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THE CITY RECORD

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PUBLIC HEARINGS AND MEETINGS

See Also: *Procurement; Agency Rules*

CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

In light of the Governor's announcement on June 24, 2021 of the end of the State-declared state of emergency, and in support of the City's continued efforts to contain the spread of COVID-19, the City Planning Commission will hold a public hearing accessible both in person and remotely.



The public hearing will be held, on Thursday, September 2, 2021, starting, at 10:00 A.M. Eastern Daylight Time. The public hearing will be held in person in the NYC City Planning Commission Hearing Room, Lower Concourse, 120 Broadway, New York, NY. An overflow space will be provided, at 1 Centre Street, North Mezzanine, New York, NY.

Masks are required to be worn to enter the buildings and during the hearing.

The meeting will be live streamed through Department of City Planning's (DCP's) website and accessible from the following webpage, which contains specific instructions on how to observe and participate remotely via the teleconferencing application Zoom, as well as materials relating, to the meeting: <https://www1.nyc.gov/site/nycengage/events/city-planning-commission-special-public-meeting/302209/1>

Members of the public, attending remotely should observe the meeting through DCP's website. Verbal testimony can be provided remotely by joining the meeting using either Zoom or by calling the following number and entering the information listed below:

- 877 853 5247 US Toll-free
- 888 788 0099 US Toll-free
- 253 215 8782 US Toll Number
- 213 338 8477 US Toll Number

Meeting ID: **618 237 7396**
[Press # to skip the Participation ID]
Password: 1

Written comments will also be accepted until 11:59 P.M., one week before the date of vote. Please use the CPC Comments form that is accessible through the above webpage.

Please inform the Department of City Planning if you need a reasonable accommodation, such as a sign language interpreter, in order to participate in the meeting. The submission of testimony, verbal or written, in a language other than English, will be accepted, and real time interpretation services will be provided based on available

resources. Requests for a reasonable accommodation or foreign language assistance during the meeting should be emailed to [AccessibilityInfo@planning.nyc.gov] or made by calling [212-720-3508]. Requests must be submitted, at least five business days before the meeting.

BOROUGH OF MANHATTAN
Nos. 1 & 2
SoHo/NoHo NEIGHBORHOOD PLAN
No. 1

CD 2 **C 210422 ZMM**

IN THE MATTER OF an application submitted by New York City 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. 12a & 12c:

1. changing from an M1-5A District to an M1-5/R7X District property, bounded by West Houston Street, Mercer Street, Broome Street, a line midway between West Broadway and Wooster Street, a line perpendicular, to the easterly street line of West Broadway distant 70 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of West Broadway and the northerly street line of Canal Street, West Broadway, Broome Street, and a line midway between Thompson Street and West Broadway;
2. changing from an M1-5B District to an M1-5/R7X District property, bounded by:
 - a. Great Jones Street, a line 100 westerly of Bowery, Bleecker Street, Lafayette Street, a line 122 feet southerly of Bond Street, and a line 140 feet easterly of Broadway;
 - b. a line passing through two points: one on the easterly street line of Lafayette Street distant 120 feet southerly (as measured along the street line) from the point of intersection of the southerly street line of Jersey Street and the easterly street line of Lafayette Street and the other on the westerly street line of Mulberry Street distant 100 feet southerly (as measured along the street line) from the point of intersection of the southerly street line of Jersey Street and the westerly street line of Mulberry Street, Mulberry Street, Prince Street, and Lafayette Street;
 - c. Prince Street, Lafayette Street, Broome Street, Centre Street, Grand Street, a line 100 feet easterly of Crosby Street, Howard Street, and Crosby Street; and
 - d. Broome Street, Mercer Street, the westerly centerline prolongation of Howard Street, Greene Street, a line perpendicular, to the easterly street line of Wooster Street distant 150 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Wooster Street and the northerly street line of Canal Street, Wooster Street, a line perpendicular, to the easterly street line of West Broadway distant 70 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of West Broadway and the northerly street line of Canal Street, and a line midway between West Broadway and Wooster Street;
3. changing from an M1-5A District to an M1-5/R9X District property, bounded by a line perpendicular, to the easterly street line of West Broadway distant 70 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of West Broadway and the northerly street line of Canal Street, a line midway between West Broadway and Wooster Street, Canal Street, and West Broadway;
4. changing from an M1-5B District to an M1-5/R9X District property, bounded by Astor Place, Lafayette Street, a line 100 feet southerly of Astor Place, a line 100 feet westerly of Fourth Avenue, a line 100 feet westerly of Bowery, Great Jones Street, a line 140 feet easterly of Broadway, a line 122 feet southerly of Bond Street, Lafayette Street, Bleecker Street, Mulberry Street, East Houston Street, Lafayette Street, Prince Street, Crosby Street, Howard Street, the southerly prolongation of a line 100 feet easterly of Crosby Street, a line perpendicular, to the northerly street line of Canal Street distant 110 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Canal Street and the westerly street line of Lafayette Street, Canal Street, a line midway between West Broadway and Wooster Street, a line perpendicular, to the easterly street line of West Broadway distant 70 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of West Broadway and the northerly street line of Canal Street, Wooster Street, a line perpendicular, to the easterly street line of Wooster Street distant 150 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Wooster Street and the northerly street line of Canal Street, Greene Street, the westerly centerline prolongation of Howard Street, Mercer Street, West Houston Street, and Broadway;

5. changing from an M1-5A District to an M1-6/R10 District property, bounded by Broome Street, West Broadway, Canal Street, and a line midway between West Broadway and Thompson Street;
6. changing from an M1-5B District to an M1-6/R10 District property, bounded by:
 - a. a line 100 feet southerly of Astor Place, Fourth Avenue, Bowery, Great Jones Street, 100 feet westerly of Bowery, and a line 100 feet westerly of Fourth Avenue;
 - b. a line 200 feet northerly of Broome Street, a line midway between Thompson Street and West Broadway, Canal Street, Avenue of the Americas, Watt Street, and Thompson Street; and
 - c. Grand Street, Baxter Street, Canal Street, a line perpendicular, to the northerly street line of Canal Street distant 110 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Canal Street and the westerly street line of Lafayette Street, and a line 100 feet easterly of Crosby Street and its southerly prolongation; and
7. establishing a Special SoHo-NoHo Mixed Use District (SNX), bounded by Astor Place, Lafayette Street, a line 100 feet southerly of Astor Place, Fourth Avenue, Bowery, Great Jones Street, a line 100 feet westerly of Bowery, Bleecker Street, Mulberry Street, East Houston Street, Lafayette Street, a line passing through two points: one on the easterly street line of Lafayette Street distant 120 feet southerly (as measured along the street line) from the point of intersection of the southerly street line of Jersey Street and the easterly street line of Lafayette Street and the other on the westerly street line of Mulberry Street distant 100 feet southerly (as measured along the street line) from the point of intersection of the southerly street line of Jersey Street and the westerly street line of Mulberry Street, Mulberry Street, Prince Street, Lafayette Street, Broome Street, Centre Street, Grand Street, Baxter Street, Canal Street, Avenue of the Americas, Watts Street, Thompson Street, a line 200 northerly of Broome Street, a line midway between Thompson Street and West Broadway, West Houston Street, and Broadway;

as shown on a diagram (for illustrative purposes only) dated May 17, 2021, and subject, to the conditions of CEQR Declaration of E-619.

No. 2

CD 2 **N 210423 ZRM**

IN THE MATTER OF an application submitted by New York City 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 establishing the Special SoHo-NoHo Mixed Use District (Article XIV, Chapter 3), and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area and other related Sections.

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

ARTICLE I
GENERAL PROVISIONS

Chapter 1
Title, Establishment of Controls and Interpretation of Regulations

* * *

11-10

ESTABLISHMENT AND SCOPE OF CONTROLS, ESTABLISHMENT OF DISTRICTS AND INCORPORATION OF MAPS

* * *

11-12
Establishment of Districts

* * *

11-122
Districts established

In order to carry out the purposes and provisions of this Resolution, the following districts are hereby established:

* * *

Special Purpose Districts

* * *

Establishment of the Special Sheepshead Bay District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 4, the #Special Sheepshead Bay District# is hereby established.

Establishment of the Special SoHo-NoHo Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article XIV, Chapter 3, the #Special SoHo-NoHo Mixed Use District# is hereby established.

Establishment of the Special South Richmond Development District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 7, the #Special South Richmond Development District# is hereby established.

* * *

Chapter 2

Construction of Language and Definitions

* * *

12-10

DEFINITIONS

* * *

Accessory use, or accessory

An "accessory use"

* * *

(2) Living or sleeping accommodations for caretakers in connection with any #use# listed in Use Groups 3 through 18 inclusive, provided that:

* * *

(iv) in C6-2M, C6-4M, M1-5M, M1-6M, M1-5A and M1-5B Districts, no living or sleeping accommodation for caretakers is permitted in any #building# which contains a #residential use# or a #joint living-work quarters for artists#; and

* * *

Joint living-work quarters for artists

A "joint living-work quarters for artists" consists of one or more #rooms# in a #non-residential building#, on one or more floors, with lawful cooking space and sanitary facilities meeting the requirements of the Housing Maintenance Code, occupied:

- (a) and arranged and designed for use by, and is used by, not more than four non-related #artists#, or an #artist# and the #artist's# household, and including adequate working space reserved for the #artist#, or #artists# residing therein;
(b) by any household residing therein on September 15, 1986 whose members are all unable to meet the #artist# certification qualifications of the Department of Cultural Affairs that registers with the Department of Cultural Affairs prior to nine months from January 8, 1987; or
(c) by any person who is entitled to occupancy by any other provision of law.

Regulations governing #joint living-work quarters for artists# are set forth in Article I, Chapter 5, Sections 42-14, paragraph D. (Use Group 17 - Special Uses in M1-5A and M1-5B Districts), 42-141 (Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5A and M1-5B Districts), 43-17 (Special Provisions for Joint Living-Work Quarters for Artists in M1-5A and M1-5B Districts) and 74-78 (Conversions of Non-residential Floor Area).

* * *

Special Sheepshead Bay District

The "Special Sheepshead Bay District" is a Special Purpose District designated by the letters "SB" in which special regulations set forth in Article IX, Chapter 4, apply.

Special SoHo-NoHo Mixed Use District [date of adoption]

The "Special SoHo-NoHo Mixed Use District" is a Special Purpose District designated by the letters "SNX" in which special regulations set forth in Article XIV, Chapter 3, apply.

Special South Richmond Development District

The "Special South Richmond Development District" is a Special Purpose District designated by the letters "SR" in which special regulations set forth in Article X, Chapter 7, apply.

* * *

Chapter 4

Sidewalk Cafe Regulations

* * *

14-41

Locations Where Certain Sidewalk Cafes Are Not Permitted

No #enclosed# or #unenclosed sidewalk cafes# shall be permitted on any of the following #streets#, portions of #streets# and areas, except

that #small sidewalk cafes# may be permitted pursuant, to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

Citywide:

All #streets# with elevated rail transit lines, unless specifically permitted in Section 14-43.

Manhattan:

All #streets#, bounded by 38th Street on the south, 59th Street on the north, Third Avenue on the east and Eighth Avenue on the west

All #streets# within the M1-5A and M1-5B Districts and the #Special SoHo-NoHo Mixed Use District#, south of Houston Street

Bowery — from East Broadway to Canal Street

* * *

14-44

Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant, to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

Table with 3 columns: District, #Enclosed Sidewalk Cafe#, #Unenclosed Sidewalk Cafe#

* * *

Table with 3 columns: District, No, Yes

* * *

#Unenclosed sidewalk cafes# are not permitted south of Houston Street, except for #small sidewalk cafes# in locations designated in Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted)

* * *

Chapter 5

Residential Conversion within Existing Buildings

* * *

15-01

Applicability

* * *

15-012

Applicability within C6-1G, C6-2G, M1-5A, M1-5B or M1-6D Districts

#Conversions# in #buildings#, or portions thereof, in C6-1G or C6-2G Districts shall be permitted only by special permit, pursuant to Section 74-782 (Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5A, M1-5B, M1-5M and M1-6M Districts).

Except as specifically set forth in Sections 15-013 and 15-024, the provisions of this Chapter are not applicable in M1-5A or M1-5B Districts.

In M1-6D Districts, the conversion to #dwelling units# of #non-residential buildings# erected prior to January 1, 1977, or portions thereof, shall be permitted, subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 (MINOR MODIFICATIONS), paragraph (b), except as superseded or modified by the provisions of Section 42-481 (Residential use).

* * *

15-02

General Provisions

* * *

15-021

Special use regulations

* * *

(e) In C6-1G and C6-2G Districts, in all #manufacturing# and #commercial buildings# except police stations, courthouses and fire houses, or portions thereof, erected prior to December 15, 1961, #residential use# shall not be permitted unless the Commission has granted a special permit, pursuant to Section 74-782 (Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5A, M1-5B, M1-5M and M1-6M Districts). However, if the

Chairperson determines that #floor area# in such #buildings# was occupied for #residential use# on April 1, 1984, such #residential use# shall be permitted to remain and no special permit shall be required, provided that a complete application for determination of occupancy is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than April 17, 1985.

* * *

15-50 SPECIAL PERMIT

* * *

15-51 Residential Conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M Districts

In C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M Districts, the City Planning Commission may permit modification of the requirements of Sections 15-021 paragraph (e), or 15-21 in accordance with the provisions of Sections 74-711 (Landmark preservation in all districts) or 74-782 (Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5A, M1-5B, M1-5M and M1-6M Districts).

* * *

ARTICLE II RESIDENCE DISTRICT REGULATIONS

Chapter 3 Residential Bulk Regulations in Residence Districts

* * *

23-03 Street Tree Planting in Residence Districts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

- (a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, #street# trees shall not be required for #enlargements# of #single-# or #two-family residences#, except as provided in paragraphs (b) and (c) of this Section;
(b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

* * *

- #Special Ocean Parkway District# ;
#Special SoHo-NoHo Mixed Use District# ;
#Special South Richmond Development District# ;

* * *

ARTICLE IV MANUFACTURING DISTRICT REGULATIONS

Chapter 1 Statement of Legislative Intent

* * *

41-10 PURPOSES OF SPECIFIC MANUFACTURING DISTRICTS

* * *

41-11 M1 Light Manufacturing Districts (High Performance)

These districts are designed for a wide range of manufacturing and related uses which can conform to a high level of performance standards. Manufacturing establishments of this type, within completely enclosed buildings, provide a buffer between Residence (or Commercial) Districts and other industrial uses which involve more objectionable influences. New residences are excluded from these districts, except for:

- (a) joint living-work quarters for artists in M1-5A and M1-5B Districts;
(b) dwelling units in M1-5M and M1-6M Districts;

* * *

Chapter 2 Use Regulations

* * *

42-10 USES PERMITTED AS-OF-RIGHT

* * *

42-11 Use Groups 4A, 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B

* * *

42-111 Special provisions for hotels in M1 Districts

In M1 Districts, #transient hotels# shall be permitted only as set forth in this Section. The City Planning Commission may permit transient hotels in an M1 District, pursuant to a special permit set forth in another Section of this Resolution, or, pursuant to Section 74-803 (Transient hotels within M1 Districts), as applicable.

* * *

(c) Within M1-5A and M1-5B Districts

Within an M1-5A or M1-5B District, a special permit, pursuant to Section 74-803 shall be required in conjunction with a special permit, pursuant to Section 74-781 (Modifications by special permit of the City Planning Commission of uses in M1-5A and M1-5B Districts) except that a permit, pursuant to Section 74-781 shall not be required for a #transient hotel# located above the ground floor level, where the #floor area# used for such #use# on the ground floor does not exceed an amount minimally necessary to access and service such #transient hotel#.

* * *

42-13 Use Groups 6C, 9A and 12B

* * *

42-131 M1-5A and M1-5B Districts

M1-5A M1-5B

The regulations governing M1 Districts shall apply in M1-5A and M1-5B Districts except where the special #use# regulations set forth in Section 42-14, paragraph D. (Special Uses in M1-5A and M1-5B Districts) provide otherwise.

* * *

42-14 Use Group 17

M1 M2 M3

* * *

D. Special #uses# in M1-5A and M1-5B Districts

M1-5A M1-5B

- (1) #Joint living-work quarters for artists# in #buildings# in M1-5A and M1-5B Districts, provided:
(a) Such #building# was erected prior to December 15, 1961.
(b) The #lot coverage# of such #building# does not exceed 5,000 square feet except that in #buildings# with frontage along Broadway the #lot coverage# shall not exceed 3,600 square feet. However, such quarters may also be located in a #building# occupying more than 5,000 square feet of #lot area# if the entire #building# was held in cooperative ownership by #artists# on September 15, 1970. #Joint living-work quarters for artists# are permitted in other #buildings# or other structures# only by special permit of the City Planning Commission, pursuant to Section 74-782, by minor modification of the Chairperson of the City Planning Commission, pursuant to Section 42-141 (Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5A and M1-5B Districts), paragraph (e), or by authorization of the City Planning Commission, pursuant to Section 42-142 (Modification by authorization of the City Planning Commission of use regulations in M1-5A and M1-5B Districts).
(c) In M1-5B Districts in #buildings# occupying less than 3,600 square feet of #lot area#, #joint living-work quarters for artists# may not be located below the floor level of the second #story# unless modified by the Chairperson of the City Planning Commission, pursuant to Section 42-141, Section 74-781 (Modification by special permit of the City Planning Commission of uses in M1-5A and M1-5B Districts), or by authorization of the City Planning Commission, pursuant to Section 42-142.
(2) #Commercial# and #manufacturing uses# below the floor level of the second #story# provided,
(a) In M1-5A Districts, in #buildings# occupying more than 3,600 square feet of #lot area#, only #uses# listed in Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E shall be allowed below the floor level of the second #story# of

such #buildings#, unless modified by the Chairperson of the City Planning Commission, pursuant to Sections 42-141 or 74-781;

(b) in M1-5B Districts, in any #buildings#, only #uses# listed in Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E shall be allowed below the floor level of the second #story# of such #buildings# unless modified by the Chairperson of the City Planning Commission, pursuant to Sections 42-141 or 74-781;

(3) In addition, to the above restrictions, the following #uses# are not permitted as of right in any #building# or other structure# or on any tract of land in M1-5A or M1-5B Districts:

* * *

(4) (a) Any #use# which became #non-conforming# after April 27, 1976, shall be governed by Article V (Non-Conforming Uses and Non-Complying Buildings), except that in M1-5A and M1-5B Districts, Section 52-37 is hereby suspended and replaced by paragraph D.(4)(b) of this Section.

(b) In M1-5A and M1-5B Districts, any #non-conforming use# listed in Use Groups 5, 6, 8, 10, 12, 13, 14 or 15 may be changed, initially or in any subsequent change, only to a conforming #use# or a #use# listed in Use Group 6.

* * *

(5) Museums or non-commercial art galleries, subject, to the #bulk# regulations applicable for #manufacturing uses#, and subject, to the provisions of this Section.

(a) As of right

In any #building#, a museum or non-commercial art gallery is permitted on the ground floor where a #use# in Use Group 6 is permitted pursuant, to the provisions of paragraphs D.(2) or D.(4) of this Section and, above the ground floor where #joint living-work quarters for artists# are permitted, pursuant to paragraph D.(1) of this Section.

(b) By authorization of the City Planning Commission

In an M1-5A District, the City Planning Commission may authorize a museum or non-commercial art gallery where it is not permitted as-of-right, provided that the Commission finds that:

(i) the #use# of such space as a museum or non-commercial art gallery will not harm #manufacturing uses# in the M1-5A District or the industrial sector of the City's economy;

(ii) any commercial or manufacturing tenants in such space were given the opportunity by the owner or predecessors in title to remain in the space, at fair market rentals, and the property owners or predecessors in title did not cause the vacating of the space through harassment, non-renewal of leases, or the charging of rents in excess of the then fair market value; and

(iii) any such museum or non-commercial art gallery will be supportive of the local art industry.

The Commission may set such conditions on the grant of an authorization to allow such #uses# as it deems necessary to protect #manufacturing uses# or the industrial sector of the City's economy. In no case shall such museum or non-commercial art gallery occupy more than 65,000 square feet of #floor area#.

* * *

42-141 Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5A and M1-5B Districts

In M1-5A and M1-5B Districts, the requirements of paragraphs D.(1)(b), D.(1)(c), D.(1)(d) and D.(1)(e) or D.(2) of Section 42-14 (Use Group 17) may be modified by certification of the Chairperson of the City Planning Commission as provided in this Section. A copy of any request for modification under this Section shall be sent by the applicant, to the applicable Community Board, at least 20 days prior, to the next regularly scheduled Community Board meeting. If the Community Board elects to comment on such requests, it must do so within 31 days of such notification.

* * *

42-142 Modification by authorization of the City Planning Commission of use regulations in M1-5A and M1-5B Districts

In M1-5A and M1-5B Districts, the requirements of Section 42-14 (Use Group 17), paragraphs D.(1)(b), (c), and (d), may be modified by

authorization of the City Planning Commission, provided that:

* * *

42-30 USES PERMITTED BY SPECIAL PERMIT

* * *

42-31 By the Board of Standards and Appeals

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

* * *

M1-5A M1-5B Eating and drinking establishments, with entertainment but not dancing, with a capacity of 200 persons or less [PRC-D]

M1-5A M1-5B M1-5M M1-6M Eating or drinking establishments, with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing [PRC-D]

* * *

42-32 By the City Planning Commission

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4.

* * *

M1 Indoor interactive entertainment facilities with eating and drinking* [PRC-D]

* * *

* In M1-1; M1-5A; and M1-5B Districts, and in M1 Districts with a suffix "D," indoor interactive entertainment facilities with eating and drinking are not permitted

* * *

42-50 SIGN REGULATIONS

* * *

42-54 Permitted Projection or Height of Signs

* * *

42-541 Permitted projection

M1 M2 M3 In all districts, as indicated, except as otherwise provided in Section 42-542 (Additional regulations for projecting signs), no permitted #sign# shall project across a #street line# more than 18 inches for double- or multi-faceted #signs# or 12 inches for all other #signs#, except that:

(a) in M1-5A; M1-5B, M1-5M and M1-6M Districts, for each establishment located on the ground floor, non-illuminated signs# other than #advertising signs# may project no more than 40 inches across a #street line#, provided that along each #street# on which such establishment fronts, the number of such #signs# for each establishment shall not exceed two two-sided #signs# separated, at least 25 feet apart, and further provided that any such #sign# shall not exceed a #surface area# of 24 by 36 inches and shall not be located above the level of the first #story# ceiling.

* * *

Chapter 3 Bulk Regulations

* * *

43-10 FLOOR AREA REGULATIONS

* * *

43-17 Special Provisions for Joint Living-Work Quarters for Artists in M1-5A and M1-5B Districts

M1-5A M1-5B

In the districts district indicated, no #building# containing #joint living-work quarters for artists# shall be #enlarged#.

Mezzanines are allowed within individual quarters, in #buildings# with an existing #floor area ratio# of 12.0 or less, and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain, provided that such mezzanines do not exceed 33 and 1/3 percent of the gross #floor area# of such individual quarters. Such mezzanines shall not be included as #floor area# for the purpose of calculating minimum required size of a #joint living-work quarters for artists#.

In the districts district indicated no #building# containing #joint living-work quarters for artists# shall be subdivided into quarters of less than 1,200 square feet except where no #story# contains more than one #joint living-work quarters for artists# unless modified, pursuant to Section 43-171.

However, the minimum size requirement may be replaced by the requirements of Section 15-024 for #joint living-work quarters for artists#:

* * *

ARTICLE VII ADMINISTRATION

Chapter 3

Special Permits by the Board of Standards and Appeals

* * *

73-20

THEATERS

* * *

73-202

In M1-5A or M1-5B Districts

In M1-5A or M1-5B Districts, the Board of Standards and Appeals may permit theaters for a term not to exceed five years, provided that the following findings are made:

* * *

73-24

Eating or Drinking Places

73-241

In C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C3, C5, M1-5A or M1-5B Districts

In C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C3, C5, M1-5A or M1-5B Districts, the Board of Standards and Appeals may permit eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less, for a term not to exceed five years, provided that the following findings are made:

- (a) that such #use# will not impair the character or the future use or development of the surrounding residential or mixed use neighborhood;
(b) that such #use# will not cause undue congestion in local #streets#;
(c) that in M1-5A and M1-5B Districts, eating and drinking places shall be limited to not more than 5,000 square feet of floor space;
(d) that in C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C5, M1-5A and M1-5B Districts, such #use# shall take place in a #completely enclosed building#; and
(e) that the application is made jointly by the owner of such #building# and the operators of such eating or drinking establishment.

* * *

73-60

MODIFICATIONS OF BULK REGULATIONS

* * *

73-62

Modification of Bulk Regulations for Buildings Containing Residences

* * *

73-625

Modification of Affordable Housing Fund payment options in the SoHo NoHo Mixed Use District

Within the #Special Soho-NoHo Mixed Use District#, for #conversions# from non-#residential# to #residential use# in #buildings# existing prior to [date of adoption] that are not otherwise subject to paragraph (d)(3)(v) of Section 23-154 (Inclusionary Housing), the Board of

Standards and Appeals may permit a contribution, to the #affordable housing fund#, pursuant to such paragraph to satisfy the requirements of paragraph (d)(3), inclusive, of such Section, provided that the Board finds that:

- (a) the configuration of the #building# imposes constraints, including, but not limited to, deep, narrow or otherwise irregular #building# floorplates, limited opportunities to locate #legally required windows#, or pre-existing locations of vertical circulation or structural column systems, that would create practical difficulties in reasonably configuring the required #affordable floor area# into a range of apartment sizes and bedroom mixes serving a number of lower-income residents comparable to what such quantity of #affordable floor area# would serve in a more typical configuration, pursuant, to the #guidelines# of the Inclusionary Housing Program. In order to make such determination, the Board may consult with the Department of Housing Preservation and Development. Such practical difficulties shall be shown on a floor plan; and
(b) the practical difficulties existed on [date of enactment].

For the purposes of this Section, defined terms include those set forth in Sections 12-10 and 23-911.

The Board may prescribe such conditions and safeguards as it deems necessary to minimize adverse effects upon the surrounding area and the community, at large.

* * *

Chapter 4

Special Permits by the City Planning Commission

* * *

74-71

Landmark Preservation

* * *

74-712

Developments in Historic Districts

Within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may grant a special permit, in accordance with the following provisions:

- (a) In M1-5A and M1-5B Districts, on a #zoning lot# that, as of December 15, 2003, is vacant, is #land with minor improvements#, or has not more than 40 percent of the #lot area# occupied by existing #buildings#, the Commission may modify #use# regulations to permit #residential development# and, below the floor level of the second #story# of any #development#, #uses# permitted under Section 32-15 (Use Group 6), provided:

* * *

ARTICLE XIV

SPECIAL PURPOSE DISTRICTS

Chapter 3

Special SoHo-NoHo Mixed Use District

143-00

GENERAL PURPOSES

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

- (a) to enhance neighborhood economic diversity by broadening the range of housing choices for residents of varied incomes;
(b) to reinforce the longstanding mixed-use character of the area by allowing a wider range of residential, commercial and community facility uses while retaining significant concentration of commercial and manufacturing space;
(c) to ensure the development of buildings is compatible with existing neighborhood character;
(d) to sustain SoHo/NoHo's cultural legacy and support New York City's creative economy with provisions that support arts, cultural and creative uses, organizations and their broader public audience;
(e) to retain jobs within New York City; and
(f) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect City tax revenues.

143-01 General Provisions

The provisions of this Chapter shall apply within the #Special SoHo-NoHo Mixed Use 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.

143-02 Definitions

Definitions specifically applicable to this Chapter are set forth in this Section. Other defined terms are set forth in Section 12-10 (DEFINITIONS).

Qualifying building

For the purposes of this Chapter, a "qualifying building" shall be any #building#, where, prior to [date of adoption]:

- such #building# contained, at least 60,000 square feet of #floor area#; and
- at least 20 percent of the #floor area# within such #building# was allocated to non-#residential floor area#, as such term is utilized in Section 143-14.

SoHo-NoHo Arts Fund

For the purposes of this Chapter inclusive, the "SoHo-NoHo Arts Fund" (the "Arts Fund") shall be a separate interest-bearing account established for the deposit of contributions made when converting #joint living-work quarters for artists# to #residences# through in accordance with the provisions of Section 143-13 (Joint Living-Work Quarters for Artists). The Arts Fund shall be allocated by the New York City Department of Cultural Affairs, or a not-for-profit entity designated by the Department of Cultural Affairs, to support arts programming, projects, organizations, and facilities that promote the public presence of the arts within the Special District and surrounding neighborhoods and extend the cultural legacy of SoHo and NoHo generally. Such allocation should prioritize under-resourced organizations and under-served areas within Lower Manhattan neighborhoods south of 14th Street.

143-03 District Plan and Map

In order to carry out the purposes and provisions of this Chapter, a district map is located in the Appendix to this Chapter and is hereby incorporated and made an integral part of this Resolution. It is incorporated for the purpose of specifying locations where special regulations and requirements, as set forth in the text of this Chapter, apply.

Appendix A

Map 1. Ground Floor Use Requirements

Such map is hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

143-04 Applicability of the Inclusionary Housing Program

For the purposes of applying the Inclusionary Housing Program provisions set forth in Sections 23-154 and 23-90, inclusive, #Mandatory Inclusionary Housing areas# within the #Special SoHo-NoHo Mixed Use District# are shown on the maps in APPENDIX F of this Resolution. Such provisions are modified as follows:

- #Conversions# from #joint living-work quarters for artists# to #residences#, as set forth in Section 143-13 (Joint Living-Work Quarters for Artists), shall not be subject, to the provisions of paragraph (d)(1) of Section 23-154.
- The provisions of paragraph (d)(4)(i) of Section 23-154 shall apply only to a #development# or #enlargement# on a #zoning lot# on which the maximum permitted #residential floor area#, less the #lot area#, does not exceed 12,500 square feet on [date of adoption].
- For #conversions# in #buildings# existing prior to [date of adoption] that are not otherwise subject to paragraph (d)(3)(v) of Section 23-154, the Board of Standards and Appeals may permit a contribution, to the #affordable housing fund#, pursuant, to the provisions of Section 73-625.

[Note: references, to the provisions of Article VI, Chapter 6 reflect the proposed zoning text amendment Elevate Transit: Zoning for Accessibility (application number N 210270 ZRY), which is currently in public review.]

143-05 Applicability of Article VI, Chapters 4 and 6

In #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the

event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

43-06 Applicability of Article XII, Chapter 3

In the #Special SoHo-NoHo Mixed Use District#, M1 Districts are paired with a #Residence District#. In paired districts, the special #use#, #bulk#, and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use District) shall apply, except where modified by the provisions of this Chapter.

Notwithstanding the provisions of Section 123-10 (GENERAL PROVISIONS), in the event of a conflict between the provisions of this Chapter and the provisions of Article XII, Chapter 3, the provisions of this Chapter shall control.

143-07 Applicability of Quality Housing regulations

All #buildings# shall be #developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

143-10 SPECIAL USE REGULATIONS

Within the #Special SoHo-NoHo Mixed Use District#, the #use# provisions of Article XII, Chapter 3 are modified by the provisions of this Section.

143-11 Retail Uses

All #uses# listed in Use Group 10A shall be permitted as-of-right.

143-12 Home Occupation

The #home occupation# provisions of Section 12-10 (DEFINITIONS - Home occupation) shall apply, except that up to 49 percent of the total #floor area# of a #dwelling unit# may be used for a #home occupation#, and such #home occupation# may occupy more than 500 square feet of #floor area#.

In addition, in connection with such #home occupation#, up to three persons not residing in such #dwelling unit# may be employed, and a #home occupation# may include any permitted #commercial use#, subject, to the limitations set forth in paragraph (b) of the definition of #home occupation#.

143-13 Joint Living-Work Quarters for Artists

#Conversions# to #joint living-work quarters for artists#, as listed in Use Group 17D, shall not be permitted after [date of adoption] within the #Special SoHo-NoHo Mixed Use District#.

For #joint living-work quarters for artists# existing on [date of adoption], any #conversion# to a #residence# shall only be permitted upon certification by the Chairperson of the City Planning Commission, to the Commissioner of the Department of Building that instruments in a form acceptable, to the City are executed and recorded and that, thereafter, a contribution has been deposited in the #SoHo-NoHo Arts Fund#. The execution and recording of such instruments and the payment of such non-refundable contribution shall be a precondition, to the filing for or issuing of any #building# permit allowing the #conversion# a #joint living-work quarters for artists# to a #residence#.

The contribution amount shall be \$100.00 per square foot of #floor area# to be #converted# from a #joint living-work quarters for artists# to a #residential use# as of [date of adoption], and shall be adjusted by the Chairperson annually. Such adjustment shall occur on August 1 of each calendar year, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics for the 12 months ended on June 30 of that year. The contribution amount shall be determined based upon the rate which is in effect, at the time the contribution is received.

143-14 Non-Residential Retention for Qualifying Buildings

For #developments#, #enlargements#, and #conversions# on #zoning lots# with #qualifying buildings# existing on [date of adoption], #residential uses# shall only be permitted upon certification by the Chairperson of the City Planning Commission, to the Commissioner of the Department of Buildings that the #zoning lot#, as it existed on [date of adoption], will contain, at least the amount of non-#residential floor area# that existed within such #qualifying buildings# on the #zoning lot# on [date of adoption]. For the purposes of this Section, non-#residential floor area# shall not include #residences#, including

#dwelling units# that are registered Interim Multiple Dwellings or are covered by the New York City Loft Board, pursuant to Article 7-C of the New York State Multiple Dwelling Law or that the Loft Board determines were occupied for #residential use# on September 1, 1980, #joint living-work quarters for artists#, #community facility uses# with sleeping accommodations or #transient hotels#, where permitted.

