERVICES FOR SENIOR CITIZENS** – Negotiated Acquisition – Available only from a single source – ARC XVI Fort Washington Inc.  
 4111 Broadway, New York, NY 10033  
 PIN#: 12510SCNA305 - Contract Amount: \$504,810

ARC XVI Fort Washington Inc.  
 4111 Broadway, New York, NY 10033  
 PIN#: 12510TRNA309 - Contract Amount: \$288,180

Lenox Hill Neighborhood House Inc.  
 331 East 70th Street, New York, NY 10021  
 PIN#: 12510SCNA30D - Contract Amount: \$369,178

Chinese-American Planning Council  
 150 Elizabeth Street, New York, NY 10012  
 PIN#: 12510SCNA30H - Contract Amount: \$667,014

Washington Heights Community Service Inc.  
 650 West 187th Street, New York, NY 10033  
 PIN#: 12510SCNA30L - Contract Amount: \$597,723

YW YWHA of Washington Heights and Inwood Inc.  
 54 Nagle Avenue, New York, NY 10040  
 PIN#: 12510SCNA30M - Contract Amount: \$489,909

The Carter Burden Center For The Aging Inc.  
 1484 First Avenue, New York, NY 10075  
 PIN#: 12510SCNA31Z - Contract Amount: \$210,267

Convent Avenue Baptist Church  
 425 West 144th Street, New York, NY 10031  
 PIN#: 12510SCNA324 - Contract Amount: \$504,715

Charles A Walburg Multi Service Organization Inc.  
 163 West 125th Street, 13th Fl., New York, NY 10027  
 PIN#: 12510SCNA327 - Contract Amount: \$248,536

One Stop Senior Services  
 747 Amsterdam Ave., 3rd Fl., New York, NY 10025  
 PIN#: 12510VRNA333 - Contract Amount: \$341,613

United Jewish Council of the East Side  
 235 East Broadway, New York, NY 10002  
 PIN#: 12510SCNA337 - Contract Amount: \$496,814

Henry Street Settlement  
 265 Henry Street, New York, NY 10002  
 PIN#: 12510SCNA340 - Contract Amount: \$277,558

Hudson Guild  
 441 West 26th Street, New York, NY 10001  
 PIN#: 12510SCNA349 - Contract Amount: \$500,342

Find Aid For The Aged  
 160 West 71st Street, Rm 2F, New York, NY 10023  
 PIN#: 12510SCNA353 - Contract Amount: \$1,151,945

Senior Action In A Gay Environment Inc.  
 305 Seventh Avenue, 6th Floor, New York, NY 10001  
 PIN#: 12510VRNA356 - Contract Amount: \$31,603

Lincoln Square Neighborhood Center Inc.  
 250 West 65th Street, New York, NY 10023  
 PIN#: 12510VRNA357 - Contract Amount: \$20,533

Association of Black Social Worker Inc.  
 1969 Madison Avenue, New York, NY 10035  
 PIN#: 12510SCNA360 - Contract Amount: \$375,186

Central Harlem Senior Citizens Coalition Inc.  
 34 West 134th Street, New York, NY 10037  
 PIN#: 12510SCNA369 - Contract Amount: \$735,411

Harlem Teams for Self-Help Inc.  
 175 West 137th Street, New York, NY 10030  
 PIN#: 12510SCNA370 - Contract Amount: \$182,847

Senior Helping Seniors  
 600 West 168th Street, Basement, New York, NY 10032  
 PIN#: 12510VRNA378 - Contract Amount: \$62,830

Find Aid For The Aged  
 160 West 71st Street, Rm 2F, New York, NY 10023  
 PIN#: 12510SCNA379 - Contract Amount: \$349,791

Find Aid For The Aged  
 160 West 71st Street, Rm. 2F, New York, NY 10023  
 PIN#: 12510SCNA387 - Contract Amount: \$385,476

Jewish Association For Services For The Aged  
 132 West 31st Street, 10th Fl., New York, NY 10001  
 PIN#: 12510CRNA3K1 - Contract Amount: \$251,100

Mount Sinai School of Medicine of New York University  
 BOX 1252-One Gustave L. Levy Place, New York, NY 10029  
 PIN#: 12510CRNA3K2 - Contract Amount: \$316,368

Negotiation Acquisition Extension

■ jy22

**BROOKLYN NAVY YARD**

■ SOLICITATIONS

*Construction/Construction Services*

**BUILDING 275 PARKING LOT CONSTRUCTION** – Competitive Sealed Bids – PIN# 090168 – DUE 08-07-09 AT 10:00 A.M. – Construction of a new parking lot including, drainage, lighting, landscaping and repaving of adjacent roadway, including the installation of a new steam main. A mandatory site visit will be held at BNYDC, Bldg., 292, 3rd Floor on July 29, 2009 at 10:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents,

vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Brooklyn Navy Yard Development Corp., 63 Flushing Avenue, Building 292, Brooklyn, NY 11205. Anthony Jarzembowski (718) 907-5952, jarzembowski@brooklynnavyyard.com*

☛ jy22

## CITYWIDE ADMINISTRATIVE SERVICES

### DIVISION OF MUNICIPAL SUPPLY SERVICES

#### ■ VENDOR LISTS

##### Goods

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

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

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

jy17-j4

### EQUIPMENT FOR DEPARTMENT OF SANITATION

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

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

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

jy17-j4

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

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

jy17-j4

## CONSUMER AFFAIRS

#### ■ SOLICITATIONS

##### Services (Other Than Human Services)

**NOTICE OF PARTICIPATION IN INNOVATIVE TAX PREPARATION DELIVERY SERVICES FOR LOW-INCOME FILERS** – Request for Proposals – PIN# 071509 – DUE 08-07-09 AT 5:00 P.M.

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

*Department of Consumer Affairs, 42 Broadway, 8th Floor, New York, NY 10004. Tamara Lindsay (212) 487-2749, tlindsay@dca.nyc.gov*

☛ jy22

## ENVIRONMENTAL PROTECTION

### BUREAU OF WASTEWATER TREATMENT

#### ■ SOLICITATIONS

##### Construction / Construction Services

**RECONSTRUCTION OF PIPING SYSTEMS AT VARIOUS WPCP'S, CITYWIDE** – Competitive Sealed Bids – PIN# 82609WPC1181 – DUE 08-27-09 AT 11:30 A.M. PROJECT NO. PW-63: Document Fee: \$100.00. There will be a pre-bid conference held on 8/20/09 at 10:00 A.M. at 96-05 Horace Harding Expressway, Corona, NY 11368. The Project Manager is Fariba Refah (718) 595-4322. Vendor ID#: 61713. ● **UPGRADE OF THE BOILER SYSTEMS AT THE PORT RICHMOND WPCP, STATEN ISLAND, NEW YORK** – Competitive Sealed Bids – PIN# 82609WPC1185 – DUE 08-20-09 AT 11:30 A.M. - PROJECT NO. PR-113: Document Fee: \$100. There will be a mandatory pre-bid conference on 8/6/09 at 10:00 A.M. at the Port Richmond WPCP, 1801 Richmond Terrace and Bodine Street, Staten Island, NY 10310. The Project Manager is Andwele McCarthy (718) 595-5127.

These contracts are subject to apprenticeship program requirements as described in the solicitation materials. Vendor ID#: 61706.

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

*Department of Environmental Protection, 59-17 Junction Blvd., 17th Floor, Flushing, NY 11373. Greg Hall (718) 595-3236, gregh@dep.nyc.gov*

☛ jy22

## FINANCE

### CONTRACTS

#### ■ INTENT TO AWARD

##### Services (Other Than Human Services)

**OPERATION AND MAINTENANCE OF THE SHERIFF'S INCOME EXECUTION SYSTEM** – Negotiated Acquisition – Available only from a single source - PIN# 83620101211641 – DUE 07-27-09 AT 3:00 P.M. – Bank of New York Mellon, One Wall Street, 19th Floor, New York, NY 10286.

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

*Department of Finance, 1 Centre Street, New York, NY 10007. Rob Schaffer (212) 669-4477, schafferr@finance.nyc.gov*

jy20-24

## 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) 442-3863.**

j1-d31

#### ■ SOLICITATIONS

##### Goods & Services

### MAINTENANCE AND EMERGENCY REPAIR OF LOADING DOCK GATES

Competitive Sealed Bids – PIN# 11210004 – DUE 08-10-09 – A mandatory site visit will be held on August 3, 2009 at 11:00 A.M. at Harlem Hospital at the Old Nurses Residence, 506 Lenox Avenue, 3rd Floor, New York, NY 10037.

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

*Lincoln Hospital Center, 234 East 149th Street, Room 2A2, Bronx, NY 10451. Edwin Iyasere (718) 579-5106.*

☛ jy22

**SERVICE CONTRACT FOR ALL EMERGENCY REPAIRS ON EXISTING HVAC IN HOSPITAL AND OFF-SITE CLINICS** – Competitive Sealed Bids – PIN# QHN2010-1004EHC – DUE 08-10-09 AT 2:00 P.M.

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

*Queens Health Network, 82-68 164th Street, "S" Building, Jamaica, NY 11432. Aurelio Morrone (718) 883-6000, morronea@nychhc.org*

☛ jy22

## HOMELESS SERVICES

### OFFICE OF CONTRACTS AND PROCUREMENT

#### ■ SOLICITATIONS

##### Human / Client Service

### TRANSITIONAL RESIDENCES FOR HOMELESS/ DROP-IN CENTERS

Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 071-00S-003-262Z – DUE 06-25-10 AT 10:00 A.M. The Department of Homeless Services is soliciting proposals from organizations interested in developing and operating transitional residences for homeless adults and families including the Neighborhood Based Cluster Residence and drop-in centers for adults. This is an open-ended solicitation; there is no due date for submission.

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

*Department of Homeless Services, 33 Beaver Street, 13th Floor, New York, NY 10004. Marta Zmoira (212) 361-0888, mzmaira@dhs.nyc.gov*

j12-24

## HOUSING AUTHORITY

#### ■ SOLICITATIONS

##### Construction / Construction Services

### REPLACEMENT OF RADIATOR VALVES AND TRAPS AT VARIOUS DEVELOPMENTS, QUEENS AND STATEN ISLAND

Competitive Sealed Bids – PIN# HE9008788 – DUE 07-31-09 AT 10:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M. for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

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, 11th Floor, New York, NY 10007. Gloria Guillo, MPA, CPPO, (212) 306-3121, gloria.guillo@nycha.nyc.gov*

jy17-23

## ELEVATOR REPLACEMENT CONTRACT AT 1925 UNIVERSITY AVE. AND MB1

Competitive Sealed Bids – PIN# 481163 – DUE 08-26-09 AT 10:00 A.M. – No vendor shall be permitted to bid without first obtaining the (RFP) at Grenadier Realty Corp., 155 Elmira Loop, Brooklyn, NY 11239, from Brenda Williams (718) 240-4664, from July 23rd through August 5th, 2009. A mandatory pre-bid conference will be held at 1925 Harrison Avenue, Bronx, NY 10435, on August 6th, 2009 at 10:00 A.M. A non-refundable certified check or money order in the amount of \$25.00 is required to obtain the bid package. This is a prevailing wage project. GRC/NYCHA-UAC and MB1 encourage minority and WBE organizations to submit bids.

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.

*Grenadier Realty Corp., 155 Elmira Loop, Brooklyn, NY 11239. Purchasing Dept. (718) 240-4664. 250 Broadway, 10th Fl., New York, NY 10007. Maria Lopez (212) 306-6707.*

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## ELEVATOR REHABILITATION, MAINTENANCE AND SERVICE

Competitive Sealed Bids – PIN# EV9007993 – DUE 08-06-09 AT 11:00 A.M. – For 2 Elevators at Marshall Plaza and two (2) elevators at Public School 139 and 2 elevators at 830 Amsterdam Avenue. Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

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, 11th Floor, New York, NY 10007. Gloria Guillo, MPA, CPPO, (212) 306-3121, gloria.guillo@nycha.nyc.gov*

jy17-23

## HOUSING PRESERVATION & DEVELOPMENT

#### ■ AWARDS

### NON-EMERGENCY DEMOLITION OF ONE (1) BUILDING

Competitive Sealed Bids/Pre-Qualified List – Available only from a single source - PIN# 806099701827 – AMT: \$114,969.00 – TO: Gateway Demolition Corp., 134-22 32nd Avenue, Flushing, NY 11354.

● **NEIGHBORHOOD PRESERVATION CONSULTANT PROGRAM** – Request for Proposals – PIN# 806080100005Q – AMT: \$120,000.00 – TO: Fifth Avenue Committee, Inc., 621 DeGraw Street, Brooklyn, NY 11217.

● **NON-EMERGENCY DEMOLITION** – Competitive Sealed Bids/Pre-Qualified List – Available only from a single source - PIN# 806099701888 – AMT: \$146,444.00 – TO: A. Russo Wrecking, Inc., 67 East Avenue, Lawrence, NY 11559.

● **ANTI-ILLEGAL EVICTION SERVICES** – BP/City Council Discretionary – PIN# 806099070091 – AMT: \$222,975.00 – TO: MFY Legal Services, Inc., 299 Broadway, New York, NY 10007.

● **ANTI-ILLEGAL EVICTION SERVICES** – BP/City Council Discretionary – PIN# 806099070100 – AMT: \$304,782.00 – TO: The Legal Aid Society, 199 Water Street, 6th Floor, New York, NY 10038.

● **NEIGHBORHOOD HOUSING SERVICES OF THE NORTH BRONX, INC.** – Request for Proposals – PIN# 806080100005Z – AMT: \$120,000.00 – TO: Neighborhood Housing Services of the North Bronx, Inc., 1451 East Gunhill Road, 2nd Floor, Bronx, NY 10469.

● **NEIGHBORHOOD HOUSING SERVICES OF THE NORTH BRONX, INC.** – Request for Proposals – PIN# 806080100005X – AMT: \$120,000.00 – TO: Cypress Hills Local Development Corp., Inc., 625 Jamaica Avenue, Brooklyn, NY 11208.

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## HUMAN RESOURCES ADMINISTRATION

### CONTRACTS

#### ■ INTENT TO AWARD

##### Human / Client Service

### SCATTERSITE I HOUSING AND SUPPORTIVE SERVICES FOR PLWAS

Negotiated Acquisition/Pre-Qualified List – PIN# 06910H071801 – DUE 07-28-09 AT 2:00 P.M. – The Scatter Site I Housing and Supportive Service vendor is Discipleship Outreach Ministries, Inc., located at 5220 Fourth Avenue, Brooklyn, NY 11220 for the amount of \$510,743.00. (PIN#: 06910H071801)

Human Resources Administration (HRA) intends to use the Negotiated Acquisition Extension process due to the compelling need to continue critical services. It is anticipated that the contract term will be from 7/1/09 to 3/31/10.

Organizations interested in responding to a future solicitation for these services are invited to do so by calling the New York City Vendor Enrollment Center at (212) 857-1680 to request an application or fill out one on-line by visiting [www.nyc.gov/selltonyc](http://www.nyc.gov/selltonyc).

For any additional information, contact Paula Sangster-Graham at HRA/HASA at (212) 620-9275.

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

*Human Resources Administration, HIV/AIDS Services Administration (HASA), 2 West 14th St., New York, NY 10011. Paula Sangster-Graham (212) 620-9275, sangstergraham@hra.nyc.gov 12 West 14th Street, NYC, NY 10011.*

jy21-27



## JUVENILE JUSTICE

### ■ SOLICITATIONS

*Human/Client Service*

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

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

Department of Juvenile Justice, 110 William Street, 14th Floor, New York, NY 10038. Chuma Uwechia (212) 442-7716, cuwechia@djj.nyc.gov

jy1-d16

## LAW

### AGENCY CHIEF CONTRACTING OFFICER

#### ■ SOLICITATIONS

*Services (Other Than Human Services)*

**BOND COUNSEL TO THE CITY OF NEW YORK** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 02509X100013 – DUE 08-12-09 AT 5:00 P.M. – The Department seeks to enter into a contract with a law firm that will serve as bond counsel to the City in connection with issuances of City bonds and notes. Law firms with expertise in the areas of municipal finance and federal taxation are encouraged to request a copy of the RFP and to submit a proposal in response. Proposals submitted in response to this RFP may also be used as the basis for the award of bond counsel contracts by the New York City Transitional Finance Authority (“TFA”), the New York City Municipal Water Finance Authority (“Water Authority”), TSASC, Inc. (“TSASC”), the Fiscal Year 2005 Securitization Corp. (“FSC”), the Sales Tax Asset Securitization Corp. (“STAR”) and Hudson Yards Infrastructure Corporation (“Hudson Yards”), in connection with the Bond Counsel selection process of such entities. Hereinafter, the TFA, Water Authority, TSASC, FSC, STAR and Hudson Yards shall be known collectively as the “Other Issuers.” The proposals submitted in response to this RFP may also be used by the City and the Other Issuers to make recommendations to the underwriters of the City and the Other Issuers’ debt concerning their choice of counsel. Further, the proposals submitted in response to this RFP may also be used by other issuers, not listed above, that are affiliated with the City in connection with the Bond Counsel selection process of such issuers and may be used by such issuers to make recommendations to underwriters of the debt of such issuers concerning their choice of counsel. The RFP document may be obtained, beginning July 22, 2009 (a) in electronic format, by sending an e-mail to smoriber@law.nyc.gov or (b) in hard copy format, by picking up a copy at the New York City Law Department, 4th Floor East Reception Desk, 100 Church Street, New York, New York 10007, between the hours of 9:00 A.M. and 5:00 P.M., Monday through Friday, exclusive of weekends and City holidays.

As of the proposal due date, at least one member of the proposing law firm must be admitted to practice before the United States District Courts for the Southern and Eastern Districts 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.

Law Department, Communications and Docketing Services Unit, Room 4-313, 100 Church Street, Room 6-222, New York, New York 10007. Samuel Moriber (212) 788-0734, smoriber@law.nyc.gov

jy22

## PARKS AND RECREATION

### REVENUE AND CONCESSIONS

#### ■ SOLICITATIONS

*Services (Other Than Human Services)*

**CONSTRUCTION, OPERATION AND MAINTENANCE OF A MINIATURE GOLF COURSE, PRO-SHOP, AND SNACK BAR** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# Q163-GC – DUE 09-14-09 AT 3:00 P.M. – At Rockaway Beach 92nd Street to Beach 94th Street, Queens There will be a recommended on-Premises proposer meeting and Premises tour on Wednesday, August 12, 2009 at 1:00 P.M. We will meet at the proposed concession site, which is located on Shorefront Parkway, between Beach 92nd and 94th Streets, on the beach side of the parkway. If you are considering responding to this RFP, please make every effort to attend this recommended meeting and Premises tour.

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

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

Parks and Recreation, The Arsenal- Central Park, 830 Fifth Avenue, Room 407, New York, NY 10021. Evan George (212) 360-3495, evan.george@parks.nyc.gov

jy15-28

## SANITATION

### AGENCY CHIEF CONTRACTING OFFICER

#### ■ AWARDS

*Construction Related Services*

**REPLACEMENT OF SALT STORAGE PAD AT 803 FORBELL STREET, BROOKLYN** – Competitive Sealed Bids – PIN# 82709RR00047 – AMT: \$488,800.00 – TO: RMR General Construction, Inc., 4 Bowne Street, Glen Cove, New York 11542.

● **REPLACEMENT OF SALT STORAGE PAD AT VAN CORTLANDT PARK, BRONX** – Competitive Sealed Bids – PIN# 82709RR00048 – AMT: \$481,400.00 – TO: Tucci Equipment Rental Corp., 336 Barretto Street, Bronx, New York 10474.

jy22

## SCHOOL CONSTRUCTION AUTHORITY

### CONTRACT ADMINISTRATION

#### ■ SOLICITATIONS

*Services (Other Than Human Services)*

**MESSENGER SERVICES** – Competitive Sealed Bids – PIN# SCA-1001P – DUE 07-30-09 AT 11:00 A.M.

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

School Construction Authority, 30-30 Thomson Avenue, 1st Floor, Long Island City, NY 11101.

Seema Menon (718) 472-8284, smenon@nycsca.org

jy17-23

## AGENCY RULES

## FIRE

### ■ NOTICE

Notice of Repeal of Existing Fire Department Rules and Promulgation of New Fire Department Rules (Chapters 1, 4, 9, 27, 28 34, 36, 46 and 48 of Title 3 of the Rules of the City of New York),

and Amendments to Fire Department Rules 3 RCNY §102-01, §113-02, §113-03 and §202-01.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Fire Commissioner of the City of New York by Section 489 of the New York City Charter and Chapter 1 of the New York City Fire Code, codified in Title 29 of the New York City Administrative Code, and in accordance with the requirements of Section 1043 of the New York City Charter, that the New York City Fire Department hereby repeals the rules listed below.

NOTICE IS FURTHER GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Fire Commissioner of the City of New York by Section 489 of the New York City Charter and Chapter 1 of the New York City Fire Code, codified in Title 29 of the New York City Administrative Code, and in accordance with the requirements of Section 1043 of the New York City Charter, that the New York City Fire Department hereby promulgates the rules listed below. New material is underlined. Material to be deleted is [bracketed].

A public hearing was held on Thursday, May 28, 2009. The repeal of existing Fire Department rules and the promulgation of Fire Department rules shall take effect on August 23, 2009.

The Notice of Repeal of Existing Fire Department Rules and Promulgation of Fire Department Rules will be available for at least 90 days on the Fire Department Internet Home Page at:

www.nyc.gov/fdny

### INTRODUCTION

This is the third installment of a series of rulemaking proceedings to repeal and repromulgate all Fire Department rules in effect on June 30, 2008 (“existing rules”). The Fire Department is undertaking to repeal and repromulgate all of its existing rules in connection with the enactment of the new New York City Fire Code, which took effect on July 1, 2008.

These rules have been renumbered to parallel the new Fire Code sections. For example, §3404-01, relating to out-of-service storage systems, corresponds to Fire Code §3404 (FC3404), which governs out-of-service storage systems. The rules have also been revised to conform to the terminology of the new Fire Code, and, as necessary, revised to amend or clarify various requirements. Except as otherwise indicated in the statement of basis and purpose for each chapter of the rules, the provisions of these rules are substantially equivalent to the existing rules.

In addition, certain rules are substantively new. Such new rules are addressed in the statement of basis and purpose for each chapter.

This installment of the rules includes Chapter 48, entitled “Pre-Existing Facilities.” This chapter does not correspond to any FC chapter but, as explained in R102-01, consolidates requirements for facilities, or parts thereof, and conditions that were lawfully existing on July 1, 2008, the effective date of the Fire Code, and that, pursuant to FC102.3, may be continued in compliance with laws, rules, regulations and permit conditions pre-dating the Fire Code. The last two digits of the rule section number indicate the FC chapter to which the rule corresponds. For example, R4828-01 relates to

the design and installation requirements for aerosol storage in pre-existing facilities that do not comply with the requirements of Fire Code Chapter 28.

As set forth in 3 RCNY §202-01, “FC” refers to the Fire Code and “R” to the rules. *Italicized* words refer to terms defined in the Fire Code or the rules.

Chapter 1 of Title 3 of the Rules of the City of New York ADMINISTRATION §113-09 Non-Production Laboratory Certificates of Fitness

Chapter 4 of Title 3 of the Rules of the City of New York

EMERGENCY PLANNING AND PREPAREDNESS §403-01 Fire Safety Precautions at Street Fairs and Similar Outdoor Public Gatherings §408-02 Residential Fire Safety Guides and Notices

Chapter 9 of Title 3 of the Rules of the City of New York

FIRE PROTECTION SYSTEMS §901-03 Portable Fire Extinguisher Sales

Chapter 27 of Title 3 of the Rules of the City of New York

HAZARDOUS MATERIALS – GENERAL PROVISIONS §2706-01 Non-Production Chemical Laboratories §2707-01 Transportation of Explosives by Motor Vehicles §2707-02 Transportation by Motor Vehicle of Hazardous Materials in Continuous Transit Through New York City or For Transshipment From New York City

Chapter 28 of Title 3 of the Rules of the City of New York

AEROSOLS §2801-01 Aerosols §2802-2806 Reserved

Chapter 34 of Title 3 of the Rules of the City of New York

FLAMMABLE AND COMBUSTIBLE LIQUIDS §3401-3403 Reserved §3404-01 Out-of-Service Storage Systems §3404-02 Precision Testing of Certain Underground Storage Systems §3404-03 Indoor and Aboveground Combustible Liquid Storage Systems §3405-01 Storage and Use of Fuel Oil on Mobile Trailers for Heating and Power Generation §3406-01 Storage of Flammable and Combustible Liquids on Roofs at Construction Sites

Chapter 36 of Title 3 of the Rules of the City of New York

FLAMMABLE SOLIDS §3601-01 Flammable Solids §3602-3605 Reserved

Chapter 46 of Title 3 of the Rules of the City of New York

FEES §4601-01 New and Amended Fees §4602-4603 Reserved

Chapter 48 of Title 3 of the Rules of the City of New York

PRE-EXISTING FACILITIES §4827-01 Storage of Hazardous Materials in Pre-Existing Facilities §4828-01 Storage of Aerosols in Pre-Existing Facilities §4829-01 Storage of Combustible Fibers in Pre-Existing Facilities §4831-01 Storage of Corrosive Materials in Pre-Existing Facilities §4833-01 Storage of Explosives in Pre-Existing Facilities §4834-01 Storage of Flammable and Combustible Liquids in Pre-Existing Facilities §4839-01 Storage of Organic Peroxides in Pre-Existing Facilities

Section 1. The following provisions of Title 3 of the Rules of the City of New York are hereby REPEALED:

3 RCNY §1-01, entitled “Tanks Used for Bulk Storage of Acids”  
3 RCNY §7-01, entitled, “Required Periodic Tests of Fire Extinguishing Systems in Bulk Oil Storage Systems”  
3 RCNY §7-02, entitled, “Color Coding for Fire Extinguishing Systems in Bulk Oil Storage and Similar Plants”  
3 RCNY §7-03 entitled “Signs at Fuel Oil Loading Racks in Bulk Oil Terminals”  
3 RCNY §7-04, entitled “Hydrostatic Testing of Buried Piping in Oil Storage Plants”  
3 RCNY §7-05, entitled “Hydrocarbon Vapor Recovery Units for Use in Bulk Plants Storing or Dispensing Volatiles (Such as Gasoline)”  
3 RCNY §7-06, entitled “Oil Spill Control at Bulk Storage Plants and Petroleum Product Pipelines”  
3 RCNY §7-07, entitled “Manufacture, Refining and Distilling of Petroleum, Coal Tar, or the Liquid or Solid Products Thereof, and the Storage, Transportation or Use of any Such Products in Certain Areas in the Borough of Richmond”  
3 RCNY §7-08, entitled “Certificates of Fitness for Bulk Oil Storage Plants”  
3 RCNY §8-01, entitled “Fire Extinguishing Requirements for the Storage of Fats and Oils”  
3 RCNY §8-02, entitled “Storage and Use of Cable Oils with a Flashpoint Over 300°F”  
3 RCNY §10-01, entitled “Storage and Use of Chemicals, Acids and Gases in College, University, Hospital, Research and Commercial Laboratories”  
3 RCNY §12-01, entitled “Fire Drill and Evacuation in Hospitals and Nursing Institutions”  
3 RCNY §14-01, entitled “Explosives Control”  
3 RCNY §14-02, entitled “Identification of Blasting Caps”  
3 RCNY § 14-03, entitled “Transportation, Storage, Sale and Use of Blasting Explosives”  
3 RCNY § 14-04, entitled “Specifications for Explosive Magazines”  
3 RCNY §14-05, entitled “Alarm Systems For First Class Explosives (Powder and Caps) Magazines, and for All Magazines Storing Explosives Overnight”  
3 RCNY §14-06, entitled “Use of Explosives for the Demolition of Structures”  
3 RCNY §14-07, entitled “Disposal of Dynamite”  
3 RCNY §15-05, entitled “Fire Protection in Wholesale Drug and Chemical Supply Houses”  
3 RCNY §15-06, entitled “Fire Extinguishing Requirements for the Storage of Distilled Liquors and Alcohols”  
3 RCNY §20-01, entitled “Storage and Use of Flammable and Combustible Liquids and Mixtures”

3 RCNY §20-02, entitled "Storage and Use of Combustible Mixtures and/or Kerosene in Multiple Dwelling Occupancies"  
 3 RCNY §20-03, entitled "Products Exempt from Certificate of Approval and/or Permit Labeling Requirements"  
 3 RCNY §20-04, entitled "Labels on Containers of Flammable and Combustible Mixtures"  
 3 RCNY §20-05, entitled "Use of Plastic Containers for Flammable and Combustible Mixtures"  
 3 RCNY §20-06, entitled "Storage of Liquids, Gases or Solids Having a Flashpoint of Less Than 100°F in Refrigerators"  
 3 RCNY §20-07, entitled "Storage and Sale of Acetone and/or Nail Polish Remover"  
 3 RCNY §20-10, entitled "Hi-lows, Tractors and Similar Equipment"  
 3 RCNY §20-11, entitled "Storage and Use of Combustible Liquids in Dry Cleaning Establishments"  
 3 RCNY §21-01, entitled "Periodic Testing and Maintenance of Foam Extinguishing Systems for Gasoline and/or Diesel Oil Tank Vaults in Oil Selling Stations, Private Fill Stations and Garages"  
 3 RCNY §21-02, entitled "Out-of-Service Storage Systems"  
 3 RCNY §21-03, entitled "Performance of Precision Tests on Underground Storage Systems Containing Motor Vehicle Fuels or Other Flammable Liquids or Mixtures"  
 3 RCNY §21-04, entitled "Required Tests of Buried Flammable Storage Systems"  
 3 RCNY §21-05, entitled "Storage and Sale of Flammable and/or Volatile Flammable Oils in Retail Paint Stores"  
 3 RCNY §21-06, entitled "Safeguards for Filling Above Ground Storage Tanks in Paint Stores"  
 3 RCNY §21-11, entitled "Installation of Buried Gasoline Storage Systems for Temporary Use on Construction Projects in Lieu of Above-Ground Storage as Provided in § 27-4058(d) of the Administrative Code"  
 3 RCNY §21-15, entitled "Helicopter External Load Operations"  
 3 RCNY §21-17, entitled "Installation of Storage Tanks and Piping for Liquids Having Flashpoints of 100 Degrees Fahrenheit or Higher Tag. Open Cup"  
 3 RCNY §21-18, entitled "Mobile Emergency Heating Trailers Using Fuel Oil"  
 3 RCNY §27-01, entitled "Storage, Sale or Use of Organic Peroxides Packaged for Manufacturing, Industrial or Commercial Uses"  
 3 RCNY §28-01, entitled "Storage of Paints, Varnishes and Lacquers, and Similar Products in Multiple Dwellings"  
 3 RCNY §28-02, entitled "Temporary Paint Storage Rooms in Schools of the Board of Education"  
 3 RCNY §28-03, entitled "Installation of Sprinkler Heads for Spray Booth-Drying Ovens"  
 3 RCNY §28-04, entitled "Storage and/or Use of Inks"  
 3 RCNY §28-05, entitled "Storage and Use of Flammable and Combustible Floor Finishing Products"  
 3 RCNY §29-01, entitled "Fire Protection Requirements in City Operated Parking Lots Equipped with Parking Meters"  
 3 RCNY §29-02, entitled "Fire Aisle Spaces in Parking Lots"  
 3 RCNY §29-03, entitled "Openings Between Converted Three-Family Multiple Dwelling Garages and Dwelling Portions"  
 3 RCNY §30-01, entitled "Storage of Sisal, Hemp and/or Similar Combustible Cargo on Piers"  
 3 RCNY §30-02, entitled "Storage of Gasoline Propelled Hi-Lows, Tractors and Similar Equipment on Piers"  
 3 RCNY §31-01, entitled "Places of Public Assembly Wherein Trade Shows and Similar Exhibitions are Conducted"  
 3 RCNY §31-02, entitled "Storage and/or Use of Liquid or Gaseous Fuels in Conjunction with Bazaars, Street Festivals, Carnivals, Fairs or Similar Outdoor Events"  
 3 RCNY §32-01, entitled "Manufacture, Storage and Use of Pressurized Products"  
 3 RCNY §33-01, entitled "Plan Requirements for Refrigerating Systems"  
 3 RCNY §33-03, entitled "Qualified Refrigerating Machine Operator Requirements"  
 3 RCNY §33-04, entitled "Approved Refrigerants-Group 1"  
 3 RCNY §33-05, entitled "Lithium Bromide Absorption Systems"  
 3 RCNY §34-01, entitled "Storage and Use of Limited Quantities of Chemicals, Acids, and Flammables for Instruction Purposes in Public High Schools"  
 3 RCNY §37-01, entitled "Holders of Fire Department Certificates of Fitness for Maintenance of Sprinkler and/or Standpipe Systems"  
 3 RCNY §40-01, entitled "Trucks Transporting Explosives"  
 3 RCNY §40-02, entitled "Transportation of Class 4 Through Class 9 Hazardous Materials by Cargo Tank or Other Motor Vehicle"  
 3 RCNY §40-04, entitled "Transportation of Flammable and Combustible Liquids by Cargo Tank or Other Vehicle"  
 3 RCNY §40-06, entitled "Transportation of Compressed Gases by Cargo Tank or Other Vehicle"  
 3 RCNY §40-07, entitled "Transportation of Hazardous Cargo Through the City of New York by Motor Vehicle"  
 3 RCNY §43-01, entitled "Residential Fire Safety Plans and Notices"

Section 2. Chapter 1 of Title 3 of the Rules of the City of New York is hereby amended by adding a new subdivision (f) to §102-01, adding a new section, § 113-09, and amending subdivisions (c) and (f) of §§ 113-02 and 113-03, to read as follows:

**CHAPTER 1  
ADMINISTRATION**

- §101 Reserved
- §102-01 Pre-Existing Facilities and Conditions
- §103 Reserved
- §104-01 Appeals
- §104-02 Professional Certification of Fire Alarm System Installations Reserved
- §104-03 Disposal of Contraband Materials
- §104-04 Modification of Rules
- §105-108 Reserved
- §105-01 Approval of Fire Alarm System Installations Reserved
- §106-108 Reserved
- §109-01 Notice of Violation, Certification of Correction and Stipulation Procedures
- §109-02 Consolidation of Provisions of the Administrative Code for Enforcement Purposes
- §110-111 Reserved
- §112-01 Certificates of Approval
- §113-01 Certificates of Fitness and Certificates of Qualification
- §113-02 Fire Safety Director Certificate of Fitness
- §113-03 Fire Safety/EAP Director Certificate of Fitness
- §113-04 Accreditation of Training Courses
- §113-05 Fire Safety Director Training Courses
- §113-06 Fire Safety/EAP Director Training Courses
- §113-07 Refrigerating System Operating Engineer Training Courses
- §113-08 Commercial Cooking Exhaust Systems Certificates of Fitness
- §113-09 Non-Production Laboratory Certificates of Fitness

- §114-01 Certificates of License
- §115-01 Company Certificates
- §116-01 Expeditor Registration
- §117 Reserved

**§ 102-01 Pre-Existing Facilities and Conditions**

- (f) Projects In Progress
- (1) Approved facilities completed prior to January 1, 2010. The design and installation of a facility, the construction of which was completed and/or approved for use or occupancy by the Department of Buildings on or after July 1, 2008, and which would not be allowed and could not be approved under the applicable provisions of the Fire Code and the rules, shall be deemed a pre-existing facility under the following circumstances and subject to the following conditions:
- (A) The design of the facility shall have been approved by the Department of Buildings and a work permit issued by that agency for the construction thereof prior to July 1, 2008;
  - (B) The design of the facility to be constructed was in compliance with all applicable provisions of the Fire Prevention Code and Fire Department rules in effect at the time such work permit was issued; and
  - (C) Construction of the facility is completed and its use and occupancy approved prior to January 1, 2010.
- (2) Approved facilities completed prior to January 1, 2011. The design and installation of a facility otherwise eligible to be deemed a pre-existing facility pursuant to R102-01(f)(1), except that construction of the facility will not be completed, and/or its use and occupancy will not be approved, prior to January 1, 2010, shall be deemed a pre-existing facility under the following circumstances and subject to the following conditions:
- (A) A showing satisfactory to the Department that compliance with the applicable provisions of the Fire Code and rules would be an undue hardship; and
  - (B) Compliance with approved measures to ameliorate the fire safety concerns arising from non-compliance with the Fire Code and rule design requirements constituting the undue hardship; and
  - (C) Construction of the facility is completed and its use and occupancy approved prior to January 1, 2011, except that such deadline may be extended by modification upon a satisfactory showing that construction could not be reasonably completed by such date, and the construction continues to be authorized under the work permit issued by the Department of Buildings.