A restrictive declaration acceptable, to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns, to provide the amount of non-#residential floor area# that existed within #qualifying buildings# on [date of adoption], on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register.

143-15 Ground Floor Use Requirements

The provisions of this Section shall apply to #developments# and #ground floor level enlargements#.

For the purposes of applying the special #ground floor level# streetscape provisions set forth in Section 37-30 to this Chapter, any portion of a #ground floor level street# frontage along #streets# designated on Map 1 in the Appendix to this Chapter shall be considered #primary street frontages#. A #ground floor level street# frontage along any other #street# shall be considered a #secondary street frontage#. For the purposes of this Section, defined terms shall include those in Sections 12-10 and 37-311.

(a) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 1 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). #Ground floor level street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

(b) Along #secondary street frontages#

Any #street wall# width exceeding 50 feet with no transparent elements on the #ground floor level# shall provide visual mitigation elements in accordance with the provisions for Type 1 blank walls set forth in Section 37-361 (Blank wall thresholds).

143-16 Physical Culture or Health Establishments

#Physical culture or health establishments# shall be permitted as-of-right. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9A #use#.

143-17 Transient Hotels

In all districts, the #development# of a #transient hotel#: a change of #use# or #conversion# to a #transient hotel#, or an #enlargement#, containing a #transient hotel#, of a #building# that, as of [date of adoption], did not contain such #use#; or an #enlargement# or #extension# of a #transient hotel# that existed prior to [date of adoption] that increases the #floor area# of such #use# by 20 percent or more, shall be permitted only by special permit of the City Planning Commission pursuant to the provisions of this Section.

In order to permit such a #transient hotel#, the Commission shall find that such #transient hotel# is so located as not to impair the essential character of, or the future #use# or #development# of, the surrounding area.

Any #transient hotel# existing prior to [date of adoption] shall be considered a conforming #use# and may be continued, structurally altered, #extended# or #enlarged# subject, to the limitations set forth in this Section, and subject, to the applicable district #bulk# regulations. However, if for a continuous period of two years such #transient hotel# is discontinued, or the active operation of substantially all the #uses# in the #building# or other structure# is discontinued, the space allocated to such #transient hotel# shall thereafter be used only for a conforming #use#, or may be #used# for a #transient hotel# only if the Commission grants a special permit for such #use# in accordance with the provisions of this Section. In addition, in the event a casualty damages or destroys a #transient hotel# that was in such #use# as of [date of adoption], such #building# may be reconstructed and used as a #transient hotel# without obtaining a special permit. A #non-complying building# may be reconstructed, pursuant to Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS).

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

143-20 SPECIAL BULK REGULATIONS

Within the #Special SoHo-NoHo Mixed Use District#, the #bulk# provisions of Article XII, Chapter 3 are modified by the provisions of this Section.

143-21 Special Floor Area Regulations

The applicable #floor area# regulations shall be modified as follows:

- (a) the #floor area ratio# for #community facility uses# shall be 6.5; and
- (b) in M1-5 Districts paired with an R9X District north of Howard Street, the #floor area ratio# for all other non-#residential uses# shall be 6.0.

143-22 Density

For all #residential buildings#, or portions thereof, including those existing on December 15, 1961, the factor to determine the maximum number of #dwelling units# shall be 680.

143-23 Special Yard Regulations

The applicable #rear yard# and #rear yard equivalent# regulations shall be modified as follows:

(a) Permitted obstructions

In any #rear yard# or #rear yard equivalent#, any #building# or portion of a #building# used for #commercial#, #manufacturing#, or #residential uses#, other than dwelling units, shall be a permitted obstruction, provided that the height of such #building# shall not exceed one #story#, excluding #basement#, nor in any event 23 feet above #curb level#.

In addition, in M1-5 Districts paired with an R9X District north of Howard Street, in any #rear yard#, any #building# or portion of a #building# used for any permitted non-#residential use#, shall be a permitted obstruction, provided that the height of such #building#, or portion thereof, shall not exceed two #stories#, excluding #basements#, nor in any event 30 feet above #curb level#.

Decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, pursuant to Section 43-42 (Permitted Obstructions), shall be permitted above such height limitations.

(b) Required #rear yards#

For all #uses#, a #rear yard# with a depth of not less than 20 feet shall be provided, at every #rear lot line# on any #zoning lot#, except as follows:

- (1) no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting, at an angle of 135 degrees or less;
- (2) whenever a #front lot line# of a #zoning lot# coincides with all or part of a #street line# measuring less than 230 feet in length between two intersecting #streets#, no #rear yard# shall be required within 100 feet of such #front lot line#; and
- (3) for #interior lots# where the depth of such #zoning lot#, or a portion thereof, is less than 90 feet, and such shallow depth was in existence on December 15, 1961 and the date of application for a #building# permit, the required #rear yard# for such #interior lot#, or portion thereof, may be reduced by six inches for each foot by which the depth of a #zoning lot#, or portion thereof, is less than 90 feet. However, in no event shall the minimum depth of a #required yard#, or portion thereof, be reduced to less than 10 feet.

(c) Required #rear yard equivalents#

For #buildings#, or portions thereof, containing non-#residential uses#, no #rear yard equivalent# shall be required on any #through lot# or #through lot# portion of a #zoning lot#.

For #buildings#, or portions thereof, containing #residential# uses, on any #through lot# that is 110 feet or more in maximum depth from #street# to #street#, a #rear yard equivalent# consisting of an open area with a minimum depth of 40 feet midway, or within 10 feet of being midway between the two #street lines# upon which such #through lot# fronts, shall be provided.

However, for #through lots# where the depth of such #zoning lot#, or a portion thereof, is less than 180 feet, and such shallow depth was in existence on December 15, 1961 and on the date of application for a building permit, the required #rear yard equivalent# for such #through lot#, or portion thereof, may be reduced by one foot for each foot by which the depth of a #zoning lot#, or portion thereof, is less than 180 feet. However, in no event

shall the minimum depth of a #required yard#, or portion thereof, be reduced to less than 20 feet.

(d) Along district boundaries

The provisions of 43-30 (Special Provisions Applying Along District Boundaries), shall not apply along the district boundaries of two M1 Districts paired with #Residence Districts#.

**143-24
Special Height and Setback regulations**

For the purposes of this Section, Watts Street, West Broadway, Centre Street, and Great Jones Street shall be considered #wide streets#.

The applicable height and setback regulations are modified as follows:

(a) #Street wall# location

Along all #street# frontages, the #street wall# regulations applicable to #Quality Housing buildings# on a #wide street# in a C6 District, as set forth in Section 35-651 (Street wall location), shall apply. On #through lots#, the additional regulations set forth in paragraph (b) of Section 35-655 shall not apply.

For the purposes of applying such regulations, the minimum base height a #street wall# shall rise to, without setback, shall be those set forth in paragraph (b) of this Section.

(b) Base heights and maximum #building# heights

The table below sets forth the minimum and maximum base height, and maximum #building# height for all #buidings#.

A setback is required for all portions of a #building# that exceed the maximum base height specified for the applicable district, and shall be provided in accordance with paragraph (c) of this Section.

**MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT,
AND MAXIMUM BUILDING HEIGHTS**

District	Minimum base height (in feet)	Maximum base height (in feet)	Maximum #building# height (in feet)
M1-5 / R7X	60	105	145
M1-5 / R9X	85	145	205
M1-6 / R10	125	155	275

However, for any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum and maximum base heights may be modified as follows:

- (1) the minimum base height of a #street wall# may vary between the minimum height set forth in the table above, and the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height; and
- (2) the maximum base height of a #street wall# may vary between the maximum base height set forth in the table above, and the height of the #street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height.

(c) Setbacks

At a height not lower than the minimum base height or higher than the maximum base height specified for the applicable district in the table in paragraph (b) of this Section, a setback shall be provided in accordance with paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations) shall apply to such setbacks.

(d) Dormers

As an alternative, to the dormer provisions of paragraph (c) of Section 23-621, dormers may be a permitted obstruction within a required front setback distance above a maximum base height, provided that the aggregate width of all dormers, at the maximum base height does not exceed 40 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height. Such dormers need not decrease in width as the height above the maximum base height increases.

**143-25
Additional bulk modifications**

For #buildings# containing #residences#, or portions thereof, the following additional #bulk# modifications shall apply.

(a) #Outer court# modifications

For #outer courts# containing #legally required windows#, if an #outer court# is less than 20 feet wide, the width of such #outer court# shall be, at least equal, to the depth of such #outer court#.

If an #outer court# is 20 feet or more in width, it may extend to any depth.

(b) #Inner court# modifications

For #inner courts# containing #legally required windows#, the area shall not be less than 600 square feet, and the minimum dimension of such #inner court# shall not be less than 20 feet.

The minimum horizontal distance between a #legally required window# opening on an #inner court# and any wall opposite such window on the same #zoning lot# shall not be less than 20 feet.

(c) Distance between #legally required windows# and #lot lines#

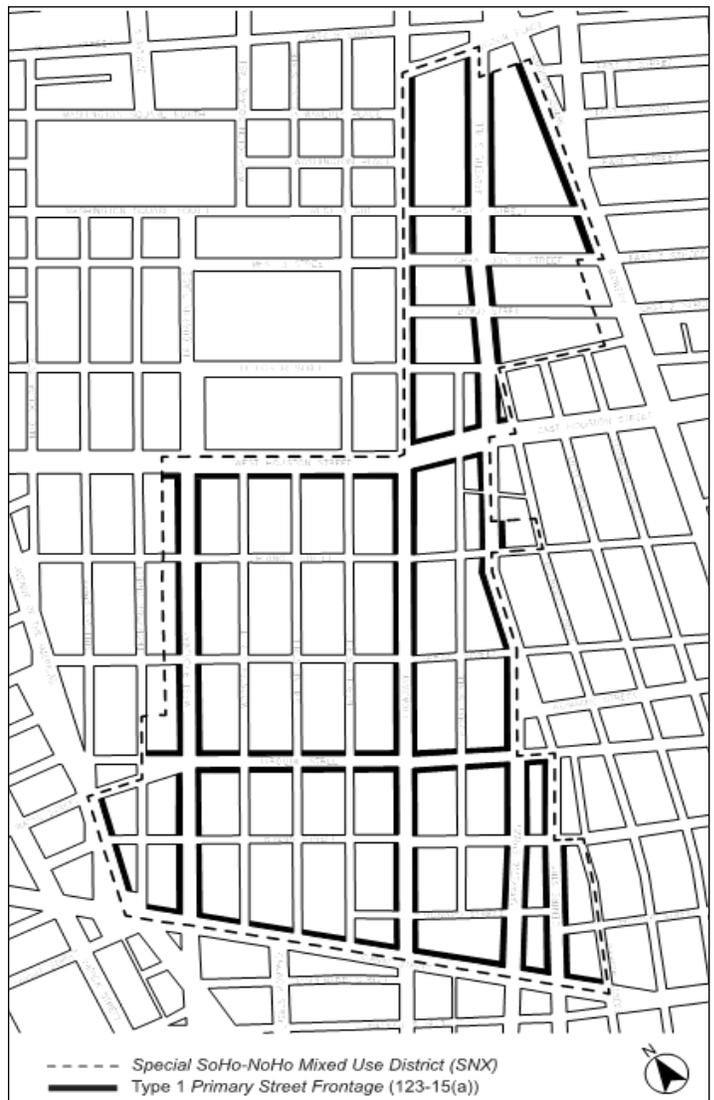
The minimum distance between a #legally required window# and: any wall; a #rear lot line#, or vertical projection thereof; or a #side lot line#, or vertical projection thereof; shall be 20 feet, measured in a horizontal plane, at the sill level of, and perpendicular to, such window for the full width of the rough window opening.

(d) Distance between #buildings#

The required minimum distance between the portion of a #building# containing #dwelling units# and any other #building# on the same #zoning lot# shall be 40 feet below a height of 125 feet. Portions of #buildings# above 125 feet that exceed, in aggregate, a #lot coverage# of 40 percent, shall be spaced, at least 80 feet apart.

**APPENDIX A
Special SoHo-NoHo Mixed Use District Plan**

Map 1: Ground Floor Use Requirements



APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

MANHATTAN

* * *

Manhattan Community District 2

Map 1 - [date of adoption]



Portion of Community District 2, Manhattan

* * *

NOTICE

On Thursday, September 2, 2021, a public hearing is being held by the City Planning Commission (CPC), accessible both in person and remotely, in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning an application by The City of New York. The City of New York, acting through the Department of City Planning (DCP), is proposing a series of land use actions — zoning map and zoning text amendments (the “Proposed Actions”) to implement land use and zoning recommendations in the SoHo/NoHo Neighborhood Plan. The area subject, to the Proposed Actions is generally, bounded by Astor Place and Houston Street, to the north; Bowery, Lafayette Street, and Baxter Street, to the east; Canal Street, to

the south, and Sixth Avenue, West Broadway, and Broadway, to the west. The Proposed Actions would affect an approximately 56-block, 146-acre area (the “Project Area”) of the SoHo and NoHo neighborhoods of Manhattan Community District 2. The Reasonable Worst-Case Development Scenario (RWCDS) for the Proposed Actions identifies 26 projected development sites. On the projected development sites, the Proposed Actions are expected to result in a net increase of approximately 1,829 projected dwelling units (DUs) (including approximately 382 to 573 permanently affordable DUs for lower-income New Yorkers in accordance with the Mandatory Inclusionary Housing Program (MIH)); 61,789 gross square feet (gsf) of projected retail space (local and destination retail and supermarket space); and 20,778 gsf of projected community facility space. The RWCDS also identifies 58 potential development sites, which are considered less likely to be developed by the analysis year. On the potential development sites, the Proposed Actions may result in a net increase of approximately 1,719 DUs, including 365 to 545 permanently affordable DUs; 52,360 gsf of potential destination retail space; and 16,272 gsf of potential community facility space. Development on some of these sites, due, to the sites’ location within New York City-designated historic districts, would be subject to future review and approval by the New York City Landmarks Preservation Commission (LPC) in accordance with the New York City Landmarks Law.

Written comments on the DEIS are requested and will be received and considered by the Lead Agency through Monday, September 13, 2021.

For instructions on how to submit comments and participate remotely, please refer, to the instructions, at the beginning of this agenda.

This hearing is being held pursuant, to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 21DCP059M.

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



a19-s2

In light of the Governor’s announcement on June 24, 2021 of the end of the State-declared state of emergency, and in support of the City’s continued efforts to contain the spread of COVID-19, the City Planning Commission will hold a public hearing accessible both in person and remotely.

The public hearing will be held on Wednesday, September 1, 2021, starting at 10:00 A.M. Eastern Daylight Time. The public hearing will be held in person in the NYC City Planning Commission Hearing Room, Lower Concourse, 120 Broadway, New York, NY. Masks are required to be worn to enter the building and during the hearing.

The meeting will be live streamed through Department of City Planning’s (DCP’s) website and accessible from the following webpage, which contains specific instructions on how to observe and participate remotely via the teleconferencing application Zoom, as well as materials relating to the meeting: <https://www1.nyc.gov/site/nycengage/events/city-planning-commission-public-meeting/287261/1>.

Members of the public attending remotely should observe the meeting through DCP’s website. Verbal testimony can be provided remotely by joining the meeting using either Zoom or by calling the following number and entering the information listed below:

- 877 853 5247 US Toll-free
- 888 788 0099 US Toll-free
- 253 215 8782 US Toll Number
- 213 338 8477 US Toll Number

Meeting ID: **618 237 7396**
 [Press # to skip the Participation ID]
 Password: 1

Written comments will also be accepted until 11:59 P.M., one week before the date of vote. Please use the CPC Comments form that is accessible through the above webpage.

Please inform the Department of City Planning if you need a reasonable accommodation, such as a sign language interpreter, in order to participate in the meeting. The submission of testimony, verbal or written, in a language other than English, will be accepted, and real time interpretation services will be provided based on available resources. Requests for a reasonable accommodation or foreign language assistance during the meeting should be emailed to [\[AccessibilityInfo@planning.nyc.gov\]](mailto:AccessibilityInfo@planning.nyc.gov) or made by calling [\[212-720-3508\]](tel:212-720-3508). Requests must be submitted at least five business days before the meeting.

BOROUGH OF BROOKLYN
Nos. 1 & 2
1045 ATLANTIC AVENUE
No. 1

CD 3 C 210276 ZMK

IN THE MATTER OF an application submitted by Atlantic Brooklyn LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 16c & 17a, by changing from an M1-1 District to a C6-3A District property bounded by a line midway between Lefferts Place and Atlantic Avenue, a line perpendicular to the northeasterly street line of Atlantic Avenue distant 180 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Atlantic Avenue and the westerly street line of Franklin Avenue, the northeasterly boundary line of the Long Island Rail Road right-of-way (Atlantic Division), and a line perpendicular to the northeasterly street line of Atlantic Avenue distant 210 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Atlantic Avenue and the easterly street line of Classon Avenue, as shown on a diagram (for illustrative purposes only) dated June 21, 2021, and subject to the conditions of CEQR Declaration E-631.

No. 2

CD 3 N 210277 ZRK

IN THE MATTER OF an application submitted by Atlantic Brooklyn LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article III Chapter 5 for the purpose of amending street wall location regulations and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;
Matter struck out is to be deleted;
Matter within # # is defined in Section 12-10;
*** indicates where unchanged text appears in the Zoning Resolution.

* * *

ARTICLE III
COMMERCIAL DISTRICT REGULATIONS

* * *

Chapter 5
Bulk Regulations for Mixed Buildings in Commercial Districts

* * *

35-66
Special Height and Setback Provisions for Certain Areas

* * *

35-662
Special height and setback provisions in C6-3A Districts along Atlantic Avenue within Community District 3, Borough of Brooklyn

In C6-3A Districts in Community District 3, in the Borough of Brooklyn, for a #zoning lot# with frontage along Atlantic Avenue, the #street wall# provisions of paragraph (a) of Section 35-651 shall apply along the Atlantic Avenue #street# frontage, and shall also apply along #street# frontages intersecting Atlantic Avenue, within 50 feet of the intersection.

* * *

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

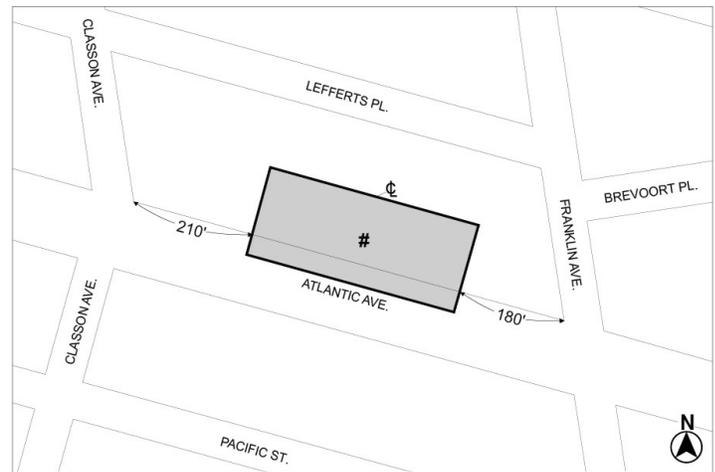
BROOKLYN

* * *

Brooklyn Community District 3

* * *

Map 7 - [date of adoption]



Mandatory Inclusionary Housing Area see Section 23-154(d)(3)
Area # [date of adoption] — MIH Program Option 2 and Workforce Option

Portion of Community District 3, Brooklyn

* * *

Nos. 3-7
COOPER PARK COMMONS
No. 3

CD 1 C 210480 ZMK

IN THE MATTER OF an application submitted by Maspeth Manager, LLC and 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 Nos. 13a and 13b:

- 1. changing from an R6 District to an R7-2 District property bounded by Jackson Street, Debevoise Avenue, Maspeth Avenue, and Kingsland Avenue; and
2. establishing within the proposed R7-2 District a C2-4 District bounded by a line 150 feet northerly of Maspeth Avenue, Debevoise Avenue, Maspeth Avenue, and Kingsland Avenue.

as shown on a diagram (for illustrative purposes only) dated June 21, 2021 and subject to the terms of CEQR Declaration E-629.

No. 4

CD 1 C 210481 ZSK

IN THE MATTER OF an application submitted by Maspeth Manager, LLC and 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 23-66 (Height and Setback Requirements for Quality Housing Buildings) and Section 23-711 (Standard minimum distance between buildings), in connection the development of two new buildings and the enlargement and conversion of two existing buildings, within a large-scale general development generally bounded by Jackson Street, Debevoise Avenue, Maspeth Avenue, and Kingsland Avenue/ Grandparents Avenue (Block 2885, Lots 1, 20, 23, 28, and 32), in R7-2* and R7-2/C2-4* Districts.

* Note: The development site is proposed to be rezoned by changing an existing R6 District to R7-2 and R7-2/C2-4 Districts under a concurrent related application for a Zoning Map change (C 210480 ZMK).

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

No. 5

CD 1 N 210482 ZRK

IN THE MATTER OF an application submitted by Maspeth Manager, LLC and the New York City Department of Housing Preservation and Development, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

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

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

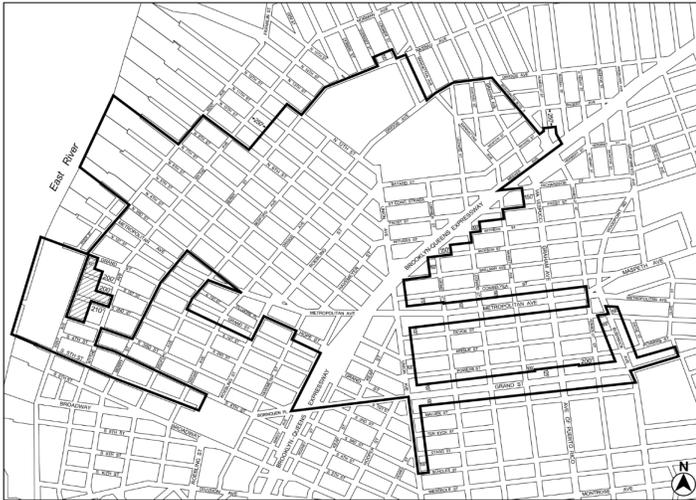
BROOKLYN

Brooklyn Community District 1

* * *

Map 2 – [date of adoption]

[EXISTING MAP]



Inclusionary Housing designated area
 Excluded Area

[PROPOSED MAP]



Inclusionary Housing designated area
 Excluded Area
 Mandatory Inclusionary Housing Area see Section 23-154(d)(3)
 Area # — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 1, Brooklyn

* * *

No. 6

CD 1 **C 210483 HAK**
IN THE MATTER OF an application submitted by the New York City 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 288 Jackson Avenue (Block 2885, 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 enlargement of two existing buildings and the construction of two new buildings containing approximately 556 affordable and senior housing units, a 200-bed homeless shelter and community facility and commercial space.

No. 7

CD 1 **C 210484 PPK**
IN THE MATTER OF an application submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Sections 197-c of the New York City Charter, to modify the restriction limiting use of property located at 20 Kingsland Avenue (Block 2885, Lot 10) from a health care facility use to general community facility uses.

Nos. 8, 9 & 10
SPECIAL BROOKLYN NAVY YARD DISTRICT
No. 8

CD 2 **C 210462 ZMK**
IN THE MATTER OF an application submitted by Building 77 QALICB, Inc. and the NYC Small Business Services, 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 R6B District to an M2-1 District property bounded by the following courses:
 - (i) a line 400 feet northeasterly of Navy Street;
 - (ii) a line perpendicular to the last named course at a point 400 feet southeasterly (as measured on such named course) from the point of intersection of the southerly street line of Evans Street and the easterly street line of Little Street;
 - (iii) a line passing through a point along the northeasterly street line of Navy Street, 95 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Navy Street and the easterly prolongation of a line 100 feet northerly of York Street and proceeding northerly at an angle 138 degrees to the northeasterly street line of Navy Street;
 - (iv) a line passing through a point along the last named course, 170 feet northerly of the northeasterly street line of Navy Street (as measured along the last named course), proceeding easterly at an angle 92 degrees to the last named course; and
 - (v) a line passing through a point along the last named course, 131 feet easterly of the intersection of the last named course and Course 1(iii) above (as measured along the last named course), proceeding northeasterly at an angle 117 degrees to the last named course;
2. changing from an M1-2 District to an M2-1 District property bounded by:
 - a. a line 400 feet northeasterly and easterly of Navy Street, the easterly centerline prolongation of Sands Street, Navy Street, and Course 1(ii); and
 - b. a line 400 feet northerly of Flushing Avenue, the northerly centerline prolongation of North Oxford Street, Flushing Avenue, and a line 680 feet easterly of Navy Street;
3. changing from an M3-1 District to an M2-1 District property bounded by:
 - a. a line 400 feet northerly of Flushing Avenue, a line 3,515 feet easterly of Navy Street, Flushing Avenue, and the northerly centerline prolongation of North Oxford Street; and
 - b. the following courses:
 - (i) Kent Avenue;
 - (ii) the southwesterly prolongation of the northwesterly street line of Clymer Street;
 - (iii) a line passing through the intersection of the southwesterly prolongation of the northwesterly street line of Clymer Street and the southwesterly street line of Kent Avenue and proceeding southerly at an angle 46 degrees from the southwesterly street line of Kent Avenue;
 - (iv) the southwesterly centerline prolongation of Taylor Street;
 - (v) a line passing through a point along the last named course 311 feet southwesterly (as measured along the last named course) of the intersection of the last named course and Course 3b(iii), proceeding northwesterly at an angle 100 degrees to the last named course;
 - (vi) the U.S. Pierhead and Bulkhead Line;
 - (vii) a line passing through a point along Course 3b(v) distant 919 feet northwesterly (as measured along Course 3b(v)) from the intersection of Course 3b(v) and Course 3b(iv), proceeding northeasterly at an angle 90 degrees to Course 3b(v);
 - (viii) a line passing through two points, the first being a point along the last named course 350 feet

northeasterly of the intersection of the last named course and **Course 3b(vi)** and the second being a point on the U.S. Pierhead and Bulkhead Line distant 149 feet southerly (as measured along the US Pierhead and Bulkhead Line) from the point of intersection of the U.S. Pierhead and Bulkhead Line and a southerly boundary line of the NYC Pierhead Line;

- (ix) the U.S. Pierhead and Bulkhead Line; and
- (x) the easterly prolongation of the NYC Pierhead Line; and

c. the following courses:

- (i) a line 400 feet northeasterly and easterly of Navy Street;
- (ii) a line passing through the point of intersection of the last named course and Course 1(v) proceeding easterly at an angle 115 degrees to Course 1(v);
- (iii) a line passing through a point along the last named course 540 feet easterly (as measured along the last named course) from the intersection of the last named course and Course 1(v) proceeding southerly at an angle 90 degrees to the last named course; and
- (iv) a line passing through a point along the last named course 294 feet southerly (as measured along the last named course) from the intersection of the last named course and Course 3c(ii) proceeding southwesterly at an angle 141 degrees to the last named course;

4. establishing a Special Brooklyn Navy Yard District (BNY) bounded by the following courses:

- (i) the U.S. Pierhead and Bulkhead Line;
- (ii) the NYC Pierhead Line and its easterly prolongation;
- (iii) Kent Avenue;
- (iv) the northerly centerline prolongation of Classon Avenue;
- (v) Williamsburg Street West;
- (vi) Flushing Avenue;
- (vii) a line 680 feet easterly of Navy Street;
- (viii) a line 350 feet northerly of Flushing Avenue;
- (ix) a line passing through a point on the last named course 272 feet westerly of the intersection of the last named course and Course 4(vii) proceeding northwesterly at an angle 135 degrees to the last named course;
- (x) a line 34 feet southerly of the easterly centerline prolongation of Sands Street;
- (xi) a line 132 feet easterly of Navy Street;
- (xii) a line 50 feet southerly of the easterly centerline prolongation of Sands Street;
- (xiii) Navy Street;
- (xiv) Course 1(iii)
- (xv) Course 1(iv)
- (xvi) Course 1(v)
- (xvii) Course 3c(ii)
- (xviii) the northerly prolongation of Course 3c(iii)

as shown on a diagram (for illustrative purposes only) dated June 7, 2021.

No. 9

CD 2 N 210463 ZRK

IN THE MATTER OF an application submitted by Building 77 QALICB, Inc. and NYC Small Business Services, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing the Special Brooklyn Navy Yard District (Article XIV, Chapter 4) and modifying other related Sections.

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

**ARTICLE I
 GENERAL PROVISIONS**

**Chapter 1
 Title, Establishment of Controls and Interpretation of Regulations**

* * *

**11-12
 Establishment of Districts**

* * *

**11-122
 Districts established**

In order to carry out the purposes and provisions of this Resolution, the following districts are hereby established:

* * *

Special Purpose Districts

* * *

Establishment of the Special Bay Street Corridor District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 5, the #Special Bay Street Corridor District# is hereby established.

Establishment of the Special Brooklyn Navy Yard District

In order to carry out the special purposes of this Resolution as set forth in Article XIV, Chapter 4, the #Special Brooklyn Navy Yard District# is hereby established.

Establishment of the Special City Island District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 2, the #Special City Island District# is hereby established.

* * *

**Chapter 2
 Construction of Language and Definitions**

* * *

**12-10
 Definitions**

* * *

Special Bay Street Corridor District (6/26/19)

The "Special Bay Street Corridor District" is a Special Purpose District designated by the letters "BSC" in which special regulations set forth in Article XIII, Chapter 5, apply.

Special Brooklyn Navy Yard District ((date of adoption))

The "Special Brooklyn Navy Yard District" is a Special Purpose District designated by the letters "BNY" in which special regulations set forth in Article XIV, Chapter 4, apply.

Special City Island District (2/2/11)

The "Special City Island District" is a Special Purpose District designated by the letters "CD" in which special regulations set forth in Article XI, Chapter 2, apply.

* * *

**Chapter 4
 Sidewalk Café Regulations**

* * *

**14-44
 Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted**

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

* * *

Brooklyn	#Enclosed Sidewalk Café#	#Unenclosed Sidewalk Café#
* * *	* * *	* * *
#Bay Ridge District#	Yes	Yes
#Brooklyn Navy Yard District#	Yes	Yes
#Coney Island District#	Yes	No
* * *	* * *	* * *

**ARTICLE VI
 SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

**Chapter 2
 Special Regulations Applying in the Waterfront Area**

* * *

**62-13
 Applicability of District Regulations**

* * *

The provisions of this Chapter shall not apply to the following Special Purpose Districts unless expressly stated otherwise in the special district provisions:

- #Special Battery Park City District#
- Special Bay Street Corridor District (6/26/19)

The "Special Bay Street Corridor District" is a Special Purpose District designated by the letters "BSC" in which special regulations set forth in Article XIII, Chapter 5, apply.

Special Brooklyn Navy Yard District ((date of adoption))

The "Special Brooklyn Navy Yard District" is a Special Purpose District designated by the letters "BNY" in which special regulations set forth in Article XIV, Chapter 4, apply.

Special City Island District (2/2/11)

The "Special City Island District" is a Special Purpose District designated by the letters "CD" in which special regulations set forth in Article XI, Chapter 2, apply.

* * *

Chapter 4 Sidewalk Café Regulations

* * *

14-44 Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

* * *

Table with 3 columns: District Name, #Enclosed Sidewalk Café#, #Unenclosed Sidewalk Café#. Rows include Bay Ridge District, Brooklyn Navy Yard District, and Coney Island District.

ARTICLE VI SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

Chapter 2 Special Regulations Applying in the Waterfront Area

* * *

62-13 Applicability of District Regulations

* * *

The provisions of this Chapter shall not apply to the following Special Purpose Districts unless expressly stated otherwise in the special district provisions:

- #Special Battery Park City District#
#Special Brooklyn Navy Yard District#
#Special Governors Island District#

* * *

ARTICLE XIV SPECIAL PURPOSE DISTRICTS

* * *

[All below text is new, to be underlined]

Chapter 4 Special Brooklyn Navy Yard District (BNY)

144-00 GENERAL PURPOSES

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

- (a) to encourage investment in the Brooklyn Navy Yard and facilitate the expansion of the Brooklyn Navy Yard as a modern manufacturing complex;
(b) to promote job growth;
(c) to allow for a mix of office, community facility, retail, and other commercial uses to complement the industrial and manufacturing facilities at the Brooklyn Navy Yard;
(d) to use traffic management planning to meet loading and parking needs including through alternate means of travel
(e) to better integrate the Brooklyn Navy Yard with the urban fabric of surrounding residential and mixed-use communities and to introduce publicly accessible open space areas within the perimeter of the Yard; and

- (f) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

144-01 Definitions

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section 12-10 (DEFINITIONS). Where a term in italics is defined in both Section 12-10 and in this Chapter, the definitions in this Chapter shall govern. The terms #pier#, #platform#, and #floating structure# shall have the meaning set forth in Section 62-11 (Definitions).

Barge Basin

#Barge Basin# shall mean that inlet from the East River identified on Map 2 in the Appendix to this Chapter as the Barge Basin.

Shoreline

The definition of #shoreline# set forth in Section 12-10 is modified to mean the line identified as the Brooklyn Navy Yard Shoreline in that certain survey dated [date of survey] on file in the Office of the Department of City Planning.