**§104-02 Professional Certification of Fire Alarm System Installations**

Reserved

**§105-01 Approval of Fire Alarm System Installations**

Reserved

**§ 113-02 Fire Safety Director Certificates of Fitness**

- (c) Qualifications. In addition to the qualifications set forth in FC113, applicants for fire safety director certificates of fitness shall possess and demonstrate to the satisfaction of the Department the following qualifications:
- (6) At time of renewal of such certificate, receipt of a passing grade on a practical (on-site) examination administered by the Department, when required by this section.
- (A) Certificate holders registered for one or two work locations. Pursuant to FC113.7.3, holders of fire safety director certificate of fitness who register for one (1) or two (2) work locations are subject to a practical (on-site) examination at each work location at time of renewal of such certificate whenever the Department determines such an examination is necessary to demonstrate the holder's continuing qualifications and fitness.
  - (B) Certificate holders registered for more than two work locations. Any holder of a fire safety director certificate of fitness who receives special approval to register for more than two (2) work locations shall be subject

to a practical (on-site) examination at each work location at time of renewal of such certificate. Such a certificate holder shall schedule an appointment for a practical (on-site) examination with the High Rise Unit of the Bureau of Fire Prevention not less than three (3) months prior to the expiration of each certificate.

- (f) [Change in] Registration of Work Locations. The fire safety director certificate of fitness is issued for [a] one (1) or more specific work locations. [A change in work location must be immediately reported to the Licensing Unit of the Bureau of Fire Prevention, and application made for an original practical (on-site) examination at the work location prior to commencing work at such location.] Applicants for, or holders of, a fire safety director certificate of fitness must register each work location at which they will be performing the duties of a fire safety director. A fire safety director certificate of fitness does not authorize the holder to perform such duties at any location other than work locations registered with the Department. Registration of multiple work locations shall not be construed to authorize performance of the duties of a fire safety director at more than one (1) work location at the same time.
- (1) Submission. To register one (1) or more work locations, a fire safety director certificate of fitness applicant or holder shall submit a letter from each employer for whom he or she will be performing the duties of a certificate of fitness holder. Such letter shall be on business letterhead, and signed by an appropriate principal or officer of the employer, and provide such information and documentation as may be required by the Department.
- (2) Limitation on work locations. A fire safety director certificate of fitness will be issued to a single applicant or holder for no more than two (2) work locations, except as may be approved by the Department in accordance with the following provisions:
- (A) Special approval shall be required to register for more than two (2) work locations. Such special approval shall only be granted upon a determination that the applicant is capable of demonstrating and maintaining proficiency at each work location. For example, in determining the applicant's ability to maintain proficiency at multiple work locations, consideration may be given to the number of hours to be regularly worked at each location, and similarities in the design and arrangement of the work locations (as may be the case with an office building complex or a chain of similarly designed and arranged hotels).
  - (B) Fire safety directors approved to register for more than two (2) work locations shall be subject to administration of practical (on-site) examinations at each work location in accordance with R113-02(c)(6)(B), and such other terms and conditions as the Department may prescribe to assure that proficiency is maintained.
  - (C) A fire safety director certificate of fitness holder registered for more than two (2) work locations on October 1, 2009 shall, not less than three (3) months prior to the expiration of the first certificate to expire after such date, apply for special approval for all such additional work locations. The certificate holder shall be subject to administration of practical (on site) examinations at such time at each registered work location for which special approval is granted.
- (3) Change in work location. The holder of a fire safety director certificate of fitness who will no longer be performing the duties of a fire safety director at a registered work location shall immediately notify the Licensing Unit of the Bureau of Fire Prevention, and shall make application for a practical (on-site) examination at any new work location prior to commencing work at such location. The holder of a fire safety director certificate of fitness shall not perform any duties requiring such certificate until such time as a work location has been registered in accordance with this section.
- (4) Certificate not in use. The certificate of fitness of a fire safety director who does not have any work location registered with the Department shall be deemed "Not In Use" (inactive) and is not valid to perform the duties of a fire safety director. A fire safety director certificate of fitness that is in "Not In Use" status may

be renewed only once.

§ 113-03 Fire Safety/EAP Director Certificates of Fitness

- (c) \* \* \* Qualifications. In addition to the qualifications set forth in FC113, applicants for fire safety/EAP director *certificates of fitness* shall possess and demonstrate to the satisfaction of the *Department* the following qualifications:
- (1) hold a fire safety director *certificate of fitness* issued by the *Department* pursuant to R 113-01 and 113-02, or meet the requirements for issuance of same, as set forth therein; and
- (2) have successfully completed at least a seven-hour training course approved by the *Department* and conducted by an educator or educational institution or program accredited by the *Department* in the areas of knowledge relevant to the duties of a fire safety/EAP director, including threat analysis and response and other homeland security issues; building evacuation, in-building relocation and shelter in place planning; elevator operation and building ventilation; special needs of the infirm and disabled, and incident command structure and emergency response operations; as set forth in the *Department's* notice of examination and R113-04 and R113-06[.]; and
- (3) at time of renewal of such certificate, receipt of a passing grade on a practical (on-site) examination administered by the *Department* for such certificate, when required by this section, in the manner set forth in R113-02(c)(6) and R113-02(f)(2)(C).
- \* \* \*
- (f) [Change in] Registration of Work Location. The fire safety/EAP director *certificate of fitness* is issued for a specific work location. [A change in work location must be immediately reported to the Licensing Unit of the *Bureau of Fire Prevention*, and application made for an original practical (on-site) examination at the new work location prior to commencing work at such location.] Applicants for, or holders of, a fire safety/EAP director *certificate of fitness* must register each work location at which they will be performing the duties of a fire safety/EAP director. A fire safety/EAP director *certificate of fitness* does not authorize the holder to perform such duties at any location other than work locations registered with the *Department*. The registration of work locations, including submission, limitation on work location, change in work location, and not in use provisions, shall be conducted and regulated in the manner set forth in R113-02(f).

§ 113-09 Non-Production Laboratory Certificates of Fitness

- (a) Scope. This section sets forth standards, requirements and procedures for issuance of *certificates of fitness for non-production laboratories*.
- (b) General Provisions. Applicants for *certificates of fitness for non-production laboratories* shall meet the minimum qualifications and comply with the general requirements for a *certificate of fitness* as set forth in FC113 and R11301.
- (c) Qualifications. In addition to the qualifications set forth in FC113, applicants for *non-production laboratory certificates of fitness* shall possess and demonstrate to the satisfaction of the *Department* that they have accumulated 60 college credits as a result of satisfactory completion of course work at a college or university accredited by an accrediting body recognized by the United States Secretary of Education and the Council for Higher Education Accreditation. Of the 60 required credits, not less than 21 shall be in the field of engineering, chemistry, fire science or other approved field of study.
- (d) Special Application Requirements. In addition to the applicable requirements set forth in FC113, applicants shall demonstrate to the satisfaction of the *Department* that they have received training relating to the safe storage, handling and use of hazardous materials, including training in the requirements of FC2706 and any rules promulgated pursuant to such section.

STATEMENT OF BASIS AND PURPOSE FOR CHAPTER 1 (ADMINISTRATION):

This chapter has been amended to add a new subdivision (f) to existing rule 3 RCNY 102-01. The amendment sets forth the standard for compliance with new Fire Code requirements for construction projects that were in progress on July 1, 2008, the effective date of the new Fire Code.

This chapter has also been amended by amending subdivisions (c) and (f) of existing rules 3 RCNY 113-02 and 113-03 with respect to the renewal qualifications and registration of work locations for fire safety directors and fire safety/EAP directors having more than one work location registered with the Department. Special approval is now required for fire safety directors to register more than two work locations, to ensure that they can demonstrate and maintain proficiency at multiple work locations.

This chapter has also been amended to add a new section (R113-09) that sets forth standards, requirements and procedures for issuance of certificates of fitness for non-production laboratories. R113-09 differs from existing rule 3 RCNY 10-01(c)(1) in that it allows qualified undergraduate students to conduct independent research in non-production laboratories. The existing rule was limited to graduate students.

The Fire Department had proposed a new Section, R104-02,

setting forth standards, requirements and procedures for the professional certification, pursuant to FC104.2.1, of the design and installation of fire alarm systems. Public comments were received in response to this proposed rule, which are still under review. The Fire Department intends to separately promulgate this section as a final rule at a later date.

The Fire Department had proposed a new Section, R105-01, setting forth standards, requirements and procedures for the submission for Department review and approval of design and installation documents for fire alarm systems. Public comments were received in response to this proposed rule, which are still under review. The Fire Department intends to separately promulgate this section as a final rule at a later date.

Section 3. Subdivision (c) of §202-01 of Title 3 of the Rules of the City of New York is hereby amended to read as follows:

202-01 Definitions

- (c) \* \* \* Definitions
- Administrative Code.** New York City Administrative Code.
- Alarm service.** See R901-01(b).
- Approved central station company.** See R901-01(b).
- Asphalt melter.** An approved device designed to heat asphalt, typically for waterproofing operations, that, utilizing a *flammable gas* or a *combustible liquid*, generates an enclosed flame that indirectly heats a vessel containing the asphalt.
- Bureau of Fire Prevention.** Bureau of Fire Prevention of the New York City Fire Department.
- Central station company.** See R901-01(b).
- Central station signaling system.** See R901-01(b).
- Core building system.** Reserved.
- Department of Buildings.** New York City Department of Buildings.
- Department of Consumer Affairs.** New York City Department of Consumer Affairs.
- Department of Environmental Protection.** New York City Department of Environmental Protection.
- Designated representative.** See R901-01(b).
- Designated smoking room.** See R310-01(b).
- ECB.** See R109-01(b).
- Electrical Code.** The New York City Electrical Code.
- Fire Prevention Code.** The New York City Fire Prevention Code, repealed effective July 1, 2008 by New York City Local Law No. 26 of 2008.
- Flammable plastic foam product.** See R315-01(b).
- gpm.** Gallons per minute.
- Inspector's test connection.** See R903-01(b).
- Letter of approval.** Reserved.
- Mandatory system.** See R901-01(b).
- Mobile CNG motor fuel system.** See R2208-01(b).
- Mobile CNG cascade.** See R2208-01(b).
- Natural gas.** A mixture of hydrocarbon gases and vapors, consisting principally of methane in gaseous form.
- Notice of disposal.** See R104-03(b).
- Notice of seizure.** See R104-03(b).
- Notice of violation.** See R109-01(b).
- OATH.** New York City Office of Administrative Trials and Hearings.
- Piped natural gas.** *Natural gas* supplied by means of piping connected to a public utility distribution system.
- Plumber.** A licensed master plumber, as that term is defined by the *Building Code*, or a person working under the direct and continuing supervision of a licensed master plumber, as authorized by said code.
- Pre-existing (facility or condition).** See R102-01(b).
- Pressure reducing devices.** See R905-01(b).
- Pressure restrictors.** See R905-01(b).
- Professional certification.** Reserved.
- Proprietary central station.** See R901-01(b).
- Proprietary signaling system.** See R901-01(b).
- psi.** Pounds per square inch.
- psig.** Pounds per square inch gauge.
- Runner service.** See R901-01(b).
- Subscriber.** See R901-01(b).
- Tar kettle.** A device designed to heat tar, asphalt, pitch or similar materials, typically for waterproofing operations, that, utilizing a *flammable gas* or a *combustible liquid*, generates a flame to heat a vessel containing such a material.

*Tar kettle* does not include *asphalt melters*.

**Terminal.** See R901-01(b).

**Transmitter.** See R901-01(b).

**Voluntary system.** See R901-01(b).

**Window/egress gate.** See R1025-01(b).

STATEMENT OF BASIS AND PURPOSE OF PROPOSED RULE:

The list of defined terms in section 202-01(c) has been amended to include terms defined in this rule promulgation.

Section 4. Chapter 4 of Title 3 of the Rules of the City of New York is hereby amended by adding two new sections, §§ 403-01 and 408-02, to read as follows:

CHAPTER 4  
EMERGENCY PLANNING AND PREPAREDNESS

- §401-407 Reserved  
§401-402 Reserved  
§403-01 Fire Safety Precautions at Street Fairs and Similar Outdoor Public Gatherings  
§404-407 Reserved  
§408-01 Residential Buildings With Non-Sequential or Non-Standard Floor Numbering  
§408-02 Residential Fire Safety Guides and Notices

§ 403-01 Fire Safety Precautions at Street Fairs and Similar Outdoor Public Gatherings

- (a) Scope. This section sets forth requirements and procedures for the storage, handling and use of portable fueled equipment and other fire safety precautions at street fairs, bazaars, carnivals, concerts, festivals and similar outdoor public gatherings.
- (b) General Provisions
- (1) Responsibility of sponsor, promoter and concessionaires
- (A) The sponsor and any promoter of a street fair or similar outdoor public gathering shall ensure that such event is conducted in compliance with the fire safety requirements applicable to such event, as set forth in the Fire Code, the rules and this section.
- (B) Each concessionaire at a street fair or similar outdoor public gathering shall ensure that its materials, operations and facilities are designed, installed, operated and maintained in compliance with the requirements of the Fire Code, the rules, and this section.
- (2) Prohibited storage, handling and use of CNG and flammable liquids
- (A) The storage, handling and use of CNG is prohibited at street fairs and similar outdoor public gatherings pursuant to FC3507.3(15).
- (B) It shall be unlawful to store, handle or use *flammable liquids* at street fairs and similar outdoor public gatherings, except in listed generators or other device, equipment or system or operation approved by the *Department*. Incidental storage of *flammable liquids* is prohibited, and all fueling of generators and other approved devices, equipment and systems shall be conducted only at times other than when the event is open to the public.
- (3) Site plan, permits and inspections
- (A) Not later than five (5) business days prior to the date of any street fair or similar outdoor public gathering requiring a permit from the New York City Office of Citywide Events Coordination and Management, the sponsor and any promoter of such event shall file a site plan with the plan intake window of the *Bureau of Fire Prevention*, together with the required plan review fee set forth in FC Appendix A, indicating the streets or other locations upon which the event will be held or surrounding the event; any areas, booths, tents or other facilities and locations to be occupied by concessionaires; the identity of such concessionaires and the nature of the activity they will conduct; and the location of any portable fueled equipment, portable generators and other devices, equipment, systems, materials and operations regulated by the Fire Code or the rules, and the storage, handling and use of hazardous materials in connection therewith.
- (B) The *Department* will review such plan and notify the sponsor if there are unlawful or unsafe conditions that must be

addressed prior to the event.

(C) The *Department* shall issue a single combined *permit* for each type of material and operation associated with the event.

(D) The *Department* may conduct a pre-event site inspection. The sponsor or the promoter shall be responsible for the inspection fee set forth in FC Appendix A.

(4) Supervision

(A) The sponsor and any promoter shall ensure that all devices, equipment, systems, materials and/or operations required by the Fire Code or the rules to be supervised by a *certificate of fitness* holder shall be so supervised during the event.

(B) *Certificate of fitness* holders shall, at a minimum, inspect each device, equipment or system and incidental storage area prior to commencement of use each day, to confirm that all such devices, equipment and systems are in good working order and that all necessary and appropriate fire safety precautions have been taken. A record of such surveillance shall be maintained either at a central location for all concessionaires, or at each concession area, booth or other location, and shall be made available for inspection by any *Department* representative.

(C) The handling and use of *LPG*, and incidental storage thereto, including *LPG* used to fuel portable cooking equipment, shall be under the personal supervision of a holder a *certificate of fitness* for such material, in accordance with FC3801.5.6.

(D) The handling and use of kerosene and other *combustible liquids*, and storage incidental thereto, shall be under the personal supervision of a holder of a *certificate of fitness* for such material, when the aggregate amount of such *combustible liquids* requires a *permit* pursuant to R403-01(c).

(c) Specific Hazardous Material Requirements. Hazardous materials shall be stored, *handled* and used at street fairs and similar outdoor events in compliance with the requirements of FC Chapters 3, 34 and 38, and the following requirements:

(1) General

(A) *Permits* for the *handling* and use, and incidental storage, of hazardous materials at street fairs and similar outdoor public gatherings shall be obtained based on the aggregate amount of the material, including the amounts of such material stored, *handled* or used by all concessionaires.

(B) Concessionaire areas shall be designed and arranged, through the use of booths, portable barricades or fences, or other *approved* means, to separate *portable fueled equipment* from the public. The public shall not be allowed inside such booths or enclosures.

(2) Liquefied petroleum gases (*LPG*). *LPG handling* and use, and storage incidental thereto, shall comply with the requirements of R3809-01.

(3) Kerosene and other combustible liquids

(A) The sponsor or any promoter of the event shall obtain a *permit* for the *handling* and use of kerosene and other *combustible liquids*, and storage incidental thereto, when the aggregate amount exceeds ten (10) gallons.

(B) The amount of kerosene and other *combustible liquids* that may be stored by each concessionaire incidental to *handling* and use shall not exceed ten (10) gallons, and such incidental storage shall be in *approved safety cans*.

(C) Kerosene and other *combustible liquids* shall only be used in *listed* devices, equipment and systems.

(d) Other Fire Safety Precautions

(1) Membrane structures. All *tents, air-inflated structures* and other membrane structures shall be installed, operated and maintained in compliance with the requirements of FC Chapter 24.

(2) Portable fire extinguisher requirements. Each concessionaire's area, booth, tent or other *facility* or location in which a *hazardous material* is being stored, *handled* or used, an operation is being conducted or other *facility* is being maintained, shall be provided with at least one (1) portable fire extinguisher having a minimum 10-B:C rating.

(3) Combustible waste containers. Each concessionaire's area, booth, tent or other *facility* or location shall be equipped with at least one (1) covered container for storage of *combustible waste*. Rubbish and other *combustible waste* shall be stored in such containers, which shall not be allowed to overflow.

(4) Fire apparatus access. Fire apparatus access shall be provided, by maintaining an unobstructed fire lane of not less than 15 feet in width.

(5) Fire hydrants and fire alarm boxes. The visibility of, and immediate access to, fire hydrants and fire alarm boxes shall be maintained at all times. Fire hydrants and fire alarm boxes shall be maintained free of signs or other articles or obstructions. The sponsor or promoter of the event shall conspicuously mark a solid yellow circle 12 inches in diameter in the center of the emergency access lane to indicate the location of each fire hydrant within the boundaries of the event.

(6) Fire escape ladders. Fire escape ladders shall not be obstructed in any manner that would impede their operation.

(7) Vacant buildings. Vacant buildings and temporarily unoccupied buildings in the immediate vicinity of the event shall be secured as set forth in FC311.

§ 408-02 Residential Fire Safety Guides and Notices

(a) Scope. This section sets forth standards, requirements and procedures for the preparation, posting and/or distribution of residential fire safety guides and notices required pursuant to FC408.9.

(b) General Provisions

(1) Applicability. This section applies to all buildings or parts thereof in Occupancy Group R-2, except:

(A) buildings or parts thereof subject to the provisions of FC404.2.1(8); and

(B) school and college dormitories, unless such dormitories are required to comply with this section pursuant to FC408.10.

(2) Fire safety guides. The *owner* of a building or part thereof subject to this section shall prepare a fire safety guide and distribute such guide to the occupants thereof in compliance with the requirements of FC408.9 and R40802(c).

(3) Fire safety notices. The *owner* of a building or part thereof subject to this section shall prepare, post and maintain fire safety notices in compliance with the requirements of FC408.9 and R40802(d).

(4) Access to dwelling units. Tenants and other occupants of dwelling units in buildings and parts thereof subject to this section shall allow the *owner* of such *premises* access to such dwelling unit, upon reasonable notice, for purposes of compliance with this section.

(c) Fire Safety Guide Requirements

(1) Purpose. The fire safety guide shall serve to inform occupants of the building, including building service employees, of the building's construction, *fire protection systems, means of egress*, and evacuation and other procedures to be followed in the event of *fire* in the building.

(2) Form. A fire safety guide shall be:

(A) substantially similar in format to the sample fire safety guide annexed to this section as Appendix 1, and include all of the information contained in such sample fire safety guide;

(B) printed as a single-sided or double-sided document, stapled or bound, in full-page or booklet format, on paper not smaller than 8½ inches by 11 inches nor larger than 8½ inches by 14 inches in size;

(C) printed such that all text is clearly legible, using contrasting lettering and a type size not smaller than eleven (11) point Times New Roman or equivalent; and

(D) printed in English. The *owner* may print the fire safety guide in such other additional languages (including symbols) as the *owner* concludes would benefit building occupants.

(3) Content. The fire safety guide shall

consist of two (2) sections: a building information section and a fire emergency information section. The fire emergency information section shall reproduce the entire text of that section as set forth in the sample fire safety guide annexed hereto as Appendix 1. The building information section shall be completed by the *owner* with the following information:

(A) The address of the premises. A separate fire safety guide shall be prepared for each building, except buildings that have common *means of egress*.

(B) The name and address of the *owner* of the building or the *owner's* representative, unless the fire safety guide is prepared on a letterhead containing such information. For purposes of the fire safety guide, the *owner's* representative shall be any person or company authorized by the *owner* to receive and respond to complaints, violations or questions regarding building fire safety.

(C) The number of floors in the building, above and below ground level.

(D) The year the building was constructed.

(E) Whether the building is of combustible or non-combustible construction. For purposes of the fire safety guide, all buildings, including non-residential buildings containing residential occupancies, shall be deemed to be of "combustible construction" unless:

(1) The current *Certificate of Occupancy* for the building issued by the *Department of Buildings* or a *Letter of No Objection* by same indicates that the building is of "non-combustible" construction or "fireproof" construction; or

(2) If there is no *Certificate of Occupancy* or *Letter of No Objection* for the building, a *registered design professional* has provided written certification that the building is of "non-combustible" construction within the meaning of the 1968 or 2008 *Building Code*, or "fireproof" construction within the meaning of the *Building Code* in effect prior to 1968.

(F) Whether the building is equipped with a *sprinkler system*, and if so, whether such *sprinkler system* protects the entire building or only certain areas, and, if only certain areas, specifying those areas (for example, "the compactor chute on each floor and the compactor room and boiler room in the basement").

(G) Whether the building is equipped with a *fire alarm system*, and if so:

(1) the general location of the *manual fire alarm boxes* of such system (for example, "by the main entrance of building and next to the stairwell at each end of the corridor on each floor"); and

(2) whether the *manual fire alarm boxes*, when activated, transmit an alarm to an *approved central station* that notifies the *Department*.

(H) Whether the building is equipped with a one-way voice communication system pursuant to *Building Code* Section 907.2.12.2 (Exception 3), or other public address system (apart from any intercom system), and if so, the location of the speakers.

(I) All *means of egress* from the building, and the general location and any identification number of such *means of egress*, including:

(1) unenclosed interior

- stairwells;
- (2) enclosed interior stairwells;
- (3) exterior stairwells;
- (4) fire tower stairwells;
- (5) fire escapes;
- (6) all exits from the building (for example, "main entrance on first floor exiting onto 1st Avenue; service entrance from basement level exiting by ramp onto 5th Street; emergency exit (with alarm) from stairwell exiting on north side of building with access to 5th Street; rear entrance at basement level to rear yard with no access to street; emergency exit (with alarm) at top of stairwell to roof with no access to ground or adjoining buildings.");

- (J) The date the fire safety guide was prepared; and
- (K) Any other fire safety information or requirements (including lease provisions, house rules or other private building regulations) that the owner may wish to include, such as restrictions on storage or decoration. Any private building regulations shall be clearly identified as such.

(4) Accuracy of information. The owner of each building shall be responsible for the accuracy of the information contained in the building information section of the fire safety guide and for the accurate reproduction of the fire emergency section of such fire safety guide.

(5) Distribution. The fire safety guide shall be distributed as follows:

- (A) To each dwelling unit in the building, or an occupant thereof and to each building service employee;
- (B) on an annual basis, by hand delivery or mailing a copy by first class mail, during Fire Prevention Week (observed during the month of October), or, if the fire safety guide is distributed together with the window guard notices required by New York City Administrative Code §17-123, at such time as the rules of the New York City Department of Health and Mental Hygiene require the annual distribution of such window guard notices to be made; and
- (C) within 60 days of any material change in building conditions affecting the content of the fire safety guide, other than temporary repairs or maintenance work. Nothing contained herein shall be construed to relieve an owner of any residential building or part thereof of any duty to notify building occupants, the Department or other party that any fire protection system is not functional.

(D) To a new occupant, by providing a copy at the time the lease, sublease or other agreement allowing occupancy of the dwelling unit is presented to the occupant for signature, or, if there is no written agreement, not later than at the date the occupant assumes occupancy of the premises.

(E) To a new building service employee, by providing a copy to such employee not later than the date upon which the employee actually commences to perform duties at the premises.

(F) Each distribution of the fire safety guide shall be documented by a United States Postal Service certificate of mailing or other official proof of mailing, or, if hand delivered, by receipt signed by an occupant of the dwelling unit or the building service employee, or by sworn affidavit of the employee or agent of the owner who actually delivered the fire safety guide, identifying the date and manner of delivery and the dwelling units to which it was delivered or the names of the occupants who received it.

(6) Inspection. The owner shall make available for inspection upon request of any Department representative a copy of the last three (3) annual fire safety guides and proof of distribution.

(d) Fire Safety Notice Requirements

(1) Purpose. The fire safety notice shall serve to inform occupants of the building, including building service employees and visitors, as to the evacuation and other procedures to be followed in the event of fire in the building.

(2) Form. Each fire safety notice shall be:

(A) substantially similar in format to the sample fire safety notice annexed to this section as Appendix 2, and include all of the information contained in such sample fire safety notice;

(B) printed on a single-sided sheet of paper framed under a clear plexiglas cover or laminated with a firm backing and designed to be affixed by mounting hardware or an adhesive, or printed on a matte-finish vinyl adhesive-backed decal not less than three (3) mils in thickness, using thermalprinting, screenprinting or other permanent, water-resistant printing technique;

(C) 5½ inches by 8½ inches in size (excluding any frame), except that fire safety notices to be posted in the common area of the residential building or part thereof may be up to 8½ by 11 inches in size;

(D) printed such that all text is clearly legible, using contrasting lettering and a type size not smaller than ten (10) point Times New Roman or equivalent; and

(E) printed in the English language. The owner may print the fire safety notice in such other additional languages (including symbols) as the owner concludes would benefit the building occupants. In such event, the fire safety notice may exceed 5½ inches by 8½ inches in size.

(3) Content. The fire safety notice shall reproduce the entire text of the sample fire notice annexed hereto as Appendix 2 that is applicable to the building, as follows:

(A) Noncombustible construction. The text of this notice shall be used for dwelling unit doors and common areas when the building is of noncombustible construction within the meaning set forth in R408 02(c)(3)(E).

(B) Combustible construction. The text of this notice shall be used for dwelling unit doors and common areas when the building is of combustible construction within the meaning set forth in R408 02(c)(3)(E).

(4) Accuracy of information. The owner of each residential building or part thereof subject to the requirements of this section shall be responsible for the accurate reproduction of the fire safety notices.

(5) Posting.

(A) Location. A fire safety notice shall be posted in each of the following locations:

(1) Dwelling unit door. On the inside surface of the front or main entrance door of each dwelling unit in the building.

(2) Common area. In a conspicuous location near any common mailbox area customarily used by building occupants, or if there is no common mailbox area, in a conspicuous location in or near the elevators or main stairwell.

(B) Method of posting. Each fire safety notice shall be securely affixed, by mounting hardware or an adhesive, to the door or wall such that no part of the fire safety notice (excluding any frame) is lower than four (4) feet from the floor, nor higher than five and a half (5½) feet from the floor.

(C) Posting of Building Information

Section. A copy of Part I of the fire safety guide (the building information section) shall be posted with the fire safety notice in the common area. Such posting shall be in the same form as the fire safety notice.