144-02 General Provisions

The provisions of this Chapter shall apply within the #Special Brooklyn Navy Yard District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented, or modified by the provisions of this Chapter or where excluded from application by the terms of such other 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. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control.

144-03 District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Brooklyn Navy Yard District# Plan. The district plan includes the following maps in the Appendix to this Chapter:

- Map 1 Special Brooklyn Navy Yard District and Subdistricts
Map 2 Barge Basin Subareas and Public Access Areas
Map 3 Navy Street Central Subarea
Map 4 Flushing Avenue Subareas and View Corridors

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

144-04 Subdistricts and Subareas

In order to carry out the purposes and provisions of this Chapter, four subdistricts are established within the #Special Brooklyn Navy Yard District# comprised of three perimeter subdistricts and one core subdistrict for the remainder of the Yard. In addition, one subarea is established in the Navy Street Subdistrict, two subareas are established within the Flushing Subdistrict and two subareas are established within the Barge Basin Subdistrict.

- Perimeter Subdistricts
Navy Street Subdistrict
Navy Street Central Subarea
Flushing Subdistrict
Flushing West Subarea
Flushing East Subarea
Barge Basin Subdistrict
Barge Basin East Subarea
Barge Basin West Subarea
Core Subdistrict

The boundaries of the Subdistricts are shown in Map 1 and the boundaries of the Subareas are shown on Maps 2 through 4 in the Appendix to this Chapter.

144-05 Applicability of Special Regulations Applying in the Waterfront Area

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall not apply in the #Special Brooklyn Navy Yard District# except as expressly provided in this Chapter.

144-06 Single Zoning Lot

For all purposes of this Chapter, the #Special Brooklyn Navy Yard District# shall be deemed to be a single #zoning lot# except where expressly provided otherwise in this Chapter. #Floor area# attributable to the #zoning lot# may be located anywhere on the #zoning lot# without regard to Subdistrict boundary lines, and all #floor area# located within a Subdistrict shall be subject to the #use# and #bulk# requirements of such Subdistrict.

144-10 SPECIAL USE REGULATIONS

The provisions of Article IV, Chapter 2 (Use Regulations) are modified within the #Special Brooklyn Navy Yard District# by the provisions of Section 144-11 (Additional Uses Permitted in M2-1 zones) through Section 144-13 (Additional Uses in M3-1 Districts).

144-11 Additional Uses Permitted in All Districts

The following modifications to the underlying district regulations shall be applicable throughout the #Special Brooklyn Navy Yard District#:

- (a) Alcoholic beverages and breweries

The manufacture of alcoholic beverages and breweries, as specified in Section 42-15 (Use Group 18), shall be permitted, subject to the applicable performance standards, except that the provisions of Section 42-27 (Performance Standards Regulating Fire and Explosive Hazards) shall not apply.

- (b) Water-dependent #uses#

The provisions of Section 62-21 (Classification of Uses in the Waterfront Area), Section 62-22 (Commercial Docking Facilities), Section 62-24 (Uses on Piers and Platforms), and Section 62-25 (Uses on Floating Structures) shall apply, provided that all #uses# existing on #piers# and #platforms# as of [date of adoption] shall be deemed conforming #uses#.

- (c) #Physical culture or health establishments#

#Physical culture or health establishments# shall be permitted as-of-right and. For the purposes of applying the underlying regulations, such #use# shall be considered a Use Group 9A #use#, and shall be within parking requirement category (PRC) B.

144-12 Additional Uses Permitted in M2-1 Districts

The provisions of Section 42-10 (USES PERMITTED AS-OF-RIGHT) shall be modified to permit the following uses in M2-1 Districts, subject to the requirements of Section 144-212 (Floor area limitations on additional uses):

- (a) all Use Group 3A #uses#, as set forth in Section 22-13, not otherwise permitted by the underlying regulations other than #uses# containing sleeping accommodations; and
- (b) Use Groups 6C, 9A, 10A and 12B, as set forth in Sections 32-15, 32-18, 32-19 and 32-21, respectively, all #uses# not otherwise permitted by the underlying regulations.

144-13 Additional Uses in M3-1 Districts

Within M3-1 Districts, the City Planning Commission may allow, by authorization, #schools#, colleges or universities, as listed in Use Group 3A, provided that the Commission finds that:

- (a) such #school#, college or university has an academic program compatible with a tenant or industrial operation in the #Brooklyn Navy Yard Special District#; and
- (b) the location of the #school#, college or university will not interfere with any industrial #use# or alter the essential industrial character of the #Special Brooklyn Navy Yard District#.

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

144-20 SPECIAL BULK REGULATIONS

144-21 Floor Area Regulations

The #floor area# regulations of the underlying controls shall apply as modified by Sections 144-211 (Floor area ratio) through 144-213 (Floor area limitations on additional uses).

144-211 Floor area ratio

The maximum #floor area ratio# for all #uses# within the #Special Brooklyn Navy Yard Special District# shall be 2.0.

144-212 Floor area ratio calculations

Section 62-31 (Bulk Computations on Waterfront Zoning Lots) shall apply in the #Special Brooklyn Navy Yard District#.

144-213 Floor area limitations on additional uses

The additional #uses# allowed pursuant to Section 144-11 (Additional Uses Allowed in M2 Districts) shall be limited to 300,000 square feet of #floor area# within each Subdistrict where such additional #uses# are allowed, and the total #floor area# allocated to such additional #commercial uses# shall not exceed 100,000 square feet in each Subdistrict where the additional #uses# are allowed.

144-22 Yard Regulations

Section 43-20 (YARD REGULATIONS) and Section 43-31 (Other Special Provisions for Rear Yards) shall not apply in the #Special Brooklyn Navy Yard District#. In lieu thereof, no #yards# shall be required.

144-23 Height and Setback Regulations

The height and setback regulations set forth in Section 43-40 (HEIGHT AND SETBACK REGULATIONS) shall apply, except as modified by the regulations of this Section, inclusive.

144-231 Flushing East Subarea

- (a) Wide street designation

For purposes of applying the height and setback controls, Flushing Avenue shall be deemed a #wide street#.

- (b) Street wall location

The #street wall# of any #development# or horizontal #enlargement# within the Flushing East Subarea shall be located at least 50 feet from the Flushing Avenue #street line#. The area between such #development# or horizontal #enlargement# and the adjoining #street# shall be improved as publicly accessible space in accordance with Section 144-30 (SPECIAL PUBLIC ACCESS AREA REGULATIONS).

- (c) View corridors

View corridors with a minimum width of 50 feet shall be provided:

- (1) within the Vanderbilt Avenue view corridor; and
- (2) within one of the Clinton Avenue or Waverly Avenue view corridors.

The locations of such required view corridors are designated on Map 4 in the Appendix to this Chapter.

No #development# or horizontal #enlargement# may be located in the required view corridors, provided that gates and fencing, entry signage, sentry booths, and other entry and security measures may be located within such areas. Any gates or fencing shall be designed to allow for views into the #Special Brooklyn Navy Yard District#.

144-232 Barge Basin Subdistrict

In the Barge Basin Subdistrict, the underlying height and setback regulations shall not apply. In lieu thereof, all #buildings or other structures# shall comply with the provisions of this Section.

- (a) Sidewalk widening and Barge Basin setback

- (1) A sidewalk with a minimum width of 15 feet inclusive of any sidewalk located within the adjoining #street# shall be located along the Barge Basin Subdistrict. Any open area within the Barge Basin Subdistrict required to meet such minimum width shall be improved as a sidewalk to Department of Transportation standards,

shall be at the same level as the adjoining public sidewalk, and shall be accessible to the public at all times. Any required sidewalk widening line shall be deemed the #street line# for purposes of this Section 144-232.

- (2) No portion of any #development# or #enlargement# other than a #cellar# level located completely below grade shall be located within forty feet of the eastern boundary of the #Barge Basin# in the Barge Basin East Subarea or within fifty feet of the western boundary of the #Barge Basin# in the Barge Basin West Subarea. The area between the #Barge Basin# and any #building# within the Barge Basin Subdistrict shall be improved as publicly accessible space in accordance with Section 144-30 (SPECIAL PUBLIC ACCESS AREA REGULATIONS).

(b) Base height

The maximum base height of any #building# prior to the setbacks required by paragraph (e) of this Section shall be 85 feet or six stories, whichever is less.

(c) Building wall continuity

- (1) Any wall of any #building# #developed# or horizontally #enlarged# and facing the #Barge Basin# shall be located within eight feet of the setback distance required under paragraph (a)(ii) of this Section for a minimum of 70 percent of the length of the #building# frontage to a minimum height of 30 feet or two #stories# whichever is lower.
- (2) The #street wall# of any #building# #developed# or horizontally #enlarged# in the Barge Basin East Subarea shall be located within eight feet of the #street line# for a minimum of 70 percent of the length of the #building# frontage to a minimum height of 30 feet or two #stories# whichever is lower

For purposes of this paragraph #buildings# that abut one another shall be considered a single #building#.

(d) Building articulation

For walls of any #building# #developed# or horizontally #enlarged# and facing the #Barge Basin# having a length of more than 200 feet and subject to the building wall continuity requirement of paragraph (c), a minimum of 20 percent and maximum of 50 percent of the surface area of the #building# wall up to the height of the ceiling of the second #story# or 30 feet, whichever is lower, shall either recess or project from the plane of the #building# wall by a minimum of three feet. Such recesses and projections shall be treated as permitted obstructions.

(e) Required setback

Any portion of a #building# that exceeds the maximum base height set forth in paragraph (b) shall set back at least 15 feet from any #street line,# at least 70 feet from the eastern boundary of the #Barge Basin# in the Barge Basin East Subarea, and at least 80 feet from the western boundary of the #Barge Basin# in the Barge Basin West Subarea. In addition, in any location where a #building# or portion of a #building# is set back at least 60 feet from the boundary of the #Barge Basin# for a length of at least 50 feet, such portion may rise without setback subject to the requirements of paragraphs (f) and (g), provided that the length of any such #building wall# shall be limited to 100 feet.

(f) Sky Exposure Planes

- (i) Kent Avenue. Any portion of a #development# or horizontal #enlargement# facing Kent Avenue and located above the maximum base height set forth in paragraph (b) shall fit within a #sky exposure plane# of 5.6:1 commencing at the #street line# at such maximum base height.
- (ii) Barge Basin. Any portion of a #building# facing the Barge Basin and located above the maximum base height set forth in paragraph (b) shall fit within a #sky exposure plane# of 5.6:1.
- (iii) Southern Boundary. Any portion of a #building# facing the southern boundary of the Barge Basin Subdistrict shall fit within a #sky exposure plane# of 5.6:1 commencing at the southern boundary of the Subdistrict at a height of 85 feet above #base plane#.

For purposes of this paragraph, the setback lines set forth in paragraph (a)(ii) of Section 144-232 (Barge Basin Subdistrict) and the southern boundary of the Barge Basin Subdistrict shall be deemed #street lines#.

(g) Towers

#Buildings# may encroach on the #sky exposure planes# set forth in paragraph (f) and such portion of a #building# shall be deemed a tower, provided that (i) the #lot coverage# of such portion of the #building# shall not exceed, in the aggregate with any other #buildings# in the Subarea, 40 percent of the #lot area# of the relevant Subarea, and (ii) the width of the wall closest to Barge Basin of any tower portion shall not exceed 200 feet. For purposes of this paragraph, the Barge Basin East Subarea and the Barge Basin West Subarea shall each be considered a #zoning lot#.

(h) Permitted Obstructions

The provisions of Section 43-42 (Permitted Obstructions), as modified by paragraph (d) of this Section shall apply in the Barge Basin Subdistrict.

144-24

Shoreline Setback

Except as provided in Section 144-241 (Certification for resiliency measures) no #building# shall be located closer to the #shoreline# than 30 feet within the #Special Brooklyn Navy Yard District# other than (i) #buildings# used for #water dependent uses#, and (ii) #buildings# containing not more than 5,000 square feet of #floor area#.

The #shoreline# setback requirement set forth in Section 144-24 (Shoreline Setback) shall be eliminated or reduced in distance if the Chair of the City Planning Commission certifies to the Commissioner of the Department of Buildings or the Commissioner of the Department of Small Business Services, as applicable, that either:

- (a) a #building# proposed to be located within such 30 foot setback area incorporates flood protection measures for the immediate area of the #building# that protect the #building# to a level that is fifty-eight inches above the mean high water line existing on [date of adoption]; or
- (b) A district-wide resiliency plan for the #Special Brooklyn Navy Yard# has been adopted and the measures to be incorporated in connection with the #development# or already in place are in furtherance of the district-wide plan.

Measures shall be deemed protective if they alone or together with other measures in place at the time of construction protect the #building# from flooding to the elevation set forth in paragraph (a) of this Section or if they would support protection of the entire #Special Brooklyn Navy Yard District# to such elevation without further improvement of the portion of area directly seaward of the proposed #building#.

The Chairperson shall certify the application within 45 days of receipt of a complete application. Failure to certify within the 45-day period will release the Department of Buildings or the Department of Small Business Services from any obligation to withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

144-25

Modification of Bulk Regulations

Within the #Special Brooklyn Navy Yard District# the City Planning Commission may, by special permit, allow a modification of the #bulk# regulations of this Chapter and the underlying #bulk# regulations, except #floor area# regulations, provided the Commission finds that:

- (a) such modifications further the needs and objectives of the #Special Brooklyn Navy Yard District#;
- (b) such distribution of #bulk# will result in better site planning and will thus benefit both the residents, occupants or users of the #Special Brooklyn Navy Yard District# and the surrounding neighborhood;
- (c) such distribution of #bulk# will permit adequate access of light and air to surrounding public access areas, #streets# and properties; and
- (d) such distribution of #bulk# will not unduly increase the #bulk# of #buildings# in the #Special Brooklyn Navy Yard District# to the detriment of the occupants or users of #buildings# in the #Special Brooklyn Navy Yard District# or on nearby #blocks#.

The Commission may impose appropriate conditions and safeguards to assure that such modifications will not adversely affect the surrounding area.

144-30

SPECIAL PUBLIC ACCESS AREA REGULATIONS

Public access areas shall be provided in connection with #developments# located within the Subareas identified in this Section,

inclusive, as applicable. For purposes of determining the amount of public access area required in the Navy Street Central Subarea, the Barge Basin East Subarea, and the Barge Basin West Subarea, each such Subarea shall be deemed a single #zoning lot#.

144-31

Required Public Access Areas

(a) Navy Street Central Subarea

Except as set forth in paragraph (g), public access area in an amount equal to not less than 15 percent of the #lot area# of the Navy Street Central Subarea shall be provided within the Navy Street Central Subarea in connection with any #development# or #enlargement#. The required public access area shall have a minimum dimension in all directions of 50 feet for at least eighty percent of the public access area and shall have no dimension of less than 30 feet for the remainder of the required public access area.

If the Navy Street Central Subarea is #developed# with more than one #building# or horizontally #enlarged# in phases, the public access area may be constructed in phases provided that each phase includes an amount of public access area proportionate to the amount of #lot area# being #developed# with #buildings# or horizontally #enlarged# in each phase by certification of the Chairperson of City Planning, as set forth in paragraph (e) of this Section.

(b) Flushing East Subarea

Except as set forth in paragraph (g), public access area with a minimum depth of 50 feet from the #street line# extending along the entire length of the #street wall line# of a #building# shall be provided within the Flushing East Subarea in connection with any #development# or #enlargement# and shall extend to any visual corridor required under paragraph (c) of Section 144-231 (Flushing East Subarea) adjacent to the site of the #development# or #enlargement#.

(c) Barge Basin East Subarea

Except as set forth in Paragraph (g), public access area in an amount of at least 30 percent of the #lot area# of Barge Basin East Subarea shall be provided within the Barge Basin East Subarea in connection with any #development# or #enlargement#.

The Barge Basin East Subarea public access area shall consist of:

- (i) a pedestrian esplanade with a seaward edge contiguous with the eastern edge of the #Barge Basin# and a minimum width, measured from such edge, of 40 feet;
- (ii) a pedestrian connection with a minimum width of 30 feet located along the shared boundary between the Barge Basin East Subarea and the contiguous property to the northeast connecting the Kent Avenue and eastern portion of the pedestrian esplanade required by clause (i);
- (iii) a pedestrian connection with a minimum width of 60 feet located within 150 feet of the southern boundary of the Barge Basin East Subarea connecting Kent Avenue and the pedestrian esplanade required by clause (i); and
- (iv) such supplemental publicly accessible space contiguous to one or more of the elements set forth above as may be required to achieve the required percentage of publicly accessible area.

If the Barge Basin East Subarea is #developed# with more than one #building# or horizontally #enlarged# in phases, the required public access area may be constructed in phases provided that each phase includes an amount of public access area proportionate to the amount of #lot area# being #developed# with #buildings# or horizontally #enlarged# in each phase, as set forth in paragraph (e) of this Section.

(d) Barge Basin West Subarea

Except as set forth in paragraph (g), public access area in an amount of at least 20 percent of the #lot area# of Barge Basin West Subarea shall be provided within such parcel in connection with any #development# or #enlargement#.

The Barge Basin West Subarea public access area shall consist of:

- (i) a pedestrian esplanade with a seaward edge contiguous with the western edge of the #Barge Basin# and a minimum width measured from such edge of 50 feet;

- (ii) an esplanade entry area at the southern end of the Barge Basin West Subarea having a minimum width of 60 feet and a minimum length of 30 feet measured parallel to western edge of the #Barge Basin#; and
- (iii) such supplemental publicly accessible open space contiguous to one or more of the elements set forth above as may be required to achieve the percentage of publicly accessible area required by this paragraph.

If the Barge Basin West Subarea is #developed# with more than one #building# or horizontally #enlarged# in phases, the required public access area may be constructed in phases provided that each phase includes an amount of public access area proportionate to the amount of #lot area# being #developed# with #buildings# or horizontally #enlarged# in each phase, as set forth in paragraph (f) of this Section.

(e) Public Access Area Phasing in the Navy Street Central Subarea and in the Barge Basin East Subarea

Except in the Barge Basin West Subarea, where public access areas required under this Section may be phased, any such phased portion shall meet the following criteria:

- i. The amount of public access area being provided in any phase shall be in proportion to the total public access requirement based on the area of the Subarea being #developed# or horizontally #enlarged# as compared to the #lot area# of the Subarea. Any public access area provided in an earlier phase in excess of the amount required for such phase may be applied to a later phase;
- ii. The public access area being proposed in any phase shall not prevent the total amount of public access area required for a Subarea from being achieved;
- iii. Any phased portion of the required public access area shall comply with the minimum widths and other dimensions required for the public access areas;
- iv. Any phased portion of the required public access area shall connect directly to one or more of (i) a #street#, and (ii) an improved public access area; and
- v. Planting shall be included within the phase.

(f) Public Access Area Phasing in the Barge Basin West Subarea

Where public access in the Barge Basin West Subarea is phased, any such phased portion shall meet the following criteria:

- i. The public access area to be provided in the phase shall include the portion of the required public access area located between the #development# or horizontal #enlargement# and the Barge Basin;
- ii. If the #development# or #enlargement# included in a phase is located within 100 feet the southern boundary of the Subarea, the public access area shall also include the required public access area between the southern boundary and the #development# or horizontal #enlargement#;
- iii. The public access area being proposed in any phase shall not prevent the total amount of public access area required for a Subarea from being achieved;
- iv. Any phased portion of the required public access area shall comply with the minimum widths and other dimensions required for the public access areas;
- v. Any phased portion of the required public access area shall connect directly to one or more of (i) a #street#, (ii) a private street if the required public access area is required for the first phase of #development# or #enlargement#, and (iii) an improved public access area; and
- vi. A proportionate amount of planted areas shall be included within the phase.

(g) Exceptions to Public Access Area Requirements for Minor Developments

The public access area required under paragraphs (a) through (d) shall not apply to any #development# or #enlargement# adding #floor area# of an amount less than or equal to five percent of the #lot area# of the Subdistrict in which the Subarea is located, provided that the #use# that occupies such #floor area# is #accessory# to a Use Group 11, 16, 17, or 18 #use# or #uses# existing within the #Special Brooklyn Navy Yard District at the time of such #development# or #enlargement#. Any #development# or #enlargement# allowed, pursuant to this paragraph (g) must be located at least fifty feet away from the #street line# in the Navy Street Central Subarea and the Flushing East Subarea, and may not be located in the areas where public access areas are required within the Barge Basin Subdistrict.

144-32 Design Requirements

The required public access areas in each Subarea shall comply with the following provisions:

- (a) The required public access area shall be open to the sky, provided that #building# awnings, entrance canopies, solar shading devices, and similar structures attached to an adjoining #building# and extending over the public access area shall be permitted;
- (b) The required public access area shall include planted areas in an amount not less than 20% of the area of the required open space;
- (c) Except as set forth below in this Section, at least one linear foot of seating shall be provided for each 200 square feet of required public access areas;
- (d) Public access area signage complying with the requirements of Section 37-751 (Public space signage systems) shall be located at all entry points to the public access areas.

The requirements of paragraphs (b) and (c) shall not apply to the public access areas required under paragraph (c)(ii) of Section 144-31 (Required Public Access Areas). Additional amenities including pathways, seating steps, entrances to adjoining #buildings#, artwork, maritime or industrial elements, tables, seating above the required minimum, lighting fixtures, litter receptacles, kiosks, children play areas, railings, drinking fountains, water features, planting and trees may be included in the public access areas and shall be permitted obstructions.

144-33 Additional Barge Basin Design Requirements

In addition to the requirements set forth in Section 144-32 (Design Requirements), required public access areas in the Barge Basin Subdistrict shall comply with the following provisions:

- (a) The pedestrian esplanade around the #Barge Basin# and the pedestrian connections from Kent Avenue to the eastern pedestrian esplanade shall include a primary circulation path along the length of such elements with a minimum clear width of 10 feet.
- (b) At least three different types of seating shall be provided, which may include moveable seating, fixed individual seats, fixed benches with and without backs, and design-feature seating such as seat walls, planter ledges, or seating steps.

144-34 Hours of Operation

All public access areas shall be open to the public from 6:00 a.m. to 10:00 p.m. from April 15th to October 31st and from 7:00 a.m. to 8:00 p.m. from November 1st to April 14th, except when required to be closed for repairs.

144-35 Maintenance

The owner of each applicable portion of a Subarea, or a ground tenant if the applicable portion is subject to a ground lease, shall be responsible for the maintenance and operation of the required public access area. Maintenance shall include, but not be limited to, necessary repairs, litter control and the care and replacement of vegetation. The owner or ground tenant of a public access area may temporarily close the smallest portion reasonably necessary for the shortest period of time reasonably necessary to make repairs or to mitigate hazardous or emergency conditions, or in connection with construction on adjacent areas.

144-36 Chairperson Certification of Waterfront Compliance and Phasing

No excavation or building permit shall be issued for any #development# or #enlargement# requiring the provision of public access area in the Navy Street Central Subarea, the Barge Basin East Subarea, or the Barge Basin West Subarea until the Chairperson of the City Planning Commission certifies to the Department of Buildings or Department of Small Business Services, as applicable, that a complete application has been submitted showing compliance with the provisions of Section 144-31 (Required Public Access Areas), 144-32 (Design Requirements), and for the Barge Basin East Subarea and the Barge Basin West Subarea Section 144-33 (Additional Barge Basin Design Requirements), including the requirements of Section 144-31(e) or 144-31(f) for any phased public access area.

Within 45 days of submission of such complete application, the Chairperson shall either certify that the proposed public access area complies with the requirements of this Section or disapprove such complete application in writing, citing the nature of any failure to comply. Failure to certify or disapprove such complete application within the 45-day period will release the Department of Buildings or the Department of Small Business Services from any obligation to

withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

144-37 Timing of Public Access Areas

No temporary certificate of occupancy allowing for the actual occupancy by tenants or users of more than 10 percent of the #manufacturing floor area# in a #development# or horizontal #enlargement# resulting in a public access area requirement under Section 144-31 (Required Public Access Areas) shall be issued by the Department of Buildings or the Department of Small Business Services, as applicable, without the substantial completion of the public access area required for such #development# or horizontal #enlargement#, and no final certificate of occupancy allowing for the actual occupancy of any such #development# or horizontal #enlargement# shall be issued prior to the final completion of the required public access area.

144-40 MANDATORY DISTRICT PLAN ELEMENTS

The provisions of Section 144-40 (MANDATORY DISTRICT PLAN ELEMENTS) shall apply to new #developments# and horizontal #enlargements# within the #Navy Street Central Subarea, the Flushing East Subarea, and the Barge Basin East Subarea and the Barge Basin West Subarea subject to the requirements of Section 144-30 (SPECIAL PUBLIC ACCESS AREA REGULATIONS).

144-41 Ground Floor Streetscape Provisions

The provisions of this Section shall apply to #developments# and horizontal #enlargements# within the Special District Subareas subject to a public access area requirement under Section 144-30 (SPECIAL ACCESS AREA REGULATIONS), and shall apply to (a) #ground floor level street walls# more than 50 feet in length, (b) to #ground floor level# walls facing a public access area provided, pursuant to Section 144-30 (SPECIAL PUBLIC ACCESS AREA REGULATIONS) more than 50 feet in length, and (c) #ground floor level# walls within 50 feet of the frontages set forth in clauses (a) and (b). For purposes of the Section, #ground floor level# shall have the meaning set forth in Section 37-311 (Definitions).

#Ground floor level walls# meeting the requirements of clauses (a) and (b) shall be deemed "primary street frontages" and #ground floor level walls# meeting the requirements of (c) shall be deemed "secondary street frontages".

- (a) Along #primary street frontages#

Along #primary street frontages#, at least 50 percent of the width of the #ground floor level# shall be occupied by #floor area#, that extends to a minimum depth of thirty feet, provided that the depth may be reduced to not less than fifteen feet in areas where there are no walls parallel to the building frontage or #street wall# within such lesser depth.

The portion of the #ground floor level street wall# allocated to such minimum #floor area# requirement shall be glazed in accordance with the following requirements:

- (i) 50 percent of the surface area of such #street wall# and ground floor level walls, measured between a height of two feet above the level of the adjoining sidewalk or publicly accessible open area and a height of 12 feet above the average level of the sidewalk or public access area immediately adjacent to the #building# façade where the #use# adjacent to the #building# wall is a #community facility use# or a #commercial use# other than a #commercial use# listed in use Groups 11 or 16; and
- (ii) 25 percent of the surface area of such #street wall# and ground floor level walls, measured between a height of two feet above the level of the adjoining sidewalk or publicly accessible open area and a height of 12 feet above the average level of the sidewalk or public access area immediately adjacent to the #building# façade where the #use# adjacent to the #building# wall is a #manufacturing use# or a #commercial use# listed in use Groups 11 or 16.
- (c) Blank wall provisions along #primary# and #secondary street frontages#

Along both #primary# and #secondary street frontages#, any #street wall# width of 50 feet or more with no transparent elements on the #ground floor level# shall provide visual mitigation elements in accordance with the provisions for Type 1 blank walls set forth in Section 37-361 (Blank wall thresholds).

**144-50
SPECIAL PARKING AND LOADING REGULATIONS**

The requirements of Article IV, Chapter 4 (Accessory Off-Street Parking and Loading Regulations) shall not apply in the #Special Brooklyn Navy Yard District# except as specifically set for the in this Section. In lieu thereof, the provisions of this Section shall apply.

**144-51
Permitted Accessory Parking**

#Accessory# parking shall be permitted in the #Special Brooklyn Navy Yard District# without limitation subject to Section 144-54 (Curb Cuts).

**144-52
Required Accessory Off-Street Parking**

The requirements of Section 44-21 (General Provisions) shall apply within in the #Special Brooklyn Navy Yard District#, provided that in the event that a Transportation Management Plan has been prepared in accordance with Section 144-56 (Transportation Management Planning), Section 44-21 (General Provisions) shall not be applicable and no parking shall be required.

**144-53
Loading Berths**

Loading berths are not required but are permitted within the #Special Brooklyn Navy Yard District# subject to Section 144-54 (Curb Cuts), and any loading berths provided shall be deemed required loading berths for purposes of determining the amount of #floor area# in any #building#.

**144-54
Curb Cuts**

Access to any #accessory# off-street loading berth and parking areas for a #development# within the Navy Street Central Subarea, the Flushing East Subarea, and the Barge Basin East Subarea shall be limited to one curb cut from the adjoining #street#.

Additional curb cuts may be added in the Barge Basin East Subarea upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings or the Department of Small Business Services, as applicable, that an additional curb cut has been approved by the Commissioner of the Department of Transportation.

The Chairperson shall issue the certification within 45 days of receipt of a communication from the Department of Transportation approving an additional curb cut. Failure to certify within the 45-day period will release the Department of Buildings or the Department of Small Business Services from any obligation to withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

**144-55
Bicycle Parking**

The requirements of Section 44-60 (BICYCLE PARKING) shall apply in the #Special Brooklyn Navy Yard District#, provided that up to half of the required spaces may be provided as unenclosed bicycle parking spaces, and may be located anywhere on the #zoning lot#.

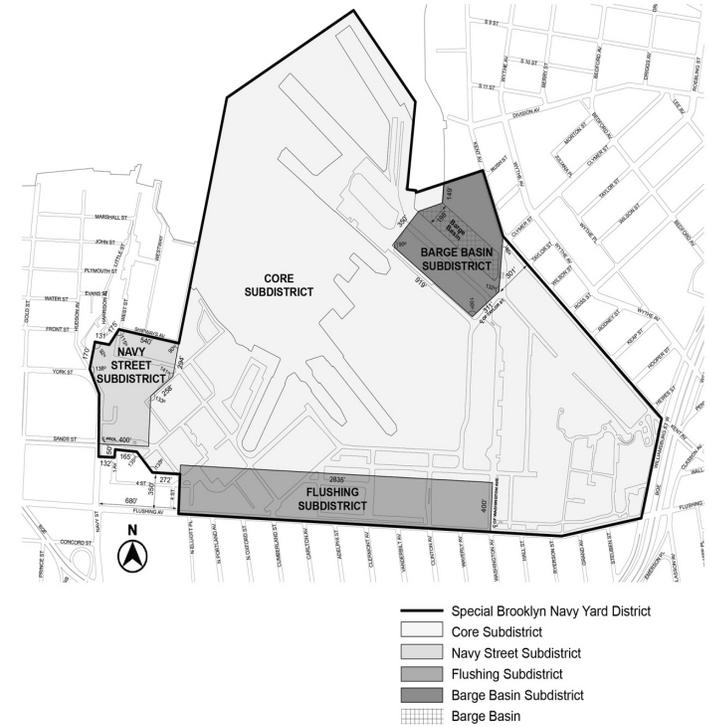
**144-56
Transportation Management Planning**

In lieu of the requirements of Section 44-21 (General Provisions), a Transportation Management Plan may be prepared for the #Special Brooklyn Navy Yard District# that documents: (i) existing parking within the Special District; (ii) parking and bicycle parking utilization rates; (iii) transportation mode choice; (iv) plans, if any, for additional parking within the Special District; (v) public transportation options in and around the Special District; (vi) indoor and outdoor bicycle parking facilities, including any covered outdoor bicycle spaces, and (vii) measures being employed and planned to incentivize alternate means of transportation. Any Transportation Management Plan shall be filed with the Department of City Planning and made available to the public via a website. The Transportation Management Plan shall be updated not less than every three (3) years with surveys or other data collection undertaken not less than annually to document changes in parking facilities and utilization; the average number of employees and visitors arriving at the #Special Brooklyn Navy Yard District# and their modes of arrival; bike parking availability and utilization of both open and enclosed facilities; transit options, and new technologies and strategies for managing the number of private vehicles accessing the #Special Brooklyn Navy Yard District#. Such updates shall be submitted to the Department of City Planning, and made available to the public via a website and the submission to the Department of City Planning shall be accompanied by an affidavit from the owner or ground tenant stating that the Transportation Management Plan remains in effect, or if it is no longer in effect the date that the Transportation Management Plan terminated.

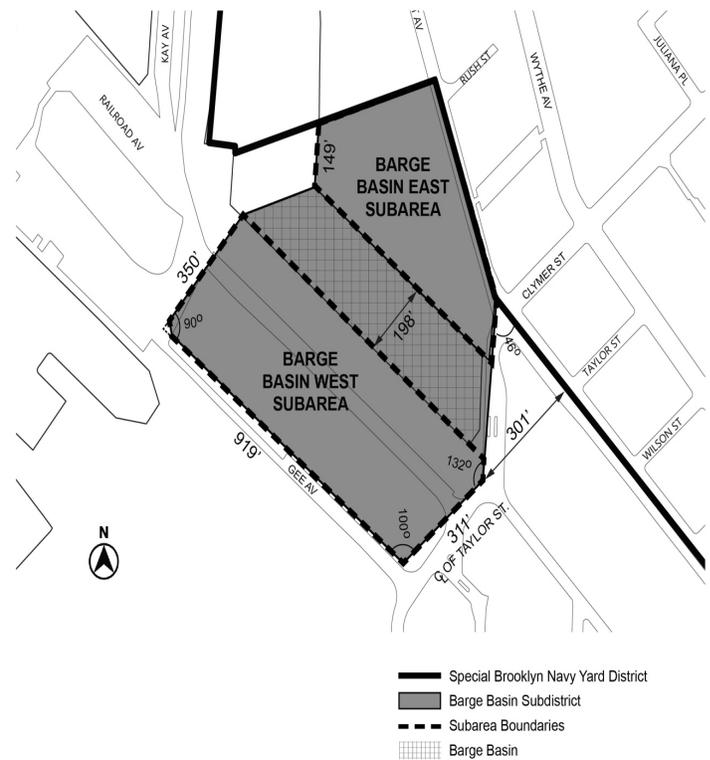
Any #development# or #enlargement# occurring after the date a Transportation Management Plan has terminated will be subject to the requirements of Section 44-21 (General Provisions).

**APPENDIX A
Special Brooklyn Navy Yard District Plan**

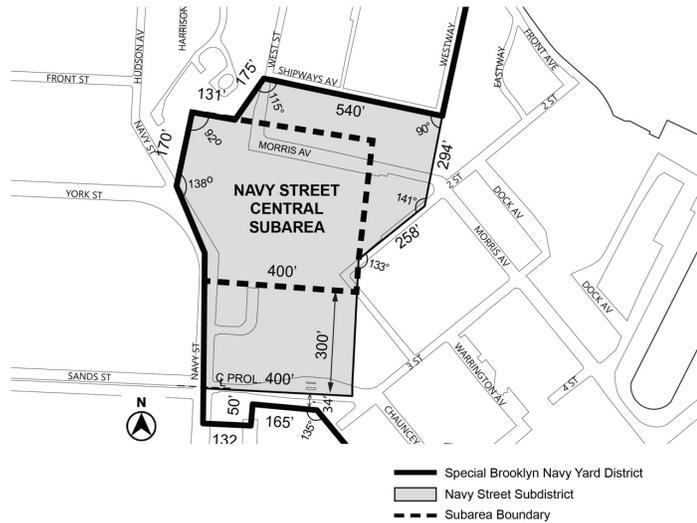
Map 1 - Special Brooklyn Navy Yard District and Subdistricts



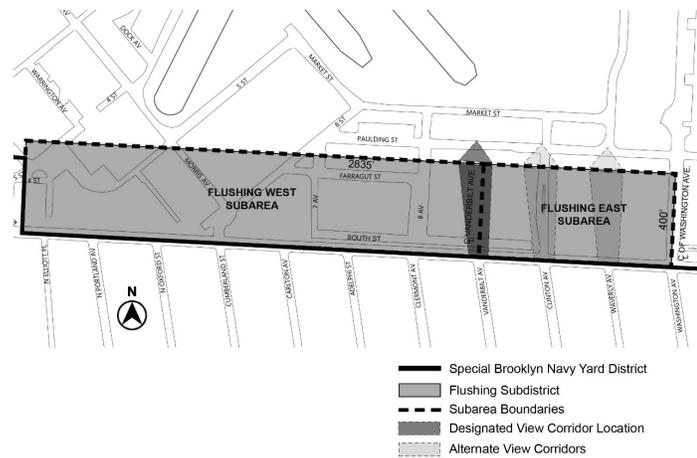
Map 2 - Barge Basin Subareas and Public Access Areas



Map 3 - Navy Street Central Subarea



Map 4 - Flushing Avenue Subareas and View Corridors



Resolution for adoption scheduling September 1, 2021 for a public hearing.

No. 10

N 210463(A) ZRK

CD 2
IN THE MATTER OF an application submitted by Building 77 QALICB, Inc., and NYC Small Business Services, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing the Special Brooklyn Navy Yard District (Article XIV, Chapter 4) and modifying other related Sections.

Matter underlined 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 I
GENERAL PROVISIONS**

**Chapter 1
Title, Establishment of Controls and Interpretation of Regulations**

**11-12
Establishment of Districts**

**11-122
Districts established**

In order to carry out the purposes and provisions of this Resolution, the following districts are hereby established:

Special Purpose Districts

Establishment of the Special Bay Street Corridor District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 5, the #Special Bay Street Corridor District# is hereby established.

Establishment of the Special Brooklyn Navy Yard District

In order to carry out the special purposes of this Resolution as set forth in Article XIV, Chapter 4, the #Special Brooklyn Navy Yard District# is hereby established.

Establishment of the Special City Island District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 2, the #Special City Island District# is hereby established.

**Chapter 2
Construction of Language and Definitions**

**12-10
Definitions**

Special Bay Street Corridor District (6/26/19)

The "Special Bay Street Corridor District" is a Special Purpose District designated by the letters "BSC" in which special regulations set forth in Article XIII, Chapter 5, apply.

Special Brooklyn Navy Yard District ([date of adoption])

The "Special Brooklyn Navy Yard District" is a Special Purpose District designated by the letters "BNY" in which special regulations set forth in Article XIV, Chapter 4, apply.

Special City Island District (2/2/11)

The "Special City Island District" is a Special Purpose District designated by the letters "CD" in which special regulations set forth in Article XI, Chapter 2, apply.

**Chapter 4
Sidewalk Café Regulations**

**14-44
Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted**

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

Brooklyn	#Enclosed Sidewalk Café#	#Unenclosed Sidewalk Café#
***	***	***
#Bay Ridge District#	Yes	Yes
#Brooklyn Navy Yard District#	Yes	Yes
#Coney Island District#	Yes	No
***	***	***

**ARTICLE VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

**Chapter 2
Special Regulations Applying in the Waterfront Area**

**62-13
Applicability of District Regulations**

The provisions of this Chapter shall not apply to the following Special Purpose Districts unless expressly stated otherwise in the special district provisions:

- #Special Battery Park City District#
- #Special Brooklyn Navy Yard District#
- #Special Governors Island District#

* * *

[All below text is new, to be underlined]

ARTICLE XIV SPECIAL PURPOSE DISTRICTS

* * *

Chapter 4 Special Brooklyn Navy Yard District (BNY)

144-00 GENERAL PURPOSES

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

- (a) to encourage investment in the Brooklyn Navy Yard and facilitate the expansion of the Brooklyn Navy Yard as a modern manufacturing complex;
- (b) to promote job growth;
- (c) to allow for a mix of office, community facility, retail, and other commercial uses to complement the industrial and manufacturing facilities at the Brooklyn Navy Yard;
- (d) to use traffic management planning to meet loading and parking needs including through alternate means of travel
- (e) to better integrate the Brooklyn Navy Yard with the urban fabric of surrounding residential and mixed-use communities and to introduce publicly accessible open space areas within the perimeter of the Yard; and
- (f) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

144-01 Definitions

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section 12-10 (DEFINITIONS). Where a term in italics is defined in both Section 12-10 and in this Chapter, the definitions in this Chapter shall govern. The terms #pier#, #platform#, and #floating structure# shall have the meaning set forth in Section 62-11 (Definitions).

Barge Basin

#Barge Basin# shall mean that inlet from the East River identified on Map 2 in the Appendix to this Chapter as the Barge Basin.

Shoreline

The definition of #shoreline# set forth in Section 12-10 is modified to mean the line identified as the Brooklyn Navy Yard Shoreline in that certain survey dated [date of survey] on file in the Office of the Department of City Planning.

144-02 General Provisions

The provisions of this Chapter shall apply within the #Special Brooklyn Navy Yard District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented, or modified by the provisions of this Chapter or where excluded from application by the terms of such other 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. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control.

144-03 District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Brooklyn Navy Yard District# Plan. The district plan includes the following maps in the Appendix to this Chapter:

- Map 1 Special Brooklyn Navy Yard District and Subdistricts
Map 2 Barge Basin Subareas and Public Access Areas
Map 3 Navy Street Central Subarea
Map 4 Flushing Avenue Subareas and View Corridors

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

144-04 Subdistricts and Subareas

In order to carry out the purposes and provisions of this Chapter, four subdistricts are established within the #Special Brooklyn Navy Yard District# comprised of three perimeter subdistricts and one core subdistrict for the remainder of the Yard. In addition, one subarea is established in the Navy Street Subdistrict, two subareas are established within the Flushing Subdistrict and two subareas are established within the Barge Basin Subdistrict.

Perimeter Subdistricts
Navy Street Subdistrict
Navy Street Central Subarea
Flushing Subdistrict
Flushing West Subarea
Flushing East Subarea
Barge Basin Subdistrict
Barge Basin East Subarea
Barge Basin West Subarea
Core Subdistrict

The boundaries of the Subdistricts are shown in Map 1 and the boundaries of the Subareas are shown on Maps 2 through 4 in the Appendix to this Chapter.

144-05 Applicability of Special Regulations Applying in the Waterfront Area

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall not apply in the #Special Brooklyn Navy Yard District# except as expressly provided in this Chapter.

144-06 Single Zoning Lot

For all purposes of this Chapter, the #Special Brooklyn Navy Yard District# shall be deemed to be a single #zoning lot# except where expressly provided otherwise in this Chapter. #Floor area# attributable to the #zoning lot# may be located anywhere on the #zoning lot# without regard to Subdistrict boundary lines, and all #floor area# located within a Subdistrict shall be subject to the #use# and #bulk# requirements of such Subdistrict.

144-10 SPECIAL USE REGULATIONS

The provisions of Article IV, Chapter 2 (Use Regulations) are modified within the #Special Brooklyn Navy Yard District# by the provisions of Section 144-11 (Additional Uses Permitted in M2-1 zones) through Section 144-14 (Special Sign Regulations).

144-11 Additional Uses Permitted in All Districts

The following modifications to the underlying district regulations shall be applicable throughout the #Special Brooklyn Navy Yard District#:

Alcoholic beverages and breweries

The manufacture of alcoholic beverages and breweries, as specified in Section 42-15 (Use Group 18), shall be permitted, subject to the applicable performance standards, except that the provisions of Section 42-27 (Performance Standards Regulating Fire and Explosive Hazards) shall not apply.

Water-dependent #uses#

The provisions of Section 62-21 (Classification of Uses in the Waterfront Area), Section 62-22 (Commercial Docking Facilities), Section 62-24 (Uses on Piers and Platforms), and Section 62-25 (Uses on Floating Structures) shall apply, provided that all #uses# existing on #piers# and #platforms# as of [date of adoption] shall be deemed conforming #uses#.

#Physical culture or health establishments#

#Physical culture or health establishments# shall be permitted as-of-right and. For the purposes of applying the underlying regulations, such #use# shall be considered a Use Group 9A #use#, and shall be within parking requirement category (PRC) B.

144-12 Additional Uses Permitted in M2-1 Districts

The provisions of Section 42-10 (USES PERMITTED AS-OF-RIGHT) shall be modified to permit the following uses in M2-1 Districts, subject to the requirements of Section 144-212 (Floor area limitations on additional uses):

all Use Group 3A #uses#, as set forth in Section 22-13, not otherwise permitted by the underlying regulations other than #uses# containing sleeping accommodations; and

Use Groups 6C, 9A, 10A and 12B, as set forth in Sections 32-15, 32-18, 32-19 and 32-21, respectively, all #uses# not otherwise permitted by the underlying regulations.

144-13 Additional Uses in M3-1 Districts

Within M3-1 Districts, the City Planning Commission may allow, by authorization, #schools#, colleges or universities, as listed in Use Group 3A, provided that the Commission finds that:

such #school#, college or university has an academic program compatible with a tenant or industrial operation in the #Brooklyn Navy Yard Special District#; and

the location of the #school#, college or university will not interfere with any industrial #use# or alter the essential industrial character of the #Special Brooklyn Navy Yard District#.

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

144-14 Special Sign Regulations

In the #Special Brooklyn Navy Yard District#, the underlying #sign# regulations of Section 42-50 (SIGN REGULATIONS) shall apply, except as modified by the provisions of Section 144-141 (Illuminated non-flashing signage) through Section 144-143 (Special provisions near certain parks):

144-141 Illuminated non-flashing signage

The provisions of Section 42-533 (Illuminated or flashing signs) shall be modified to allow one #accessory# non-flashing illuminated sign# to have a #surface area# of 750 square feet in the Navy Street Central Subarea, between Clinton Avenue and Washington Avenue in the Flushing East Subarea, the Barge Basin East Subarea, and the Barge Basin West Subarea. All other #illuminated signs# shall comply with the requirements of Section 42-533 (Illuminated or flashing signs).

144-142 Special provisions along district boundaries

The provisions of Section 42-56 (Special Provisions Applying Along District Boundaries) shall be modified as follows:

within the Flushing East Subarea, the provisions of Section 42-561 (Restrictions along the district boundary located in a street) shall not apply to any #sign# provided in accordance with Section 144-141 (Illuminated non-flashing signage); and

within the Navy Street Central Subarea, the Flushing East Subarea, and the Barge Basin Subdistrict, the orientation provisions of Section 42-562 (Restriction on angle and height above curb level) shall not apply to #signs# provided in accordance with Section 144-141 (Illuminated non-flashing signage).

144-143 Special provisions near certain parks

The provisions of Section 42-55 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) shall not apply to any #signs# provided in accordance with Section 144-141 (Illuminated non-flashing signage) within the Barge Basin East Subarea.

144-20 SPECIAL BULK REGULATIONS

144-21 Floor Area Regulations

The #floor area# regulations of the underlying controls shall apply as modified by Sections 144-211 (Floor area ratio) through 144-213 (Floor area limitations on additional uses).

144-211 Floor area ratio

The maximum #floor area ratio# for all #uses# within the #Special Brooklyn Navy Yard Special District# shall be 2.0.

144-212 Floor area ratio calculations

Section 62-31 (Bulk Computations on Waterfront Zoning Lots) shall apply in the #Special Brooklyn Navy Yard District#.

144-213 Floor area limitations on additional uses

The additional #uses# allowed pursuant to Section 144-11 (Additional Uses Allowed in M2 Districts) shall be limited to 300,000 square feet of #floor area# within each Subdistrict where such additional #uses# are allowed, and the total #floor area# allocated to such additional #commercial uses# shall not exceed 100,000 square feet in each Subdistrict where the additional #uses# are allowed.

144-22 Yard Regulations

Section 43-20 (Yard Regulations) and Section 43-31 (Other Special Provisions for Rear Yards) shall not apply in the #Special Brooklyn Navy Yard District#. In lieu thereof, no #yards# shall be required.

144-23 Height and Setback Regulations

The height and setback regulations set forth in Section 43-40 (Height and Setback Regulations) shall apply, except as modified by the regulations of this Section, inclusive.

144-231 Flushing East Subarea

Wide street designation

For purposes of applying the height and setback controls, Flushing Avenue shall be deemed a #wide street#.

Street wall location

The #street wall# of any #development# or horizontal #enlargement# within the Flushing East Subarea shall be located at least 50 feet from the Flushing Avenue #street line#. The area between such #development# or horizontal #enlargement# and the adjoining #street# shall be improved as publicly accessible space in accordance with Section 144-30 (Special Public Access Area Regulations).

(c) View corridors

View corridors with a minimum width of 50 feet shall be provided: within the Vanderbilt Avenue view corridor; and

within one of the Clinton Avenue or Waverly Avenue view corridors.

The locations of such required view corridors are designated on Map 4 in the Appendix to this Chapter.

No #development# or horizontal #enlargement# may be located in the required view corridors, provided that gates and fencing, entry signage, sentry booths, and other entry and security measures may be located within such areas. Any gates or fencing shall be designed to allow for views into the #Special Brooklyn Navy Yard District#.

144-232 Barge Basin Subdistrict

In the Barge Basin Subdistrict, the underlying height and setback regulations shall not apply. In lieu thereof, all #buildings# or other structures# shall comply with the provisions of this Section.

Sidewalk widening and Barge Basin setback

A sidewalk with a minimum width of 15 feet inclusive of any sidewalk located within the adjoining #street# shall be located along the Barge Basin Subdistrict. Any open area within the Barge Basin Subdistrict required to meet such minimum width shall be improved as a sidewalk to Department of Transportation standards, shall be at the same level as the adjoining public sidewalk, and shall be accessible to the public at all times. Any required sidewalk widening line shall be deemed the #street line# for purposes of this Section 144-232.

No portion of any #development# or #enlargement# other than a #cellar# level located completely below grade shall be located within forty feet of the eastern boundary of the #Barge Basin# in the Barge Basin East Subarea or within fifty feet of the western boundary of the #Barge Basin# in the Barge Basin West Subarea. The area between the #Barge Basin# and any #building# within the Barge Basin Subdistrict shall be improved as publicly accessible space in accordance with Section 144-30 (Special Public Access Area Regulations).

Base height

The maximum base height of any #building# prior to the setbacks required by paragraph (e) of this Section shall be 85 feet or six stories, whichever is less.

Building wall continuity

Any wall of any #building# #developed# or horizontally #enlarged# and facing the #Barge Basin# shall be located within eight feet of the setback distance required under paragraph (a)(ii) of this Section for a minimum of 70 percent of the length of the #building# frontage to a minimum height of 30 feet or two #stories# whichever is lower.

The #street wall# of any #building# #developed# or horizontally #enlarged# in the Barge Basin East Subarea shall be located within eight feet of the #street line# for a minimum of 70 percent of the length of the #building# frontage to a minimum height of 30 feet or two #stories# whichever is lower

For purposes of this paragraph #buildings# that abut one another shall be considered a single #building#.

Building articulation

For walls of any #building# #developed# or horizontally #enlarged# and facing the #Barge Basin# having a length of more than 200 feet

and subject to the building wall continuity requirement of paragraph (c), a minimum of 20 percent and maximum of 50 percent of the surface area of the #building# wall up to the height of the ceiling of the second #story# or 30 feet, whichever is lower, shall either recess or project from the plane of the #building# wall by a minimum of three feet. Such recesses and projections shall be treated as permitted obstructions.

(e) Required setback

Any portion of a #building# that exceeds the maximum base height set forth in paragraph (b) shall set back at least 15 feet from any #street line,# at least 70 feet from the eastern boundary of the #Barge Basin# in the Barge Basin East Subarea, and at least 80 feet from the western boundary of the #Barge Basin# in the Barge Basin West Subarea. In addition, in any location where a #building# or portion of a #building# is set back at least 60 feet from the boundary of the #Barge Basin# for a length of at least 50 feet, such portion may rise without setback subject to the requirements of paragraphs (f) and (g), provided that the length of any such #building wall# shall be limited to 100 feet.

(f) Sky Exposure Planes

Kent Avenue. Any portion of a #development# or horizontal #enlargement# facing Kent Avenue and located above the maximum base height set forth in paragraph (b) shall fit within a #sky exposure plane# of 5.6:1 commencing at the #street line# at such maximum base height.

Barge Basin. Any portion of a #building# facing the Barge Basin and located above the maximum base height set forth in paragraph (b) shall fit within a #sky exposure plane# of 5.6:1.

Southern Boundary. Any portion of a #building# facing the southern boundary of the Barge Basin Subdistrict shall fit within a #sky exposure plane# of 5.6:1 commencing at the southern boundary of the Subdistrict at a height of 85 feet above #base plane#.

For purposes of this paragraph, the setback lines set forth in paragraph (a)(ii) of Section 144-232 (Barge Basin Subdistrict) and the southern boundary of the Barge Basin Subdistrict shall be deemed #street lines#.

(g) Towers

#Buildings# may encroach on the #sky exposure planes# set forth in paragraph (f) and such portion of a #building# shall be deemed a tower, provided that (i) the #lot coverage# of such portion of the #building# shall not exceed, in the aggregate with any other #buildings# in the Subarea, 40 percent of the #lot area# of the relevant Subarea, and (ii) the width of the wall closest to Barge Basin of any tower portion shall not exceed 200 feet. For purposes of this paragraph, the Barge Basin East Subarea and the Barge Basin West Subarea shall each be considered a #zoning lot#.

(h) Permitted Obstructions

The provisions of Section 43-42 (Permitted Obstructions), as modified by paragraph (d) of this Section shall apply in the Barge Basin Subdistrict.

**144-24
Shoreline Setback**

Except as provided in Section 144-241 (Certification for resiliency measures) no #building# shall be located closer to the #shoreline# than 30 feet within the #Special Brooklyn Navy Yard District# other than (i) #buildings# used for #water dependent uses#, and (ii) #buildings# containing not more than 5,000 square feet of #floor area#.

The #shoreline# setback requirement set forth in Section 144-24 (Shoreline Setback) shall be eliminated or reduced in distance if the Chair of the City Planning Commission certifies to the Commissioner of the Department of Buildings or the Commissioner of the Department of Small Business Services, as applicable, that either:

a #building# proposed to be located within such 30 foot setback area incorporates flood protection measures for the immediate area of the #building# that protect the #building# to a level that is fifty-eight inches above the mean high water line existing on [date of adoption]; or

A district-wide resiliency plan for the #Special Brooklyn Navy Yard# has been adopted and the measures to be incorporated in connection with the #development# or already in place are in furtherance of the district-wide plan.

Measures shall be deemed protective if they alone or together with other measures in place at the time of construction protect the #building# from flooding to the elevation set forth in paragraph (a) of this Section or if they would support protection of the entire #Special Brooklyn Navy Yard District# to such elevation without further improvement of the portion of area directly seaward of the proposed #building#.

The Chairperson shall certify the application within 45 days of receipt of a complete application. Failure to certify within the 45-day period will release the Department of Buildings or the Department of Small Business Services from any obligation to withhold the excavation or

building permit and authorize such agency to determine compliance with the provisions of this Section.

**144-25
Modification of Bulk Regulations**

Within the #Special Brooklyn Navy Yard District# the City Planning Commission may, by special permit, allow a modification of the #bulk# regulations of this Chapter and the underlying #bulk# regulations, except #floor area# regulations, provided the Commission finds that:

- such modifications further the needs and objectives of the #Special Brooklyn Navy Yard District#;
- such distribution of #bulk# will result in better site planning and will thus benefit both the residents, occupants or users of the #Special Brooklyn Navy Yard District# and the surrounding neighborhood;
- such distribution of #bulk# will permit adequate access of light and air to surrounding public access areas, #streets# and properties; and
- such distribution of #bulk# will not unduly increase the #bulk# of #buildings# in the #Special Brooklyn Navy Yard District# to the detriment of the occupants or users of #buildings# in the #Special Brooklyn Navy Yard District# or on nearby #blocks#.

The Commission may impose appropriate conditions and safeguards to assure that such modifications will not adversely affect the surrounding area.

**144-30
SPECIAL PUBLIC ACCESS AREA REGULATIONS**

Public access areas shall be provided in connection with #developments# located within the Subareas identified in this Section, inclusive, as applicable. For purposes of determining the amount of public access area required in the Navy Street Central Subarea, the Barge Basin East Subarea, and the Barge Basin West Subarea, each such Subarea shall be deemed a single #zoning lot#.

**144-31
Required Public Access Areas**

(a) Navy Street Central Subarea

Except as set forth in paragraph (g), public access area in an amount equal to not less than 15 percent of the #lot area# of the Navy Street Central Subarea shall be provided within the Navy Street Central Subarea in connection with any #development# or #enlargement#. The required public access area shall have a minimum dimension in all directions of 50 feet for at least eighty percent of the public access area and shall have no dimension of less than 30 feet for the remainder of the required public access area.

If the Navy Street Central Subarea is #developed# with more than one #building# or horizontally #enlarged# in phases, the public access area may be constructed in phases provided that each phase includes an amount of public access area proportionate to the amount of #lot area# being #developed# with #buildings# or horizontally #enlarged# in each phase by certification of the Chairperson of City Planning, as set forth in paragraph (e) of this Section.

(b) Flushing East Subarea

Except as set forth in paragraph (g), public access area with a minimum depth of 50 feet from the #street line# extending along the entire length of the #street wall line# of a #building# shall be provided within the Flushing East Subarea in connection with any #development# or #enlargement# and shall extend to any visual corridor required under paragraph (c) of Section 144-231 (Flushing East Subarea) adjacent to the site of the #development# or #enlargement#.

(c) Barge Basin East Subarea

Except as set forth in Paragraph (g), public access area in an amount of at least 30 percent of the #lot area# of Barge Basin East Subarea shall be provided within the Barge Basin East Subarea in connection with any #development# or #enlargement#.

The Barge Basin East Subarea public access area shall consist of:

- a pedestrian esplanade with a seaward edge contiguous with the eastern edge of the #Barge Basin# and a minimum width, measured from such edge, of 40 feet;
- a pedestrian connection with a minimum width of 30 feet located along the shared boundary between the Barge Basin East Subarea and the contiguous property to the northeast connecting the Kent Avenue and eastern portion of the pedestrian esplanade required by clause (i);
- a pedestrian connection with a minimum width of 60 feet located within 150 feet of the southern boundary of the Barge Basin East Subarea connecting Kent Avenue and the pedestrian esplanade required by clause (i); and

(iv) such supplemental publicly accessible space contiguous to one or more of the elements set forth above as may be required to achieve the required percentage of publicly accessible area.

If the Barge Basin East Subarea is #developed# with more than one #building# or horizontally #enlarged# in phases, the required public access area may be constructed in phases provided that each phase includes an amount of public access area proportionate to the amount of #lot area# being #developed# with #buildings# or horizontally #enlarged# in each phase, as set forth in paragraph (e) of this Section.

(d) Barge Basin West Subarea

Except as set forth in paragraph (g), public access area in an amount of at least 20 percent of the #lot area# of Barge Basin West Subarea shall be provided within such parcel in connection with any #development# or #enlargement#.

The Barge Basin West Subarea public access area shall consist of:

(i) a pedestrian esplanade with a seaward edge contiguous with the western edge of the #Barge Basin# and a minimum width measured from such edge of 50 feet;

(ii) an esplanade entry area at the southern end of the Barge Basin West Subarea having a minimum width of 60 feet and a minimum length of 30 feet measured parallel to western edge of the #Barge Basin#; and

(iii) such supplemental publicly accessible open space contiguous to one or more of the elements set forth above as may be required to achieve the percentage of publicly accessible area required by this paragraph.

If the Barge Basin West Subarea is #developed# with more than one #building# or horizontally #enlarged# in phases, the required public access area may be constructed in phases provided that each phase includes an amount of public access area proportionate to the amount of #lot area# being #developed# with #buildings# or horizontally #enlarged# in each phase, as set forth in paragraph (f) of this Section.

(e) Public Access Area Phasing in the Navy Street Central Subarea and in the Barge Basin East Subarea

Except in the Barge Basin West Subarea, where public access areas required under this Section may be phased, any such phased portion shall meet the following criteria:

The amount of public access area being provided in any phase shall be in proportion to the total public access requirement based on the area of the Subarea being #developed# or horizontally #enlarged# as compared to the #lot area# of the Subarea. Any public access area provided in an earlier phase in excess of the amount required for such phase may be applied to a later phase; The public access area being proposed in any phase shall not prevent the total amount of public access area required for a Subarea from being achieved; Any phased portion of the required public access area shall comply with the minimum widths and other dimensions required for the public access areas; Any phased portion of the required public access area shall connect directly to one or more of (i) a #street#, and (ii) an improved public access area; and Planting shall be included within the phase.

(f) Public Access Area Phasing in the Barge Basin West Subarea

Where public access in the Barge Basin West Subarea is phased, any such phased portion shall meet the following criteria:

The public access area to be provided in the phase shall include the portion of the required public access area located between the #development# or horizontal #enlargement# and the Barge Basin; If the #development# or #enlargement# included in a phase is located within 100 feet the southern boundary of the Subarea, the public access area shall also include the required public access area between the southern boundary and the #development# or horizontal #enlargement#;

The public access area being proposed in any phase shall not prevent the total amount of public access area required for a Subarea from being achieved; Any phased portion of the required public access area shall comply with the minimum widths and other dimensions required for the public access areas; Any phased portion of the required public access area shall connect directly to one or more of (i) a #street#, (ii) a private street if the required public access area is required for the first phase of #development# or #enlargement#, and (iii) an improved public access area; and A proportionate amount of planted areas shall be included within the phase.

(g) Exceptions to Public Access Area Requirements for Minor Developments

The public access area requirements of paragraphs (a) through (f) of this Section shall not apply to any #development# or #enlargement# where:

the additional #floor area# created through such #development# or #enlargement# in the respective Subarea, as compared to the #floor area# existing on [date of enactment], does not exceed: 10,000 square feet in either the Barge Basin East or the Navy Street Central Subareas; or 20,000 square feet in either the Barge Basin West or Flushing East Subareas; such #floor area# is allocated exclusively to #uses# in Use Group 11, 16, 17, or 18; and such #floor area# is not located within the boundaries of designated public access areas required pursuant to this Section, or if located in the Navy Street Central Subarea, is not within 50 feet of a #street#.

**144-32
Design Requirements**

The required public access areas in each Subarea shall comply with the following provisions:

The required public access area shall be open to the sky, provided that #building# awnings, entrance canopies, solar shading devices, and similar structures attached to an adjoining #building# and extending over the public access area shall be permitted;

The required public access area shall include planted areas in an amount not less than 20% of the area of the required open space;

Except as set forth below in this Section, at least one linear foot of seating shall be provided for each 200 square feet of required public access areas;

Public access area signage complying with the requirements of Section 37-751 (Public space signage systems) shall be located at all entry points to the public access areas.

The requirements of paragraphs (b) and (c) shall not apply to the public access areas required under paragraph (c)(ii) of Section 144-31 (Required Public Access Areas). Additional amenities including pathways, seating steps, entrances to adjoining #buildings#, artwork, maritime or industrial elements, tables, seating above the required minimum, lighting fixtures, litter receptacles, kiosks, children play areas, railings, drinking fountains, water features, planting and trees may be included in the public access areas and shall be permitted obstructions.

**144-33
Additional Barge Basin Design Requirements**

In addition to the requirements set forth in Section 144-32 (Design Requirements), required public access areas in the Barge Basin Subdistrict shall comply with the following provisions:

The pedestrian esplanade around the #Barge Basin# and the pedestrian connections from Kent Avenue to the eastern pedestrian esplanade shall include a primary circulation path along the length of such elements with a minimum clear width of 10 feet.

At least three different types of seating shall be provided, which may include moveable seating, fixed individual seats, fixed benches with and without backs, and design-feature seating such as seat walls, planter ledges, or seating steps.

**144-34
Hours of Operation**

All public access areas shall be open to the public from 6:00 A.M. to 10:00 P.M., from April 15th to October 31st and from 7:00 A.M. to 8:00 P.M. from November 1st to April 14th, except when required to be closed for repairs.

**144-35
Maintenance**

The owner of each applicable portion of a Subarea, or a ground tenant if the applicable portion is subject to a ground lease, shall be responsible for the maintenance and operation of the required public access area. Maintenance shall include, but not be limited to, necessary repairs, litter control and the care and replacement of vegetation. The owner or ground tenant of a public access area may temporarily close the smallest portion reasonably necessary for the shortest period of time reasonably necessary to make repairs or to mitigate hazardous or emergency conditions, or in connection with construction on adjacent areas.

**144-36
Chairperson Certification of Waterfront Compliance and Phasing**

No excavation or building permit shall be issued for any #development# or #enlargement# requiring the provision of public access area in the Navy Street Central Subarea, the Barge Basin East Subarea, or the Barge Basin West Subarea until the Chairperson of the City Planning Commission certifies to the Department of Buildings or Department of Small Business Services, as applicable, that a complete application has been submitted showing compliance with the

provisions of Section 144-31 (Required Public Access Areas), 144-32 (Design Requirements), and for the Barge Basin East Subarea and the Barge Basin West Subarea Section 144-33 (Additional Barge Basin Design Requirements), including the requirements of Section 144-31(e) or 144-31(f) for any phased public access area.

Within 45 days of submission of such complete application, the Chairperson shall either certify that the proposed public access area complies with the requirements of this Section or disapprove such complete application in writing, citing the nature of any failure to comply. Failure to certify or disapprove such complete application within the 45-day period will release the Department of Buildings or the Department of Small Business Services from any obligation to withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

144-37 Timing of Public Access Areas

No temporary certificate of occupancy allowing for the actual occupancy by tenants or users of more than 10 percent of the #manufacturing floor area# in a #development# or horizontal #enlargement# resulting in a public access area requirement under Section 144-31 (Required Public Access Areas) shall be issued by the Department of Buildings or the Department of Small Business Services, as applicable, without the substantial completion of the public access area required for such #development# or horizontal #enlargement#, and no final certificate of occupancy allowing for the actual occupancy of any such #development# or horizontal #enlargement# shall be issued prior to the final completion of the required public access area.

144-40 MANDATORY DISTRICT PLAN ELEMENTS

The provisions of Section 144-40 (Mandatory District Plan Elements) shall apply to new #developments# and horizontal #enlargements# within the #Navy Street Central Subarea, the Flushing East Subarea, and the Barge Basin East Subarea and the Barge Basin West Subarea subject to the requirements of Section 144-30 (SPECIAL PUBLIC ACCESS AREA REGULATIONS).

144-41 Ground Floor Streetscape Provisions

The provisions of this Section shall apply to #developments# and horizontal #enlargements# within the Special District Subareas subject to a public access area requirement under Section 144-30 (SPECIAL ACCESS AREA REGULATIONS), and shall apply to (a) #ground floor level street walls# more than 50 feet in length, (b) to #ground floor level# walls facing a public access area provided pursuant to Section 144-30 (SPECIAL PUBLIC ACCESS AREA REGULATIONS) more than 50 feet in length, and (c) #ground floor level# walls within 50 feet of the frontages set forth in clauses (a) and (b). For purposes of the Section, #ground floor level# shall have the meaning set forth in Section 37-311 (Definitions).

#Ground floor level walls# meeting the requirements of clauses (a) and (b) shall be deemed "primary street frontages" and #ground floor level walls# meeting the requirements of (c) shall be deemed "secondary street frontages".

(a) Along #primary street frontages#

Along #primary street frontages#, at least 50 percent of the width of the #ground floor level# shall be occupied by #floor area#, that extends to a minimum depth of thirty feet, provided that the depth may be reduced to not less than fifteen feet in areas where there are no walls parallel to the building frontage or #street wall# within such lesser depth.