(6) Maintenance and replacement. The owner shall maintain the fire safety notice in the common area and shall prepare and post any amended Part I (building information section) of the fire safety guide within sixty days of any material change in building conditions requiring such amended fire safety guide. The owner shall replace any missing or damaged notice on the dwelling unit door prior to any lawful change in occupancy of the dwelling unit. The owner shall replace any missing or damaged notice at any other time upon written request of the tenant. The tenant may be charged the reasonable cost of replacement.

APPENDIX 1

FIRE SAFETY GUIDE

PART I — BUILDING INFORMATION SECTION

BUILDING ADDRESS: \_\_\_\_\_  
 BUILDING OWNER/REPRESENTATIVE: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_  
 BUILDING INFORMATION:  
 Year of Construction: \_\_\_\_\_  
 Type of Construction:  Combustible  Non-Combustible  
 Number of Floors: Aboveground \_\_\_\_\_ Belowground \_\_\_\_\_  
 Sprinkler System:  Yes  No  
 Sprinkler System Coverage:  Entire Building  Partial (complete all that apply):  
 Dwelling Units  
 Hallways  
 Stairwells  
 Compactor Chute  
 Other: \_\_\_\_\_  
 Fire Alarm:  Yes  Transmits Alarm to Fire Dept/Fire Alarm Co.  No  
 Location of Manual Pull Stations: \_\_\_\_\_  
 Public Address System:  Yes  No  
 Location of Speakers:  Stairwell  Hallway  Dwelling Unit  Other: \_\_\_\_\_

Means of Egress (e.g., Unenclosed/Enclosed Interior Stairs, Exterior Stairs, Fire Tower Stairs, Fire Escapes, Etc.):

Type of Egress	Identification	Location	Leads to

Other Information: \_\_\_\_\_  
 DATE PREPARED: \_\_\_\_\_

FIRE SAFETY GUIDE

PART II – FIRE EMERGENCY INFORMATION

BUILDING ADDRESS: \_\_\_\_\_

**THIS FIRE SAFETY GUIDE IS INTENDED TO HELP YOU AND THE MEMBERS OF YOUR HOUSEHOLD PROTECT YOURSELVES IN THE EVENT OF FIRE. THIS FIRE SAFETY GUIDE CONTAINS:**

- **Basic fire prevention and fire preparedness measures that will reduce the risk of fire and maximize your safety in the event of a fire.**
- **Basic information about your building, including the type of construction, the different ways of exiting the building, and the types of fire safety systems it may have.**
- **Emergency fire safety and evacuation instructions in the event of fire in your building.**

**PLEASE TAKE THE TIME TO READ THIS FIRE SAFETY GUIDE AND TO DISCUSS IT WITH THE MEMBERS OF YOUR HOUSEHOLD. FIRE PREVENTION, PREPAREDNESS, AND AWARENESS CAN SAVE YOUR LIFE!**

**IN THE EVENT OF A FIRE,**

**CALL 911**

**OR THE FIRE DEPARTMENT DISPATCHER, AT**

- Manhattan (212) 999-2222**
- Bronx (718) 999-3333**
- Brooklyn (718) 999-4444**
- Queens (718) 999-5555**
- Staten Island (718) 999-6666**

**OR TRANSMIT AN ALARM FROM THE NEAREST FIRE ALARM BOX**

**BASIC FIRE PREVENTION AND FIRE PREPAREDNESS MEASURES**

These are fire safety tips that everybody should follow:

1. Every apartment should be equipped with at least one smoke detector. (All apartment buildings constructed after July 2009 are required to be equipped with multiple interconnected smoke alarms that sound throughout an apartment.) Check them periodically to make sure they work. Most smoke detectors can be tested by pressing the test button. Replace the batteries in the spring and fall when you move your clocks forward or back an hour, and whenever a smoke detector chirps to signal that its battery is low. The smoke detector

should be replaced on a regular basis in accordance with the manufacturer's recommendation, but at least once every ten years.

2. Carelessly handled or discarded cigarettes are the leading cause of fire deaths. Never smoke in bed or when you are drowsy, and be especially careful when smoking on a sofa. Be sure that you completely extinguish every cigarette in an ashtray that is deep and won't tip over. Never leave a lit or smoldering cigarette on furniture.
3. Matches and lighters can be deadly in the hands of children. Store them out of reach of children and teach them about the danger of fire.
4. Do not leave cooking unattended. Keep stove tops clean and free of items that can catch on fire. Before you go to bed, check your kitchen to ensure that your oven is off and any coffeepot or teapot is unplugged.
5. Never overload electrical outlets. Replace any electrical cord that is cracked or frayed. Never run extension cords under rugs. Use only power strips with circuit-breakers.
6. Keep all doorways and windows leading to fire escapes free of obstructions, and report to the owner any obstructions or accumulations of rubbish in the hallways, stairwells, fire escapes or other means of egress.
7. Install window gates only if it is absolutely necessary for security reasons. Install only approved window gates. Do not install window gates with key locks. A delay in finding or using the key could cost lives. Maintain the window gate's opening device so it operates smoothly. Familiarize yourself and the members of your household with the operation of the window gate.
8. Familiarize yourself and members of your household with the location of all stairwells, fire escapes and other means of egress.
9. With the members of your household, prepare an emergency escape route to use in the event of a fire in the building. Choose a meeting place a safe distance from your building where you should all meet in case you get separated during a fire.
10. Exercise care in the use and placement of fresh cut decorative greens, such as Christmas trees and holiday wreaths. If possible, keep them planted or in water. Do not place them in public hallways or where they might block egress from your apartment if they catch on fire. Keep them away from any flame, including fireplaces. Do not keep for extended period of time; as they dry, decorative greens become easily combustible.

## BUILDING INFORMATION

### Building Construction

In a fire emergency, the decision to leave or to stay in your apartment will depend in part on the type of building you are in.

Residential buildings built before 1968 are generally classified either as "fireproof" or "non-fireproof." Residential buildings built in or after 1968 are generally classified either as "combustible" or "non-combustible." The type of building construction generally depends on the size and height of the building.

A "non-combustible" or "fireproof" building is a building whose structural components (the supporting elements of the building, such as steel or reinforced concrete beams and floors) are constructed of materials that do not burn or are resistant to fire and therefore will not contribute to the spread of the fire. In such buildings, fires are more likely to be contained in the apartment or part thereof in which they start and less likely to spread inside the building walls to other apartments and floors. **THIS DOES NOT MEAN THAT THE BUILDING IS IMMUNE TO FIRE.** While the structural components of the building may not catch fire, all of the contents of the building (including furniture, carpeting, wood floors, decorations and personal belongings) may catch on fire and generate flame, heat and large amounts of smoke, which can travel throughout the building, especially if apartment or stairwell doors are left open.

A "combustible" or "non-fireproof" building has structural components (such as wood) that will burn if exposed to fire and can contribute to the spread of the fire. In such buildings, the fire can spread inside the building walls to other apartments and floors, in addition to the flame, heat and smoke that can be generated by the burning of the contents of the building.

**Be sure to check Part I (Building Information Section) of this fire safety guide to see what type of building you are in.**

### Means of Egress

All residential buildings have at least one means of egress (way of exiting the building), and most have at least two. There are several different types of egress:

**Interior Stairs:** All buildings have stairs leading to the street level. These stairs may be enclosed or unenclosed. Unenclosed stairwells (stairs that are not separated from the hallways by walls and doors) do not prevent the spread of flame, heat and smoke. Since flame, heat and smoke generally rise, unenclosed stairwells may not ensure safe egress in the event of a fire on a lower floor. Enclosed stairs are more likely to permit safe egress from the building, if the doors are kept closed. It is important to get familiar with the means of egress available in your building.

**Exterior Stairs:** Some buildings provide access to the apartments by means of stairs and corridors that are outdoors. The fact that they are outdoors and do not trap heat and smoke enhances their safety in the event of a fire, provided that they are not obstructed.

**Fire Tower Stairs:** These are generally enclosed stairwells in a "tower" separated from the building by air shafts open to

the outside. The open air shafts allow heat and smoke to escape from the building.

**Fire Escapes:** Many older buildings are equipped with a fire escape on the outside of the building, which is accessed through a window or balcony. Fire escapes are considered a "secondary" or alternative means of egress, and are to be used if the primary means of egress (stairwells) cannot be safely used to exit the building because they are obstructed by flame, heat or smoke.

**Exits:** Most buildings have more than one exit. In addition to the main entrance to the building, there may be separate side exits, rear exits, basement exits, roof exits and exits to the street from stairwells. Some of these exits may have alarms. Not all of these exits may lead to the street. Roof exits may or may not allow access to adjoining buildings.

**Be sure to review Part I (Building Information Section) of this fire safety guide and familiarize yourself with the different means of egress from your building.**

### Fire Sprinkler Systems

A fire sprinkler system is a system of pipes and sprinkler heads that when triggered by the heat of a fire automatically discharges water that extinguishes the fire. The sprinkler system will continue to discharge water until it is turned off. When a sprinkler system activates, an alarm is sounded.

Sprinkler systems are very effective at preventing fire from spreading beyond the room in which it starts. However, the fire may still generate smoke, which can travel throughout the building.

Apartment buildings constructed before March 1999 were generally not required to have fire sprinkler systems. Some apartment buildings are equipped with sprinkler systems, but only in compactor chutes and rooms or boiler rooms. All apartment buildings constructed after March 1999 are required by law to be equipped with fire sprinkler systems throughout the building.

**Be sure to review Part I (Building Information Section) of this fire safety guide to learn whether your building is equipped with fire sprinkler systems.**

### Interior Fire Alarm Systems

Although generally not required, some residential buildings are equipped with interior fire alarm systems that are designed to warn building occupants of a fire in the building. Interior fire alarm systems generally consist of a panel located in a lobby or basement, with manual pull stations located near the main entrance and by each stairwell door. Interior fire alarm systems are usually manually-activated (must be pulled by hand) and do not automatically transmit a signal to the Fire Department, so a telephone call must still be made to 911 or the Fire Department dispatcher. Do not assume that the Fire Department has been notified because you hear a fire alarm or smoke detector sounding in the building.

**Be sure to review Part I (Building Information Section) of this fire safety guide to learn whether your building is equipped with an interior fire alarm system and whether the alarm is transmitted to the Fire Department, and familiarize yourself with the location of the manual pull stations and how to activate them in the event of a fire.**

### Public Address Systems

Although generally not required, some residential buildings are equipped with public address systems that enable voice communications from a central location, usually in the building lobby. Public address systems are different from building intercoms, and usually consist of loudspeakers in building hallways and/or stairwells.

Starting in July 2009, residential buildings that are more than 125 feet in height are required by law to be equipped with a one way voice communication system that will enable Fire Department personnel to make announcements from the lobby to building occupants in their apartments or in building stairwells.

**Be sure to review Part I (Building Information Section) of this fire safety guide to learn whether your building is equipped with a public address system.**

## EMERGENCY FIRE SAFETY AND EVACUATION INSTRUCTIONS

**IN THE EVENT OF A FIRE, FOLLOW THE DIRECTIONS OF FIRE DEPARTMENT PERSONNEL. HOWEVER, THERE MAY BE EMERGENCY SITUATIONS IN WHICH YOU MAY BE REQUIRED TO DECIDE ON A COURSE OF ACTION TO PROTECT YOURSELF AND THE OTHER MEMBERS OF YOUR HOUSEHOLD.**

**THIS FIRE SAFETY GUIDE IS INTENDED TO ASSIST YOU IN SELECTING THE SAFEST COURSE OF ACTION IN SUCH AN EMERGENCY. PLEASE NOTE THAT NO FIRE SAFETY GUIDE CAN ACCOUNT FOR ALL OF THE POSSIBLE FACTORS AND CHANGING CONDITIONS; YOU WILL HAVE TO DECIDE FOR YOURSELF WHAT IS THE SAFEST COURSE OF ACTION UNDER THE CIRCUMSTANCES.**

### General Emergency Fire Safety Instructions

1. Stay calm. Do not panic. Notify the Fire Department as soon as possible. Firefighters will be on the scene of a fire within minutes of receiving an alarm.
2. Because flame, heat and smoke rise, generally a fire on a floor below your apartment presents a greater threat to your safety than a fire on a floor above your apartment.
3. Do not overestimate your ability to put out a fire. Most fires cannot be easily or safely extinguished. Do not attempt to put the fire out once it begins to quickly spread. If you attempt to put a fire out, make sure you have a clear path of retreat from the room.
4. If you decide to exit the building during a fire, close

all doors as you exit to confine the fire. Never use the elevator. It could stop between floors or take you to where the fire is.

5. Heat, smoke and gases emitted by burning materials can quickly choke you. If you are caught in a heavy smoke condition, get down on the floor and crawl. Take short breaths, breathing through your nose.
6. If your clothes catch fire, don't run. Stop where you are, drop to the ground, cover your face with your hands to protect your face and lungs and roll over to smother the flames.

### Evacuation Instructions If The Fire Is In Your Apartment (All Types of Building Construction)

1. Close the door to the room where the fire is, and leave the apartment.
2. Make sure **EVERYONE** leaves the apartment with you.
3. Take your keys.
4. Close, but do not lock, the apartment door.
5. Alert people on your floor by knocking on their doors on your way to the exit.
6. Use the nearest stairwell to exit the building.
7. **DO NOT USE THE ELEVATOR.**
8. Call 911 once you reach a safe location. Do not assume the fire has been reported unless firefighters are on the scene.
9. Meet the members of your household at a predetermined location outside the building. Notify responding firefighters if anyone is unaccounted for.

### Evacuation Instructions If The Fire Is Not In Your Apartment

#### "NON-COMBUSTIBLE" OR "FIREPROOF" BUILDINGS:

1. Stay inside your apartment and listen for instructions from firefighters unless conditions become dangerous.
2. If you must exit your apartment, first feel the apartment door and doorknob for heat. If they are not hot, open the door slightly and check the hallway for smoke, heat or fire.
3. If you can safely exit your apartment, follow the instructions above for a fire in your apartment.
4. If you cannot safely exit your apartment or building, call 911 and tell them your address, floor, apartment number and the number of people in your apartment.
5. Seal the doors to your apartment with wet towels or sheets, and seal air ducts or other openings where smoke may enter.
6. Open windows a few inches at top and bottom unless flames and smoke are coming from below. Do not break any windows.
7. If conditions in the apartment appear life-threatening, open a window and wave a towel or sheet to attract the attention of firefighters.
8. If smoke conditions worsen before help arrives, get down on the floor and take short breaths through your nose. If possible, retreat to a balcony or terrace away from the source of the smoke, heat or fire.

#### "COMBUSTIBLE" OR "NON-FIREPROOF" BUILDING

1. Feel your apartment door and doorknob for heat. If they are not hot, open the door slightly and check the hallway for smoke, heat or fire.
2. Exit your apartment and building if you can safely do so, following the instructions above for a fire in your apartment.
3. If the hallway or stairwell is not safe because of smoke, heat or fire and you have access to a fire escape, use it to exit the building. Proceed cautiously on the fire escape and always carry or hold onto small children.
4. If you cannot use the stairs or fire escape, call 911 and tell them your address, floor, apartment number and the number of people in your apartment.
  - A. Seal the doors to your apartment with wet towels or sheets, and seal air ducts or other openings where smoke may enter.
  - B. Open windows a few inches at top and bottom unless flames and smoke are coming from below. Do not break any windows.
  - C. If conditions in the apartment appear life-threatening, open a window and wave a towel or sheet to attract the attention of firefighters.
  - D. If smoke conditions worsen before help arrives, get down on the floor and take short breaths through your nose. If possible, retreat to a balcony or terrace away from the source of the smoke, heat or fire.

## APPENDIX 2

### FIRE SAFETY NOTICES

The following fire safety notice shall be posted in buildings of non-combustible construction within the meaning of R408-02(c)(3)(E):

**FIRE SAFETY NOTICE**

**IN THE EVENT OF FIRE, STAY CALM. NOTIFY THE FIRE DEPARTMENT AND FOLLOW THE DIRECTIONS OF FIRE DEPARTMENT PERSONNEL. IF YOU MUST TAKE IMMEDIATE ACTION, USE YOUR JUDGMENT AS TO THE SAFEST COURSE OF ACTION, GUIDED BY THE FOLLOWING INFORMATION:**

**YOU ARE IN A NON-COMBUSTIBLE (FIREPROOF) BUILDING**

**If The Fire Is In Your Apartment**

- Close the door to the room where the fire is and leave the apartment.
- Make sure **EVERYONE** leaves the apartment with you.
- Take your keys.
- Close, but do not lock, the apartment door.
- Alert people on your floor by knocking on their doors on your way to the exit.
- Use the nearest stairwell to leave the building.
- **DO NOT USE THE ELEVATOR.**
- Call 911 once you reach a safe location. Do not assume the fire has been reported unless firefighters are on the scene.
- Meet the members of your household at a pre-determined location outside the building. Notify the firefighters if anyone is unaccounted for.

**If The Fire Is Not In Your Apartment**

- Stay inside your apartment and listen for instructions from firefighters unless conditions become dangerous.
- If you must exit your apartment, first feel the apartment door and doorknob for heat. If they are not hot, open the door slightly and check the hallway for smoke, heat or fire.
- If you can safely exit your apartment, follow the instructions above for a fire in your apartment.
- If you cannot safely exit your apartment or building, call 911 and tell them your address, floor, apartment number and the number of people in your apartment.
- Seal the doors to your apartment with wet towels or sheets, and seal air ducts or other openings where smoke may enter.
- Open windows a few inches at top and bottom unless flames and smoke are coming from below.
- Do not break any windows.
- If conditions in the apartment appear life-threatening, open a window and wave a towel or sheet to attract the attention of firefighters.
- If smoke conditions worsen before help arrives, get down on the floor and take short breaths through your nose. If possible, retreat to a balcony or terrace away from the source of the smoke, heat or fire.

**Note: Retain underlining of highlighted text in publication of final rule.**

The following fire safety notice shall be posted in buildings of combustible construction within the meaning of R408-02(c)(3)(E):

**FIRE SAFETY NOTICE**

**IN THE EVENT OF FIRE, STAY CALM. NOTIFY THE FIRE DEPARTMENT AND FOLLOW THE DIRECTIONS OF FIRE DEPARTMENT PERSONNEL. IF YOU MUST TAKE IMMEDIATE ACTION, USE YOUR JUDGMENT AS TO THE SAFEST COURSE OF ACTION, GUIDED BY THE FOLLOWING INFORMATION:**

**YOU ARE IN A COMBUSTIBLE (NON-FIREPROOF) BUILDING**

**If The Fire Is In Your Apartment**

- Close the door to the room where the fire is and leave the apartment.
- Make sure **EVERYONE** leaves the apartment with you.
- Take your keys.
- Close, but do not lock, the apartment door.
- Alert people on your floor by knocking on their doors on your way to the exit.
- Use the nearest stairwell to leave the building.
- **DO NOT USE THE ELEVATOR.**
- Call 911 once you reach a safe location. Do not assume the fire has been reported unless firefighters are on the scene.
- Meet the members of your household at a pre-determined location outside the building. Notify the firefighters if anyone is unaccounted for.

**If The Fire Is Not In Your Apartment**

- Feel your apartment door and doorknob for heat. If they are not hot, open the door slightly and check the hallway for smoke, heat or fire.
- Exit the apartment and building if you can safely do so, following the instructions above for a fire in your apartment.

- If the hallway or stairwell is not safe because of smoke, heat, or fire and you have access to a fire escape, use it to exit the building. Proceed cautiously on the fire escape and always carry or hold onto small children.
- If you cannot use the stairs or the fire escape, call 911 and tell them your address, floor, apartment number and the number of people in your apartment.
- Seal the doors to your apartment with wet towels or sheets, and seal air ducts or other openings where smoke may enter.
- Open windows a few inches at top and bottom unless flames and smoke are coming from below.
- Do not break any windows.
- If conditions in the apartment appear life-threatening, open a window and wave a towel or sheet to attract the attention of firefighters.
- If smoke conditions worsen before help arrives, get down on the floor and take short breaths through your nose. If possible, retreat to a balcony or terrace away from the source of the flames, heat or smoke.

**Note: Retain underlining of highlighted text in publication of final rule.**

**STATEMENT OF BASIS AND PURPOSE FOR CHAPTER 4 (EMERGENCY PLANNING AND PREPAREDNESS):**

This chapter has been amended to add two sections, both of which were based on existing rules. R403-01 sets forth standards, requirements and procedures for fire safety at street fairs and other public gathering places. It was based on existing rule 3 RCNY 31-02, amended to implement the FC403 requirement of a site plan for such events, and to establish a new permitting procedure.

Section 408-02, which was based on existing rule 3 RCNY 43-01, sets forth standards, requirements and procedures for the preparation and distribution of residential fire safety guides (formerly denominated "residential fire safety plans") and residential fire safety notices. The guide has been amended to revise the reference to sprinkler requirements for existing buildings, and to make reference to Building Code requirements enacted since Local Law No. 10 of 1999 with respect to interconnected smoke alarms and one-way voice communication systems.

Section 5. Chapter 9 of Title 3 of the Rules of the City of New York is hereby amended by adding a new section, §901-03, to read as follows:

**CHAPTER 9  
FIRE PROTECTION SYSTEMS**

- §901-01 Central Station Monitoring of Fire Alarm Systems
- §901-02 Maintenance of Sprinkler System Pressure Tanks
- §901-03 Portable Fire Extinguisher Sales
- §902 Reserved
- §903-01 Flow Testing of Residential Sprinkler Systems
- §904-01 Clean Agent Fire Extinguishing Systems Acceptance Testing
- §905-01 Standpipe System Pressure Reducing Devices
- §906-01 Portable Fire Extinguishers for Power Operated Cranes
- §906-02 Portable Fire Extinguishers for Fuel Oil-Burning Equipment
- §907-01 Fire Alarm Recordkeeping, Smoke Detector Maintenance, Testing and Recordkeeping, and the Prevention of Unnecessary and Unwarranted Fire Alarms
- §908-911 Reserved
- §912-01 Periodic Testing of Standpipe System and Sprinkler Systems With Fire Department Connections
- §913-914 Reserved

**§ 901-03 Portable Fire Extinguisher Sales**

- (a) Scope. This section sets forth requirements for the sale of portable fire extinguishers.
- (b) General Provisions. The sale of portable fire extinguishers door to door to owners of buildings or businesses for use on their premises shall be conducted in compliance with the requirements of FC 113, FC115, FC901.6.3.2 and this section.
- (c) Supervision. Pursuant to FC901.6.3.2, persons engaged in the business of selling portable fire extinguishers door to door to owners of buildings or businesses for use on their premises (except for sales to owners of Group R-2 and R-3 Occupancies) must possess a portable fire extinguisher sales company certificate. Persons employed by such portable fire extinguisher sales companies to perform such services, or otherwise engaged by such companies for such purpose, shall possess a certificate of fitness for portable fire extinguisher sales.

**STATEMENT OF BASIS AND PURPOSE FOR PROPOSED RULE:**

This chapter has been amended to add one new section (R901-03) that sets forth supervision requirements for the sale of portable fire extinguishers. This supervision requirement is consistent with the supervision requirements set forth in the Fire Code and rules for individuals engaged in the servicing of portable fire extinguishers, and consistent with the Fire Code requirement to regulate fire extinguisher sales companies. Such supervision requirement will serve to help better ensure the proper selection and placement of portable fire extinguishers. Pursuant to FC102.2.2, persons performing such services must obtain the certificate of fitness by July 1, 2009.

Section 6. Title 3 of the Rules of the City of New York is hereby amended by adding a new Chapter 27, to read as follows:

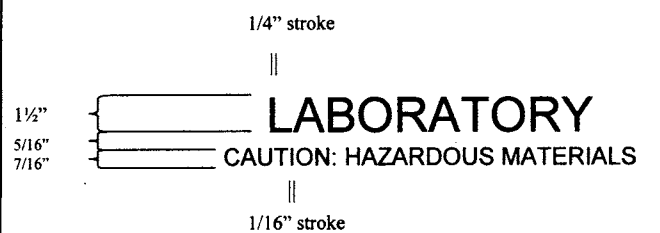
**CHAPTER 27  
HAZARDOUS MATERIALS – GENERAL PROVISIONS**

- §2701-2705 Reserved
- §2706-01 Non-Production Laboratories

- §2707-01 Transportation of Explosives by Motor Vehicles
- §2707-02 Transportation by Motor Vehicle of Hazardous Materials in Continuous Transit Through New York City or For Transshipment From New York City

**§ 2706-01 Non-Production Laboratories**

- (a) Scope. This section sets forth the standards and requirements for the storage, handling and use of hazardous materials in non-production laboratories.
- (b) General Provisions. Non-production laboratories shall be designed, installed, operated and maintained in compliance with the requirements of FC2706 and this section.
- (c) Design and Installation Requirements
  - (1) Electrical requirements. Electrical devices, equipment and systems installed in storage rooms in non-production laboratories shall comply with the Electrical Code requirements for Class I, Group D, Division 2 locations.
- (d) Operational Requirements
  - (1) Signage. The entrance to each laboratory unit door shall have a conspicuously posted sign, constructed of metal or other durable material, with RED letters on a white background which shall be located in the area of the mid-point of the height of the door. Such sign shall read as follows:



**§ 2707-01 Transportation of Explosives by Motor Vehicles**

- (a) Scope. This section sets forth standards and requirements for the transportation, including delivery, by motor vehicle, of any blasting materials or Division 1.1 or 1.5 explosives for storage, handling or use in the city.
- (b) General Provisions
  - (1) General. Except as otherwise provided in this section, the transportation of explosives by motor vehicle shall be conducted in compliance with the requirements in FC2707.
  - (2) Prohibitions
    - (A) It shall be unlawful to park or otherwise store motor vehicles containing explosives indoors, or on any other premises, except outdoors a job site at which approved blasting operations are being conducted.
    - (B) It shall be unlawful to transport or allow to be transported in a motor vehicle containing explosives, any matches, mechanical device or equipment capable of generating a spark or flame, or hazardous material other than explosives being transported.
- (c) Vehicle Construction. Pursuant to FC2707.6.1, motor vehicles shall be designed and constructed in compliance with the following requirements and any permit conditions:
  - (1) The body shall be securely anchored to the chassis.
  - (2) The body shall be totally enclosed and separated from the driver's cab by a minimum distance of four (4) inches.
  - (3) The body shall be constructed of wood and the exterior completely wrapped with one-eighth inch (1/8") noncombustible insulation covered by at least 22 gauge sheet metal. Adequate wrought steel straps may be used in the construction for strengthening purposes. No exposed metal of the sparking type shall be permitted in the interior of the body.
    - (A) The sides and ends shall be laminated construction having a total thickness of not less than two and one-quarter inches (2¼"). The outer panels shall be of three-eighths inch (3/8") plywood glued and screwed to one and one-quarter inch (1¼") posts. The void between the posts shall be filled with one and one-quarter inch (1¼") hardwood placed vertically and securely fastened to the posts. The interior of the body shall be finished with five-eighths inch (5/8") tongue and groove hardwood, placed horizontally and blind fastened.
    - (B) The floor shall consist of not less

than five-eighths inch (5/8") tongue and groove hardwood placed horizontally and blind fastened to a subfloor of three-quarters inch (3/4") hardwood boards laid at right angles to the finished floor, the subfloor shall be securely bolted to a one and three-eighths inch (1-3/8") hardwood sill bolted to a structural shape bolster or cross bar.

(C) The roof shall consist of not less than three-eighths inch (3/8") plywood glued and screwed to one and one-quarter inch (1 1/4") ribs.

(4) The only entrance into the body shall be through the rear doors. Entry shall be by double doors constructed in compliance with the specifications for the sides and ends of the body. The door opening shall be of such dimension that when the doors are in open position they shall not extend beyond the extreme width of the rear fenders. The doors shall be hung on continuous or piano hinges. An Eberhard No. 5628 three (3) point door lock with handle equipped for a padlock or its equivalent shall be used to secure the door in its closed position. Except when explosives are being loaded or unloaded into or from the body, the door shall be kept locked with a two (2) inch padlock having not less than a five-eighths inch (5/8") hardened shackle.

(5) If wheel pockets are used, they shall be formed by a three-quarter inch (3/4") hardwood box over adequate hardwood framing.

(6) Bulletproofing protection shall be provided. Each motor vehicle shall be protected against shots fired from a high powered rifle by a minimum protection of one and one-half inch (1-1/2") 7039-T-63 aluminum thirty five-hundredths inch (35/100") ceramic armor with one-quarter inch (1/4") approved fiberglass backing, eight (8) inches of sand or approved equivalent. Such protection may be provided by lining the entire cargo space with such materials, or by placing a cabinet constructed of such materials within the cargo space. If a cabinet is used, then the top of the cabinet shall be arranged as a blow-out panel, and all explosives carried shall be within the cabinet.

(d) Vehicle Capacity

(1) Quantity limits. The maximum quantity to be transported, delivered or carried in a motor vehicle at any one time shall not exceed 1,000 pounds of explosives or 5,000 electric fuses or blasting caps.

(e) Vehicle Markings

(1) The motor vehicle shall be provided with prominently displayed placards, in compliance with United States Department of Transportation regulations, identifying the type explosives being transported.

(2) The name of the motor vehicle owner and operator shall be marked on the motor vehicle in accordance with United States Department of Transportation regulations.

(3) The Department sticker identifying the motor vehicle as having been issued a permit shall be affixed inside the front windshield of the motor vehicle.

(4) A sign in English shall be painted above the loading on the front partition inside the explosives compartment reading, "Unlawful to transport more than 1,000 pounds of explosives."

(f) Portable Fire Extinguisher Requirements. Motor vehicles transporting explosives having a gross vehicle weight of less than 14,000 pounds shall be provided with at least two (2) portable fire extinguishers having a minimum combined rating of 4-A:20-B:C. Motor vehicles transporting explosives having a gross vehicle weight of 14,000 pounds or greater shall be provided with at least two (2) portable fire extinguishers with a minimum combined rating of 4-A:70-B:C.

**§ 2707-02 Transportation by Motor Vehicle of Hazardous Material in Continuous Transit Through New York City or For Transshipment From New York City**

(a) Scope. This section sets forth requirements for the transportation of flammable liquids, combustible liquids, compressed gases, and explosives, including fireworks in interstate and intrastate commerce, through the city without pickup or delivery, and with respect to deliveries of such materials to wharfs or piers, airports and shipping terminals for transshipment out of the city, except the following types of hazardous materials, which are not subject to this section:

(1) Paints, varnishes, lacquers, enamel, shellac, stains, dryer, paint thinners and solvents, lacquer thinners and solvents, varnish thinners and solvents, enamel thinners and solvents, shellac thinners and solvents, stain thinners and solvents; lacquers, varnish, enamel, shellac, stains,

dryers, printing inks and printing ink solvents, screening printing inks and screening printing ink solvents, lithographic inks and lithographic ink solvents or other finished products not labeled as in the foregoing, but prominently labeled, "A Paint Product."

(2) Small arms ammunition.

(b) General Provisions

(1) Transportation of prohibited hazardous materials. Hazardous material prohibited by federal, state or city law, rule or regulation shall not be permitted to enter or pass through New York City, except for the individual shipments specifically authorized by the governmental agencies and authorities having jurisdiction and upon a determination by such agencies that there is no practical alternative route to passage through the city for transshipment. Any shipments so authorized, shall conform to routes, times, and safety conditions specified by the Department.

(2) Transportation by approved motor vehicles. Motor vehicles for which a permit has been issued may be used to transport allowable hazardous materials in accordance with the Fire Code and the rules without conforming to the routing, time, escort and other requirements of this section.

(3) Fueling of motor vehicles prohibited. Motor vehicles transporting hazardous materials through the city shall not be fueled in the city, nor shall any stop be made within the city, except as required by traffic.

(4) Parking and standby prohibited. No motor vehicle transporting hazardous materials through the city (including "empty" vehicles not purged of ignitable vapors) shall stand or park in the city, even though attended, on any public highway, street or road or private property, except that empty vehicles, properly placarded in accordance with the regulations of the United States Department of Transportation, may enter the city for servicing and maintenance. In cases of motor vehicle emergency, every effort shall be made not to stand or park adjacent to or in proximity to any bridge, tunnel, dwelling, building, or place where persons work, congregate or assemble.

(5) Avoidance of congested areas and streets. Motor vehicles transporting hazardous materials shall avoid congested areas so far as is practicable and use highway exits as close as possible to final destination.

(6) Transfer of hazardous materials. Hazardous materials shall not be transferred from one (1) container or motor vehicle to another on any public highway, street or road except in a case of emergency.

(7) Notification of breakdown or collision. In the event of a breakdown or collision, the Department and Police Department shall be promptly notified.

(8) Routes and times, authorization when needed, special conditions and information for the transportation of hazardous materials through the City of New York by motor vehicle, may be obtained by writing to the Hazardous Cargo Vehicle Inspection Unit, Bureau of Fire Prevention, New York City Fire Department, 245 Meserole Avenue, Brooklyn, NY 11222, or by calling the Department's Hazardous Cargo Vehicle Inspection Unit at (718) 752-0296 or 0341 during regular business hours. Such information may be obtained on weekends and holidays, or in an emergency, by calling the Operations Center at (718) 999-7900.

(c) Time of transit. Hazardous material shipments shall transit the city only during non-rush hours as follows:

(1) Monday through Friday:

(A) Prohibited materials for which specific permission has been given by the Department:

10:00 A.M. to 3:00 P.M.  
7:00 P.M. to 6:00 A.M.

(B) For explosives, 10:00 A.M. to 3:00 P.M.

(C) All other hazardous materials:  
9:00 A.M. to 4:00 P.M.  
6:00 P.M. to 7:00 A.M.

(2) Saturday, Sunday and Holidays: As traffic conditions permit, consistent with the laws, rules and regulations of the governmental agencies and/or authorities having jurisdiction.

(d) Routing. All motor vehicles subject to the routing requirements of this section shall comply with the following routes:

(1) From New Jersey to Western Westchester

County and Upstate New York: George Washington Bridge (upper level) to Washington Expressway (without detour on city streets) via the Alexander Hamilton Bridge to the Major Deegan Expressway to New York Thruway (I-87).

(2) From Western Westchester County and Upstate New York to New Jersey: Reverse of route set forth in R2707-02(d)(1).

(3) From New Jersey to Eastern Westchester County, Upstate New York and New England: George Washington Bridge (upper level) to Washington Expressway (without detour onto City streets) via the Alexander Hamilton Bridge, directly to Cross Bronx Expressway (I-95) to Bruckner Expressway, continue on Bruckner Expressway to New England Thruway (I-95).

(4) From Eastern Westchester County, Upstate New York and New England to New Jersey: Reverse of route set forth in R2707-02(d)(3).

(5) From New Jersey to Long Island:

(A) From George Washington Bridge: George Washington Bridge (upper level) via Washington Expressway (without detour onto City streets), via the Alexander Hamilton Bridge directly to Cross Bronx Expressway (I-95), east on Cross Bronx Expressway (I-95) to Throgs Neck Bridge, south across Throgs Neck Bridge to Clearview Expressway (I-295) to Long Island Expressway (I-495) to Long Island.

(B) From Outerbridge Crossing: Outerbridge Crossing to West Shore Expressway, North on West Shore Expressway (State 440) to Staten Island Expressway (I-278). Then, East on Staten Island Expressway (I-278) to Verrazano Bridge, cross upper level of Verrazano Bridge to Brooklyn Queens Expressway (I-278), then east on Brooklyn Queens Expressway (I-278) to Long Island Expressway (I-495), then east on Long Island Expressway (I-495) to Long Island.

(C) From Bayonne Bridge: Bayonne Bridge to Willowbrook Expressway (State 440), then south on Willowbrook Expressway (State 440) to Staten Island Expressway (I-278). Then, East on Staten Island Expressway (I-278) to Verrazano Bridge, cross upper level of Verrazano Bridge to Brooklyn Queens Expressway (I-278), then east on Brooklyn Queens Expressway (I-278) to Long Island Expressway (I-495), then east on Long Island Expressway (I-495) to Long Island.

(D) From Goethals Bridge: Goethals Bridge to Staten Island Expressway (I-278). Then, East on Staten Island Expressway (I-278) to Verrazano Bridge, cross upper level of Verrazano Bridge to Brooklyn Queens Expressway (I-278), then east on Brooklyn Queens Expressway (I-278) to Long Island Expressway (I-495), then east on Long Island Expressway (I-495) to Long Island.

(6) From Long Island to New Jersey:

(A) Reverse of route set forth in R2707-02(d)(5)(A), (B), (C) or (D).

(B) Hazardous material shipment requiring escort (including explosives and fireworks) shall use route via George Washington Bridge only to minimize travel time within City.

(7) From New England or Upstate New York, to Long Island (see alternative routes set forth in R2707-02(d)(47)):

(A) New England Thruway (I-95) to Connors Street exit, to Bruckner Expressway (I-95) to Throgs Neck Expressway (I-295), to Throgs Neck Bridge, to Clearview Expressway (I-295), to Long Island Expressway (I-495), east on Long Island Expressway to City Line.

(B) New York State Thruway (I-87) south to Major Deegan Expressway (I-87), to Cross Bronx Expressway (I-95), East to Bruckner Expressway, (I-278) to Throgs Neck Bridge, to Clearview Expressway (I-295),



- to Long Island Expressway (I-495) east on Long Island Expressway to City Line.
- (8) From Long Island to Upstate New York, New England and Westchester County: Reverse of routes set forth in R2707-02(d)(7)(A) and (B).
- (9) From New Jersey to LaGuardia Airport via Goethals Bridge. Goethals Bridge to Staten Island Expressway (I-278) to Verrazano Narrows Bridge (upper level) to Brooklyn Queens Expressway (I-278) to Astoria Blvd. (exit 39), east to 82nd Street then north on 82nd Street to LaGuardia Airport.
- (10) From LaGuardia Airport to New Jersey via Goethals Bridge: Reverse of route set forth in R2707-02(d)(9).
- (11) From New Jersey to LaGuardia Airport via Outerbridge Crossing: Outerbridge Crossing to West Shore Expressway (State 440), to Staten Island Expressway (I-278) east to the Verrazano Narrows Bridge (upper level), to Brooklyn Queens Expressway (I-278), to Astoria Blvd. (exit 39), east to 82nd Street, north on 82nd Street to LaGuardia Airport.
- (12) From LaGuardia Airport to New Jersey via Outerbridge Crossing: Reverse of route set forth in R2707-02(d)(11).
- (13) From New Jersey to LaGuardia Airport via George Washington Bridge (see alternative routes set forth in R2707-02(d)(47)): George Washington Bridge (upper level) via Washington Expressway (without detouring onto City streets), via Alexander Hamilton Bridge, directly to Cross Bronx Expressway (I-95), east on Cross Bronx Expressway (I-95), to Throgs Neck Bridge, south across Throgs Neck Bridge to Clearview Expressway (I-295) to Long Island Expressway (I-495), west on Long Island Expressway (I-495) to Van Wyck Expressway (I-678), north on Van Wyck Expressway (I-678) to Northern Blvd. (25A), west on Northern Blvd. to Astoria Blvd., west on Astoria Blvd. to 82nd Street, north on 82nd Street to LaGuardia Airport.
- (14) From LaGuardia Airport to New Jersey via George Washington Bridge (see alternative routes set forth in R2707-02(d)(47)): Reverse of route set forth in R2707-02(d)(13).
- (15) From Long Island to LaGuardia Airport:
- (A) Long Island Expressway (I-495) West to Van Wyck Expressway (I-678), North to Northern Blvd. (25-A), West to Astoria Blvd. to 82nd Street, North on 82nd Street to LaGuardia Airport; or
- (B) Long Island Expressway (I-495) West to Brooklyn Queens Expressway (I-278) East to Astoria Blvd. (Exit 39) East to 82nd Street, North on 82nd to LaGuardia Airport; or
- (C) West on Sunrise Highway (State 27) to North Conduit Blvd. to Van Wyck Expressway (I-678), north on Van Wyck Expressway (I-678) to Northern Blvd. (25-A), west on Northern Blvd. to Astoria Blvd., Astoria Blvd. to 82nd Street, north on 82nd Street to LaGuardia Airport; or
- (D) West on Sunrise Highway (State 27) to North Conduit Blvd. to Van Wyck Expressway (I-678), north on Van Wyck Expressway (I-678) to Long Island Expressway (I-495), west on Long Island Expressway to Brooklyn Queens Expressway (I-278), east on Brooklyn Queens Expressway to Astoria Blvd. (Exit 39), east on Astoria Blvd. to 82nd Street, north on 82nd Street to LaGuardia Airport.
- (16) From LaGuardia Airport to Long Island: Reverse of route set forth in R270702(d)(5)(A), (B), (C) or (D).
- (17) From New England and Upstate New York to LaGuardia Airport (see alternative routes set forth in R2707-02(d)(47)):
- (A) New England Thruway (I-95) south to Bruckner Expressway (I-95) to Throgs Neck Expressway (I-295), via Throgs Neck Bridge to Clearview Expressway (I-295) to Long Island Expressway (I-495), west to Brooklyn Queens Expressway (I-278) east, to Astoria Blvd. (exit 39), east to 82nd Street, then north on 82nd Street to LaGuardia Airport.
- (B) New York State Thruway (I-87) south to Major Deegan Expressway (I-87) to Cross Bronx Expressway (I-95) east to Bruckner Expressway (I-278) to Throgs Neck Bridge, to Clearview Expressway (I-295) to L.I. Expressway (I-495) west to Van Wyck Expressway (I-678), south on Van Wyck Expressway (I-678) to JFK Airport.
- (18) From LaGuardia Airport to New England and Upstate New York: Reverse of routes set forth in R2707-02(d)(17)(A) and (B).
- (19) From New Jersey to JFK International Airport via Goethals Bridge. Goethals Bridge to Staten Island Expressway (I-278) to Verrazano-Narrows Bridge (upper level), Brooklyn Queens Expressway (I-278) east to Long Island Expressway (I-495), east to Van Wyck Expressway (I-678), south on Van Wyck Expressway (I-678) to JFK International Airport.
- (20) From JFK International Airport to New Jersey via Goethals Bridge: Reverse of route set forth in R2707-02(d)(19).
- (21) From New Jersey to JFK International Airport via Outerbridge Crossing: Outerbridge Crossing to West Shore Expressway (State 440) to Staten Island Expressway (I-278) to Verrazano-Narrows Bridge (upper level), to Brooklyn Queens Expressway east (I-278) to Long Island Expressway (I-495), east on Long Island Expressway (I-495) to Van Wyck Expressway (I-678), south on Van Wyck Expressway (I-678) to JFK International Airport.
- (22) From J.F.K International Airport to New Jersey via Outerbridge Crossing: Reverse of route set forth in R2707-02(d)(21).
- (23) From New Jersey to JFK International Airport via George Washington Bridge (upper level) (see alternative routes set forth in R2707-02(d)(47)): George Washington Bridge (upper level), via Washington Expressway (without detouring onto City streets) via the Alexander Hamilton Bridge directly to Cross Bronx Expressway (I-95), east on Cross Bronx Expressway (I-95), to Throgs Neck Bridge, south across Throgs Neck Bridge to Clearview Expressway (I-295) to Long Island Expressway (I-495), west to Van Wyck Expressway (I-678), south on Van Wyck Expressway (I-678) to JFK International Airport.
- (24) From JFK International Airport to New Jersey via George Washington Bridge (see alternative routes set forth in R2707-02(d)(47)): Reverse of route set forth in R2707-02(d)(23).
- (25) From New England and Upstate New York to JFK International Airport (see alternative routes set forth in R2707-02(d)(47)):
- (A) New England Thruway (I-95), south to Bruckner Expressway (I-95), to Throgs Neck Expressway (I-295), via Throgs Neck Bridge to Clearview Expressway (I-295), to Long Island Expressway (I-495) west on Long Island Expressway (I-495) to Van Wyck Expressway (I-678), south on Van Wyck Expressway (I-678), to JFK International Airport.
- (B) New York State Thruway (I-87) south to Major Deegan Expressway (I-87) to Cross Bronx Expressway (I-95), east to Bruckner Expressway (I-278) to Throgs Neck Bridge, to Clearview Expressway (I-295) to L.I. Expressway (I-495) west to Van Wyck Expressway (I-678), south on Van Wyck Expressway (I-678) to JFK Airport.
- (26) From JFK International Airport to New England and Upstate New York (see alternative routes set forth in R2707-02(d)(47)): Reverse of routes set forth in R2707-02(d)(25)(A) and (B).
- (27) From Long Island to JFK International Airport:
- (A) West on Long Island Expressway (I-495) to Van Wyck Expressway (I-678), south on Van Wyck Expressway (I-678) to JFK International Airport.
- (B) West on Sunrise Highway (State 27) to North Conduit Blvd. to Van Wyck Expressway (I-678), south on Van Wyck Expressway (I-678) to JFK International Airport.
- (C) West on Sunrise Highway (State 27) to North Conduit Blvd. to Rockaway Blvd., or 150th Street, to JFK International Airport.
- (28) From JFK International Airport to Long Island: Reverse of routes set forth in R2707-02(d)(27)(A), (B) and (C).
- (29) From New Jersey to Staten Island wharfs and piers:
- (A) Bayonne Bridge Plaza via Willowbrook Expressway (State 440) to Staten Island Expressway (I-278), west on Staten Island Expressway to Western Avenue, north on Western Avenue to Richmond Terrace, east on Richmond Terrace to Northside wharfs or piers, or Staten Island Expressway, east to Bay Street Exit, then local streets to East Side wharfs or piers.
- (B) Goethals Bridge Plaza via Staten Island Expressway (I-278) to Forest Avenue, north on Forest Avenue to Goethals Road North, west on Goethals Road North to Western Avenue, north on Western Avenue to Richmond Terrace, then local streets for Northside wharfs or piers, or Staten Island Expressway east to Bay Street exit, then local streets to East Side wharfs or piers.
- (C) Outerbridge Crossing via West Shore Expressway (State 440) and Staten Island Expressway (I-278), west on Staten Island Expressway to Western Avenue, north on Western Avenue to Richmond Terrace, then local streets for Northside wharfs or piers, or Staten Island Expressway east to Bay Street, then local streets to East Side wharfs or piers.
- (30) From Staten Island wharfs or piers to New Jersey: Reverse of routes set forth in R2707-02(d)(29)(A), (B) and (C).
- (31) From New Jersey to Brooklyn wharfs or piers:
- (A) Bayonne Bridge, south via Willowbrook Expressway (State 440) to Staten Island Expressway (I-278), east to Verrazano-Narrows Bridge (upper level) to Brooklyn Queens Expressway (I-278), east on Brooklyn Queens Expressway (I-278), east on Brooklyn Queens Expressway (I-278) to nearest exit to location of wharf or pier then local streets to wharf or pier.
- (B) Goethals Bridge to Staten Island Expressway (I-278) to Verrazano-Narrows Bridge (upper level), to Brooklyn Queens Expressway (I-278), east on Brooklyn Queens Expressway (I-278) to nearest exit to location of wharf or pier then local streets to wharf or pier.
- (C) Outerbridge Crossing to West Shore Expressway (State 440) to Staten Island Expressway (I-278) to Verrazano-Narrows Bridge (upper level), to Brooklyn Queens Expressway (I-278) to nearest exit to location of wharf or pier, local streets to wharf or pier.
- (32) From Brooklyn wharfs and piers to New Jersey: Reverse of routes set forth in R2707-02(d)(31)(A), (B) and (C).
- (33) From New Jersey to Manhattan wharfs and piers:
- (A) George Washington Bridge (upper level), exit at 178th Street and Fort Washington Avenue, east on 178th Street to Amsterdam Avenue, south on Amsterdam Avenue to Cathedral Parkway (110th Street), east on 110th Street to Columbus Avenue, south on Columbus Avenue to west 57th Street, west on 57th Street to 11th Avenue, south on 11th Avenue to 55th Street, west on 55th Street to 12th Avenue, 12th Avenue north or south to wharf or pier location, or
- (B) Lincoln or Holland Tunnel (for hazardous materials permitted by Port Authority of New York and New Jersey and Fire Department rules only) to 12th Avenue or West Street, then north or south to wharf or pier location, utilizing the following routes:
- (C) Lincoln Tunnel to West Side wharfs and piers North of Lincoln Tunnel: From Lincoln Tunnel, exit at Dyer Avenue (40th Street) north on Dyer Avenue to 41st Street, west (left) on 41st Street, to 12th Avenue (right turn at 12th Avenue adjacent to elevated structure of West Side Highway, continue north on 12th Avenue to wharfs or piers.

- (D) Lincoln Tunnel to West Side wharfs and piers South of Lincoln Tunnel: From Lincoln Tunnel exit at Dyer Avenue (40th Street) north on Dyer Avenue to 41st Street, west (left) on 41st Street to 12th Avenue, south (left) on 12th Avenue (under elevated structure of West Side Highway to southbound traffic lane of 12th Avenue) continue south on 12th Avenue and/or West Street to wharfs or piers.
- (E) Holland Tunnel to West Side wharfs and piers North of Holland Tunnel: Exit from Holland Tunnel at Hudson Street, north (right turn) on Hudson Street to Canal Street, west (left turn) on Canal Street to West Street, north (right turn) on West Street, continue north on West Street and/or 12th Avenue, to wharfs or piers.
- Note: West Street becomes 12th Avenue at about 12th Street.
- (F) Holland Tunnel to West Side wharfs and piers South of Holland Tunnel: Exit from Holland Tunnel at Hudson Street, north (right turn) on Hudson Street to Canal Street, west (left turn) on Canal Street to West Street, north (right turn) on West Street to west Houston Street, make "U" turn from north bound traffic lane under elevated West Side Highway to south bound traffic lane of West Street, continue south on West Street to wharfs or piers.
- (G) New Jersey, via George Washington Bridge, Lincoln or Holland Tunnels to Lower East Side (East River) wharfs or piers: Continue route set forth in R2707-02(d)(33)(A), (d)(33)(C) or (d)(34)(A), (d)(33)(D) or (d)(34)(B), (d)(33)(E) or (d)(34)(C), or (d)(33)(F) or (d)(34)(D) south on 12th Avenue or West Street, south on West Street to Battery Park Underpass (clearance 12' 11"), enter Battery Park Underpass and exit on South Street, continue north on South Street and/or marginal street under elevated F.D.R. Drive to location of wharf or pier.
- (34) From Manhattan wharfs and piers to New Jersey:
- (A) West Side wharfs and piers North of Lincoln Tunnel to Lincoln Tunnel: South on 12th Avenue (at 43rd Street, move to left traffic lane to exit at 42nd Street), east (left turn) at 42nd Street on block to 11th Avenue, turn south (right) at 11th Avenue, continue south on 11th Avenue for two blocks (follow signs to Lincoln Tunnel), east (left) on 40th Street to Lincoln Tunnel entrance at Galvin Avenue.
- Note: In area of 12th Street, 12th Avenue becomes West Street.
- (B) West Side wharfs and piers South of Lincoln Tunnel to Lincoln Tunnel: North on West Street to 12th Avenue, north on 12th Avenue to 40th Street, east on 40th Street across 11th Avenue to Galvin Avenue entrance to Lincoln Tunnel.
- (C) West Side wharfs and piers North of Holland Tunnel to Holland Tunnel: South on 12th Avenue and continue south on West Street to Canal Street, east (left turn) on Canal Street to Hudson Street, then north (left turn) at Hudson Street to Holland Tunnel entrance.
- (D) West Side wharfs and piers South of Holland Tunnel to Holland Tunnel: North on West Street to Canal Street, east (right turn) on Canal Street to Hudson Street, then north (left turn) on Hudson Street to Holland Tunnel entrance.
- (E) Lower East Side (East River) wharfs or piers to New Jersey, via George Washington Bridge, Lincoln or Holland Tunnels: Proceed south on marginal street under elevated F.D.R. Drive and/or South Street to Battery Park Underpass, enter Battery Park Underpass and exit on West Street, proceed north on West Street and/or 12th Avenue, continue as per route set forth in R2707-02(d)(33)(C) or (d)(34)(A),
- (d)(33)(D) or (d)(34)(B), (d)(33)(E) or (d)(34)(C), or (d)(33)(F) or (d)(34)(D) to Lincoln and Holland Tunnels respectively, and, for George Washington Bridge, proceed north on 12th Avenue to 57th Street, east on 57th Street to Amsterdam Avenue, north on Amsterdam Avenue to 179th Street, west on 179th Street to George Washington Bridge.
- (35) From New England, Westchester County and Upstate New York to Manhattan wharfs and piers:
- (A) New England Thruway (I-95), south on New England Thruway (I-95), to Bruckner Expressway (I-278), to Willis Avenue and Third Avenue exit on 135th Street, west on 135th Street Third Avenue, south on Third Avenue across 3rd Avenue Bridge to 129th Street, east on 129th Street to Second Avenue, south on Second Avenue to East 125th Street, or
- (B) New York Thruway (I-87), south to Major Deegan Expressway (I-87), Major Deegan Expressway (I-87) south to 138th Street exit, service road to Third Avenue, south on 3rd Avenue, across 3rd Avenue Bridge to east 129th Street, east on 129th Street to Second Avenue, south on Second Avenue to east 125th Street.
- (C) Then, west on 125th Street to Amsterdam Avenue, south on Amsterdam Avenue to Cathedral Parkway (110th Street) east on 110th Street to Columbus Avenue, south on Columbus Avenue to west 57th Street, west on 57th Street to 11th Avenue, south on 11th Avenue to west 55th Street, west on west 55th Street to 12th Avenue north or south to wharf or pier location. For Lower East River wharfs and piers, continue south on 12th Avenue to West Street, south on West Street around Battery Park (do not use Battery Under-Pass) to South Street, north on marginal streets under the elevated F.D.R. Drive to location of wharf or pier.
- (36) From Manhattan wharfs and piers to Upstate New York, Westchester County and New England:
- (A) Reverse of route set forth in R2707-02(d)(35)(C) to 12th Avenue, north to West 57th Street, then east on West 57th Street to Amsterdam Avenue, north on Amsterdam Avenue to 125th Street, east to 1st Avenue, north on 1st Avenue to Willis Avenue Bridge, across Willis Avenue Bridge to Bruckner Blvd., Bruckner Blvd. to 138th Street entrance to Bruckner Expressway (I-278), east and north on Bruckner Expressway (I-278) to New England Thruway (I-95), then New England Thruway (I-95) north to City line, or
- (B) Reverse of route set forth in R2707-02(d)(35)(C) 12th Avenue, north to West 57th Street, then east on west 57th Street to Amsterdam Avenue, north on Amsterdam Avenue to 125th Street, east on 125th Street to 1st Avenue, north on 1st Avenue to Willis Avenue Bridge, across Willis Avenue Bridge, Willis Avenue to Major Deegan Expressway (I-87), Major Deegan Expressway north to New York Thruway (I-87), then north to City line.
- (37) From New England, Upstate New York and Westchester County to Staten Island wharfs and piers:
- (A) New England Thruway (I-95), South on New England Thruway (I-95) to Bruckner Expressway (I-95) to Throgs Neck Expressway (I-295) via Throgs Neck Bridge to Clearview Expressway (I-295) to Long Island Expressway (I-495), west on Long Island Expressway (I-495) to Brooklyn Queens Expressway (I-278), west to Verrazano-Narrows Bridge (upper level) to Staten Island Expressway (I-278) to Bay Street exit for Eastside wharfs or piers, or west to Western Avenue, north to Richmond Terrace, then local streets to Northside wharfs or piers.
- (B) New York State Thruway (I-87) south to Major Deegan
- Expressway (I-87) to Cross Bronx Expressway (I-95), east on Cross Bronx Expressway (I-95) to Throgs Neck Bridge, to Clearview Expressway (I-295) to Long Island Expressway (I-495), west to Brooklyn Queens Expressway (I-278), west to Verrazano-Narrows Bridge (upper level), to Staten Island Expressway (I-278), exit at Bay Street for eastside wharfs or piers, or continue on Staten Island Expressway (I-278) to Western Avenue, north on western Avenue to Richmond Terrace, then local streets to Northside wharfs or piers.
- (38) Staten Island wharfs or piers to New England, Upstate New York and Westchester County: Reverse of routes set forth in R2707-02(d)(37)(A) and (B).
- (39) From New England, Westchester County and Upstate New York to Brooklyn wharfs or piers
- (A) New England Thruway (I-95), South on New England Thruway (I-95) to Bruckner Expressway (I-95) to Throgs Neck Expressway (I-295) via Throgs Neck Bridge to Clearview Expressway (I-295), to Long Island Expressway (I-495), west on Long Island Expressway (I-495) to Brooklyn Queens Expressway (I-278) west on Brooklyn Queens Expressway (I-278) to nearest exit to wharf or pier location. Route from nearest expressway exit to wharf or pier via local streets.
- (B) New York State Thruway (I-87) south to Major Deegan Expressway (I-87) to Cross Bronx Expressway (I-95), east on Cross Bronx Expressway (I-95) to Throgs Neck Bridge, south to Clearview Expressway (I-295), to Long Island Expressway, west on Long Island Expressway (I-495) to Brooklyn Queens Expressway, west on Brooklyn Queens Expressway (I-278) to nearest exit to wharf or pier location, then via local streets to wharf or pier.
- (40) Brooklyn wharf or pier to New England, Westchester County and Upstate New York: Reverse of routes set forth in R2707-02(d)(39)(A) and (B).
- (41) From Long Island to Brooklyn and Staten Island wharfs and piers:
- (A) Long Island Expressway (I-495) west to Brooklyn Queens Expressway (I-278), then west on Brooklyn Queens Expressway (I-278), then continue:
- (1) To nearest exit for Brooklyn wharfs or piers location.
- (2) West on Brooklyn Queens Expressway (I-278) to Verrazano Bridge (upper level), cross bridge to Staten Island Expressway (I-278), exit at Bay Street for Staten Island Eastside wharfs or piers (utilizing local streets), or continue west on Staten Island Expressway (I-278) to Western Avenue, north on Western Avenue to Richmond Terrace, then local streets for Northside Staten Island wharfs or piers.
- (42) Brooklyn or Staten Island wharfs and piers to Long Island: Reverse of routes set forth in R2707-02(d)(41)(A)(1) and (2).
- (43) From Long Island to Manhattan wharfs and piers:
- (A) West on Long Island Expressway (I-495) to Clearview Expressway (I-295), north on Clearview Expressway (I-295) across Throgs Neck Bridge to Bruckner Expressway (I-278), west on Bruckner Expressway (I-278) continuing as per routes set forth in R2707-02(d)(35)(A) and (C) to Manhattan wharfs or piers.
- (B) From Manhattan wharfs and piers to Long Island: Use route set forth in R2707-02(d)(36)(A) to Bruckner Expressway (I-278), east on Bruckner Expressway (I-278) to Throgs Neck Expressway (I-295) south on Throgs Neck Expressway

- (I-295), over Throgs Neck Bridge, south on Clearview Expressway (I-295) to Long Island Expressway (I-495), then east on Long Island Expressway (I-495) to Long Island.
- (44) Routes to Howland Hook Truck Terminal, Staten Island:
- (A) From New Jersey:
- (1) Bayonne Bridge Plaza via Willowbrook Expressway (State 440) south to Staten Island Expressway (I-278), north on Western Avenue, east to Howland Hook Terminal.
- (2) Outerbridge Crossing, north on West Shore Expressway (State 440) to Staten Island Expressway (I-278), west on Staten Island Expressway (I-278) to Western Avenue, north on Western Avenue, east to Howland Hook Terminal.
- (3) Goethals Bridge to Staten Island Expressway (I-278) to Forest Avenue, north on Forest Avenue to Goethals Road North, west on Goethals Road North to Western Avenue, north on Western Avenue, then east to Howland Hook Terminal.
- (B) From New England, Upstate New York and Westchester County: Use routes set forth in R2707-02(d)(37)(A) and (B), except that entrance to Howland Hook Terminal is east from Western Avenue.
- (C) From Long Island: West on Long Island Expressway (I-495) to Brooklyn Queens Expressway (I-278), then west on Brooklyn Queens Expressway (I-278) to Verrazano Bridge, cross upper level of Verrazano Bridge, then west on Staten Island Expressway (I-278) to Western Avenue, north on Western Avenue, then east to Howland Hook Terminal.
- (D) From J.F. Kennedy Airport: North on Van Wyck Expressway (I-678) to Long Island Expressway (I-495), then west on Long Island Expressway continuing as per route set forth in R2707-02(d)(44)(C).
- (E) From LaGuardia Airport: South on 82nd Street to Astoria Blvd., west on Astoria Boulevard to Brooklyn Queens Expressway (I-278), then west on Brooklyn Queens Expressway (I-278), continuing as per route set forth in R2707-02(d)(44)(C).
- (45) Routes From Howland Hook Terminal:
- (A) To New Jersey: Reverse of route set forth in R2707-02(d)(44)(A).
- (B) To New England, Upstate New York and Westchester County: Reverse of route set forth in R2707-02(d)(44)(B).
- (C) To Long Island: Reverse of route set forth in R2707-02(d)(44)(C).
- (D) To J.F. Kennedy Airport: Reverse of route set forth in R2707-02(d)(44)(D).
- (E) To LaGuardia Airport: Reverse of route set forth in R2707-02(d)(44)(E).
- (46) Truck and Railroad Terminal in Bushwick Area, Brooklyn, and Maspeth Area, Queens. Utilize routes set forth in R2707-02(d)(5) from New Jersey, in R2707-02(d)(7) from upstate New York, New England and Westchester County, C3 Island Expressway (I-495), then Long Island Expressway (I-495) to Grand Avenue exit (westbound) or Maurice Ave. exit (eastbound), then to Grand Avenue (and Grand Street), east or west as required. Reverse routes for return trips.
- (47) Alternate routes. For vehicles not carrying explosives, alternate routes utilizing the Whitestone Bridge or the Robert F. Kennedy Bridge may be used in lieu of the Throgs Neck Bridge specified in R2707-02(d)(7)(B), (d)(8), (d)(13), (d)(14), (d)(17)(B), (d)(18), (d)(23), (d)(24), (d)(25)(B), (d)(26), (d)(37)(B), (d)(38), (d)(39)(B) and (d)(40), as follows:
- (A) Cross Bronx Expressway (I-95) to Hutchinson River Parkway,

- south on Hutchinson River Parkway over Whitestone Bridge, and continue south on Whitestone Expressway (I-678).
- (1) to Astoria Blvd., west on Astoria Blvd. to 82nd Street, north on 82nd Street to LaGuardia Airport.
- (2) to Van Wyck Expressway (I-678), south on Van Wyck Expressway (I-678) to J.F. Kennedy Airport.
- (3) to Van Wyck Expressway (I-678), south to Long Island Expressway (I-495), west on Long Island Expressway (I-495) to Brooklyn Queens Expressway (I-278), west on Brooklyn Queens Expressway (I-278) to Brooklyn or Staten Island wharfs or piers as per routes set forth in R2707-02(d)(37) or (39).
- (B) South on Major Deegan Expressway (I-87) from Cross Bronx Expressway or Upstate New York, to Robert F. Kennedy Bridge, across Robert F. Kennedy Bridge to Queens, exit and proceed east on Astoria Blvd.
- (1) to 82nd Street, north on 82nd Street to LaGuardia Airport.
- (2) to Brooklyn Queens Expressway (I-278), west on Brooklyn Queens Expressway (I-278) to Long Island Expressway (I-495), east on Long Island Expressway (I-495) to Van Wyck Expressway (I-678), south on Van Wyck Expressway (I-678) to JFK Airport.
- (3) to Brooklyn Queens Expressway (I-278), west on Brooklyn Queens Expressway (I-278) to Brooklyn or Staten Island wharfs or piers as per routes set forth in R2707-02(d)(37) or (39).
- (C) For return, reverse of routes set forth in R2707-02(d)(47)(A)(1), (A)(2), (A)(3), (B)(1), (B)(2), and (B)(3).
- (e) Escort Requirements
- (1) Motor vehicles transporting hazardous materials requiring Department fire apparatus escorts pursuant to FC2707.12, including explosives and fireworks, shall comply with the requirements of FC2707.12 and this section, including R2707-02(d)(6)(B). The Department reserves the right to require escorts for any hazardous material shipment when deemed necessary.
- (2) Notification of arrival of shipments requiring fire apparatus escorts shall be made 48 hours in advance by calling the Operations Center at (718) 999-7900 and providing the name and address of shipper, carrier, description and size of hazardous material load, including net weight and United States Department of Transportation classification, point of entry into New York City and point of departure, with proposed routing. Arrangements for the escort shall be made at the time of such notification. The carrier will be notified of whom and when to call for final meeting arrangements when the carrier is within two (2) hours approach of New York City or ready to leave an airport or wharf or pier.
- (3) Explosives shipments shall take the most direct permissible route through the City so as to minimize time of exposure within the City. Prior Department approval shall be obtained for any transfer of explosives on a wharf or pier; explosives shall then be loaded directly from the vehicle transporting the explosives to the vessel at a wharf or pier on the sailing date of the vessel, in accordance with Coast Guard Regulations, and, with respect to arriving shipments, directly from the vessel to the vehicle on the date of the vessel's berthing. No storage of explosives shall be permitted on wharfs, piers, warehouses, staging areas or other locations.
- No wharf or pier shall be used for the transfer of Division 1.1, 1.2 or 1.3 explosives, except small arms ammunition, or fireworks classified as Division 1.4 explosives, unless such transfer has been approved by the Department and a permit has been issued.