The portion of the #ground floor level street wall# allocated to such minimum #floor area# requirement shall be glazed in accordance with the following requirements:

50 percent of the surface area of such #street wall# and ground floor level walls, measured between a height of two feet above the level of the adjoining sidewalk or publicly accessible open area and a height of 12 feet above the average level of the sidewalk or public access area immediately adjacent to the #building# façade where the #use# adjacent to the #building# wall is a #community facility use# or a #commercial use# other than a #commercial use# listed in use Groups 11 or 16; and

25 percent of the surface area of such #street wall# and ground floor level walls, measured between a height of two feet above the level of the adjoining sidewalk or publicly accessible open area and a height of 12 feet above the average level of the sidewalk or public access area immediately adjacent to the #building# façade where the #use# adjacent to the #building# wall is a #manufacturing use# or a #commercial use# listed in use Groups 11 or 16.

Blank wall provisions along #primary# and #secondary street frontages#

Along both #primary# and #secondary street frontages#, any #street wall# width of 50 feet or more with no transparent elements on the #ground floor level# shall provide visual mitigation elements in

accordance with the provisions for Type 1 blank walls set forth in Section 37-361 (Blank wall thresholds).

144-50 SPECIAL PARKING AND LOADING REGULATIONS

The requirements of Article IV, Chapter 4 (Accessory Off-Street Parking and Loading Regulations) shall not apply in the #Special Brooklyn Navy Yard District# except as specifically set for the in this Section. In lieu thereof, the provisions of this Section shall apply.

144-51 Permitted Accessory Parking

#Accessory# parking shall be permitted in the #Special Brooklyn Navy Yard District# without limitation subject to Section 144-54 (Curb Cuts).

144-52 Required Accessory Off-Street Parking

The requirements of Section 44-21 (General Provisions) shall apply within in the #Special Brooklyn Navy Yard District#, provided that in the event that a Transportation Management Plan has been prepared in accordance with Section 144-56 (Transportation Management Planning), Section 44-21 (General Provisions) shall not be applicable and no parking shall be required.

144-53 Loading Berths

Loading berths are not required but are permitted within the #Special Brooklyn Navy Yard District# subject to Section 144-54 (Curb Cuts), and any loading berths provided shall be deemed required loading berths for purposes of determining the amount of #floor area# in any #building#.

144-54 Curb Cuts

Access to any #accessory# off-street loading berth and parking areas for a #development# within the Navy Street Central Subarea, the Flushing East Subarea, and the Barge Basin East Subarea shall be limited to one curb cut from the adjoining #street#.

Additional curb cuts may be added in the Barge Basin East Subarea upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings or the Department of Small Business Services, as applicable, that an additional curb cut has been approved by the Commissioner of the Department of Transportation.

The Chairperson shall issue the certification within 45 days of receipt of a communication from the Department of Transportation approving an additional curb cut. Failure to certify within the 45-day period will release the Department of Buildings or the Department of Small Business Services from any obligation to withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

144-55 Bicycle Parking

The requirements of Section 44-60 (Bicycle Parking) shall apply in the #Special Brooklyn Navy Yard District#, provided that up to half of the required spaces may be provided as unenclosed bicycle parking spaces, and may be located anywhere on the #zoning lot#.

144-56 Transportation Management Planning

In lieu of the requirements of Section 44-21 (General Provisions), a Transportation Management Plan may be prepared for the #Special Brooklyn Navy Yard District# that documents: (i) existing parking within the Special District; (ii) parking and bicycle parking utilization rates; (iii) transportation mode choice; (iv) plans, if any, for additional parking within the Special District; (v) public transportation options in and around the Special District; (vi) indoor and outdoor bicycle parking facilities, including any covered outdoor bicycle spaces, and (vii) measures being employed and planned to incentivize alternate means of transportation. Any Transportation Management Plan shall be filed with the Department of City Planning and made available to the public via a website. The Transportation Management Plan shall be updated not less than every three (3) years with surveys or other data collection undertaken not less than annually to document changes in parking facilities and utilization; the average number of employees and visitors arriving at the #Special Brooklyn Navy Yard District# and their modes of arrival; bike parking availability and utilization of both open and enclosed facilities; transit options, and new technologies and strategies for managing the number of private vehicles accessing the #Special Brooklyn Navy Yard District#. Such updates shall be submitted to the Department of City Planning, and made available to the public via a website and the submission to the Department of City Planning shall be accompanied by an affidavit from the owner or ground tenant stating that the Transportation Management Plan remains in effect, or if it is no longer in effect the date that the Transportation Management Plan terminated.

Any #development# or #enlargement# occurring after the date a Transportation Management Plan has terminated will be subject to the requirements of Section 44-21 (General Provisions).

**BOROUGH OF MANHATTAN
No. 11
LAS RAICES**

CD 11 C 210428 PPM
IN THE MATTER OF an application submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of the New York City Charter, for the disposition of a city owned property, located at 303 East 102nd Street (Block 1674, Lot 104), 338 East 117th Street (Block 1688, Lot 34), 505-507 East 118th Street (Block 1815, Lots 5 and 6), 1761-1763 Park Avenue (Block 1771, Lots 1 and 2) for four new buildings containing approximately 81 affordable dwelling units and community facility space.

NOTICE

On Wednesday, September 1, 2021, a public hearing is being held by the City Planning Commission (CPC), accessible both in person and remotely, in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning an application for a CPC discretionary action by the New York City Department of Housing Preservation and Development (NYC HPD), on behalf of Las Raices East Harlem LLC, the Project Sponsor, that would facilitate the development of four new affordable housing developments “the proposed project” on four separate development sites in the East Harlem neighborhood of Manhattan, Community District 11 (CD 11). The proposed project would be facilitated by disposition of City-owned property through the Uniform Land Use Review Procedure (“the proposed action”). The proposed project would develop six tax lots grouped into four Development Sites (named A through D for identification purposes) with a total of four buildings containing a total of approximately 81 affordable dwelling units (DUs) (plus two superintendent’s units for a total of 83 units) and approximately 10,740 gross square feet (gsf) of community facility space. All six lots are City-owned and would be conveyed by HPD to the Project Sponsor as a result of the proposed action. Construction of the Proposed Project is expected to be completed in 2023.

Written comments on the DEIS are requested and will be received and considered by the Lead Agency through Monday, September 13, 2021.

For instructions on how to submit comments and participate remotely, please refer to the instructions at the beginning of this agenda.

This hearing is being held, pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 20HPD002M.

**Nos. 12, 13 & 14
250 WATER STREET
No. 12**

CD 1 C 210438 ZSM
IN THE MATTER OF an application submitted by 250 Seaport District, 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 74-743(a)(1) – to allow the distribution of total allowable floor area without regard for zoning lot lines; and
- 2. Section 74-743(a)(2) – to modify the height and setback requirements of Section 62-341 (Development on land and platforms), Section 35-652 (Maximum height of buildings and setback regulations), and Sections 23-662 (Maximum height of buildings and setback regulations), and the street wall location requirements of Section 35-651 (Street wall location);

in connection with a proposed mixed use development on property located at 250 Water Street (Block 98, Lot 1), in a C6-2A District, within a Large-Scale General Development generally bounded by Pearl Street, Peck Slip, Water Street, Beekman Street and its easterly prolongation, the U.S. Pierhead line and John Street and its easterly prolongation (Block 73, p/o Lot 10, p/o Lot 8, Lot 11 & a portion of Marginal Street, Wharf or Place, Block 98, Lot 1, Block 74, p/o Lot 20, and the de-mapped portions of Fulton Street, Water Street & Front Street), in C4-6, C5-3, and C6-2A Districts, within the Special Lower Manhattan District.

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

No. 13

CD 1 C 210438(A) ZSM
IN THE MATTER OF an application submitted by 250 Seaport District, LLC, pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 206(c)(1) of

the Uniform Land Use Review Procedure for the grant of special permits, pursuant to the following sections of the Zoning Resolution:

- 1. Section 74-743(a)(1) – to allow the distribution of total allowable floor area without regard for zoning lot lines; and
- 2. Section 74-743(a)(2) – to modify the height and setback requirements of Section 62-341 (Development on land and platforms), Section 35-652 (Maximum height of buildings and setback regulations), and Section 23-662 (Maximum height of buildings and setback regulations), and the street wall location requirements of Section 35-651 (Street wall location);

in connection with a proposed mixed use development on property located at 250 Water Street (Block 98, Lot 1), in a C6-2A District, within a Large-Scale General Development generally bounded by Pearl Street, Peck Slip, Water Street, Beekman Street and its easterly prolongation, the U.S. Pierhead line and John Street and its easterly prolongation (Block 73, p/o Lot 10, p/o Lot 8, Lot 11 & a portion of Marginal Street, Wharf or Place, Block 98, Lot 1, Block 74, p/o Lot 20, and the de-mapped portions of Fulton Street, Water Street & Front Street), in C4-6, C5-3, and C6-2A Districts, within the Special Lower Manhattan District.

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

No. 14

CD 1 N 210439 ZRM
IN THE MATTER OF an application submitted by 250 Seaport District, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying the provisions of the South Street Seaport Subdistrict in Article IX Chapter 1 (Special Lower Manhattan District).

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

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

**Chapter 1
Special Lower Manhattan District**

**91-60
REGULATIONS FOR THE SOUTH STREET SEAPORT
SUBDISTRICT**

* * *

**91-62
Definitions**

For purposes of this Section, matter in italics is defined in Section 12-10 (DEFINITIONS) or within this Section.

* * *

Receiving lot

Within the South Street Seaport Subdistrict, a “receiving lot” is a #zoning lot# identified on the map of transfer areas (Map 6 in Appendix A) to which #development rights# may be added. Such “receiving lots” are identified on the map as Parcels 1, 2, 8, 15, 16, 20, 21 and 22.

* * *

**91-68
Designated Pedestrian Ways**

Within the South Street Seaport Subdistrict, the volume situated above the subsurface #streets# shown on the City Map, and listed in this Section are designated pedestrian ways and are governed by paragraph (b) of the definition of #street# as set forth in Section 91-62 (Definitions):

- (a) Fulton Street, between Water and South Streets
- (b) Water Street, between Fulton and Beekman Streets
- (c) Front Street, between Fulton and Beekman Streets, and between John and Fulton Streets
- (d) South Street (the 18-foot-wide strip located on the northwesterly side), between Beekman and John Streets.

In addition, the designated pedestrian ways referenced in paragraphs (a), (b) and (c) of this Section may be considered a single #zoning lot# for purposes of the definition of #large-scale general development# in Section 12-10 (Definitions).

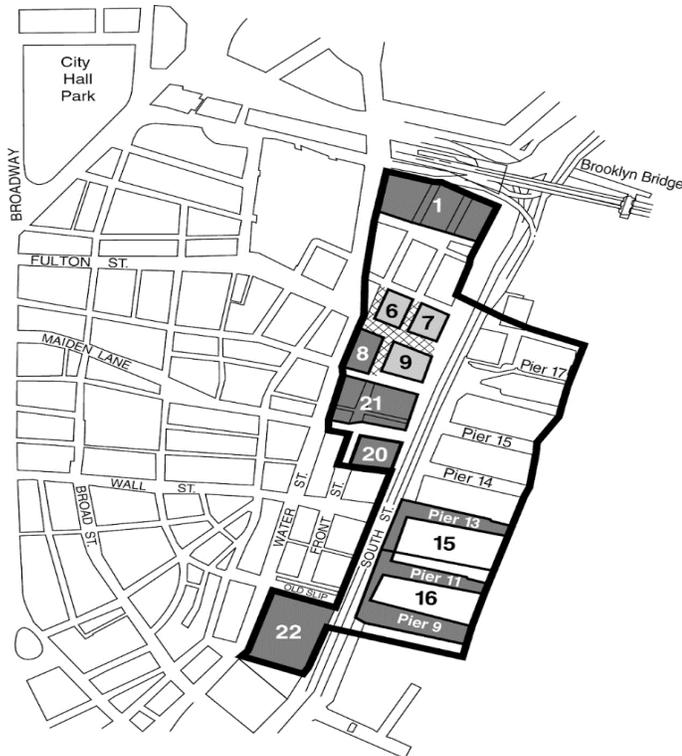
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**Appendix A
Lower Manhattan District Plan Maps**

* * *

Map 6 - South Street Seaport Subdistrict (91-A6)

[EXISTING MAP]



South Street Seaport Subdistrict
 Receiving Lot
 Granting Lot
 Designated Pedestrian Ways
 Numbers indicate Brooklyn Bridge Southeast Urban Renewal Plan Parcels

[PROPOSED MAP]



South Street Seaport Subdistrict
 Receiving Lot
 Granting Lot
 Designated Pedestrian Ways
 Numbers indicate Brooklyn Bridge Southeast Urban Renewal Plan Parcels

* * *

Appendix A

NOTICE

On Wednesday, September 1, 2021, a public hearing is being held by the City Planning Commission (CPC), accessible both in person and remotely, in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning an application by 250 Seaport District, LLC (the Applicant). The Applicant is seeking a special permit, modifications to a previously approved large-scale general development (LSGD), zoning text amendments, and authorizations (the Proposed Actions) from the City Planning Commission (CPC) to facilitate the development of an up to approximately 680,500-gross square foot (gsf), up to 395-foot tall mixed-use building (the Proposed Project) containing market-rate and affordable housing, retail, office, and community facility spaces as well as parking at 250 Water Street (Block 98, Lot 1; the Development Site) in the South Street Seaport neighborhood in Lower Manhattan, Community District 1. The Proposed Project would also facilitate the restoration, reopening, and potential expansion of the South Street Seaport Museum (the Museum) at 89-93 South Street, 2-4 Fulton Street, 167-175 John Street (Block 74, a portion of Lot 1; the Museum Site). The Proposed Project would additionally include operational changes to facilitate passenger drop off on the Pier 17 access drive as well as minor improvements to the Pier 17 access drive area and building, and may include streetscape, open space, or other improvements (e.g., planters) under the Proposed Actions on the Project Area. The Project Area is also located within the South Street Seaport Historic District, and the construction and design of the proposed development is subject to Landmarks Preservation Commission (LPC) approval.

The public hearing will also consider a modification to the application (ULURP No. C 210438(A) ZSM).

Written comments on the DEIS are requested and will be received and considered by the Lead Agency through Monday, September 13, 2021.

For instructions on how to submit comments and participate remotely, please refer to the instructions at the beginning of this agenda.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 21DCP084M.

Nos. 15-20
175 PARK AVENUE
No. 15

CD 5 IN THE MATTER OF an application submitted by Commodore Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 81-685* of the Zoning Resolution, in conjunction with a special permit pursuant to 81-64 (Special Floor Area Provisions for Qualifying Sites), to modify:

1. the qualifying site definition of Section 81-613* (Definitions) to include two or more zoning lots that are contiguous and in include the zoning lot occupied by Grand Central Terminal;
2. the requirement that a development exceed the basic maximum floor area ratio set forth in Row A of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites) as a pre-condition to an increase in floor area pursuant to such table, where a qualifying site includes the zoning lot occupied by Grand Central Terminal;
3. the street wall regulations of Sections 81-43 (Street Wall Continuity along Designated Streets) and 81-671 (Special Street Wall Requirements);
4. the height and setback requirements of Section 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation) and Section 81-66 (Special Height and Setback Requirements);
5. the mandatory district plan elements of Section 81-42 (Retail Continuity along Designated Streets), and 81-45 (Pedestrian Circulation Space), Section 81-674 (Ground floor use provisions) & Section 37-53 (Design Standards for Pedestrian Circulation Space);
6. the requirement that the publicly accessible space required pursuant to Section 81-681 (Mandatory Requirements for Qualifying Sites), comply with the provisions of Section 37-70 (Public Plazas); and
7. the requirements of Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) to extend the time period not to exceed 10 years, for substantial construction to

be completed prior to the lapse of any special permit granted for the qualifying site;

in connection with a proposed commercial building, on property located at 175 Park Avenue (Block 1280, Lot 30), within a qualifying site consisting of two zoning lots – Development Site Zoning Lot (Block 1280, Lot 30) and Grand Central Zoning Lot (Block 1280, Lots 1, 54, 154, 8154, 8254, 9001 & 9154), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict).

* Note: A zoning text amendment is proposed to Sections 81-613 and 81-685 under a concurrent related application for a Zoning Text change (N 210416 ZRM).

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

No. 16

CD 5 C 210413 ZSM

IN THE MATTER OF an application submitted by Commodore Owner LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 81-621 of the Zoning Resolution to allow Use Group 5 uses (transient hotel), on property, located at 175 Park Avenue (Block 1280, Lot 30), in a C5-3 District, within the Special Midtown District (East Midtown Subdistrict).

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

No. 17

CD 5 C 210414 ZSM

IN THE MATTER OF an application submitted by Commodore Owner LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 81-644* of the Zoning Resolution to allow an increase in the amount of floor area permitted, up to the amount specified in Row F of the table in Section 81-64 (Special Floor Area Provisions for Qualifying sites) where subway station and/or rail mass transit facility improvements are made in accordance with the provisions of Section 81-292 (Subway station improvements) and Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan), in connection with a proposed commercial building, on property located at 175 Park Avenue (Block 1280, Lot 30), within a qualifying site consisting of two zoning lots – Development Site Zoning Lot (Block 1280, Lot 30) and Grand Central Zoning Lot (Block 1280, Lots 1, 54, 154, 8154, 8254, 9001 & 9154), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict - Grand Central Transit Improvement Zone Subarea).

* Note: A zoning text amendment is proposed to Section 81-644 under a concurrent related application for a Zoning Text change (N 210416 ZRM).

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

No. 18

CD 5 C 210415 ZSM

IN THE MATTER OF an application submitted by Commodore Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 81-645* of the Zoning Resolution as follows:

1. to allow an increase in the amount of floor area permitted, up to the amount specified in Row G of the table in Section 81-64 (Special Floor Area Provisions for Qualifying sites) where an above-grade public concourse, in the form of an open or enclosed, publicly accessible space for public use and enjoyment on the qualifying site; and
2. to modify the off-street loading berth requirements of Section 36-62 (Required Accessory Off-street Loading Berths) to allow a reduction in the required number of berths;

in connection with a proposed commercial building, on property located at 175 Park Avenue (Block 1280, Lot 30), within a qualifying site consisting of two zoning lots – Development Site Zoning Lot (Block 1280, Lot 30) and Grand Central Zoning Lot (Block 1280, Lots 1, 54, 154, 8154, 8254, 9001 & 9154), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict).

* Note: A zoning text amendment is proposed to Section 81-645 under a concurrent related application for a Zoning Text change (N 210416 ZRM).

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

No. 19

CD 5 N 210416 ZRM

IN THE MATTER OF an application submitted by Commodore Owner LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York modifying the provisions of the East Midtown Subdistrict in Article VIII, Chapter 1 (Special Midtown District).

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution.

ARTICLE VIII
SPECIAL PURPOSE DISTRICTS

Chapter 1
Special Midtown District

* * *

81-60
SPECIAL REGULATIONS FOR THE EAST MIDTOWN
SUBDISTRICT

* * *

81-61
General Provisions

* * *

81-613
Definitions

* * *

Public Realm Improvement Fund

For the purposes of Section 81-60, inclusive, the “Public Realm Improvement Fund” (the “Fund”) shall be a separate interest-bearing account established for the deposit of contributions made when #developments# or, where permitted, #enlargements# on #qualifying sites# in the East Midtown Subdistrict will exceed the basic maximum #floor area ratio# set forth in Section 81-64 (Special Floor Area Provisions for Qualifying Sites) through their utilization of the provisions of Sections 81-642 (Transfer of development rights from landmarks to qualifying sites), or 81-643 (Special provisions for retaining non-complying floor area in commercial buildings) or 81-685 (Special permit to modify qualifying site provisions). The Fund shall be utilized, at the discretion of the #Public Realm Improvement Fund Governing Group#, to provide funding to implement improvements to the East Midtown Subdistrict, and its immediate vicinity, in the Borough of Manhattan. Upon receipt of any contribution, the #Public Realm Improvement Fund Governing Group# or the Department of City Planning shall notify the Comptroller of the City of New York and the Speaker of the New York City Council and promptly deposit it into the Fund.

* * *

81-644
Special permit for transit improvements

For #qualifying sites# located in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the City Planning Commission may permit an increase in the amount of #floor area ratio# permitted on such #zoning lots#, up to the amount specified in Row F of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), as applicable, where subway station and/or rail mass transit facility improvements are made in accordance with the provisions of Sections 81-292 (Subway station improvements) and 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).

As a pre-condition to applying for such special permit, an applicant shall demonstrate that the maximum as-of-right #floor area ratio# for #qualifying sites# set forth in Row E of the table in Section 81-64 has been achieved prior to, or in conjunction with, the special permit application.

81-645
Special permit for a public concourse

For #qualifying sites#, the City Planning Commission may permit an increase in the amount of #floor area ratio# permitted on such #zoning lots#, up to the amount specified in Row G of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), as applicable, where an above-grade public concourse, in the form of an open or enclosed, publicly accessible space for public use and enjoyment, is provided on the #qualifying site#. Such publicly accessible spaces shall include amenities that are characteristic of #public plazas# or public atriums, as applicable, for the comfort and convenience of the public. In addition, to facilitate such public concourse, the Commission may permit the modification of provisions, other than #floor area ratio# regulations, of this Resolution.

As a pre-condition to applying for such special permit, an applicant shall demonstrate that the maximum as-of-right #floor area ratio# for #qualifying sites# set forth in Row E of the table in Section 81-64 has been achieved prior to, or in conjunction with, the special permit application.

In order for the City Planning Commission to approve a special permit application for additional #floor area#, the Commission shall determine that such #development# or, where permitted, #enlargement#, complies

with the conditions and application requirements of paragraph (a), the findings of paragraph (b) and the additional requirements of paragraph (c) of this Section.

- (a) Applications shall include information and justification sufficient to provide the Commission with the basis for:
 - (1) evaluating the benefits to the general public;
 - (2) determining the appropriate amount of increased #floor area# to grant; and
 - (3) determining whether the applicable findings set forth in paragraph (b) of this Section have been met. Such application materials shall also include initial plans for the maintenance of the proposed improvements.
- (b) The Commission shall find that:
 - (1) to the extent practicable, the open or enclosed public concourse will:
 - (i) consist of a prominent space of generous proportions and quality design that is inviting to the public;
 - (ii) improve pedestrian circulation and provide suitable amenities for the occupants;
 - (iii) front upon a #street# or a pedestrian circulation space in close proximity to and within view of, and accessible from, an adjoining sidewalk;
 - (iv) provide or be surrounded by active #uses#;
 - (v) be surrounded by transparent materials;
 - (vi) provide connections to pedestrian circulation spaces in the immediate vicinity; and
 - (vii) be designed in a manner that combines the separate elements within such space into a cohesive and harmonious site plan, resulting in a high-quality public space; and
 - (2) the public benefit derived from the proposed public concourse merits the amount of additional #floor area# being granted to the proposed #development# or, where permitted, #enlargement#, pursuant to this special permit; and
 - (3) with regard to a modification to regulations of this Resolution, other than #floor area ratio# regulations, such modification:
 - (i) is the minimum extent necessary and will facilitate an improved public concourse, inclusive of enhancements described in the findings of paragraph (b)(1) of this Section; and
 - (ii) will not have adverse effects on the #qualifying site#, surrounding #zoning lots#, or adjacent #streets#.
- (c) Prior to obtaining a foundation permit or building permit for a #development# or, where permitted, an #enlargement# on a #qualifying site#, from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, setting forth the obligations of the owner to construct, maintain and provide public access to public improvements provided pursuant to this Section, shall be recorded against such property in the Office of the Register of the City of New York (County of New York). Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing increased #floor area# granted pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, and such improvements are usable by the public. Such portion of the #building# utilizing increased #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing increased #floor area# until all improvements have been finally completed in accordance with the approved plans, as determined by the Chairperson.

* * *

**81-685
Special permit to modify qualifying site provisions**

In conjunction with any application that would allow additional #floor area# permitted beyond the basic maximum #floor area# for a #qualifying site# set forth in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), the City Planning Commission may permit modifications to certain #qualifying site# criteria, as well as height and setback regulations and mandatory plan elements, as set

forth in paragraph (a) of this Section, provided that the Commission determines that the application requirements set forth in paragraph (b) and the findings set forth in paragraph (c) of this Section are met.

- (a) The Commission may modify the following, whether singly or in any combination:
 - (1) the following #qualifying site# criteria:
 - (i) the requirement for minimum #wide street# frontage, including the requirement that no existing #buildings# will remain on such #wide street# frontage, set forth in paragraphs (b) and (c) of the definition of a #qualifying site# in Section 81-613 (Definitions);
 - (ii) the #building# performance and publicly accessible space requirements in paragraph (f) of the definition of a #qualifying site# and Section 81-681 (Mandatory requirements for qualifying sites); or
 - (iii) the requirement that the additional #floor area# permitted through the provisions of Section 81-64 be achieved exclusively through a #development#;
 - (iv) the requirement that a #qualifying site# be comprised of a single #zoning lot#, provided that the two or more #zoning lots# constituting such #qualifying site# are contiguous and include the #zoning lot# occupied by Grand Central Terminal. All #bulk# regulations of this Chapter shall apply to such modified #qualifying site# without regard to #zoning lot lines#; or
 - (v) the requirement that a #development# or #enlargement# exceed the basic maximum #floor area ratio# set forth in Row A of the table in Section 81-64 as a pre-condition to an increase in #floor area# pursuant to such table, where a #qualifying site# includes the #zoning lot# occupied by Grand Central Terminal;
 - (2) the provisions for #zoning lots# divided by district boundaries set forth in Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions) or 77-22 (Floor Area Ratio), and the provisions of Section 81-612 (Applicability along district boundaries) requiring that #zoning lots# divided by Subarea boundaries utilize the provisions of Article VII, Chapter 7;
 - (3) for #qualifying sites# modified, pursuant to paragraph (a)(1)(iv) and paragraph (a)(1)(v) of this Section:
 - (i) the pre-condition of achieving the maximum as-of-right #floor area ratio# for #qualifying sites# set forth in Row E of the table in Section 81-64 prior to, or in conjunction with, the special permits set forth in Sections 81-644 (Special permit for transit improvements) and 81-645 (Special permit for a public concourse), provided that, prior to obtaining a new building permit for a #development# utilizing bonus #floor area# granted pursuant to Sections 81-644 or 81-645, a contribution is made to the #Public Realm Improvement Fund# in an amount that is commensurate with what the provisions of Section 81-642 (Transfer of development rights from landmarks to qualifying sites) would require if the #zoning lot# occupied by Grand Central Terminal were a #granting lot# and the #development# site were a #receiving lot#; and
 - (ii) the permitted #floor area ratio# attributable to the combination of the special permits set forth in Row F and Row G of the table in Section 81-64, from 3.0 to 6.0;
 - (3)(4) the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets) or 81-671 (Special street wall requirements), inclusive;
 - (4)(5) the height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation), inclusive, or 81-66 (Special Height and Setback Requirements); or
 - (5)(6) the mandatory district plan elements of Sections 81-42 (Retail Continuity Along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), 81-674 (Ground floor use provisions), 81-675 (Curb cut restrictions and loading berth requirements), 81-676 (Pedestrian circulation space requirements) or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37-51 shall be permitted; or

(7) for #qualifying sites# modified pursuant to paragraph (a)(1)(iv) or paragraph (a)(1)(v) of this Section, the time period for substantial construction to be completed prior to the lapse of any special permit granted for such #qualifying site#, as set forth in Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution), provided that such time period does not exceed 10 years.

(b) Application requirements

Applications for a special permit for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications. In addition, where modifications to #street wall# or height and setback regulations are proposed, any application shall contain the following materials, at a minimum:

- (1) drawings, including but not limited to, plan views and axonometric views, that illustrate how the proposed #building# will not comply with the #street wall# regulations of Section 81-43, or as such provisions are modified, pursuant to Section 81-671, as applicable, and that illustrate how the proposed #building# will not comply with the height and setback regulations of Sections 81-26 or 81-27, or as such provisions are modified pursuant to Section 81-66, as applicable;
- (2) where applicable, formulas showing the degree to which such proposed #building# will not comply with the length and height rules of Section 81-26, or as such provisions are modified pursuant to Section 81-66; and
- (3) where applicable, #daylight evaluation charts# and the resulting daylight evaluation score showing the degree to which such proposed #building# will not comply with the provisions of Section 81-27 or as such provisions are modified pursuant to Section 81-66; and
- (4) for any #development# or #enlargement# on a #qualifying site# that includes Grand Central Terminal, a report from the Landmarks Preservation Commission concerning the harmonious relationship of the #development# or, where permitted, #enlargement# to Grand Central Terminal.

(c) Findings

The Commission shall find that such proposed modifications:

- (1) to the definition of #qualifying site# are the minimum extent necessary, and are harmonious with the Subdistrict objective to protect and strengthen the economic vitality and competitiveness of East Midtown by facilitating the development of exceptional modern and sustainable office towers;
- (2) to the requirement for #wide street# frontage in the definition of #qualifying sites# will not unduly concentrate #bulk# towards the middle of the #block# to the detriment of the surrounding area;
- (3) to the #building# performance requirements in the definition of #qualifying sites# and paragraph (a) of Section 81-681:
 - (i) are necessary due to the presence of existing #buildings# on the site; and
 - (ii) will not detract from the incorporation of innovative sustainable design measures;
- (4) to the publicly accessible space requirements in the definition of #qualifying sites# and paragraph (b) of Section 81-681:
 - (i) are the minimum necessary to accommodate the proposed #building#; and
 - (ii) that any reduction or waiver will result in a better site plan and will not detract from a lively streetscape and pedestrian experience;
- (5) to regulations pertaining to #zoning lots# divided by district boundaries will result in better site planning;
- (6) to #floor area ratio# requirements will facilitate significant improvements to transit infrastructure and the public realm in and around Grand Central Terminal;

(6)(7) to the mandatory district plan elements:

- (i) will result in a better site plan for the proposed #development# or #enlargement# that is harmonious with the mandatory district plan element strategy of the #Special Midtown District#, as set forth in Section 81-41 (General Provisions);
- (ii) any adverse impact on retail continuity is minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any open or enclosed public areas within the #zoning lot#; and

(7)(8) to the #street wall# or height and setback regulations:

- (i) are necessary due to constraints or conditions of the #development# or #enlargement# and conditions imposed by the configuration of the site;
- (ii) will not unduly obstruct the access of light and air to surrounding properties;
- (iii) will result in an improved distribution of #bulk# on the #zoning lot# that is harmonious with the height and setback goals of the #Special Midtown District# set forth in Section 81-251 (Purpose of height and setback regulations); and
- (iv) the overall design of the #building# demonstrates an integrated and well-considered facade, taking into account factors such as #street wall# articulation, and fenestration, that creates a prominent and distinctive #building# which complements the character of the surrounding area and constitutes a distinctive addition to the Midtown Manhattan skyline; and

(9) to the time period for substantial construction to be completed prior to the lapse of any special permit granted for such #qualifying site# are necessary due to the complexity of demolition and construction on the site.

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

* * *

No. 20

CD 5

C 210417 PPM

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the disposition of a city-owned property, located at 175 Park Avenue aka 109 East 42nd Street (Block 1280, Lot 30), pursuant to zoning.

NOTICE

On September 1, 2021 a public hearing is being held by the City Planning Commission (CPC), accessible both in person and remotely, in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning an application by Commodore Owner, LLC (the Applicant). The Applicant is seeking several discretionary approvals from the City Planning Commission (CPC)—including special permits and zoning text amendment (the Proposed Actions)—to facilitate approximately 2,992,161 gsf (2,246,515 zsf) of mixed-use development space, including a hotel, office, and public space (the Proposed Project). The proposed actions also include disposition of city-owned property sought by the Department of Citywide Administrative Services (DCAS). The Development Site would contain approximately 2,108,820 gsf of office space; an approximately 452,950-gsf, 500-room hotel; public space; and retail space on the cellar, ground, and second floors of the proposed building. The Proposed Project would also include significant public realm improvements, as well as subway and mass transit improvements to enhance circulation and reduce congestion at Grand Central Terminal and the Grand Central - 42nd Street subway station. The Terminal and Market are located on an existing merged zoning lot (Lots 1, 54, and 154) and contain approximately 322,664 sf of floor area. The MTA controls Lots 1, 54, and 154 as well as ground-floor and mezzanine-level circulation areas located on the Development Site. The Project Area—comprising the existing hotel, Terminal, and Market on Block 1280, Lots 1, 30, 54, and 154—has a combined area of 203,872 sf, with approximately 340 feet of frontage on Vanderbilt Avenue; 669 feet of frontage on East 42nd Street; and 253 feet of frontage on Lexington Avenue. Pursuant to a proposed zoning text amendment, the Project Area would be treated as a qualifying site under the East Midtown Subdistrict provisions of the Zoning Resolution.

Written comments on the DEIS are requested and will be received and considered by the Lead Agency through Monday, September 13, 2021.

For instructions on how to submit comments and participate remotely, please refer to the instructions at the beginning of this agenda.

This hearing is being held, pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 21DCP057M.

BOROUGH OF QUEENS

No. 23

WILDFLOWER STUDIOS

CD 1

C 210459 ZSQ

IN THE MATTER OF an application submitted by WF Industrial IV LLC, pursuant to Sections 197-c and 201 of the New York City Charter

for the grant of a special permit pursuant to Section 62-837 of the Zoning Resolution to modify the height and setback, maximum width of walls facing shoreline and the ground floor streetscape requirements of Section 62-341 (Development on Land and Platforms), in connection with the construction of an approximately 495,000 square-foot motion picture studio, on property, located at 1 Steinway Place a.k.a. 36-01 19th Avenue (Block 814, Lots 1 and 10), in an M3-1 District.