- Primacord, Cordeau Detonant Fuse or other high velocity fuses may not be trans-shipped via a wharf or pier in the City of New York.
- (4) Escort rendezvous points at entries to New York City. Where Department escort is required, rendezvous with the Department escort shall be made at the appropriate entry point to the city as follows:
- (A) From Long Island:
- (1) From North Shore Long Island: Meet at the safety area of Westbound Long Island Expressway (I-495) on the right side between Lakeville Road and Little Neck Parkway.
- (2) From South Shore Long Island: Meet at northwest corner of intersection of Sunrise Highway (State 27) between Hook Creek Blvd. and 246th Street.
- (B) From New England or Upstate New York:
- (1) New England Thruway (I-95) Southbound; exit at Connors Street exit, proceed on New England Thruway Service Road to Connors Street to meet Department escort.
- (2) New York Thruway (I-87) Southbound; exit into Service Area of Major Deegan Expressway located between Westchester County line and the East 233rd street exit of the expressway, to meet Department escort.
- (C) From New Jersey via:
- (1) Goethals Bridge: Meet at Administration Building in the Toll Plaza.
- (2) Bayonne Bridge: Meet at Administration Building in the Toll Plaza.
- (3) Outerbridge Crossing: Meet at Administration Building in the Toll Plaza.
- (4) George Washington Bridge: Meet at Administration Building in the Toll Plaza.
- (D) From Airports:
- (1) At JFK International Airport: Meet in front of the Major Robert Fitzgerald Building #111 on the inbound service road of the Federal Circle.
- (2) At LaGuardia Airport - Meet at Marine Air Terminal Port Authority of New York and New Jersey Police Building, entering at 82nd Street entrance to LaGuardia Airport.
- (f) Seizure of Contraband Materials and Vehicles Transporting Contraband Materials
- (1) In addition to any other penalties provided by law, rule or regulation, pursuant to FC104.5.1 and R104-03, hazardous material transported in violation of the Fire Code and this section, and the vehicle in which it is being transported, are liable to seizure and disposal by the Department or other law enforcement agency having jurisdiction.
- (2) Seizure of contraband is in addition to other penalties, criminal liability, and violations, including those prescribed by FC 109.2.1 and 109.2.3 and the New York State Penal Code.
- STATEMENT OF BASIS AND PURPOSE FOR CHAPTER 27 (HAZARDOUS MATERIALS – GENERAL PROVISIONS):
- The chapter consists of three sections, all of which were based on existing rules.
- Section 2706-01 sets forth standards and requirements for non-production chemical laboratories. These standards and requirements were set forth in existing rule 3 RCNY §10-01.

Section 2707-01 sets forth requirements for the transportation of explosives by motor vehicles. These requirements were set forth in existing rule 3 RCNY §40-01.

Section 2707-02 sets forth requirements for the transportation of flammable and combustible liquids, compressed gases, and explosives, in interstate and intrastate commerce passing through New York city, without pickup or delivery in the city. These requirements were set forth in existing rule 3 RCNY §40-07.

Section 7. Title 3 of the Rules of the City of New York is hereby amended by adding a new Chapter 28, to read as follows:

**CHAPTER 28  
AEROSOLS**

§2801-01 Aerosols  
§2802-2806 Reserved

**§ 2801-01 Aerosols**

- (a) Scope. This section sets forth the requirements for the storage, handling and use of aerosols.
- (b) General Provisions. Aerosols shall be stored, handled and used in compliance with the requirements of FC Chapter 28 and this section.
- (c) Supervision. The handling and use of aerosols in quantities requiring a permit shall be performed under the personal supervision of a person holding a certificate of fitness. The storage of aerosols in quantities requiring a permit shall be under the general supervision of a person holding a certificate of fitness.

**STATEMENT OF BASIS AND PURPOSE FOR CHAPTER 28 (AEROSOLS):**

This chapter consists of one new section (R2801-01) that sets forth supervision requirements for the storage, handling and use of aerosols. These supervision requirements are consistent with the requirements set forth in the Fire Code and rules for other hazardous materials. Pursuant to FC102.2.2, persons supervising such aerosol storage, handling and use must obtain the certificate of fitness by July 1, 2009.

Section 8. Title 3 of the Rules of the City of New York is hereby amended by adding a new Chapter 34, to read as follows:

**CHAPTER 34  
FLAMMABLE AND COMBUSTIBLE LIQUIDS**

§3401-3403 Reserved  
§3404-01 Out-of-Service Storage Systems  
§3404-02 Precision Testing of Certain Underground Storage Systems  
§3404-03 Indoor and Aboveground Combustible Liquid Storage Systems  
§3405-01 Storage and Use of Fuel Oil on Mobile Trailers for Heating and Power Generation  
§3406-01 Storage of Flammable and Combustible Liquids on Roofs at Construction Sites

**§ 3404-01 Out-of-Service Storage Systems**

- (a) Scope. This section sets forth requirements for out-of-service storage systems for gasoline, diesel, fuel oil and other flammable or combustible liquids that are not in use for 30 days or more, except when such systems are used for seasonal or standby storage and are not otherwise permanently out of service.
- (b) Definitions. The following terms shall, for purposes of this section and as used elsewhere in the rules, have the meanings shown herein:

**Permanently out-of-service storage systems.** Storage systems that are no longer to be used for storing gasoline, diesel, fuel oil or other flammable or combustible liquids or that have not been used for one (1) year or more. The Department may deem a storage system permanently out of service and require that it be closed accordingly where it has not been closed and maintained as a temporarily out-of-service storage system and the circumstances of an actual or anticipated change in use or occupancy of the premises at which the storage system is located indicate that any further use of such storage system cannot be reasonably anticipated.

**Temporarily out-of-service storage systems.** Storage systems for gasoline, diesel, fuel oil or other flammable or combustible liquids that have not been used for 30 days or more, but less than one (1) year.

(c) Temporarily Out-of-Service Storage Systems

(1) Supervision

- (A) For motor fuel or other flammable or combustible liquid storage systems, the closure shall be performed by a person holding a certificate of license or by a person who is employed and supervised by a person holding such certificate.
- (B) For fuel oil storage systems with a total capacity exceeding 330 gallons, the closure shall be performed by a person holding a certificate of license or by a person who is employed and supervised by a person holding such certificate, or a person holding an oil-burning equipment installer license issued by the Department of Buildings or by a person who is employed by and under the direct supervision of a person holding such license.

(C) For fuel oil storage systems with a total capacity of 330 gallons or less, the closure shall be performed by a person holding a certificate of license or by a person who is employed and supervised by a person holding such certificate, by a person holding an oil-burning equipment installer license issued by the Department of Buildings or by a person who is employed by and under the direct supervision of a person holding such license, or a plumber licensed by the Department of Buildings.

- (2) Affidavit of compliance. The owner or operator of a temporarily out-of-service storage system or the permit holder for such system shall file with the Department an affidavit certifying that such system has been safeguarded in compliance with the requirements of FC Chapter 34 and this section. Such affidavit shall be executed by a person with the requisite qualifications to supervise the closure of such tanks.

(3) Permits and testing

- (A) All storage systems which have been rendered temporarily out of service shall continue to be subject to the Department's permit and testing requirements and the registration, reporting, inspection and testing regulations of the New York State Department of Environmental Conservation.
- (B) Before a temporarily out-of-service storage system may be restored to service, an affidavit of compliance shall be filed with the Department in accordance with R3404-01(c)(2), certifying the integrity of the tank and piping, and the proper functioning of any leak detection and cathodic protection systems.

(d) Permanently Out-of-Service Storage Systems

(1) Supervision

(A) For motor fuel or other flammable or combustible liquid storage systems, the closure shall be performed by a person holding a certificate of license or by a person who is employed and supervised by a person holding such certificate.

(B) For fuel oil storage systems with a total capacity exceeding 330 gallons, the closure shall be performed by a person holding a certificate of license or by a person who is employed and supervised by a person holding such certificate, or a person holding an oil-burning equipment installer license issued by the Department of Buildings or by a person who is employed by and under the direct supervision of a person holding such license.

(C) For fuel oil storage systems with a total capacity of 330 gallons or less, the closure shall be performed by a person holding a certificate of license or by a person who is employed and supervised by a person holding such certificate, by a person holding an oil-burning equipment installer license issued by the Department of Buildings or by a person who is employed by and under the direct supervision of a person holding such license, or a plumber licensed by the Department of Buildings.

- (2) Affidavit of compliance. The owner or operator of a permanently out-of-service storage system or the permit holder for such system shall file with the Department an affidavit certifying that such system was removed and disposed of, or abandoned in place, in compliance with the requirements of FC Chapter 34 and this section. Such affidavit shall be executed by a person with the requisite qualifications to supervise the closure of such tanks.

- (3) Environmental site assessment. If an environmental site assessment is required by federal or state law or regulations, the owner or operator of the storage system, the permit holder for such system, or the person filing the affidavit of compliance for such system, shall submit to the Department a written statement that such environmental site assessment has been performed in accordance with such law and regulations.

**§ 3404-02 Precision Testing of Certain Underground Storage Systems**

- (a) Scope. This section sets forth standards, requirements and procedures for precision testing

pursuant to FC3404.2.11.6 of underground storage systems for motor fuels or other flammable and combustible liquids when such systems utilize single-walled tanks, or other tanks not provided with a leak detection system meeting Fire Code requirements.

(b) General Provisions

(1) Applicability. Precision testing of underground storage systems for motor fuels or other flammable and combustible liquids that utilize single-walled tanks, or other tanks not provided with a leak detection system meeting Fire Code requirements, shall be conducted in compliance with the requirements of FC Chapters 22 and 34 and this section.

(2) Precision testing standard. Precision testing of underground storage systems shall be conducted in accordance with National Fire Protection Association (NFPA) Standard 329 (2005 edition).

(3) Supervision.

(A) Certificate requirements. Precision testing of underground storage systems shall be conducted by a person holding a certificate of license or under the general supervision of a certificate of license holder. Such person shall be trained and knowledgeable in the use of the precision test equipment and procedures for the conduct of the particular precision test. Any person conducting such test under the supervision of a certificate of license holder shall hold a certificate of fitness for such precision test. A separate certificate of fitness shall be obtained for each type of precision test system.

(B) Presence on premises. The certificate holder conducting the precision test shall remain on the premises while such test is being conducted and until the system has been returned to good working order in accordance with R3402-02(c)(1)(C).

(c) Operational Requirements

(1) Administrative requirements

(A) Notification of tests. Prior to conducting a precision test of a underground storage system, notification shall be made to the Bureau of Fire Prevention by calling the telephone number designated by the Bulk Fuel Unit. Tests may be witnessed by a Department representative. Tanks located within buildings shall not be tested unless prior Department approval is received.

(B) Submission of test results. A report of the results of the precision test shall be submitted to the Bulk Fuel Unit of the Bureau of Fire Prevention on an approved form no later than 30 days after conducting the test. Such test report shall include the name and certificate of fitness number of the person who conducted the test, as well as the name and signature of the certificate of license holder under whose supervision the test was conducted.

(C) Notification of defective storage systems. Underground storage systems shall be returned to service in good working order upon completion of the precision testing. Storage systems determined to be defective shall be removed from service in accordance with applicable laws, rules and regulations. If hazardous material has been released to the environment, notification shall be immediately made to the Department and the New York State Department of Environmental Conservation.

(2) Testing equipment requirements

(A) Only approved precision testing systems shall be used for precision testing of underground storage systems. Such testing systems, including hoses and other devices and components, shall be designed for twice the maximum operating pressures of the pressures generated by the precision test system, and shall be compatible with the hazardous material stored in the tank to be precision tested.

(B) All testing equipment to be placed in the storage tank, or used in the vicinity of the test area, shall be intrinsically safe or suitable for use in hazardous locations.

- (C) Interlocks shall be provided for all electrical connections to ensure that the system is grounded before power can be supplied.
- (3) Testing procedures
  - (A) The test area shall be cordoned off by portable barricades, signs, rope or tape to prevent unauthorized persons and motor vehicles from entering the area. Signs posted at the barricade perimeter shall be provided to read "NO SMOKING-NO OPEN FLAMES".
  - (B) All sources of ignition, including all motor vehicles, shall be removed from the testing area.
  - (C) Approved procedures shall be used in filling tanks and piping for precision testing, to ensure safety and prevent overfilling. Filling of tanks shall only be conducted through approved fill boxes from approved cargo tanks and/or approved safety cans. For purposes of topping off the tank or the test equipment, flammable and combustible liquids shall be drawn from an approved storage system on the premises into an approved safety can not exceeding a capacity of two and one half (2½) gallons. Flammable and combustible liquids may not be withdrawn from the fuel tanks of motor vehicles.
  - (D) To avoid erroneous results, each precision test shall compensate for temperature changes, tank-end deflection, air pockets, water tables and other variables, as set forth in NFPA 329, to avoid erroneous results.
  - (E) Tests shall be conducted for the period of time recommended by the manufacturer of the particular precision testing system, or until accurate results can be obtained.
  - (F) If test wells must be drilled on the site to locate the water table, the certificate of license holder shall take all necessary steps to ensure that such test wells do not disturb utility infrastructure.
  - (G) When underground storage systems storing liquid of varying or unknown coefficients of thermal expansion are to be tested, the liquid shall be removed, the tank cleaned, and the test conducted using a material of similar viscosity and a known coefficient of expansion.
  - (H) Power to electrical equipment shall not be turned on until all electrical connections have been made. The connection to the power source shall be the final connection made.
  - (I) Precision testing systems shall be arranged such that rain water cannot enter the tank through the tank openings.

(d) Portable Fire Extinguisher Requirements

- (1) A portable fire extinguisher having at least a 40-B:C rating shall be readily accessible during testing. The maximum travel distance to the fire extinguisher shall be 30 feet and the portable fire extinguisher shall be positioned at a safe location within the testing area.

**§ 3404-03 Indoor and Aboveground Combustible Liquid Storage Systems**

- (a) Scope. This section sets forth requirements for the design and installation of indoor, aboveground combustible liquid storage systems, except fuel oil storage tanks and auxiliary storage tanks for oil-burning equipment regulated by the Mechanical Code, or to the installation of liquid motor fuel-dispensing storage tanks.
- (b) General Provisions. Indoor aboveground combustible liquid storage tanks shall comply with the requirements of FC Chapters 27 and 34 and this section.
- (c) Design and Installation Requirements
  - (1) Location of tanks. Combustible liquid storage tanks shall preferably be installed on the floor at grade level. Combustible liquid storage tanks may also be installed on floors not more than two (2) floors below grade level.
  - (2) Fire-rated separation of tanks
    - (A) Combustible liquid storage tanks having an individual or aggregate capacity of more than 550 gallons but less than 1,100 gallons in a single control area

shall be completely enclosed within noncombustible construction having at least a two (2) hour fire resistance rating.

- (B) Combustible liquid storage tanks having an individual or aggregate capacity of 1,100 gallons or more in a single control area shall be completely enclosed within noncombustible construction having at least a three (3) hour fire resistance rating.

(3) Sprinkler system protection

- (A) Any floor below grade level upon which a combustible liquid storage tank is installed shall be protected throughout by a sprinkler system, except that when the combustible liquid storage tank will only store a combustible liquid with a flash point of 200°F or greater, and the room or area is segregated, vertically and horizontally, from surrounding spaces by a fire separation of not less than two (2) hour fire resistance rating, only the room or area housing such tank need be protected by a sprinkler system.

(4) Piping systems

- (A) General requirements
  - (1) Exposed piping shall be protected against mechanical damage and shall be adequately supported with rigid metal fasteners or hangers.
  - (2) Only new wrought iron, steel, or brass pipe, or type K or heavier copper tubing shall be used. Metal tubing used as transfer piping shall be adequately protected.
  - (3) Overflow pipes, where installed, shall not be smaller in size than the supply pipe.
  - (4) Pipe shall be connected with standard components, and tubing with components listed or approved for the same material as the pipe, except that malleable iron fittings may be used with steel pipe. Cast iron fittings shall not be used. All threaded joints and connections shall be made liquid-tight with suitable pipe compound. Unions requiring gaskets or packing, right or left couplings and sweat fittings employing solder having a melting point of less than 1,000°F shall not be used.
- (B) Piping from storage tank to equipment on other floors
  - (1) Piping from a transfer pump to manufacturing, process or other equipment installed on other floors, including combustible liquid return and vent piping, shall comply with the applicable provisions of R3404-03(c)(4) and shall be enclosed in a shaft constructed of four (4) inch concrete or masonry, having a four (4) inch clearance from all pipe or pipe covering, except that no such enclosure shall be required within the room containing the pump, tank, or equipment where such room is itself enclosed with construction and materials having at least a 2-hour fire-resistance rating. Provisions shall be made for expansion in piping without the use of expansion joints.
  - (2) Where it is necessary to make horizontal offsets in supply piping, upon exiting

the shaft, such piping shall be enclosed in a sleeve of other piping of at least number ten (10) gauge steel, two (2) sizes larger and arranged to drain into the shaft. Horizontal piping offsets shall be further enclosed in construction having a two (2) hour fire resistance rating, except that no such enclosure shall be required within the room containing the pump, tank, or equipment where such room is itself enclosed with construction and materials having at least a 2-hour fire-resistance rating.

- (3) A drain pipe shall be installed at the base of the shaft enclosing the supply and overflow piping. The pipe shall lead to a dedicated sump or container with a capacity of at least 55 gallons. Such sump or container shall be equipped with a leak detection system alarm, arranged so as to sound an alarm and stop the transfer pump. The alarm shall be connected to a local audible alarm and to a remote alarm located at a supervising station. The wiring shall comply with the Electrical Code.
- (4) Piping shall be seamless steel pipe of a weight not less than ASA Schedule 40, with welded connections up to the equipment, except that fittings at the tank or equipment, shutoff valves and other combustible liquid flow and control devices may be screwed or flanged.
- (5) Pipe shafts shall not be penetrated by or contain other piping or ducts.

(5) Transfer of combustible liquids between floors

- (A) A clearly identified and readily accessible remote control switch shall be provided on each floor to which combustible liquid is transferred. Such switch, when manually activated, shall cause shut down of the transfer.
- (B) A visual indicating device shall be provided in the discharge area that indicates when the pump is running.

**§ 3405-01 Storage and Use of Fuel Oil on Mobile Trailers for Heating and Power Generation**

- (a) Scope. This section sets forth standards, requirements and procedures for mobile trailers that store and use fuel oil for heating and generation of electrical power.
- (b) General Provisions
  - (1) Applicability. Mobile trailers that store and use fuel oil for heating, including steam and hot water, and generation of electrical power, shall be designed, installed and operated in compliance with the requirements of the construction codes and this section.
  - (2) Permit. Each mobile heating or power generating trailer shall obtain a permit for the citywide transportation, storage and use of combustible liquid. Mobile heating and power generating trailers utilized at one (1) site for more than 30 days shall obtain a site-specific permit for the storage and use of combustible liquid at that location.
  - (3) Supervision. While in operation, mobile emergency heating and power generating trailers shall be under the personal supervision of a certificate of fitness holder or a person holding a high pressure boiler operating engineer's license issued by the Department of Buildings.
  - (4) Delivery of fuel oil. Only cargo tanks for which a permit has been issued may be used to deliver fuel oil to mobile heating and power generating trailers.
- (c) Design and Installation Requirements. Mobile heating and power generating trailers using fuel oil shall be designed and installed in compliance with the following requirements:

- (1) Fuel oil piping systems and boilers shall be designed and installed in compliance with the requirements of the *Mechanical Code*. The power generating equipment, and all electrical devices, equipment and systems on the trailer shall be designed and installed in compliance with the requirements of the *Building Code* and the *Electrical Code*. Documentation of compliance with such codes shall be submitted to the *Department* in an approved form.
- (2) Fuel oil storage tanks shall be constructed in accordance with the requirements of the *Mechanical Code*. No more than 550 gallons of fuel oil shall be stored on the trailer.
- (3) A clearly identified and readily accessible remote control shut-down switch for the oil burning equipment shall be provided inside the trailer, immediately accessible upon entry.
- (4) The chassis shall be designed and constructed to support the total load supported by the trailer, including all heating or power generating equipment. The *Department* may require a letter from the chassis manufacturer confirming such design capacity.
- (5) Fuel oil storage tanks shall be provided with secondary containment of liquid-tight construction. Such containment shall be constructed of metal, and shall have a capacity of not less than the maximum capacity of the fuel oil storage tanks.
- (6) Signs shall be posted on both sides of the trailer that read: "Mobile Heating Trailer" or "Mobile Power Generator", as applicable, in six (6) inch letters, and bear the name and address of the owner in two (2) inch letters.
- (7) The trailer and equipment shall be electrically grounded in an approved manner.
- (8) Each fuel oil storage tank fill line shall be provided with both a shut-off valve and a check valve.
- (9) *Department of Buildings* permits or other approvals shall be posted at a conspicuous location inside the trailer.

**§ 3406-01 Storage of Flammable and Combustible Liquids on Roofs at Construction Sites**

- (a) Scope. This section sets forth requirements for storage and use of flammable and combustible liquids on roofs at construction sites.
- (b) Storage Requirements. Where flammable or combustible liquids in use at a construction site are not removed from the job site at the end of the workday they shall be stored in a metal flammable liquid storage cabinet when not in use. Flammable or combustible liquids may be stored on a roof in connection with work on a roof in a quantity not to exceed one (1) day's supply, but in no case more than 20 gallons.

STATEMENT OF BASIS AND PURPOSE FOR CHAPTER 34 (FLAMMABLE AND COMBUSTIBLE LIQUIDS):

The chapter consists of five sections, all of which were based on existing rules.

Section 3404-01 sets forth requirements for out-of service flammable and combustible liquid storage systems. These requirements were set forth in existing rule 3 RCNY §21-02.

Section 3404-02 sets forth standards, requirements and procedures for precision tests of underground motor fuel, flammable liquid, and combustible liquid storage systems. These requirements were set forth in existing rule 3 RCNY §21-03.

Section 3404-03 sets forth design and installation requirements for indoor combustible liquid storage tank systems. These requirements were set forth in existing rule 3 RCNY §21-17.

Section 3405-01 sets forth requirements for the utilization of mobile trailers storing and using fuel oil for heating and power generating purposes. This section expands the scope of existing rule (3 RCNY §21-18), which is limited to mobile trailers storing and using fuel oil for heating purposes.

Section 3406-01 sets forth requirements for the storage and use of flammable and combustible liquids on the roofs of building at construction sites. These requirements are set forth in existing rule 3 RCNY §20-01.

Section 9. Title 3 of the Rules of the City of New York is hereby amended by amending Chapter 36, to read as follows:

**CHAPTER 36  
FLAMMABLE SOLIDS**

[§3601-3605 Reserved]  
§3601-01 Flammable Solids  
§3602-3605 Reserved

**§ 3601-01 Flammable Solids**

- (a) Scope. This section sets forth the requirements for the storage, handling and use of flammable solids.
- (b) General Provisions. Flammable solids shall be stored, handled and used in compliance with the requirements of FC Chapter 36 and this section.
- (c) Supervision. The handling and use of flammable solids in quantities requiring a permit shall be

performed under the personal supervision of a person holding a certificate of fitness. The storage of flammable solids in quantities requiring a permit shall be under the general supervision of a person holding a certificate of fitness.

STATEMENT OF BASIS AND PURPOSE FOR CHAPTER 36 (FLAMMABLE SOLIDS):

This chapter consists of one new section (R3601-01) that sets forth supervision requirements for the storage, handling and use of flammable solids. These supervision requirements are consistent with the requirements set forth in the Fire Code and rules for other hazardous materials. Pursuant to FC102.2.2, persons supervising such flammable solids storage, handling and use must obtain the certificate of fitness by July 1, 2009.

Section 10. Title 3 of the Rules of the City of New York is hereby amended by adding one new section to Chapter 46, to read as follows:

**CHAPTER 46  
FEES**

[§4601-4603 Reserved]  
 §4601-01 New and Amended Fees  
 §4602-4603 Reserved  
 §4604-01 Compensation To Be Paid By Entities Engaged in the Operation of Auxiliary Fire Alarm Systems (effective until July 1, 2009)  
 §4604-01 Compensation for Operation of Auxiliary Fire Alarm Systems (effective July 1, 2009)

**§ 4601-01 New and Amended Fees**

- (a) Scope. This section sets forth provisions relating to the Department's adoption of new and amended fees and incorporation of such fees into FC Appendix A.
- (b) General Provisions
  - (1) Adoption. The owner or applicant shall pay the fees set forth in this section for permits, inspections, witnessing of tests and other services, in accordance with the provisions of FC Appendix A.
  - (2) Incorporation. Pursuant to FC102.6.2, such new and amended fees shall be deemed incorporated into FC Appendix A.
  - (3) Identification of amendments
    - (A) The incorporation of new fees into FC Appendix A is indicated by underlining.
    - (B) The incorporation of amended fees into FC Appendix A is indicated by bracketing the provision and/or fee to be deleted from FC Appendix A and underlining the amended provision and/or fee to be added.
- (c) Certificate Fees (FC A01). Reserved
- (d) Training School Accreditation Fees (FC A02). Reserved
- (e) Permits and Inspection Fees (FC A03). FC A03 is amended to read as follows:

**SECTION FC A03  
PERMITS [AND], INSPECTIONS AND PLAN REVIEW**

**A03.1 Permits [and], inspection and plan review. \* \* \***

<b>1A. Asphalt Melters</b>			
Store, handle or use an asphalt melter	\$105.00		
		*	*

<b>14A. Construction Sites</b>			
Fire safety inspection (annual fee)	\$315.00		
		*	*

<b>45. Plan examinations</b>			
Review of design and installation documents	\$210.00		
Review of fire safety and evacuation plan	\$210.00		
Review of emergency action plan			
Original application	\$525.00		
Amended application (per hour)(total not to exceed \$525.00)	\$210.00		
Review of professional certification applications	\$210.00		

(f) Administrative Services (FC A04). Reserved

(g) Late Renewals (FC A05). Reserved

**Note: Retain underlining of highlighted text in publication of final rule. Retain brackets and bracketed material of highlighted text, without underline, in publication of final rule.**

STATEMENT OF BASIS AND PURPOSE FOR CHAPTER 46 (FEES):

One new section has been added to this chapter. Section R4601-01 sets forth provisions relating to the Department's adoption of new and amended fees, and the incorporation of those fees into FC Appendix A. The section also establishes two new fees: one in connection with fire safety inspection of construction sites pursuant to R1401-01, and one for review of professional certification of fire alarm system installations in connection with proposed rule, R104-02, entitled "Professional Certification of Fire Alarm System Installations." Public comments received in response to proposed rule R104-02 are still under review. The Fire Department intends to separately promulgate R104-02 as a final rule at a later date.

Section 11. Chapter 48 of Title 3 of the Rules of the City of New York is hereby amended by amending Section 4802-01, amending the titles of eight sections in Chapter 48 and adding six new sections, to read as follows:

**CHAPTER 48  
PRE-EXISTING FACILITIES**

§4801 Reserved  
 §4802-01 Pre-Existing Definitions  
 §4803-01 [Pre-Existing] General Precautions Against Fire in Pre-Existing Facilities

§4804-4808 Reserved  
 §4809-01 [Pre-Existing] Fire Protection Systems in Pre-Existing Facilities  
 §4810-01 [Pre-Existing] Means of Egress in Pre-Existing Facilities  
 §4811-4821 Reserved  
 §4822-01 Pre-Existing Motor Fuel-Dispensing Facilities and Repair Garages  
 [§4823-4829 Reserved]  
 §4823-4826 Reserved  
 §4827-01 Storage of Hazardous Materials in Pre-Existing Facilities  
 §4828-01 Storage of Aerosols in Pre-Existing Facilities  
 §4829-01 Storage of Combustible Fibers in Pre-Existing Facilities  
 §4830-01 [Pre-Existing] Storage of Compressed Gases in Pre-Existing Facilities  
 §4831-01 [Reserved] Storage of Corrosive Materials in Pre-Existing Facilities  
 §4832-01 [Pre-Existing] Storage of Cryogenic Fluids in Pre-Existing Facilities  
 [§4833-4834 Reserved]  
 §4833-01 Storage of Explosives in Pre-Existing Facilities  
 §4834-01 Storage of Flammable and Combustible Liquids in Pre-Existing Facilities  
 §4835-01 [Pre-Existing] Storage of Flammable Gases in Pre-Existing Facilities  
 §4836-4837 Reserved  
 §4838-01 [Pre-Existing] Storage of Liquefied Petroleum Gases in Pre-Existing Facilities  
 §4839-01 Storage of Organic Peroxides in Pre-Existing Facilities  
 [§4839] §4840-4844 Reserved

**§ 4802-01 Pre-Existing Definitions**

\* \* \*  
 (b) Definitions  
**Board of Standards and Appeals.** New York City Board of Standards and Appeals.

**Department of Buildings.** New York City Department of Buildings.

**Department of Small Business Services.** New York City Department of Small Business Services.

**Multiple dwelling.** A multiple dwelling, as defined in subdivision seven of section four of the multiple dwelling law, including any portion of such dwelling used for other than living or sleeping purposes, or for any business, commercial or other non-residential purpose. (Fire Prevention Code, former Administrative Code §27-4002(27a))

**Structure.** Any building or construction of any kind. (Fire Prevention Code, former Administrative Code §27-4002(38)(c))

**§ 4827-01 Storage of Hazardous Materials in Pre-Existing Facilities**

- (a) Scope. This section consolidates the New York City Fire Prevention Code and former Fire Department rules in effect on June 30, 2008, that are applicable to the design and installation of hazardous material installations in pre-existing facilities.
- (b) Definitions. The following terms shall, for purposes of this section and as used elsewhere in Chapter 48 of the rules, have the meanings shown herein:

**Retail drug store.** A store or building used for the compounding and dispensing, usually in the form of physicians' prescriptions, or for the selling of small quantities of medicinal preparations, proprietary articles, drugs, chemicals, oils, volatile solvents and other substances which, alone or in combination with any other article or substance, are of a highly combustible, flammable or explosive nature. (Fire Prevention Code, former Administrative Code §27-4002(35))

**Technical establishment.** A building or place where explosive, flammable or highly combustible substances are produced, used or stored for use, or where chemicals or other materials entering into the production of such substances are stored or used, excepting those establishments which are specifically treated under other classifications in subchapters one through twenty-seven of this chapter. (Fire Prevention Code, former Administrative Code §27-4002(39))

**Tenement house.** A class A multiple dwelling as defined in subdivision four of section four of the multiple dwelling law. (Fire Prevention Code, former Administrative Code §27-4002(40))

- (c) General Provisions. Pre-existing facilities with hazardous material installations the design and installation of which would not be allowed or approved under the Fire Code, but which, pursuant to FC102.3 and R102-01, may be continued with respect to such hazardous material installations under the applicable laws, rules and regulations in effect prior to the Fire Code, and shall continue to comply with the provisions of such laws, rules and regulations, including former Administrative Code §§27-4234, 27-4236, 27-4237, 27-4238, 27-4240, 27-4241, 27-4242 and 27-4246, and former Fire Department rules 3 RCNY §§10-01, 15-05 and 34-01, as applicable, until such time as such facilities may be required to comply with the Fire Code and the rules with respect to their design and installation.
- (d) Technical Establishments
  - (1) Former Administrative Code §27-4234

**§27-4234 Restrictions**  
 It shall be unlawful to store for use, or to use in any technical establishment any liquid acetylene, acetylide of copper or other metallic acetylide; fulminate of mercury, or any other fulminate or fulminating compound; nitroglycerine; chloride of nitrogen; amide or amine; blasting powder; smokeless powder; or gunpowder in any form; or any volatile product of petroleum (except rhigoline) having a boiling point lower than sixty degrees Fahrenheit.

(e) Wholesale Drug Stores and Drug and Chemical Supply Houses

(1) Former Administrative Code §27-4237

**§27-4237 Restrictions**

No permit shall be issued for a wholesale drug store or drug and chemical supply house in any building:

1. Which is situated within fifty feet of the nearest wall of any building which is occupied as a school, hospital, theatre, or other place of public amusement or assembly;
2. Which is not equipped with a fire extinguishing system approved by the commissioner;
3. Where the building does not comply with the requirement of the building code regulating high hazard occupancies for buildings erected after the sixth day of December, nineteen hundred sixty-eight; or where a building or building section erected prior thereto is not fully equipped with an approved automatic sprinkler system.

2. Former Administrative Code §27-4238

**§27-4238 Laboratory**

- a. Construction. The operation of compounding medicinal preparations, proprietary articles and similar materials, or analyzing or testing drugs, chemicals, medicinal preparations, proprietary articles and similar materials, when explosive or flammable substances are required, shall be conducted only in a room or part of the premises designed and constructed in accordance with all applicable provisions of the building code.

\* \* \*

(3) Former Administrative Code §27-4240

**§27-4240 Prohibited materials**

It shall be unlawful to manufacture or store in a wholesale drug store or drug and chemical supply house any of the following substances:

1. Acetylide of copper;
2. Amide or amine explosive;
3. Chloride of nitrogen;
4. Colored fire in any form;
5. Cymogene or any volatile product of petroleum (except rhigoline) or coal tar having a boiling point lower than sixty degrees Fahrenheit;
6. Flashlight powders;
7. Fulminate or any fulminating compound;
8. Guncotton;
9. Gunpowder in any form;
10. Liquid acetylene;
11. Nitro-glycerine, except in official U. S. pharmacopoeia solution, or in the form of pills, tablets, or granules containing not more than one-fiftieth of a grain each;
12. Picrates;
13. Potassium chlorate in admixture with organic substances or with phosphorus or sulphur; provided that this restriction shall not apply to the manufacture or storage of tablets of chlorate of potash intended for use solely for medicinal purposes;
14. Rubber shoddy.

(4) Former Administrative Code §27-4241

**§27-4241 Quantities of supplies allowed**

No permit shall be issued for the storage in a wholesale drug store or drug and chemical supply house of any of the following substances in quantities greater than those set forth in the following schedule:

<b>1. Explosives.</b>	
Amyl nitrate in bottles	25 pounds
Amyl nitrate in pearls	100 gross
Carbon bisulphide	50 pounds
Collodions	100 pounds in all
<b>Gases, liquefied:</b>	
Anhydrous ammonia	2 cylinders
Carbon dioxide	2 cylinders
Nitrous oxide	2 cylinders
Oxygen	2 cylinders
Sulphur dioxide	2 cylinders
Nitroglycerine, one percent solution in alcohol	20 pounds
Picric acid	25 pounds
Soluble cotton	25 pounds in all
<b>2. Volatile flammable liquids (insoluble).</b>	
Benzene, benzole or naphthas of any kind	150 gallons in all
Coal tar	1 barrel
Coal tar oils (heavy)	10 barrels
Crude petroleum	1 barrel
Ethyl chloride and other ethers	200 pounds in all
Ether, nitrous	100 pounds in five pound packages or less
Ether, sulphuric	500 pounds
Rhigoline	2 dozen one pound tins
Varnishes, lacquers, etc.	275 gallons in all

Wood creosote 5 barrels

<b>3. Volatile flammable liquids (soluble).</b>	
Acetone	1 barrel
Alcohol, denatured	10 barrels
Alcohol, ethyl	10 barrels
Alcohol, methyl	10 barrels
Aldehyde, ethyl	5 gallons

<b>4. Non-volatile flammable liquids (insoluble).</b>	
Amyl acetate	10 barrels
Amyl alcohol	10 barrels
Aniline oil	5 drums
Cumol	5 barrels
Essential oils	10,000 pounds in all
Kerosene	1 barrel
Nitrobenzole	5 drums
Terebene	100 pounds
Toluol	350 pounds
Turpentine	10 barrels
Xylol	100 pounds

<b>5. Non-volatile flammable liquids (soluble).</b>	
Glycerine	5,000 pounds

<b>6. Combustible solids.</b>	
Metallic magnesium	100 pounds
Phosphorus	11 pounds
Phosphorus, red	11 pounds
Sulphur	25 barrels in all

<b>7. Gums, resins, pitch, etc.</b>	
Burgundy pitch	5,000 pounds
Camphor	8,000 pounds
Gum thus	5 barrels
Naphthaline	50 barrels in all
Pitch (coal tar pitch)	2 barrels
Resins, balsams and other varnish gums	8,000 pounds in all
Rosin	5 barrels
Shellac	2,500 pounds
Stockholm tar	1,000 pounds
Tar, refined (wood)	10 barrels
Venice turpentine	2,000 pounds

<b>8. Combustible fibres and powders (vegetable).</b>	
Cotton, absorbent	2,000 pounds
Cotton batting	10 bales
Excelsior	25 bales
Flax	20 bales
Jute	25 bales
Lampblack	10 barrels
Lycopodium	2,000 pounds
Oakum	2 bales
Pulverized charcoal	10 barrels
Sawdust	15 bags
Straw, packing	10 bales

<b>9. Dangerously corrosive acids.</b>	
Anhydrous acetic	500 pounds
Carbolic	15,000 pounds
Glacial acetic	2,000 pounds
Hydrochloric	15 carboys
Hydrofluoric	500 pounds
Sulphuric	15 carboys

<b>10. Acids.</b>	
Chromic	100 pounds
Iodic	5 pounds
Nitric	3 carboys
Nitric, fuming	25 pounds
Periodic	2 pounds

<b>11. Peroxides.</b>	
Barium	2 casks
Calcium	100 pounds
Hydrogen, U.S.P.	5,000 pounds
Other hydrogen peroxides, over three percent, not to exceed fifteen percent	500 pounds
Potassium	10 pounds
Sodium	25 pounds

<b>12. Chlorates.</b>	
Barium	500 pounds
Other metallic	100 pounds in all
Potassium	1,000 pounds
Sodium	1,000 pounds

<b>13. Perchlorates.</b>	
Potassium	10 pounds
Other metallic perchlorates	10 pounds in all

<b>14. Permanganates.</b>	
Potassium	1,000 pounds
Sodium	100 pounds
Other metallic permanganates	100 pounds in all

<b>15. Nitrates.</b>	
Barium	1,200 pounds
Bismuth subnitrate	2,500 pounds
Cobalt	1,000 pounds
Copper	100 pounds
Iron, ferric	200 pounds
Mercury (mercuric)	100 pounds
Mercury (mercurous)	10 pounds
Potassium	2,000 pounds
Silver	50 pounds
Sodium	1,000 pounds
Strontium	1,200 pounds
Other metallic	500 pounds in all

<b>16. Metallic oxides.</b>	
Lead binoxide	25 pounds
Lead (litharge)	1,200 pounds
Lead (red)	500 pounds
Mercury, yellow precipitate (mercurous)	200 pounds
Mercury, red precipitate (mercuric)	100 pounds
Silver	10 pounds

<b>17. Substances made dangerous by contact with other substances.</b>	
Calcium carbide	60 pounds
Metallic potassium	5 pounds
Metallic sodium	5 pounds
All other metals of the alkalis or alkaline earths	5 pounds in all
Phosphides	10 pounds
Unslaked lime	2 barrels

Zinc dust 100 pounds

The commissioner may, in his or her discretion and when no unusual hazard is presented thereby, authorize the storage of greater quantities than those set forth in the foregoing schedule, or the storage of other substances not specified therein.

(5) Former Administrative Code §27-4242

**§27-4242 Storage**

\* \* \*

- b. Liquids. The storage of acids or liquid chemicals which may cause explosions or combustion by flowing into, upon or among chemicals or other substances, shall be provided with safety catch basins or a similar device, so that, in case of the leakage of such acids or liquids, no danger to life or property will result. Carboys containing nitric acid shall be stored only in premises designed and constructed in accordance with all applicable provisions of the building code; and it shall be unlawful to permit sawdust, hay, excelsior, or any organic substance, or other acids or chemicals in close proximity to such carboys or stocks of nitric acid. A sufficient quantity of sand or infusorial earth shall be provided for absorbing all waste liquids from floors.

\* \* \*

(6) Former Fire Department Rule 3 RCNY §15-05

**§15-05 Fire Protection in Wholesale Drug and Chemical Supply Houses**

The following shall be deemed to be in compliance with § 27-4237(3) of the Administrative Code of the City of New York:

\* \* \*

(d) Where such storage does not exceed 75 percent of the quantities allowed in § 27-4241, Administrative Code.

For each 2,500 square feet of floor area or major portion thereof:

\* \* \*

Thermostatic alarm

(e) Where the storage exceeds 75 percent of the allowable quantity, an automatic sprinkler system is required.

(f) When the building exceeds four stories, an automatic sprinkler system is required.

(g) In any building where explosives and flammable substances are used or handled, if the area exceeds 5,000 square feet per floor an automatic sprinkler system is required.

(h) In any building exceeding 10,000 square feet per floor, an automatic sprinkler system is required.

(f) Retail Drug Stores

(1) Former Administrative Code §27-4246

**§27-4246 Quantities of supplies allowed**

It shall be unlawful to store, sell or use in a retail drug store any of the following substances in quantities greater than those set forth in the following schedule:

<b>1. Acids.</b>	
Carbolic	100 pounds
Hydrochloric	200 pounds
Nitric	15 pounds
Picric	1 ounce
Sulphuric	200 pounds
<b>2. Volatile flammable liquids.</b>	
Acetone	5 pounds
Amyl acetate	1 gallon
Amyl alcohol	1 gallon
Amyl nitrate	2 ounces in one ounce bottles six dozen pearls
Ethyl alcohol	1 barrel
Benzene, benzole and naphtha of any kind	5 gallons in four ounce bottles or pint tins
Carbon bisulphide	3 pounds
Collodion	5 pounds
Denatured alcohol	1 barrel
Ether, sulphuric	5 pounds
Methyl alcohol	1 barrel
Other ethers, in all	2 pounds
Turpentine	1 barrel
<b>3. Flammable liquids.</b>	
Essential oils	100 pounds in all
Glycerine	500 pounds
Pine tar	10 pounds
<b>4. Combustible solids.</b>	
Aluminum (powder)	1 pound
Balsams and resins	50 pounds in all
Camphor	350 pounds
Charcoal, powdered	10 pounds
Lampblack	10 pounds
Magnesium (powder)	8 ounces
Magnesium (ribbon)	8 ounces
Naphthalene	4 barrels
Phosphorus, red	2 ounces
Phosphorus, yellow	1 ounce
Rosin	10 pounds
Sulphur and brimstone	250 pounds in all

5. Combustible fibres.

Cotton, absorbent	150 pounds in cartons
Cotton, batts	10 pounds in closed boxes or other containers
Cotton, loose	5 pounds in closed boxes or other containers
Excelsior, hay and straw	2 bales (except in stores located in tenement houses)
Lint	10 pounds in closed boxes or other containers
Oakum	10 pounds in closed boxes or other containers

6. Oxidizers.

Barium peroxide	1 pound
Bismuth subnitrate	20 pounds
Calcium peroxide	5 pounds
Chromic acid	1 pound
Lead oxide (red)	5 pounds
Lime, unslaked	200 pounds in sealed metal cans
All other metallic bichromates or chromates	50 pounds in all
Mercuric oxide (red)	2 pounds
Mercurous oxide	2 pounds
Mercury nitrate	1 pound
Phosphides	10 ounces in all
Potassium bichromate	10 pounds
Potassium chlorate	25 pounds in five pound containers or less
Potassium nitrate	50 pounds
Potassium perchlorate	1 ounce
Potassium permanganate	5 pounds
Silver nitrate	1 pound
Silver oxide	1 ounce
Sodium bichromate	10 pounds
Sodium chlorate	5 pounds
Sodium nitrate	25 pounds
Sodium permanganate	1 pound

The commissioner may, in his or her discretion, when no extra hazard is permitted thereby, authorize the storage of larger quantities of substances than those set forth in the foregoing schedule, or of other explosives or flammable substances not specifically named therein.

(g) Non-Production Chemical Laboratories

- (1) Former Fire Department Rule 3 RCNY §10-01

§10-01 Storage and Use of Chemicals, Acids and Gases in College, University, Hospital, Research and Commercial Laboratories

(a) Definitions.

\* \* \*

**Laboratory.** Laboratory means a generic term denoting a building, space, equipment or operation, wherein testing, research or experimental work is conducted and shall include laboratories used for instructional purposes.

**Laboratory Building.** Laboratory building means a structure consisting wholly or principally of one or more laboratory units.

**Laboratory Unit.** Laboratory unit means an enclosed, fire rated space used for testing, research, experimental or educational purposes. Laboratory units may or may not include offices, laboratories, and other contiguous rooms maintained for, or used by, laboratory personnel, and corridors within the units. It may contain one or more separate laboratory work areas.

**Laboratory Work Area.** Laboratory work area means a room or space within a laboratory unit for testing, analysis, research, instruction, or similar activities which involve the use of chemicals or gases. A work area may or may not be enclosed.

**Exception:** This section shall not apply to physical, electronic, instrument or similar laboratories which use small quantities (less than 32 oz. flammable liquids, 0.5 lb. oxidizing materials, and 0.15 cu.ft. water container capacity of flammable gases) for incidental purposes such as cleaning, maintenance or repair and these substances are not used directly in experimental chemical research work.

\* \* \*

**Storage Cabinet.** Storage cabinet means a cabinet for the storage of not more than 60 gallons of flammable liquid which is designed and constructed in accordance with "OSHA General Industry Standards-Flammable and Combustible Liquids".

**Storage Room.** Storage room means a room where chemicals or gases regulated by this directive are stored and not otherwise used or reacted.

**Unstable (Reactive) Chemical.** Unstable (reactive) chemical means a substance, other than one classified as an explosive or blasting agent, which will vigorously and energetically react, is potentially explosive, will polymerize or decompose instantaneously, undergo uncontrollable auto-reaction or can be exploded by heat, shock, pressure or combinations thereof. Examples are: organic peroxides, nitromethane, and ammonium nitrate.

\* \* \*

(d) Storage.

- (1) Storage of chemicals for use in individual laboratory units shall be in accordance with Table I below. Any amounts in addition to the maxima set forth in Table I below shall be at the discretion of the

Commissioner and shall be in storage cabinets.

- (2) Determination of the fire rating of laboratory unit enclosures shall be in accordance with the criteria of the Building Code, except that, in partitions not required to have a fire rating under the provisions of that Code, fire dampers shall not be required to be installed in existing ducts penetrating existing laboratory partitions.
- (3) Storage of volatile flammable oils shall be in accordance with Table I of this section.

Table I  
Maximum Laboratory Unit Storage Limits

Lab Type	Fire Rating	Fire Protection	Flammable Liquids and	Flammable Solids	Oxidizing Materials	Unstable Reactive
I	2 Hours	Sprinklers	30 gals	15 lbs	50 lbs	12 lbs
II	1 Hour	Sprinklers	25 gals	10 lbs	40 lbs	6 lbs
III	2 Hours	No Sprinklers	20 gals	6 lbs	30 lbs	3 lbs
IV	1 Hour	No Sprinklers	15 gals	3 lbs	20 lbs	2 lbs

\* \* \*

- (5) Storage and use of flammable gases within laboratory units shall be in accordance with Table II below, except that no storage of flammable gases shall be allowed in any laboratory unit where there is not an on-going operation requiring their use. On-going operations shall allow storage of flammable gases sufficient to meet the operating requirements of the equipment in that laboratory unit plus an equal reserve.

Table II  
Storage of Flammable Gases

Area of Laboratory in square feet**	Up to 500 sq. ft.	per additional 100 sq. ft.	Maximum per Laboratory Unit
Maximum Capacity	9.24	1.54	15.4

\*\* Water container capacity

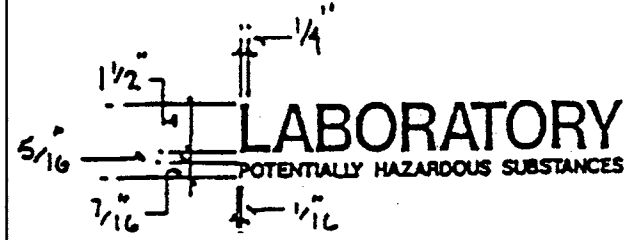
\* \* \*

- (9) Storage rooms shall be of a minimum 2 hour rated construction and shall be provided with:
  - (i) a constant mechanical exhaust system to the exterior capable of providing at least six changes of air per hour;
  - (ii) a sill at the doorway (except that no sill shall be required at doorways of flammable gas storage rooms);
  - (iii) a sprinkler system providing at least one head per 90 sq. ft.
- (13) All fixed electrical equipment within cold rooms where flammable liquids or flammable gases are used shall be explosion proof in accordance with subdivision (f)(3) of this section. Cold rooms shall not be used for storage of principal stock of flammable gases or flammable liquids.

(e) Signs and warning placards.

- (1) A sign prohibiting smoking shall be conspicuously posted at the exterior of entrances to storage and laboratory areas and within such areas.
- (2) Signs with RED letters of minimum size two inches high by three-eighths inch stroke on a contrasting background shall be posted at entrances to areas:
  - (i) Where materials which react with water are stored or used.
  - (ii) Where flammable gases or explosives are stored or used.
- (3) Warning placards in conformance with Federal, State and Local regulations shall be posted at entrances to areas:

- (i) Where radioactive material is stored or used;
- (ii) Where biohazardous material is stored or used;
- (iii) Where poisonous gases are stored or used.
- (4) The outside of each chemical laboratory unit door shall have a sign, as detailed below, or metal or other durable material with RED letters on a white background which shall be located in the area of the mid-point of the height of the door.



(f) Fire prevention and protection.

- (1) In laboratories and storage rooms which are sprinkled, the protection area per sprinkler head shall not exceed 90 sq. ft., except that the protection area per sprinkler head shall not exceed 100 sq. ft. where the system is hydraulically designed.
- (2) In existing buildings, water supply to sprinkler systems may be taken off existing standpipes provided that the system is hydraulically designed.
- (3) All electrical equipment in all flammable liquid and all flammable gas storage rooms shall conform with the requirements of the New York City Electrical Code set forth in §27-3198(4), Administrative Code, irrespective of whether such room would be classified as a Class I Location by §27-3197(1) of such code.
- (4) Laboratory units and laboratory work areas shall be considered as unclassified electrically with respect to §27-3197 of the Administrative Code.
- (5) Fume hoods shall be provided and utilized in conformance with these requirements and those of such other agencies as have jurisdiction over operations and special storage conditions which give off noxious odors or flammable or poisonous vapors, or radioactive materials.
- (6) Fume hoods shall be so vented that a minimum average face velocity of 100 feet per minute, with minimum face velocity at any point not less than 75 feet per minute, is provided.
- (7) Fume hoods shall be located away from doors, windows that may be opened, principal traffic lanes or room air outlets or returns which may cause drafts sufficient to interfere with exhaust operations of fume hoods.
- (8) Every fume hood used for handling perchloric acids, strong oxidizing agents or highly reactive chemicals shall be served by an independent duct.
- (9) Common ducts may be permitted for fume hoods in the same laboratory unit. Hoods in different laboratory units shall not have their ducts combined. Hoods in common ducts must be so arranged or equipped that exhaust from one duct cannot be forced out through any other hood served by the common duct.
- (10) Exhaust ducts shall have the minimum number of turns, bends or obstructions as is practical, and shall have adequate air movement in the duct for the number of hoods vented by that duct and sufficient to prevent any back up into the hood.
- (11) Washdown provisions shall be provided for hoods and ducts in which perchloric acid is heated above ambient temperature and in which vapors are not trapped or scrubbed before entering the hood exhaust system.
- (12) Exhaust fans for ducts shall, wherever possible, be located outside the building and as close as possible to the terminal so that negative pressure is maintained in ducts within the building.
- (13) A system of explosion hazard control consisting of explosion prevention, explosion suppression, explosion venting, area ventilation, extinguishment system(s), barrier protection, separation and isolation, remove controlled apparatus or any combination thereof, shall be provided in laboratories or storage rooms where any of the following conditions occur:
  - (i) Storage of materials which in themselves are readily capable of detonation or of an explosive decomposition or explosive reaction at normal ambient temperature and pressure.
  - (ii) Use of materials which explode,



violently decompose or produce rapid increases in pressure and temperature upon:

- (A) Vacuum distillation;
- (B) Being subjected to slight or moderate shock;
- (C) Exposure to ultraviolet or visible light;
- (D) Exposure to pressure or more than one atmosphere;
- (E) Exposure to temperature in excess of 122(degrees)F. or 50(degrees)C.;
- (F) Exposure to air;
- (G) Increase in the concentration above which the substance is not longer stable;
- (H) Standing (i.e. spontaneously).

(iii) Highly exothermic reactions which also involve rapid increases in pressure, such as certain polymerizations, oxidations, nitrations, peroxidations, hydrations, or organometallic reactions.

(iv) Use or formation of materials whose chemical structure or functional group indicate potential hazard, but whose properties have not been established. Examples would be triple bonds, epoxy radicals, nitro and [nitrosol] nitrous compounds, and peroxides.

(14) The commissioner shall evaluate the method of explosion hazard control, on an individual basis, considering in each instance the following criteria:

- (i) The nature and quantity of the constituent material(s);
- (ii) The nature of the process;
- (iii) The potential energy release;
- (iv) Isolation of the equipment;
- (v) The particular physical location and exposures.

\* \* \*

**Note: Retain underlining of highlighted text in publication of final rule. Retain brackets and bracketed material of highlighted text, without underline, in publication of final rule.**

(2) Former Fire Department Rule 3 RCNY §34-01

**§34-01 Storage and Use of Limited Quantities of Chemicals, Acids, and Flammables for Instructional Purposes in [Public High] Schools Through the Twelfth Grade**

- (a) No liquefied chlorine may be stored in any school.
- (b) No more than five (5) gallons of volatile flammable oils derived from petroleum, shale oil or coal tar should be stored at any one time.
- (c) No more than twenty-five (25) pounds of potassium and/or sodium chlorate is permitted to be stored.
- (d) No chemicals or substances as listed under §§27-4240 and 27-4234 of the Administrative Code should be stored in a school.

\* \* \*

(i) The storage of dangerous chemicals, volatile flammable oils and liquids shall be confined to metal cabinets vented at top and bottom. A cardholder should be provided for a visible record of the contents and maximum amount stored therein; also, a caution sign, if applicable to read: "In case of fire do not use water."

\* \* \*

Note: The foregoing rules shall be the basis for the issuance of Fire Department permits to schools throughout the City of New York.

(l) Listed below are the maximum quantities of combustibles and dangerous chemicals which may be stored in [public high] schools through the twelfth grade:

**Explosives**

Picric acid	1 lb.
Carbon bisulphide	10 lbs.
Carbon Dioxide	1 lb.
Anhydrous Ammonia	1 lb.
Sulphur Dioxide	1 lb.
Nitrous Oxide	1 lb.

Oxygen 1 lb.

**Volatile Flammable Liquids (Insoluble)**

Crude Petroleum	2 lbs.
Benzine, Benola or Naphthas of any kind	2 lbs.
Ether, Sulphuric	10 lbs.
Varnishes, Lacquers, etc.	2 lbs.

**Volatile Flammable Liquids (Soluble)**

Acetone	1 lb.
Alcohol, Denatured	5 gals.
Aylcohol. Methyl	5 gals.

**Non-Volatile Flammable Liquids (Insoluble)**

Amyl Acetate	2 lbs.
Amyl Alcohol	2 lbs.
Aniline Oil	1 lb.

**Non-Volatile Flammable Liquids (Soluble)**

Kerosene	2 lbs.
Turpentine	½ gal.
Tuluol	1 gal.
Xylo	1 gal.
Essential Oils	2 lbs.

**Non-Volatile Flammable Liquids (Soluble)**

Glycerine	5 lbs.
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**Combustible Solids**

Phosphorous	¼ lb.
Phosphorous, Red	5 lbs.
Sulphur	15 lbs.
Metallic Magnesium	1 lb.

**Gums, Resins, Pitch, Etc.**

Camphor	1 lb.
Resin	11 lbs.
Venice Turpentine	1 lb.
Naphthaline	1 lb.
Shellac	1 lb.

**Combustible Fibres and Powders (Vegetable)**

Pulverized Charcoal	5 lbs.
Cotton, Absorbent	5 lbs.
Lampblack	2 lbs.
Lycopodium	1 lb.

**Dangerously Corrosive Acids**

Glacial Acetic Acid	5 gals.
Hydrofluoric Acid	1 lb.
Hydrochloric Acid	12 gals.
Sulphuric Acid	12 gals.
Carbolic Acid	1 lb.

**Acids**

Acid, Chromic	1 lb.
Acid, Nitric	12 gals.

**Peroxides**

Hydrogen Peroxide, U.S.P.	0 lbs.
Sodium Peroxide	2 lbs.
Barium Peroxide	2 lbs.
Other Hydrogen Peroxides over 3 percent, not to exceed 15 percent	5 lbs.

**Chlorates**

Potassium Chlorate	15 lbs.
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**Permanganates**

Potassium Permanganates	1 lb.
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**Nitrates**

Barium Nitrate	1 lb.
Stontium Nitrate	1 lb.
Cobalt Nitrate	1 lb.
Copper Nitrate	1 lb.
Iron Nitrate, Ferric Mercury Nitrate (mercuric)	1 lb.
Mercury Nitrate (mercurous)	1 lb.
Potassium Nitrate	10 lbs.
Silver Nitrate	5 lbs.
Sodium Nitrate	15 lbs.
Other Metallic Nitrates	5 lbs.

**Metallic Oxides**

Lead Oxide (red)	5 lbs.
Lead Oxide (Litharge)	10 lbs.
Oxide of Mercury red precipitate (mercuric)	10 lbs.
Oxide of Mercury; yellow precipitate (mercurous)	5 lbs.

**Substances Made Dangerous by Contact with Other Substances**

Calcium Carbide	5 lbs.
Metallic Potassium	½ lb.
All other Metals of the Alkalies or Alkaline Earths	2 lbs.
Metallic Sodium	½ lb.
Zinc Dust	5 lbs.
Slaked Lime	25 lbs.

**Note: Retain underlining of highlighted text in publication of final rule. Retain brackets and bracketed material of highlighted text, without underline, in publication of final rule.**

**§ 4828-01 Storage of Aerosols in Pre-Existing Facilities**

(a) Scope. This section consolidates the New York City Fire Prevention Code and former Fire Department rules in effect on June 30, 2008, that are applicable to the design and installation of aerosol storage in pre-existing facilities.

(b) Definitions. The following terms shall, for purposes of this section and as used elsewhere in Chapter 48 of the rules, have the meanings shown herein:

**Combustible pressurized product.** A pressurized product that has a flashpoint at or above 100 degrees Fahrenheit and below 300 degrees Fahrenheit, or where a flame projection exceeds three (3) inches but not more than eighteen (18) inches at full valve opening when tested by a method described in the regulations of the United States Department of Transportation, as set forth in Title 49, Part 173 of the Code of Federal Regulations. (Former Fire Department rule 3 RCNY 32-01(b))

**Extremely flammable pressurized product.** A pressurized product that has a flashpoint below 20 degrees Fahrenheit and where a flashback (a flame extending back to the dispenser) is obtained at any degree of valve opening when tested by a method described in the regulations of the United States Consumer Product Safety Commission, as set forth in Title 16, Part 1500 of the Code of Federal Regulations. (Former Fire Department rule 3 RCNY 32-01(b))

**Flammable pressurized product.** A pressurized product that has a flashpoint at or above 20 degrees Fahrenheit and below 100 degrees Fahrenheit, or where a flame projection exceeds eighteen (18) inches at full valve opening or a flashback (a flame extending back to the dispenser) is obtained at any degree of valve opening when tested by a method described in the regulations of the United States Consumer Product Safety Commission, as set forth in Title 16, Part 1500, of the Code of Federal Regulations, or the regulations of the United States Department of Transportation, as set forth in Title 49, Part 173 of the Code of Federal Regulations. (Former Fire Department rule 3 RCNY 32-01(b))

**Pressurized product.** The product in a pressurized container with a propellant that causes the product to be expelled from the container through a valve. This term includes all such products, irrespective of the ingredients of the product, the type of propellant, or form in which the product is dispensed. (Former Fire Department rule 3 RCNY 32-01(b))

(c) General Provisions. Pre-existing facilities with aerosol storage the design and installation of which would not be allowed or approved under the Fire Code, but which, pursuant to FC102.3 and R102-01, may be continued with respect to such aerosol storage under the applicable laws, rules and regulations in effect prior to the Fire Code, shall continue to comply with the provisions of such laws, rules and regulations, including former Fire Department rule 3 RCNY §32-01, until such time as such facilities may be required to comply with the Fire Code and the rules with respect to their design and installation.

(d) Pressurized Products

(1) Former Fire Department Rule 3 RCNY §32-01

**§32-01 Manufacture, Storage and Use of Pressurized Products**

\* \* \*

(e) Storage and use requirements.

\* \* \*

(2) Combustible, flammable or extremely flammable pressurized products in quantities exceeding the following amounts shall comply with the following additional storage requirements:

(1) Combustible, flammable or extremely flammable pressurized products in quantities exceeding a total of fifty (50) gallons but not more than a total of two hundred (200) gallons shall be stored in an area protected by an automatic fire sprinkler system, an area having natural ventilation, or an area which is vented to the outdoors by a duct having a cross-section of at least eight (8) inches.

(ii) Combustible, flammable or extremely flammable pressurized products in quantities exceeding a total of two hundred (200) gallons shall be stored as follows:

(A) in non-combustible (fireproof) buildings, in a fireproof storage room, unless the building is equipped with an automatic fire sprinkler system or other fire extinguishing system approved by the Department;

(B) in combustible (non-fireproof) buildings, in a fire-resistive storage room that is vented to the outdoors and that is equipped with an automatic fire sprinkler system or other extinguishing system approved by the Department.

\* \* \*

§4829-01 Storage of Combustible Fibers in Pre Existing Facilities

(a) Scope. This section consolidates the New York City Fire Prevention Code and former Fire Department rules in effect on June 30, 2008, that are applicable to the design and installation of combustible fiber storage in pre-existing facilities.

(b) Definitions. Reserved

(c) Facilities in Compliance With Former Fire Department Rules in Effect on June 30, 2008

(1) Combustible fiber storage on waterfront structures. Combustible fiber storage on waterfront structures in compliance with former Fire Department rule 3 RCNY §30-01 in effect on June 30, 2008, is allowed and would be approved under the provisions of the Fire Code and the rules, and accordingly, such facilities shall be designed and installed in compliance with the requirements of FC2906.

§ 4831-01 Storage of Corrosive Materials in Pre Existing Facilities

(a) Scope. This section consolidates the New York City Fire Prevention Code and former Fire Department rules in effect on June 30, 2008, that are applicable to the design and installation of corrosive material storage in pre-existing facilities.

(b) Definitions. Reserved

(c) General Provisions. Pre-existing facilities with corrosive material storage the design and installation of which would not be allowed or approved under the Fire Code, but which, pursuant to FC102.3 and R102-01, may be continued with respect to such corrosive material storage under the applicable laws, rules and regulations in effect prior to the Fire Code, shall continue to comply with the provisions of such laws, rules and regulations, including former Fire Department rule 3 RCNY §1-01, until such time as such facilities may be required to comply with the Fire Code and the rules with respect to their design and installation.

(d) Acids

(1) Former Fire Department Rule 3 RCNY §1-01

§1-01 Tanks Used for Bulk Storage of Acids

\* \* \*

(b) Storage tanks.

\* \* \*

(2) All new or relocated acid storage tanks shall be provided with acid proof dikes capable of holding the full contents of the tank or tanks within the dike in the event of leakage or rupture of the tanks or associated piping.