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

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



a18-s1

CIVIC ENGAGEMENT COMMISSION

■ NOTICE

Tuesday, August 24, 2021, at 11:00 A.M.
1 Centre Street, Comptroller's Public Hearing Room
Borough of Manhattan
New York, NY 10007

The Civic Engagement Commission will hold a public meeting, at 11:00 A.M., on Tuesday, August 24, 2021, at 1 Centre Street, Comptroller's Public Hearing Room. Please use the South Side entrance.

In November 2018, New York City voters approved Charter revisions that established the New York City Civic Engagement Commission (**Chapter 76 of the New York City Charter**). The Commission's purpose is to enhance civic participation through a variety of initiatives, including participatory budgeting, expanded poll site interpretation and assistance to community boards.

For more information about the Commission, please visit the Commission's [website](#).

The meeting is open to the public. The NYCCEC will hold a public comment period at the end of its meeting for comments related to the mission and activities of the Commission. Please note that public comment is limited to three minutes. This time is intended for comment and is not designated for questions and answers. To allow for comment in an orderly fashion, please sign up, by emailing your name and affiliation, to info@civicengagement.nyc.gov, by 5:00 P.M., Monday, August 24th, 2021.

What if I need assistance to participate in the meeting? The meeting location is accessible to individuals using wheelchairs or other mobility devices. Free induction loop systems, ASL interpreters, and oral interpretation services are available upon request. Please make any such requests or other accessibility requests no later than 10:00 A.M., Thursday, August 19th, 2021, by emailing info@civicengagement.nyc.gov, or calling (646) 763-2189.

The public can view a live stream of this meeting along with past Commission meetings and hearings on the Commission's website, in the [meetings section](#).

Covid-19 Health Guidelines

- All attendees over the age of two and able to medically tolerate a face covering must wear a face covering when entering the building and traveling within the building to the event space. (This includes while in an elevator.)
- All attendees must practice physical distancing (remain 6 feet apart) when entering the building and traveling within the building to the event space, where feasible.
- Private organization attendees and members of the public attending an event, must read the [Health Screening Assessment](#) posted at the entrance of the building and affirm to a DCAS officer or guard that they are cleared to enter the building.

Accessibility questions: Francis Urroz, (646) 763-2189, furroz@civicengagement.nyc.gov, by: Thursday, August 19, 2021, 10:00 A.M.



a11-24

COMMUNITY BOARDS

■ PUBLIC HEARINGS

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

BOROUGH OF MANHATTAN

COMMUNITY BOARD NO. 6 - Monday, August 23rd, 2021, at 6:30 P.M. through Zoom. Register for the Zoom meeting here: https://zoom.us/webinar/register/WN_tIU0jHu9Si-e0GzveFchtg.

A public hearing with respect to a Citywide Text Amendment that would modify NYC Zoning in order to allow for a permanent Open Restaurants program.

a19-23

BOARD OF EDUCATION RETIREMENT SYSTEM

■ MEETING

The Board of Education Retirement System Board of Trustees Meeting will be held on August 26, 2021 from 4:00 P.M. - 6:00 P.M. via Webex. If you would like to attend this meeting, please contact BERS Executive Director, Sanford Rich, at Srich4@Bers.nyc.gov.

a18-26

HOUSING AUTHORITY

■ MEETING

The Governance Committee Meeting of the New York City Housing Authority, scheduled for Wednesday, August 25, 2021, at 10:30 A.M., will be held in-person in the Ceremonial Room, on the 5th Floor of 90 Church Street, New York, NY, and will be streamed live on NYCHA's YouTube Channel, <http://nyc.gov/nycha>, and NYCHA's Website, on nyc.gov/boardmeetings.

Because of capacity limitations, the Governance Committee Meeting may also be accessed via Zoom by calling (646) 558-8656 using Webinar ID: 814 7639 9118 and Passcode: 1723517978.

For those wishing to provide public comment, either in-person or via Zoom, pre-registration is required via email, to corporate.secretary@nychanyc.gov, or by contacting (212) 306-6088, no later than 5:00 P.M., on the day prior to the Governance Committee Meeting. No in-person registration will be conducted. When pre-registering, please provide your name, development, or organization name, contact information and item you wish to comment on. You will then be contacted with instructions for providing comment. Comments are limited to the items on the Agenda.

Speaking time will be limited to three (3) minutes. Speakers will provide comment in the order in which the requests to comment are received. The public comment period will conclude upon all speakers being heard or at the expiration of thirty (30) minutes allotted for public comment, whichever occurs first.

Copies of the Agenda are available on NYCHA's Website, at <https://www1.nyc.gov/site/nycha/about/governance-committee>, to the extent practicable, no earlier than 24 hours before the upcoming Governance Committee Meeting. Copies of the draft Minutes are available on NYCHA's Website, at <https://www1.nyc.gov/site/nycha/about/governance-committee>, no earlier than 3:00 P.M., on the Thursday following the Governance Committee Meeting.

Any person requiring a reasonable accommodation to participate in the Governance Committee Meeting, should contact the Office of the Corporate Secretary, by phone at (212) 306-6088, or by email, at corporate.secretary@nychanyc.gov, no later than Friday, August 20, 2021, at 5:00 P.M.

Any changes to the schedule will be posted on NYCHA's Website, at <https://www1.nyc.gov/site/nycha/about/governance-committee>, and via social media to the extent practicable at a reasonable time before the meeting.

This meeting is open to the public.

- Members of the public attending the Governance Committee Meeting, regardless of vaccination status, must wear face coverings while indoors.

For additional information regarding the Governance Committee Meeting, please contact the Office of the Corporate Secretary, by phone at (212) 306-6088, or by email, at corporate.secretary@nychg.ny.gov.

a17-25

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

SALE

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

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

Vehicles can be viewed in person, at: Kenben Industries Ltd., 1908 Shore Parkway, Brooklyn, NY 11214 Phone: (718) 802-0022

No previous arrangements or phone calls are needed to preview. Hours are Monday and Tuesday from 10:00 A.M. – 2:00 P.M.

f23-a4

HOUSING PRESERVATION AND DEVELOPMENT

PUBLIC HEARINGS

All Notices Regarding Housing Preservation and Development Dispositions of City-Owned Property appear in the Public Hearing Section.

j4-d30

PROCUREMENT

“Compete To Win” More Contracts!

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

- Win More Contracts, at nyc.gov/competetowin

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

HHS ACCELERATOR

To respond to human services Requests for Proposals (RFPs), in accordance with Section 3-16 of the Procurement Policy Board Rules of the City of New York (“PPB Rules”), vendors must first complete and submit an electronic prequalification application using the City’s Health and Human Services (HHS) Accelerator

System. The HHS Accelerator System is a web-based system maintained by the City of New York for use by its human services Agencies to manage procurement. The process removes redundancy by capturing information about boards, filings, policies, and general service experience centrally. As a result, specific proposals for funding are more focused on program design, scope, and budget.

Important information about the new method

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

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

Participating NYC Agencies

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

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

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

ADMINISTRATION FOR CHILDREN’S SERVICES

ADMINISTRATION

SOLICITATION

Human Services/Client Services

COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN CONCEPT PAPER - Request for Proposals - PIN# 06822Y0033 - Due 10-8-21 at 5:00 P.M.

This concept paper is being offered to New York City’s community-based organizations, service providers, and the public to inform them about a Request for Proposals (RFP) that ACS expects to release following the release of this concept paper. Through the RFP, ACS will initiate and standardize a new Commercial Sexual Exploitation of Children (CSEC) program, for youth at the Children’s Center awaiting placement in foster care programs operated by an ACS contracted Provider Agency.

This concept paper is being offered to New York City’s community-based organizations, service providers, and the public to inform them about a Request for Proposals (RFP) that ACS expects to release following the release of this concept paper. Through the RFP, ACS will initiate and standardize a new Commercial Sexual Exploitation of Children (CSEC) program, for youth at the Children’s Center awaiting placement in foster care programs operated by an ACS contracted Provider Agency. The Concept Paper can be found in the PASSPort System.

To submit feedback on this Concept Paper, please submit your comments through the PASSPort system, either by submitting a response in the Manage Responses tab or submitting a comment/question in the Discussion Forum.

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

Administration for Children’s Services, 150 William Street, 9th Floor, New York, NY 10038. Sherene Hassen (212) 676-9156; CSEC-CP@acs.nyc.gov

a17-23

AGING

■ AWARD

Human Services/Client Services

LEGAL SERVICES FY22-24 RENEWAL - 12522LGAS20I - Renewal - PIN# 12518P8221KXLR001 - AMT: \$1,176,090.00 - TO: Brooklyn Legal Services Inc, 105 Court Street, Brooklyn, NY 11201-5645.

FY22-24 Renewal DFTA Baseline funds to provide legal services to older adults.

✦ a20

BROOKLYN NAVY YARD DEVELOPMENT CORP.

■ SOLICITATION

Services (other than human services)

DESIGN OF EXTERIOR LIGHTING AT THE BROOKLYN NAVY YARD CAMPUS - Competitive Sealed Proposals - Other - PIN#000198 - Due 10-7-21 at 11:00 A.M.

RFP documents will be available as of Monday, August 16, 2021, on BNYDC website, at <http://brooklynnavyyard.org/about/contract-opportunities>.

Other Legally Mandated Information: A Mandatory pre-proposal conference will be held, at BNYDC, Building 77, 8th Floor, Suite 801, on Thursday, August 26, 2021, at 11:00 A.M. All attendees must rsvp by sending an email, to lblackwood@bnydc.org. Failure to attend will result in disqualification.

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 Corporation, Building 77, 141 Flushing Avenue, Suite 801, Brooklyn, NY 11205. Lloyd Blackwood (718) 907-5930; lblackwood@bnydc.org



a16-25

CITYWIDE ADMINISTRATIVE SERVICES

■ AWARD

Goods and Services

US BANK NATIONAL ASSOCIATION - Negotiated Acquisition - Other - PIN#8572100052 - AMT: \$48,989,237.00 - TO: US Bank National Association, 200 South 6th Street, Minneapolis, MN 55402.

There is a compelling need for services that cannot be timely met via competitive sealed bidding. The proposed term of the extension, is the minimum time necessary to meet the need, until a new contract is available. There is a compelling need for services that cannot be timely met via competitive sealed bidding. The proposed term of the extension, is the minimum time necessary to meet the need, until a new contract is available.

✦ a20

ADMINISTRATION

■ SOLICITATION

Goods

FIRE HYDRANT - Competitive Sealed Bids - PIN#85721B0225 - Due 9-21-21 at 10:30 A.M.

All bids are done on PASSPort. To review the details for this solicitation and participate, please use the following link below and use the keyword search fields, to find the solicitation: https://passport.cityofnewyork.us/page.aspx/en/rfp/request_browse_public.

If there are any issues with PASSPort, contact: help@mocs.nyc.gov.

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

Citywide Administrative Services, 1 Centre Street, 18th Floor, Bid Room, New York, NY 10007. Fenglin Guo (212) 386-5024; feguo@dcas.nyc.gov

✦ a20

DESIGN AND CONSTRUCTION

■ SOLICITATION

Construction/Construction Services

85021B0165-HWS2019M (REBID) INSTALLATION OF SIDEWALKS, ADJACENT CURBS AND PEDESTRIAN RAMPS AS NECESSARY IN VARIOUS LOCATIONS - Competitive Sealed Bids - PIN#85021B0165 - Due 9-8-22 at 10:00 A.M.

Project #: HWS2019M (REBID)/EPIN: 85021B0165

Late Bids Will Not Be Accepted.

There will be an optional Pre-Bid Conference. Details will be provided in the PASSPort procurement.

This contract is subject to Special Experience Requirements.

This project is subject to HireNYC

This Competitive Sealed Bid (CSB) is being released through PASSPort, New York City's online procurement portal.

Responses to this CSB must be submitted via PASSPort. To access the solicitation, vendors should visit the PASSPort Public Portal, at <https://www1.nyc.gov/site/mocs/systems/about-go-to-passport.page>, and click on the "Search Funding Opportunities in PASSPort" blue box. This will take you to the Public Portal of all procurements in the PASSPort system. To quickly locate the CSB, insert the EPIN (85021B0165) into the Keywords search field.

Pre bid conference location -Virtual Pre-Bid Conference at Zoom Link: <https://us02web.zoom.us/j/85316470657?pwd=dVlYOF2U3ZuVVFkT1NxoEEx5WDZlZz09>. Meeting ID:853 1647 0657 NY Passcode: 551101, Mandatory: no Date/Time - 2021-8-31 10:00:00.

✦ a20

EMERGENCY MANAGEMENT

■ AWARD

Services (other than human services)

VIDEOGRAPHER SERVICES RENEWAL #2 - Renewal - PIN#01718P0191001R001R001 - AMT: \$200,000.00 - TO: Splash Studios Inc, 442 Clermont Avenue Apartment C, Brooklyn, NY 11238-1575.

✦ a20

FINANCE**SHERIFF-GENERAL SHERIFF**

■ INTENT TO AWARD

Services (other than human services)

83621T0002-VILLAGE OF HEMPSTEAD-FIREARMS TRAINING - Government to Government - PIN#83621T0002 - Due 8-26-21 at 6:00 P.M.

Three year firearm training contract with the incorporated village of Hempstead starts January 1, 2021 and ends December 31, 2023 (renewals?? - up to contracts) funding includes for NYC sheriff general (9101) HRA - Warrants (9102), Kendra (9106); BCI/Sheriff 9019 and OTE - Office of Tax Enforcements 0404 see attachments for contract from Hempstead, estimates for the three year contract village of Hempstead contact: Janis Fowlkes Village Attorney's Office Incorporated Village of Hempstead, 99 James A. Garner Way, Hempstead, NY 11550, (516) 478-6429, jfowlkes@villageofhempsteadny.gov, <http://www.villageofhempstead.org>

✦ a20-26

HEALTH AND MENTAL HYGIENE

AWARD

Human Services/Client Services

81621N0316-NAE - RICHMOND UNIVERSITY MEDICAL CENTER - AT RIS - Negotiated Acquisition - Other - PIN#81621N0316001 - AMT: \$336,000.00 - TO: Richmond Medical Center, 355 Bard Avenue, Staten Island, NY 10310.

PIN: 22SA007901R0X00, Pursuant to Section 3.04 of the Procurement Policy Board Rules, DOHMH is entering into a negotiated acquisition extension with Richmond Medical Center, to provide the South Shore Safety Net program, which aims to assist youth at risk of and/or using substances in making a successful transition to adulthood. Services are designed to strengthen families and help youth to develop competencies and skills that promote economic self-sufficiency, self-reliance and personal growth, and include work training and referral to clinical support services. The contract will begin July 1, 2021 and will terminate on June 30, 2022. DOHMH is currently developing the RFP.

NYC DOHMH, intends to enter into a Negotiated Acquisition Extension with Richmond University Medical Center for the provision of the Demonstration Project for At Risk Youth. There is an RFP currently in progress (PIN # 21SA010200R0X00), with Richmond University Medical Center. DOHMH has exhausted all of its options to renew and extend the current contract, therefore this Negotiated Acquisition Extension will provide continuity of services and prevent a gap in services while a new competitive procurement is being developed. DOHMH anticipates that a new award will be in place by the expiration of this extension.

✦ a20

COURT-INVOLVED YOUTH MENTAL HEALTH PROGRAM - BP/City Council Discretionary - PIN#81621L0555001, PIN#21AO037001R0X00 - AMT: \$182,500.00 - TO: Urban Youth Alliance International, Inc., 432 East 149th 2nd Floor, Bronx, NY 10455.

✦ a20

FY22 NEW CONTRACT / 816-2230-0803.A01 - Required Method (including Preferred Source) - PIN#81621M0006001 - AMT: \$726,957.00 - TO: SCO Family of Services, 1 Alexander Place, Glen Cove, NY 11542.

PIN: 22AO005401R0X00. Provide access to services such as behavioral health care, physical health care, substance abuse treatment in addition to coordination with other child serving systems (Department of Education, Child Welfare, Juvenile Justice, etc.).

✦ a20

SERVICES FOR CHILDREN WITH AUTISM - BP/City Council Discretionary - PIN#81621L0357001, PIN#21MR025901R0X00 - AMT: \$124,916.00 - TO: Giving Alternative Learners Uplifting Opportunities Inc., 540 President Street, Brooklyn, NY 11215.

✦ a20

SUPPORT FOR AUSTIM PROGRAMS FOR CHILDREN - BP/City Council Discretionary - PIN#81621L0530001, PIN#21MR032701R0X00 - AMT: \$155,465.00 - TO: Sinergia Incorporated, 2082 Lexington Avenue, New York, NY 10035.

✦ a20

HOUSING AUTHORITY

PROCUREMENT

SOLICITATION

Construction/Construction Services

ELEVATOR REHABILITATION FOR THREE (3) ELEVATORS @ ATLANTIC TERMINALS - Competitive Sealed Bids - PIN#293849 - Due 9-13-21 at 11:00 A.M.

Event Date Time

Public Advertisement Begins August 20, 2021

Pre-Bid Conference August 26, 2021, 11:00 A.M.

Pre-Bid Site Visits August 27, 2021

RFQ Question Deadline September 3, 2021, 2:00 P.M.

Question and Answer Release Date September 7, 2021, 2:00 P.M.

RFQ Bid Submission Deadline September 13, 2021, 11:00 A.M.

RFQ Solicitation Timetable a. The release date of this RFQ is August 20, 2021 b. A non-mandatory virtual Proposers' conference will be held on August 26, 2021, at 11:00 A.M., via Microsoft Teams. Pre-Bid Teams Meeting information: 646-838-1534, Conference ID: 39326964#. Although attendance is not mandatory, it is strongly recommended that

all interested vendors attend. In order to RSVP to the Pre-Bid Conference and obtain the Teams Meeting link to view the virtual conference email, cpd.procurement@nycha.nyc.gov, with the RFQ number as the Subject line to confirm attendance. c. All questions related to this RFQ are to be submitted, via email, to the CPD Procurement Unit, at cpd.procurement@nycha.nyc.gov, with the RFQ number as the Subject line, by no later than 2:00 P.M., on September 3, 2021. Proposers will be permitted to ask additional questions at the Proposers' Conference. Responses to all submitted questions will be available for public viewing in Sourcing under the RFQ. d. Bids are due September 13, 2021, at 11:00 A.M., via iSupplier portal. Bid Submission Requirements Vendors shall electronically upload a single .pdf containing ALL components of the bid into iSupplier, by the RFQ Bid Submission Deadline. NYCHA will NOT accept hardcopy Bids or bids via email, fax, or mail. Instructions for registering for iSupplier can be found, at <http://www1.nyc.gov/site/nycha/business/isupplier-vendor-registration.page>. After Proposer registers for iSupplier, it typically takes 24 to 72 hours for Proposer's iSupplier profile to be approved.

It is Vendors sole responsibility to complete iSupplier registration and submit its Bid before the RFQ Bid Submission Deadline. NYCHA is not responsible for delays caused by technical difficulty or caused by any other occurrence. For assistance regarding iSupplier, please email procurement@nycha.nyc.gov. It is Vendors sole responsibility to complete iSupplier registration and submit its Bid before the RFQ Bid Submission Deadline. NYCHA is not responsible for delays caused by technical difficulty or caused by any other occurrence.

For assistance regarding iSupplier please email, procurement@nycha.nyc.gov.

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, New York, NY 10007. Latrena Johnson (212) 306-3223; latrena.johnson@nycha.nyc.gov

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Services (other than human services)

SMD SERVICES BOILER PREVENTIVE MAINTENANCE AT VARIOUS DEVELOPMENTS LOCATED WITHIN THE BOROUGH OF THE BRONX - Competitive Sealed Bids - PIN#68665-2 - Due 9-23-21 at 10:00 A.M.

This Contract shall be subject to the New York City Housing Authority's Project Labor Agreement and, as part of its bid, the Bidder must submit: (1) a Letter of Assent to the Project Labor Agreement signed by the Bidder; and (2) Letters of Assent signed by each of the Bidder's proposed Subcontractors. • Bidders are strongly encouraged to submit all Letters of Assent signed by the Bidder's proposed Subcontractors along with the Bidder's Bid. Bidders are strongly encouraged to submit all Letters of Assent signed by the Bidder's proposed Subcontractors along with the Bidder's Bid.

The work to be performed by the Contractor under this contract (the "Work"), shall consist of the furnishing of all labor, materials, and equipment and ancillary items necessary and appropriate for the preventative maintenance of boilers. A. Contractor shall schedule his work as directed by NYCHA. In all instances a "Notice of Service Interruption" must be posted in the affected buildings no less than forty-eight (48) hours prior to the shutdown of services. B. Contractor shall perform Boiler Hydrostatic Test before and after the preventative maintenance of boilers and submit both reports to the Administering Department for this Contract. The work to be performed by the Contractor under this contract (the "Work"), shall consist of the furnishing of all labor, materials, and equipment and ancillary items necessary and appropriate for the preventative maintenance of boilers. Contractor shall schedule his work as directed by NYCHA. In all instances a "Notice of Service Interruption" must be posted in the affected buildings no less than forty-eight (48) hours prior to the shutdown of services. Contractor shall perform Boiler Hydrostatic Test before and after the preventative maintenance of boilers and submit both reports to the Administering Department for this Contract.

Interested vendors are invited to obtain a copy of the opportunity, at NYCHA's website, by going to the <http://www.nyc.gov/nychabusiness>. On the left side, click on "iSupplier Vendor Registration/Login" link. (1) If you have an iSupplier account, then click on the "Login for registered vendors" link and sign into your iSupplier account. (2) If you do not have an iSupplier account you can Request an account by clicking on "New suppliers register in iSupplier" to apply for log-in credentials. Once you have accessed your iSupplier account, log into your account, then choose under the Oracle Financials home page, the menu option "Sourcing Supplier", then choose "Sourcing", then choose "Sourcing Homepage"; and conduct a search in the "Search Open Negotiations" box for the RFQ Number (s) 68665-2.

Note: In response to the COVID-19 outbreak, we are accepting only electronic bids submitted online via iSupplier. Paper bids will not be

accepted or considered. Please contact NYCHA Procurement, at procurement@nycha.nyc.gov, for assistance.

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

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

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SMD SERVICES INSTALLATION & REMOVAL OF WOOD SCAFFOLDING & BARRIER SKIRT SYSTEMS - VARIOUS DEVELOPMENTS CITYWIDE - Competitive Sealed Bids - PIN#337879 - Due 9-16-21 at 10:00 A.M.

This Contract shall be subject to the New York City Housing Authority's Project Labor Agreement and, as part of its Bid; the Bidder must submit (1) a Letter of Assent to the Project Labor Agreement signed by the Bidder and (2) Letters of Assent signed by each of the Bidder's proposed Subcontractors. This Contract shall be subject to the New York City Housing Authority's Project Labor Agreement and, as part of its Bid; the Bidder must submit (1) a Letter of Assent to the Project Labor Agreement signed by the Bidder and (2) Letters of Assent signed by each of the Bidder's proposed Subcontractors. Bidders are strongly encouraged to submit all Letters of Assent signed by the Bidder's proposed Subcontractors along with the Bidder's Bid. Bidders are strongly encouraged to submit all Letters of Assent signed by the Bidder's proposed Subcontractors along with the Bidder's Bid.

This Scope of Work (SOW) for this contract is for the Installation and Removal of any combination of three (3) types of Wood Scaffolding Systems and or Wood Barrier Skirt Systems. WOOD SCAFFOLDING SYSTEMS: 1. Interior Wood Scaffolding 2. Exterior Wood Scaffolding 3. Exterior Wood Support Scaffolding (WSS) Exterior Wood Barrier Skirt at Boiler and Tank Trailers. This contract is for the NYCHA Heating Management and Services Department to be used city wide at all NYCHA site locations. The work is to be delivered by means of a General Carpentry Contractor that meets the requirements for the "Installation" and "Removal" of any or all of the three (3) types of Wood Scaffolding Type Systems and meet all the requirements as established by the NYC DOB with the required courses, Building Codes, NYC Rules, and OSHA regulations and specifications for installation and removal of the Scaffolding Systems. This also applies to the Exterior Wood Barrier Skirt Systems where there are Mobile Boilers and or Tanks on trailers as requested in the Work Orders and issued as the "Work Authorization".

Interested vendors are invited to obtain a copy of the opportunity, at NYCHA's website, by going to the http://www.nyc.gov/nychabusiness. On the left side, click on "iSupplier Vendor Registration/Login" link. (1) If you have an iSupplier account, then click on the "Login for registered vendors" link and sign into your iSupplier account. (2) If you do not have an iSupplier account you can Request an account by clicking on "New suppliers register in iSupplier" to apply for log-in credentials. Once you have accessed your iSupplier account, log into your account, then choose under the Oracle Financials home page, the menu option "Sourcing Supplier", then choose "Sourcing", then choose Sourcing Homepage"; and conduct a search in the "Search Open Negotiations" box for RFQ Number(s) 337879.

Note: In response to the COVID-19 outbreak, we are accepting only electronic bids submitted online via iSupplier. Paper bids will not be accepted or considered. Please contact NYCHA Procurement, at procurement@nycha.nyc.gov, for assistance.

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

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

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HUMAN RESOURCES ADMINISTRATION

■ AWARD

Human Services/Client Services

TO PROVIDE LEGAL SERVICES FOR THE WORKING POOR. - BP/City Council Discretionary - PIN#06921L0344001 - AMT: \$384,705.00 - TO: Camba Legal Services, Inc., 1720 Church Avenue, Brooklyn, NY 11226.

Contract from 7/1/2020 to 6/30/2021.

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RENEWAL OF EMERGENCY TIER II SHELTER FOR SURVIVORS OF DOMESTIC VIOLENCE - Renewal -

PIN#06917N8274KXLR001 - AMT: \$11,526,322.20 - TO: Urban Resource Institute, 75 Broad Street, 5th Floor, New York, NY 10004.

Contract Term from 7/1/2021 to 6/30/2025.

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Services (other than human services)

TO PROVIDE COMPREHENSIVE AND FREE CIVIL LEGAL SERVICES TO LOW-INCOME NEW YORKERS - BP/City Council

Discretionary - PIN#06921L0379001 - AMT: \$550,205.00 - TO: Mobilization for Justice Inc, 100 William Street, 6th Floor, New York, NY 10038.

Contract Term: 7/1/2020 - 6/30/2021.

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CONTRACTS

■ SOLICITATION

Goods and Services

STANDARD/ONLINE CLASSROOM AND TELECONFERENCING ROOM MAINTENANCE - Competitive

Sealed Bids - PIN#20BSEMI22701, EPIN#09620B0006 - Due 9-23-21 at 5:00 P.M.

Bidders are hereby notified, that this contract is subject to Local Law 1, Minority-Owned and Women-Owned Business Enterprises (MWBE) Requirements and Prevailing Wage Rates.

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, 150 Greenwich Street, 37th Floor, New York, NY 10007. Eric Bredhoff (929) 221-5526; bredhoffe@dss.nyc.gov; boonem@dss.nyc.gov

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INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

■ AWARD

Services (other than human services)

FORRESTER RENEWAL - Other - PIN#85821U0012001 - AMT:

\$27,392.95 - TO: Forrester Research Inc, 60 Acorn Park Drive, Cambridge, MA 02140.

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MAYOR'S FUND TO ADVANCE NEW YORK CITY

FINANCE AND OPERATIONS

■ SOLICITATION

Goods and Services

ACCELERATING EMPLOYEE OWNERSHIP CLEAN TECH RFP

- Request for Proposals - PIN#2021 - Due 9-17-21 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.

Mayor's Fund to Advance New York City, 253 Broadway, 6th Floor, New York, NY 10007. Mayor's Fund (212) 788-7794; fundrpf@cityhall.nyc.gov

a16-26

PARKS AND RECREATION

CAPITAL PROGRAM MANAGEMENT

■ SOLICITATION

Construction/Construction Services

84621B0044-CNYG-517MA3-CITYWIDE REMOVAL & DISPOSAL OF ASBESTOS- & LEAD PAINT-CONTAINING MATERIALS
- Competitive Sealed Bids - PIN# 84621B0044 - Due 9-15-21 at 3:30 P.M.

CNYG-517MA3-Citywide Removal & Disposal of Asbestos- & Lead Paint-Containing Materials*Please note that date of Bid Submission is different than date of Bid Opening. Please refer to website for updated procedures due to pandemic. This procurement is subject to: • Participation goals for MBEs and/or WBEs, as required by Local Law 1 of 2013.

Bid Submission Due Date: 9/15/21, Time: 3:30 P.M., by Mail or Drop Box, at Olmsted Center Annex, Date of Bid Opening (via Zoom Conference): 9/17/21, Time:10:30 A.M. Zoom Link: <https://us02web.zoom.us/j/9573076290?pwd=cnVXVzN2Q014SjBLaktvVzIzWnlvUT09>, Meeting ID: 957 307 6290, Passcode: 118035, Conf. Number: +1 (929) 205-6099, 9573076290#, *118035#.

The Cost Estimate Range is: \$1,000,000 - \$3,000,000, Bid documents are available online for free through NYC Parks' Capital Bid System website, www.nyc.gov/parks/capital-bids. To download the bid solicitation documents (including drawings if any), you must have an NYC ID Account and Login. If you are already in PASSPort, then you will use the same username and password to log into the Capital Bid Solicitations website. If you do not currently have an NYC ID account, you will be prompted to register for one through the Capital Bids Solicitation website.

Bid opening Location - Via Zoom: <https://us02web.zoom.us/j/9573076290?pwd=cnVXVzN2Q014SjBLaktvVzIzWnlvUT09>, Zoom Meeting ID: 957 307 6290 Zoom Passcode: 118035 or Conf. Number: +1 (929) 205-6099, 9573076290#, *118035#, Flushing, NY 11368.

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REVENUE AND CONCESSIONS

■ SOLICITATION

Goods

OPERATION AND MAINTENANCE OF A FMCP SNACK BAR/CAFETERIA AND FOOD KIOSK, QUEENS - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN# Q99-J-SB 2021 - Due 9-21-21 at 3:00 P.M.

In accordance with Section 1-13 of the Concession Rules of the City of New York, the Department of Parks and Recreation ("Parks"), is issuing, as of the date of this notice, an RFP for the operation and maintenance of a Snack Bar/Cafeteria, at Parks' Olmsted Center and a Food Kiosk, located at David Dinkins' Circle, Flushing Meadows-Corona Park, Queens.

There will be a recommended remote proposer meeting and site tour, on September 8, 2021, at 2:00 P.M. If you are considering responding to this RFP, please make every effort to attend this recommended remote meeting and site tour. The Cisco WebEx link for the remote proposer meeting is as follows:

<https://nycparks.webex.com/nycparks/j.php?MTID=mf42ec1e5d7ad0ad013e2b2a1c69ce37e>

Meeting number: 179 624 7182

Password: tpCxPn6ev34

You may also join the remote proposer meeting by phone using the following information:

+1-646-992-2010 OR +1-408-418-9388

Access code: 179 624 7182

Subject to availability and by appointment only, we may set up a meeting at the proposed concession site, located within Parks and Recreation's Olmsted Center, which is located, at 117-02 Roosevelt Avenue, Flushing, NY 11368 ("Licensed Premises").

All Proposals submitted in response to this RFP, must be submitted by no later than September 21, 2021, at 3:00 P.M.

Hard copies of the RFP can be obtained, at no cost, commencing, August 16, 2021, through September 21, 2021, by contacting Glenn Kaalund, Senior Project Manager, at (212) 360-3482, or via email, glenn.kaalund@parks.nyc.gov.

The RFP is also available for download, commencing August 16, 2021, through September 21, 2021, on Parks' website. To download the RFP, visit, <http://www.nyc.gov/parks/businessopportunities>, click on the link

for "Concessions Opportunities at Parks" and, after logging in, click on the "download" link that appears adjacent to the RFP's description.

For more information or if you cannot attend the remote proposer meeting, the prospective proposer may contact Glenn Kaalund, Senior Project Manager, at (212) 360-3482, or via email: glenn.kaalund@parks.nyc.gov.

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

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

Parks and Recreation, The Arsenal, 830 Fifth Avenue, Room 407, New York, NY 10065. Glenn Kaalund (212) 360-3482; glenn.kaalund@parks.nyc.gov

Accessibility questions: Glenn Kaalund (212) 360-3482, by: Thursday, September 16, 2021, 4:00 P.M.



a16-27

RECORDS AND INFORMATION SERVICES

ADMINISTRATION

■ VENDOR LIST

Services (other than human services)

NOTICE OF MAILING LIST FOR FUTURE CONCESSIONS

The New York City Department of Records and Information Services (DORIS) is seeking individuals and businesses interested in being contacted for future requests for bids or proposals for DORIS concessions.

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.

Records and Information Services, 31 Chambers Street, Room 304, New York, NY 10007-1602. Concessions, concessions@records.nyc.gov

a18-24

TRANSPORTATION

BRIDGES

■ SOLICITATION

Construction/Construction Services

84121B0019-84121MBRW443 WHEN AND WHERE STRUCTURAL MINOR REHABILITATION - Competitive Sealed Bids - PIN# 84121B0019 - Due 9-22-21 at 11:00 A.M.