(3) New or relocated acid storage tanks shall not be permitted in the basement, cellar or sub-cellar of any structure.

(4) New, relocated or altered acid storage tanks shall be provided with excess flow valves for all bottom take-offs except where all bottom take-off piping terminates within the containing dike.

(5) All new and existing acid storage tanks shall be provided with adequate vents, not less than 1 1/4 inches for tanks up to 1,100 gallons, and not less than 2 inches for tanks of 1,100 gallons or more.

\* \* \*

§ 4833-01 Storage of Explosives in Pre-Existing Facilities

(a) Scope. This section consolidates the New York City Fire Prevention Code and former Fire Department rules in effect on June 30, 2008, that are applicable to the design and installation of explosive installations in pre-existing facilities.

(b) Definitions. Reserved

(c) General Provisions. Pre-existing facilities for storage of explosives the design and installation of which would not be allowed or approved under the Fire Code, but which, pursuant to FC102.3 and R102-01, may be continued with respect to such explosive installations under the applicable laws, rules and regulations in effect prior to the Fire Code, shall continue to comply with the provisions of such laws, rules and regulations, including former Fire Department rule 3 RCNY §14-04, until such time as such facilities may be required to comply with the Fire Code and the rules with respect to their design and installation.

(d) Explosive Storage

(1) Former Fire Department Rule 3 RCNY §14-04

§14-04 Specifications for Explosive Magazines

All magazines shall be constructed in accordance with the following specifications

\* \* \*

(a) Hinges. Magazine door hinges are to be extra heavy 10-inch galvanized tee hinges, minimum gauge 148 with brass pins. Hinges are to be attached with five 5/16 round head through bolts, two bolts in hinge pad, three bolts in hinge wing.

(b) Hasp. Hasp is to be made of steel bar 1/2 inch by 2 inch, 18 inch minimum length, fastened to magazine door, center with five 5/16-inch round head through bolts on six-inch centers. Hasp bar is to be slotted to accommodate 1/2-inch "I" bolt lock loop.

All lock staples are to be replaced with 1/2-inch "I" bolt, through bolted into magazine wall.

\* \* \*

All exposed bolts inside of magazine are to be counter sunk or wood covered.

§4834-01 Storage of Flammable and Combustible Liquids in Pre-Existing Facilities

(a) Scope. This section consolidates the New York City Fire Prevention Code and former Fire Department rules in effect on June 30, 2008, that are applicable to the design and installation of flammable and combustible liquid installations in pre-existing facilities.

(b) Definitions. The following terms shall, for purposes of this section and as used elsewhere in Chapter 48 of the rules, have the meanings shown herein:

Apartment. An apartment, as defined in subdivision fifteen of section four of the multiple dwelling law. (Fire Prevention Code, former Administrative Code §27-4002(1a))

Bulk oil storage plant. A building, shed, enclosure or premises, or any portion thereof, in which petroleum or coal tar, or the liquid products thereof, are stored or kept for sale in large quantities. (Fire Prevention Code, former Administrative Code §27-4002(31))

Combustible mixture. A liquid or mixture having a closed-cup flashpoint at or above a temperature of one hundred degrees Fahrenheit, except that, for purposes of transportation, a combustible mixture shall mean a liquid or mixture defined as a combustible liquid by the United States Department of Transportation. (Fire Prevention Code, former Administrative Code §27-4002(10))

Diesel fuel oil. Any liquid, used as a motor fuel which does not emit a flammable vapor below a temperature of one hundred degrees Fahrenheit when tested in a Tagliabue open cup tester. (Fire Prevention Code, former Administrative Code §27-4002(10b))

Flammable mixture. A liquid or mixture having a closed-cup flashpoint at a temperature below one hundred degrees Fahrenheit, except that, for purposes of transportation, a flammable mixture shall mean a liquid or mixture defined as a flammable liquid by the United States Department of Transportation. (Fire Prevention Code, former Administrative Code §27-4002(22))

Essential oil. An oil used for flavoring or perfuming purposes. (Fire Prevention Code, former Administrative Code §27-4002(13))

Fire retarding material. Asbestos board in two layers, each one-fourth inch in thickness, the second layer breaking joints in all directions with the first, or plaster boards cocoa fibre filled, covered with lap jointed metal not less than 26 B. & S. gauge in thickness, and any other material that has successfully passed the one hour fire test prescribed by the industrial board of appeals of the state labor department on the twenty-ninth day of October, nineteen hundred fourteen. (Fire Prevention Code, former Administrative Code §27-4002(16))

Fuel oil. Any liquid mixture, substance or compound, derived from petroleum, which does not emit a flammable vapor below a temperature of one hundred twenty-five degrees Fahrenheit, when tested in a Tagliabue open cup tester. (Fire Prevention Code, former Administrative Code §27-4002(18))

Garage. A building, shed or enclosure, or any portion thereof, in which a motor vehicle other than one the fuel storage tank of which is empty, is stored, housed or kept. (Fire Prevention Code, former Administrative Code §27-4002(19))

Kerosene. Any liquid product of petroleum, commonly used for illuminating purposes, which does not emit a flammable vapor below a temperature of one hundred degrees Fahrenheit, when tested in a Tagliabue open cup tester. (Fire Prevention Code, former Administrative Code §27-4002(23))

Motor fuel. Gasoline, diesel fuel oil or other flammable or combustible liquids or mixtures used as fuel in the operation of motor vehicles, motorcycles, motor boats and aircraft. (Fire Prevention Code, former Administrative Code §27-4002(26a))

Oil and fat or fat and oil. Any oil, fat or grease, of animal, vegetable or mineral origin, except essential oils. (Fire Prevention Code, former Administrative Code §27-4002(29))

Vault. A covered excavation or chamber, below the street level, with masonry walls and roof, constructed outside the foundation walls of a building, and with but one entrance, fitted with a self-closing fireproof door. (Fire Prevention Code, former Administrative Code §27-4002(42))

Volatile flammable oil. Any oil or liquid that will generate a flammable vapor at a temperature below one hundred degrees Fahrenheit when tested in a Tagliabue open cup tester. (Fire Prevention Code, former Administrative Code §27-4002(43))

(c) General Provisions. Pre-existing facilities with flammable and combustible liquid installations the design and installation of which would not be allowed or approved under the Fire Code, but which, pursuant to FC102.3 and R102-01, may be continued with respect to such flammable and combustible liquid installations under the applicable laws, rules and regulations in effect prior to the Fire Code, shall continue to comply with the provisions of such laws, rules and regulations, including former Administrative Code §§27-4053, 27-4055, 27-4065, 27-4066, 27-4069, 27-4070, 27-4094, 27-4227, 27-4231 and 27-4265, and former Fire Department rules 3 RCNY §§8-01, 8-02, 20-07, 21-05, 21-06, 21-17, 28-01 and 28-04, as applicable, until such time as such facilities may be required to comply with the Fire Code and the rules with respect to their design and installation.

(d) Flammable Liquid Manufacture, Storage and Use

(1) Former Administrative Code §27-4065

§27-4065 Manufacture

\* \* \*

b. Restrictions. No permit for the manufacture of flammable mixtures shall be issued for any building:

- 1. Which is situated within fifty feet of the nearest wall of any building occupied as a school, hospital, theatre or other place of public amusement or assembly;
2. Where the building does not comply with the requirements of the building code regulating high hazard occupancies for buildings erected after the sixth day of December, nineteen hundred sixty-eight; or where a building or building section erected prior thereto is not fully equipped with an approved automatic sprinkler system; or where the building is occupied as a multiple dwelling, dwelling, school, theatre or other place of public amusement or assembly;
3. Which is artificially lighted by any means other than electricity;
4. Where drugs, cigars, cigarettes or tobaccos are kept for sale;
5. Where dry goods or other materials of a highly flammable nature are manufactured, stored or sold;
6. Where matches, rosin, hemp, cotton or any explosives are stored, kept or sold.

\* \* \*

(e) Drawing-off pipe. The drawing-off pipe shall be encased in and surrounded by either four inches of Portland cement concrete or eight inches of brick masonry up to the level of the floor on which the compartment containing the mixing tank is located.

f. Filling pipes. The filling pipe shall be at least two inches and not larger than four inches nominal inside diameter, and shall be laid at a descending grade to the tank, terminating within six inches of the bottom of the tank. The intake of a filling pipe shall be located outside of any building and not less than ten feet from any door, subway grating or basement opening, and in a heavy metal box, which shall be sunk flush with the sidewalk at the curb level, or at some other location offering equal facilities for the filling of the tank and fitted with a heavy metal cover, which shall be liquid tight and kept closed when not in use. The filling pipe shall be closed at the intake by a cock or valve fitted with a coupling for attaching to the tank truck, and with a liquid tight cap or plug to close the opening when not in use. The filling pipe shall be provided with a screen made of one thickness of 20-mesh brass wire gauze, placed immediately below the filling cock or valve. Where a storage system for flammable liquids and a storage system for diesel motor fuel oil and/or fuel oil are to be used on the same premises, the terminal of the diesel motor fuel oil and/or fuel oil fill pipe shall be provided with a left handed thread and the fill pipe fitting shall be of a different size than that required for the fill pipe to tanks containing flammable liquids. In lieu of the foregoing, fill boxes may be of a type for which a certificate of approval shall have been issued by the commissioner or previously approved by the board of standards and appeals, unless such approval is amended or repealed by the commissioner, and shall have cast in its cover an identifying name or symbol to differentiate between fuel oil for heating and diesel oil as motor fuel.

g. Lighting. It shall be unlawful to install any system of artificial lighting other than electric lighting in any premises used for the manufacture of flammable mixtures. Such lighting shall be installed in accordance with the requirements of the electrical code. All electric switches and plugs shall be placed at least four feet above the floor.

h. Mixing tank. The mixing tank shall be located in a separate compartment built upon suitable foundations, having the walls, floor and roof constructed of Portland cement at least six inches thick, or of brick masonry, at least two inches thick, the brick to be laid in and covered by Portland cement mortar. Each such tank shall be filled either by means of a pump or an approved pressure system, and the tank shall be kept closed except when the ingredients entering into the manufacture of the flammable mixture are being placed therein. Each compartment wherein a mixing tank is located shall be equipped with self-closing fireproof doors and windows.

i. Piping, generally. Each storage tank shall be provided with a filling pipe, a drawing-off pipe and a vent pipe; provided that tanks installed as part of a hydraulic storage system shall not be required to have a vent pipe. All pipes and fittings shall be of galvanized steel, designed to withstand a hydrostatic pressure test of at least one hundred pounds to the square inch. All screw joints shall be made with a piping compound of a type for which a certificate of approval shall have been issued by the commissioner or previously approved by the board of standards and appeals, unless such approval is amended or repealed by the commissioner. In lieu of galvanized steel fittings, galvanized malleable iron fittings, with one hundred and fifty p.s.i. rating, may be used on any system that is provided with a leak detection system satisfactory to the fire commissioner such as probe holes, leak detection cables or other devices installed around the perimeter of the tank installation, designed for monitoring and that will be subjected to a hydraulic pressure test with water or product at ten p.s.i. in the presence of a fire department representative, every ten years. Brass trimmed specialty valves and brass control valves may be used in underground service lines and portions of suction lines within pump housing.

\* \* \*

m. Tanks. Each tank used for the storage of volatile flammable oil shall be:

1. [Of] Each tank used for the storage of volatile flammable oil shall have a capacity not exceeding four thousand gallons [each] when equipped with a double complete shell or when embedded or encased in twelve inches of concrete to the level of the top of the tanks. [ and in no case shall storage] Storage on a premises, including all tanks, shall not be in excess of twenty thousand gallons. [ and tanks] Tanks shall be of a type acceptable to the commissioner and constructed of American tank or carbon steel of the open hearth process. [ of]. Tanks designed to contain no more than five hundred fifty gallons shall be at least one-quarter of an inch in thickness. [ for tanks not exceeding five hundred fifty gallons and for tanks] Tanks designed to contain over five hundred fifty gallons shall be at least one quarter of an inch in thickness for shell and five-sixteenths of an inch in thickness for heads, all welded with flanged and dished heads, with two inch lap weld with no tank openings piercing seams and all tank openings shall be provided at the top. [ at] At the time of installation all storage tanks shall bear a permanently affixed plate, spot welded or equivalent, having the name of tank manufacturer, the thickness of metal and capacity of tank. In lieu of the foregoing tank specifications, other tank construction acceptable to the commissioner may be permitted consistent with public safety, and before being covered or used together with all piping shall be tested hydrostatically to a pressure of thirty pounds per square inch, except discharge lines under pressure shall be tested to one hundred pounds per square inch or one and one-half times the maximum working pressure, whichever is greater, for a period of thirty minutes by the installer, [ in the presence of and witnessed by a representative of the fire department.] and shall not show any leakage. Such testing shall be conducted in the presence of a representative of the department.

2. [Thoroughly] Each tank used for the storage of volatile flammable oil shall be thoroughly cleaned and coated on the outside with two coats of red lead and with hot tar, asphalt or other rust resisting material, except that tanks equipped with a double complete shell shall be protected against corrosion to the satisfaction of the department and have a leak-detecting device acceptable to the commissioner. [ and]. Each tank shall be set on a solid foundation approved by the department of buildings and except for double shell tanks shall be embedded or encased to the level of the top of the tank in at least twelve inches of concrete, having a minimum compressive strength of twenty-five hundred pounds per square inch at twenty-eight days. [Tanks] Each tank shall be covered with a structurally supported reinforced concrete slab at least eight inches thick extending at least twelve inches beyond the horizontal outlines of the tanks and placed over a coverage of clean sand or clean earth fill,

the slab and its supports to be of a design as approved by the department of buildings. Excavation for storage tanks shall be made with due care to avoid undermining of foundations of existing structures.

3. [So set] Each tank used for the storage of volatile flammable oil shall be set so that the top or highest point thereof shall be at least two feet below the level of the lowest cellar floor of any building within a radius of ten feet from the tank, and no. No tank used for the storage of volatile flammable oil shall be located under the sidewalk or beyond the building line.

4. It shall be unlawful to cover from sight any tank, forming part of the buried oil storage system, until after an inspection has been made by the department, and written approval has been given; which approval shall be given without charge provided all the regulations have been complied with.

5. [Provided] When a tank used for the storage of volatile flammable oil is located inside a building it shall be provided with a liquid level or depth indicating device [ when the tank is located inside a building]. Test wells will not be permitted in tanks located inside of buildings. Liquid level or depth indicating devices [ installed after this section takes effect.] shall be substantially constructed and designed to prevent the escape of liquid or vapor and shall be of a type for which a certificate of approval shall have been issued by the commissioner or previously approved by the board of standards and appeals, unless such approval is amended or repealed by the commissioner. Unused tank openings shall be permanently sealed at the tank to prevent removal of plugs or covers.

n. Vent pipe. In other than hydraulic systems each tank shall be provided with a separate vent pipe; vent. Vent pipes for tanks not exceeding five hundred fifty gallons shall be at least one inch in diameter for existing installations and at least one and one-half inches in diameter for new vent pipe installations. [ and]. Vent pipes for tanks over five hundred fifty gallons shall be not less than two inches in diameter [ for tanks over five hundred fifty gallons, and]. Vent pipes shall run from the tank to the outer air at a position higher than the fill pipe opening. [ and]. Vent pipes for tanks located outside of buildings and for vents affixed to a building wall at least ten feet for existing installations and at least fifteen feet for new installations above the adjacent ground level, and for tanks inside buildings at least ten feet above the roof of the building in which the plant or tank is located, and shall be at least ten feet from the nearest building opening, and well braced in position. Each vent pipe shall have a double. [ swing joint at the tank and a single swing joint at the vertical riser] and when such. When a vent pipe exceeds two inches in diameter it shall be capped with a double gooseneck, cowl, or hood, and shall be provided with either a screen made of two thicknesses of 20-mesh brass wire gauze, placed immediately below the gooseneck, cowl or hood or [provided with] a flame arrestor of a type approved by a nationally recognized laboratory. A vent pipe shall not be obstructed by devices that will reduce [their] its capacity and thus cause excessive back pressure.

o. Ventilating flue. Each compartment wherein a mixing tank is located shall be equipped with a ventilating flue, constructed of brick or concrete, lined with tile pipe at least eight inches square, inside measurement, and extending from the floor of the compartment at a point opposite the door, to at least six feet above the highest point of the roof, and at least ten feet from the nearest wall of any adjoining building. Such flue shall have an opening into the mixing compartment six inches square and three inches above the floor, and shall be equipped with a double gooseneck eight inches square, made of at least 18-gauge galvanized iron. All openings shall be covered with 20-mesh brass wire screens.

p. Fire prevention. It shall be unlawful to allow any stove, forge, torch or other device employing flame or fire, or any electric or other apparatus which is likely to produce an exposed spark, in any building used for the manufacture of flammable mixtures, unless it be placed in a room or compartment separated from the remainder of the building by a partition constructed of fire retarding material and provided with a self-closing fireproof door; provided, however, that electric motors may be of the fully enclosed type or provided with an approved type "A" (fire department specifications) motor enclosure. The terminal blocks also shall be protected. It shall be unlawful to locate any boiler or furnace in any such building, unless separated from the remainder of the building by an unpierced fireproof wall consisting of solid masonry or its equivalent, of at least eight inches in thickness; provided, however, that where the construction of such unpierced wall shall be impracticable, the commissioner may permit such openings in such wall as may be necessary, and prescribing such protection therefor as in his or her judgment the particular case shall require.

\* \* \*

r. Installation of pumps. The installation of pumps shall conform to paragraphs three and six of subdivision b of section 27-4081 of this chapter insofar as applicable.

**Note: Retain underlining of highlighted text in publication of final rule. Retain brackets and bracketed material in highlighted text, without underline, in publication of final rule.**

(2) Former Administrative Code §27-4066

**§27-4066 Requirements for below-grade storage in mercantile occupancies**

A system of automatic sprinklers shall be provided in each basement, cellar or other location below grade, regardless of the floor area of such space, in any mercantile establishment in which the commissioner permits the storage of flammable mixtures, except that, where flammable mixtures are stored in such basement, cellar or other location below grade, in a room or other area that is segregated, vertically and horizontally, from surrounding spaces by a fire separation of not less than a two-hour fire-resistance rating, such system of automatic sprinklers shall be required only within such room or other area. Such system of automatic sprinklers shall conform to the requirements for automatic sprinklers for spaces classified in storage occupancy group B-1 pursuant to subdivision d of section 27-954 of the building code.

(3) Former Administrative Code §27-4265

**§27-4265 Fire extinguishing appliances**

\* \* \*

b. Sprinkler systems in garment factories and factories using flammable oil for processing:

1. A one source automatic wet pipe sprinkler system shall be provided in every non-fireproof building in which there is a garment factory or a factory engaged in the processing of combustible fabrics with a flammable oil, and which exceeds three stories in height and in which more than fifty persons are employed above the street floor.
2. The provisions of subdivision a shall not apply to a factory which is incidental to the conduct of a retail business on the premises, provided not more than six persons are employed at any time in such incidental manufacturing.
3. For the purposes of this section, a flammable oil is one which emits a flammable vapor below one hundred twenty-five degrees Fahrenheit when tested in a Tagliabue open cup tester.
4. Garment factory shall include those factories engaged in making underwear, dresses, suits and coats.
5. The commissioner may accept an automatic dry pipe sprinkler system in place of an automatic wet pipe sprinkler system where low temperatures or other conditions would prevent the installation of a wet pipe system.
6. The sprinkler systems shall be provided in all parts of such buildings.
7. The provisions of this section shall apply to existing buildings and to buildings hereafter erected.

\* \* \*

(e) Combustible Liquid Manufacture and Storage

(1) Former Administrative Code §27-4069

**§27-4069 Manufacture**

a. Restriction. No such permit shall be issued for the manufacturing of combustible mixtures in any building within the restrictions of subdivision b of section 27-4065 of this chapter of the code.

(2) Former Administrative Code §27-4070

**§27-4070 Requirements for below-grade storage in mercantile occupancies**

A system of automatic sprinklers shall be provided in each basement, cellar or other location below grade, regardless of the floor area of such space, in any mercantile establishment in which the commissioner permits the storage of combustible mixtures, except that, where combustible mixtures are stored in such basement, cellar or other location below grade, in a room or other area that is segregated, vertically and horizontally, from surrounding spaces by a fire separation of not less than a two-hour fire-resistance rating, such system of automatic sprinklers shall be required only within such room or other area. Such system of automatic sprinklers shall conform to the requirements for automatic sprinklers for spaces classified in storage occupancy group B-1 pursuant to subdivision d of section 27-954 of the building code.

(f) Distilled Liquors and Alcohols

(1) Former Administrative Code §27-4227

**§27-4227 Restrictions**

a. No permit shall be issued for the manufacture, distillation, rectification, or storage of distilled liquor, spirits or alcohols, in quantities exceeding the amounts set forth in subdivision b of this section, in any building:

1. Which is situated within fifty feet of the nearest wall of any building occupied as a hospital, school, theatre or other place of

public amusement or assembly;

2. Where the occupancy within the building in which the distilled liquor, spirits or alcohols are manufactured, distilled, rectified or stored does not comply with the requirements of the building code regulating high hazard occupancies for buildings erected after the sixth day of December, nineteen hundred sixty-eight; or where [a] such occupancy is located in a building [or building section] erected prior thereto and such occupancy is not fully equipped with an approved automatic sprinkler system.

b. The provisions of subdivision a of this section shall apply where the combined total amount of distilled liquor, spirits or alcohols being manufactured, distilled, rectified or stored exceeds:

1. 5,000 gallons, if such distilled liquor, spirits or alcohols is kept stored in the manufacturer's original sealed containers, and is not dispensed or used on the premises.

2. 3,000 gallons, if such distilled liquor, spirits or alcohols is dispensed or used on the premises.

Note: Retain underlining of highlighted text in publication of final rule. Retain brackets and bracketed material of highlighted text, without underline, in publication of final rule.

(g) Petroleum, Shale Oils and the Liquid Products thereof

(1) Former Administrative Code §27-4055

§27-4055 Limited Storage Permit

a. Permits may be issued for the storage of petroleum and shale oil, and the liquid products thereof, and of coal tar, in a manner satisfactory to the commissioner, in buildings or premises other than storage plants, approved tank trucks or other vehicles, or approved buried tank systems, in quantities not to exceed the following:

1. Volatile flammable oils five hundred fifty gallons, except that such oils may be stored in larger quantities in fire department approved tank trucks or other vehicles, pending deliveries, in outdoor spaces, when permitted by the zoning resolution, when provided with portable fire fighting appliances as the commissioner may direct, or, when such trucks or other vehicles are equipped with battery cutoff switches, within fully sprinklered buildings complying with the building code and the zoning resolution of the city of New York.

2. Other oils that do not emit a flammable vapor at a temperature below one hundred degrees Fahrenheit, when tested in a Tagliabue open cup tester—one thousand one hundred gallons, except that such oils may be stored in larger quantities in fire department approved tank trucks or other vehicles, pending deliveries, in outdoor spaces or within buildings complying with the zoning resolution and the building code, when provided with the following minimum fire protection:

i. In outdoor spaces portable fire fighting appliances as the commissioner may direct.

ii. Within buildings portable fire fighting appliances as the commissioner may direct, battery cutoff switches, and sprinkler protection as required by the building code, except that for existing buildings lawfully occupied as a garage prior to the sixth of December, nineteen hundred sixty-eight, sprinkler protection shall be provided for storage of over forty-five thousand (45,000) gallons, and sprinkler protection, or smoke detection or thermostatic alarm system with connection to central office, shall be provided for storage of between twenty-two thousand five hundred (22,500) and forty-five thousand (45,000) gallons, all in accord with subdivision (a) of section 27-243, subdivisions (a) and (b) of section 27-455, subchapter seventeen of chapter one of this title and reference standard RS 17-3 of the code. For storage of less than twenty-two thousand five hundred (22,500) gallons—portable fire fighting appliances, as the commissioner may direct, shall be provided, in accord with subdivision (c) of section 27-455 of this title of the code. A permit shall be required for storage of product pending delivery except when such storage is on the site of, or in the immediate proximity of, a bulk oil storage plant.

b. Restrictions. No permit shall be issued for the storage or sale of volatile flammable oil in any building:

1. Where the building does not comply with the requirements of the building code regulating high hazard occupancies for buildings erected after the sixth day of December, nineteen hundred sixty-eight; or where a building or building section erected prior thereto is not fully equipped with an approved automatic sprinkler system; or where the building is occupied as a multiple dwelling, dwelling, school, theatre or other place of public amusement or assembly; except that group one public garages, as defined and classified in the building code shall be permitted. The commissioner may issue a permit for the storage and use of such volatile flammable oil in buildings occupied as schools, colleges, universities, hospitals and/or related facilities, when such oil is required for educational, instructional, clinical, diagnostic, research or testing purposes. Such use and storage shall be in such amounts and under such conditions as the commissioner shall prescribe;

2. Where explosives are stored or kept for sale or use;

3. Where dry goods or other material of a highly flammable nature are manufactured, stored or kept for sale;

4. Where the portion of the building occupied or used for the storage of volatile flammable oil is lighted by any means other than electricity;

5. Upon any floor above the ground floor of a building, except in an approved safety can in quantities of five gallons or less and for use only.

(h) Paints, Varnishes and Lacquers

(1) Former Administrative Code §27-4094

§27-4094 Restrictions

a. No permit for the manufacture, mixing or compounding of paints, varnishes or lacquers shall be issued for any premises:

1. Which are situated within fifty feet of the nearest wall of a building occupied as a school, theatre or other place of public amusement or assembly;

2. Where the building does not comply with the requirements of the building code regulating high hazard occupancies for buildings erected after the sixth day of December, nineteen hundred sixty-eight; or where a building or building section erected prior thereto is not fully equipped with an approved automatic sprinkler system; or where the building is occupied as a multiple dwelling, dwelling or factory, except where paint is the commodity manufactured in such factory;

3. Which are artificially lighted by any means other than electricity;

4. Where drugs, cigars, cigarettes or tobaccos are kept for sale;

5. Where dry goods or other highly flammable materials are manufactured, stored or kept for sale.

b. A system of automatic sprinklers shall be provided in each basement, cellar or other location below grade, regardless of the floor area of such space, in any mercantile establishment in which the commissioner permits the storage of flammable or combustible paints, varnishes, lacquers or other substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes, except that, where such flammable or combustible substances, mixtures or compounds are stored in such basement, cellar or other location below grade, in a room or other area that is segregated, vertically and horizontally, from surrounding spaces by a fire separation of not less than a two-hour fire-resistance rating, such system of automatic sprinklers shall be required only within such room or other area. Such system of automatic sprinklers shall conform to the requirements for automatic sprinklers for spaces classified in storage occupancy group B-1 pursuant to subdivision d of section 27-954 of the building code.

i. Oils and Fats

(1) Former Administrative Code §27-4231

§27-4231 Restrictions

No permit shall be issued for the storage of oils, fats, greases or soap stock in any building or premises:

1. Which is situated within fifty feet of the nearest wall of any building occupied as a school, hospital, theatre, or any other place of public amusement or assembly;

2. Where the building does not comply with the requirements of the building code regulating high hazard occupancies for buildings erected after the sixth day of December, nineteen hundred sixty-eight; or where a building or building section erected prior thereto is not fully equipped with an approved automatic sprinkler system; or where the building is occupied as a multiple dwelling, school, theatre or other place of amusement or assembly;

3. Which is not equipped with a fire extinguishing system satisfactory to the commissioner;

4. Where matches or any explosives are stored or kept.

(2) Former Department Rule 3 RCNY §8-01

§8-01 Fire Extinguishing Requirements for the Storage of Fats and Oils

(a) Section 27-4231(3) of the Administrative Code of the City of New York shall be interpreted to mean an approved system of automatic sprinklers when:

Fats and oils are stored in quantities exceeding the equivalent of 100 barrels. In addition, when more than 100 barrels of fats and oils are to be stored in any building occupied in part as a dwelling, that portion of the building occupied by the applicant must be separated from the rest of the building by fireproof walls and floors of at least a three hour rating.

(3) Former Department Rule 3 RCNY §8-02

§8-02 Storage and Use of Cable Oils with a Flashpoint Over 300°F

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(b) Tanks installed for the storage of cable oils exceeding a flashpoint of 300°F, shall be installed in conformity with the fuel oil rules of the Board of Standards and Appeals.

\* \* \*

(j) Bulk Plants and Terminals

(1) Former Administrative Code §27-4053

§27-4053 Bulk oil storage plants

\* \* \*

b. Bulk oil storage

1. Tank construction. All tanks, as to thickness and quality of material, dike wall enclosures, foundations, piping, valves and other related devices or equipment, comprising or forming part of a bulk oil storage plant, shall be designed and constructed in accordance with all applicable provisions of the building code.

2. Tank locations

A. Adjoining properties. The distance between any part of an above ground storage tank and the nearest line of adjoining property which may be built upon, shall be in accordance with the following distance table: (For the purpose of determining nearest line of adjoining property which may be built upon, the width of any abutting public thoroughfare shall be included.)

Table with 2 columns: Tank capacity, Minimum distance. Rows: 1,000 to 12,000 gallons (10 feet), 12,001 to 30,000 gallons (20 feet), 30,001 to 50,000 gallons (25 feet).

Vertical cylindrical tanks (for storage of oil having a flash point below one hundred (100) degrees Fahrenheit).

Table with 2 columns: Tank capacity, Minimum distance. Row: Over 50,000 gallons: Not less than the greater dimension of height or diameter of tank, except that such distance need not exceed one hundred twenty (120) feet, and in no case closer than twenty-five (25) feet. No such tank shall exceed forty (40) feet in height.

Rectangular tanks (for storage of oil having a flash point below one hundred (100) degrees Fahrenheit).

Table with 2 columns: Tank capacity, Minimum distance. Row: Over 50,000 gallons: Not less than the total of the length and the width of the tank divided by two except that such distance need not exceed one hundred twenty (120) feet, and in no case closer than twenty-five (25) feet. No such tank shall exceed forty (40) feet in height.

Vertical cylindrical tanks (for storage of oil having a flash point of one hundred (100) degrees Fahrenheit or above).

Table with 2 columns: Tank capacity, Minimum distance. Row: Over 50,000 gallons: Not less than one-half (1/2) the greater dimension of height or diameter of tank, except that such distance need not exceed one hundred twenty (120) feet, and in no case closer than twenty-five (25) feet. No such tank shall exceed forty-eight (48) feet in height. However, the commissioner may modify the height limitation to such extent as he or she may deem necessary in the interest of public safety. In no case shall such modification authorize the erection of vertical cylindrical tanks exceeding the height of sixty-four (64) feet.

Rectangular tanks (for storage of oil having a flash point of one hundred (100) degrees Fahrenheit or above).

Table with 2 columns: Tank capacity, Minimum distance. Row: Over 50,000 gallons: Not less than the total of the length and the width of the tank divided by four (4), except that such distance

need not exceed one hundred twenty (120) feet, and in no case closer than twenty-five (25) feet. No such tank shall exceed forty (40) feet in height.

\* \* \*

5. Truck loading racks

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B. Each truck loading rack shall be equipped with a remote manually controlled water spray system. Spray nozzles shall be required over each tank truck loading position immediately below the roof beams of the loading rack and installed in a manner to adequately protect the entire loading rack area. At least one remote control valve shall be provided for the control of the water supply for each four loading positions. Piping and fitting shall be so installed that they can be thoroughly drained. An approved pump for such system shall receive water supply from an independent suction tank or direct connection to the city water main. The rated capacity of the pump shall be at least five hundred (500) gallons per minute at one hundred fifty (150) p.s.i.