84121B0019-84121MBRW443 When and Where Structural Minor Rehabilitation: This Competitive Sealed Bid is released through PASSPort, New York City's online procurement portal. Responses to this Bid must be submitted via PASSPort. To access the Competitive Sealed Bid, vendors should visit the PASSPort public Portal, at <https://www1.nyc.gov/site/mocs/systems/about-go-to-passport.page>, and click on the "Search Funding Opportunities in PASSPort" blue box. Doing so will take one to the public portal of all procurements in the PASSPort system. To quickly locate the Competitive Sealed Bid, insert the EPIN, 84121B0019, into the Keyword search field. In order to respond to the Competitive Sealed Bid, vendors must create an account within the PASSPort system if they have not already done so.

A Pre-Bid Conference, via ZOOM, is scheduled for 9/3/21, at 10:00 A.M. Those wishing to attend must email the authorized agency contact for a link. The deadline for the submission of questions is 9/8/21 by 4:00 P.M. The bid due date (submission via PASSPort) as well as hard copy as instructed is due 9/22/21 by 11:00 A.M. This procurement is subject to M/WBE participation goals. The M/WBE goal for this project is 30%. Any inquiries concerning this Competitive Sealed Bid should be directed by email, under the subject line "When and Where Structural Minor Rehabilitation" to the email address of the Authorized Agency Contact, Harinadha Velkur, at hvelkur@dot.nyc.gov, or through the PASSPort communication function.

Pre-Bid Conference location -Virtual conference, New York, NY 10041, Mandatory: no Date/Time - 2021-9-3 10:00:00.

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CONTRACT AWARD HEARINGS

NOTE: LOCATION(S) ARE ACCESSIBLE TO INDIVIDUALS USING WHEELCHAIRS OR OTHER MOBILITY DEVICES. FOR FURTHER INFORMATION ON ACCESSIBILITY OR TO MAKE A REQUEST FOR ACCOMMODATIONS, SUCH AS SIGN LANGUAGE INTERPRETATION SERVICES, PLEASE CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES (MOCS) VIA E-MAIL AT DISABILITYAFFAIRS@MOCS.NYC.GOV OR VIA PHONE AT (212) 788-0010. ANY PERSON REQUIRING REASONABLE ACCOMMODATION FOR THE PUBLIC HEARING SHOULD CONTACT MOCS AT LEAST THREE (3) BUSINESS DAYS IN ADVANCE OF THE HEARING TO ENSURE AVAILABILITY.



COMPTROLLER

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Monday, August 30, 2021, at 10:00 AM. The Public Hearing will be held via Conference Call: Call-in # 1-516-554-0380., Meeting ID: 42685574#.

IN THE MATTER OF a proposed contract between the New York City Office of the Comptroller and AITA Consulting Services, located at 825 Georges Road, 3rd Floor, North Brunswick, NJ 08902, for the Renewal of Clearwell eDiscovery Platform Licenses and Clearwell Appliance. The value of the contract shall be \$171,411.93. The term of the contract will be for a period of one year. PIN# 01522BIST52312.

The vendor has been selected pursuant to Section 3-08 (c)(1)(iv) of the Procurement Policy Board Rules.

IN THE MATTER OF a proposed contract between the New York City Office of the Comptroller and Storage Horse LLC, located at 55 Harvard Avenue, Rockville Centre, NY 11570, for the Purchase of NetApp SupportEdge Coverage. The value of the contract shall be \$173,356.00. The term of the contract will be one year from 8/1/2021 to 7/31/2022. PIN# 01522BIST52325-A.

The vendor has been selected pursuant to Section 3-08 (c)(1)(iv) of the Procurement Policy Board Rules.

In order to access the Public Hearing and testify, please call 1-516-554-0380, Meeting ID: 42685574#, no later than 9:55 AM. If you need further accommodations, please let us know at least five business days in advance of the Public Hearing via email to Pratibha Prabhu at pprabhu@comptroller.nyc.gov.

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YOUTH AND COMMUNITY DEVELOPMENT

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Friday, September 3, 2021 via Phone Conference (Dial In: 1 646-893-7101 / Access Code: 508694929#) commencing at 10:00 A.M on the following:

IN THE MATTER OF (1) one proposed FY21 Tax Levy Discretionary contracts between the Department of Youth and Community Development and the Contractor listed below are to provide funding to support Church of the Holy Apostles food purchases and operational expenses for food pantries and soup kitchens. The term of this contract shall be from July 1, 2020 to June 30, 2021 with no option to renew. Contract Number 26021L1556001 Contractor Name Church of the Holy Apostles Contract Amount \$500,00.00 Contractor Address 296 Nineth Avenue New York, New York 10001. The proposed contractor is being funded through Line Item Appropriations or Discretionary Funds pursuant to Section 1-02 (e) of the Procurement Policy Board (PPB) Rules.

In order to access the Public Hearing or to testify, please join the public hearing conference call at the toll-free number 1 646-893-7101 / Access Code: 508694929# no later than 9:50 am on the date of the hearing. If you require further accommodations, please contact Renise Ferguson

via email, referguson@dycd.nyc.gov no later than three business days before the hearing date.

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NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Friday, September 3, 2021 via Phone Conference (Dial In: 1 646-893-7101 / Access Code: 508694929#) commencing at 10:00 A.M on the following:

IN THE MATTER OF (1) one proposed FY21 Tax Levy Discretionary contracts between the Department of Youth and Community Development and the Contractor listed below are to provide funding to support God's We Deliver Inc. for food purchases and operational expenses for food pantries and soup kitchens. The term of this contract shall be from July 1, 2020 to June 30, 2021 with no option to renew. Contract Number 26021L1573001 Contractor Name God's Love We Deliver Inc. Contract Amount \$1,000,000.00 Contractor Address 166 Ave of the Americas New York, NY 10013. The proposed contractor is being funded through Line Item Appropriations or Discretionary Funds pursuant to Section 1-02 (e) of the Procurement Policy Board (PPB) Rules.

In order to access the Public Hearing or to testify, please join the public hearing conference call at the toll-free number 1 646-893-7101 / Access Code: 508694929# no later than 9:50 am on the date of the hearing. If you require further accommodations, please contact Renise Ferguson via email, referguson@dycd.nyc.gov no later than three business days before the hearing date.

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NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Friday, September 3rd, 2021 via Phone Conference (Dial In: 646-893-7101 / Access Code: 508694929) commencing at 10:00 A.M on the following:

IN THE MATTER OF (1) one proposed FY20 Tax Levy Discretionary contracts between the Department of Youth and Community Development and the Contractor listed below are to provide programming for children in grades K-5 under the Comprehensive Afterschool System of New York City (COMPASS NYC). The term of this contract shall be from July 1, 2020 to June 30, 2021 with no option to renew. Contract Number 26021L1221001 Contractor Name Development Outreach, Inc. Contract Amount \$ 158,928 Contractor Address 63 West 124 Street New York, NY 10027. The proposed contractor is being funded through Line Item Appropriations or Discretionary Funds pursuant to Section 1-02 (e) of the Procurement Policy Board (PPB) Rules.

In order to access the Public Hearing or to testify, please join the public hearing conference call at the toll-free number 646-893-7101: Access Code: 508694929 no later than 9:50 am on the date of the hearing. If you require further accommodations, please contact Renise Ferguson via email, referguson@dycd.nyc.gov no later than three business days before the hearing date.

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AGENCY RULES

ADMINISTRATIVE TRIALS AND HEARINGS

■ NOTICE

Notice of Public Hearing and Opportunity to Comment on Proposed Rule

What are we proposing? The Office of Administrative Trials and Hearings (OATH) proposes to repeal in their entirety the following penalty schedules: the Recycling – Sanitation Collection Rules Penalty Schedule, the Sanitation Asbestos Rules Penalty Schedule, the Sanitation Penalty Schedule, and the Vehicle and Traffic Law Penalty Schedule, which contain penalties for summonses issued by the New York City Department of Sanitation (DSNY). OATH also proposes to repeal certain provisions of its Environmental Conservation Law Penalty Schedule and its Public Safety Graffiti Penalty Schedule, which are also enforced by DSNY.

When and where is the Hearing? OATH will hold a public hearing on the proposed rule. The public hearing will take place **from 2:00**

p.m. through 3:00 p.m. on September 20, 2021. The hearing will be conducted by video conference and is accessible by:

- **Internet Video and Audio.** For access, visit: <https://nyc-oath.webex.com/nyc-oath/j.php?MTID=m1051c02705706f91aaee29674de98a40>

When prompted, enter Meeting ID: **179 441 3494**
Password: **7mBzdPKDj76**

- **Phone.** For access, dial: **1-646-992-2010**
When prompted, enter Meeting ID: **179 441 3494##**

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

- **Website.** You can submit comments to OATH through the NYC rules website, at <http://rules.cityofnewyork.us/>.
- **Email.** You can email written comments to Rules_Oath@oath.nyc.gov.
- **Mail.** You can mail written comments to OATH, Attention: Joy Thompson, Assistant General Counsel, 100 Church Street, 12th Floor, New York, NY 10007.
- **Fax.** You can fax written comments to OATH, Attention: Joy Thompson, Assistant General Counsel, at 212-361-1900.
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rules at the public hearing may speak for up to three minutes. Please access the public hearing by internet video and audio or by telephone using the instructions above.

Is there a deadline to submit written comments? You may submit written comments until **5:00 p.m. on September 20, 2021.**

What if I need assistance to participate in the hearing? You must tell us if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You may contact us by email at enolan@oath.nyc.gov or by telephone at (212) 436-0708 to request a reasonable accommodation. Please tell us by **September 17, 2021.**

Can I review the comments made on the proposed rule? You can review the comments that have been submitted online by visiting the NYC rules website at <http://rules.cityofnewyork.us/>. Shortly after the public hearing, a summary of oral comments and copies of all written comments will be available to the public on OATH's website, at <https://www1.nyc.gov/site/oath/about/legal-resources-and-rule-making.page>.

What authorizes OATH to make this rule? Sections 1043, 1049, and 1049-a of the New York City Charter. This proposed rule is included in OATH's regulatory agenda for this Fiscal Year.

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

What laws govern the rulemaking process? This notice is made according to the requirements of Section 1043 of the New York City Charter.

Statement of Basis and Purpose of Proposed Rule

Pursuant to the authority set forth in sections 1043, 1049, and 1049-a of the New York City Charter, OATH proposes to repeal in their entirety the following penalty schedules: the Recycling – Sanitation Collection Rules Penalty Schedule, the Sanitation Asbestos Rules Penalty Schedule, the Sanitation Penalty Schedule, and the Vehicle and Traffic Law Penalty Schedule. These schedules are currently codified in sections 3-120, 3-121, 3-122, and 3-125 of title 48 of the Rules of the City of New York, and contain penalties for summonses issued by the New York City Department of Sanitation (DSNY). OATH also proposes to repeal certain provisions of its Environmental Conservation Law Penalty Schedule, codified in section 3-105 of title 48 of the Rules of the City of New York, and its Public Safety Graffiti Penalty Schedule, codified in section 3-119 of title 48 of the Rules of the City of New York, which are also enforced by DSNY.

Sections 1 and 2. OATH proposes to repeal from the Environmental Conservation Law Penalty Schedule, codified in section 3-105 of title 48 of the Rules of the City of New York, a violation of subdivision (3) of section 27-1701 of the New York State Environmental Conservation Law for improper disposal of a lead acid battery. OATH also proposes to repeal from the Public Safety Graffiti Penalty Schedule, codified in section 3-119 of title 48 of the Rules of the City of New York, a violation of subdivision (b) of section 10-117.3 of the City's Administrative Code for failure to remove graffiti.

Sections 3 through 6: OATH proposes to repeal in their entirety the following penalty schedules:

- Recycling – Sanitation Collection Rules Penalty Schedule, codified in section 3-120 of title 48 of the Rules of the City of New York. This penalty schedule contains recycling violations of sections 1-08, 1-09, and 1-10 of title 16 of the Rules of the City of New York applicable to residential premises, city

agencies and institutions, and private carter-collected waste. This penalty schedule also contains a violation of subdivision (a) of section 16-324 of the Administrative Code concerning repeat recycling violations.

- Sanitation Asbestos Rules Penalty Schedule, codified in section 3-121 of title 48 of the Rules of the City of New York. This penalty schedule contains violations of chapter 8 of title 16 of the Rules of the City of New York relating to the storage, transportation, and disposal of waste containing asbestos.
- Sanitation Penalty Schedule, codified in section 3-122 of title 48 of the Rules of the City of New York. This penalty schedule contains violations of titles 10 and 16 of the Administrative Code; chapters 1, 3, 4, 5, 11, and 17 of title 16 of the Rules of the City of New York; and section 397-a of the New York State General Business Law.
- Vehicle and Traffic Law Penalty Schedule, codified in section 3-125 of title 48 of the Rules of the City of New York. This penalty schedule contains violations of New York State Vehicle and Traffic Law, relating to abandoning a vehicle and the illegal placement of handbills on windshields or under windshield wipers of motor vehicles.

This rule change is one step in a larger effort to repeal all penalty schedules in OATH's rules codified in subchapter G of chapter 3 of title 48 of the RCNY, so that these provisions can be incorporated into the rules of the agencies having rulemaking and policymaking authority over the laws underlying the violations. Such repeals will also serve OATH's core function of adjudication and help alleviate the false public perception that OATH is an enforcement agency, rather than a neutral tribunal.

Earlier this year, DSNY proposed a related rule amendment featuring a penalty schedule that would incorporate the violations from the above-referenced penalty schedules.

Although OATH is empowered to impose penalties under the New York City Charter and has until recent years promulgated penalty schedules, the regulatory and enforcement agencies have the necessary expertise to determine appropriate penalties for violation of the rules and of the laws within their jurisdiction based on the severity of each violation and its effect on City residents. Moving the penalty schedule to the enforcement agencies' rules will also make it easier for the public to find the penalties, which will be located within the same chapter as the rules setting forth the violations alleged in many summonses. Finally, the proposed rule repeals will speed up the rulemaking process by eliminating the need for the Environmental Control Board's approval of proposed or amended penalties for violations that have already been established by the legislature or that have already been established through the City Administrative Procedure Act process by the enforcement agency. The public will still have the opportunity to comment on proposed penalties during that process.

Deleted material is in [brackets].

New material is underlined.

Section 1. The row beginning NYS Env. Cons. Law 27-1701(3) in the table in section 3-105 of the Rules of the City of New York is amended to read as follows:

Section/Rule	Description	Penalty	Default
[NYS Env. Cons. Law 27-1701(3)]	[Improper disposal of lead acid battery]	[50]	[50]

§2. The row beginning A.C. 10-117.3(b) in the table in section 3-119 of title 48 of the Rules of the City of New York is amended to read as follows:

Section/Rule	Description	Penalty	Default
[A.C. 10-117.3(b)]	[Failure to remove graffiti]	[150]	[300]

§3. Section 3-120 of title 48 of the Rules of the City of New York, relating to a recycling - sanitation collection rules penalty schedule, is REPEALED.

§4. Section 3-121 title 48 of the Rules of the City of New York, relating to a sanitation asbestos rules penalty schedule, is REPEALED.

§5. Section 3-122 of title 48 of the Rules of the City of New York, relating to a sanitation penalty schedule, is REPEALED.

§ 6. Section 3-125 of title 48 of the Rules of the City of New York, relating to a vehicle and traffic law penalty schedule, is REPEALED.

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

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

RULE TITLE: Repeal of Certain Sanitation Penalty Schedules

REFERENCE NUMBER: 2019 RG 026

RULEMAKING AGENCY: Office of Administrative Trials and Hearings

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

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

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: August 12, 2021

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

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

RULE TITLE: Repeal of Certain Sanitation Penalty Schedules

REFERENCE NUMBER: OATH-ECB-106

RULEMAKING AGENCY: Office of Administrative Trials and Hearings

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

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

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

August 12, 2021
Date

← a20

Notice of Public Hearing and Opportunity to Comment on Proposed Rule

What are we proposing? The Office of Administrative Trials and Hearings (OATH) proposes to amend its Rules of Practice in title 48 of the Rules of the City of New York to clarify, refine, and establish rules for the conduct of remote proceedings. OATH also proposes additional amendments to these rules that would streamline and modernize its Trials Division's and Hearings Division's processes.

When and where is the Hearing? OATH will hold a public hearing on the proposed rule. The public hearing will take place **from 11:00 a.m. through 1:00 p.m. on September 20, 2021**. The hearing will be conducted by video conference and is accessible by:

- **Internet Video and Audio.** For access, visit: <https://nyc-oath.webex.com/nyc-oath/j.php?MTID=mfdbe858bcbce83239a51203351f9d005f>

When prompted, enter Meeting ID: **179 432 9767**
Password: **FQxDz3EXV66**

- **Phone.** For access, dial: **1-646-992-2010**
When prompted, enter Meeting ID: **179 432 9767##**

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

- **Website.** You can submit comments to OATH through the NYC rules website at <http://rules.cityofnewyork.us/>.
- **Email.** You can email written comments to Rules_Oath@oath.nyc.gov.
- **Mail.** You can mail written comments to OATH, Attention: Joy Thompson, Assistant General Counsel, 100 Church Street, 12th Floor, New York, NY 10007.
- **Fax.** You can fax written comments to OATH, Attention: Joy Thompson, Assistant General Counsel, at 212-361-1900.
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rules at the public hearing may speak for up to three minutes. Please access the public hearing by internet video and audio or by telephone using the instructions above.

Is there a deadline to submit written comments? You may submit written comments until **5:00 p.m. on September 20, 2021**.

What if I need assistance to participate in the hearing? You must tell us if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You may contact us by email at enolan@oath.nyc.gov or by telephone at (212) 436-0708 to request a reasonable accommodation. Please tell us by **September 17, 2021**.

Can I review the comments made on the proposed rule? You can review the comments that have been submitted online by visiting the NYC rules website at <http://rules.cityofnewyork.us/>. Shortly after the public hearing, a summary of oral comments and copies of all written comments will be available to the public on OATH's website, at <https://www1.nyc.gov/site/oath/about/legal-resources-and-rule-making.page>.

What authorizes OATH to make this rule? Sections 1043, 1049, and 1049-a of the New York City Charter. This proposed rule was not included in OATH's regulatory agenda for this Fiscal Year, because it was not contemplated at the time the regulatory agenda was created.

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

What laws govern the rulemaking process? This notice is made according to the requirements of Section 1043 of the New York City Charter.

Statement of Basis and Purpose of Proposed Rule

Pursuant to the authority set forth in sections 1043, 1049, and 1049-a of the New York City Charter, which authorizes the Chief Administrative Law Judge of the Office of Administrative Trials and Hearings (OATH) to establish rules of conduct, OATH proposes amendments to its rules governing remote and in-person hearings and trials. The provisions codified in chapter 6 of title 48 of the Rules of the City of New York that would be amended by this proposal govern Environmental Control Board adjudicatory proceedings, as well as other proceedings under the jurisdiction of OATH's Hearings Division.

State and local authorities have facilitated the use of remote methods to conduct adjudications during the COVID-19 pandemic. Mayoral Emergency Executive Order 177, dated January 27, 2021, and Mayoral Emergency Executive Order 179, dated February 1, 2021, which have since been extended by a series of subsequent Mayoral Emergency Executive Orders, broadened OATH's authority to adjudicate most summonses filed in the OATH Hearings Division and petitions filed in the OATH Trials Division by remote means. During this period, OATH developed and refined the processes and protocols that make telephone and videoconference communications easier to use and more efficient. OATH seeks here to formalize remote proceedings in rules, as well as the processes underlying them.

As of the date of this notice, OATH continues to adjudicate most matters remotely. In order to ensure that parties appearing before OATH continue to have the option to appear remotely even beyond the end of the present local declaration of emergency, OATH is proposing to amend its rules to make appropriate procedural adjustments and to establish OATH's general ability to use remote methods of adjudication.

Prior to the pandemic, the full complement of parties, witnesses, adjudicators, and staff required to process the nearly 1,000 matters heard daily by OATH numbered in the hundreds. Because of space constraints and the ongoing risk of COVID-19 transmission from close in-person contact, remote appearances remain a critical option for many New Yorkers, in order to ensure they may avail themselves of their right to due process in contesting a City agency's enforcement or disciplinary action. The adoption of these rules is necessary to prevent any potential interruption of this option in these times of pandemic.

Section one of this proposed rule would amend section 1-01 of title 48 of the Rules of the City of New York by adding definitions for “appearance” and “remote means.”

A definition of “appearance,” much like the one proposed in section one of this proposed rule, already exists in chapter 6 of title 48 of the Rules of the City of New York. By adding this definition in chapter one, OATH would provide the same clarity regarding proceedings in the OATH Trials Division. This definition of “appearance” would incorporate the term “remote means” to allow for a broader range of remote proceedings at the discretion of the OATH Trials Division. “Remote means” would encompass a wide range of means of communication that do not require the physical presence of the parties.

Section two of this proposed rule would amend the definition of “trial” in section 1-01 of title 48 of the Rules of the City of New York to clarify that such proceedings may, at the discretion of the OATH Trials Division, be conducted either in person or by remote means.

Section three of this proposed rule would amend subdivisions (a) and (c) of section 1-11 of title 48 of the Rules of the City of New York to further clarify that appearances before the OATH Trials Division are not limited to those occurring in person.

Section four of this proposed rule would amend subdivision (a) of section 1-14 of title 48 of the Rules of the City of New York to specify that all methods of communication are included within the scope of the rule prohibiting *ex parte* communications in the OATH Trials Division.

Section five of this proposed rule would amend subdivision (a) of section 1-28 of title 48 of the Rules of the City of New York to ensure that notices contain all relevant information respecting the time, means, and location of OATH Trials Division conferences or trials, whether live or remote. Section five would also authorize notice of conferences or trial to be served by e-mail upon consent of the parties.

Section six of this proposed rule would amend subdivision (a) of section 1-30 of title 48 of the Rules of the City of New York, regarding the procedures of conferences, to substitute the phrase “appear at” for “attend,” as “attend” could be misinterpreted to require a party’s actual presence. The substitution is intended to clarify that appearances at conferences may be by remote means, where permitted by the OATH Trials Division. This section also would remove a provision authorizing telephonic conduct of conferences, as other sections of this proposed rule amendment would broadly expand the potential use of remote means of appearance, beyond telephonic means.

Section seven of this proposed rule would amend subdivisions (b) and (c) of section 1-31 of title 48 of the Rules of the City of New York to allow OATH Trials Division settlement conferences to be conducted by remote means, under certain circumstances. This rule section would also increase the efficiency of the OATH Trials Division by allowing law clerks and other personnel specifically designated by the Chief Administrative Law Judge to oversee settlement negotiations by providing that such individuals cannot be called to testify in any proceeding concerning statements made at a settlement conference. Insulating these personnel from being called to testify will promote candor and constructive negotiations at settlement hearings, allowing them to effectively oversee such conferences.

Section eight of this proposed rule would amend section 1-45 of title 48 of the Rules of the City of New York to substitute the word “appear” for the phrase “be present,” as “be present” could be interpreted to require a party’s in person appearance. The substitution is intended to clarify that appearances at conferences may be conducted by remote means, where permitted by the OATH Trials Division.

Section nine of this proposed rule would amend subdivisions (a) and (b) of section 1-49 of title 48 of the Rules of the City of New York to provide that public access of OATH Trials Division proceedings may be in person or by remote means, in the discretion of the Administrative Law Judge.

Section ten of this proposed rule would amend subdivisions (a) and (c) of section 5-02 of title 48 of the Rules of the City of New York to specify that, with respect to certain proceedings concerning the Taxi and Limousine Commission (TLC), the TLC may produce complaining witnesses either in person or by remote means.

Section 11 of this proposed rule would amend the definition of “appearance” in section 6-01 of title 48 of the Rules of the City of New York to provide that an appearance may be made in person or by remote means at the discretion of the OATH Hearings Division, as provided in title 48.

Section 12 of this proposed rule would amend section 6-01 of title 48 of the Rules of the City of New York to add a definition of “remote means” nearly identical to the one that is proposed to be included in section two of this proposed rule, but applicable to the OATH Hearings Division.

Section 13 of this proposed rule would amend subdivisions (b), (e) and (f) of section 6-09 of title 48 of the Rules of the City of New York to provide that appearances before the OATH Hearings Division made by written communication, including communication transmitted by

postal mail or through the internet, are subject to particularized protocols and procedures that are distinct from those applicable to telephonic communication, videoconferencing, in person appearances, or other similar means of appearance. Authorization for the use of written appearance methods would require the permission of the Tribunal. These rules are also intended to instruct attorneys and representatives appearing on 15 or more summonses on any given hearing date in person to adhere to the specific protocols and processes identified in section 6-24 of the subchapter. Separate provisions apply to remote telephonic, videoconference, or other similar hearings, as set forth in proposed section 6-24a, discussed below.

Section 14 of this proposed rule would amend the title and subdivision a of section 6-10 of title 48 of the Rules of the City of New York to clarify that only written means of communication, including written communication transmitted by postal mail, online written communication or other similar remote means, as permitted by the OATH Hearings Division, are subject to the procedures set forth in section 6-10 of title 48 of the Rules of the City of New York.

Section 15 of this proposed rule would repeal subdivision d of section 6-10 of title 48 of the Rules of the City of New York, relating to adjudications by telephone before the OATH Hearings Division, because only written means of communication are contemplated by that section, based on the revisions proposed to be made by this rule.

Section 16 of this proposed rule would amend section 6-24 of title 48 of the Rules of the City of New York to require attorneys and representatives appearing in person on 15 or more summonses on any given hearing date to provide a list of applicable summonses three days prior to such hearing date. This rule amendment would help the OATH Hearing Division efficiently process to completion the high volume of matters typically heard by the OATH Hearings Division in person, and to provide personnel with sufficient time to sort and assign matters.

Section 17 of this proposed rule would add a new section 6-24a to title 48 of the Rules of the City of New York that would limit individual attorneys and representatives appearing before the OATH Hearings Division by telephone, videoconferencing, or other similar remote means to 25 summonses per hearing date, and would require such attorneys and representatives to provide a list of summonses three days prior to such hearing date, regardless of the total number of summons on which he or she is appearing by telephone. This rule amendment would help the OATH Hearings Division to efficiently process to completion the high volume of matters heard by the OATH Hearings Division by telephone, videoconferencing, or other similar remote means and to provide personnel with sufficient time to sort and assign matters.

These proposed rules would promote the efficiency of OATH’s adjudications.

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

Section 1. Section 1-01 of title 48 of the Rules of the City of New York is amended by adding definitions for “appearance” and “remote means” in appropriate alphabetical order to read as follows:

Appearance. “Appearance” means a communication with the OATH Trials Division that is made by a party or the attorney or representative of a party in connection with a petition that is or was pending before the OATH Trials Division. An appearance may be made in person or, at the discretion of the OATH Trials Division, by remote means.

Remote means. “Remote means” refers to any means of communication that does not require the physical presence of a party or representative and that has been approved by the OATH Trials Division as a means of proceeding. At the discretion of the OATH Trials Division, remote means may include, but are not limited to, telephonic communication, postal mail and online communication, including e-mail and videoconferencing.

§2. The definition of “trial” in section 1-01 of title 48 of the Rules of the City of New York is amended to read as follows:

Trial. “Trial” means a proceeding before an administrative law judge in the OATH Trials Division. Such proceedings may either be conducted in person or, at the discretion of the OATH Trials Division, by remote means.

§3. Subdivisions (a) and (c) of section 1-11 of title 48 of the Rules of the City of New York are amended to read as follows:

(a) [A party] Parties may appear [in person] themselves, by an attorney, or by a duly authorized representative. A person appearing for a party [, including by telephone conference call,] is required to file a notice of appearance with OATH. Docketing of a case by an attorney or representative of a party will be deemed to constitute the filing of a notice of appearance by that person. The filing of any papers by an attorney or representative who has not previously appeared will constitute the filing of a notice of appearance by that person, and must

conform to the requirements of subdivisions (b), (d) and (e) of this section.

(c) Absent extraordinary circumstances, no application may be made or argued by any attorney or other representative who has not filed a notice of appearance. Any application submitted on behalf of a party or participation in a conference, whether by e-mail, letter or phone, will be deemed an appearance by the attorney or representative. After making such an appearance, the attorney or representative must file a notice of appearance in conformity with subdivisions (b), (d) and (e) of this section.

§ 4. Subdivision (a) of section 1-14 of title 48 of the Rules of the City of New York is amended to read as follows:

(a) Except for ministerial matters, on consent, in an emergency, or as provided in § 1-31(a), communications with the administrative law judge concerning a case must only occur with all parties present, either in person or by remote means. If an administrative law judge receives an ex parte communication concerning the merits of a case to which he or she is assigned, then he or she must promptly disclose the communication by placing it on the record, in detail, including all written and oral communications and identifying all individuals with whom he or she has communicated. A party desiring to rebut the ex parte communication will be allowed to do so upon request.

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

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

§ 6. Subdivision (a) of section 1-30 of title 48 of the Rules of the City of New York is amended to read as follows:

(a) All parties are required to [attend] appear at conferences as scheduled unless timely application is made to the administrative law judge. Participants must be prompt and prepared to begin on time. No particular format for conducting the conference is required. The structure of the conference may be tailored to the circumstances of the particular case. The administrative law judge may propose mediation and, where the parties consent, may refer the parties to the Center for Creative Conflict Resolution or other qualified mediators. [In the discretion of the administrative law judge, conferences may be conducted by telephone.]

§ 7. Subdivisions (b) and (c) of section 1-31 of title 48 of the Rules of the City of New York is amended to read as follows:

(b) If settlement is to be discussed at the conference, each party must have an individual possessing authority to settle the matter, either present at the conference or readily accessible. All individuals participating in the conference shall be present or readily accessible either in person or, at the discretion of the OATH Trials Division, by remote means, as applicable. A settlement conference will be conducted by an administrative law judge or other individual designated by the Chief Administrative Law Judge, other than the administrative law judge assigned to hear the case. During settlement discussions, upon notice to the parties, the administrative law judge or other person conducting the conference may confer with each party and/or representative separately.

(c) All settlement offers, whether or not made at a conference, will be confidential and will be inadmissible at trial of any case. Administrative law judges or other individuals designated by the Chief Administrative Law Judge to conduct settlement conferences must not be called to testify in any proceeding concerning statements made at a settlement conference.

§ 8. Section 1-45 of title 48 of the Rules of the City of New York is amended to read as follows:

1-45 Failure to Appear.

All parties, attorneys and other representatives are required to [be present] appear at OATH and to be prepared to proceed at the

time scheduled for commencement of trial. Commencement of trial, or of any session of trial, will not be delayed beyond the scheduled starting time except for good cause as determined in the discretion of the administrative law judge. Absent a finding of good cause, and to the extent permitted by the law applicable to the claims asserted in the petition, the administrative law judge may direct that the trial proceed in the absence of any missing party or representative, render a disposition of the case adverse to the missing party, or take other appropriate measures, including the imposition of sanctions listed in § 1-13(e). Relief from the direction of the administrative law judge may be had only upon motion brought as promptly as possible pursuant to § 1-50 or § 1-52. The administrative law judge may grant or deny such a motion, in whole, in part, or upon stated conditions.

§ 9. Subdivisions (a) and (b) of section 1-49 of title 48 of the Rules of the City of New York is amended to read as follows:

(a) Other than settlement conferences, all proceedings are open to the public, unless the administrative law judge finds that a legally recognized ground exists for closure of all or a portion of the proceeding, or unless closure is required by law. Access to the public may be in person or by remote means, in the discretion of the administrative law judge. Trial witnesses may be excluded from proceedings other than their own testimony in the discretion of the administrative law judge.

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

§ 10. Subdivisions (a) and (c) of section 5-02 of title 48 of the Rules of the City of New York is amended to read as follows:

(a) Pursuant to Administrative Code § 19-506.1, the TLC must produce the complaining witness in person or by remote means where such witness's credibility is relevant to the summons being adjudicated. [If the TLC is unable to produce such witness in person, the TLC must make reasonable efforts to make the witness available during the hearing by videoconferencing or teleconferencing.]

(c) If the Respondent previously requested an adjournment to obtain the testimony of the complaining witness, the non-attendance of the complaining witness either in person or by remote means will be considered a failure by the TLC to produce a complaining witness under paragraph (b) and may be grounds for the Hearing Officer to dismiss the summons.

§ 11. The definition of "appearance" in section 6-01 of title 48 of the Rules of the City of New York is amended to read as follows:

"Appearance" means a communication with the Tribunal that is made by a party or the attorney or representative of a party in connection with a summons that is or was pending before the Tribunal. An appearance may be made in person [, online] or by [other] remote [methods approved by] means at the discretion of the Tribunal, as provided in this title.

§ 12. Section 6-01 of title 48 of the Rules of the City of New York is amended by adding a new definition of "remote means" in appropriate alphabetical order to read as follows:

"Remote means" refers to any means of communication that does not require the physical presence of a party or representative and that has been approved by the Tribunal as a means of proceeding. At the discretion of the Tribunal, remote means may include, but are not limited to, telephonic communication, postal mail and online communication, including e-mail and videoconferencing.

§ 13. Subdivisions (b), (e) and (f) of section 6-09 of title 48 of the Rules of the City of New York is amended to read as follows:

(b) A Respondent may appear for a hearing by:
 (1) Appearing [in person] themselves or by representative either by telephone, videoconferencing, or similar remote means or in person at the place, date, and time scheduled for the hearing. Respondent's appearance is timely if Respondent or Respondent's representative appears at the scheduled hearing location in person or by telephone, videoconferencing, or similar remote means, and is ready to proceed within three (3) hours of the scheduled hearing time for a summons. However, a representative or attorney appearing on fifteen (15) or more summonses on a given hearing date must comply with the requirements set forth in § 6-24 to be considered timely; or
 (2) Appearing by written communication, including postal mail, written online communication, or by other similar remote [methods] means, pursuant to § 6-10f, only where the summons indicates that

such opportunity is available to a Respondent. Where the summons requires personal appearance, a Respondent must appear pursuant to subsection (1) of this subdivision when the opportunity to do so is offered by the Tribunal.

(e) *Failure to Appear by Respondent.* A Respondent's failure to appear timely pursuant to subsection (1) of subdivision (b) of this section, or to make a timely request to reschedule pursuant to § 6-05, [constitutes] constitute a default and subjects the Respondent to penalties in accordance with § 6-20.

(f) Notwithstanding any other provision of this section, attorneys or registered representatives who appear in person on fifteen (15) or more summonses on a given hearing date, and those who appear remotely on any matter, must comply with the requirements set forth in § 6-24 and § 6-24a respectively. Failure to do so constitutes a default and subjects the Respondent to penalties in accordance with § 6-20.

§ 14. The title and subdivision a of section 6-10 of title 48 of the Rules of the City of New York is amended to read as follows:

6-10 Written Remote Adjudications.

(a) When the opportunity to do so is offered by the Tribunal, a Respondent may contest a violation by written communication, including by postal mail, written online communication, [by telephone] or by other similar remote [methods] means, as permitted by the Tribunal.

§ 15. Subdivision d of section 6-10 of title 48 of the Rules of the City of New York, relating to adjudications by telephone is REPEALED.

§ 16. Section 6-24 of subchapter C of chapter 6 of title 48 of the Rules of the City of New York is amended to read as follows:

6-24 Pre-hearing Notification of Schedule for Attorneys and Registered Representatives for In Person Hearings.

(a) No attorney or registered representative may appear in person on fifteen (15) or more summonses on a given hearing date unless:

(1) No later than noon [two (2)] three (3) business days before the scheduled hearing date, the Tribunal office in the borough where the cases are scheduled to be heard receives from the attorney or registered representative by email a written list of all scheduled cases;

(2) Notices of Appearance are submitted in advance of the scheduled hearing, as directed by the Tribunal, to the Tribunal office in the borough where cases are scheduled to be heard; and

(3) [The attorney or registered representative appears at or before the scheduled hearing time, at the place and date for the scheduled hearing. The timeliness requirements set forth in § 6-09(b) (1), which allows a Respondent or a Respondent's representative to appear within three (3) hours of the scheduled hearing time, does not apply when an attorney or representative is appearing on fifteen (15) or more summonses on a given hearing date] The Respondent's attorney or representative appears no later than the earliest scheduled hearing time set forth on the summonses to be heard. The timeliness requirements set forth in § 6-09(b)(1) do not apply in such circumstances.

(b) Cases may be added to this list on the day of the hearing at the discretion of the Tribunal.

§ 17. Subchapter F of chapter 6 of title 48 of the Rules of the City of New York is amended by adding a new section 6-24-a to read as follows:

§6-24a Pre-hearing Notification of Schedule for Attorneys and Registered Representatives for Hearings by Telephone, Video-Conferencing or Other Similar Remote Means.

(a) No attorney or registered representative may appear by telephone, video-conferencing or other similar remote means unless:

(1) No later than noon three (3) business days before the scheduled hearing date, the Tribunal receives from the attorney or registered representative a list of all scheduled cases in a format required by the Tribunal;

(2) The attorney or registered representative submits only one list per hearing date and submits that list electronically pursuant to the Tribunal's direction to a recipient designated by the Tribunal, regardless of the county in which the summonses were scheduled;

(3) The attorney or registered representative makes no changes or additions to the list, unless it is to withdraw their representation on a matter; and

(4) The attorney or registered representative calls in for their first scheduled hearing no later than the earliest scheduled hearing time as set forth on the summonses or reschedule notices to be heard. The timeliness requirements set forth in § 6-09(b)(1) do not apply in such circumstance.

(b) No one registered representative or attorney may appear by remote means on a single hearing date for more than twenty-five (25) summonses, unless an exception is granted by the Tribunal prior to the hearing date.

(c) Where a law firm or representative firm has more than twenty-five (25) cases scheduled on a hearing date, it must assign an additional registered representative or attorney for each group of up to twenty-five (25) summonses to be heard on that date, unless an exception is granted by the Tribunal prior to the hearing date.

(d) The law firm or representative firm must provide the names of the additional registered representatives or attorneys who will appear on the additional groups of cases on that date. Once a registered representative or attorney is assigned to appear on a group of summonses, a different registered representative or attorney may not appear in their place.

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

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

RULE TITLE: Conduct of Hearings and Trials by Remote Means

REFERENCE NUMBER: 2021 RG 061

RULEMAKING AGENCY: Office of Administrative Trials and Hearings

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

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

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: August 12, 2021

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

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

RULE TITLE: Conduct of Hearings and Trials by Remote Means

REFERENCE NUMBER: OATH-ECB-105

RULEMAKING AGENCY: Office of Administrative Trials and Hearings

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

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

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

August 12, 2021
Date

◀ a20

Notice of Adoption of Rule

Pursuant to the authority set forth in paragraph (a) of subdivision 2 of section 1049 of the New York City Charter, and chapter 45 of the Charter, generally, which authorize the Chief Administrative Law Judge of the Office of Administrative Trials and Hearings (OATH) to

establish rules of conduct, OATH has adopted amendments clarifying the Rules of Practice for its Trials and Hearings Divisions.

The Environmental Control Board voted to approve a proposed version of these amendments on June 10, 2021. A proposed version of these amendments was published in The City Record on June 18, 2021. A public hearing was held on July 22, 2021. No testimony regarding the amendments was given at the public hearing, and OATH did not receive any written comments from the public. The Environmental Control Board voted to approve a final version of these amendments on August 12, 2021.

Statement of Basis and Purpose of Rule

The Office of Administrative Trials and Hearings (OATH) periodically reviews and updates its rules to correct typographical errors; fix cross-references to rules that have been updated, amended, or deleted; ensure consistency with plain-language guidelines; and provide improved guidance with regard to its Trials and Hearings Division procedures. Accordingly, OATH is amending portions of its Rules of Practice for its Trials and Hearings Divisions in chapters 2 and 3 of title 48 of the Rules of the City of New York to fix cross-references.

The provisions of chapter 2 amended in sections one and two of this rule apply to cases brought by the New York City Commission on Human Rights, pursuant to the City Human Rights Law, codified in title 8 of the New York City Administrative Code.

The provision of chapter 3 amended in section three of this rule applies to certain actions brought by the Environmental Control Board.

[Deleted material is in brackets.]

New material is underlined.

Section 1. Subdivision (c) of section 2-29 of title 48 of the Rules of the City of New York is amended to read as follows:

(c) Sanctions. Failure to comply with or object to a discovery request in a timely fashion as provided by §1-33 of this title may result in the imposition of sanctions as appropriate, including those specified in §1-33(e)(d)(3) of this title.

§ 2. Subdivision (b) of section 2-30 of title 48 of the Rules of the City of New York is amended to read as follows:

(b) As provided by the Commission's rules (47 RCNY § [1-74] 1-63), failure of a party to seek interlocutory review of a decision or order does not preclude that party from making such challenge to the Commission in connection with the Commission's review of a report and recommendation in a case, provided that the party timely made its objection known to the administrative law judge and that the grounds for such challenge must be limited to those set forth to the administrative law judge.

§ 3. Subdivision (a) of section 3-21 of title 48 of the Rules of the City of New York is amended to read as follows:

(a) Scope. This section governs cease and desist actions brought by the Board pursuant to Administrative Code §§ 24-178, 24-257, or 24-524, after Respondent has had notice and an opportunity for a hearing on the violations alleged pursuant to the provisions of §§ [24-184] 24-178, 24-263, or 24-524, as appropriate, and has failed to comply with orders issued by the Board in such proceedings.

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SPECIAL MATERIALS

CITYWIDE ADMINISTRATIVE SERVICES

■ NOTICE

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 8808
FUEL OIL AND KEROSENE**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 8/16/2021
4087216	1.3	#2DULS	CITYWIDE BY TW	SPRAGUE	-0.223 GAL.	2.2878 GAL.
4087216	2.3	#2DULS	PICK-UP	SPRAGUE	-0.223 GAL.	2.1831 GAL.
4087216	3.3	#2DULS	CITYWIDE BY TW	SPRAGUE	-0.223 GAL.	2.4861 GAL.
4087216	4.3	#2DULS	PICK-UP	SPRAGUE	-0.223 GAL.	2.3813 GAL.
4087216	5.3	#1DULS	CITYWIDE BY TW	SPRAGUE	-0.249 GAL.	2.6052 GAL.
4087216	6.3	#1DULS	PICK-UP	SPRAGUE	-0.249 GAL.	2.5004 GAL.
4087216	7.3	#2DULS	CITYWIDE BY TW	SPRAGUE	-0.223 GAL.	2.3156 GAL.
4087216	8.3	#2DULS	CITYWIDE BY TW	SPRAGUE	-0.223 GAL.	2.6066 GAL.
4087216	9.3	B100	CITYWIDE BY TW	SPRAGUE	-0.252 GAL.	4.1787 GAL.
4087216	10.3	#2DULS	PICK-UP	SPRAGUE	-0.223 GAL.	2.2108 GAL.
4087216	11.3	#2DULS	PICK-UP	SPRAGUE	-0.223 GAL.	2.5018 GAL.
4087216	12.3	B100	PICK-UP	SPRAGUE	-0.252 GAL.	4.0739 GAL.
4087216	13.3	#1DULS	CITYWIDE BY TW	SPRAGUE	-0.249 GAL.	2.6148 GAL.
4087216	14.3	B100	CITYWIDE BY TW	SPRAGUE	-0.252 GAL.	4.1876 GAL.
4087216	15.3	#1DULS	PICK-UP	SPRAGUE	-0.249 GAL.	2.5100 GAL.
4087216	16.3	B100	PICK-UP	SPRAGUE	-0.252 GAL.	4.0828 GAL.
4087216	17.3	#2DULS	BARGE MTF III & ST. WI	SPRAGUE	-0.223 GAL.	2.2484 GAL.
3687192	1.0	Jet	FLOYD BENNETT	SPRAGUE	-0.157 GAL.	2.7232 GAL.
3587289	2.0	#4B5	MANHATTAN	UNITED METRO	-0.203 GAL.	2.3621 GAL.
3587289	5.0	#4B5	BRONX	UNITED METRO	-0.203 GAL.	2.3609 GAL.
3587289	8.0	#4B5	BROOKLYN	UNITED METRO	-0.203 GAL.	2.3551 GAL.
3587289	11.0	#4B5	QUEENS	UNITED METRO	-0.203 GAL.	2.3604 GAL.
3587289	14.0	#4B5	RICHMOND	UNITED METRO	-0.203 GAL.	2.4458 GAL.
4187014	1.0	#2B5	MANHATTAN	SPRAGUE	-0.224 GAL.	2.4440 GAL.
4187014	3.0	#2B5	BRONX	SPRAGUE	-0.224 GAL.	2.3960 GAL.
4187014	5.0	#2B5	BROOKLYN	SPRAGUE	-0.224 GAL.	2.4090 GAL.
4187014	7.0	#2B5	QUEENS	SPRAGUE	-0.224 GAL.	2.4170 GAL.
4187014	9.0	#2B5	STATEN ISLAND	SPRAGUE	-0.224 GAL.	2.4960 GAL.
4187014	11.0	#2B10	CITYWIDE BY TW	SPRAGUE	-0.226 GAL.	2.5082 GAL.
4187014	12.0	#2B20	CITYWIDE BY TW	SPRAGUE	-0.229 GAL.	2.6907 GAL.
4187015	2.0(H)	#2B5	MANHATTAN, (RACK PICK-UP)	APPROVED OIL COMPANY	-0.224 GAL.	2.2093 GAL.

4187015	4.0(I)	#2B5	BRONX, (RACK PICK-UP)	APPROVED OIL COMPANY	-0.224 GAL.	2.2093 GAL.
4187015	6.0(L)	#2B5	BROOKLYN, (RACK PICK-UP)	APPROVED OIL COMPANY	-0.224 GAL.	2.2093 GAL.
4187015	8.0(M)	#2B5	QUEENS, (RACK PICK-UP)	APPROVED OIL COMPANY	-0.224 GAL.	2.2093 GAL.
4187015	10.0(N)	#2B5	STATEN ISLAND, (RACK PICK-UP)	APPROVED OIL COMPANY	-0.224 GAL.	2.2093 GAL.
4087216		#2DULSB5	95% ITEM 7.3 & 5% ITEM 9.3	CITYWIDE BY TW	SPRAGUE	-0.224 GAL. 2.4088 GAL.(a)
4087216		#2DULSB10	90% ITEM 7.3 & 10% ITEM 9.3	CITYWIDE BY TW	SPRAGUE	-0.226 GAL. 2.5019 GAL.(b)
4087216		#2DULSB20	80% ITEM 7.3 & 20% ITEM 9.3	CITYWIDE BY TW	SPRAGUE	-0.229 GAL. 2.6882 GAL.(c)
4087216		#2DULSB5	95% ITEM 10.3 & 5% ITEM 12.3	PICK-UP	SPRAGUE	-0.224 GAL. 2.3040 GAL.(d)
4087216		#2DULSB10	90% ITEM 10.3 & 10% ITEM 12.3	PICK-UP	SPRAGUE	-0.226 GAL. 2.3971 GAL.(e)
4087216		#2DULSB20	80% ITEM 10.3 & 20% ITEM 12.3	PICK-UP	SPRAGUE	-0.229 GAL. 2.5834 GAL.(f)
4087216		#1DULSB20	80% ITEM 13.3 & 20% ITEM 14.3	CITYWIDE BY TW	SPRAGUE	-0.250 GAL. 2.9293 GAL.
4087216		#1DULSB20	80% ITEM 15.3 & 20% ITEM 16.3	PICK-UP	SPRAGUE	-0.250 GAL. 2.8245 GAL.

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 8809
FUEL OIL, PRIME AND START**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 8/16/2021
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**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 8810
FUEL OIL AND REPAIRS**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 8/16/2021
20211200451		#2B5	ALL BOROUGHES (PICKUP UNDER DELIVERY)	APPROVED OIL	-0.224 GAL	2.6234 GAL.(J)
20211200451		#4B5	ALL BOROUGHES (PICKUP UNDER DELIVERY)	APPROVED OIL	-0.203 GAL	2.4953 GAL.(K)

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 8811
GASOLINE**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 8/16/2021
3787120	1.0	Reg UL	CITYWIDE BY TW	GLOBAL MONTELLO	.0111 GAL	2.4421 GAL.
3787120	2.0	Prem UL	CITYWIDE BY TW	GLOBAL MONTELLO	.0248 GAL	2.6068 GAL.
3787120	3.0	Reg UL	PICK-UP	GLOBAL MONTELLO	.0111 GAL	2.3771 GAL.
3787120	4.0	Prem UL	PICK-UP	GLOBAL MONTELLO	.0248 GAL	2.5418 GAL.
3787121	5.0	E85 (Summer)	CITYWIDE BY DELIVERY	UNITED METRO	-0.223 GAL	2.6917 GAL.(G)

NOTE:

- (A), (B) and (C) Contract 4087216, item 7.3 replaced item 8.3 (Winter Version) effective April 1, 2021**
- As of February 9, 2018, the Bio-Diesel Blender Tax Credit was retroactively reinstated for calendar year 2017. Should the tax credit be further extended, contractors will resume deducting the tax credit as a separate line item on invoices.
- Federal excise taxes are imposed on taxable fuels, (i.e., gasoline, kerosene, and diesel), when removed from a taxable fuel terminal. This fuel excise tax does not include Leaking Underground Storage Tank (LUST) tax. LUST tax applies to motor fuels for both diesel and gasoline invoices. Going forward, LUST Tax will appear as an additional fee at the rate of \$0.001 per gallon and will be shown as a separate line item on your invoice.
- The National Oil Heat Research Alliance (NORA) has been extended until February 6, 2029. A related assessment of \$.002 per gallon has been added to the posted weekly fuel prices and will appear as a separate line item on invoices. This fee applies to heating oil only and since 2015 has included #4 heating oil. All other terms and conditions remain unchanged.
- Contract #4087216, effective June 1, 2020, replaces former items (1.2-17.2) on Contract #3987206.
- Due to RIN price adjustments Biomass-based Diesel (2020) is replaced by Biomass-based Diesel (2021) commencing 1/1/2021.
- Metro Environmental Services, LLC Requirement Contract #: 20201201516/4087084 for Fuel Site Maintenance Services, Citywide has been registered and Contract is available on DCAS/OCPS "Requirements Contract" website for Citywide use as of January 27, 2020. Link to Fuel Site Maintenance Services, Citywide contract via OCP website: <https://mspwww-dcsocp.dcas.nycnet/nycprocurement/dmss/asp/RCDetails.asp?vContract=20201201516>.
- (D), (E) and (F) Contract 4087216, item 10.3 replaced item 11.3 (Winter Version) effective April 1, 2021.**
- (G) Contract 3787121, item 5.0 replaced item 6.0 (Winter Blend) effective April 1, 2021.**
- NYC Agencies are reminded to fill their fuel tanks as the end of the fiscal year approaches (June 30th).
- (J) and (K) Effective October 1, 2020 contract #20211200451 PICKUP (ALL BOROUGHES) under DELIVERY by Approved Oil.**
- (H), (I), (L), (M) and (N) Items 2.0(Manhattan), 4.0(Bronx), 6.0(Brooklyn), 8.0(Queens) and 10.0(Staten Island) are for RACK PICKUP ONLY.**
- NYC Agencies are reminded to begin preparing Purchase Orders for the New Fiscal Year (FY'22) as the end of the current fiscal year approaches (June 30th) where need and encouraged to continue utilizing Direct Order system for your fuel ordering, where it's in place.**

REMINDER FOR ALL AGENCIES:

All entities utilizing DCAS fuel contracts are reminded to pay their invoices **on time** to avoid interruption of service. Please send inspection copy of receiving report for all gasoline (E70, UL & PREM) delivered by tank wagon to OCP/Bureau of Quality Assurance (BQA), 1 Centre Street, 18th Floor, New York, NY 10007.

OFFICE OF COLLECTIVE BARGAINING

■ NOTICE

NOTICE OF VOLUNTARY RECOGNITION

Effective immediately, the City Council has voluntarily recognized the Association of Legislative Employees as the bargaining representative of the title described below, which is hereby included in Certification No. 1-21:

DATE OF FILING: July 21, 2021 **DOCKET #:** VR-1680-21

TITLE: Council Member Aide (Title Code No. 94074)

EMPLOYER: City Council of the City of New York
250 Broadway
New York, NY 10007

BARGAINING REPRESENTATIVE:

Association of Legislative Employees
c/o Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, NY 10038

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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 Street, Room 629, New York, NY 10007, on **8/31/2021**, 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
18A, 19A, 20A, 20B, 20C, 90A, 91A, 92A	13629, 13605 32, 31, 28	ADJACENT TO LOT 11, 9, 6,

Acquired in the proceeding entitled: ROSEDALE AVENUE AREA STREETS – STAGE 1 subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

Scott M. Stringer
Comptroller

a17-30

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 Street, Room 629, New York, NY 10007, on **8/24/2021** 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
127A, 131A, 131B, 132A, 132B, 133A, 133B, 134A, 134B	13606, 13589 13590	ADJACENT TO LOT 3, 41, 38, 43

Acquired in the proceeding entitled: ROSEDALE AVENUE AREA STREETS – STAGE 1 subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

Scott M. Stringer
Comptroller

a10-23

HOUSING PRESERVATION AND DEVELOPMENT

■ NOTICE

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

Notice Date: August 16, 2021

To: Occupants, Former Occupants, and Other Interested Parties

Property:	Address	Application #	Inquiry Period
	340 West 48 th Street, Manhattan	57/2021	July 27, 2006 to Present

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

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

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD, at **CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038**, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement, please call **(212) 863-5277** or **(212) 863-8211**.

For the decision on the Certification of No Harassment Final Determination please visit our website, at www.hpd.nyc.gov, or call (212) 863-8266.

PETICIÓN DE COMENTARIO SOBRE UNA SOLICITUD PARA UN CERTIFICACIÓN DE NO ACOSO

Fecha de notificación: August 16, 2021

Para: Inquilinos, Inquilinos Anteriores, y Otras Personas Interesadas

Propiedad:	Dirección:	Solicitud #:	Período de consulta:
	340 West 48 th Street, Manhattan	57/2021	July 27, 2006 to Present

Autoridad: Special Clinton District District, Zoning Resolution Código Administrativo §96-110

Antes de que el Departamento de Edificios pueda conceder un permiso para la alteración o demolición de una vivienda múltiple de ocupación de cuartos individuales, el propietario debe obtener una “Certificación de No Acoso” del Departamento de Preservación y Desarrollo de la Vivienda (“HPD”) que indique que tiene no haber sido hostigado a los ocupantes legales del edificio durante un período de tiempo especificado. El acoso es una conducta por parte de un dueño de edificio que pretende causar, o causa, que los residentes se vayan o renuncien a cualquiera de sus derechos legales de ocupación. Puede incluir, entre otros, no proporcionar servicios esenciales (como calefacción, agua, gas o electricidad), bloquear ilegalmente a los residentes del edificio, iniciar demandas frívolas y utilizar amenazas o fuerza física.

El dueño del edificio identificado anteriormente ha solicitado una Certificación de No Acoso. Si tiene algún comentario o evidencia de acoso en este edificio, notifique a HPD al **CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038**, por carta con matasellos no mas tarde que **30 días** después de la fecha de este aviso o por una declaración en persona realizada dentro del mismo período. Para hacer una cita para una declaración en persona, llame al **(212) 863-5277** o **(212) 863-8211**.

Para conocer la decisión final sobre la Certificación de No Acoso, visite nuestra pagina web en www.hpd.nyc.gov o llame al **(212) 863-8266**.

a16-24

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

Notice Date: August 16, 2021

To: Occupants, Former Occupants, and Other Interested Parties

Table with 4 columns: Property, Address, Application #, Inquiry Period. Lists 3 properties in Manhattan with application numbers and dates.

Authority: SRO, Administrative Code §27-2093

Before the Department of Buildings can issue a permit for the alteration or demolition of a single room occupancy multiple dwelling, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD, at CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period.

For the decision on the Certification of No Harassment Final Determination please visit our website, at www.hpd.nyc.gov, or call (212) 863-8266.

PETICIÓN DE COMENTARIO SOBRE UNA SOLICITUD PARA UN CERTIFICACIÓN DE NO ACOSO

Fecha de notificación: August 16, 2021

Para: Inquilinos, Inquilinos Anteriores, y Otras Personas Interesadas

Table with 4 columns: Propiedad, Dirección, Solicitud #, Período de consulta. Lists 3 properties in Manhattan with application numbers and dates.

Autoridad: SRO, Código Administrativo §27-2093

Antes de que el Departamento de Edificios pueda conceder un permiso para la alteración o demolición de una vivienda múltiple de ocupación de cuartos individuales, el propietario debe obtener una "Certificación de No Acoso" del Departamento de Preservación y Desarrollo de la Vivienda ("HPD") que indique que tiene no haber sido hostigado a los ocupantes legales del edificio durante un periodo de tiempo especificado.

El dueño del edificio identificado anteriormente ha solicitado una Certificación de No Acoso. Si tiene algún comentario o evidencia de acoso en este edificio, notifique a HPD al CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038, por carta con matasellos no mas tarde que 30 días después de la fecha de este aviso o por una declaración en persona realizada dentro del mismo periodo.

Para conocer la decisión final sobre la Certificación de No Acoso, visite nuestra pagina web en www.hpd.nyc.gov o llame al (212) 863-8266.

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

Notice Date: August 16, 2021

To: Occupants, Former Occupants, and Other Interested Parties

Table with 4 columns: Property, Address, Application #, Inquiry Period. Lists 3 properties in Brooklyn with application numbers and dates.

Authority: Pilot Program Administrative Code §27-2093.1, §28-505.3

Before the Department of Buildings can issue a permit for the alteration or demolition of a multiple dwelling on the Certification of No Harassment Pilot Program building list, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038, by letter postmarked not later than 45 days from the date of this notice or by an in-person statement made within the same period.

For the decision on the Certification of No Harassment Final Determination please visit our website, at www.hpd.nyc.gov, or call (212) 863-8266.

PETICIÓN DE COMENTARIO SOBRE UNA SOLICITUD PARA UN CERTIFICACIÓN DE NO ACOSO PROGRAMA PILOTO

Fecha de notificación: August 16, 2021

Para: Inquilinos, Inquilinos Anteriores, y Otras Personas Interesadas

Table with 4 columns: Propiedad, Dirección, Solicitud #, Período de consulta. Lists 3 properties in Brooklyn with application numbers and dates.

Autoridad: PILOT, Código Administrativo §27-2093.1, §28-505.3

Antes de que el Departamento de Edificios pueda conceder un permiso para la alteración o demolición de una vivienda múltiple de ocupación de cuartos individuales, el propietario debe obtener una "Certificación de No Acoso" del Departamento de Preservación y Desarrollo de la Vivienda ("HPD") que indique que tiene no haber sido hostigado a los ocupantes legales del edificio durante un periodo de tiempo especificado.

El dueño del edificio identificado anteriormente ha solicitado una Certificación de No Acoso. Si tiene algún comentario o evidencia de acoso en este edificio, notifique a HPD al CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038, por carta con matasellos no mas tarde que 45 días después de la fecha de este aviso o por una declaración en persona realizada dentro del mismo periodo.

Para conocer la decisión final sobre la Certificación de No Acoso, visite nuestra pagina web en www.hpd.nyc.gov o llame al (212) 863-8266.

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

Notice Date: August 16, 2021

To: Occupants, Former Occupants, and Other Interested Parties

Property:	Address	Application #	Inquiry Period
57 Franklin Street, Brooklyn		47/2021	October 4, 2004 to Present
169 Franklin Street, Brooklyn		48/2021	October 4, 2004 to Present

Authority: Greenpoint-Williamsburg Anti-Harassment Area, Zoning Resolution §§23-013, 93-90

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

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at **CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038**, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement, please call **(212) 863-5277 or (212) 863-8211**.

For the decision on the Certification of No Harassment Final Determination please visit our website, at www.hpd.nyc.gov, or call (212) 863-8266.

**PETICIÓN DE COMENTARIO
SOBRE UNA SOLICITUD PARA UN
CERTIFICACIÓN DE NO ACOSO**

Fecha de notificación: August 16, 2021

Para: Inquilinos, Inquilinos Anteriores, y Otras Personas Interesadas

Propiedad:	Dirección:	Solicitud #:	Período de consulta:
57 Franklin Street, Brooklyn		47/2021	October 4, 2004 to Present
169 Franklin Street, Brooklyn		48/2021	October 4, 2004 to Present

Autoridad: Greenpoint-Williamsburg Anti-Harassment Area, Código Administrativo Zoning Resolution §§23-013, 93-90

Antes de que el Departamento de Edificios pueda conceder un permiso para la alteración o demolición de una vivienda múltiple de ocupación de cuartos individuales, el propietario debe obtener una "Certificación de No Acoso" del Departamento de Preservación y Desarrollo de la Vivienda ("HPD") que indique que tiene no haber sido hostigado a los ocupantes legales del edificio durante un período de tiempo especificado. El acoso es una conducta por parte de un dueño de edificio que pretende causar, o causa, que los residentes se vayan o renuncien a cualquiera de sus derechos legales de ocupación. Puede incluir, entre otros, no proporcionar servicios esenciales (como calefacción, agua, gas o electricidad), bloquear ilegalmente a los residentes del edificio, iniciar demandas frívolas y utilizar amenazas o fuerza física.

El dueño del edificio identificado anteriormente ha solicitado una Certificación de No Acoso. Si tiene algún comentario o evidencia de acoso en este edificio, notifique a HPD al **CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038**, por carta con matasellos no mas tarde que **30 días** después de la fecha de este aviso o por una declaración en persona realizada dentro del mismo período. Para hacer una cita para una declaración en persona, llame al **(212) 863-5277 o (212) 863-8211**.

Para conocer la decisión final sobre la Certificación de No Acoso, visite nuestra página web en www.hpd.nyc.gov o llame al **(212) 863-8266**.

a16-24

MAYOR'S OFFICE OF CONTRACT SERVICES

■ NOTICE

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2021 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be issuing the following solicitation(s) not included in the FY 2021 Annual Contracting Plan and Schedule that is published, pursuant to New York City Charter §312(a):

Agency: Department of Environmental Protection
Description of services sought: CRO-534-CM: Construction Management Services for West Branch Auxiliary Dam Slope Safety Improvements

Start date of the proposed contract: 9/19/2022

End date of the proposed contract: 8/6/2026

Method of solicitation the agency intends to utilize: Competitive Sealed Proposal

Personnel in substantially similar titles within agency: Project Manager, Civil Engineer

Headcount: 753

◀ a20

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2021 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be issuing the following solicitation(s) not included in the FY 2021 Annual Contracting Plan and Schedule that is published, pursuant to New York City Charter §312(a):

Agency: Department of Design and Construction
Description of services sought: Design Services Jewish Children's Museum Interior Renovation - HVAC, BMS and Elevator Upgrades

Start date of the proposed contract: 12/1/2021

End date of the proposed contract: 6/30/2026

Method of solicitation the agency intends to utilize: RFP

Personnel in substantially similar titles within agency: Administrative Architect, Administrative Architect NM, Administrative Construction Project Manager, Administrative City Planner, Administrative City Planner NM, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Project Manager, Administrative Project Manager NM, Architect, Assistant Architect, Assistant Chemical Engineer, Assistant Civil Engineer, Assistant Electrical Engineer, Assistant Landscape Architect, Assistant Mechanical Engineer, Assistant Urban Designer, Associate Project Manager, Associate Urban Designer, Civil Engineer, Civil Engineer Intern, City Planner, Electrical Engineer, Highways and Sewers Inspector, Landscape Architect, Mechanical Engineer, Mechanical Engineering Intern, Project Manager, Project Manager Intern

Headcount of personnel in substantially similar titles within agency: 618

◀ a20

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2021 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be issuing the following solicitation(s) not included in the FY 2021 Annual Contracting Plan and Schedule that is published, pursuant to New York City Charter §312(a):

Agency: Department of Environmental Protection
Description of services sought: 26W-144A-DES-CM: Design and Construction Management Services for Installation of Centrifuges at 26th Ward Wastewater Resource Recovery Facility

Start date of the proposed contract: 1/1/2023

End date of the proposed contract: 1/1/2028

Method of solicitation the agency intends to utilize: Competitive Sealed Proposal

Personnel in substantially similar titles within agency: Project Manager, Civil Engineer, Electrical Engineer, Environmental Engineer, Mechanical Engineer, Architect and Chemical Engineer

Headcount: 1069

◀ a20

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2021 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be issuing the following solicitation(s) not included in the FY 2021 Annual

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

Agency: Department of Sanitation
Description of services sought: Outsource and Outreach for the Commercial Waste Zone Program
Start date of the proposed contract: 7/1/2022
End date of the proposed contract: 6/30/2024
Method of solicitation the agency intends to utilize: Request for Proposal (RFP)
Personnel in substantially similar titles within agency: None
Headcount of personnel in substantially similar titles within agency: 0

a20

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2022 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be issuing the following solicitation(s) not included in the FY 2022 Annual Contracting Plan and Schedule that is published, pursuant to New York City Charter §312(a):

Agency: Administration for Children's Services
Nature of services sought: Quality Assurance and Claiming for Child Care Subsidy System
Start date of the proposed contract: 10/1/2021
End date of the proposed contract: 9/30/2022
Method of solicitation the agency intends to utilize: DOITT Task Order (QC Class 1)
Personnel in substantially similar titles within agency: None
Headcount of personnel in substantially similar titles within agency: 0

a20

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2022 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be issuing the following solicitation(s) not included in the FY 2022 Annual Contracting Plan and Schedule that is published, pursuant to New York City Charter §312(a)

Agency: Department of Health and Mental Hygiene
Description of services sought: Provide Cable Infrastructure Installation Services for data and voice communications as needed basis
Start date of the proposed contract: 5/1/2023
End date of the proposed contract: 4/30/2028
Method of solicitation the agency intends to utilize: Request for Proposal
Personnel in substantially similar titles within agency: None
Headcount of personnel in substantially similar titles within agency: 0

a20

CHANGES IN PERSONNEL

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Department of City Planning for period ending 07/09/21.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Department of Investigation for period ending 07/09/21.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Teachers Retirement System for period ending 07/09/21.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Civilian Complaint Review Bd for period ending 07/09/21.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. MANGINELLI RICE.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. POLICE DEPARTMENT FOR PERIOD ENDING 07/09/21.



AGING

EXTERNAL AFFAIRS

INTENT TO AWARD

Services (other than human services)

12522Y0013-SOLE SOURCE FOR AGELESS CAMPAIGN ADVERTISING - Request for Information - PIN# 12522Y0013 - Due 8-26-21 at 2:00 P.M.

Pursuant to Section 3-05 of the PPB rules, the NYC Department for the Aging, intends to enter into a sole source contract, with Outfront Media Group LLC. The vendor will provide advertising placement services on MTA subways, from 10/4/2021 through 10/31/2021.

Any firm or organization which believes they can also provide these services is invited to respond to the RFI "12522Y0013-Sole Source for Ageless Campaign Advertising", by emailing, "MBhuiyan@aging.nyc.gov", with the subject line "12522Y0013-Sole Source for Ageless Campaign Advertising", no later than August 26, 2021, 2:00 P.M.

a20-26