\* \* \*

(l) Liquid Tank Storage Systems

(1) Former Fire Department Rule 3 RCNY §21-06

§21-06 Safeguards for Filling Above Ground Storage Tanks in Paint Stores

- (a) Flammable liquids which flash below 100°F shall be stored in sealed containers which shall not be opened on the premises, or in approved buried storage systems. When tanks cannot be buried, they may be vaulted in masonry at least 8" thick with a 24" access door. The vault is to be provided with mechanical ventilation to the outer air. Tanks are to be approved 275 or 550 gallon capacity. Electrical equipment is to be explosion-proof.
- (b) Combustible liquids which flash over 100(degrees)F may be stored in Bowser or similar type above ground tanks which shall not exceed one hundred and ten (110) gallons in capacity.
- (c) Fill lines shall terminate at curb in approved type fill boxes with means for locking.
- (d) Vent lines shall terminate in the outer air with weatherproof hoods, screened, two (2) feet above the fill terminal and two (2) feet from any building opening. Vent lines shall be visible from fill line terminal.
- (e) No other filling method shall be employed.
- (f) Pumps shall be of approved type.
- (g) A minimum of 64 square inches of fixed ventilation shall be provided for the storage and filling areas.
- (h) The boiler room shall be separated from the tank location area by approved masonry.
- (i) A fireproof self-closing door and 6" masonry sill to be provided at the opening of the boiler room.
- (j) A catch basin shall be provided with a return line to the storage tank. A check valve to prevent escape of vapors shall be installed in the return line.
- (k) The number of Bowser or similar type tanks shall not exceed five (5).

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(2) Former Fire Department Rule 3 RCNY §21-17

§21-17 Installation of Storage Tanks and Piping for Liquids Having Flashpoints of 100 Degrees Fahrenheit or Higher Tagliabue Open Cup

\* \* \*

(d)(1) Construction of tanks. All storage tanks shall be designed in accordance with the following provisions:

- (i) All storage tanks shall be built of steel plates or sheets, made by the open hearth or basic oxygen process. Such steel shall be free from physical imperfections, and shall be new, in good condition, and free from rust.
- (ii) Tanks shall be welded, riveted and caulked, or riveted and welded. Flanges or other pipe connections may be welded. All caulking shall be placed with round nose tools and without damage to the plates. Filler of any kind between plates shall be prohibited.
- (iii) Tanks to be buried shall be cleaned and then coated on the outside with two coats of red lead, or equivalent. They shall be further protected by a coating of hot tar,

asphalt, or equivalent rust resistive material, applied at the work site. Tanks installed above ground shall be coated with one coat of red lead, or equivalent.

- (iv) All buried storage tanks shall be constructed of at least 1/4-inch thick metal and shall be designed to withstand any external loads to which the tank may be subjected.
  - (v) At the time of installation all storage tanks shall bear a permanently fixed plate, spot welded or equivalent, bearing the name of the tank manufacturer, the gauge of the materials, and capacity of the tank. Shop fabricated storage tanks shall be installed without structural alteration.
  - (vi) All openings shall be through the top of the storage tank, except that storage tanks of 275-gallon capacity or less, located above ground but below the lowest story, may be provided with a 3/4-inch opening for gravity discharge and a 1-inch opening in the bottom for cleaning and protection against corrosion.
  - (vii) Above ground tanks outside of buildings shall be electrically grounded in accordance with the requirements for equipment grounding of the Electrical Code of the City of New York.
- (2) Construction requirements. Cylindrical tanks, of more than 275 gallon capacity, except vertical tanks above ground outside of buildings:
- (i) The thickness of cylindrical tanks, including oval, elongated oval, or round tanks of more than 275-gallon capacity shall be subject to the following requirements:
    - (A) Tanks 36 inches in diameter and less-at least 1/4-inch shell and 1/4-inch heads.
    - (B) Tanks 37 to 72 inches in diameter-at least 1/4-inch shell and 5/16-inch heads.
    - (C) Tanks 73 to 120 inches in diameter-at least 5/16-inch steel and 3/8-inch head.
    - (D) Tanks over 120 inches in diameter shall be of at least 3/8-inch steel and shall be stiffened by angle rings or equivalent members so as to retain their cylindrical form.
  - (ii) Dished heads for such tanks shall have a curvature the radius of which is not greater than the diameter of the tank. Dished heads shall be formed with an adequate cylindrical extension rim to provide a welding or riveting surface. If flat heads are used, they shall be braced in the same manner as described for the bracing of flat sides of rectangular tanks.
  - (iii) Riveting in single lap seams shall not exceed a pitch as follows:
    - (A) Shell 1/4-inch thick-5/8-inch diameter rivets, 2 1/4-inch pitch.
    - (B) Shell 5/16-inch thick-5/8-inch diameter rivets, 2 3/8-inch pitch.
    - (C) Shell 3/8-inch thick-3/4-inch diameter rivets, 2 1/2-inch pitch.
- (3) Rectangular tanks, of more than 275-gallon capacity
- (i) Plates for rectangular tanks of more than 275-gallon capacity shall be at least 5/16-inch thick.
  - (ii) Corners may be made up by bending the plates or by using angles.
  - (iii) Minimum rivet diameter in seams shall be 5/8-inch and rivets shall be spaced not more than 2 1/4-inch center-to-center.
  - (iv) All flat surfaces of rectangular tanks shall be braced by structural members or rods.
  - (v) When structural members are used, the rivet pitch shall not exceed 6 inches.
  - (vi) All structural members shall be designed in accordance with the requirements of Subchapter 10 of Chapter 1 of Title 27 of the Administrative Code.
  - (vii) Connections between bracing members and the sides of the tank shall be designed so that the connections will not fail before the member will fail.
- (4) All tanks except vertical tanks above ground 275 gallons or less capacity. All storage tanks of 275-gallon capacity or less that are not buried shall have a minimum thickness of shell and head plated of number 10 manufacturer's standard gauge steel plate. Storage tanks of 60-gallon capacity or less shall be similarly constructed but need not be thicker than No. 14 manufacturer's standard gauge.
- (5) Vertical storage tanks over 1,000-gallon capacity located outside of building above ground
- (i) Vertical tanks located outside of buildings above ground shall be built of steel plates of the quality required for cylindrical tanks.
  - (ii) The minimum thickness of roof plates shall be 1/8-inch. The thickness of shell plates shall be determined in accordance with the following formula:

$$t = \frac{TE}{PRF}$$

Where: t=thickness of shell plate in inches

P=head pressure at bottom of ring under consideration in p.s.i.

R=radius of shell, in inches

F=factor of safety (taken as 5)

T=tensile strength of plate, in p.s.i. as verified by mill test certificate

E=efficiency of vertical joint in pipe under consideration

E shall in no case be taken greater than 1.00.

Roof plates shall have single lap-riveted or welded water-tight seams, and the roof shall be built to shed water. Bottom plates shall have single lap riveted or welded seams. Shell plate seams shall be designed to develop the full strength of the plate.

(e)(1) Location of tanks. Inside of building, above ground on the lowest floor

- (i) Tank Capacity of 550 gallons or less. Storage tanks having a capacity of 550 gallons or less may be installed above ground on the lowest floor of a building, provided that such tanks are mounted on adequate noncombustible supports, with the tank anchored thereto. No more than 550 gallons of total storage capacity may be installed without protection provided in subparagraph (ii) or (iii) below.
- (ii) Tank capacity more than 500 gallons but less than 1,100 gallons. Storage tanks having a capacity of more than 550 gallons but less than 1,100 gallons may be installed above ground on the lowest floor of a building, provided that all portions of such tanks above the floor are completely enclosed with noncombustible construction having at least a 2-hour fire resistance rating. Weep holes 1-inch in diameter shall be provided at least every 3 feet along the bottom of the enclosure unless at least 15 inches of clearance, together with access door, is provided between the tank and the enclosure.
- (iii) Tank capacity 1,100 gallons or more. Storage tanks having a capacity of 1,100 gallons or more may be installed above ground on the lowest floor of a building, provided that all portions of such tanks above the floor are completely enclosed with non-combustible construction having at least a 3-hour resistance rating. At least 15-inch clearance shall be provided over the tanks and on all sides between the tanks and the enclosure. A noncombustible access door, constructed so as to preserve the integrity of the fire resistive enclosure, shall be installed in the enclosure above the point where the capacity of the enclosure below the door sill would be equal to the capacity of the largest tank installed. When the longest inside dimension of the enclosure exceeds 35 feet, access doors shall be installed at intervals not exceeding 12 feet. Columns, pipes, or similar obstructions may project into the required 15 inches of space within the enclosure, provided that access door or doors are so arranged that all portions of the enclosure are accessible for servicing.
- (iv) Maximum tank size. The capacity of individual storage tanks in no case shall exceed 20,000 gallons.

(2) Inside of buildings, below ground

- (i) Storage tanks having a capacity greater than 275 gallons may be buried inside of a building provided that the top of the tank is at least 2 feet below floor level. In lieu of 2 feet of earth over the tank, the tank may be covered by concrete flooring having the same thickness as the basement floor, but not less than 4 inches concrete meeting the requirements of Subchapter 10 of Chapter 1 of Title 27 of the Administrative Code and reinforced with 2-inch by 2-inch mesh of at least No. 20 U.S. Standard Gauge Steel Wire. Tanks shall be placed in firm soil and shall be surrounded by clean sand or well-tamped earth, free from ashes and other corrosive substances, and free from stones that will not pass through a 1-inch mesh. When necessary to prevent floating, tanks shall be securely anchored.
- (ii) No tank shall be buried within 3 feet of any foundation wall or footing.

(3) Outside of building, below ground

- (i) Storage tanks located outside of buildings and below ground, shall be buried with the top of the tank at least 2 feet below ground. Tanks shall be placed in firm soil and shall be surrounded by clean sand or well tamped earth, free from ashes or other corrosive substances, and free from stones that will not pass a 1-inch mesh. When necessary to prevent floating, tanks shall be securely anchored.
- (ii) No tank shall be buried within 3 feet of any foundation wall or footing.

(4) Outside building, above ground

- (i) Storage tanks of a capacity greater than 275 gallons located outside of buildings above ground shall be not less than one and one-quarter (1/4) tank diameters and in no case less than 10 feet from the line of adjoining property, the nearest building or adjacent tank. The minimum clearance between individual tanks located outside

of buildings above ground and the line of adjoining property which may be built upon shall be fixed by the following formula:

M.C. = 10 + 4 \* G 275 / 5000

Where: M.C. = minimum clearance from nearest surface of tank to adjoining property in feet.

G = capacity of tank, in gallons.

The maximum allowable capacity of tanks for storage of liquids or solvents having a flashpoint of 100 degrees Fahrenheit or higher located outside of building above ground shall be 100,000 gallons.

(ii) Tanks shall be located so as not to obstruct or interfere with any means of egress.

(iii) Each storage tank shall be protected by an embankment or dike. Such protection shall have a capacity at least 1 1/2 times the capacity of the tank so surrounded and shall be at least 4 feet high, but in no case shall the protection be higher than 1/4 the height of the tank when the height of the tank exceeds 16 feet.

Earth work embankments shall be firmly and compactly built of good earth free from stones, vegetable matter, etc., and shall have a flat section of at least 3 feet at the top and slope of at least 1 1/2 to 2 feet on all sides.

(5) Tanks located along line of subways

(i) No buried tank shall be placed within 20 feet of the outside line of a subway wall. Where an above ground tank within a building is located within the outer lines of the subway, or within 20 feet of the outside line of the subway wall, such tank shall be placed within a welded steel oil-tight pan of not less than number 18 manufacturer's standard gauge metal suitably reinforced and of capacity to contain the contents of the tank.

(ii) For the purpose of the foregoing requirement, a subway shall be deemed to include any subsurface railroad or rapid transit roadbed.

(f)(1) Installation of piping and tubing

(i) Exposed piping shall be protected against mechanical damage and shall be adequately supported with rigid metal fasteners or hangers. All pipes connected to buried tanks, except test well piping, shall be provided with double swing joints at the tank.

(ii) Only new wrought iron, steel, or brass pipe, or type K or heavier copper tubing shall be used. Metal tubing when used for conveying material shall be adequately protected.

(iii) Overflow pipes, where installed, shall not be smaller in size than the supply pipe.

(iv) Pipe shall be connected with standard fittings and tubing with fittings of listed or approved type all of the same material as the pipe, except that malleable iron fittings may be used with steel pipe. Cast iron fittings shall not be used. All threaded joints and connections shall be made tight with suitable pipe compound. Unions requiring gaskets or packing, right or left couplings and sweat fittings employing solder having a melting point of less than 1,000 F. shall not be used.

(2) Relief valves

(i) Where a shut-off valve is installed in the discharge line from a material pump, a relief valve shall be installed in the discharge line between the pump and the first shut-off valve.

(ii) Relief valves shall be set to discharge at not more than 1 1/2 times the maximum working pressure of the system. The discharge from relief valves shall be returned to the storage tank or to the supply line. There shall be no shut-off valve in the line of relief.

(3) Vent pipes

(i) A vent pipe of iron or steel, without trap, draining to the tank, shall be provided for each storage tank. The lower end of the vent pipe shall not extend more than 1 inch through the top of the storage tank. Cross-connection between a vent pipe and fill pipe is prohibited.

(ii) Where a battery of storage tanks designed to hold identical material is installed, vent pipes may be run into a main header.

(iii) Vent shall be at least 1 1/4 inch in diameter for storage tanks not exceeding 1,100 gallon capacity and at least 2 inches in diameter for storage tanks of 1,100 gallons or more.

(iv) Vent pipes shall be provided with an

approved weatherproof hood having a free area of at least the pipe size area. Vent pipes shall terminate outside the building in a non-hazardous location, at least 2 feet from any building opening and not less than 2 feet nor more than 12 feet above the fill pipe terminal unless otherwise permitted by the Commissioner. If the vent pipe terminal is not visible from the fill pipe terminal location, a one-inch tell-tale line shall be connected to the tank and shall parallel the fill pipe and terminate at the fill terminal with an unthreaded end. Such tell-tale lines shall be provided with a check valve set to prevent flow of surface water to the storage tank.

(4) Fill pipes

(i) Fill pipes shall terminate outside the buildings, with the fill pipe terminal located at or above grade, at least 2 feet from any building opening and 5 feet from any subway grating or below the level of the pipe terminal. No fill pipe shall be less than 2 inches in diameter.

(ii) Each storage tank shall be provided with a separate fill pipe, except that where a battery of tanks is installed containing identical materials, a common fill and header pipe may be installed.

(iii) Where the top of the storage tank is above the fill pipe terminal, the fill pipe shall be connected to the top of the tank and provided with a shut-off valve and swing check valve both of which shall be located at the fill pipe terminal. However, the shut-off and check valves may be installed in an accessible location inside the building at or below the level of the fill pipe terminal.

(iv) All fill pipe terminals shall be of a type identical to that approved for fuel oil service, and shall be provided with lugs for embedding concrete. In lieu of lugs, a set screw or threads to fasten the terminal to the fill pipe may be used. The outer flange of the fill pipe terminal or the seal cap shall be permanently marked to identify contents. The fill pipe terminal shall be threaded or provided with other equivalent means to receive the seal cap. The seal cap shall be suitably slotted for receiving an opening wrench, and an oil proof gasket inserted in a groove in the fill pipe terminal shall be provided so as to make the seal cap leak-proof. A strainer shall not be required but, if used, shall be of at least 1/8-inch mesh. Where a storage system for volatile flammable oil and a storage system for liquid flashing at 100 degrees Fahrenheit or higher is to be used in the same premises, the terminal of liquid flashing 100 degrees Fahrenheit or higher storage system shall be provided with a left-headed thread and the fill pipe fitting shall be of a different size than that required for the fill pipes to the tanks containing the volatile flammable oil.

(5) Piping from transfer pump to manufacturing equipment above the lowest floor

(i) The piping from a transfer pump to "manufacturing equipment" at levels above the lowest floor in buildings, the return piping, and vent piping shall comply with the applicable provisions of paragraphs (1), (3) and (4) of this subdivision (f) and shall be enclosed in a shaft constructed of 4 inch concrete or masonry having a 4 inch clearance from all pipe or pipe covering. Provisions shall be made for expansion in piping without the use of expansion joints.

(ii) Where it is necessary to make horizontal offsets in the supply piping and pipe shafts such piping shall be enclosed in a sleeve of other piping of at least number 10 manufacturer's standard gauge steel, two sizes larger and arranged to drain into the shaft. Horizontal piping offsets shall be further enclosed in construction having a 2-hour fire resistance rating.

(iii) A drain pipe shall be installed at the base of shafts enclosing the supply and overflow piping. The pipe shall lead to an open sight drain or to an open sump.

(iv) Pipe lines for manufacturing equipment above the level of the lowest floor shall be seamless steel pipe of a weight not less than ASA schedule 40 with welded connections.

(v) Pipe shafts shall not be penetrated by or contain other piping or ducts.

(g) Valves and devices to control the flow of materials

(1) Approved leak detectors on discharge piping shall be provided for submerged or remote control pumps.

(2) A clearly identified remote control switch readily accessible, shall be provided on each floor to which material is pumped to shut-off the power to the pump motors.

(3) A visible means shall be provided for each discharge area to indicate when pump is operating.

(4) Pumps shall be of a type approved by Board of Standards and Appeals.

(5) Pressure in storage tanks for the purpose of discharging materials is prohibited.

(h) Material level indicating devices and test wells

(1) All tanks located inside buildings shall be

provided with a material level indicating device. Test wells shall be prohibited in tanks located inside of buildings. Unused tank openings shall be permanently sealed to prevent the removal of plugs or cover.

(2) Material level indicating devices shall be designed and constructed of substantial materials so that there can be no leakage of materials or vapor from the material.

(3) Test wells in storage tanks located outside of buildings shall be capped oil tight and kept closed when not in use.

(i) Tests. All piping and storage tanks for materials flashing at 100 degrees Fahrenheit or higher shall be tested hydrostatically in the presence of a Fire Department representative before work is closed in. The hydrostatic pressure shall be maintained until all joints and connections have been visually inspected, for leaks but in no case for less than one-half hour. The minimum pressure for testing tanks shall be at least 25 pounds per square inch. The piping shall be tested at 1 1/2 times maximum work pressure applicable to that part of the piping system but in no case less than 25 pounds per square inch. For storage systems for materials flashing above 300 degrees Fahrenheit contractor may submit a notarized affidavit attesting to testing of tank and piping as prescribed above, in lieu of the Fire Department witnessed test.

Note: Retain underlining of highlighted text in publication of final rule.

(m) Flammable and Combustible Liquid Storage

(1) Former Fire Department Rule 3 RCNY §20-07

§20-07 Storage and Sale of Acetone and/or Nail Polish Remover

\* \* \*

(b) With regard to the storage and use of raw materials, such as acetone, vegetable and essential oils, the following requirements are applicable:

(1) For 55 gallons or less of acetone:

(i) Metal storage cabinet;

(ii) Cabinet shall be against an outside building wall and remote from possible ignition sources;

(iii) Cabinet to be provided with top and bottom ventilation to outer air.

(2) For quantities exceeding 55 gallons and up to 275 gallons:

(i) Storage room. Storage room shall be separated or cut off from remainder of premises by, at least, a 1 1/2 hour fire retardant partition. Floor and ceiling should be of non-combustible construction and designed with sufficient strength and customary safety factors and sustain maximum imposed loads.

\* \* \*

(ii) The storage room shall be provided with a suitable extinguishing system. This equipment may be of the foam or CO2 type.

(iii) Ample ventilation to outer air shall be provided in storage room.

(iv) All lights, switches and other electrical apparatus shall be of the explosion proof type.

(v) Heat, if required, shall be by indirect means, hot water or steam coils to be located either at ceiling or at walls above maximum drum height. No open flame devices shall be allowed in room or near communicating opening.

\* \* \*

(xii) All electrical equipment, in or near the workroom or laboratory room, where acetone is used, shall be of the explosion proof type.

\* \* \*

(xiii) All machinery shall be properly grounded.

\* \* \*

(xvi) Fixed ventilation (natural or mechanical) shall be provided in room where acetone is used.

Note 1. When the quantity of acetone exceeds 275 gallons, a buried storage system shall be required.

\* \* \*

3. Not more than one drum of acetone shall be allowed in a frame building.

\* \* \*

(2) Former Fire Department Rule 3 RCNY §21-05

§21-05 Storage and Sale of Flammable and/or Volatile Flammable Oils in Retail Paint Stores

In buildings other than those with dwelling facilities where

not more than fifteen (15) persons congregate, the quantity of such liquids, flammable mixtures and/or volatile flammable oils, shall be limited to 55 gallons above ground, or in an approved underground tank when the amount exceeds 55 gallons.

In buildings used for a place of assembly or licensed place of public assembly, or in buildings where more than fifteen (15) persons congregate above the paint store occupancy, the quantity of such liquids shall be limited to five (5) gallons above ground in a safety can, or in an approved underground tank when the amount exceeds five (5) gallons.

\* \* \*

(3) Former Fire Department Rule 3 RCNY §28-01

**§28-01 Storage of Paints, Varnishes and Lacquers, and Similar Products in Multiple Dwellings**

\* \* \*

(b) No volatile flammable oils shall be stored.

(c) Paints, varnishes, enamels and all similar materials used for painting or coating, having a flashpoint, shall be stored in storage rooms of fireproof construction. No such storage shall be permitted in basement, cellar or sub-cellar areas of non-fireproof buildings, except in such areas which have heretofore been approved by the fire commissioner.

Storage rooms in basement or cellar occupancies having a door leading to the outer air with a maximum distance of twenty-five (25) feet from the paint room door to such door to the outer air and easily accessible by ramp or stairway to grade, may be permitted in class I fireproof buildings.

(d) The storage room shall be provided with either natural ventilation or an independent duct leading to the outer air. The ventilation shall not terminate in an enclosed court nor within twenty (20) feet of any building opening. Motors of ventilating system shall be explosion proof. Automatic sprinklers shall be provided for the storage room. Sprinklers may be connected to the house supply.

(e) The door to the paint storage room shall be fireproof and self closing. A masonry or concrete sill at least six (6) inches above the floor shall be provided at the door opening. Door shall be kept securely locked when room is not in actual use.

\* \* \*

(g) No portable electrical appliances of any kind shall be used in the storage room.

(h) All globes shall be of the vaporproof type. The electric light switch shall be located outside of the room.

(i) The door to the room shall be marked "Paint Storage Room - No Smoking" in RED letters at least 4" high.

\* \* \*

(o) The total quantity of paint material shall not exceed two hundred (200) gallons in non-fireproof multiple dwellings, except where storage in a separate fireproof exterior building.

In class I fireproof multiple dwellings, or complexes of contiguous multiple dwellings under the same ownership, two (2) gallons per apartment, but not more than two thousand (2,000) gallons storage may be permitted provided that, when storage exceeds two hundred (200) gallons, the automatic sprinkler system required for the storage room is extra hazard spacing and piping, with a fire department siamese connection, that the room is on an outside wall of the building, and that explosion venting is provided. Explosion venting provided shall be a minimum of ten (10) square feet when less than twenty (20) gallons of material having a flashpoint of under 100(degrees)F. Tag. o.c. is stored, and in accordance with NFPA Standard No. 68 (1954) when twenty (20) gallons or more of low flash material under 100 degrees F. Tag. o.c. flash are stored. (These are in addition to all other requirements specified in these regulations).

(p) All thinning of such paints, etc. shall be prepared in said storage areas.

(q) All such paints, when not in actual use, shall be returned to said approved storage areas. All paint products shall be transported in closed containers.

(r) No spraying or dipping with such paints, etc. may be performed except as provided for in the rules of the Board of Standards and Appeals.

\* \* \*

(4) Former Fire Department Rule 3 RCNY §28-04

**§28-04 Storage and/or Use of Inks**

\* \* \*

Printing inks and lithographic inks having a flashpoint below 100°F are to be within the purview of paints, varnishes, lacquers, as to permit requirements and restrictions.

Apply paint spray rules of the Board of Standards and Appeals, 2 RCNY §18-01(f)(1)(i)-(iii) for storage facilities.

Grounding and lighting shall be in accordance with the electrical code of the Bureau of Electrical Control.

\* \* \*

Adequate means of either mechanical or natural ventilation shall be provided.

No open flames unless printing machine is equipped with an exhaust hood and mechanical vent of at least one hundred (100) linear feet per minute is provided.

\* \* \*

**Note: Retain underlining of highlighted text in publication of final rule.**

**§ 4839-01 Storage of Organic Peroxides in Pre-Existing Facilities**

(a) Scope. This section consolidates the New York City Fire Prevention Code and former Fire Department rules in effect on June 30, 2008 that are applicable to the design and installation of *organic peroxide* installations in *pre-existing facilities*.

(b) Definitions. Reserved

(c) General Provisions. *Pre-existing facilities* with *organic peroxide* installations the design and installation of which would not be allowed or approved under the Fire Code, but which, pursuant to FC102.3 and R102-01, may be continued with respect to such *organic peroxide* installations under the applicable laws, rules and regulations in effect prior to the Fire Code, shall continue to comply with the provisions of such laws, rules and regulations, including former Fire Department rule 3 RCNY §27-01, until such time as such *facilities* may be required to comply with the Fire Code and the rules with respect to the design and installation of such *organic peroxide* installations.

(d) Organic Peroxides

(1) Former Fire Department Rule 3 RCNY §27-01

**§§27-01 Storage, Sale or Use of Organic Peroxides Packaged for Manufacturing, Industrial or Commercial Uses**

\* \* \*

(j) Storage facilities.

\* \* \*

(2) Storage building or space shall be equipped with fast acting deluge type automatic sprinkler system. Roof of storage building shall be of light construction and suitably insulated with non-combustible insulating material. In lieu of light constructed roof, explosion venting may be provided. Ventilation to be provided for preventing excessive temperatures and to remove products of decomposition. Installation shall conform to requirements of Building (Administrative) Code and pertinent Board of Standards and Appeals resolution.

(3) Alarms shall be installed in storage building or space to indicate unsafe temperatures.

**STATEMENT OF BASIS AND PURPOSE FOR CHAPTER 48 (PRE-EXISTING FACILITIES):**

The chapter is has been amended to add seven sections, each of which consolidates the New York City Fire Prevention Code and existing Fire Department rules in effect on June 30, 2008 that are applicable to the design and installation of pre-existing facilities.

Section 4827-01 sets forth design and installation requirements for pre-existing wholesale drug stores and drug and chemical supply houses, and pre-existing laboratories. These requirements were set forth in Fire Prevention Code (former Administrative Code §§27-4236, 27-4237, 27-4238, 27-4242) and existing Fire Department rule 3 RCNY §15-05 for pre-existing wholesale drug stores and drug and chemical supply houses, and existing Fire Department rules 3 RCNY §§10-01 and 34-01 for pre-existing laboratories. It also sets forth the storage quantity limitations and prohibitions for pre-existing technical establishments, pre-existing wholesale drug stores and drug and chemical supply houses, and pre-existing retail drug stores. These requirements were set forth in Fire Prevention Code (former Administrative Code §§27-4234, 27-4240 and 27-4241, and 27-4246), respectively. Section 4827-01 has been amended to conform the provisions of the rule to reflect longstanding policy of the Fire Department to enforce the provisions against all schools (up to the twelfth grade), not just public high schools.

Section 4828-01 sets forth design and installation requirements for pre-existing aerosol storage. These requirements were set forth in existing Fire Department rule 3 RCNY §32-01.

Section 4829-01 provides that pre-existing combustible fiber storage facilities on waterfront structures must comply with the requirements of the Fire Code, specifically including FC2906. The requirements set forth in existing Fire Department rule 3 RCNY §30-01 have been incorporated into the Fire Code, and pre-existing facilities in compliance with those requirements would be allowed and approved under the new Fire Code.

Section 4831-01 sets forth design and installation requirements for pre-existing tanks used for bulk storage of acids. These requirements were set forth in existing Fire Department rule 3 RCNY §1-01.

Section 4833-01 sets forth design and installation requirements for pre-existing magazines used for storage of explosives. These requirements were set forth in existing Fire Department rule 3 RCNY §14-04.

Section 4834-01 sets forth design and installation requirements for pre-existing flammable and combustible liquid storage and use, including specific flammable and combustible liquid storage and use such as petroleum, acetone/nail polish remover, distilled liquors and alcohols, oils and fats, paints, varnishes and lacquers, and inks. These requirements were set forth in Fire Prevention Code (former Administrative Code §§27-4065, 27-4066 and 27-4265) for flammable liquid manufacture, storage and use; Fire Prevention Code (former Administrative Code §§27-4069 and 4070) for combustible liquid manufacture and storage; Fire Prevention Code (former Administrative Code §27-4055) for limited storage of petroleum, shale oils and the liquid products thereof; Fire Prevention Code (former Administrative §27-4227), for distilled liquors and alcohols;

Fire Prevention Code (former Administrative Code §27-4094) for paints, varnishes and lacquers; Fire Prevention Code (former Administrative Code §27-4231), and existing Fire Department rules 3 RCNY §§8-01 and 8-02 for oils and fats; Fire Prevention Code (former Administrative Code §27-4053) for bulk oil storage plants; existing Fire Department rules 3 RCNY §§ 21-06 and 21-17 for liquid tank storage systems; and existing Fire Department rules 3 RCNY §§20-07, 21-05, 28-01 and 28-04 for flammable and combustible liquid storage.

Section 4839-01 sets forth design and installation requirements for pre-existing organic peroxide storage. These requirements were set forth in existing Fire Department rule 3 RCNY §27-01.

• jy22



**COMPTROLLER**

■ NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., Rm. 629, New York, NY 10007 on 8/05/09, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
1	1116	P/O LOT 30

Acquired in the proceeding, entitled: – RICHMOND TERRACE BETWEEN JOHN STREET AND NICHOLAS – AVENUE, subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

William C. Thompson, Jr.  
Comptroller

• jy22-a5

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., RM 629, New York, NY 10007 on 8/04/09 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
1, 1A, 2 AND 3	4226	75,P/O 40 AND P/O 55
1,1A, 2 AND 3	4226	75,P/O 40 AND P/O 55

FIXTURE AND CONSEQUENTIAL DAMAGE

Acquired in the proceeding, entitled: PASC 2 AND PART OF MARCONI STREET subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

William C. Thompson, Jr.  
Comptroller

jy15-a4

**WATER BOARD**

■ NOTICE

PUBLIC NOTICE IS HEREBY GIVEN THAT, pursuant to Section 1045-j(3) of the Public Authorities Law, after a public hearing was held on June 16, 2009, in accordance with the provisions of such law, the New York City Water Board (the "Board"), at its meeting held on June 26, 2009, adopted a resolution approving an increase in the rate charged for water provided and made available from the Water Supply System of the City of New York (the "City") to municipalities and water districts located outside of the City. The basis for this increase is contained in a report prepared by the Amawalk Consulting Group LLC, Rate Consultant to the Board, which report sets forth the unit cost of water based on the costs of water supply works and facilities located north of the City for the fiscal year commencing July 1, 2009 ("FY 2010"). Pursuant to the Board's Resolution of June 26, 2009, the following rate changes became effective as of July 1, 2009:

The regulated rate for water provided to users outside the City from either the Croton or Catskill/Delaware systems which does not exceed the allowance quantities set forth in Section 24-360 of the Administrative Code of the City of New York has been increased from \$900.31 per million gallons ("MG") to \$922.23 per MG; and

The rate for water taken and provided in excess of the allowance quantities set forth in the Section 24-360 of the Administrative Code of the City of New York is continued at a level equal to the in-City metered water rate which also has been increased from \$3,088.24 to \$3,489.30 per MG for FY 2010.

Any member of the public who would like additional information regarding this matter should contact Kevin Kunkle, New York City Water Board, 59-17 Junction Boulevard, 8th Floor, Flushing, New York 11373, (718) 595-3601, e-mail: kkunkle@dep.nyc.gov.

• jy22

## READER'S GUIDE

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

### NOTICE TO ALL NEW YORK CITY CONTRACTORS

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

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

### CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION RELATED SERVICES

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

### VENDOR ENROLLMENT APPLICATION

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

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

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

### Attention Existing Suppliers:

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

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

### SELLING TO GOVERNMENT TRAINING WORKSHOP

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

### PRE-QUALIFIED LIST

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

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

### NON-MAYORAL ENTITIES

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

### PUBLIC ACCESS CENTER

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

### ATTENTION: NEW YORK CITY MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES

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

### PROMPT PAYMENT

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

### PROCUREMENT POLICY BOARD RULES

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

### COMMON ABBREVIATIONS USED IN THE CR

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

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

### KEY TO METHODS OF SOURCE SELECTION

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

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

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

### HOW TO READ CR PROCUREMENT NOTICES

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

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

## SAMPLE NOTICE:

### POLICE

#### DEPARTMENT OF YOUTH SERVICES

#### ■ SOLICITATIONS

*Services (Other Than Human Services)*

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

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

☛ m27-30

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

### NUMBERED NOTES

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